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PROCEEDINGS AND DEBATES OF THE 106th CONGRESS, SECOND SESSION

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House of Representatives

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

DESIGNATION OF THE SPEAKER PRO TEMPORE

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

WASHINGTON, DC,
June 14, 2000.

I hereby appoint the Honorable JIM GIBBONS to act as Speaker pro tempore on this day.

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

PRAYER

The Reverend Father Christian R. Oravec, President, St. Francis College, Loretto, Pennsylvania, offered the following prayer:

Lord, bless the Members of this House, chosen representatives of our Nation. Give them the wisdom and understanding, courage and patience needed for true leadership. Bless all our citizens today in celebrating Flag Day. May our flag, which adorns this Chamber and waves throughout our country and the world, serve as a constant reminder of Your gifts of life and freedom, justice and peace.

May this symbol of glory, old and still to come, fill us with pride in our achievements and humble compassion for those who suffer in any way. When we see it standing as silent sentinel over the graves of our servicemen and women, here and abroad, help us also to value the price of honor and self-sacrifice.

Lord, thank You for all your gifts, now and forever. Amen.

THE JOURNAL

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

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

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

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

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

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

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

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 352, nays 59, answered ''present'' 1, not voting 22, as follows:

[Roll No. 270]

YEAS—352

Abercrombie
Ackerman
Allen
Andrews
Archer
Armey
Baca
Bachus
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Bass
Bateman
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Boswell
Boucher
Boyd
Brady (TX)
Brown (FL)
Brown (OH)
Bryant
Burr
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capps
Cardin
Carson
Castle
Chabot
Chambliss
Clayton
Clement
Clyburn
Coble
Collins
Combest
Conyers
Cooksey
Cox
Coyne
Cramer
Crowley
Cubin
Cunningham
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeGette
DeLauro
DeMint
Deutsch
Diaz-Balart
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
Eshoo
Etheridge
Everett
Ewing
Farr
Fattah
Fletcher
Foley
Forbes
Ford
Fossella
Fowler
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green (TX)
Green (WI)
Greenwood
Hall (OH)
Hall (TX)
Hansen
Hastings (WA)
Hayes
Hayworth
Herger
Hill (IN)
Hilleary
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Horn
Hostettler
Houghton
Hoyer
Hyde
Inslee
Isakson
Istook
Jackson (IL)
Jackson-Lee (TX)
Jenkins
John
Johnson (CT)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Kanjorski
Kaptur
Kelly
Kennedy
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Knollenberg
Kolbe
Kuykendall
LaFalce
LaHood
Lampson
Lantos
Largent
Larson
Latham
LaTourette
Lazio
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McGovern
McHugh
McInnis
McIntyre
McKeon
McKinney
Meehan
Meek (FL)
Meeks (NY)
Menendez
Metcalf
Mica
Millender-McDonald
Miller (FL)
Miller, Gary
Minge
Mink
Moakley
Mollohan
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Obey
Ortiz
Ose
Oxley
Packard
Pallone
Pascrell
Pastor
Paul
Payne
Pease
Pelosi
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Pombo
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Rangel
Regula
Reyes
Reynolds
Rivers
Rodriguez
Roemer

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

Printed on recycled paper.

Rogers	Sherwood	Thornberry
Rohrabacher	Shimkus	Thune
Ros-Lehtinen	Shows	Thurman
Rothman	Shuster	Tiahrt
Roukema	Simpson	Toomey
Roybal-Allard	Sisisky	Traficant
Royce	Skeen	Turner
Rush	Skelton	Udall (NM)
Ryan (WI)	Smith (MI)	Upton
Ryun (KS)	Smith (NJ)	Vitter
Salmon	Smith (TX)	Walden
Sanchez	Smith (WA)	Walsh
Sanders	Snyder	Wamp
Sandlin	Spence	Watkins
Sanford	Spratt	Watt (NC)
Sawyer	Stabenow	Watts (OK)
Saxton	Stearns	Waxman
Scarborough	Stump	Weiner
Schakowsky	Sununu	Weldon (FL)
Scott	Talent	Weldon (PA)
Serrano	Tanner	Weygand
Sessions	Tauscher	Wilson
Shadegg	Tauzin	Wise
Shaw	Taylor (NC)	Wolf
Shays	Terry	Woolsey
Sherman	Thomas	Wynn

NAYS—59

Aderholt	Hilliard	Slaughter
Baird	Hinchey	Stark
Bilbray	Hooley	Stenholm
Borski	Hulshof	Strickland
Brady (PA)	Jones (OH)	Stupak
Capuano	Kucinich	Sweeney
Chenoweth-Hage	LoBiondo	Taylor (MS)
Clay	McDermott	Thompson (CA)
Condit	McNulty	Thompson (MS)
Costello	Miller, George	Towns
Crane	Moore	Udall (CO)
DeFazio	Oberstar	Velazquez
Dickey	Olver	Visclosky
English	Peterson (MN)	Waters
Evans	Pickett	Weller
Filner	Ramstad	Whitfield
Gutierrez	Riley	Wicker
Gutknecht	Rogan	Wu
Hastings (FL)	Sabo	Young (FL)
Hefley	Schaffer	

ANSWERED ''PRESENT''—1

Tancredo

NOT VOTING—22

Barton	Hill (MT)	Sensenbrenner
Burton	Hunter	Souder
Coburn	Hutchinson	Tierney
Cook	Jefferson	Vento
Cummings	Kasich	Wexler
Danner	McIntosh	Young (AK)
Delahunt	Owens	
DeLay	Pomeroy	

□ 1025

So the Journal was approved.

The result of the vote was announced as above recorded.

PLEDGE OF ALLEGIANCE

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

Mr. LANTOS 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 and a joint resolution of the following titles in which the concurrence of the House is requested:

S. 1507. An act to authorize the integration and consolidation of alcohol and substance abuse programs and services provided by Indian tribal governments, and for other purposes.

S. 2722. An act to authorize the award of the Medal of Honor to Ed W. Freeman, James K. Okubo, and Andrew J. Smith.

S.J. Res. 46. Joint resolution recognizing the 225th birthday of the United States Army.

The message also announced that pursuant to Public Law 106–181, the Chair, on behalf of the Democratic Leader, appoints Ted R. Lawson of West Virginia to serve as a member of the National Commission to Ensure Consumer Information and Choice in the Airline Industry.

WELCOMING FATHER CHRISTIAN R. ORAVEC

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

Mr. SHUSTER. Mr. Speaker, I am pleased to join with my good friend and colleague, the gentleman from Pennsylvania (Mr. MURTHA), in welcoming Father Christian Oravec. Father Christian is the President of St. Francis College, one of the oldest Catholic colleges in America, which sits atop the Allegheny Mountains in Central Pennsylvania. He is the longest serving president of that college in its history, since 1977.

In addition to doing a superb job in serving our region of the country, Father Christian is a leader in the community. Indeed, he is deeply involved in 16 different civic organizations. Beyond that, he is a beloved parish priest. It is my great pleasure to help welcome him here today.

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

Mr. SHUSTER. I yield to the gentleman from Pennsylvania.

Mr. MURTHA. Mr. Speaker, let me add my welcome to Father Christian. My colleague and I share Father Christian. He is right on the border at one of the finest schools in Pennsylvania, and it is just marvelous to have him here.

His prayer was so good. He said the only problem is that they limited him to 125 words, and he can not say much in 125 words.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will entertain 15 1-minute requests on each side.

CALLING ATTENTION TO SERIOUSNESS OF MISSING NUCLEAR SECRETS

(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 call my colleagues' attention to an editorial in The Washington Post entitled Nuclear Nightmare: ''Guarding the nation's nuclear secrets is about the most basic duty of an administration. The danger of nuclear proliferation is so serious that the United States bombs Iraq, sanctions India and Pakistan and kowtows to North Korea, all in an attempt to prevent weapons of mass destruction from falling into the wrong hands.

□ 1030

That unidentified hands could have quietly removed, at Los Alamos, two computer drives with information on dismantling nuclear bombs is shocking. That it should happen so soon after the investigation of other security labs makes it even more credible.

That is from the Washington Post.

Now, today we are witnessing the other side of the aisle having everybody sign up because they are worried about political attack ads. Is anybody demanding the information on potential nuclear attacks?

Now, over the last couple months, the Vice President has condemned everything our nominee has said as reckless and risky. Where is his voice on this particular issue affecting America's safety and security?

Yes, I agree we have to reform politics. Yes, I agree a Buddhist temple is not the right place to have a fund-raiser. But let us look at our nuclear secrets and find out and demand answers from Secretary Richardson, President Clinton, and the Vice President of the United States.

TACTICS OF KGB ARE UNACCEPTABLE

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

Mr. LANTOS. Mr. Speaker, the KGB is back. Yesterday, the head of Russia's only free media was arrested; and as we meet here this morning, he is still in prison.

President Putin of Russia is in Madrid claiming not to know anything about this. He is either a puppet or he is a perpetrator.

I call on the Russian Government to release, without any further delay, the head of the only free media network in Russia. This is the network which reported accurately on the war in Chechnya. This is the network that can provide us with the hope of building a democratic society in Russia.

The tactics of the KGB are unacceptable in the 21st century.

HUMAN RIGHTS SITUATION IN RUSSIA

(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 also rise out of concern for the human rights situation in Russia.

Yesterday, the Government of Russia took a giant step backwards in human

rights as Vladimir Goussinsky, the CEO of Media Most, was arrested, imprisoned and is at present being interrogated.

So much for freedom of speech and freedom of the press in Russia.

Mr. Goussinsky has been the most pro-Western and independent of Russia's media entrepreneurs and has rallied strong support for democratic reforms in Russia.

This arrest comes on the heels of the raid of Media Most offices several weeks ago and demonstrates how human rights, particularly freedom of the press, is deteriorated under the administration of President Putin.

The Putin administration has taken extreme measures to control information. Government officials report about the ''problem'' of the media giving airtime and print space to views of ''terrorists.''

Mr. Speaker, expressing political and religious views, even if it is in opposition to the government, is not terrorism. It is freedom.

I urge the Russian people to speak out against the latest abuse of freedom by the Putin administration and call on President Clinton to pressure the administration to release Mr. Goussinsky.

FACES OF GUN VIOLENCE VIGIL

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

Mrs. MCCARTHY of New York. Mr. Speaker, tonight at 6 o'clock we will be seeing the faces of gun violence. We are going to have a vigil. I invite all the Members here to take part in that.

Six and a half years ago, James Gorycki and his wife, Joyce, who were friends of mine, and my husband, Dennis, were killed.

Joyce has one daughter. I have one son. Today happens to be my son's birthday, and I am very happy that he is still with me.

It has been one year since we debated on closing the gun show loophole, and we have done nothing about it. I am hoping that still before this session ends that we will meet and try to reduce gun violence in this country.

It has been one month since we have had the Million Mom March, where moms and dads and families across this Nation came and said to Congress, let us do something about gun violence.

We live in the United States of America. We can do a better job on reducing gun violence. And tonight, unfortunately, we will see the faces of so many men, women, and children that have died.

I hope that my colleagues will join us.

SCHOOL BREAKFAST AND LUNCH PROGRAMS

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

Mr. SCHAFFER. Mr. Speaker, part of providing our children with quality education is making sure they are healthy and well fed. School breakfast and lunch programs which provide free or discounted meals to low-income children are an integral part of a child's school day.

The program relies on families to truthfully reveal their incomes when applying for subsidized meals and schools and administrators to implement the programs honestly and efficiently. And when parents or schools fail to do this, it is the children who suffer.

Take the case of the Commonwealth of Puerto Rico, which overcharged the Federal Government an estimated $23 million for its school lunch program. The Commonwealth failed to pay $11.5 million of its share of program expenses, which were instead billed to Washington. It also served free meals to all of the schoolchildren, including those from upper and middle class and wealthy families.

Now, that $23 million could have fed thousands of indigent schoolchildren. What a senseless waste, Mr. Speaker.

NATION THAT DOES NOT HONOR FLAG DOES NOT HONOR FREEDOM

(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, in America it is illegal to burn trash. It is a $10,000 fine to damage a mailbox. But even though it is Flag Day in America, we can burn the flag today, we can trash the flag, we can even urinate on the flag.

Think about it. Is it any wonder that Americans are losing respect for our Government?

Soldiers literally died carrying our flag into battle, and Congress protects mailboxes.

Beam me up, Mr. Speaker.

A Nation that does not respect nor honor their flag is a Nation that does not respect their people nor honor their freedom.

I yield back the pledge of allegiance to our flag and to the Republic for which our flag stands.

PRESCRIPTION DRUG COVERAGE

(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, no senior citizen or disabled American should be forced to choose between buying food and paying for the prescription drugs they need. It is that simple. Yet, for thousands of seniors, this is a choice they have to make.

The average Medicare recipient uses 18 and a half prescriptions a year. Some conditions are treated very successfully with medication, but it frequently comes at a high price.

For example, stroke patients take clot-busting jobs that can cost upward of $1,700 a year. For seniors on a fixed income, this is a staggering sum.

The Republican plan helps seniors facing this choice. It offers affordable options that allow Medicare recipients to choose a plan best fitting their unique medical needs.

By providing prescription drug coverage for everyone, Republicans want to make sure that no senior citizen or disabled American falls through the cracks.

SECTION 527 GROUPS POSE THREAT TO DEMOCRATIC PROCESS

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

Mrs. CAPPS. Mr. Speaker, I am deeply disappointed that the House leadership has continued to delay debate on real campaign finance reform.

According to a Washington Post editorial, they claim to be seeking only to strengthen reform. In fact, their goal is to kill it. It turns out they do not like disclosure, they like the dark.

527 groups are tax-exempt, political organizations which try to influence elections. They raise and spend millions of dollars to influence our Federal campaigns, with no disclosure whatsoever.

These groups pose a grave threat to our democratic process. The American public is demanding action now.

The gentleman from Texas (Mr. DOGGETT) and the gentleman from Kansas (Mr. MOORE) have good bills that deal with a real issue at hand, plugging the loophole in the Tax Code that allows undisclosed funding and unlimited spending.

This discharge petition is about bringing these bills to the floor for a vote. We need to bring a little sunshine into this system. Let us pass a meaning disclosure bill.

PRESCRIPTION DRUG COVERAGE FOR ALL AMERICANS

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

Mr. SAM JOHNSON of Texas. Mr. Speaker, in 1968, the average senior citizen spent just $64 a year on prescription drugs. Thirty years later, the average senior spends about $848 a year on prescription drugs.

In 1968, seniors spent about 2.4 percent of their annual income on prescription drugs. And in 1998, seniors spent a little over 4 percent. That is almost double in just 30 years.

Some seniors even have to choose between food and filling their prescriptions. This inevitably leads to higher costs for Medicare. And more importantly, some of these seniors suffer despite the fact that their illness is treatable.

We can work together for a responsible and effective plan to provide prescription drug coverage for all, and it is coverage that will be affordable and available for all seniors.

INTERNATIONAL ABDUCTION

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

Mr. LAMPSON. Mr. Speaker, I rise today to talk about another of the 10,000 American children who have been abducted to foreign countries.

Miranda Budiman was abducted from Georgia by her father, Mr. Clements Iwan Budiman, on Halloween of 1998 when she was 4 years.

Mr. Budiman and his wife, Tara, were separated prior to the abduction and Ms. Budiman had primary custody of Miranda.

On October 29, 1998, Mr. Budiman had taken $10,000 cash advance from his credit card and bought two airplane tickets on Japanese Airlines. Mr. Budiman and Miranda left on a jet to Tokyo on November 2, 1999.

There is currently a felony kidnapping out for Mr. Budiman. He was born in Indonesia and has family in Jakarta. But the whereabouts of he and Miranda remain unknown. Miranda's mother has not had any contact with her since the abduction.

Mr. Speaker, we need to do everything possible to reunite parents and children like Miranda and Tara Budiman. We must continue to focus on this issue of abducted United States citizens and bring our children home.

GREENHOUSE EFFECT IS GLOBAL CHALLENGE

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

Mr. GILCHREST. Mr. Speaker, I would like to share with the House some interesting observations from a recent book that I just read called ''Laboratory Earth'' by Dr. Schneider from Stanford University.

Our atmosphere has a very tiny trace amount of carbon dioxide, which is natural for the atmosphere, but that tiny trace amount has a substantial effect on the atmospheric heat balance of our planet, which we call the ''greenhouse effect.''

In the last 100 or so years, we have increased because of our energy needs the amount of that trace gas in the atmosphere by about 30 percent, which is fairly extraordinary when we think that minute amount that causes a balance of heat on the planet.

Think about this observation, and I think it is interesting: When we burn a lump of coal today, we are recovering the carbon dioxide and solar heat of dinosaur times in fossil organic matter. While it took millions of years to make a coal deposit, we are releasing that same amount of carbon dioxide and other embedded elements in tens of years.

The speed of this human accelerated process creates one of the biggest global challenges that face us today. An interesting observation.

PASSING OF EARL SHINHOSTER

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

Ms. MCKINNEY. Mr. Speaker, our Nation has lost one of its bravest warriors. Mr. Earl Shinhoster was one of Georgia's finest, one of America's finest.

This brave warrior fought for over 30 years with the NAACP to make America a better place for all of us. He worked tirelessly to empower the powerless and to give hope to the hopeless. He labored thanklessly to make a difference. He certainly made a difference in my life. I knew him to be a loving husband, an understanding father, and a great friend to all of us.

Earl Shinhoster has now received his very last battle scar, but his memory will never fade. His mantle may not have been filled with trophies. His battles were not put to song. No chest of shiny medals. But true warriors do not wear medals. They wear scars.

Earl Shinhoster was a warrior in the truest sense of the word, and he will surely be missed by us all.

MIAMI RIVER CLEANUP

(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 rise in continuing support of securing Federal funds to dredge the Miami River located in my congressional district.

The 5½ mile River runs through the heart of Miami and is in desperate need of cleaning. Dredging of the River is necessary because sediment buildup in the River has impaired the $5 billion cargo trade of the shipping industry. Many ships cannot load to capacity and are restricted to sailing only at high tide. The dredging is a key element of the River's revitalization.

□ 1045

The project has the support of our local business and environmental communities. And we have a funding partnership with the State of Florida, Miami-Dade County as well as the city of Miami.

Mr. Speaker, I urge a full cleanup of the Miami River, as it will result in economic improvements to the private riverside development by stimulating the shipping industry and providing much needed inner-city jobs. Federal funding for this project would also restore the environmental quality of the river and improve the quality of life for local residents and neighborhoods.

We have the U.S. Army Corps of Engineers and all of our local partners ready to do the work. Let us get going.

COMMEMORATING FLAG DAY

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

Mr. CARDIN. Mr. Speaker, on this date, in 1777, 223 years ago, the Continental Congress approved the first flag of our Nation. June 14 is now known as Flag Day. It also represents today the 21st anniversary of the annual national pause for the pledge of allegiance that will take place this evening 7 p.m. at Fort McHenry in Baltimore, Maryland. I think my colleagues are aware of the importance of Fort McHenry in our national history and the importance of our flag, particularly as an inspiration to Francis Scott Key and writing our national anthem.

Mr. Speaker, I urge all Americans to join those that will be gathered at Fort McHenry this evening at 7 p.m. to pause for one moment and pledge allegiance to our flag.

WAKE UP, WHITE HOUSE, AMERICANS ARE BEING GOUGED AT THE GAS PUMPS

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

Mr. CHABOT. Mr. Speaker, I realize that Secretary Richardson has his hands full trying to find our nuclear secrets from Los Alamos that were apparently lost when they were moved to protect them from the out-of-control fire that was actually started by our own government.

Nevertheless, the Secretary and other high-ranking administration officials need to acknowledge and respond to what has become a critical problem throughout the country. Working families in Cincinnati, my district and elsewhere, are facing skyrocketing prices at the gas pump, and they need relief now.

Earlier this year, Secretary Richardson responded to rising gasoline prices by saying, we were caught napping. We got complacent. Earlier this week, White House Press Secretary Joe Lockhart said, but we are in the busy season where prices generally go up a bit. Well, they are closing in on $2 a gallon in Cincinnati. That is not a bit; that is a lot.

President Clinton has substantial executive powers that can be used to send a strong message to the price-fixing OPEC cartel. He has chosen not to use them. It is time we got serious about this and let us do something about the gas prices in this country.

CAMPAIGN FINANCE REFORM LEGISLATION

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

Mr. DOGGETT. Mr. Speaker, our effort to mandate full disclosure from clandestine political organizations

began with a bipartisan appeal. Unfortunately, it has gone largely unanswered. Unlike the Senate, where an idea that began here in the House, was approved last week as the McCain-Feingold-Lieberman amendment, the House Republican leadership has steadfastly opposed reform.

Finally, last week, they promised a vote on this vital reform issue during this month. This morning we have a way to assure that promise is fulfilled through the signing of this discharge petition. I call on my colleagues, both Democratic and Republican, to join with us on the petition to guarantee that we get at least a little campaign finance reform in time for this year's election.

The developments since last week have not been all that promising. One Republican says their bill may exempt this year's election. Another says that TOM DELAY, who has been so involved in promoting these organizations is a principal advisor in drafting the reforms. Let us clean up this mess now. It can be done. It must be done. We can yet achieve a bipartisan victory on campaign finance reform, just as the Senate has done, by signing this discharge petition and having a full debate concerning reform this very month.

DISCHARGING ALL OF OUR MILITARY SECRETS

(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, let me assure this House and the American people that there will be full disclosure, and it will not be limited to 527 organizations. No, we will turn to those on a bipartisan basis, I might add, who willfully reach into the pockets and paychecks of union members, and we will make sure that real reform takes place.

Mr. Speaker, for purposes of full disclosure, we should point out another discharge petition, not on the floor of this House as apparently been put in motion, the effort by the Clinton-Gore administration to discharge all of our military secrets to foreign powers, the latest revelation, our most sensitive nuclear secrets of Los Alamos. By the way, they were swiped 4 days before the fire, Mr. Speaker, and of course, Bernard Schwartz, the largest contributor to the Democrat National Committee and his firm, Loral Aerospace, giving nuclear technology to the Communist Chinese. Oh, yes, my colleagues, the discharge has started, the discharge of our military secrets.

CAMPAIGN FINANCE REFORM LEGISLATION

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

Ms. WOOLSEY. Our constituents have every right to know exactly who is financing political campaign. That is why we must pass campaign finance reform. We must do it now, and this reform must require that all contributors and expenditures, including nonprofits, are disclosed.

Currently, many expenditures are protected from disclosure under section 527 of the Tax Code. We hear from the Republicans that they favor reforming the Tax Code. Well, I suggest a perfect place to start is with 527 disclosure. With that start, we will restore faith in government. We will give our children a system that they will want to participate in. The American people want campaign finance reform.

I urge my colleagues to sign the 527 discharge petition today. Our children are counting on us.

PRESCRIPTION DRUG COVERAGE FOR SENIOR CITIZENS

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

Mr. WELDON of Florida. Mr. Speaker, in this Chamber we will soon be discussing the very important issue of prescription drug coverage for America's senior citizens. I am pleased that the House leadership has developed a bipartisan plan that will provide American seniors with comprehensive prescription drug coverage.

No senior should have to choose between food for their table or their prescription drugs. As a physician, myself, I know the importance of these drugs to the health of our seniors. Many of these drugs cost a lot of money. It takes years to develop them, sometimes even decades; and then after they are approved by the FDA, it can take months to promote them amongst physicians for their proper use.

Unfortunately, today while many excellent prescription drugs for arthritis, stroke prevention and high blood pressure are critical to the health of seniors, many of them cannot afford them. Our bipartisan plan will ensure that voluntary, affordable and comprehensive prescription drug coverage is available to all seniors. I encourage all of my colleagues to support this legislation.

REJECT REPUBLICAN EDUCATION COSTS

(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 House to reject the Republican leadership's bill to cut education to pay for a massive tax cut. This Congress must invest in our schools so that students get individual attention, discipline and quality instruction so they can learn the skills that they need to succeed in the new economy.

But the Republican bill would cut $2.9 billion from next year's education budget. It does not provide one plug nickel to repair crumbling schools or to build new schools to get our children out of trailers.

No school can provide adequate education if children are subject to substandard facilities.

Mr. Speaker, budget choices are about values. Do we not value investment in our Nation's future by providing our children unless we give them the best education they can have in this world? Or do we take this opportunity to fritter away the future by acting like drunk sailors with the Republicans' massive irresponsible tax scheme?

I support responsible tax relief for middle-class families, but we must not raid the Treasury and jeopardize our ability to make investments in our children and in our future.

SUPPORT THE BIPARTISAN PRESCRIPTION DRUG BENEFIT

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

Mr. WATTS of Oklahoma. Mr. Speaker, no American should be forced to choose between the food they need to live and the medicine they need to stay healthy. Yet that is the choice many of our senior citizens face each day.

Republicans are doing something about this. Working with our Democrat friends, we are proposing a bipartisan prescription drug plan that offers seniors the coverage they need.

Our bipartisan plan strengthens Medicare and provides prescription drug coverage for all seniors and disabled Americans, including those in rural areas like Pauls Valley, Altus, Walters, Waurika and Purcell, Oklahoma.

Our plan is voluntary. It is also affordable and available to all, no matter where you live, no matter what your income.

I urge my colleagues to work with us to make this prescription drug plan a reality so our seniors never again have to choose between buying food and buying medicine.

CHALLENGE TO SECRETARY SHALALA

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

Mr. HALL of Ohio. Mr. Speaker, I rise today to respectfully challenge Secretary Donna Shalala.

Madam Secretary, there is something sad out there that I would like you to see. At the National Nutrition Summit, you said: ''Except for a few isolated pockets, we have succeeded at ending hunger in America.'' That is not true.

According to dozens of American organizations, fighting on poverty's front lines, according to respected international organizations, like the WHO and UNICEF, according to what I have

seen too many times, and I am shocked that a cabinet secretary would be so clearly out of touch with reality.

Secretary Shalala, I challenge you to meet me in any American community at any time for a look at the food banks and soup kitchens filled with senior citizens, children, American veterans, and working families.

Hunger is a fact. It is the underbelly of our booming economy. You can choose not to look at it; but it is real, and it is ugly. It plagues 26 million of our fellow Americans each year. Please come take a look.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER pro tempore (Mr. WATTS of Oklahoma). Members should direct their remarks in debate to the Chair and not to others in the second person.

CELEBRATING FLAG DAY

(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, ladies and gentlemen, today is Flag Day, of course, and a day to honor the symbol of our Nation, a symbol of our independence and a symbol of American ideals.

Historically, the idea of celebrating an annual holiday honoring the United States flag and the anniversary of the official adoption of ''The Stars and Stripes'' is believed to have first originated in 1885 by a school teacher in Wisconsin.

In the years following, the tradition grew; and in 1916, President Woodrow Wilson established Flag Day by a proclamation.

Over 3 decades later, President Truman would sign an Act of Congress officially designating June 14 of each year as National Flag Day.

I, like many Americans, look at our flag and see our history, our triumphs; and most importantly, I see our future.

Today is a day to unite to pay tribute to the symbol which has grown with our country and represented our Nation's ideas since it first flew as ''The Stars and Stripes'' in 1777.

On this day, I am proud to honor our flag and all that it represents.

PAYING TRIBUTE TO THE PEOPLE OF TROY

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

Mr. MCNULTY. Mr. Speaker, on this Flag Day 2000, I rise to salute and pay tribute to the people of Troy and surrounding areas for the wonderful display of patriotism which I witnessed over this past weekend. On Sunday, tens of thousands of people from Troy and surrounding areas came together to celebrate the fact that we live in the freest and most open democracy on the face of the Earth.

They actually recognized the fact that freedom is not free, and that we paid a tremendous price for it. And so today, I remember with gratitude all of those who, like my brother, Bill, made the supreme sacrifice, all of those who in the past wore the uniform of the United States military, like some of the people I am looking at in this very Chamber.

Also, I thank all of those who currently are in active service in our military protecting our interests here at home and around the globe.

□ 1100

CHRISTIAN MEN'S FREEDOM FORUM 2000

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

Mr. CLYBURN. Mr. Speaker, on July 4, 2000, I will join the gentleman from Maryland (Mr. CUMMINGS), the gentleman from Florida (Mr. HASTINGS), the gentlewoman from Ohio (Mrs. JONES), the gentlewoman from Florida (Ms. BROWN) and the gentleman from Mississippi (Mr. THOMPSON) at the Firstar Center in Cincinnati, Ohio. As members of the Congressional Black Caucus, we join in support of the goals and objectives of the Christian Men's Freedom Forum 2000, which will convene on the eve of the African Methodist Episcopal Church's Quadrennial.

We will interact with men and women from across the United States who appreciate and recognize the positive effect an open and honest exchange of ideas can bring to the body politic in this great Nation. It is the goal of the Christian Men's Freedom Forum'S National Chair, Bishop Vincent R. Anderson, whose keen vision set in motion this extraordinary challenge to acknowledge our ideological differences while embracing our core common ideals. As we prepare to celebrate Independence Day, all Americans should seek to embrace and replicate this initiative.

Bishop Anderson is to be congratulated for this tremendous undertaking. This nonpartisan, nondenominational forum is the kind of collective effort that has, in the past, and could today, help to close the gap between those who have strong voices and those who feel they have no voices at all.

Mr. Speaker, let me close with the hope that on Independence Day we will find it within ourselves to not only commemorate our Nation's founding, but also to celebrate such constructive undertakings.

WORLD AWAITING RESULTS OF IRANIAN TRIAL OF JEWISH HOSTAGES

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

Mr. WEINER. Mr. Speaker, today the world awaits the result of the show trial of 13 Jewish hostages in Iran. They have been held for over a year simply because they are Jewish. Without evidence, without a chance to confront their accusers, without lawyers of their own choosing, these 13 hostages have been subjected to a kangaroo court.

But Iran's new so-called moderate government is also on trial here. If Iran does not free these hostages, and soon, it should be a clear sign that that country has not changed its stripes.

Our response? Well, we should offer no more favorable trade agreements, such as the ones we did for rugs and pistachios recently. We should offer no more IMF or World Bank loans.

The fate of these 13 Iranian Jewish hostages should be our litmus test of Iran's new-found moderation. The world, Mr. Speaker, is watching.

MOURNING CHILD VICTIMS OF GUN VIOLENCE

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

Ms. JACKSON-LEE of Texas. Mr. Speaker, today is Flag Day, and I rise to salute the flag, for the flag symbolizes freedom. But it should also symbolize safety.

This evening I will mourn the thousands upon thousands of children who die every day at the hand of gun violence. It is time that we recognize as Americans that we can pass real gun safety legislation in this House and in the Senate, if it would adhere to the values of this Nation.

How tragic it is in my own community, Sunday, June 11, that a 14-year-old girl shot and killed a 16-year-old boy; to find out that a 3-year-old accidently shot himself in the foot with his father's gun, found in a linen closet; that on June 8, a 12-year-old middle school student in Chesapeake, Virginia, was charged after he brought a gun to school; that a 13-year-old shot a teacher; that a 6-year-old-shot another 6-year-old; and that the overall rate of firearm deaths for children younger than 15 years of age is 12 times greater than the other 25 industrialized nations.

How much longer will we mourn? It is time now to stand up for our children and pass real gun safety legislation.

PROVIDING FOR CONSIDERATION OF S. 761, ELECTRONIC SIGNATURES IN GLOBAL AND NATIONAL COMMERCE ACT

Mr. SESSIONS. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 523 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 523

Resolved, That upon adoption of this resolution it shall be in order to consider the conference report to accompany the bill (S. 761) to regulate interstate commerce by electronic means by permitting and encouraging the continued expansion of electronic commerce through the operation of free market forces, and other purposes. All points of order against the conference report and against its consideration are waived. The conference report shall be considered as read.

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

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

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

Mr. SESSIONS. Mr. Speaker, the legislation before us today on this beautiful Flag Day provides for the consideration of S. 761, the Electronic Signatures in Global and National Commerce Act. The rule waives all points of order against the conference report and against its consideration. The rule provides that the conference report shall be considered as read.

Mr. Speaker, today the House takes a step forward towards promoting the new economy and facilitating the growth of electronic commerce. Important legislation to update the laws that govern how business is transacted will be considered by Congress with the passage of this law. Furthermore, the underlying legislation will allow all Americans to benefit from the efficiencies resulting from advances in technology.

Under current law, contracts and agreements among businesses and individuals are considered binding when the second party indicates agreement to terms with that signature. This system has worked fine for many years. However, the widespread use of computers and electronic means of communication have made this system antiquated and inefficient. The Electronic Signatures in Global and National Commerce Act will ensure that the United States will remain the leader in the 21st Century marketplace by giving legal and uniform status to electronic signatures. Electronic signatures would become binding, just like a handwritten signature.

Under the legislation, Americans would still be covered by the existing consumer protection laws should they choose to use this type of signature. Additionally, the legislation requires consent of the consumer to use electronic signature. No consumer would be forced into using electronic signature if they would feel more comfortable using a handwritten or normal signature.

Electronic signatures will change the way businesses interact with other businesses, how business works with their customers, and even how government serves its citizenry. Electronic signatures will make it easier for people to pay their bills, apply for a loan, trade securities, purchase goods, and contract services. Electronic signatures will also give greater protections to consumers through advanced encryption technologies. Not only is it far more difficult to fraudulently use an electronic signature than traditional signature, but electronic signatures leave a trail that would lead to the door of those who seek to defraud us.

Much has been done by this Congress to encourage the development of so-called new economy industries. Last summer, this Congress passed legislation that helped all but eliminate the computer glitch known as the Y2K bug. A few months later, the Republican majority brought legislation to the House floor to protect patents for Americans inventors and innovators. Recently, the House passed a moratorium on taxation of the Internet.

The legislation we are considering today is yet another effort by the Republican-led Congress to ensure that our Nation remains at the forefront of the emerging electronic global marketplace.

I would urge my colleagues to support this rule.

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

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

Mr. Speaker, I thank the gentleman from Texas (Mr. SESSIONS) for yielding me time.

Mr. Speaker, as my colleague from Texas has explained, this rule waives all points of order against the conference report.

Electronic commerce is growing at an explosive rate. In a recent survey of top business executives, it indicates that in the next 2 years, many companies expect a seven-fold increase in their Internet sales. By the year 2002, on-line sales could make up 25 percent of total sales. That is a revolution in the way Americans do business.

However, our laws are still written for the pen and paper days. We must adopt our legal system to keep pace with the digital age.

The measure before us would give legal validity to electronic signatures on business transactions, and this will help e-commerce by providing a uniform standard among the states. I am pleased that this conference agreement includes protections aimed at reducing consumer fraud.

This conference agreement represents a bipartisan consensus with broad support among high-tech companies, State Attorneys General and consumer groups. My understanding is that the President will sign it. It looks like a good bill and a good rule. I support the rule and the conference report.

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

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

Mr. Speaker, a lot of the work that has been done on this, not only the bill but also the conference report, is directly as a result of those Members who serve on the Committee on Commerce. Today I am pleased to be with the gentleman from Louisiana (Mr. TAUZIN), who is a part of not only this negotiation, but also the ongoing effort to make this bill and further bills that may be in our future better for consumers of America.

Mr. Speaker, I yield such time as he may consume to the gentleman from Louisiana (Mr. TAUZIN).

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

Mr. TAUZIN. Mr. Speaker, I rise in support of this rule and encourage Members not only to support the rule, but to adopt this conference report. This is the culmination of several attempts in this Congress and other Congresses to find a compromise with the other body and with Members of this body that would properly and legally make valid signatures of Americans, and, in fact, signatures of citizens of the world, in the electronic commerce age, and also to make the records, electronic records behind the documents and agreements we reach electronically, legally binding records upon the parties who sign those agreements and enter into those contracts in the electronic age.

Americans tell us that privacy and security are the two biggest concerns as we enter this new e-commerce age, making sure in effect that as we enter this age, that citizens who take advantage of electronic commerce, both to sell their products and services, or to purchase them, will have the knowledge that, number one, they are dealing in a secure system, so this bill is written in a way that is technologically neutral and calls upon the genius and creativity of this amazing new marketplace to develop the highly encrypted products that are going to make commerce in the electronic age even more secure than commerce in the paper age.

Secondly, I want to commend this House and this Congress for the activities we have already undertaken to protect privacy in the key areas that are most of concern to Americans, the areas of medical information privacy, the area of children's information privacy, and, most recently, in the financial services bill, in protecting people's privacy as they deal with their financial records, with mortgages and bank accounts and security transactions in the Internet age.

I also want to point out that there are some people that are afraid of this age. I suppose every time there were major changes in the way Americans did business, in the way we interacted with one another, there was fear.

When the telegraph first came upon the scene, I can assure you there were the similar fears that the telegraph was somehow going to create a world that people would live in fear of. In fact, there is a wonderful book called ''The Victorian Internet'' which traces the history of the telegraph and speaks of the same concerns that people in the world had about the telegraph that we hear about the Internet today.

But what was true with the telegraph is also true with the Internet and electronic commerce: It is upon us, it is an age which is arriving rapidly, and more and more Americans are finding that they can have more efficient businesses and more efficient transactions when they in fact become conversant with the Internet and conversant with the possibilities of the Internet in learning and trading and in long distance medicine, in amazing new opportunities it will make for the people of the world.

This bill is a major step forward in making sure that that world is secure; that there are legally binding, responsible actions taken as a result of interacting on the Internet; that when I sell my products to you and you sign up, it is as valid a deal as if you came to my store and purchased my products.

□ 1115

I can count on them to honestly keep their contract, and they can honestly count on me to live up to my agreement to sell them those products and services according to the terms of our agreement.

Like many bills, this is a compromise. This bill contains in my opinion a little overreach. It contains a little too much bureaucracy, a little too much in the way in which we insist that people consent first to join this Internet world. It may need some work in the future for us to improve it.

I am the first to tell Members it is not perfect in that regard. It literally goes overboard to make sure that when people consent to be part of the electronic age, that they really consent. It even has language in it that says that we have to prove that we are capable of receiving all the documents and notices and information that we are consenting to be part of in the electronic age; not just giving our e-mail address as we would give our phone number and address in the paper age, but actually proving that our computer is capable of handling all the information that is going to be faxed or e-mailed to us as part of the electronic transaction.

Let me also say that nothing in this bill requires one to be part of this electronic commerce age if they do not want to be, no more than one is required to own a credit card if they do not want to. My father, whom I lost 9 years ago and miss dearly, and will this summer when we always celebrate his birthday, I do not think he ever owned a credit card. He never made a credit purchase. I have made up for it, believe me. I use a lot of credit.

But the bottom line is that nothing requires an American to use the services of the Internet or to use this bill to sign electronically for purchases and sales. This is purely voluntary. It is an opt-in system. We have to consent to it. We have to know what we are consenting to. We have to prove we are capable of literally giving the consent, prove we have the equipment and means by which to engage in electronic business in this new age. It is a pretty extensive consent agreement provision.

It also contains language making sure that the consumer protection laws of every State are incorporated, that they are maintained. Nothing takes away from the protections that consumers now enjoy from those who would like to defraud us.

The beautiful thing about this new age is that electronic signatures can be more precise, much more precisely identified, than the signature we write on a paper that can be copied by some people. Electronic signatures with heavy encryption can be much more secure than the world of paper we now live in.

Secondly, it can be much more efficient. I want to invite all Americans to think of this. When we used to have a business in the old brick and mortar age before the Internet that depended upon citizens being able to come into the store, get to the store in a car, by bike, by foot, we had a limited marketplace.

Today with the Internet the marketplace is global. Today, with a little store in Chack Bay, Louisiana, selling tobasco or other great seasonings, we can enjoy now a worldwide market on the Internet and sell to a whole community of people that is global.

Making that system work efficiently and creating legally binding agreements in that system is what this bill is all about, literally to facilitate global commerce. The bill contains features that insist that our government negotiate with other countries, to insist that they have similar legally binding provisions in their laws so when our citizens interact and sell products to their citizens or vice versa, when we buy products from them, we both have legally binding agreements, just as much as we do here in the good old U.S.A. on this great Flag Day.

This is again not a perfect bill, it may need refinements in the future. I think it is a little too bureaucratic than I would like, but it is a great step forward. I endorse it fully. This rule ought to be adopted. We need to pass this bill.

Mr. Speaker, I would urge my colleagues not only to pay this bill some attention, but also to do what they can to inform the citizens on their own websites about this new capability that Congress is enacting today to further advance the security of transaction in the e-commerce age and to further advance the ability of Americans to be part of this incredible new opportunity age that the Internet and e-commerce is going to make for all of our citizens.

Mr. SESSIONS. Mr. Speaker, I yield such time as he may consume to the gentleman from California (Mr. DREIER), who has been an active participant in ensuring that not only e-commerce but the financial services of this country are not only market-based and leading edge, but also consumer-friendly.

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

Mr. DREIER. Mr. Speaker, I thank my friend for yielding time to me. I congratulate him on the fine work that he has done on this extremely important issue.

Mr. Speaker, I rise in strong support of this rule because it provides for the consideration of a conference report that is critically important to businesses and consumers in the 21st century information economy.

Senate Bill 761 will empower consumers of financial products and other goods and services, and establish the framework for competition in the emerging electronic marketplace. For this, I want to applaud the gentleman from Virginia (Chairman BLILEY) for his strong efforts and the great work he has done in moving this legislation forward.

I know I saw my friend, the gentleman from Louisiana (Mr. TAUZIN) someplace. There he is, and I want to congratulate him, too, for all the effort he has put into this.

Enactment of this e-sign conference report will transform the way we work, the way we are educated, the way we contract for goods and services, and the way we are governed. The next great transition in the 21st century economy is likely to result in many large corporations moving the bulk of their inventory, production, and supply operations to an online environment.

Establishment of a clear, uniform national framework governing both digital signatures and records will allow American businesses to become significantly more efficient and productive through business-to-business use of the Internet.

Mr. Speaker, as important as this measure is to our high-tech economy, it is not just about the way business will do business. Our actions today will impact people. We all know how the quality of life of so many hard-working American families is tied directly to the amount of quality time away from the work and chores of daily life.

This landmark legislation will make it easier for people using just a computer and a modem to pay their bills, apply for mortgages, trade securities, and purchase goods and services wherever and whenever they choose. That will be a win-win clearly for millions of American working families.

As important as this bill is to today's global electronic marketplace, we need to be prepared to deal with the reality that the pace of innovation and change in the new Internet economy has a direct impact on the pace of legislative innovation required here in the Congress.

It is not a criticism of this very strong legislation to recognize that when the U.S. computer industry operates with a 3-month innovation cycle, the new economy may render some of its provisions obsolete unless we move quickly on follow-up legislation.

There is a need, for example, to clarify the legality and reliability of electronic authentication applications. There is also concern that S. 761 will impose unnecessary burdens on businesses and consumers, and the ambiguities in the conference report may actually create new avenues for class action litigation.

For example, under the conference report, consumers who initially consent in paper and ink to receive electronic records will need to either reconsent or reconfirm or confirm their consent by electronic means. Then each time there are changes in any of the hardware or software requirements for accessing a record that consumers have consented to receive electronically, the provider must obtain new consents from all of the affected consumers.

In addition, it must be possible to ''reasonably demonstrate'' that a consumer will be able to access the various forms of electronic records that the consumer has consented to receive. This is a requirement that has no parallel in the paper world. To ensure that consumers can get the full benefits of these electronic records provisions, consumers should only need to consent once either on paper or electronically, with the ability to withdraw their consent if changes create a problem for them.

There is concern that S. 761 may actually create a new basis for denying legal effect to electronic records if they are not in a form that could be retained and accurately reproduced for later reference by any parties who are entitled to retain them. It is my hope, Mr. Speaker, that Congress will be able to respond effectively to these and other challenges that would be brought on by the rapidly changing nature of the Internet economy.

In the meantime, as I have said, this is a bill that deserves overwhelmingly strong bipartisan support. I join again in congratulating my colleagues, who have worked long and hard on this. I am proud to have been a strong supporter of this effort for the past several years, and I urge adoption of the rule and the conference report.

Mr. HALL of Ohio. Mr. Speaker, I yield 3 minutes to the gentleman from Massachusetts (Mr. MARKEY).

Mr. MARKEY. Mr. Speaker, I thank the gentleman from Ohio for yielding time to me.

Mr. Speaker, I rise to support the conference report on the e-sign bill. I want to congratulate the gentleman from Virginia (Chairman BLILEY) for his excellent leadership on this bill, along with the gentleman from Michigan (Mr. DINGELL), the gentleman from Louisiana (Mr. TAUZIN), the gentleman from Ohio (Mr. OXLEY). This is an historic day on the floor of the House.

The legislation will create a legal framework for electronic commerce in the new economy, but the new economy must have old values. That is the formula that we are constructing here on the floor today. It will grow, electronic commerce, as an increasingly important part of our economy, and increasingly it will be important for us to be able to authenticate and to validate electronic transaction.

This is important for both ends of the transaction. For both the buyer and the seller there has to be a way in which there is authentication. There has to be a way in which there is validation.

As we come here today, we begin the new era of a digital John Hancock which can ensure that an electronic signature is valid and that records are established that guarantee that both ends of the transaction are in fact valid.

Today many secure electronic technologies such as cryptographic digital signatures allow consumers and businesses to send a file across the Internet embodying a contract, a signed contract, that can be authenticated on the other end of the transmission. The increased comfort people will have with the technology and their legal rights will serve to enhance electronic commerce and continue to drive electronic growth.

Think of this: In 1999, there was $3.4 trillion worth of electronic commerce in the United States, $3.4 trillion. How much of that was online? Pick a number in your own minds of the $3.4 trillion; $20 billion, that is all, about 7/10ths of 1 percent. As each year goes by there is going to be a dramatic increase.

In order to make people feel comfortable to move their transactions from the real world to the virtual world, we must give them the same kinds of guarantees. This legislation strikes the right balance by clarifying that electronic contracts or agreements that are otherwise required to be in writing must accurately reflect the information set forth in the contract after it was first generated, and must remain accessible for later reference, transmission, and printing.

So Mr. Speaker, this is a great day. I think a new era is dawning. I want to congratulate the gentleman from Virginia (Mr. BLILEY) once again for his great leadership, and the gentleman from Michigan (Mr. DINGELL), the gentleman from Louisiana (Mr. TAUZIN), and the gentleman from Ohio (Mr. OXLEY).

Mr. Speaker, I rise to support the conference report on the ESIGN bill and I want to congratulate Chairman BLILEY for his fine work in the conference and commend Mr. DINGELL, Mr. TAUZIN, and Mr. OXLEY for their excellent work as well.

We return to the House today with a conference report that advances the needs of the Digital Age without compromising fundamental consumer protections.

This legislation provides a legal framework for electronic commerce in the new economy. It's clear that as electronic commerce grows it will become increasingly important to authenticate and validate electronic transactions. This is important for both ends of any transaction, for both the buyer and the seller. Effective authentication of electronic signatures will help to reduce fraud and financial losses.

Technology exists today that permits an electronic signature—a 'digital John Hancock'—to be affixed to computer files in a manner that is difficult to reproduce. Today, many secure electronic technologies such as cryptographic digital signatures, allow consumers and businesses to send a file across the Internet embodying a contract, a signed contract, that can be authenticated on the other end of the transmission. The increased comfort that people will have with the technology and their legal rights will serve to enhance electronic commerce and continue to drive economic growth.

Many current laws, however, do not legally recognize the validity of electronic signatures, contracts, or records. Many laws, regulations and procedures require ''written,'' real world signatures on documents, or the provision of ''paper'' records, both for commercial transactions.

Without question many existing requirements for written records are antiquated whose provision or availability in an electronic version of the same information can suffice to meet any legal requirements or policy goals.

However, there are many other existing requirements for written records which are not antiquated and whose provision or availability in written form serves clear consumer protection goals. As we progress into the digital future, this conference report is careful not to jettison prematurely many important consumer protection provisions simply to demonstrate our enthusiasm for all things digital.

The legislation strikes the right balance by clarifying that electronic contracts or agreements that are otherwise required to be in writing must accurately reflect the information set forth in the contract after it was first generated and must remain accessible for later reference, transmission, and printing. The conference report also preserves a consumers right to receive records in writing. If a consumer wants a record that is required to be in writing to be provided in writing, a consumer still has that right while allowing other consumers, who may prefer to receive records in electronic form, to elect to do so.

This conference report also fixes and vastly improves the process by which consumers may ''opt-in'' to receiving electronic records. A consumer wishing to receive specific records in electronic form must separately and affirmatively consent to the provision of such records in electronic form in order for a vendor to provide electronic records.

In addition this legislation also safeguards the consumer protection policies that have historically served to adequately inform consumers of potentially life-changing events or safety issues. The conference report wisely requires written notices for any notice dealing with court orders and official court documents—including legal briefs and court pleadings, any notice concerning the cancellation of utility services such as water, heat or power service, for foreclosure or eviction notices. It also would require the continuation of written

notices for the cancellation or termination of health insurance or benefits or life insurance benefits.

We are still a long way from the day when computers will be as ubiquitous as the telephone, but this conference report helps set the legal framework for that day. The ''ESIGN'' bill takes that important step into the Digital Age.

I again, want to commend Chairman BLILEY on this landmark bill and commend Mr. DINGELL, Chairman TAUZIN, and Mr. OXLEY for their fine bipartisan work.

Mr. Speaker, I also want to mention of few items related to the financial implications of the conference report. As many members may recall, H.R. 1714, the House version of the Conference Report, initially contained a separate securities law title. Although the Conference Report does not include separate securities title, it contains language intended to resolve satisfactorily the various issues that were addressed by the House securities title and which were the subject of SEC Chairman Levitt's April 21, 2000 letter to the conferees.

For example, Section 104(a) of the Conference Report protects standards and formats developed by the SEC for electronic filing systems such as EDGAR and the IARD, as well as for systems are developed by securities industry self-regulatory organization filing systems such as the CRD, which the NASD and the states use for registering securities firms and their personnel.

Section 101(d) recognizes the importance of accuracy and accessibility in electronic records, which is of utmost importance for investor protection and prevention of fraud. Section 104(b)(3) recognizes the need for agencies, such as the SEC, to provide performance standards relating to accuracy, document integrity, and accessibility in their electronic recordkeeping and retention rules. This is intended to preserve requirements such as the SEC's existing electronic recordkeeping rule, Rule 17a–4(f), which specifies that electronic recordkeeping systems must preserve records in a non-rewriteable and non-erasable manner. The Conferees also expect the SEC to work with the securities SROs to the extent necessary to ensure that accuracy, accessibility, and integrity standards also cover SRO recordkeeping requirements in an electronic environment.

Section 104 of the Conference Report specifically permits federal regulatory agencies, such as the SEC, to interpret the law to require retention of written records in paper form if there is a compelling governmental interest in law enforcement for imposing such requirement, and if, imposing such requirement is essential to attaining such interest. For example, we specifically expect the SEC would be able to use this provision to require brokers to keep written records of all disclosures and agreements required to be obtained by the SEC's penny stock rules.

Finally, the Conference Report's consent provisions similar to much of the SECs guidance in the electronic delivery area. Section 104(d)(1) permits agencies such as the SEC to continue to provide flexibility in interpreting consent provisions anticipated by the Conference Report. In addition, a specific provision contained in Section 104(d)(2) anticipates that the SEC will act to clarify that documents, such as sales literature, that appear on the same website as, or which are hyperlinked to, the final prospectus required to be delivered under the federal securities laws, can continue to be accessed on a website as they are today under SEC guidance for electronic delivery.

Mr. HALL of Ohio. Mr. Speaker, I yield myself the balance of my time, although I really do not have much to add. The rule and resolution looks in very good shape. Many of us really support it.

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

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

Mr. Speaker, it would be wonderful if we all agreed on all points of legislation like we are agreeing today on this conference report. What we have heard today described is an agreement that we have made between the parties, the Democrats and the Republicans, about a new way of doing business.

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In fact, the agreement that we believe that this conference report represents is not exactly leading edge but it is a beginning. It is a start of an opportunity for consumers, for retailers, for people who are engaged in financial transaction and financial services to encourage a new world that is there.

We have heard the gentleman from Louisiana (Mr. TAUZIN) describe his view and vision, along with the chairman of the Committee on Rules, that they felt like that there were too many roadblocks that are put in the way of consumers and too many things that were required, answers back and forth and limitations being placed upon consumers.

This is a good start and it does not take a complete agreement to have a deal. What we have today is a deal. What we have today is a rule that has been agreed to, where both sides have come to the table, have openly agreed; and so we are going to support this conference report.

I would submit an article of some writing that has been in the paper today about how we are going to have to continue in our endeavor to make sure that in the future that we come back and readdress this issue so that consumers and people engaged in financial services have fewer roadblocks in order to get their job done. I support this rule.

[From the Financial Times, June 12, 2000]

CAVEAT SURFER SHOULD BE THE E-COMMERCE MOTTO

(By Amity Shlaes)

Perhaps the most exciting thing about the new internet world is that it undermines the assumptions of the old one. In the internet world, we get along without many things we were long assured had to be: centralised authority, standardised addresses and so on. Technologies that would have been dismissed as chaotic a few years ago turn out to function very well without extra regulation, thank you.

The new world has already found its own muse—the writer Virginia Postrel. She calls for the combating of what she dubs an ideology of stasis—''the notion that the good society is one of stability, predictability and control, and government's responsibility is to curb, direct or end unpredictable market evolution''.

But chaos, even functioning chaos, is not to everyone's liking. Governments these days are desperate to claim the new e-territory, even to dominate it. On the level of instinct, this strikes most people as laughable. Nothing, not even fund-raising controversy, has subjected Al Gore to more ridicule than his statement that he fathered the internet.

This naturally does not stop governments from trying. Fear is their main weapon. Without new protections, they suggest, the internet will give rise to Hollywood-type nightmares—abuses of consumers, online perverts who prey on eight-year-olds, global financial crashes and so on. Some concerns are legitimate—the most serious being Napster—style raids on intellectual property. But governments also raise these issues as a political device.

In this context, the humdrum push-and-pull about bits of technology legislation making their way through the various Western legislatures takes on new meaning. Consider a skirmish in Washington this week about legislation on internet contracts. Like a new British law, it would allow firms and customers to conclude paper-free transactions. The fact that Congress has made the digital signatures bill the centrepiece of new internet legislation should come as good news to freedom-loving types. For contract law is by its nature private: contracts require only two parties, and diminish, even obviate, the need for nosy government.

But the e-signature bill also caught the interest of the centralisers. Lawmakers led by Tom Bliley, a Republican Congressman from Virginia, insisted that the old culture of contracts cannot protect consumers from the fresh dangers of the internet. So they inserted requirements so onerous as to deter online consumers, not a crowd noted for its patience in the first place.

Under the bill as it stood late last week, internet users would have been required to send any number of repeated e-mails reconfirming their consent to the contract at every stage of a transaction, as well as demonstrating that they had absorbed every bit of legal boilerplate. Predictably, this provoked the concern of the Charles Schwabs, Dreyfuses and banks of this world. The financial community has the most to lose if the new law deters customers.

But the extra consumer measures also gave pause to Phil Gramm, chairman of the Senate banking committee. Mr. Gramm is less worried by brokerages than by principle—the principle that the online frontier not be colonised by the old regulatory culture. He points out that the new bill goes beyond anything that already applies in contract law.

''What happened to 'Let the buyer beware?' '' he asks. ''Common law and a thousand years of paper contracts established duties and responsibilities for people participating in commerce. You don't want to change that relationship so that e-commerce undermines contracts and commerce.'' On Friday, enough of the obstacles were stripped out to win Mr. Gramm's grudging support, but others remained.

''We have gone from having two different versions of a bill that would have been an A or an A minus, to a low B at best,'' says James Lucier of Prudential Securities. Henry Judy, a lawyer with the Washington office of Kirkpatrick & Lockhart, has compared US and UK legislation. He says the latter ''is broader, but some of the precise consumer issues dealt with by the US legislation are left in the UK bill to later administrative decisions''. The British e-consumer is not safe from government fiat—as another bill allowing e-mail surveillance shows.

Nor are e-signatures the only area where the control question is a matter of legislative controversy. During the spring the US media have made internet privacy for shoppers a huge issue. The finance editor of Consumer Reports has demanded that websites create ''in your face'' privacy warnings. The Federal Trade Commission is now pushing Congress to regulate websites.

On the tax front, the freedom types have been victorious—but only for now. Lawmakers led by Congressman Chris Cox of California recently succeeded in extending a moratorium on new taxes on the internet. But this expires in five years and many states are lobbying hard for a nationally coordinated sales tax regime.

Across the Atlantic, the European Commission has been lobbying so strongly for new taxing authority that it has stirred the ire of the US Treasury. Of course, it is easier to bash someone else's tax arrangements than to stand firm on taxes at home. Globally, the tax issue remains in play; the internet may end up bringing more taxation, rather than less.

Particularly troubling here is the assumption that the internet is inherently more treacherous than the telegraph, the telephone or any other new medium that went before. That is questionable. A few years into the internet era, we have yet to see the electronic world wreak huge damage. Five months and a few days later, concerns about the Year 2000 bug already seem an irrelevance.

Why not proceed with optimism? After all, we were wise enough to let the internet happen. Now the challenge is to be wise enough to let it grow.

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

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

Mr. BLILEY. Mr. Speaker, pursuant to House Resolution 523, I call up the conference report on the Senate bill (S. 761) to regulate interstate commerce by electronic means by permitting and encouraging the continued expansion of electronic commerce through the operation of free market forces, and for other purposes.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore (Mr. GIBBONS). Pursuant to the rule, the conference report is considered as having been read.

(For conference report and statement, see proceedings of the House of June 8, 2000, at page H4115).

The SPEAKER pro tempore. The gentleman from Virginia (Mr. BLILEY) and the gentleman from Michigan (Mr. DINGELL) each will control 30 minutes.

The Chair recognizes the gentleman from Virginia (Mr. BLILEY).

GENERAL LEAVE

Mr. BLILEY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and to insert extraneous material on the conference report on S. 761.

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

There was no objection.

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

Mr. Speaker, for thousands of years dating back to the ancient Egyptians, pen and paper has been the medium by which so much of everyday life has been conducted. Paper has been the lifeblood of commerce for centuries, but that is changing. Now with the Internet age upon us, paper does not have the hold that it once had on so many of us. More and more Americans are getting their news from the Internet rather than a newspaper. E-mail is replacing handwritten letters. Consumers are using e-tickets instead of paper airline tickets. In less than 6 years, the Internet has revolutionized the way people communicate and conduct business.

Every day, the line between what has to be done in paper and what can be done electronically is being moved. The Internet is stretching the creativity and ingenuity of some of the brightest people in our society today. It is altering the practices and lives of all of our Nation's citizens, and much more is to come. It is appropriate that in the first year of the new millennium, Congress is ready to give final approval to the legislation before us today that will further move us from the paper age to the digital age.

I think we are all in agreement that Congress should not do anything that would stifle the growth of the Internet and electronic commerce. That is why 2 years ago the Committee on Commerce began an intensive initiative to better understand the issues surrounding the Internet and electronic commerce. As a result of those hearings, we saw the need to provide legal vitality to electronic documents and electronically signed contracts and agreements if electronic commerce was to grow and flourish. Rather than seeking to regulate, the committee chose to remove those legal roadblocks to unfettered growth of electronic commerce. It has been my mantra that when approaching electronic commerce issues, Congress' first obligation is to do no harm.

Last November, the House overwhelmingly passed H. 1714, the Electronic Signatures in Global and National Commerce Act, better known as E-Sign. The House-passed bill was a very good foundation to get us to this end product.

Working with our colleagues in the other body, we were able to craft a bipartisan consensus conference report that will stand the test of time.

Mr. Speaker, this conference report is founded on a simple premise. Any requirement in law that a contract be signed or that a document be in writing can be met by an electronically signed contract or an electronic document. We are simply giving the electronic medium the same legal effect and enforceability as the medium of paper.

This conference report will allow consumers to engage in a whole host of activities on the Internet that today are not possible. For example, today a consumer can apply for a mortgage or get a quote on a life insurance policy; but when it comes time to close the deal, a consumer must physically sign the contract.

E-Sign will allow the entire transaction to be done electronically, and the transaction will have the same legal effect and enforceability as a paper contract.

Equally important, the conference report extends the same principle to electronic records.

Mr. Speaker, I do want to take a moment to discuss the important consumer provisions in this bill which were the subject of much discussion throughout the negotiating process. First, under E-Sign, engaging in electronic transactions is purely voluntary.

No one will be forced into using or accepting an electronic signature or record. Consumers that do not want to participate in electronic commerce will not be forced or duped into doing so.

Second, all existing Federal and State consumer protection laws remain in place.

Third, we have included a strong consumer consent provision whereby consumers are provided clear disclosure of terms before they consent to any agreement. We also have included an important provision to ensure that consumers will be able to access any electronic record that is sent to them.

Mr. Speaker, E-Sign is about the future. It is about laying the legal foundation of electronic commerce for many years to come. It is about promoting the development of new technologies that will enable consumers and businesses to have a greater certainty and security in their transactions. It is also about developing new products and new services that few of us can even imagine today. E-Sign is the most important high technology vote that this Congress will undertake. If one supports the U.S. high-tech industry, they will vote yes on this bill, which has unanimous support among the high-tech community. A vote in support of S. 761 is a vote in support of providing consumers with great confidence and certainty in on-line transactions. It is a vote in support of allowing businesses to provide new and innovative services on-line.

I urge my colleagues to support the conference report on E-Sign.

Before I conclude, I would like to extend my appreciation to all of the members of the conference committee for their work and thoughtfulness. I extend my thanks to my friend, the gentleman from Michigan (Mr. DINGELL), the ranking member of the Committee on Commerce, for his assistance. In addition, I thank the fine help of the other House conferees, the gentleman from Louisiana (Mr. TAUZIN), the gentleman from Ohio (Mr. OXLEY), and the gentleman from Massachusetts (Mr. MARKEY). Each has made a valuable addition to the process.

Further, I want to thank the members of the other body for their contributions. Republican and Democrat Senators from the commerce, banking and judiciary committees were critical to reaching final support for the conference report. This is truly a remarkable day, and I thank the participants for helping to bring this overwhelming victory to the American people.

The following statement is intended to serve as a guide to the provisions of the conference report accompanying S. 761, the Electronic Signatures in Global and National Commerce Act. The differences between the Senate bill, House amendment, and substitute agreed to in conference are noted below, except for clerical corrections, conforming changes made necessary by agreements reached by the managers, and minor drafting and clerical changes.

SHORT TITLE

Senate bill

Section 1 establishes the short title of the bill as the ''Millennium Digital Commerce Act.''

House amendment

Section 1 establishes the short title of the bill as the ''Electronic Signature in Global and National Commerce Act''.

Conference substitute

The conference report adopts the House provision.

ELECTRONIC RECORDS AND SIGNATURES IN COMMERCE

GENERAL RULE OF VALIDITY

Senate bill

Section 5(a) of the Senate bill sets forth the general rules that apply to electronic commercial transactions affecting interstate commerce. This section provides that in any commercial transaction affecting interstate commerce a contract may not be denied legal effect or enforceability solely because an electronic record was used in its formation.

Section 5(b) authorizes parties to a contract to adopt or otherwise agree on the terms and conditions on which they will use and accept electronic signatures and electronic records in commercial transactions affecting interstate commerce.

House amendment

Section 101(a) of the House amendment establishes a general rule that, with respect to any contract or agreement affecting interstate commerce, notwithstanding any statute, regulation or other rule of law, the legal effect, validity, and enforceability of such contract or agreement shall not be denied on the ground that: (1) the contract or agreement is not in writing if the contract or agreement is an electronic record; and (2) the contract or agreement is not signed or affirmed by written signature if the contract or agreement is signed or affirmed by an electronic signature.

Section 101(b) provides that with respect to contracts or agreements affecting interstate commerce, the parties to such contracts or agreements may establish procedures or requirements regarding the use and acceptance of electronic records and electronic signatures acceptable to such parties. Further, the legal effect, validity, or enforceability for such contracts or agreements shall not be denied because of the type or method of electronic record or electronic signature selected by the parties.

Nothing in section 101(b) requires a party to enter into any contract or agreement utilizing electronic signatures or electronic records. Rather, it gives the parties the option to enter freely into online contracts and agreements.

Conference Substitute

The conference report adopts a substitute provision that follows the House amendment.

The general rule provides that notwithstanding any statute, regulation, or other rule of law (other than titles one and two) with respect to any transaction in or affecting interstate or foreign commerce: (1) a signature, contract, or other record relating to such transaction may not be denied legal effect, validity, or enforceability solely because it is in electronic form, and (2) a contract relating to such transaction may not be denied legal effect, validity, or enforceability solely because an electronic signature or electronic record was used in its formation.

The conference report makes clear that title I of the conference substitute does not (1) limit, alter, or otherwise affect any requirements imposed by a statute, regulation, or rule of law relating to the rights and obligations of persons under such statute, regulation, or rule of law other than requirements that contracts or other records be written, signed, or in non-electronic form; or (2) require any person, with respect to a record other than a contract, to agree to use or accept electronic records or electronic signatures.

The conference report includes an opt-in provision allowing consumers to consent to receive electronic records as described below. If a statute, regulation, or other rule of law requires that a record relating to a transaction in or affecting interstate or foreign commerce be provided or made available to a consumer in writing, an electronic record may be substituted if (1) the consumer affirmatively consents to receive an electronic record and has not withdrawn such consent, (2) the consumer, prior to consenting, is provided with a clear and conspicuous statement informing the consumer of rights or options to have the record provided or made available on paper, and the right of the consumer to withdraw the consent to electronic records and of any conditions, consequences (which may include termination of the parties' relationships), or fees in the event of withdrawal of consent. Further, the consumer is informed of whether the consent applies only to the initial transaction or to identified categories of records that follow the initial transaction. Disclosure must also be made describing the procedures the consumer must use to withdraw consent and to update information needed to contact the consumer electronically. The consumer must also be informed of how after the consent, the consumer may, upon request, obtain a paper copy of electronic records, and whether any fee will be charged for such copy.

Pursuant to subsection (c)(1)(C)(i), the consumer must be provided, prior to consenting, with a clear and conspicuous statement describing the hardware and software requirements to access and retain electronic records.

Subsection (c)(1)(C)(ii) requires that the consumer's consent be electronic or that it be confirmed electronically, in a manner that reasonably demonstrates that the consumer will be able to access the various forms of electronic records to which the consent applies. The requirement of a reasonable demonstration is not intended to be burdensome on consumers or the person providing the electronic record, and could be accomplished in many ways. For example, the ''reasonable demonstration'' requirement is satisfied if the provider of the electronic records sent the consumer an e-mail with attachments in the formats to be used in providing the records, asked the consumer to open the attachments in order to confirm that he could access the documents, and requested the consumer to indicate in an e-mailed response to the provider of the electronic records that he or she can access information in the attachments. Similarly, the ''reasonable demonstration'' requirement is satisfied if it is shown that in response to such an e-mail the consumer actually accesses records in the relevant electronic format. The purpose of the reasonable demonstration provision is to provide consumers with a simple and efficient mechanism to substantiate their ability to access the electronic information that will be provided to them.

Subsection (c)(1)(D) requires that after the consent of a consumer if a change in the hardware or software requirements needed to access or retain electronic records creates a material risk that the consumer will not be able to access or retain a subsequent electronic record that was the subject of the consent, the person providing the electronic record must provide the consumer with a statement of the revised hardware and software requirements for access to and retention of the electronic records, and the right to withdraw consent without the imposition of any fees for such withdrawal and without the imposition of any condition or consequence that was not disclosed. Further, the provider must, pursuant to subparagraph (C)(ii) perform the consumer access test again.

Subsection (c)(2) includes a savings clause making clear that nothing in this title affects the content or timing of any disclosure or other record required to be provided or made available to any consumer under any statute, regulation, or other rule of law. Further, subsection (c)(2) provides that if a law that was enacted prior to this Act expressly requires a record to be provided or made available by a specified method that requires verification or acknowledgment of receipt, the record may be provided or made available electronically only if the method used provides verification or acknowledgment of receipt (whichever is required).

Section 101(c)(3) makes clear that an electronic contract or electronic signature cannot be deemed ineffective, invalid, or unenforceable merely because the party contracting with a consumer failed to meet the requirements of the consent to electronic records provision. Compliance with the consent provisions of section 101(c) is intended to address the effectiveness of the provision of information in electronic form, not the validity or enforceability of the underlying contractual relationship or agreement between the parties. In other words, a technical violation of the consent provisions cannot in and of itself invalidate an electronic contract or prevent if from being legally enforced. Rather, the validity and enforceability of the electronic contract is evaluated under existing substantive contract law, that is, by determining whether the violation of the consent provisions resulted in a consumer failing to receive information necessary to the enforcement of the contract or some provision thereof. For example, if it turns out that the manner in which a consumer consented did not ''reasonably demonstrate'' that she could access the electronic form of the information at a later date, but at the time of executing the contract she was able to view its terms and conditions before signing, the contract could still be valid and enforceable despite the technical violation of the electronic consent provision.

Subsection (c)(4) provides that withdrawal of consent by a consumer shall not affect the

legal effectiveness, validity, or enforceability of electronic records provided or made available to that consumer in accordance with paragraph (1) prior to implementation of the consumer's withdrawal of consent. A consumer's withdrawal of consent shall be effective within a reasonable period of time after receipt of the withdrawal by the provider of the record. Failure to comply with paragraph (1)(D) may, at the election of the consumer, be treated as a withdrawal of consent for purposes of this paragraph.

Subsection (c)(5) makes clear that this subsection does not apply to any records that are provided or made available to a consumer who has consented prior to the effective date of this title to receive such records in electronic form as permitted by any statute, regulation, or other rule of law.

Subsection (c)(6) provides an oral communication or a recording of an oral communication shall not qualify as an electronic record for purposes of this subsection except as otherwise provided under applicable law.

Section 101(d) addresses statutory and regulatory record retention requirements. It states that when a statute, regulation, or other rule of law requires that a record, including a contract, be retained that requirement is satisfied by the retention of an electronic record, if two criteria are met. First, the electronic record must accurately reflect the information set forth in the contract or record required to be retained. Second, that electronic record must remain accessible to all parties who by law are entitled to access the record for the period set out in that law. Moreover, the electronic record must be in a form capable of accurate reproduction for later reference. The reproduction may be by way of transmission, printing or any other method of reproducing records.

Section 101(e) addresses statutory and regulatory requirements that certain records, including contracts, be in writing. The statute of frauds writing requirement exemplifies one such legal requirement. The section states that an electronic record or contract may be denied legal effect and enforceability under section 101(a) of this Act, if such an electronic record is not in a form that is capable of being retained and accurately reproduced for later reference by all parties entitled to retain that contract or record. This provision is intended to reach two qualities of ''a writing'' in the non-electronic world. The first such quality of ''a writing'' is that it can be retained, e.g., a contract can be filed. The second such quality of ''a writing'' is that it can be reproduced, e.g., a contract can be copied.

Subsection (f) clarifies that nothing in title I affects the proximity requirement of any statute, regulation, or other rule of law with respect to any warning, notice, disclosure, or other record required to be posted, displayed, or publicly affixed.

Subsection (g) provides that if a statute, regulation, or other rule of law requires a signature or record to be notarized, acknowledged, verified, or made under oath, that requirement is satisfied if the electronic signature of the person authorized to perform those acts, together with all other information required to be included by other applicable statute, regulation, or rule of law, is attached to or logically associated with the signature or record. This subsection permits notaries public and other authorized officers to perform their functions electronically, provided that all other requirements of applicable law are satisfied. This subsection removes any requirement of a stamp, seal, or similar embossing device as it may apply to the performance of these functions by electronic means.

Subsection (h) provides legal effect, validity and enforceability to contracts and record relating to a transaction in or affecting interstate or foreign commerce that were formed, created or delivered by one or more electronic agents.

Subsection (i) makes clear that the provisions of title I and II cover the business of insurance.

Subsection (j) provides protection from liability for an insurance agent or broker acting under the direction of a party that enters into a contract by means of an electronic record or electronic signature if: (1) the agent or broker has not engaged in negligent, reckless, or intentional tortious conduct; (2) the agent or broker was not involved in the development or establishment of such electronic procedures; and (3) the agent or broker did not deviate from such procedures.

AUTHORITY TO ALTER OR SUPERSEDE GENERAL RULE

Senate bill

Section 5(g) of the Senate bill provides that section 5 does not apply to any State in which the Uniform Electronic Transaction Act is in effect.

House amendment

Section 102(a) of the House amendment provides that a State statute, regulation or other rule of law enacted or adopted after the date of enactment of H.R. 1714 may modify, limit, or supersede the provisions of section 101 (except as provided in section 102(b)) if that State action: (1) is an adoption or enactment of the UETA as reported by the NCCUSL or specifies alternative procedures or requirements recognizing the legal effect, validity and enforceability of electronic signatures; and (2) for statutes enacted or adopted after the date of enactment of this Act, makes specific reference to the provisions of section 101.

Section 102(b) provides that no State statute, regulation, or rule of law (including those pertaining to insurance), regardless of date of enactment, that modifies, limits, or supersedes section 101 shall be effective to the extent that such statute, regulation, or rule of law: (1) discriminates in favor of or against a specific technology, method, or technique; (2) discriminates in favor of or against a specific type or size of entity engaged in the business of facilitating the use of electronic signatures and electronic records; (3) is based on procedures or requirements that are not specific and that are not publicly available; and (4) is otherwise inconsistent with the provisions of section 101.

Section 103(c) provides that a State may, by statute, regulation or rule of law enacted or adopted after the date of enactment of this Act, require specific notices to be provided or made available in writing if such notices are necessary for the protection of the public health or safety of consumers. A consumer may not, pursuant to section 101(b)(2) consent to the provision or availability of such notice solely as an electronic record.

Conference substitute

The conference report adopts a substitute provision. Section 102 of the conference report provides a conditioned process for States to enact their own statutes, regulations or other rules of law dealing with the use and acceptance of electronic signatures and records and thus opt-out of the federal regime. The preemptive effects of this Act apply to both existing and future statutes, regulations, or other rules of law enacted or adopted by a State. Thus, a State could not argue that section 101 does not preempt its statutes, regulations, or other rules of law because they were enacted or adopted prior to the enactment of this Act.

Section 102(a) provides that a State statute, regulation or other rule of law may modify, limit, or supersede the provisions of section 101 only if that State action: (1) constitutes an adoption or enactment of the Uniform Electronic Transactions Act (UETA) as reported and recommended for enactment by the National Conference of Commissioners on Uniform State Laws (NCCUSL) in 1999; or (2) specifies alternative procedures or requirements (or both) for the use or acceptance of electronic signatures or electronic records for establishing the legal effect, validity and enforceability of contracts or records.

It is intended that any State that enacts or adopts UETA in its State to remove itself from Federal preemption pursuant to subsection (a)(1) shall be required to enact or adopt UETA without amendment. Any variation or derivation from the exact UETA document reported and recommended for enactment by NCCUSL shall not qualify under subsection (a)(1). Instead, such efforts and any other effort may or may not be eligible under subsection (a)(2). Thus, a State that enacted a modified version of UETA would not be preempted to the extent that the enactment or adoption by a State met the conditions imposed in subsection (a)(2).

Subsection (a)(1) places a significant limitation on a State that attempts to avoid Federal preemption by enacting or adopting a clean UETA. Section 3(b)(4) of UETA, as reported and recommended for enactment by NCCUSL, allows a State to exclude the application of that State's enactment or adoption of UETA for any ''other laws, if any, identified by State.'' This provision provides a potential enormous loophole for a State to prevent the use or acceptance of electronic signatures or electronic records in that State. To remedy this, subsection (a)(1) requires that any exception utilized by a State under section 3(b)(4) of UETA shall be preempted if it is inconsistent with title I or II, or would not be preempted under subsection (a)(2)(ii) (technology neutrality).

As stated above, subsection (a)(2) is designed to cover any attempt except a strict enactment or adoption of UETA (which would be covered by subsection (a)(1)), by a State to escape Federal preemption by enacting or adopting specific alternative procedures or requirements for the use or acceptance of electronic signatures or records. This includes any regulations or State action taken to implement a clean enactment or adoption of UETA. Thus, a regulation or other rule of law issued to implement a State's enactment or adoption of a clean UETA would fall under and be tested against the standards contained in subsection (a)(2) if it strays in any manner from the strict, specific text of UETA, as reported and recommended for enactment by NCCUSL.

Further, some States are enacting or adopting a strict, unamended version of UETA as well as enacting or adopting a companion or separate law that contains further provisions relating to the use or acceptance of electronic signatures or electronic records. Under this Act, such action by the State would prompt both subsection (a)(1) (for the strict enactment or adoption of UETA) and subsection (a)(2) (for the other companion or separate legislation). Subsection (a)(2) would also apply for any amendments made by a state in the future to their statutes, regulations or rules of law pertaining to the original enactment or adoption of UETA that qualified under subsection (a)(1).

Subsection (a)(2) contains two important conditions that limit the extent to which a state could utilize it to opt-out of the federal regime. Specifically, such alternative procedures or requirements: (1) must be consistent with this title and title II; and (2) do not require, or accord greater legal status or effect

to, the implementation or application of a specific technology or technological specification for performing the functions of creating, storing, generating, receiving, communicating, or authenticating electronic signatures or records. It is not intended that the singular use of technology or technological specification in subsection (a)(2)(A)(ii) allows a State to set more than one technologies at the expense of other technologies in order to meet this standard. Instead, this limitation is intended to prevent States from setting any specific technology or technological specification, unless otherwise specifically permitted. Further, inclusion of the ''or accord greater legal status or effect to'' is intended to prevent a state from giving a leg-up or impose an additional burden on one technology or technical specification that is not applicable to all others.

In addition, subsection (a)(2)(B) requires that a State that utilizes subsection (a)(2) to escape federal preemption must make a specific reference to this Act in any statute, regulation, or other rule of law enacted or adopted after the date of enactment of this Act. This provision is intended, in part, to make it easier to track action by the various States under this subsection for purposes of research.

Section 102(b) provides a specific exclusion to the technology neutrality provisions contained in subsection (a)(2)(A)(ii) for procurement by a state, or any agency or instrumentality thereof.

Section 102(c) makes clear that subsection (a) cannot be used by a State to circumvent this title or title II through the imposition of nonelectronic delivery methods under section 8(b)(2) of UETA. Any attempt by a State to use 8(b)(2) to violate the spirit of this Act should be treated as effort to circumvent and thus be void.

SPECIFIC EXCLUSIONS

Senate bill

Section 5(d) of the Senate bill excludes from the application of this section any statute, regulation or other rule of law governing: (1) the Uniform Commercial Code as in effect in any state, other than sections 1–107 and 1–206 and Articles 2 and 2A; (2) premarital agreements, marriage, adoption, divorce, or other matters of family law; (3) documents of title which are filed of record with a governmental unit until such time that a State or subdivision thereof chooses to accept filings electronically; (4) residential landlord-tenant relationships; and (5) the Uniform Health-Care Decisions Act as in effect in a State.

House amendment

Section 103(a) of the House amendment excludes from the application of section 101 any contract, agreement or record to the extent that it is covered by: (1) a statute, regulation or rule of law governing the creation and execution of wills, codicils, or testamentary trusts; (2) a statute, regulation or other rule of law governing adoption, divorce, or other matters of family law; (3) the Uniform Commercial Code as in effect in any state, other than sections 1–107 and –206 and Articles 2 and 2A; (4) any requirement by a Federal regulatory agency or self-regulatory agency that records be filed or maintained in a specified standard or standards (except that nothing relieves any Federal regulatory agency of its obligation under the Government Paperwork Elimination Act, title XVII of Public Law 105–277); (5) the Uniform Anatomical Gift Act; or (6) the Uniform Health-Care Decisions Act.

Section 103(b) excludes from the application of section 101: (1) any contract, agreement or record between a party and a State agency if the State agency is not acting as a market participant in or affecting interstate commerce; (2) court orders or notices or official court documents (including briefs, pleading and other writings) required to be executed in connection with court proceedings; or (3) any notice concerning: (A) the cancellation or termination of utility services, (B) default, acceleration, repossession, foreclosure or eviction, or the right to cure under a credit agreement secured by, or a rental agreement for, a primary residence of an individual or the cancellation or termination of health insurance or benefits or life insurance benefits (excluding annuities).

Conference substitute

The conference report adopts a substitute provision that follows the House amendment.

Section 103(a) excludes from the application of section 101 any contract, agreement or record to the extent that it is covered by: (1) a statute, regulation or rule of law governing the creation and execution of wills, codicils, or testamentary trusts; (2) a statute, regulation or other rule of law governing adoption, divorce, or other matters of family law; (3) the Uniform Commercial Code as in effect in any state, other than sections 1–107 and 1–206 and Articles 2 and 2A.

Section 103(b) excludes from the application of section 101: (1) court orders or notices or official court documents (including briefs, pleading and other writings) required to be executed in connection with court proceedings; or (2) any notice of: (A) the cancellation or termination of utility services, (B) default, acceleration, repossession, foreclosure or eviction, or the right to cure under a credit agreement secured by, or a rental agreement for, a primary residence of an individual or the cancellation or termination of health insurance or benefits or life insurance benefits (excluding annuities).

The exclusion pertaining to utility services applies to essential consumer services including water, heat and power. This provision does not apply to notices for other broadly used important consumer services, such as telephone, cable television, and Internet access services, etc. Electronic cancellation or termination notices may be used in association with those other services, assuming all of the other elements of Section 101 are met.

Section 103(c)(1) directs the Secretary of Commerce, acting through the Assistant Secretary for Communication and Information, to review the operation of the exclusions in subsections (a) and (b) over a period of three years to determine if such exclusions are necessary for the protection of consumers. The Assistant Secretary shall submit the findings of this review to Congress within three years of the date of enactment of this Act.

Section 103(c)(2) provides that a Federal regulatory agency, with respect to matter within its jurisdiction, may extend, after proper notice and comment and publishing a finding that one or more of exceptions in subsections (a) or (b) are not longer necessary for the protection of consumers and eliminating such exceptions will not increase the material risk of harm to consumers, the application of section 101 to such exceptions.

APPLICABILITY TO FEDERAL AND STATE GOVERNMENTS

Senate bill

The Senate bill contained no provision affecting the authority of Federal regulatory agencies.

House amendment

The House amendment provided in Section 103 that the authority of Federal regulatory agencies would be preserved over records filed or maintained in a specific standard or standards.

Conference substitute

The conference report adopts a substitute provision that follows the House amendment.

Section 104(a) provides that subject to section 104(a)(2), a Federal regulatory agency, a self-regulatory organization, or State regulatory agency may specify standards or formats for the filing of records with that agency or organization, including requiring paper filings or records. While the conference report preserves such authority to such agencies or organizations, it is intended that use of such authority is rarely exercised. Section 104(b)(1) provides that subject to section 104(b)(2) and section 104(c), a Federal regulatory agency or State regulatory agency that is responsible for rulemaking under any other statute may interpret section 101 with respect to such statute through (1) the issuance of regulations pursuant to a statute; or (2) to the extent such agency is authorized by statute to issue orders or guidance, the issuance of orders or guidance of general applicability that are publicly available and published (in the Federal Register in the case of an order or guidance issued by a Federal regulatory agency). However, this does not grant any Federal regulatory agency or State regulatory agency authority to issue regulations, orders, or guidance pursuant to any statute that does not authorize issuance of orders or guidance.

Section 104(b)(2) provides for limitations on the interpretational authority of agencies. Specifically, a Federal regulatory agency shall not adopt any regulation, order, or guidance described in section 104(b)(1), and a State regulatory agency is preempted by section 101 from adopting any regulation, order, or guidance described above unless: (1)—(A) such regulation, order, or guidance is consistent with section 101; (B) such regulation, order, or guidance does not add to the requirements of such section; and (C) such agency finds, in connection with the issuance of such regulation, order, or guidance, that—(i) there is a substantial justification for the regulation, order, or guidance; (ii) the methods selected to carry out that purpose—(I) are substantially equivalent to the requirements imposed on records that are not electronic records; and (II) will not impose unreasonable costs on the acceptance and use of electronic records; and (iii) the methods selected to carry out that purpose doe not require the implementation or application of a specific technology or technological specification for performing the functions of creating, storing, generating, receiving, communicating, or authenticating electronic records or electronic signatures.

The conference report provides for more limited Federal and State interpretative authority over other functions related to records. This Act grants no additional or new rulemaking authority to any Federal or State agency. The conference report provides that if Federal or State regulators possessed specific rulemaking authority under their organic statutes, they could use that rulemaking authority to interpret section 101 subject to strict conditions. Those conditions include determinations that such regulation, order or guidance: (1) is consistent with section 101; and (2) does not add to the requirements of the section. Additionally, the conference report requires that any Federal agency show conclusively that: (a) there is a substantial justification for the regulation and the regulation is necessary to protect an important public interest; (b) the methods used to carry out that purpose are the least restrictive alternative consistent

with that purpose; (c) the methods are substantially equivalent to the requirements imposed or records that are not electronic records; and (d) such methods will not impose new costs on the acceptance and use of electronic records. The conference report requires strict technological neutrality of any Federal or State regulation, order or guidance. Absent such technological neutrality, any such regulation, order or guidance is void.

The conference report is designed to prevent Federal and State Regulators from undermining the broad purpose of this Act, to facilitate electronic commerce and electronic record keeping. To ensure that the purposes of this Act are upheld, Federal and State regulatory authority is strictly circumscribed. It is expected that Courts reviewing administrative actions will be rigorous in seeing that the purpose of this Act, to ensure the widest use and dissemination of electronic commerce and records are not undermined.

Subsection (b)(3)(A) provides authority to a Federal or State regulatory agency to interpret section 101(d) in a manner to specify specific performance standards to assure accuracy, record integrity, and accessibility of records that are required to be retained. Subsection (b)(3) extends this authority to override the technology neutrality provision contained in subsection (b)(2)C)(iii) but only if doing so (1) serves an important governmental objective; and (2) is substantially related to the achievement of that objective. Further, subsection (b)(3)(A) does not allow a Federal or State regulatory agency to require the use of a particular type of software or hardware in order to comply with 101(d).

Subsection (b)(3)(B) provides authority to a Federal or State regulatory agency to interpret section 101(d) to require retention of paper records but only if (1) there is a compelling government interest relating to law enforcement or national security for imposing such requirement, and (2) imposing such requirement is essential to attaining such interest. It is important to note that the test in subsection (b)(3)(B) is higher and more stringent than in subsection (b)(3)(A). This is intentional as it is an effort to impose an extremely high barrier before a Federal or State regulatory agency will revert back to requiring paper records. However, this does not diminish the test contained subsection (b)(3)(A). It, too, is intended to be an extremely high barrier for a Federal or State regulatory agency to meet before the technology neutrality provision is violated. It is intended that use of either of these tests will be necessary in only a very, very few instances. It is expected that Federal and State agencies take all action and exhaust all other avenues before exercising authority granted in paragraph (3).

Subsection (b)(4) exempts procurement by a Federal or State government, or any agency or instrumentality thereof from the technology neutral requirements of subsection (b)(2)(C)(iii).

Subsection (c)(1) makes clear that nothing in subsection (b), except subsection (b)(3)(B), allows a Federal or State regulatory agency to impose or reimpose any requirement that a record be in paper form.

Subsection (c)(2) makes clear that nothing in subsection (a) or (b) relieves any Federal regulatory agency of its obligations under the Government Paperwork Elimination Act.

Subsection (d)(1) provides authority to a Federal or State regulatory agency to exempt without condition a specified category or type of record from the consent provisions in section 101(c) if such exemption is necessary to eliminate a substantial burden on electronic commerce and will not increase the material risk of harm to consumers. It is intended that the test under subsection (d)(1) not be read too limiting. There are vast numbers of instances when section 101(c) may not be appropriate or necessary and should be exempted by the appropriate regulator.

Subsection (d)(2) requires the Securities and Exchange Commission, within 30 days after date of enactment, to issue a regulation or order pursuant to subsection (d)(1) exempting from the consent provision any records that are required to be provided in order to allow advertising, sales literature, or other information concerning a security issued by an investment company that is registered under the Investment Company Act of 1940, or concerning the issuer thereof, to be excluded from the definition of a prospectus under section 2(a)(10)(A) of the Securities Act of 1933.

Section 104(e) provides that the Federal Communications Commission shall not hold any contract for telecommunications service or letter of agency for a preferred carrier change, that otherwise complies with the Commission's rules, to be legally ineffective, invalid or unenforceable solely because an electronic records or electronic signature was used in its formation or authorization.

The Federal Communications Commission (FCC) has been very slow, even reticent, to clearly authorize the use of an Internet letter of agency for a consumer to conduct a preferred carrier change. As a result of the Commission's repeated failure to act on this matter, the conference report provides specific direction to the Commission to recognize Internet letters of agency for a preferred carrier change.

STUDIES

Senate bill

Section 7 of the Senate bill directs the Department of Commerce and Office of Management and Budget (OMB) to report to Congress within 18 months on Federal laws and regulations that might pose barriers to electronic commerce, including suggestions for reform.

House amendment

Section 104 of the House amendment directs the Secretary of Commerce (the Secretary), acting through the Assistant Secretary for Communications and Information, to conduct an inquiry regarding any State statute, regulation, or rule of law enacted or adopted after enactment on the extent to which such statute, regulation, or rule of law complies with section 102(b). Section 104(b) requires the Secretary to submit the report described in paragraph(a) at the conclusion of the five year period.

Section 104(c) requires the Secretary, within eighteen months after the date of enactment, to conduct an inquiry regarding the effectiveness of the delivery of electronic records to consumers using electronic mail as compared with the delivery of written records by the United States Postal Service and private express mail services. The Secretary shall submit a report to Congress regarding the results of such inquiry at the conclusion of the eighteen month period.

Conference substitute

The Senate recedes to the House with an amendment. Specifically, the conference report retains subsection 104(c) of the House amendment and redesignates it as section 104(a) of the conference report. Further, the conference report includes a new subsection (b) that requires the Secretary of Commerce and the Federal Trade Commission, within one year after date of enactment, to submit a report to the Congress analyzing: (1) the benefits provided to consumers by the consumer access test of the consent provision (section 101(c)(1)(C)(ii)); (2) any burdens imposed on electronic commerce by the provision, whether the benefits outweigh the burdens; (3) whether the absence of such procedure would increase consumer fraud; and (4) any suggestions for revising the provision. In conducting the evaluation, the Secretary of Commerce and FTC shall solicit the comments of the public, consumer representatives, and electronic commerce businesses.

DEFINITIONS

Senate bill

Section 4 sets forth the definitions of terms used in the bill: ''electronic;'' ''electronic agent;'' ''electronic record;'' ''electronic signature;'' ''governmental agency;'' ''record;'' ''transaction;'' and ''Uniform Electronic Transaction Act.''

House amendment

Section 104 of the House amendment defines the following terms: ''electronic record;'' ''electronic signature;'' ''electronic;'' ''electronic agent;'' ''record;'' ''Federal regulatory agency;'' and ''self-regulatory agency.''

Conference substitute

The conference report adopts a substitute provision adopting definitions for the following terms: ''consumer;'' ''electronic;'' ''electronic agent;'' ''electronic record;'' ''electronic signature;'' ''Federal regulatory agency;'' ''information;'' ''person;'' ''record;'' and ''transaction.''

EFFECTIVE DATES

Senate bill

The Senate bill contained no provision.

House amendment

The House amendment contained no provision.

Conference substitute

The conference report creates a general delayed effective date for the bill, and creates specific delayed effective dates for certain provisions of the bill. Subsection (a) establishes that, except as provided in subsections (b), the provisions of the bill are effective October 1, 2000. Subsection (b) delays the effective date of the records retention provision until March 1, 2001 unless an agency has initiated, announced, proposed but not completed an action under subsection 104(b)(3), in which case it would be extended until June 1, 2001. Subsection (b)(2) delays the effective date of this Act by one year with regards to any transaction involving a loan guarantee or loan guarantee commitment made by the United States Government. The one year delay was granted to permit the federal government time to institute safeguards necessary to protect taxpayers from risk of default on loans guaranteed by the federal government.

Subsection (d) delays the effective date of section 101(c) for any records provided or made available to a consumer pursuant to title IV of the High Education Act of 1965 until the Secretary of Education publishes revised promissory notes under section 432(m) of such Act or one year after the date of enactment, whichever is earlier.

TRANSFERABLE RECORDS

TRANSFERABLE RECORDS

Senate bill

The Senate bill contained no provision.

House amendment

The House amendment contained no provision.

Conference substitute

The conference report adopts a new provision in recognition of the need to establish a uniform national standard for the creation, recognition, and enforcement of electronic negotiable instruments. The development of

a fully-electronic system of negotiable instruments such as promissory notes is one that will produce significant reductions in transaction costs. This provision, which is based in part on Section 16 of the Uniform Electronic Transactions Act, sets forth a criteria-based approach to the recognition of electronic negotiable instruments, referred to as ''transferable records'' in this section and in UETA. It is intended that this approach create a legal framework within which companies can develop new technologies that fulfill all of the essential requirements of negotiability in an electronic environment, and in a manner that protects the interests of consumers.

The conference report notes that the official Comments to section 16 of UETA, as adopted by the National Conference of Commissioners on Uniform State Laws, provide a valuable explanation of the origins and purposes of this section, as well as the meaning of particular provisions.

The conference report notes that, pursuant to sections 3(c) and 7(d) of the UETA, an electronic signature satisfies any signature requirement under Section 16 of the UETA. It is intended that an electronic signature shall satisfy any signature requirement under this provision, as well. The conference report further notes that the reference in section 201(a)(1)(C) to loans''secured by real property'' includes all forms of real property, including single-family and multi-family housing.

Development and Adoption of Electronic Signature Products

TREATMENT OF ELECTRONIC SIGNATURES IN INTERSTATE AND FOREIGN COMMERCE

Senate bill

Section 6 of the Senate bill sets out the principles that the United States Government should follow, to the extent practicable, in its international negotiations on electronic commerce as a means to facilitate cross-border electronic transactions.

Paragraph (1) advocates the removal of paper-based obstacles to electronic transactions. This can be accomplished by taking into account the enabling provisions of the Model Law on Electronic Commerce adopted by the United Nations Committee on International Trade Law (UNCITRAL) in 1996. Paragraph (2) permits that parties to a transaction shall have the opportunity to choose the technology of their choice when entering into an electronic transaction. Paragraph (3) permits parties to a transaction the opportunity to prove in a court or other proceeding that their authentication approach and transactions are valid. Paragraph (4) adopts a nondiscriminatory approach to electronic signatures.

House amendment

Section 201(a) of the House amendment directs the Secretary of Commerce, acting through the Assistant Secretary for Communications and Information, to conduct an annual inquiry identifying: (1) any domestic or foreign impediments to commerce in electronic signature products and services and the manner and extent to which such impediments inhibit the development of interstate and foreign commerce; (2) constraints imposed by foreign nations or international organizations that constitute barriers to providers of electronic signature products and services; and (3) the degree to which other nations and international organizations are complying with the principles in section 201(b)(2).

Under subsection (a)(2), the Secretary is required to report to Congress the findings of each inquiry 90 days after completion of such inquiry.

Section 201(b) directs the Secretary of Commerce, acting through the Assistant Secretary for Communications and Information, to promote the acceptance and use of electronic signatures on an international basis in accordance with section 101 of the bill and with designated principles. In addition, the Secretary of Commerce is directed to take all actions to eliminate or reduce impediments to commerce in electronic signatures, including those resulting from the inquiries required pursuant to subsection (a).

The designated principles are as follows: free-markets and self-regulation, rather than government standard-setting or rules, should govern the development and use of electronic signatures and electronic records; neutrality and nondiscrimination should be observed among providers of and technologies for electronic records and electronic signatures; parties to a transaction should be allowed to establish requirements regarding the use of electronic records and electronic signatures acceptable to the parties; parties to a transaction should be permitted to determine the appropriate authentication technologies and implementation for their transactions with the assurance that the technology and implementation will be recognized and enforced; the parties should have the opportunity to prove in court that their authentication approaches and transactions are valid; electronic records and signatures in a form acceptable to the parties should not be denied legal effect, validity, or enforceability because they are not in writing; *de jure* or *de facto* imposition of electronic signature and electronic record standards on the private sector through foreign adoption of regulations or policies should be avoided; paper-based obstacles to electronic transactions should be removed.

Section 201(c) requires the Secretary of Commerce to consult with users and providers of electronic signatures and products and other interested parties in carrying out actions under this section.

Section 201(d) clarifies that nothing requires the Secretary or Assistant Secretary to take any action that would adversely affect the privacy of consumers.

Section 201(e) provides that the definitions in section 104 apply to this title.

Conference Substitute

The conference report adopts a substitute provision. Section 301(a)(1) directs the Secretary of Commerce to promote the acceptance and use of electronic signatures on an international basis in accordance with section 101 of the bill and with the set principles listed in subsection (a)(2). In addition, the Secretary of Commerce is directed to take all actions to eliminate or reduce impediments to commerce in electronic signatures.

Section 301(a)(2) lists the principles as follows: (1) Removal of paper-based obstacles to electronic transactions. This can be accomplished by taking into account the enabling provisions of the Model Law on Electronic Commerce adopted by the United Nations Committee on International Trade Law (UNCITRAL) in 1996; (2) Parties to a transaction shall have the opportunity to choose the technology of their choice when entering into an electronic transaction. Parties to a commercial transaction should be able to chose the appropriate authentication technologies and implementation models for their transactions. Unnecessary regulation of commercial transactions distorts the development and efficient operation of markets, including electronic markets. Moreover, the rapid development of the electronic marketplace is resulting in new business models and technological innovations. This is an evolving process. Therefore, government attempts to regulate may impede the development of newer alternative technologies; (3) Parties to a transaction the opportunity to prove in a court or other proceeding that their authentication approach and transactions are valid. Parties should have the opportunity to prove in court that the authentication methods that they select are valid and reliable; and (4) Adoption of a nondiscriminatory approach to electronic signatures and authentication methods from other jurisdictions.

Section 301(c) directs the Secretary to consult with users and providers of electronic signature products and services and other interested parties. Section 301(d) applies the definitions of ''electronic signature'' and ''electronic record'' in section 107 to this title.

Increasingly, online transactions are not just interstate but international in nature and this creates a clear need for international recognition of electronic signatures and records that will not create barriers to international trade. Title III directs the Secretary of Commerce to take an active role in bilateral and multilateral talks to promote the use and acceptance of electronic signatures and electronic records worldwide. It is intended that the Secretary promote the principles contained in this Act internationally. However, it is possible that some foreign nations may choose to adopt their own approach to the use and acceptance of electronic signatures and electronic records. In such cases, the Secretary should encourage those nations to provide legal recognition to contracts and transactions that may fall outside of the scope of the national law and encourage those nations to recognize the rights of parties to establish their own terms and conditions for the use and acceptance of electronic signatures and electronic records.

There is particular concern about international developments that seek to favor specific technologies of processes for generating electronic signatures and electronic records. Failure to recognize multiple technologies may create potential barriers to trade and stunt the development of new and innovative technologies.

Unfortunately, international developments on recognizing electronic signatures are troubling. The German Digital Signature Law of July 1997 runs counter to many of the widely accepted principles of electronic signature law in the United States. For example, the German law provides legal recognition only to signatures generated using digital signature technology, establishes licensing for certificate authorities, and sets a substantial role for the government in establishing technical standards. Further, a position paper on international recognition of electronic signatures released by the German government (International Legal Recognition of Digital Signatures, August 28, 1998) seeks to apply these principles internationally. This policy statement reemphasizes the principle that uniform security standards are necessary for all uses of digital signatures regardless of their use, supports mutual recognition of digital signatures only to those nations which have a similar regulatory structure for certification authority, and fails to provide legal effect to electronic signatures generated by other technologies.

The European Community is considering a framework for the use and acceptance of electronic signatures for its member countries. ''Directive 1999/93/EC of the European Parliament and of the Council of 13 December 1999 on a Community Framework for electronic signatures'' lays out the European Community's approach to electronic signature legislation. Of particular interest is Article 7, International Aspects, which recognizes the legal validity of digital certificates issued in a non-European Community country. While international recognition of electronic signatures is important, there is concern that this approach will not recognize

non-certificate based electronic signatures, such as those based on biometric technologies. The conference report notes that negotiations with the European Union on electronic signatures is a top priority.

COMMISSION ON CHILD ONLINE PROTECTION

AUTHORITY TO ACCEPT GIFTS

Senate bill

The Senate bill contains no similar provision.

House amendment

The House amendment contains no similar provision.

Conference substitute

The conference report adopts a provision to amend section 1405 of the Child Online Protection Act by adding a new subsection (h), which allows the Commission on Online Child Protection to accept, use and dispose of gifts, bequests or devises of services or property for the purpose of aiding or facilitating the work of the Commission.

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

Mr. DINGELL. Mr. Speaker, I yield myself 3 minutes.

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

Mr. DINGELL. Mr. Speaker, I rise in support of this conference report and urge its adoption by the House.

I want to begin by paying tribute to my good friend, the chairman of the committee, the gentleman from Virginia (Mr. BLILEY), for his leadership in this matter.

Pieces of legislation which would not have met the test of the public interest have been reformed in the conference, and his leadership has played a significant part in those events, for which I salute him and thank him.

The conference report confers legal validity on electronic signatures and contracts involving transactions in interstate commerce and allows required consumer disclosures and other records to be transmitted and retained by businesses electronically rather than on paper.

This is the most far-reaching e-commerce legislation to be considered by this Congress. No one could be more pleased nor indeed more surprised than I am at the successful outcome of this conference.

As I mentioned, we started with a version that was anti-consumer and opposed by the Democratic conferees, by the administration, by all the States and by consumer groups. The Department of Justice and the State attorneys general submitted letters to the conference committee, pointing out how the draft would have undermined the government's ability to enforce civil and criminal laws against waste, fraud and abuse and would have destroyed many popular laws protecting consumers.

What then happened? Under the leadership of our friend and colleague, the gentleman from Virginia (Mr. BLILEY), chairman of the Committee on Commerce and the chairman of the conference, and Senator JOHN MCCAIN, chairman of the Committee on Commerce in the other body, a majority of the Republican conferees agreed to address these concerns. They recognized that this legislation must have adequate consumer protections or consumers would never have the necessary confidence to make e-commerce work.

I also want to commend Senators HOLLINGS, SARBANES, WYDEN, and LEAHY for their outstanding work on these issues. Without their assistance, certainly this matter would have been concluded differently and probably unsuccessfully.

These joint efforts led to the adoption of strong consumer consent provisions. These provisions require that consumers affirmatively consent to receive information in electronic form. Furthermore, these provisions require that the consumer actually demonstrate its ability to be open and to gain access to the information in the format that it will be transmitted. Other consumer protections contained in the conference report include requirements relating to integrity of records and security to guard against tampering. Federal regulatory agencies may grant exemptions from the consent requirements under certain limited circumstances. Businesses may be required to maintain paper copies of contracts or records, if there is a compelling law enforcement or national security interest.

Moreover, many critical documents continue to be provided and retained on papers, such as wills, adoption, divorce matters, court orders, utility termination notices, foreclosure and eviction notices, insurance cancellation, product recalls, and warnings required to accompany transportation of hazardous materials.

I am happy to report that all Democratic conferees and a majority of our Republican conferees have agreed to the conference report which we are considering today.

The conference report is also supported by the administration, the States, and consumer groups.

This bipartisan conference agreement is balanced, and it is fair to businesses, fair to consumers. It should become law.

Let me discuss a few of the details of the agreement.

I want to draw my colleagues attention to some important provisions to which the Conferees agreed during the conference.

Scope of Requirement.—Section 101(a). In recommending that the House vote to pass this conference report, I would like to clarify for members the kind of transactions that are covered by the bill. You will note that the definition of ''transaction'' includes business, commercial, or consumer affairs. The Conferees specifically rejected including ''governmental'' transactions. Members should understand that this bill will not in any way affect most governmental transactions, such as law enforcement actions, court actions, issuance of Government grants, applications for or disbursement of Government benefits, or other activities that the Government conducts that private actors would not conduct. Even though some aspects of such governmental transactions (for example, the Government's issuance of a check reflecting a Government benefit) are commercial in nature, they are not covered by this bill because they are part of a uniquely governmental operation. Likewise, activities conducted by private parties principally for governmental purposes are not covered by this bill. Thus, for example, the act of collecting signatures to place a nomination on a ballot would not be covered, even though it might have some nexus with commerce (such as the signature collectors' contract of employment).

General Rule of Validity.—Section 101(a)(1) and (2). The Conferees added the word ''solely'' in both sections 101(a)(1) and (2) to ensure that electronic contracts and signatures are not inadvertently immunized by this Act from challenge on grounds other than the absence of a physical writing or signature.

Preservation of Rights and Obligations.—Section 101(b)(1). The Conferees added a new Section 101(b)(1) which provides that this Title I does not ''limit, alter, or otherwise affect any requirement imposed by a statute, regulation, or rule of law relating to the rights and obligations of persons under such statute, regulation, or rule of law other than a requirement that contracts or other records be written, signed, or in nonelectronic form.'' This savings clause makes clear that existing legal requirements that do not involve the writing, signature, or paper form of a contract or other record are not affected by Title I. Thus, for example, a transaction into which a consumer enters electronically is still subject to scrutiny under applicable State and Federal laws that prohibit unfair and deceptive acts and practices. So, if a consumer were deceived or unfairly convinced in some way to enter into the electronic transaction, State and Federal unfair and deceptive practices laws might still apply even though the consumer was properly notified of their rights under Section 101(c) and consent to the electronic notices and contracts was properly obtained. In other words, compliance with the Act's consumer consent requirements does not make it unnecessary for the transaction and parties to the transaction to comply with other applicable statutes, regulations or rules of law.

Preservation of Rights and Obligations.—Section 101(b)(2). The Act specifically avoids forcing any contracting party—whether the Government or a private party—to use or accept electronic records and electronic signatures in their contracts. Thus, for example, where the Government makes a direct loan, the bill would not require the use or acceptance of electronic records or signatures in the loan transaction, because the Government would be a party to the loan contract. The Conferees recognized that, in some instances, parties to a contract might have valid reasons for choosing not to use electronic signatures and records, and it is best to allow contracting parties the freedom to make that decision for themselves.

Protections Against Waste, Fraud and Abuse.—Sections 101(b)(2), 102(b) and 104(b)(4). Members should note that several provisions of the conference report are designed to address concern about protecting taxpayers from waste, fraud and abuse in connection with government contracting or other instances in which the Government is a market participant. For example, Sections 101(b)(2) 102(b) and 104(b)(4) and others

give agencies significant latitude to accept, reject, or place conditions on the use of electronic signatures and records when the Government is acting like a market participant.

Consent to Electronic Record.—Section 101(c)(1). The House bill included an amendment that required that consumers affirmatively consent before they can receive records (including required notices and disclosures and statements) electronically that are legally required to be provided or made available in writing. Among other changes to this section made in conference, the Conferees added an important new element: Section 101(c)(1)(C) of the conference report requires that the consumer ''consents electronically, or confirms his or her consent electronically, in a manner that reasonably demonstrates that the consumer can access information in the electronic form that will be used to provide the information that is the subject of the consent.'' The purpose of this provision is to ensure that, when consumers agree to receive notices electronically, they are able to make an informed decision and that they can actually open, read, and retain the records that they will be sent electronically.

Today, many different technologies can be used to deliver information—each with its own hardware and software requirements. An individual may not know whether the hardware and software on his or her computer will allow a particular technology to operate. (All of us have had the experience of being unable to open an e-mail attachment.) Most individuals lack the technological sophistication to know the exact technical specifications of their computer equipment and software, especially if they are not at home when consent is sought. For these reasons, it is appropriate to require companies to establish an ''electronic connection'' with their customers in order to provide assurance that the consumer will be able to access the information in the electronic form in which it will be sent. This one-time ''electronic check'' can be as simple as an e-mail to the customer asking the customer to confirm that he was able to open the attachment (if the company plans to send notices to the customer via e-mail attachments) and a reply from the customer confirming that he or she was able to open the attachment. This responsibility is not unduly burdensome to e-commerce. As a matter of good customer relations, any legitimate company would want to confirm that it has a working communications link with its customers.

Preservation of Consumer Protections.—Section 101(c)(2)(A). The Conferees preserved an important provision from the House bill which provides that: ''nothing in this title affects the content or timing of any disclosure or other record required to be provided or made available to any consumer under any statute, regulation, or other rule of law.'' So, for example, if a statute requires that a disclosure be provided within 24 hours of a certain event and that the disclosure include specific language set forth clearly and conspicuously, that requirement could be met by an electronic disclosure provided within 24 hours of that event, which disclosure included the specific language, set forth clearly and conspicuously. However, simply providing a notice electronically does not obviate the need to satisfy the underlying statute's requirements for timing and content.

Retention of Contracts and Records.—Section 101(d)(1) and Section 104(b)(3). The Conferees added provisions that state: ''if a statute, regulation, and other rule requires that a contract or other record relating to a transaction . . . be retained,'' the requirement is met by retaining an electronic record of the information that ''accurately reflects the information'' and ''remains accessible'' to all who are entitled to it ''in a form that is capable of being accurately reproduced for later reference. . . .'' Moreover, Federal or State regulatory agencies may interpret this requirement to specify performance standards to ''assure accuracy, record integrity, and accessibility of records that are required to be retained.'' Moreover, these performance standards can be specified in a manner that does not conform to the technology neutrality provisions, provided that the requirement serves, and is substantially related to the achievement of, an important governmental objective. These record retention provisions are essential to the capacity of federal and State regulatory and law enforcement agencies to ensure compliance with laws. For example, the only way in which a Government agency can determine if participants in large Government programs are complying with financial and other requirements of those programs may be to require that records be retained in a form that can be readily accessible to government auditors. Similarly, agencies must be able to require that companies implement anti-tampering protections to ensure that electronic records cannot be altered easily by money launderers or embezzlers or others seeking to hide their illegal activity. Without the ability of these agencies to ascertain program compliance through electronic record retention, taxpayers could be exposed to far greater risk of fraud and abuse. Similarly, bank and other financial regulators need to require that records be retained in order that their examiners can insure the safety and soundness of the institutions and their compliance with all relevant regulatory requirements. The standards set forth in the SEC's existing electronic recordkeeping rule, Rule 17a–4(f), such as the requirement that an electronic recordkeeping system preserve records in a non-rewritable and non-erasable manner, are essential to the SEC's investor protection mission and are consistent with the provisions of the conference report. The Conferees also expect the SEC to work with the securities self-regulatory organizations (SROs) to the extent necessary to ensure that accuracy, accessibility, and integrity standards also cover SRO recordkeeping requirements in an electronic environment.

Section 104(b)(3)(B) of the conference report permits Federal regulatory agencies to interpret the law to require retention of written records in paper form, if there is a compelling governmental interest in law enforcement for imposing such requirement, and if imposing such requirement is essential to attaining such interest. The Conferees expect the SEC would be able to use this provision to require brokers to keep written records of agreements required to be obtained by the SEC's penny stock rules.

Exemptions to Preemption.—Section 102(a). This subsection expressly gives the States the authority to modify, limit or supersede provisions of Section 101 in certain ways if the State enacts the provisions of the Uniform Electronic Transactions Act as approved and recommended for enactment by the National Conference of Commissioners on Uniform State Laws in 1999 (UETA).

Prevention of Circumvention.—Section 102(c). Under Section 102(a), States may supersede this Act if they adopt UETA, subject to certain limitations section forth in Section 102(a). Section 8(b)(2) of UETA allows States to impose delivery requirements. Section 102(c) makes clear that States retain the authority provided under Section 8(b)(2), provided that the State does not circumvent Titles I or II of this Act by imposing nonelectronic delivery methods. Thus, provided that the delivery methods required are electronic and do not require that notices and records be delivered in paper form, States retain their authority under Section 8(b)(2) of UETA to establish delivery requirements.

Filing and Access Requirements.—Section 104(a) of the conference report protects standards and formats developed by a Federal regulatory agency, self-regulatory organization, or State regulatory agency for records required to be filed with it. Thus standards and formats developed by the SEC for electronic filings for systems such as EDGAR and IARD, and similarly, the CRD system, a joint federal-state system for registering securities firms and their personnel, all would be covered by Section 104(a). The standards and formats for EDGAR, the IARD, and the CRD have been developed over many years, and both the SEC and securities industry have expended significant resources to make these complex systems work for regulators and investors alike. The importance of this provision has been intensified by the very real threat of security breaches by computer hackers.

Preservation of Existing Rulemaking Authority.—Section 104(b). This Act will affect requirements that are imposed by Federal and state statutes, regulations, and rules of law. No one agency is charged with interpreting its provisions; instead, under Section 104(b), regulatory agencies that have authority to interpret other statutes may interpret Section 101 with respect to those statutes to the extent of their existing interpretative authority. This provision provides important protection to both affected industry and consumers. It is impossible to envision all of the ways in which this Act will affect existing statutory requirements. This interpretative authority will allow regulatory agencies to provide legal certainty about interpretations to affected parties. Moreover, this authority will allow regulatory agencies to take steps to address abusive electronic practices that might arise that are inconsistent with the goals of their underlying statutes. For example, if a broker were to deceive a person into pledging equity in their home for a loan based on false representations about the loan's terms and conditions, the broker's action could be challenged under any applicable statute that prohibited such deception and false representations, even if the consumer executed the loan documents electronically and consented to the use of the electronic contract and records in compliance with the terms of this Act. Without this authority, predators might argue that this Act somehow immunizes the abusive practice, notwithstanding the underlying statutory requirement, and consumers and competitors would have to wait for resolution of the issue through litigation.

I would also like to clarify the nature of the responsibility of Government agencies in interpreting this bill. As the bill makes clear, each agency will be proceeding under its preexisting rulemaking authority, so that regulations or guidance interpreting section 101 will

be entitled to the same deference that the agency's interpretations would usually receive. This is underlined by the bill's requirements that regulations be consistent with section 101, and not add to the requirements of that section, which restate the usual Chevron test that applies to and limits an agency's interpretation of a law it administers. Giving each agency authority to apply section 101 to the laws it administers will ensure that this bill will be read flexibly, in accordance with the needs of each separate statute to which it applies.

Any reading under which courts would apply an unusual test in reviewing an agency's regulations would generate a great deal of litigation, creating instability and needlessly burdening the courts with technical determinations. Likewise, because these regulations will be issued under preexisting legal authority, any challenges to those regulations will proceed through the methods prescribed under that preexisting authority, whether pursuant to the Administrative Procedure Act or some other statute. Again, this will ensure that any challenges to such regulations are resolved promptly and minimize any resulting instability and burden. Of course, such regulations must satisfy the requirements of the Act.

Authority To Exempt From Consent Provision.—Section 104(d)(1) and (2). It is my understanding that the conference report's consent provisions are similar to much of the SEC's guidance in the electronic delivery area. Section 104(d)(1) permits agencies such as the SEC to continue to provide flexibility in interpreting the consent provisions anticipated by the conference report. In addition, a specific provision contained in Section 104(d)(2) anticipates that the SEC will act to clarify that documents, such as sales literature, that appear on the same Web site as, or which are hyperlinked to, the final prospectus required to be delivered under the federal securities laws, can continue to be accessed on a Web site as they are today under SEC guidance for electronic delivery.

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

Mr. BLILEY. Mr. Speaker, I yield 3 minutes to the gentleman from Virginia (Mr. DAVIS).

(Mr. DAVIS of Virginia asked and was given permission to revise and extend his remarks.)

Mr. DAVIS of Virginia. Mr. Speaker, I rise today to express my strong support for S. 761, the Electronic Signatures in Global and National Commerce Act. This legislation marks a critical positive step towards promoting the growth and development of electronic commerce which has emerged as the driving force in our Nation's economy.

Today there are approximately 17 million households on-line and that number is expected to almost triple by 2004. Revenue generated from the Internet increased by 62 percent and totaled $524 billion in 1999. That figure is likely to reach $850 billion by the end of 2000 and a staggering $1.6 trillion by 2003.

Now what these figures demonstrate is the seemingly boundless potential that electronic commerce has to offer our economy in terms of both economic prosperity and ease of communication. Our computers are windows to a diverse and limitless electronic venue that mimics the traditional free market but which is still developing in terms of the parameters under which consumers and businesses interact with each other.

The E-Sign bill adopts one of the most critical components of any successful market economy to the digital environment: The existence of the rule of law and the enforcement of written agreements and transactions that follow predetermined rules of notice, disclosure rights and obligations. All other things being equal, when parties know that the signatures guarantee accountability, that they gain benefits, and at the same time undertake certain obligations in return, their behavior is necessarily shaped by the certainty which results when parties are contractually bound. Of course, this paradigm which has been rooted in common law for centuries and dominates contracts course work during the first year of law school, is the essence of paper-based contracts and transactions.

Now, as we enter the digital age and the dynamic electronic marketplace expands, the absence of a uniform legal mechanism for digital signatures and records threatens to restrain the booming commerce that is taking place over the Internet.

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With the Internet as the marketplace of the 21st century, increasing its use depends on developing and retaining consumer and business confidence in the legal enforcement of digital signatures.

S. 761 creates this necessary legal certainty. By allowing American businesses and individuals the ability to engage in commerce, knowing that their transactions are full and legal and valid, I believe we will see enormous savings to business, greater efficiency in the market, and faster paperless transactions that will translate into lower costs for consumers.

Another important objective in passing this legislation is the assurance that American principles on the use and acceptance of electronic signatures and records will be emulated overseas, ensuring that American businesses will not be put at a competitive disadvantage by restrictive foreign laws.

Let me finish by thanking the gentleman from Virginia (Mr. BLILEY), who has worked very hard to bring this well thought-out and critical measure to the floor today. S. 761 is an important step in reconciling our legal system with modern-day technology. It is essential to fostering the continued growth of electronic commerce that is propelling America's economic prosperity in the Information Age. I urge all my colleagues to vote in favor of this conference report.

Mr. DINGELL. Mr. Speaker, I yield 1½ minutes to the distinguished gentleman from Virginia (Mr. MORAN).

Mr. MORAN of Virginia. Mr. Speaker, I thank the very distinguished gentleman from Michigan (Mr. DINGELL), our senior Democrat in the Congress, for yielding me this time and for his strong support of this conference report.

Mr. Speaker, the Internet has become an integral part of our daily lives at work and at home. Because of the Internet, the American people have access to services and information that were unheard of 5 or 10 years ago. Approval of this conference report is a step towards ensuring that American businesses and consumers are able to take the fullest advantage of the digital revolution by being able to contract as well as to communicate over the Internet.

This legislation promotes the use of electronic signatures by providing a consistent and predictable national framework of rules governing the use of electronic signatures. It will provide consumers and companies doing business on the Internet legal certainty over electronic signatures until all 50 States pass their own legislation on the legality of electronic transactions under the Uniform Electronic Transaction Act.

It is not an attempt to regulate electronic commerce. It merely declares the validity of electronically created contracts and records. But it retains individual choice and personal security. As the supportive statements of the gentleman from Virginia (Chairman BLILEY) and the gentleman from Michigan (Mr. DINGELL), the ranking Democrat, have underscored, this is balanced, bipartisan legislation that will allow the American people to utilize the Internet to its fullest potential. So I urge a unanimous vote on this conference report.

Mr. BLILEY. Mr. Speaker, I yield 3 minutes to the gentleman from Louisiana (Mr. TAUZIN), chairman of the subcommittee.

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

Mr. TAUZIN. Mr. Speaker, let me first thank the gentleman from Virginia (Mr. BLILEY), the chairman of our Committee on Commerce and the leader of our conference with the Senate, for the production of this incredibly, I think, historic act today. Let me also thank the gentleman from Michigan (Mr. DINGELL) and the gentleman from Massachusetts (Mr. MARKEY), who joined the gentleman from Ohio (Mr. OXLEY) and I as the five Members of the conference committee who duked it out with 17 Senators on the conference committee in order to produce this, I think, very good result, and, as I said, which we endorse today, albeit the fact that we believe at some point we are going to have to come back and make some repairs in it in order to make sure this does not become a haven for civil class-action lawsuits.

Having said that, let me also use this moment to pay special homage and thanks to the gentleman from Richmond, Virginia (Mr. BLILEY), the chairman of the Committee on Commerce,

who is today adding another star on the chest of this warrior for telecommunications reform.

The gentleman from Virginia (Mr. BLILEY), as my colleagues know, was our chairman when he produced the historic 1996 Telecommunications Act that rewrote the 1930s laws on telecommunications, something we have been trying to do for a decade, and accomplished under his chairmanship.

The gentleman from Virginia (Mr. BLILEY) recently produced for us the conference report and the final action on the bill to deregulate satellites in this country and around the world, and that was an amazing and important accomplishment of his tenure.

I mentioned earlier the on-line privacy acts that are going to provide Americans with much more security and privacy as they enter this new world of electronic commerce. Much of it is the work of the gentleman from Virginia (Chairman BLILEY).

The national 911 bill that will provide a national number for people to call in terms of emergencies on the Nation's highways is a product of his tenure as chairmanship; now this historic digital signature act of the year 2000.

But the gentleman from Virginia (Mr. BLILEY) is not through. This afternoon, we take up anti-spam legislation to protect Americans on the Internet from the avalanche of damaging and very disruptive spam operations that hurt electronic commerce and damage our capacity to use the Internet efficiently to communicate with one another.

He is a cosponsor with me of the Truth in Billing Act to do something about making sure the telephone company bills we get clearly disclose what all those charges are about so Americans understand what is on that massive and complicated telephone bill. The gentleman from Virginia (Mr. BLILEY) has been truly a warrior of the telecommunications reform.

Today, we not only celebrate a historic, I think, beginning of making sure that electronic commerce is secure and legal and binding into the future, but I also see the gentlewoman from California (Ms. ESHOO), who I want to commend for her early work on this issue for many years. But today we not only celebrate the passage of this act, we celebrate, as the gentleman from Virginia (Mr. BLILEY) is nearing his retirement, an incredible series of accomplishments on behalf of the chairman of our Committee on Commerce.

Mr. Speaker, today I rise in support of the Conference Report to accompany S. 761, the ''Electronic Signatures in Global and National Commerce Act.'' This historic legislation, I believe, will promote the growth of electronic commerce and the Internet economy.

For the first time in our nation's history, this legislation mandates that electronic signatures and records may take the place of handwritten signatures and hard, or paper, documents. And for the first time in our history, electronic signatures and records will have full legal validity.

This bill, once enacted into law, will bring enormous savings to business through greater efficiency, faster transactions, and reduced paperwork. Moreover, consumers will save from lower transactions costs.

S. 761, I must also mention, provides for extensive consumer protection. Not only are existing state and federal consumer protection laws unaffected, but the provisions regarding consent afford consumers with the greatest possible safeguards against fraud imaginable. Consumers must opt-in to electronic transactions, receive full disclosure of terms and conditions, and ultimately prove that they can electronically access and retain the information that is the subject of the consent. I submit that in all my time in Congress, I have never seen a more involved statutory framework for purposes of manifesting consent.

In addition, S. 761 does not ignore international developments. It directs the Secretary of Commerce to examine foreign laws that may be an impediment to the use and acceptance of electronic signatures and records. The Secretary must also promote e-signatures overseas and work to remove the foreign barriers and impediments to commerce in electronic signatures and records.

Finally, this legislation before us technology neutral. Mr. Speaker, in developing this legislation, the Conference Committee recognizes that certain technologies are more secure than others. The Committee also recognizes that consumers and businesses must as well be free to select the technology that is most appropriate for their particular needs, taking into account the importance of a transaction, the special nature of a transaction, and the corresponding need for assurances. To this extent, S. 761 is consistent with the ''Government Paperwork Elimination Act'' that we passed last Congress.

Mr. DINGELL. Mr. Speaker, I yield 3½ minutes to the distinguished gentleman from Massachusetts (Mr. MARKEY).

Mr. MARKEY. Mr. Speaker, I thank the gentleman from Michigan for yielding me this time. I would like to engage in a colloquy, if I may, with the gentleman from Virginia (Mr. BLILEY) on the consumer consent provision in the conference report on electronic signatures.

Is it the understanding of the gentleman from Virginia, Mr. Speaker, that pursuant to subsection 101(c)(1)(C)(ii) of the conference report, a consumer's affirmative consent to the receipt of electronics records needs to ''reasonably demonstrate'' that the consumer will be able to access the various forms of electronic records to which the consent applies?

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

Mr. MARKEY. I am glad to yield to the gentleman from Virginia.

Mr. BLILEY. Yes, Mr. Speaker. The conference report requires a ''reasonable demonstration'' that the consumer will be able to access the electronic records to which the consent applies. By means of this provision, the conferees sought to provide businesses and consumers with a simple and efficient mechanism to substantiate consumers' ability to access the electronic information that will be provided to them.

Mr. MARKEY. Mr. Speaker, I agree. The conferees did not intend that the ''reasonable demonstration'' requirement would substantially burden either consumers or the person providing the electronic record. In fact, the conferees expect that a ''reasonable demonstration'' could be satisfied in many ways.

Does the gentleman from Virginia agree with me that conferees intend that the reasonable demonstration requirement is satisfied if the provider of the electronic records sent the consumer an e-mail with attachments in the formats to be used in providing the records, asked the consumer to open the attachments in order to confirm that he could access the documents, and requested the consumer to indicate in an e-mail response to the provider of the electronic records that he or she can access information in the attachments?

Mr. BLILEY. Mr. Speaker, will the gentleman further yield?

Mr. MARKEY. I yield to the gentleman from Virginia.

Mr. BLILEY. Yes, Mr. Speaker. An e-mail response from a consumer that confirmed that the consumer can access the electronic records in the formats provided to the consumer as e-mail attachments would satisfy the reasonable demonstration requirement.

Mr. MARKEY. Mr. Speaker, does the gentleman from Virginia also agree with me that the reasonable demonstration requirement is satisfied if it is shown that, in response to such an e-mail, the consumer actually accesses records in the relevant electronic format?

Mr. Speaker, I yield to the gentleman from Virginia (Mr. BLILEY).

Mr. BLILEY. Yes, Mr. Speaker. The requirement is satisfied if it is shown that, in response to such an e-mail, the consumer actually accesses the information contained in electronic records in the relevant format.

Mr. MARKEY. Mr. Speaker, on another matter, with respect to penny stocks, would the gentleman from Virginia agree that conference reports preserve the ability of the SEC to require written customer statements with respect to a purchase of penny stocks, as was required in the House-passed version of this bill?

Mr. BLILEY. Mr. Speaker, if the gentleman will yield, the gentleman from Massachusetts is correct. Following enactment of the Penny Stock Reform Act of 1990, the SEC has developed a cold call rule that requires brokers to obtain a signed customer statement regarding any penny stock to be purchased before any transaction takes place.

In addition, customers are provided with important written disclosures involving risks of investing in penny stocks. Section 104 of the conference report specifically permits Federal regulatory agencies, such as the SEC, to

interpret the law to require retention of written records in paper form if there is a compelling governmental interest in law enforcement for imposing such a requirement and if imposing such a requirement is essential to attaining such interest. The conferees expect the SEC would be able to use this provision to require brokers to keep written records of all disclosures and agreements required to be obtained by the SEC's penny stock rule.

Mr. MARKEY. Mr. Speaker, without question, penny stocks are a very special category of extremely dangerous investments that I think will require that the SEC needs to be able to ensure additional disclosure and agreements to continue to be done in writing to help protect consumers against fraud and facilitate the SEC securities law enforcement mission. I thank the gentleman from Virginia (Mr. BLILEY) very much for his assistance.

The SPEAKER pro tempore (Mr. GIBBONS). The Chair advises the Members that the gentleman from Virginia (Mr. BLILEY) has 18 minutes remaining, and the gentleman from Michigan (Mr. DINGELL) has 22 minutes remaining.

Mr. BLILEY. Mr. Speaker, I yield 3 minutes to the gentleman from Ohio (Mr. OXLEY), chairman of the Subcommittee on Finance and Hazardous Materials.

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

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

Mr. Speaker, I rise in support of the E-Sign conference report. This legislation is deceptively simple. It provides that anywhere in law a written signature or paper record is required, that requirement can be satisfied by an electronic signature or electronic record. Other than repealing some of our law school educations, this legislation provides a real future for electronic commerce.

Its application is clearly sweeping. It will promote legal certainty in all on-line transactions. In so doing, it will accelerate the growth of electronic commerce. E-Sign is a rare example of legislation in which Congress is being proactive rather than reactive.

Because the access to financial information has improved dramatically, the Internet provides significant opportunities for more Americans to become directly involved in the capital markets.

Be it trading stocks on-line, assembling a retirement portfolio or getting a mortgage on-line, E-Sign will allow consumers to do it faster, cheaper, and better.

Today, millions of Americans trade securities and manage their investments on-line. The cost savings to investors are enormous. Full-service brokerage can cost as much as $400 per trade. On-line brokerage costs less than $10 per trade at some firms.

One goal of E-Sign is to allow consumers to open accounts on-line without mandating a physical signature or a brokerage agreement and mailing it back to the broker. E-Sign will lower transaction costs to firms and improve the audit trail for customers.

E-Sign will also facilitate an increase of the provision of insurance products on-line and provide for on-line mortgages. It has been estimated that consumer savings will amount to $5 billion in mortgages alone.

I want to highlight two other provisions to which I contributed. The first is the amendment that I sponsored to allow letters of agency, or LOAs, to be submitted over the Internet for the purpose of changing telecommunications carriers.

The second provision of which I took special interest is intended to limit the liability exposure of insurance agents so they are not liable for deficiencies in electronic procedures.

I want to take this opportunity to commend the gentleman from Virginia (CHAIRMAN BLILEY) for his leadership once again on this important legislation. It is a fitting legacy to his chairmanship, along with Gramm-Leach-Bliley, Litigation Reform, and the Telecommunications Act, among many others. Under the gentleman's leadership, the Committee on Commerce has become the e-commerce committee.

I also want to thank the gentleman from Michigan (Mr. DINGELL), the gentleman from Massachusetts (Mr. MARKEY), and the gentleman from Louisiana (Mr. TAUZIN) for their work on the conference.

E-Sign is not just a bill that will benefit companies that develop new technology. It will also help American businesses, large and small, use technology to develop their businesses and provide new and innovative services to consumers.

This a proud day for the Congress, a proud day for the Committee on Commerce.

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Mr. DINGELL. Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. GREEN).

Mr. GREEN of Texas. Mr. Speaker, I thank the gentleman from Michigan (Mr. DINGELL), the ranking member, and also the gentleman from Virginia (Mr. BLILEY), the chairman of the committee, for their yeomen's efforts on this bill.

Our signature is our word. It binds all agreements. The signatures of our forefathers freed our country. Today, in many respects, we are going to free the American consumer. The legislation before us today will allow an electronic signature to replace a written signature for many business transactions.

The electronic signature, in many instances, will speed transactions between consumers and businesses across States and across nations. Not having to sign and mail important documents does come, however, at a price. As a member of the Committee on Commerce and the Subcommittee on Telecommunications, Trade, and Consumer Protection, I supported ensuring that consumers are protected from the fraudulent use of their name. To this end, a balanced disclosure policy that allows consumers the choice of receiving important documents either on paper or electronically has been incorporated in this legislation.

While there are a great many people in this country that are computer literate, there are those that are more comfortable in signing their names to paper. This bill accommodates those people. I also want to point out that not all documents are eligible for the electronic signature. Wills, court orders, foreclosures, termination of health benefits are just examples of the documents that must be delivered and signed directly by the consumer.

This legislation will continue our progress into the new digital millennium, and I am pleased the conference committee produced this solid bipartisan legislation that helps and protects the American consumers.

Mr. Speaker, this is a good piece of legislation, and again I thank the chairman of the committee and also our ranking member for their efforts on this.

Mr. BLILEY. Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. ARMEY), the distinguished majority leader.

Mr. ARMEY. Mr. Speaker, I thank the gentleman from Virginia for yielding me this time, and let me thank the Committee on Commerce for another very, very good piece of legislative work. Not only was it an outstanding job in committee, preparing this bill for the floor, but even in the sometimes more rigorous business of working with the other body in conference committee we find the dedication of the committee to be excellent, and we have before us an excellent product.

Mr. Speaker, we live in a world of innovation and invention that boggles the mind. Each day we use dozens of new technologies that we would not even have imagined a few short years ago. Today, we are removing government obstacles that prevent consumers and businesses from making the most of these wonders of technology. We are checking off a major item in our e-contract with high-tech America.

Most of us see the advantages of technology in our daily lives as consumers, but there is a larger, invisible benefit: Increasing productivity in every business in America. Our modern economy makes it possible for a business to go on-line and order supplies quickly and accurately. It is simple and it is paperless, with one little hitch: Today, no sale is a legal contract without a piece of paper on file somewhere. The materials are ordered, the products are custom made, the special delivery instructions are carried out, all with just a few strokes of the keyboard. But for legal backup that paper must always be stored in a file cabinet somewhere.

This bill changes all that. Now, an electronic document will be considered a contract for legal purposes. A simple change with a dramatic impact. Just think of all those file cabinets full of purchase orders and invoices that will be no longer needed.

Consumers will see the benefits in their lives, too. Today, they can go on-line to buy a car, do all the research, figure out what they want to buy and find the exact car they want among all the dealerships nationwide. But when they go to finally settle on the deal, today, they have got to commit pen to paper and wait on regular mail.

A consumer can go on-line to research and find a mortgage but, again, that last step must be on paper and delivered by snail mail. We can get a world of information on mutual funds by searching on-line; but, again, that last step has to be on paper, delivered by the post office.

This bill changes all that. It eliminates the paper, the delay, the inconvenience by letting the consumer open that account on-line, confident that the transaction has the same standing in law as if they had signed a contract on paper at a bank or investment company. More importantly, we consumers can choose to have information about our accounts sent to us electronically rather than on paper. Instead of storing shoe boxes full of monthly statements, we can receive statements by e-mail and save them on our computers.

With this bill, Mr. Speaker, each of us will have increased confidence that an on-line transaction has the same legal standing as if we had traveled down to the bank, stood in line for an hour, and signed a bunch of papers. What we get from this bill, Mr. Speaker, is paperless transactions. What we receive is electronic records. With this bill, we save our time, we save frustration, and we save trees.

Mr. DINGELL. Mr. Speaker, I yield 2 minutes to the gentlewoman from New York (Mrs. MALONEY).

Mrs. MALONEY of New York. Mr. Speaker, I thank the ranking member, who is also the dean of our caucus, for his leadership on this issue and so many others and, of course, the gentleman from Virginia (Mr. BLILEY).

We are at the beginning of a new century which is more information, more wired, and technology driven. Our evermore global new economy is changing the way Americans work and communicate with each other. This conference committee report is part of that change, and I fully endorse it.

This legislation knocks down another barrier to a fully incorporated digital information-based economy. The bill requires that e-signatures be treated legally, the same as written ones, for commercial contracts, agreements and records. For consumers, this bill means less paperwork, major time savings and reduced costs. This will greatly increase the attractiveness and efficiency of on-line commerce.

An important privacy protection will require consumers to opt in to receive records electronically. This strikes an important balance, ensuring that consumers' interests are adequately protected as transactions are increasingly completed in digital form.

While the information economy is changing the way people live around the world, it is having an even more profound impact on the congressional district in New York City, which I represent, particularly the silicon alley area. The technology industry is responsible for 100,000 new jobs in New York City alone in the 1990s. These are highly desirable, professional jobs that are an important addition to our city. This bill is an important step in keeping this progress moving forward.

I thank the conferees for their important work on this bipartisan issue, and I urge its passage.

Mr. BLILEY. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. COX), a member of the committee and chairman of the Republican Policy Committee.

Mr. COX. Mr. Speaker, I thank the gentleman for yielding me this time, and I rise in strong support of this conference report. I would like to thank the chairman of the full committee for his leadership of our House effort in the House-Senate conference. It is a very, very important step for this Congress that we are completing action on this legislation.

The growing use of the Internet, of course, gave rise to the need for this legislation. It created questions about whether or not a piece of paper, pen and ink, would be necessary in order to make a contract that otherwise was negotiated and agreed to on-line.

We have just started a new millennium. In the last millennium, several centuries ago, there were similar questions about whether one could form a contract in some way other than with a stamp and hot wax, and I am happy to say that with such high-tech inventions as the ballpoint pen at hand, legislatures all over the world recognized the efficiency of permitting people to make agreements that were legally binding without a stamp and hot wax. Now, in the 21st century, we are asking ourselves again whether the latest technology will be sufficient to form an agreement. We have agreed that the answer must be yes.

No longer will there be inconsistency among the 50 States over the question of whether a contract is a contract just because it was made over the Internet. Now, an electronic signature, that is an individual's agreement given on-line, will be just as legally valid as the handwritten signature. And this is a good thing, because they are not just mere substitutes for one another.

In fact, an electronic signature is more secure. Present-day technology permits us to ascertain more accurately whether or not the individual is actually the person making the agreement or whether the person at the other side of the contract is the contracting party much more so than signatures, which can more easily be forged. Digital signatures also permit us to ascertain whether or not the contract itself is the very contract that we thought we were signing or whether it has been altered in some way. These are real benefits over paper and ink.

There is one other thing about this conference report that is worth mentioning, and that is that it permits the parties themselves to agree on the specific technologies that they find satisfactory in coming to a meeting of the minds. When we pass legislation that is going to be valid not just for a month or for a year; but for the indefinite future, it is vitally important we permit technology to advance, that we not impede it with our legislative enactments. And this flexibility, my colleagues, I think, is a very important aspect of this legislation.

Finally, I am pleased that this legislation directs the Commerce Department, the executive branch of our government to work with foreign governments to make sure that this rule, which will now apply in the 50 States, also applies worldwide.

Mr. DINGELL. Mr. Speaker, I yield 2½ minutes to the gentlewoman from California (Ms. ESHOO).

Ms. ESHOO. Mr. Speaker, I rise in support of this very important conference report that is before us today. As so many of my colleagues have mentioned, we have moved into a new era, from pen and quill, from wax, from all kinds of imprints that would conclude a contractual agreement between parties.

Back in 1996, I believe I was the first to establish a virtual district office, where constituents could go on-line to fill out the government forms. But I very quickly realized that they could not sign off on these forms. So it was in that Congress that I brought to my colleagues the whole issue of digital signatures.

The government now, because of the legislation that I had introduced in the last Congress, and it became law, now allows for digital signatures. But today, this legislation, very importantly, recognizes that electronic commerce is here, here to stay, and that we, too, have to extend across the States to businesses and to individuals the allowance of what we now call a digital signature.

I am very proud of the work that we did that is reflected in the legislation that I introduced, and building on it, of course, what our chairman and so many others have done. Two very important aspects of this legislation are that the financial services community is included in this and, very importantly, that there are consumer protections. Our chairman accepted the work that some of us did. There was a very important amendment that the gentleman from Washington (Mr. INSLEE), the gentleman from Virginia (Mr. MORAN), myself, and others introduced. That strengthened the backbone of this

bill. It has made it better for the consumer. It has made it better for our Nation. I salute him for his leadership.

Mr. Speaker, I thank those that have worked as conferees and have held onto this. And I think that as we embark upon this Internet revolution, this new economy, that there are more challenges upon us. And I think the first, and one of the major steps, is being taken today. So I urge my colleagues to accept this conference report. It is a very important one.

I look to the future of building on the issues of privacy, of cyber security, of intellectual property, of copyright and also of financial reporting standards. Please vote for this. This is a step that matches the new century, and I salute our chairman for his leadership on it.

Mr. BLILEY. Mr. Speaker, I yield 2 minutes to the gentleman from New York (Mr. FOSSELLA), a member of the committee.

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

□ 1215

Mr. FOSSELLA. Mr. Speaker, I thank the chairman of the committee for yielding me the time and to add to those who have said prior how this will add, I think, to a wonderful legacy that the gentleman from Virginia (Chairman BLILEY) has earned as chairman of the Committee on Commerce and the ranking member and others who participated.

Mr. Speaker, I rise today in support of the conference report to S. 761, the Electronic Signatures in Global and National Commerce Act.

The most recent Commerce Department report on the digital economy released last week was aptly titled Digital Economy 2000. Interestingly, this is a change from the two previous reports, which were entitled The Emerging Digital Economy.

The Commerce Department's reasoning for the title change was simple: the digital economy is no longer emerging but, rather, it has already arrived.

The Electronic Signatures in Global and National Commerce Act, better known as E–SIGN, is the most important step that Congress has taken to date ensuring that not only the benefits of the digital economy are sustained but, more importantly, that those benefits are grown and enhanced substantially.

By according electronic records and signatures the same legal effect and enforceability as those enjoyed by non-electronic records and signatures, E–SIGN enables more complex transactions to take place among a wider range of economic participants.

For example, the American consumer no longer will be limited to purchases of books or CDs on-line. Rather, with the enactment of E–SIGN, the American consumer can participate in complex on-line transaction, such as the purchase of a home, a life insurance policy, or the establishment of an IRA, to name but a few.

Moreover, E–SIGN will empower small businesses to more effectively compete with large corporations. Those businesses will be empowered to engage in on-line transactions which are more complex in nature and greater in value.

Both the American consumer and the small businessman can more fully harness the efficiencies and the value of the digital economy with E–SIGN.

America's larger economies will also benefit from the added legal certainty brought to the digital marketplace with E–SIGN.

With that, and for all those reasons mentioned above, Mr. Speaker, I urge strong support of this legislation.

Mr. DINGELL. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from California (Mr. BERMAN).

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

Mr. Speaker, I am very pleased to rise in support of passage of the conference report.

When the bill first came before the House, I had some very serious concerns that it might undermine the many consumer laws that we have fought hard to develop, the laws that are the very basis of relationships of trust between consumers and merchants.

At that time, many of us warned that a bill unfriendly to consumers would not be good for the very industries that wanted it, those moving into the new world of electronic commerce.

Validating electronic signatures and contracts is essential for the continued growth and security of e-commerce. But this important goal is expanded by some with the aim of eliminating virtually all paper requirements; and that expansion, to my way of thinking, was excessive.

For instance, H.R. 1714 as originally passed allowed regulated industries to eliminate paper records but did not require businesses to maintain their records in a form that could be accessed by government regulators.

Our efforts to oppose the worst of this legislation have led to a very good result. The conference has reshaped the bill to protect consumers from fraud and to provide assurances that consumers will know their legal rights before they opt-in in receiving electronic records, understand what records will be affected, and to be able to get the records in paper should they need to.

Further, the report preserves State and Federal unfair deceptive practices laws.

The conference report establishes a principle that the Internet must be a safe place for consumers. I credit my Democratic colleagues, the gentleman from Michigan (Mr. DINGELL) and his other colleagues on the conference committee, for defending the need to preserve consumer protections and the excellent leadership of the gentleman from Virginia (Chairman BLILEY) in achieving an appropriate balance in an excellent piece of legislation.

I am confident that, in passing this report, we will be passing a bill that will enable electronic conference to go ahead without undermining consumer protections or the Government's ability to fulfill its role in industry oversight. A very good job has been done by the conference committee.

I urge the passage of the bill.

Mr. BLILEY. Mr. Speaker, I yield 2½ minutes to the gentlewoman from Maryland (Mrs. MORELLA).

Mrs. MORELLA. Mr. Speaker, I thank the gentleman for yielding me the time. I also thank the gentleman from Virginia (Chairman BLILEY) for the leadership he has shown in bringing this bill to the floor and all the other achievements in this Congress and previous Congresses. We are going to miss him. And again, I appreciate seeing him in this real successful effort.

The gentleman from Michigan (Mr. DINGELL), the ranking member, has been great. A lot of people have worked on this conference report. I and the American public appreciate that very much.

I certainly am in strong support of the bipartisan conference report on the Electronic Signatures in Global and National Commerce Act. I am delighted to see such a comprehensive agreement has been reached.

The fast growth of electronic commerce that has fueled the economic boom in recent years needs to be fostered, and this bill does that.

By validating electronic contracts, placing them with an equal legal standing as paper contracts, while assuring essential consumer protections, this conference report will further ensure that the scope of private enterprise on the Internet remains limited only by imagination. All of these elements have been considered.

As the States continue to set up their own regulations, Federal guidelines need to be in place which establish a framework for handling electronic signatures. I am encouraged that such a mechanism has been constructed that does not impede on the State's role of protecting consumers and the solvency of our Nation's financial institutions.

This legislation in many ways is a recognition of a new era of human history. For thousands of years, paper has been the foundation of commerce. All contracts and official records needed to be physically kept. They had to make their mark in ink.

But every day more shopping, lending, and a myriad of other business transactions are conducted over the Internet. The concept is simple, but it signifies a major change. The pen is replaced by the keyboard. The paper is replaced by disk drives. The result is the promotion of e-commerce and the high-tech explosion that has so drastically altered today's society.

This conference report, however, does not take this step lightly. There is an understanding of the newness of the

medium. And to balance the concerns of cautious consumers, the legislation includes provisions meant to protect their interests.

For instance, businesses must receive the consumer's consent before they conduct their dealings electronically. Also, very sensitive information still must be transmitted physically. Cancellation or termination of health insurance cannot be done via e-mail.

As is often the case, society acts and Congress follows. By enacting this legislation today, we begin to remove some barriers to the electronic revolution to clear the Internet open for business.

Mr. DINGELL. Mr. Speaker, I yield 2½ minutes to the distinguished gentleman from Washington State (Mr. INSLEE).

Mr. INSLEE. Mr. Speaker, I rise with a note of personal satisfaction that the House has been able to succeed in fashioning a true bipartisan bill. I think that is largely due to the efforts of the gentleman from Michigan (Mr. DINGELL), the ranking member, and the gentleman from Virginia (Chairman BLILEY). Their years in service and experience have really paid off here in leading this House to be able to find this consensus.

Sometimes new Members, like myself, need to recognize the ability for experience to pay off here; and that has happened in this case.

Mr. Speaker, this is a great bill because, simply, it will allow business to move at the speed of light rather than the speed of paper. I think in the halls of Congress we have got to recognize that there is incredible genius out there every minute of every hour creating new products, new consumer benefits. And we in the House have to make sure that we help them do that; we remove barriers that are standing in their way.

I represent an extremely high-tech district, Redmond, Washington, north of Seattle, where every day there are geniuses coming up with new technologies. And this is really a single statement, I think, that the House is going to move ahead and recognize a new fact. And that new fact is this: there are no just high-tech issues anymore. Everything is high tech. This is a statement that the House understands that.

Secondly, Mr. Speaker, I want to say that we have achieved a market success in making sure that consumer rights are protected when this new technology is used.

Several of us had an amendment when the bill was in the House that made sure that all consumer protections in the country, all the substantive notices and consumer protections, in fact those protections of consumers will remain in under this new law.

In addition, it will make sure that only when consumers want to use electronic measures will they be used. So it is a great day.

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

Mr. INSLEE. I yield to the gentleman from Michigan.

Mr. DINGELL. Mr. Speaker, I think the gentleman is raising an issue which is important. I would like to observe that the House and, I think, the people of the country owe the gentleman from Washington (Mr. INSLEE) a substantial vote of thanks for his leadership on this matter.

He offered the amendment which very significantly improved the legislation by affording very significant protections to consumers and to the public who would use this legislation. That amendment remains in the legislation, and it is going to be very helpful.

I hope the gentleman is proud of what he has done, because the country owes him a debt for his significant accomplishment in this matter.

Mr. INSLEE. Mr. Speaker, I thank the gentleman for his comments. I will always yield to anyone who has comments of that nature. I thank the gentleman so much. That is high praise from the source.

Mr. Speaker, it is a good day for the House.

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

Mr. Speaker, as we approach the end of this process on this historic piece of legislation, I do want to take a moment to recognize the hard work of our respective staffs who were instrumental in getting us here today.

First let me thank my staff: Paul Scolese; Ramsen Betfarhard; David Cavicke; Linda Bloss-Baum, by the way who just gave birth to a new baby girl named Alexandra; and Mike O'Rielly. These guys did an outstanding job on this bill, and they know more about the substance of this bill than anyone.

I also want to thank Consuela Washington and Bruce Gwinn on the staff of the gentleman from Michigan (Mr. DINGELL) and Colin Crowell and Jeff Duncan from the staff of the gentleman from Massachusetts (Mr. MARKEY).

Further, let me thank the diligent staff from the other body, especially Maureen McLaughlin from the Senate Commerce Committee. Maureen was an outstanding asset to the conference committee.

I must also express deep thanks to Andy Pincus of the Department of Commerce. His willingness to work on this issue in a constructive manner is one of the reasons we are here today.

All of these people have made this successful day possible, and I extend my heartfelt gratitude. I thank them for their tireless work and dedication.

I would also take a moment to read through a sampling of the groups that support this legislation:

Business Software Alliance, Microsoft, America Online, Information Technology Association of America, American Express Company, DLJDirect, American Bankers Association, Citigroup, Information Technology Industry Council, American Electronics Association, Fannie Mae, Freddie Mac, National Association of Realtors, Oracle, Cable & Wireless, Sallie Mae, U.S. Chamber of Commerce, Real Estate Roundtable, Consumer Mortgage Coalition, Mortgage Bankers Association, Electronic Financial Services Council, Intuit, Federal Express, National Association of Manufacturers, Coalition of Electronic Authentication, America's Community Bankers, and Investment Company Institute.

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

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

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

Mr. Speaker, I thank the gentleman from Michigan (Mr. DINGELL) for his cooperation and particularly the hard work of his staff, as I said before. This is a good bill.

I would just like to say in closing a word about process. We have said about as much as needs to be said about this bill. But I would like to say to all of my colleagues that I find that, if we sit down at the table with our colleagues on the other side of the aisle and we respect their positions, their opinions, they will respect ours; and if we are sincere about reaching an agreement, we usually can do so.

It is better to do that than to stand on opposite sides of a room and throw rhetorical grenades at each other. We do too much of that.

The American people sent us up here to do a job. We are doing that in the finest tradition with this bill.

Mr. CROWLEY. Mr. Speaker, I would like to express my strong support for the electronic signatures legislation.

As legislators, it is part of our job to help ensure a sound economy. Supporting the growing high-tech industry helps us accomplish this important part of our job.

That is why I am proud to support the Electronic Signatures in Global and National Commerce Act and the Conference Report. This much needed legislation will provide legal certainty and a national standard for business-to-business contracts and some consumer contracts that were agreed to on-line, as well as ensure important consumer protections.

As anyone who has taken out a mortgage knows, courier and other fees can be a substantial cost to consumers. By allowing for on-line transactions, we can help bring down the costs associated with contracts for anything we can purchase on-line.

Mr. Speaker, back in the 80's, pundits were predicting the paperless office. Well, it's the year 2000 and we're still not there. Part of the problem is our antiquated system of rules and differing state laws, which although important, can serve as a hindrance to interstate commerce over the Internet.

With this legislation, we will be effectively removing one of the greatest roadblocks to Internet services. I was proud to cast my vote in support of

this legislation in November, and I am proud to cast my vote in support of the conference report today.

I would like to commend the conferees for agreeing to this balanced report and for all of their hard work. This is an important and complicated piece of legislation and I believe they deserve a great deal of credit for preparing this package.

I urge all of my colleagues to support this important legislation.

Mr. SANDLIN. Mr. Speaker, today I voice my support for the conference report on S. 761, Electronic Signatures in Global and National Commerce Act. Now, more than ever, business is conducted through the Internet and the need for a federal standard on electronic contracts, agreements and records is critical to the integrity of many of these transactions.

This historic piece of legislation will essentially give the electronic signature the same legal effect as a written signature. Although 40 states already have enacted laws to provide for the use of electronic signatures, these laws vary greatly. The new federal law, as proposed in this conference agreement, would allow states to modify the law, provided that the modifications are consistent with the federal standard and technology neutral.

Not only does the proposed national standard give states flexibility with regards to its implementation, but it also protects the consumer. Under this agreement, a business must present the consumer with a statement informing them of their right to have notices and records provided electronically or in writing. Consumer protections are further ensured by allowing the consumer to withdraw the original consent agreement and requiring the business to provide the alternative source of transmission.

Mr. Speaker, I look forward to the new freedom that this conference report will provide in interstate and foreign commerce. Consumers will now have complete confidence that their electronic contracts, agreement and records carry the full weight of law. The E-signature conference report is a landmark in that it aligns federal law with the latest technology without being partial to the technology industry itself. I commend my colleagues for all of the hard work they have done on this historic piece of legislation to ensure its swift passage into law.

Mr. LAFALCE. Mr. Speaker, I rise today in strong support of the conference report. The Congress today takes an important step in recognizing the importance to our economy of electronic commerce. In so doing, Congress also ensures that millions of Americans can begin to enjoy the benefits of a safe, reliable, and consumer-friendly electronic marketplace. As President Clinton has indicated, the bipartisan agreement we are adopting today is responsible and balanced, and includes protections to provide consumers with the confidence that is essential to conduct on-line transactions in a safe, reliable, and trustworthy manner. As a result, this legislation comes to the House floor with strong bipartisan and Administration support. President Clinton, in fact, has urged the Congress to send the legislation to his desk for his immediate signature. I am therefore proud to support this bipartisan agreement.

The legislation achieves the important objective of facilitating the use of electronic records and signatures in interstate and foreign commerce. The bill also provides that agreements, records, or contracts entered into have the same legal effect and recognition as paper transactions. Both of these objectives are complemented with provisions to ensure that consumers receive the same level of legal protection regardless of whether they conduct their transactions on paper or on line. For example, consumers must affirmatively consent electronically to receiving electronic records in a manner that reasonably demonstrates that they can access the information provided. In addition, the legislation provides that certain notices must be provided in paper, such as notices critical for the protection of consumers and public health and safety, notices of cancellation of all forms of insurance and insurance benefits, notices of default or actions to collect debts, and others.

When this legislation was initially debated on the House floor last year, I expressed concerns about its impact on existing consumer and fair lending laws and regulations. My concern centered on the potential for consumers to receive one level of protection for in-person, paper transactions, and another for on-line transactions. I was also concerned about the potential for unscrupulous and predatory practices. As a result, Banking Committee Chairman Leach and I, at my behest, wrote to the Federal Reserve to elicit their views on the legislation. The Federal Reserve, which administers consumer financial services and fair lending laws, shared my concerns and agreed that preserving its regulatory authority was essential to protecting consumers under existing consumer laws. I am happy to note that the conference report preserves this important regulatory authority, which has the dual benefit of protecting consumers from predatory practices, and providing the legal clarity that spares businesses from unnecessary litigation.

Mr. Speaker, as electronic commerce continues its rapid expansion, I fully support an approach that facilitates this growth while also protecting the rights of consumers. This conference report accomplishes both of these important goals. As our economy moves into the Electronic Age, this legislation will provide American consumers with the basic protections that they have come to know and expect from their financial service providers and from commerce in general.

Mr. WELLER. Mr. Speaker, thank you for this opportunity to support S. 761, the Conference Report on the Electronic Signatures in Global and National Commerce Act. This effort is groundbreaking, as this conference report is largest and most significant legislation on electronic commerce to date.

This bill ensures that electronic signatures and electronic records transferred via the Internet will have the same legal effect, validity or enforceability as contracts and other records signed by hand on paper. The scope of this legislation is broad and will protect interstate commerce. I am certain that the result of this important legislation will be greater confidence and security in conducting business and transactions over the Internet.

In the recent months, we have come far in our efforts to promote and encourage the growth of Internet use and e-commerce. A few weeks ago, the House voted to extend the existing moratorium on Internet taxation for an additional 5 years. I believe that this important step will give the new e-economy the time it needs to grow and flourish at a time when the number of new websites and Internet users is doubling every 100 days!

Additionally, the House passed legislation recently to eliminate the outdated 3 percent excise tax on telephone use. This tax was originally collected to help pay the Spanish-American War, a war that ended more than 100 years ago! Today, more than 90% of Internet users access the Web over telephone lines. I believe it is time to repeal this outdated tax and make the information highway just that—a freeway not a tollway.

Mr. Speaker, I am proud to support the Conference Report on S. 761. I encourage my colleagues to do the same.

Mr. CONYERS. Mr. Speaker, the Internet has the potential to be the most pro-consumer development in recent history. It can empower consumers to obtain more useful information about products—such as price comparisons, safety information, and features—and to help consumers make more educated purchases.

But the Internet will never reach its full potential if consumers do not feel secure in the electronic marketplace. If we allow the Internet to become a lawless ''Wild Wild West'' and a safe-haven for fraudulent businesses, people will simply refuse to engage in on-line commerce. Ultimately, this is a bad result both for the Internet and for consumers.

The electronic signature legislation that the House passed last fall was deeply flawed. It set up a false choice between consumer protection and electronic commerce. In fact, the two can—and should—go hand in hand.

While I supported legislation that validated electronic signatures and contracts, I opposed H.R. 1714 because it left consumers vulnerable to fraud, and it undermined numerous federal and state consumer protection laws.

H.R. 1714 also weakened the ability of federal and state regulators to enforce important safety regulations and monitor industries such as the financial services industry, and the insurance industry.

As a result of the hard work of House and Senate Democrats and the Administration, the Conference Report that is before us today is a great improvement over the House-passed bill.

The Conference Report contains several new provisions to protect consumers. Unlike the House bill, the Conference Report requires that consumers receive a notice of their rights before they consent to receive documents electronically. Now, there will truly be ''informed consent'' by the consumer.

Equally important, under the Conference Report, the consumer's consent must be in the electronic form that will be used to provide the information. This is a vast improvement over the original bill because it ensures that a consumer can actually receive and open the electronic notices that are provided to him or her.

The Conference Report also creates a framework so that federal regulatory agencies can use their rulemaking authority to create guidelines for how to properly deliver and manage electronic records. This way, the government has the flexibility and authority to prevent abuses and fraud.

Some Senate Republicans oppose this Conference Report. They say it gives consumers too many rights and does not do enough to grease the wheels for the financial services industry. I could not disagree more.

The Conference Report demonstrates that Congress can facilitate electronic commerce at the same time that we protect consumers. I am confident that this is what is best for the Internet in the long run.

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

The previous question was ordered.

The SPEAKER pro tempore (Mr. FOLEY). The question is on the conference report.

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

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

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this motion will be postponed.

□ 1230

RECESS

The SPEAKER pro tempore (Mr. FOLEY). Pursuant to clause 12 of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 12 o'clock and 30 minutes p.m.), the House stood in recess subject to the call of the Chair.

□ 1531

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. LAHOOD) at 3 o'clock and 31 minutes p.m.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Ms. Wanda Evans, one of his secretaries.

CONFERENCE REPORT ON S. 761, ELECTRONIC SIGNATURES IN GLOBAL AND NATIONAL COMMERCE ACT

The SPEAKER pro tempore. The pending business is the question of agreeing to the conference report on the Senate bill, S. 761, on which the yeas and nays are ordered.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. The question is on the conference report.

The vote was taken by electronic device, and there were—yeas 426, nays 4, not voting 4, as follows:

[Roll No. 271]

YEAS—426

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

NAYS—4

Chenoweth-Hage	Stump
Paul	Taylor (MS)

NOT VOTING—4

Cook	Sensenbrenner
Danner	Vento

□ 1553

So the conference report was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

ANNOUNCEMENT REGARDING PLANS TO ATTEND ''TO KILL A MOCKINGBIRD'' AT KENNEDY CENTER

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

Mr. CALLAHAN. Mr. Speaker, many of my colleagues are interested tonight in attending the performance of ''To Kill a Mocking Bird'' at the Kennedy Center, and we are trying desperately to work out arrangements with the leadership to roll the votes. If votes are rolled, there will be three buses waiting at the foot of the Capitol steps between 6:30 p.m. and 7:00 p.m. to take my colleagues to the Kennedy Center and then bring them back after the performance.

DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2001

The SPEAKER pro tempore (Mr. LAHOOD). Pursuant to House Resolution 518 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 4577.

☐ 1556

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 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, with Mr. PEASE (Chairman pro tempore) in the chair.

The Clerk read the title of the bill.

The CHAIRMAN pro tempore. When the Committee of the Whole rose on Tuesday, June 13, 2000, the bill had been read through page 84, line 21.

Mr. PORTER. Mr. Chairman, I move to strike the last word for the purpose of entering into a colloquy with the gentleman from New York (Mr. QUINN).

Mr. Chairman, I yield to the gentleman from New York (Mr. QUINN) for an explanation of his concerns.

Mr. QUINN. Mr. Chairman, I want to begin by thanking the gentleman from Illinois (Mr. PORTER) for the fine job and the hard work he has done, not only for the job he has done this year in a very difficult year, but over the years for our Labor-HHS bill.

☐ 1600

Mr. Chairman, as a former teacher, funding for elementary and secondary education programs is a top priority for me as well as many other Members here in the House. I have several concerns regarding education funding levels in this bill. I am particularly concerned that the title I education programs have been level funded at fiscal year 2000 levels. These title I programs are vital for school districts like the Buffalo area and many more. Title I educational assistance programs target low-income and disadvantaged areas providing accelerated instruction, smaller classes, extra time to learn after school and during the summer, and computer-based instruction. Buffalo receives approximately $23 million a year in title I funding alone.

As my colleague can see, this is critical for many districts. I have been working closely with our colleague, the gentleman from New York (Mr. MCHUGH), to ensure full funding for this program.

Secondly, Mr. Chairman, I also want to talk with the gentleman for a moment about other programs we have discussed. It has been argued that a nearly $200 million cut in the dislocated workers assistance program, run by the Department of Labor, can be justified by our Nation's strong economy. While that may be true in some parts of the country, unfortunately, in my district, in our area of the State and many other Rust Belt communities throughout the country, workers who are permanently separated from their jobs depend on this program to return to productive unsubsidized employment.

Lastly, the one-stop career centers were not funded in the bill this year. The elimination of these one-stop career centers would threaten the division of Veterans Employment and Training Services efforts toward establishing licensing and certification of military skills for the civilian economy. This would affect the licensing and certification language in the new Montgomery GI Bill legislation, which was passed in the House in May. It would also have a negative effect on Veterans Employment and Training legislation which the subcommittee will introduce later this summer. Everyone has worked extremely hard to ensure these programs exist for our Veterans.

These three concerns, Mr. Chairman, lead me to look forward to working closely with the gentleman from Illinois in the weeks to come so that these programs receive adequate funding in the final version of the legislation, and I appreciate the opportunity for this discussion.

Mr. PORTER. Mr. Chairman, reclaiming my time, I thank the gentleman for bringing this to my attention. Because of budget restraints, we were not able to provide an increase in these programs in the House bill.

However, I understand the gentleman's concerns and will assure him that I will do my best to work with my colleagues in conference to ensure that these programs receive adequate funding.

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

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES ($000)

	FY 2000 Comparable	FY 2001 Request	Recommended in bill	Bill compared with FY 2000 Comparable	Bill compared with FY 2001 Request	
TITLE I - DEPARTMENT OF LABOR						
EMPLOYMENT AND TRAINING ADMINISTRATION						
TRAINING AND EMPLOYMENT SERVICES						
Grants to States:						
Adult Training, current year	238,000	238,000	145,000	-93,000	-93,000	D FF
Advance from prior year	---	(712,000)	(712,000)	(+712,000)	---	NA
FY02	712,000	712,000	712,000	---	---	D
Adult Training, program level	950,000	950,000	857,000	-93,000	-93,000	
Youth Training	1,000,965	1,022,465	1,000,965	---	-21,500	D FF
Dislocated Worker Assistance, current year	529,025	710,510	322,025	-207,000	-388,485	D FF
Advance from prior year	---	(1,060,000)	(1,060,000)	(+1,060,000)	---	NA
FY02	1,060,000	1,060,000	1,060,000	---	---	D
Dislocated Worker Assistance, program level	1,589,025	1,770,510	1,382,025	-207,000	-388,485	
Federally administered programs:						
Native Americans	58,436	55,000	55,000	-3,436	---	D FF
Migrant and Seasonal Farmworkers	74,195	74,445	78,000	+3,805	+3,555	D FF
Job Corps:						
Operations	633,140	681,669	688,625	+55,485	+6,956	D FF
Advance from prior year	---	(591,000)	(591,000)	(+591,000)	---	NA
FY02	591,000	591,000	591,000	---	---	D
Construction and Renovation (1)	33,636	20,375	20,375	-13,261	---	D FF
Advance from prior year	---	(100,000)	(100,000)	(+100,000)	---	NA
FY02	100,000	100,000	100,000	---	---	D
Subtotal, Job Corps, program level	1,357,776	1,393,044	1,400,000	+42,224	+6,956	

(1) Three year forward funded availability.

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES ($000)

	FY 2000 Comparable	FY 2001 Request	Recommended in bill	Bill compared with FY 2000 Comparable	Bill compared with FY 2001 Request		
National activities:							
Pilots, Demonstrations and Research	65,095	35,000	35,000	-30,095	---	D	FF
Responsible Reintegration of Youthful Off	13,907	75,000	13,907	---	-61,093	D	FF
Evaluation	9,098	12,098	9,098	---	-3,000	D	FF
Fathers Work/Families Win	---	255,000	---	---	-255,000	D	
Incumbent Workers	---	30,000	---	---	-30,000	D	
Safe Schools/Healthy Students	---	40,000	---	---	-40,000	D	
Youth Opportunity Grants	250,000	375,000	175,000	-75,000	-200,000	D	FF
Other	5,000	15,000	5,000	---	-10,000	D	FF
Subtotal, National activities	343,100	837,098	238,005	-105,095	-599,093		
Subtotal, Federal activities	1,833,507	2,359,587	1,771,005	-62,502	-588,582		
Total, Workforce Investment Act	5,373,497	6,102,562	5,010,995	-362,502	-1,091,567		
Women in Apprenticeship	927	---	1,000	+73	+1,000	D	
Skills Standards	7,000	3,500	3,500	-3,500	---	D	FF
Subtotal, National activities, TES	351,027	840,598	242,505	-108,522	-598,093		
School-to-Work (1)	55,000	---	---	-55,000	---	D	FF
Total, Training and Employment Services	5,436,424	6,106,062	5,015,495	-420,929	-1,090,567		
Current Year	(2,973,424)	(3,643,062)	(2,552,495)	(-420,929)	(-1,090,567)		
Advance year	(2,463,000)	(2,463,000)	(2,463,000)	---	---		
COMMUNITY SERVICE EMPLOYMENT FOR OLDER AMERICANS	440,200	440,200	440,200	---	---	D	FF

(1) 15 month forward funded availability.

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES ($000)

	FY 2000 Comparable	FY 2001 Request	Recommended in bill	Bill compared with FY 2000 Comparable	Bill compared with FY 2001 Request	
FEDERAL UNEMPLOYMENT BENEFITS AND ALLOWANCES						
Trade Adjustment	349,000	342,400	342,400	-6,600	---	M
NAFTA Activities	66,150	64,150	64,150	-2,000	---	M
Total	415,150	406,550	406,550	-8,600	---	
STATE UNEMPLOYMENT INSURANCE AND EMPLOYMENT SERVICE OPERATIONS						
Unemployment Compensation:						
State Operations	2,256,375	2,349,283	2,256,375	---	-92,908	TF
National Activities	10,000	10,000	10,000	---	---	TF
Subtotal, Unemployment Comp (trust funds)	2,266,375	2,359,283	2,266,375	---	-92,908	
Employment Service:						
Allotments to States:						
Federal Funds	23,452	23,452	23,452	---	---	D FF
Trust Funds	738,283	788,283	738,283	---	-50,000	TF
Subtotal	761,735	811,735	761,735	---	-50,000	
National Activities:						
Trust Funds	55,670	44,180	49,680	-5,990	+5,500	TF
Subtotal, Employment Service	817,405	855,915	811,415	-5,990	-44,500	
Federal funds	23,452	23,452	23,452	---	---	
Trust funds	793,953	832,463	787,963	-5,990	-44,500	

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES ($000)

	FY 2000 Comparable	FY 2001 Request	Recommended in bill	Bill compared with FY 2000 Comparable	Bill compared with FY 2001 Request	
One stop Career/Labor Market Information: Federal Funds	110,000	154,000	---	-110,000	-154,000	D
Work Incentives Grants	20,000	20,000	20,000	---	---	D FF
Total, State Unemployment	3,213,780	3,389,198	3,097,790	-115,990	-291,408	
Federal Funds	153,452	197,452	43,452	-110,000	-154,000	
Trust Funds	3,060,328	3,191,746	3,054,338	-5,990	-137,408	
ADVANCES TO THE UI AND OTHER TRUST FUNDS (1)	356,000	435,000	435,000	+79,000	---	M

(1) Two year availability.

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES ($000)

	FY 2000 Comparable	FY 2001 Request	Recommended in bill	Bill compared with FY 2000 Comparable	Bill compared with FY 2001 Request	
PROGRAM ADMINISTRATION						
Adult Employment and Training	29,986	33,113	29,986	---	-3,127	D
Trust Funds	2,420	2,797	2,420	---	-377	TF
Youth Employment and Training	34,086	37,660	34,086	---	-3,574	D
Employment Security	4,952	5,119	4,952	---	-167	D
Trust Funds	41,302	43,855	41,302	---	-2,553	TF
Apprenticeship Services	19,141	22,069	19,141	---	-2,928	D
Executive Direction	6,348	6,660	6,348	---	-312	D
Trust Funds	1,334	1,383	1,334	---	-49	TF
Welfare to Work	6,431	6,655	6,431	---	-224	D
Total, Program Administration	146,000	159,311	146,000	---	-13,311	
Federal funds	100,944	111,276	100,944	---	-10,332	
Trust funds	45,056	48,035	45,056	---	-2,979	
Total, Employment & Training Administration	10,007,554	10,936,321	9,541,035	-466,519	-1,395,286	
Federal funds	6,902,170	7,696,540	6,441,641	-460,529	-1,254,899	
Current Year	(4,439,170)	(5,233,540)	(3,978,641)	(-460,529)	(-1,254,899)	
Advance Year, FY02	(2,463,000)	(2,463,000)	(2,463,000)	---	---	
Trust funds	3,105,384	3,239,781	3,099,394	-5,990	-140,387	

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES ($000)

	FY 2000 Comparable	FY 2001 Request	Recommended in bill	Bill compared with FY 2000 Comparable	Bill compared with FY 2001 Request	
PENSION AND WELFARE BENEFITS ADMINISTRATION						
SALARIES AND EXPENSES						
Enforcement and Compliance	78,283	83,652	78,283	---	-5,369	D
Policy, Regulation and Public Service	16,803	20,205	16,803	---	-3,402	D
Program Oversight	3,848	3,975	3,848	---	-127	D
Total, PWBA	98,934	107,832	98,934	---	-8,898	
PENSION BENEFIT GUARANTY CORPORATION						
Program Administration subject to limitation (TF)	11,148	11,871	11,148	---	-723	TF
Termination services not subject to limitation (NA)	(153,599)	(164,834)	(153,599)	---	(-11,235)	NA
Total, PBGC (Program level)	(164,747)	(176,705)	(164,747)	---	(-11,958)	
EMPLOYMENT STANDARDS ADMINISTRATION						
SALARIES AND EXPENSES						
Enforcement of Wage and Hour Standards	141,893	152,688	141,893	---	-10,795	D
Office of Labor-Management Standards	29,308	30,556	29,308	---	-1,248	D
Federal Contractor EEO Standards Enforcement	73,250	76,308	73,250	---	-3,058	D
Federal Programs for Workers' Compensation	79,968	88,873	79,968	---	-8,905	D
Trust Funds	1,740	1,985	1,740	---	-245	TF
Program Direction and Support	12,611	13,066	12,611	---	-455	D
Total, ESA salaries and expenses	338,770	363,476	338,770	---	-24,706	
Federal funds	337,030	361,491	337,030	---	-24,461	
Trust funds	1,740	1,985	1,740	---	-245	

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES ($000)

	FY 2000 Comparable	FY 2001 Request	Recommended in bill	Bill compared with FY 2000 Comparable	Bill compared with FY 2001 Request	
SPECIAL BENEFITS						
Federal employees compensation benefits.....	75,000	53,000	53,000	-22,000	---	M
Longshore and harbor workers' benefits.....	4,000	3,000	3,000	-1,000	---	M
Total, Special Benefits.....	79,000	56,000	56,000	-23,000	---	
BLACK LUNG DISABILITY TRUST FUND						
Benefit payments and interest on advances.....	963,506	975,343	975,343	+11,837	---	M
Employment Standards Adm. S&E.....	28,676	30,393	30,393	+1,717	---	M
Departmental Management S&E.....	20,783	21,590	21,590	+807	---	M
Departmental Management, Inspector General.....	312	318	318	+6	---	M
Subtotal, Black Lung Disablty.....	1,013,277	1,027,644	1,027,644	+14,367	---	
Treasury Administrative Costs.....	356	356	356	---	---	M
Total, Black Lung Disability Trust Fund.....	1,013,633	1,028,000	1,028,000	+14,367	---	
Total, Employment Standards Administration.....	1,431,403	1,447,476	1,422,770	-8,633	-24,706	
Federal funds.....	1,429,663	1,445,491	1,421,030	-8,633	-24,461	
Trust funds.....	1,740	1,985	1,740	---	-245	

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES ($000)

	FY 2000 Comparable	FY 2001 Request	Recommended in bill	Bill compared with FY 2000 Comparable	Bill compared with FY 2001 Request	
OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION						
SALARIES AND EXPENSES						
Safety and Health Standards	12,700	15,093	12,700	---	-2,393	D
Federal Enforcement	141,000	153,073	139,229	-1,771	-13,844	D
State Programs	82,000	88,493	83,771	+1,771	-4,722	D
Technical Support	17,959	20,149	17,959	---	-2,190	D
Compliance Assistance:						
Federal Assistance	54,154	67,073	54,154	---	-12,919	D
State Consultation Grants	42,854	47,903	42,854	---	-5,049	D
Subtotal	97,008	114,976	97,008	---	-17,968	
Safety and Health Statistics	22,753	25,637	22,753	---	-2,884	D
Executive Direction and Administration	8,200	8,562	8,200	---	-362	D
Total, OSHA	381,620	425,983	381,620	---	-44,363	
MINE SAFETY AND HEALTH ADMINISTRATION						
SALARIES AND EXPENSES						
Coal Enforcement	110,570	114,774	111,070	+500	-3,704	D
Metal/Non-Metal Enforcement	49,693	55,240	51,818	+2,125	-3,422	D
Standards Development	1,509	1,762	1,545	+36	-217	D
Assessments	3,896	4,267	3,983	+87	-284	D
Educational Policy and Development	26,855	26,977	28,437	+1,582	+1,460	D
Technical Support	25,312	27,069	25,828	+516	-1,241	D
Program Administration	10,222	12,158	10,319	+97	-1,839	D
Total, Mine Safety and Health Administration	228,057	242,247	233,000	+4,943	-9,247	

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES ($000)

	FY 2000 Comparable	FY 2001 Request	Recommended in bill	Bill compared with FY 2000 Comparable	Bill compared with FY 2001 Request	
BUREAU OF LABOR STATISTICS						
SALARIES AND EXPENSES						
Employment and Unemployment Statistics	125,329	137,317	130,322	+4,993	-6,995	D
Labor Market Information (Trust Funds)	66,363	67,257	67,257	+894	---	TF
Prices and Cost of Living	128,753	135,408	132,707	+3,954	-2,701	D
Compensation and Working Conditions	68,921	71,186	71,037	+2,116	-149	D
Productivity and Technology	7,785	9,262	8,024	+239	-1,238	D
Economic Growth and Employment Projections	5,047	6,721	5,202	+155	-1,519	D
Executive Direction and Staff Services	24,693	26,481	25,451	+758	-1,030	D
Consumer Price Index Revision (1)	6,986	---	---	-6,986	---	D
Total, Bureau of Labor Statistics	433,877	453,632	440,000	+6,123	-13,632	
Federal Funds	367,514	386,375	372,743	+5,229	-13,632	
Trust Funds	66,363	67,257	67,257	+894	---	

(1) Two year availability.

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES ($000)

	FY 2000 Comparable	FY 2001 Request	Recommended in bill	Bill compared with FY 2000 Comparable	Bill compared with FY 2001 Request	
DEPARTMENTAL MANAGEMENT						
SALARIES AND EXPENSES						
Executive Direction	26,436	46,491	26,436	---	-20,055	D
Departmental IT Crosscut	---	54,444	---	---	-54,444	D
Legal Services	68,928	74,502	68,928	---	-5,574	D
Trust Funds	310	319	310	---	-9	TF
International Labor Affairs	70,000	167,006	70,000	---	-97,006	D
Administration and Management	26,609	24,768	26,609	---	+1,841	D
Adjudication	23,664	25,070	23,664	---	-1,406	D
Women's Bureau	8,824	9,596	8,824	---	-772	D
Civil Rights Activities	5,684	6,384	5,684	---	-700	D
Chief Financial Officer	5,793	5,972	5,793	---	-179	D
Disability Policy	8,641	23,002	8,641	---	-14,361	D
Total, Salaries and expenses	244,889	437,554	244,889	---	-192,665	
Federal funds	244,579	437,235	244,579	---	-192,656	
Trust funds	310	319	310	---	-9	

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES ($000)

	FY 2000 Comparable	FY 2001 Request	Recommended in bill	Bill compared with FY 2000 Comparable	Bill compared with FY 2001 Request	
VETERANS EMPLOYMENT AND TRAINING						
State Administration:						
Disabled Veterans Outreach Program	80,215	81,615	80,215	---	-1,400	TF
Local Veterans Employment Program	77,253	77,253	77,253	---	---	TF
Subtotal, State Administration	157,468	158,868	157,468	---	-1,400	
Federal Administration	26,873	29,045	26,873	---	-2,172	TF
Homeless Veterans Program	9,636	15,000	9,636	---	-5,364	D
Veterans Workforce Investment Programs	7,300	7,300	7,300	---	---	D FF
Total, Veterans Employment and Training	201,277	210,213	201,277	---	-8,936	
Federal Funds	16,936	22,300	16,936	---	-5,364	
Trust Funds	184,341	187,913	184,341	---	-3,572	
OFFICE OF THE INSPECTOR GENERAL						
Program Activities	42,346	44,563	42,346	---	-2,217	D
Trust Funds	3,830	4,770	3,830	---	-940	TF
Executive Direction and Management	5,749	6,814	5,749	---	-1,065	D
Total, Office of the Inspector General	51,925	56,147	51,925	---	-4,222	
Federal funds	48,095	51,377	48,095	---	-3,282	
Trust funds	3,830	4,770	3,830	---	-940	
Total, Departmental Management	498,091	703,914	498,091	---	-205,823	
Federal funds	309,610	510,912	309,610	---	-201,302	
Trust funds	188,481	193,002	188,481	---	-4,521	

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES ($000)

	FY 2000 Comparable	FY 2001 Request	Recommended in bill	Bill compared with FY 2000 Comparable	Bill compared with FY 2001 Request
Total, Labor Department	13,090,684	14,329,276	12,626,598	-464,086	-1,702,678
Federal funds	9,717,568	10,815,380	9,258,578	-458,990	-1,556,802
Current Year	(7,254,568)	(8,352,380)	(6,795,578)	(-458,990)	(-1,556,802)
Advance Year, FY02	(2,463,000)	(2,463,000)	(2,463,000)	---	---
Trust funds	3,373,116	3,513,896	3,368,020	-5,096	-145,876

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES ($000)

	FY 2000 Comparable	FY 2001 Request	Recommended in bill	Bill compared with FY 2000 Comparable	Bill compared with FY 2001 Request	
TITLE II - DEPARTMENT OF HEALTH AND HUMAN SERVICES						
HEALTH RESOURCES AND SERVICES ADMINISTRATION						
HEALTH RESOURCES AND SERVICES						
Community health centers	1,018,700	1,068,700	1,100,000	+81,300	+31,300	D
National Health Service Corps:						
Field placements	38,182	38,116	39,823	+1,641	+1,707	D
Recruitment	78,625	78,625	81,524	+2,899	+2,899	D
Subtotal	116,807	116,741	121,347	+4,540	+4,606	
Health Professions						
Training for Diversity:						
Centers of excellence	25,641	30,641	28,197	+2,556	-2,444	D
Health careers opportunity program	27,799	32,799	30,570	+2,771	-2,229	D
Faculty loan repayment	1,100	1,100	1,210	+110	+110	D
Scholarships for disadvantaged students	38,099	38,099	41,896	+3,797	+3,797	D
Subtotal	92,639	102,639	101,873	+9,234	-766	
Training in Primary Care Medicine and Dentistry	78,267	---	86,068	+7,801	+86,068	D
Interdisciplinary Community-Based Linkages:						
Area health education centers	28,587	28,587	31,436	+2,849	+2,849	D
Health education and training centers	3,765	3,765	4,140	+375	+375	D
Allied health and other disciplines	7,355	3,838	7,076	-279	+3,238	D
Geriatric programs	10,640	---	11,701	+1,061	+11,701	D
Quentin N. Burdick pgm for rural training	5,132	4,720	5,644	+512	+924	D
Subtotal	55,479	40,910	59,997	+4,518	+19,087	
Health Professions Workforce Info & Analysis	714	714	785	+71	+71	D

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES ($000)

	FY 2000 Comparable	FY 2001 Request	Recommended in bill	Bill compared with FY 2000 Comparable	Bill compared with FY 2001 Request	
Public Health Workforce Development:						
Public health, preventive med. & dental pgms	8,121	8,121	8,930	+809	+809	D
Health administration programs	1,112	---	1,223	+111	+1,223	D
Subtotal	9,233	8,121	10,153	+920	+2,032	
Children's Hospitals Graduate Medical Educ	40,000	80,000	80,000	+40,000	---	D
Advanced Education Nursing	50,597	50,597	55,640	+5,043	+5,043	D
Basic nurse education and practice	10,968	10,968	12,061	+1,093	+1,093	D
Nursing workforce diversity	4,010	4,010	4,410	+400	+400	D
Consolidated Health Professions	---	---	---	---	---	D
Subtotal, Health professions	341,907	297,959	410,987	+69,080	+113,028	
Other HRSA Programs:						
Hansen's Disease Services	20,042	17,016	17,016	-3,026	---	D
Maternal & Child Health Block Grant	709,130	709,130	709,130	---	---	D
Abstinence Education						
Advance from prior year	---	(20,000)	(20,000)	(+20,000)	---	NA
Pres. Proposed Rescission	---	(-20,000)	---	---	(+20,000)	NA
FY02	20,000	---	30,000	+10,000	+30,000	D
Healthy Start	90,000	90,000	90,000	---	---	D
Universal Newborn Hearing	3,375	3,375	8,000	+4,625	+4,625	D
Organ Transplantation	10,000	15,000	10,000	---	-5,000	D
Health Teaching Facilities Interest Subsidies	150	---	---	-150	---	D
Bone Marrow Program	18,000	17,959	22,000	+4,000	+4,041	D
Rural outreach grants	35,880	38,892	30,867	-5,013	-8,025	D
Rural Health Research	33,201	11,713	11,713	-21,488	---	D

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES ($000)

	FY 2000 Comparable	FY 2001 Request	Recommended in bill	Bill compared with FY 2000 Comparable	Bill compared with FY 2001 Request	
Critical care programs: Emergency medical services for children.....	17,000	15,000	19,000	+2,000	+4,000	D
Poison control.....	3,000	1,500	6,600	+3,600	+5,100	D
Subtotal, Critical care programs.....	20,000	16,500	25,600	+5,600	+9,100	
Black lung clinics.....	5,943	5,943	5,943	---	---	D
Nursing loan repayment for shortage area service..	2,279	2,279	2,279	---	---	D
Payment to Hawaii, treatment of Hansen's.....	2,045	2,045	2,045	---	---	D
Subtotal, Other HRSA programs, FY01.....	950,045	929,852	934,593	-15,452	+4,741	
FY 02.....	20,000	---	30,000	+10,000	+30,000	
Ryan White AIDS Programs: Emergency Assistance.....	546,500	586,500	586,500	+40,000	---	D
Comprehensive Care Programs.....	824,000	864,000	864,000	+40,000	---	D
AIDS Drug Assistance Program (ADAP) (NA).....	(528,000)	(554,000)	(554,000)	(+26,000)	---	NA
Early Intervention Program.....	138,400	171,400	173,900	+35,500	+2,500	D
Pediatric HIV/AIDS.....	51,000	60,000	60,000	+9,000	---	D
AIDS Dental Services.....	8,000	8,500	9,000	+1,000	+500	D
Education and Training Centers.....	26,650	29,150	31,600	+4,950	+2,450	D
Subtotal, Ryan White AIDS programs.....	1,594,550	1,719,550	1,725,000	+130,450	+5,450	
Family Planning.....	238,932	273,932	238,932	---	-35,000	D
Health Care and Other Facilities.....	112,408	---	---	-112,408	---	D
Buildings and Facilities.....	250	250	250	---	---	D
Rural Hospital Flexibility Grants.....	25,000	25,000	25,000	---	---	D
National Practitioner Data Bank.....	16,000	17,200	17,200	+1,200	---	D
User Fees.....	-16,000	-17,200	-17,200	-1,200	---	D

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES ($000)

	FY 2000 Comparable	FY 2001 Request	Recommended in bill	Bill compared with FY 2000 Comparable	Bill compared with FY 2001 Request	
Health Care Integrity and Protection Data Bank.....	3,238	4,317	4,317	+1,079	---	D
User Fees.....	-3,238	-4,317	-4,317	-1,079	---	D
Health Care Access for the Uninsured.....	40,000	125,000	---	-40,000	-125,000	D
Program Management.....	123,864	124,353	128,123	+4,259	+3,770	D
Total, Health resources and services.....	4,582,463	4,681,337	4,714,232	+131,769	+32,895	
Current year.....	(4,562,463)	(4,681,337)	(4,684,232)	(+121,769)	(+2,895)	
Advance Year, FY02.....	(20,000)	---	(30,000)	(+10,000)	(+30,000)	
MEDICAL FACILITIES GUARANTEE AND LOAN FUND:						
Interest subsidy program.....	1,000	---	---	-1,000	---	M
HEALTH EDUCATION ASSISTANCE LOANS PROGRAM (HEAL):						
Liquidating account.....	(15,000)	(10,000)	(10,000)	(-5,000)	---	NA
Program management.....	3,687	3,679	3,679	-8	---	D
VACCINE INJURY COMPENSATION PROGRAM TRUST FUND:						
Post-FY88 claims.....	62,301	114,355	114,355	+52,054	---	M
HRSA administration.....	2,999	2,992	2,992	-7	---	D
Total, Vaccine inquiry.....	65,300	117,347	117,347	+52,047	---	
Total, Health Resources & Services Admin.....	4,652,450	4,802,363	4,835,258	+182,808	+32,895	
Current year.....	(4,632,450)	(4,802,363)	(4,805,258)	(+172,808)	(+2,895)	
Advance Year, FY02.....	(20,000)	---	(30,000)	(+10,000)	(+30,000)	

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES ($000)

	FY 2000 Comparable	FY 2001 Request	Recommended in bill	Bill compared with FY 2000 Comparable	Bill compared with FY 2001 Request	
CENTERS FOR DISEASE CONTROL AND PREVENTION						
DISEASE CONTROL, RESEARCH AND TRAINING						
Preventive Health Services Block Grant Program	176,043	175,004	175,964	-79	+960	D
Salaries and Expenses	3,286	4,246	3,286	---	-960	D
Subtotal, Preventive Health Services Block Grant	179,329	179,250	179,250	-79	---	
Prevention Centers Program	17,119	14,080	23,000	+5,881	+8,920	D
Salaries and Expenses	633	665	2,000	+1,367	+1,335	D
Subtotal, Prevention Centers	17,752	14,745	25,000	+7,248	+10,255	
CDC/HCFA vaccine program						
Childhood immunization Program (1)	432,966	442,505	447,966	+15,000	+5,461	D
Salaries and Expenses	56,909	62,138	56,909	---	-5,229	D
Subtotal, Childhood immunization	489,875	504,643	504,875	+15,000	+232	
HCFA vaccine purchase (NA)	(545,043)	(469,054)	(469,054)	(-75,989)	---	NA
Subtotal, CDC/HCFA vaccine program level	1,034,918	973,697	973,929	-60,989	+232	
Communicable Diseases						
AIDS Program (2)	572,715	608,791	612,367	+39,652	+3,576	D
Salaries and Expenses	122,036	125,612	122,036	---	-3,576	D
Subtotal, HIV/AIDS	694,751	734,403	734,403	+39,652	---	

(1) $25 million of the President's request has been moved to PHSSEF for comparison purposes for global polio.

(2) $61 million of the President's request has been moved to PHSSEF for comparison purposes for global HIV/AIDS.

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES ($000)

	FY 2000 Comparable	FY 2001 Request	Recommended in bill	Bill compared with FY 2000 Comparable	Bill compared with FY 2001 Request	
Tuberculosis						
Program	120,420	113,413	120,364	-56	+6,951	D
Salaries and Expenses	7,308	14,259	7,308	---	-6,951	D
Subtotal, Tuberculosis	127,728	127,672	127,672	-56	---	
Sexually Transmitted Diseases						
Program	121,809	131,978	136,743	+14,934	+4,765	D
Salaries and Expenses	13,925	18,690	13,925	---	-4,765	D
Subtotal, Sexually Transmitted Diseases	135,734	150,668	150,668	+14,934	---	
Chronic Diseases						
Chronic and Environmental Disease Prevention						
Program	286,545	293,114	317,374	+30,829	+24,260	D
Salaries and Expenses	78,180	91,440	78,180	---	-13,260	D
From PHSSEF	10,000	---	---	-10,000	---	D
Subtotal, Chronic & Environmental	374,725	384,554	395,554	+20,829	+11,000	
Breast and Cervical Cancer Screening						
Program	156,016	160,235	160,941	+4,925	+706	D
Salaries and Expenses	10,479	11,185	10,479	---	-706	D
Subtotal, Breast & Cervical Cancer Screening	166,495	171,420	171,420	+4,925	---	
Infectious Diseases						
Program (1)	86,610	92,168	101,622	+15,012	+9,454	D
Salaries and Expenses	80,000	89,454	80,000	---	-9,454	D
From PHSSEF	9,000	---	---	-9,000	---	D
Subtotal, Infectious diseases	175,610	181,622	181,622	+6,012	---	

(1) $19.9 million of the President's request has been moved to PHSSEF for comparison purposes for NEDSS/EID.

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES ($000)

	FY 2000 Comparable	FY 2001 Request	Recommended in bill	Bill compared with FY 2000 Comparable	Bill compared with FY 2001 Request	
Lead Poisoning Prevention Program	31,036	30,978	31,019	-17	+41	D
Salaries and Expenses	7,207	7,248	7,207	---	-41	D
Subtotal, Lead Poisoning Prevention	38,243	38,226	38,226	-17	---	
Injury Control Program	66,298	71,060	66,298	---	-4,762	D
Salaries and Expenses	23,840	24,035	23,840	---	-195	D
Subtotal, Injury Control	90,138	95,095	90,138	---	-4,957	
Occupational Safety and Health (NIOSH) (1) Program	86,819	91,534	86,346	-473	-5,188	D
Salaries and Expenses	127,833	128,022	127,833	---	-189	D
Subtotal, Occupational Safety and Health	214,652	219,556	214,179	-473	-5,377	
Epidemic Services Program	30,374	30,254	155,338	+124,964	+125,084	D
Salaries and Expenses	55,484	55,568	55,484	---	-84	D
Subtotal, Epidemic Services	85,858	85,822	210,822	+124,964	+125,000	
Office of the Director Budget Authority	39,920	35,564	37,245	-2,675	+1,681	D
Office of the Director	39,920	35,564	37,245	-2,675	+1,681	

(1) Includes Mine Safety and Health.

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES ($000)

	FY 2000 Comparable	FY 2001 Request	Recommended in bill	Bill compared with FY 2000 Comparable	Bill compared with FY 2001 Request	
National Center for Health Statistics						
Program Operations						
Budget Authority	15,069	13,981	15,069	---	+1,088	D
Salaries and expenses						
Budget Authority	18,241	19,314	18,241	---	-1,073	D
1% evaluation funds (NA)	(71,690)	(76,690)	(71,690)	---	(-5,000)	NA
Subtotal, Health Statistics program level	(105,000)	(109,985)	(105,000)	---	(-4,985)	
Buildings and Facilities	57,131	127,074	145,000	+87,869	+17,926	D
Prevention research						
Program	13,000	13,386	14,000	+1,000	+614	D
Salaries and Expenses	2,000	1,607	2,000	---	+393	D
Subtotal, Prevention research	15,000	14,993	16,000	+1,000	+1,007	
Health disparities demonstration						
Program	27,199	31,468	32,184	+4,985	+716	D
Salaries and Expenses	2,801	3,517	2,801	---	-716	D
Subtotal, Health disparities demonstration	30,000	34,985	34,985	+4,985	---	
Total, Disease Control	2,966,251	3,133,587	3,290,369	+324,118	+156,782	

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES ($000)

	FY 2000 Comparable	FY 2001 Request	Recommended in bill	Bill compared with FY 2000 Comparable	Bill compared with FY 2001 Request	
NATIONAL INSTITUTES OF HEALTH						
National Cancer Institute	3,310,992	3,505,072	3,793,587	+482,595	+288,515	D
AIDS (NA)	---	(255,342)	---	---	(-255,342)	NA
Subtotal, NCI	(3,310,992)	(3,505,072)	(3,793,587)	(+482,595)	(+288,515)	
National Heart, Lung, and Blood Institute	2,026,006	2,136,757	2,321,320	+295,314	+184,563	D
AIDS (NA)	---	(67,175)	---	---	(-67,175)	NA
Subtotal, NHLBI	(2,026,006)	(2,136,757)	(2,321,320)	(+295,314)	(+184,563)	
National Institute of Dental & Craniofacial Research	269,129	284,175	309,007	+39,878	+24,832	D
AIDS (NA)	---	(21,100)	---	---	(-21,100)	NA
Subtotal, NIDR	(269,129)	(284,175)	(309,007)	(+39,878)	(+24,832)	
National Institute of Diabetes and Digestive and Kidney Diseases	1,141,176	1,209,173	1,315,530	+174,354	+106,357	D
AIDS (NA)	---	(22,907)	---	---	(-22,907)	NA
Subtotal, NIDDK	(1,141,176)	(1,209,173)	(1,315,530)	(+174,354)	(+106,357)	
National Institute of Neurological Disorders & Stroke	1,029,528	1,084,828	1,185,767	+156,239	+100,939	D
AIDS (NA)	---	(34,416)	---	---	(-34,416)	NA
Subtotal, NINDS	(1,029,528)	(1,084,828)	(1,185,767)	(+156,239)	(+100,939)	
National Institute of Allergy and Infectious Diseases	1,776,571	1,906,213	2,062,126	+285,555	+155,913	D
AIDS (NA)	---	(971,047)	---	---	(-971,047)	NA
Subtotal, NIAID	(1,776,571)	(1,906,213)	(2,062,126)	(+285,555)	(+155,913)	

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES ($000)

	FY 2000 Comparable	FY 2001 Request	Recommended in bill	Bill compared with FY 2000 Comparable	Bill compared with FY 2001 Request	
National Institute of General Medical Sciences.....	1,353,660	1,428,188	1,548,313	+194,653	+120,125	D
AIDS (NA).....	---	(38,696)	---	---	(-38,696)	NA
Subtotal, NIGMS.....	(1,353,660)	(1,428,188)	(1,548,313)	(+194,653)	(+120,125)	
National Institute of Child Health & Human Development	859,079	904,705	984,300	+125,221	+79,595	D
AIDS (NA).....	---	(94,204)	---	---	(-94,204)	NA
Subtotal, NICHD.....	(859,079)	(904,705)	(984,300)	(+125,221)	(+79,595)	
National Eye Institute.....	450,007	473,952	514,673	+64,666	+40,721	D
AIDS (NA).....	---	(11,176)	---	---	(-11,176)	NA
Subtotal, NEI.....	(450,007)	(473,952)	(514,673)	(+64,666)	(+40,721)	
National Institute of Environmental Health Sciences...	442,596	468,649	506,730	+64,134	+38,081	D
AIDS (NA).....	---	(7,678)	---	---	(-7,678)	NA
Subtotal, NIEHS.....	(442,596)	(468,649)	(506,730)	(+64,134)	(+38,081)	
National Institute on Aging.....	687,717	725,949	790,299	+102,582	+64,350	D
AIDS (NA).....	---	(4,298)	---	---	(-4,298)	NA
Subtotal, NIA.....	(687,717)	(725,949)	(790,299)	(+102,582)	(+64,350)	
National Institute of Arthritis and Musculoskeletal and Skin Diseases.....	349,407	368,712	400,025	+50,618	+31,313	D
AIDS (NA).....	---	(5,233)	---	---	(-5,233)	NA
Subtotal, NIAMS.....	(349,407)	(368,712)	(400,025)	(+50,618)	(+31,313)	

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES ($000)

	FY 2000 Comparable	FY 2001 Request	Recommended in bill	Bill compared with FY 2000 Comparable	Bill compared with FY 2001 Request	
National Institute on Deafness and Other Communication Disorders	263,606	278,009	301,787	+38,181	+23,778	D
AIDS (NA)	---	(1,591)	---	---	(-1,591)	NA
Subtotal, NIDCD	(263,606)	(278,009)	(301,787)	(+38,181)	(+23,778)	
National Institute of Nursing Research	89,521	92,524	102,312	+12,791	+9,788	D
AIDS (NA)	---	(7,810)	---	---	(-7,810)	NA
Subtotal, NINR	(89,521)	(92,524)	(102,312)	(+12,791)	(+9,788)	
National Institute on Alcohol Abuse and Alcoholism	293,173	308,661	349,216	+56,043	+40,555	D
AIDS (NA)	---	(20,083)	---	---	(-20,083)	NA
Subtotal, NIAAA	(293,173)	(308,661)	(349,216)	(+56,043)	(+40,555)	
National Institute on Drug Abuse	687,232	725,467	788,201	+100,969	+62,734	D
AIDS (NA)	---	(229,173)	---	---	(-229,173)	NA
Subtotal, NIDA	(687,232)	(725,467)	(788,201)	(+100,969)	(+62,734)	
National Institute of Mental Health	974,470	1,031,353	1,114,638	+140,168	+83,285	D
AIDS (NA)	---	(135,294)	---	---	(-135,294)	NA
Subtotal, NIMH	(974,470)	(1,031,353)	(1,114,638)	(+140,168)	(+83,285)	
National Human Genome Research Institute	335,792	357,740	386,410	+50,618	+28,670	D
AIDS (NA)	---	(4,313)	---	---	(-4,313)	NA
Subtotal, NHGRI	(335,792)	(357,740)	(386,410)	(+50,618)	(+28,670)	

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES ($000)

	FY 2000 Comparable	FY 2001 Request	Recommended in bill	Bill compared with FY 2000 Comparable	Bill compared with FY 2001 Request	
National Center for Research Resources	674,913	714,192	832,027	+157,114	+117,835	D
AIDS (NA)	---	(111,464)	---	---	(-111,464)	NA
Subtotal, NCRR	(674,913)	(714,192)	(832,027)	(+157,114)	(+117,835)	
National Center for Complementary and Alternative Medicine	68,997	72,392	78,880	+9,883	+6,488	D
AIDS (NA)	---	(1,030)	---	---	(-1,030)	NA
Subtotal, NCCAM	(68,997)	(72,392)	(78,880)	(+9,883)	(+6,488)	
John E. Fogarty International Center	43,319	48,011	50,299	+6,980	+2,288	D
AIDS (NA)	---	(15,479)	---	---	(-15,479)	NA
Subtotal, FIC	(43,319)	(48,011)	(50,299)	(+6,980)	(+2,288)	
National Library of Medicine	215,154	230,135	256,281	+41,127	+26,146	D
AIDS (NA)	---	(5,193)	---	---	(-5,193)	NA
Subtotal, NLM	(215,154)	(230,135)	(256,281)	(+41,127)	(+26,146)	
Office of the Director	281,941	308,978	342,307	+60,366	+33,329	D
AIDS (NA)	---	(46,522)	---	---	(-46,522)	NA
Subtotal, OD	(281,941)	(308,978)	(342,307)	(+60,366)	(+33,329)	
Buildings and facilities:						
Current year	125,350	148,900	178,700	+53,350	+29,800	D
Advance from prior year	(40,000)	---	---	(-40,000)	---	NA
Office of AIDS Research	---	(2,111,224)	---	---	(-2,111,224)	NA
Total, National Institutes of Health:						
Current Year, FY01	17,749,336	18,812,735	20,512,735	+2,763,399	+1,700,000	
Advance from prior year	40,000	---	---	-40,000	---	
Total N.I.H. program level	17,789,336	18,812,735	20,512,735	+2,723,399	+1,700,000	

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES ($000)

	FY 2000 Comparable	FY 2001 Request	Recommended in bill	Bill compared with FY 2000 Comparable	Bill compared with FY 2001 Request	
SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES ADMINISTRATION						
Mental Health:						
Knowledge development and application	136,875	166,875	132,749	-4,126	-34,126	D
Mental Health Performance Partnership	356,000	416,000	416,000	+60,000	---	D
Children's Mental Health	82,763	86,763	86,763	+4,000	---	D
Grants to States for the Homeless (PATH)	30,883	35,883	30,883	---	-5,000	D
Protection and Advocacy	24,903	25,903	24,903	---	-1,000	D
Subtotal, mental health	631,424	731,424	691,298	+59,874	-40,126	
Substance Abuse Treatment:						
Knowledge Development and Application	214,566	258,420	213,716	-850	-44,704	D
Substance Abuse Performance Partnership	1,600,000	1,631,000	1,631,000	+31,000	---	D
Subtotal, Substance Abuse Treatment	1,814,566	1,889,420	1,844,716	+30,150	-44,704	
Substance Abuse Prevention:						
Knowledge Development and Application	139,824	135,229	132,742	-7,082	-2,487	D
High Risk Youth Grants	7,000	7,000	---	-7,000	-7,000	D
Subtotal, Substance abuse prevention	146,824	142,229	132,742	-14,082	-9,487	
Program Management and Buildings and Facilities	58,528	59,943	58,870	+342	-1,073	D
Total, Substance Abuse and Mental Health	2,651,342	2,823,016	2,727,626	+76,284	-95,390	

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES ($000)

	FY 2000 Comparable	FY 2001 Request	Recommended in bill	Bill compared with FY 2000 Comparable	Bill compared with FY 2001 Request	
AGENCY FOR HEALTHCARE RESEARCH AND QUALITY						
Research on Health Costs, Quality, and Outcomes:						
Federal Funds	107,718	---	121,169	+13,451	+121,169	D
1% evaluation funding (NA)	(52,576)	(206,593)	(59,130)	(+6,554)	(-147,463)	NA
Subtotal	(160,294)	(206,593)	(180,299)	(+20,005)	(-26,294)	
Health insurance and expenditure surveys						
1% evaluation funding (NA)	(36,000)	(40,850)	(40,850)	(+4,850)	---	NA
Program Support	2,484	---	2,500	+16	+2,500	D
1% evaluation funding (NA)	---	(2,500)	---	---	(-2,500)	NA
Total, AHRQ	(198,778)	(249,943)	(223,649)	(+24,871)	(-26,294)	
Federal Funds	110,202	---	123,669	+13,467	+123,669	
1% evaluation funding (non-add)	(88,576)	(249,943)	(99,980)	(+11,404)	(-149,963)	
Total, Public Health Service	28,129,581	29,571,701	31,489,657	+3,360,076	+1,917,956	

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES ($000)

	FY 2000 Comparable	FY 2001 Request	Recommended in bill	Bill compared with FY 2000 Comparable	Bill compared with FY 2001 Request	
HEALTH CARE FINANCING ADMINISTRATION						
GRANTS TO STATES FOR MEDICAID						
Medicaid current law benefits	109,321,600	116,507,700	116,507,700	+7,186,100	---	M
State and local administration	6,379,800	7,258,500	7,258,500	+878,700	---	M
Vaccines for Children	465,383	469,054	469,054	+3,671	---	M
Subtotal, Medicaid program level, current year	116,166,783	124,235,254	124,235,254	+8,068,471	---	
Less Medicare Transfer (P.L. 105-33)	-50,000	-60,000	-60,000	-10,000	---	M
Less funds advanced in prior year	-28,733,605	-30,589,003	-30,589,003	-1,855,398	---	M
Total, request, current year	87,383,178	93,586,251	93,586,251	+6,203,073	---	
New advance 1st quarter, FY02	30,589,003	36,207,551	36,207,551	+5,618,548	---	M
PAYMENTS TO HEALTH CARE TRUST FUNDS						
Supplemental medical insurance	68,690,000	69,777,000	69,777,000	+1,087,000	---	M
Hospital insurance for the uninsured	349,000	321,000	321,000	-28,000	---	M
Federal uninsured payment	121,000	132,000	132,000	+11,000	---	M
Program management	129,100	151,600	151,600	+22,500	---	M
Total, Payments to Trust Funds, current law	69,289,100	70,381,600	70,381,600	+1,092,500	---	
PROGRAM MANAGEMENT						
Research, demonstration, and evaluation: Regular Program	64,892	55,000	55,000	-9,892	---	TF
Medicare Contractors	1,244,000	1,301,287	1,165,287	-78,713	-136,000	TF
User fee legislative proposal	---	---	(-136,000)	(-136,000)	(-136,000)	NA
H.R. 3103 funding (NA)	(630,000)	(680,000)	(630,000)	---	(-50,000)	NA
Subtotal, Contractors program level	(1,874,000)	(1,981,287)	(1,795,287)	(-78,713)	(-186,000)	

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES ($000)

	FY 2000 Comparable	FY 2001 Request	Recommended in bill	Bill compared with FY 2000 Comparable	Bill compared with FY 2001 Request	
State Survey and Certification	204,674	234,147	171,147	-33,527	-63,000	TF
User fee legislative proposal	---	---	(-63,000)	(-63,000)	(-63,000)	NA
Federal Administration						
Federal Administration	484,900	497,942	476,942	-7,958	-21,000	TF
User Fees	-2,026	-2,074	-2,074	-48	---	TF
User fee legislative proposal	---	---	(-21,000)	(-21,000)	(-21,000)	NA
Subtotal, Federal Administration	482,874	495,868	474,868	-8,006	-21,000	
Total, Program management	1,996,440	2,086,302	1,866,302	-130,138	-220,000	
Total, Program management, program level	(2,626,440)	(2,766,302)	(2,496,302)	(-130,138)	(-270,000)	
Medicare Trust Fund Activity:						
Hospital Insurance TF (1)	(6,800,000)	(8,300,000)	(8,300,000)	(+1,500,000)	---	NA
Supplemental Medical Ins. TF (2)	(300,000)	(-2,800,000)	(2,800,000)	(+2,500,000)	(+5,600,000)	NA
Total, Health Care Financing Administration	189,257,721	202,261,704	202,041,704	+12,783,983	-220,000	
Federal funds	187,261,281	200,175,402	200,175,402	+12,914,121	---	
Current year	(156,672,278)	(163,967,851)	(163,967,851)	(+7,295,573)	---	
New advance, 1st quarter, FY02	(30,589,003)	(36,207,551)	(36,207,551)	(+5,618,548)	---	
Trust funds	1,996,440	2,086,302	1,866,302	-130,138	-220,000	

(1) Intermediate estimates: Page 37 of the 1999 Annual Report of the Board of Trustees of the Federal Hospital Insurance Trust Fund.

(2) Intermediate estimates: Page 32 of the 1999 Annual Report of the Board of Trustees of the Federal Supplementary Medical Insurance Trust Fund.

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES ($000)

	FY 2000 Comparable	FY 2001 Request	Recommended in bill	Bill compared with FY 2000 Comparable	Bill compared with FY 2001 Request	
ADMINISTRATION FOR CHILDREN AND FAMILIES						
FAMILY SUPPORT PAYMENTS TO STATES						
Payments to territories	23,000	23,000	23,000	---	---	M
Emergency assistance	98,000	---	---	-98,000	---	M
State & Local Administrative Training	2,000	---	---	-2,000	---	M
Repatriation	1,000	1,000	1,000	---	---	M
Subtotal, Welfare payments	124,000	24,000	24,000	-100,000	---	
Child Support Enforcement:						
State and local administration	2,818,800	3,089,800	3,089,800	+271,000	---	M
Federal incentive payments	371,000	404,000	404,000	+33,000	---	M
Hold Harmless payments	11,000	11,000	11,000	---	---	M
Access and visitation	---	10,000	10,000	+10,000	---	M
Subtotal, Child Support Enforcement	3,200,800	3,514,800	3,514,800	+314,000	---	
Total, Payments, current year program level	3,324,800	3,538,800	3,538,800	+214,000	---	
Less funds advanced in previous years	-750,000	-650,000	-650,000	+100,000	---	M
Total, payments, current request	2,574,800	2,888,800	2,888,800	+314,000	---	
New advance, 1st quarter, FY02	650,000	1,000,000	1,000,000	+350,000	---	M

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES ($000)

	FY 2000 Comparable	FY 2001 Request	Recommended in bill	Bill compared with FY 2000 Comparable	Bill compared with FY 2001 Request	
LOW INCOME HOME ENERGY ASSISTANCE PROGRAM						
Advance from prior year (NA)	(1,100,000)	(1,100,000)	(1,100,000)	---	---	NA EMG
Emergency Allocation	300,000	300,000	300,000	---	---	D EMG
Advance funding FY02	1,100,000	1,100,000	1,100,000	---	---	D
REFUGEE AND ENTRANT ASSISTANCE						
Transitional and Medical Services	220,620	225,176	225,176	+4,556	---	D
Social Services	143,621	143,316	143,621	---	+305	D
Preventive Health	4,835	4,835	4,835	---	---	D
Targeted Assistance	49,477	49,477	49,477	---	---	D
Victims of Torture	7,265	9,765	10,000	+2,735	+235	D
Total, Refugee and entrant assistance	425,818	432,569	433,109	+7,291	+540	
CHILD CARE AND DEVELOPMENT GRANT						
Advance funding from prior year (NA)	(1,182,672)	(1,182,672)	(1,182,672)	---	---	NA
Current year additional request	---	817,328	400,000	+400,000	-417,328	D
Advance funding FY02	1,182,672	2,000,000	2,000,000	+817,328	---	D
SOCIAL SERVICES BLOCK GRANT (TITLE XX)	1,775,000	1,700,000	1,700,000	-75,000	---	M

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES ($000)

	FY 2000 Comparable	FY 2001 Request	Recommended in bill	Bill compared with FY 2000 Comparable	Bill compared with FY 2001 Request	
CHILDREN AND FAMILIES SERVICES PROGRAMS						
Programs for Children, Youth, and Families:						
Head Start, current funded	3,867,000	4,867,000	4,267,000	+400,000	-600,000	D
Advance from prior year	---	(1,400,000)	(1,400,000)	(+1,400,000)	---	NA
FY02	1,400,000	1,400,000	1,400,000	---	---	D
Subtotal, Head Start program level	5,267,000	6,267,000	5,667,000	+400,000	-600,000	
Consolidated Runaway, Homeless Youth Programs	---	---	64,155	+64,155	+64,155	D
Runaway and Homeless Youth	43,652	43,652	---	-43,652	-43,652	D
Runaway Youth Transitional Living	20,503	20,503	---	-20,503	-20,503	D
Strengthening Parent/Child Relationships	---	10,000	---	---	-10,000	D
Subtotal, runaway	64,155	74,155	64,155	---	-10,000	
Child Abuse State Grants	21,026	21,026	21,026	---	---	D
Child Abuse Discretionary Activities	18,028	18,028	18,028	---	---	D
Abandoned Infants Assistance	12,207	12,207	12,207	---	---	D
Child Welfare Services	291,986	291,986	291,986	---	---	D
Child Welfare Training	7,000	7,000	7,000	---	---	D
Adoption Opportunities	27,419	27,419	27,419	---	---	D
Adoption Incentive	20,000	20,000	20,000	---	---	D
Adoption Incentive (no cap adjustment)	21,791	21,791	23,000	+1,209	+1,209	D
Social Services and Income Maintenance Research	27,491	6,500	27,491	---	+20,991	D
Community Based Resource Centers	32,835	32,835	32,835	---	---	D

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES ($000)

	FY 2000 Comparable	FY 2001 Request	Recommended in bill	Bill compared with FY 2000 Comparable	Bill compared with FY 2001 Request	
Developmental disabilities program:						
State Councils	65,750	65,803	65,803	+53	---	D
Protection and Advocacy	28,110	28,110	28,110	---	---	D
Developmental Disabilities Special Projects	10,244	10,244	10,244	---	---	D
Developmental Disabilities University Affiliated	18,171	18,171	18,171	---	---	D
Subtotal, Developmental disabilities	122,275	122,328	122,328	+53	---	
Native American Programs	35,420	44,420	35,420	---	-9,000	D
Community services:						
Grants to States for Community Services	527,700	510,000	527,700	---	+17,700	D
Community initiative program:						
Economic Development	30,040	5,500	30,040	---	+24,540	D
Individual Development Account Initiative	10,000	25,000	10,000	---	-15,000	D
Rural Community Facilities	5,321	---	5,321	---	+5,321	D
Subtotal, discretionary funds	45,361	30,500	45,361	---	+14,861	
National Youth Sports	15,000	---	16,000	+1,000	+16,000	D
Community Food and Nutrition	6,315	---	6,315	---	+6,315	D
Subtotal, Community services	594,376	540,500	595,376	+1,000	+54,876	
Runaway Youth Prevention	14,999	14,999	14,999	---	---	D
Domestic Violence Hotline	1,957	2,157	1,957	---	-200	D
Battered Women's Shelters	101,118	116,918	101,118	---	-15,800	D
Program Direction	146,820	164,448	147,908	+1,088	-16,540	D
Total, Children and Families Services Programs	6,827,903	7,805,717	7,231,253	+403,350	-574,464	
Current Year	(5,427,903)	(6,405,717)	(5,831,253)	(+403,350)	(-574,464)	
Advance Year, FY02	(1,400,000)	(1,400,000)	(1,400,000)	---	---	

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES ($000)

	FY 2000 Comparable	FY 2001 Request	Recommended in bill	Bill compared with FY 2000 Comparable	Bill compared with FY 2001 Request	
Rescission of permanent appropriations	-21,000	---	-21,000	---	-21,000	D
PROMOTING SAFE AND STABLE FAMILIES	295,000	305,000	305,000	+10,000	---	M
PAYMENTS TO STATES FOR FOSTER CARE AND ADOPTION						
Foster Care	4,537,200	5,063,500	5,063,500	+526,300	---	M
Adoption Assistance	1,020,100	1,197,600	1,197,600	+177,500	---	M
Independent living	140,000	140,000	140,000	---	---	M
Child Welfare Tribal Initiative (1)	---	5,000	---	---	-5,000	M
Total, Payments, current year program level	5,697,300	6,406,100	6,401,100	+703,800	-5,000	
Less Advances from Prior Year	-1,355,000	-1,538,000	-1,538,000	-183,000	---	M
Total, payments, current request	4,342,300	4,868,100	4,863,100	+520,800	-5,000	
New Advance, 1st quarter, FY02	1,538,000	1,735,900	1,735,900	+197,900	---	M
Total, Administration for Children & Families.	20,990,493	24,953,414	23,936,162	+2,945,669	-1,017,252	
Current year	(15,119,821)	(17,717,514)	(16,700,262)	(+1,580,441)	(-1,017,252)	
Advance Year, FY02	(5,870,672)	(7,235,900)	(7,235,900)	(+1,365,228)	---	

(1) Unauthorized.

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES ($000)

	FY 2000 Comparable	FY 2001 Request	Recommended in bill	Bill compared with FY 2000 Comparable	Bill compared with FY 2001 Request	
ADMINISTRATION ON AGING						
Grants to States:						
Supportive Services and Centers	310,082	450,082	325,082	+15,000	-125,000	D
Preventive Health	16,123	16,123	16,123	---	---	D
Title VII	13,181	13,181	13,181	---	---	D
Nutrition:						
Congregate Meals	374,412	374,412	374,412	---	---	D
Home Delivered Meals	147,000	147,000	147,000	---	---	D
Grants to Indians	18,457	23,457	18,457	---	-5,000	D
Aging Research, Training and Special Projects	31,162	36,162	9,119	-22,043	-27,043	D
Alzheimer's Initiative	5,970	5,970	5,970	---	---	D
Program Administration	16,277	17,232	16,461	+184	-771	D
Total, Administration on Aging	932,664	1,083,619	925,805	-6,859	-157,814	

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES ($000)

	FY 2000 Comparable	FY 2001 Request	Recommended in bill	Bill compared with FY 2000 Comparable	Bill compared with FY 2001 Request	
OFFICE OF THE SECRETARY						
GENERAL DEPARTMENTAL MANAGEMENT:						
Federal Funds	122,861	127,685	116,561	-6,300	-11,124	D
NAS study	414	---	---	-414	---	D
Trust Funds	5,851	5,851	5,851	---	---	TF
1% Evaluation funds (ASPE) (NA)	(20,552)	(20,552)	(20,552)	---	---	NA
Subtotal	(149,678)	(154,088)	(142,964)	(-6,714)	(-11,124)	
Adolescent Family Life (Title XX)	19,327	7,627	24,327	+5,000	+16,700	D
Physical Fitness and Sports	1,091	1,152	1,091	---	-61	D
Minority health	37,638	38,638	38,638	+1,000	---	D
Office of women's health	15,495	16,495	16,495	+1,000	---	D
U.S. Surgeon General violence initiative	457	476	---	-457	-476	D
Office of Emergency Preparedness	9,668	11,668	9,668	---	-2,000	D
Other Health Activities (1)	4,922	---	---	-4,922	---	D
Total, General Departmental Management	217,724	209,592	212,631	-5,093	+3,039	
Federal funds	211,873	203,741	206,780	-5,093	+3,039	
Trust funds	5,851	5,851	5,851	---	---	

(1) $20 million of the President's request has been moved to PHSSEF for comparison purposes.

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES ($000)

	FY 2000 Comparable	FY 2001 Request	Recommended in bill	Bill compared with FY 2000 Comparable	Bill compared with FY 2001 Request	
OFFICE OF THE INSPECTOR GENERAL:						
Federal Funds	31,388	33,849	31,394	+6	-2,455	D
HIPAA funding (NA)	(120,000)	(130,000)	(120,000)	---	(-10,000)	NA
Total, Inspector General program level	(151,388)	(163,849)	(151,394)	(+6)	(-12,455)	
OFFICE FOR CIVIL RIGHTS:						
Federal Funds	19,219	20,742	18,774	-445	-1,968	D
Trust Funds	3,314	3,314	3,314	---	---	TF
Total, Office for Civil Rights	22,533	24,056	22,088	-445	-1,968	
POLICY RESEARCH	16,735	16,738	16,738	+3	---	D
RETIREMENT PAY AND MEDICAL BENEFITS FOR COMMISSIONED OFFICERS:						
Retirement payments	172,045	175,405	175,405	+3,360	---	M
Survivors benefits	11,906	12,204	12,204	+298	---	M
Dependents' medical care	29,626	30,811	30,811	+1,185	---	M
Military services credits	1,328	1,352	1,352	+24	---	M
Total, Retirement pay and medical benefits	214,905	219,772	219,772	+4,867	---	

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES ($000)

	FY 2000 Comparable	FY 2001 Request	Recommended in bill	Bill compared with FY 2000 Comparable	Bill compared with FY 2001 Request	
PUBLIC HEALTH AND SOCIAL SERVICE EMERGENCY FUND (1)...	576,371	---	---	-576,371	---	D EMG
Public Health/Social Service Fund.....	---	490,500	500,640	+500,640	+10,140	D
Total, Office of the Secretary.....	1,079,656	994,507	1,003,263	-76,393	+8,756	
Federal funds.....	1,070,491	985,342	994,098	-76,393	+8,756	
Trust funds.....	9,165	9,165	9,165	---	---	
Total, Department of Health and Human Services..	240,390,115	258,864,945	259,396,591	+19,006,476	+531,646	
Federal Funds.....	238,384,510	256,769,478	257,521,124	+19,136,614	+751,646	
Current year.....	(201,904,835)	(213,326,027)	(214,047,673)	(+12,142,838)	(+721,646)	
Advance Year, FY02.....	(36,479,675)	(43,443,451)	(43,473,451)	(+6,993,776)	(+30,000)	
Trust funds.....	2,005,605	2,095,467	1,875,467	-130,138	-220,000	

(1) For FY 2000 Comparable purposes, $10 million is shown in CDC for Chronic Diseases and $9 million for Infectious Diseases.

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES ($000)

	FY 2000 Comparable	FY 2001 Request	Recommended in bill	Bill compared with FY 2000 Comparable	Bill compared with FY 2001 Request		
TITLE III - DEPARTMENT OF EDUCATION							
EDUCATION REFORM							
Goals 2000: Educate America Act:							
State Grants forward funded	456,500	---	---	-456,500	---	D	FF
State Grants current funded	1,500	---	---	-1,500	---	D	
Parental Assistance	33,000	33,000	---	-33,000	-33,000	D	
Recognition and Reward	---	50,000	---	---	-50,000	D	
Subtotal, Goals 2000	491,000	83,000	---	-491,000	-83,000		
School-to-Work Opportunities	55,000	---	---	-55,000	---	D	FF
Educational Technology:							
Technology Literacy Challenge Fund	425,000	450,000	517,000	+92,000	+67,000	D	
Technology Innovation Challenge Fund	146,255	---	197,500	+51,245	+197,500	D	
Regional Technology in Education Consortia	10,000	10,000	10,000	---	---	D	
Next Generation Technology Innovation	---	170,000	---	---	-170,000	D	
Subtotal	581,255	630,000	724,500	+143,245	+94,500		
National Activities							
Technology Leadership Activities	2,000	2,000	2,000	---	---	D	
Teacher Training in Technology	75,000	150,000	85,000	+10,000	-65,000	D	
Community-Based Technology Centers	32,500	100,000	32,500	---	-67,500	D	
Subtotal	109,500	252,000	119,500	+10,000	-132,500		

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES ($000)

	FY 2000 Comparable	FY 2001 Request	Recommended in bill	Bill compared with FY 2000 Comparable	Bill compared with FY 2001 Request	
Star Schools	50,550	---	45,000	-5,550	+45,000	D
Ready to Learn Television	16,000	16,000	16,000	---	---	D
Telcom Demo Project for Mathematics	8,500	---	---	-8,500	---	D
Telcom Program for Professional Devlep	---	5,000	---	---	-5,000	D
Subtotal, Educational technology	765,805	903,000	905,000	+139,195	+2,000	
21st Century Community Learning Centers	453,377	1,000,000	600,000	+146,623	-400,000	D
Small, Safe, and Successful High Schools	---	120,000	---	---	-120,000	D
Total, Education Reform	1,765,182	2,106,000	1,505,000	-260,182	-601,000	
Subtotal, Forward funded	(511,500)	---	---	(-511,500)	---	

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES ($000)

	FY 2000 Comparable	FY 2001 Request	Recommended in bill	Bill compared with FY 2000 Comparable	Bill compared with FY 2001 Request	
EDUCATION FOR THE DISADVANTAGED						
Grants to Local Education Agencies (LEAs):						
Basic Grants						
Advance from prior year	(5,046,366)	(5,046,366)	(5,046,366)	---	---	NA
Forward funded	1,733,134	481,237	1,733,134	---	+1,251,897	D FF
Current funded	3,500	---	3,500	---	+3,500	D
Subtotal, Basic grants current year funding	1,736,634	481,237	1,736,634	---	+1,255,397	
Basic Grants FY02 Advance	5,046,366	5,201,863	5,046,366	---	-155,497	D
Subtotal, Basic grants, program level	6,783,000	5,683,100	6,783,000	---	+1,099,900	
Concentration Grants - Advance from prior year	(1,158,397)	(1,158,397)	(1,158,397)	---	---	NA
Concentration Grants FY02 Advance	1,158,397	1,002,900	1,158,397	---	+155,497	D
Targeted Grants	---	1,671,500	---	---	-1,671,500	D FF
Subtotal, Grants to LEAs	7,941,397	8,357,500	7,941,397	---	-416,103	
Capital Expenses for Private School Children	12,000	---	---	-12,000	---	D FF
Even Start	150,000	150,000	250,000	+100,000	+100,000	D FF
State agency programs:						
Migrant	354,689	380,000	354,689	---	-25,311	D FF
Neglected and Delinquent/High Risk Youth	42,000	42,000	42,000	---	---	D FF
Evaluation	8,900	---	8,900	---	+8,900	D
Comprehensive School Reform Demonstration	170,000	190,000	190,000	+20,000	---	D FF
Total, ESEA	8,678,986	9,119,500	8,786,986	+108,000	-332,514	

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES ($000)

	FY 2000 Comparable	FY 2001 Request	Recommended in bill	Bill compared with FY 2000 Comparable	Bill compared with FY 2001 Request	
Migrant education:						
High School Equivalency Program	15,000	20,000	20,000	+5,000	---	D
College Assistance Migrant Program	7,000	10,000	10,000	+3,000	---	D
Subtotal, migrant education	22,000	30,000	30,000	+8,000	---	
Total, Education for the disadvantaged	8,700,986	9,149,500	8,816,986	+116,000	-332,514	
Current Year	(2,496,223)	(2,944,737)	(2,612,223)	(+116,000)	(-332,514)	
Advance Year, FY02	(6,204,763)	(6,204,763)	(6,204,763)	---	---	
Subtotal, forward funded	(2,461,823)	(2,914,737)	(2,569,823)	(+108,000)	(-344,914)	
IMPACT AID						
Basic Support Payments	737,200	720,000	780,000	+42,800	+60,000	D
Payments for Children with Disabilities	50,000	40,000	50,000	---	+10,000	D
Payments for Heavily Impacted Districts (Sec. f)	72,200	---	82,000	+9,800	+82,000	D
Subtotal	859,400	760,000	912,000	+52,600	+152,000	
Facilities Maintenance (Sec. 8008)	5,000	5,000	8,000	+3,000	+3,000	D
Construction (Sec. 8007)	10,052	5,000	25,000	+14,948	+20,000	D
Payments for Federal Property (Sec. 8002)	32,000	---	40,000	+8,000	+40,000	D
Total, Impact aid	906,452	770,000	985,000	+78,548	+215,000	

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES ($000)

	FY 2000 Comparable	FY 2001 Request	Recommended in bill	Bill compared with FY 2000 Comparable	Bill compared with FY 2001 Request		
SCHOOL IMPROVEMENT PROGRAMS							
Teaching to High Standards, current	---	405,000	---	---	-405,000	D	
FY02	---	285,000	---	---	-285,000	D	
Eisenhower Professional Development	335,000	---	---	-335,000	---	D	FF
National Programs:							
School Leadership Initiative	---	40,000	---	---	-40,000	D	
Improvement of Teaching and School Leadership	---	25,000	---	---	-25,000	D	
Hometown Teachers	---	75,000	---	---	-75,000	D	
Higher Standards/Higher Pay	---	50,000	---	---	-50,000	D	
Teacher Quality Incentives	---	50,000	---	---	-50,000	D	
Troops to Teachers	---	25,000	---	---	-25,000	D	
Early Childhood Educator Professional Develp	---	30,000	---	---	-30,000	D	FF
Innovative Education (Education Block Grant)	80,750	---	80,750	---	+80,750	D	FF
Advance from prior year	---	(285,000)	(285,000)	(+285,000)	---	NA	
FY02	285,000	---	285,000	---	+285,000	D	
Education Block Grant, program level	365,750	---	365,750	---	+365,750		
Class Size Reduction, current	400,000	850,000	---	-400,000	-850,000	D	FF
Advance from prior year (1)	---	(900,000)	(900,000)	(+900,000)	---	NA	
FY02	900,000	900,000	---	-900,000	-900,000	D	
Class Size Reduction, program level	1,300,000	1,750,000	---	-1,300,000	-1,750,000		

(1) Funds made available in FY 2000 appropriation.

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES ($000)

	FY 2000 Comparable	FY 2001 Request	Recommended in bill	Bill compared with FY 2000 Comparable	Bill compared with FY 2001 Request	
Teacher Empowerment Act (1)	---	---	850,000	+850,000	+850,000	D FF
FY02	---	---	900,000	+900,000	+900,000	D
Teacher Empowerment Act, program level	---	---	1,750,000	+1,750,000	+1,750,000	
Safe and Drug Free Schools:						
State Grants, current funded	109,250	109,250	109,250	---	---	D FF
Advance from prior year	---	(330,000)	(330,000)	(+330,000)	---	NA
FY02	330,000	330,000	330,000	---	---	D
State Grants, program level	439,250	439,250	439,250	---	---	
National Programs	110,750	150,750	110,000	-750	-40,750	D
Coordinator Initiative	50,000	50,000	50,000	---	---	D
Project SERV	---	10,000	---	---	-10,000	D
Subtotal, Safe and drug free schools	600,000	650,000	599,250	-750	-50,750	
Inexpensive Book Distribution (RIF)	20,000	20,000	21,000	+1,000	+1,000	D
Arts in Education	11,500	23,000	16,500	+5,000	-6,500	D

(1) Teacher Empowerment Act subject to authorization.

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES ($000)

	FY 2000 Comparable	FY 2001 Request	Recommended in bill	Bill compared with FY 2000 Comparable	Bill compared with FY 2001 Request		
Other school improvement programs:							
Magnet Schools Assistance	110,000	110,000	110,000	---	---	D	
Education for Homeless Children & Youth	28,800	31,700	32,000	+3,200	+300	D	FF
Women's Educational Equity	3,000	3,000	3,000	---	---	D	
Training and Advisory Services (Civil Rights)	7,334	7,334	7,334	---	---	D	
Ellender Fellowships/Close Up	1,500	---	1,500	---	+1,500	D	FF
Education for Native Hawaiians	23,000	23,000	23,000	---	---	D	
Alaska Native Education Equity	13,000	13,000	13,000	---	---	D	
Charter Schools	145,000	175,000	175,000	+30,000	---	D	
Subtotal, other school improvement programs	331,634	363,034	364,834	+33,200	+1,800		
Opportunities to Improve our Nation's Schools(OPTIONS)	---	20,000	---	---	-20,000	D	
Strengthening Technical assistance Capacity Grants	---	38,000	---	---	-38,000	D	
Comprehensive Regional Assistance Centers	28,000	---	28,000	---	+28,000	D	
Advanced Placement Fees	15,000	20,000	20,000	+5,000	---	D	
Total, School improvement programs	3,006,884	3,869,034	3,165,334	+158,450	-703,700		
Current Year	(1,491,884)	(2,354,034)	(1,650,334)	(+158,450)	(-703,700)		
Advance Year, FY02	(1,515,000)	(1,515,000)	(1,515,000)	---	---		
Subtotal, forward funded	(955,300)	(1,020,950)	(1,073,500)	(+118,200)	(+52,550)		

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES ($000)

	FY 2000 Comparable	FY 2001 Request	Recommended in bill	Bill compared with FY 2000 Comparable	Bill compared with FY 2001 Request	
READING EXCELLENCE						
Reading Excellence Act	65,000	91,000	65,000	---	-26,000	D FF
Advance from prior year	---	(195,000)	(195,000)	(+195,000)	---	NA
FY02	195,000	195,000	195,000	---	---	D
Reading Excellence, program level	260,000	286,000	260,000	---	-26,000	
INDIAN EDUCATION						
Grants to Local Educational Agencies	62,000	92,765	92,765	+30,765	---	D
Federal Programs						
Special Programs for Indian Children	13,265	20,000	13,265	---	-6,735	D
National Activities	1,735	2,735	1,735	---	-1,000	D
Subtotal	15,000	22,735	15,000	---	-7,735	
Total, Indian Education	77,000	115,500	107,765	+30,765	-7,735	

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES ($000)

	FY 2000 Comparable	FY 2001 Request	Recommended in bill	Bill compared with FY 2000 Comparable	Bill compared with FY 2001 Request	
SCHOOL RENOVATION						
Grants to Indian LEAs	---	50,000	---	---	-50,000	D
Grants to Other High-Need LEAs	---	125,000	---	---	-125,000	D
School Renovation Loan Subsidies	---	1,125,000	---	---	-1,125,000	D
Total, School Renovation	---	1,300,000	---	---	-1,300,000	
BILINGUAL AND IMMIGRANT EDUCATION						
Bilingual education:						
Instructional Services	162,500	180,000	162,500	---	-17,500	D
Support Services	14,000	16,000	14,000	---	-2,000	D
Professional Development	71,500	100,000	71,500	---	-28,500	D
Immigrant Education	150,000	150,000	150,000	---	---	D
Foreign Language Assistance	8,000	14,000	8,000	---	-6,000	D
Total, Bilingual and Immigrant Education	406,000	460,000	406,000	---	-54,000	

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES ($000)

	FY 2000 Comparable	FY 2001 Request	Recommended in bill	Bill compared with FY 2000 Comparable	Bill compared with FY 2001 Request	
SPECIAL EDUCATION						
State grants:						
Grants to States Part B advance funded	3,742,000	3,742,000	3,742,000	---	---	D
Part B advance from prior year	---	(3,742,000)	(3,742,000)	(+3,742,000)	---	NA
Grants to States Part B current year	1,247,685	1,537,685	1,747,685	+500,000	+210,000	D FF
Grants to States program level	4,989,685	5,279,685	5,489,685	+500,000	+210,000	
Preschool Grants	390,000	390,000	390,000	---	---	D FF
Grants for Infants and Families	375,000	383,567	375,000	---	-8,567	D FF
Subtotal, State grants program level	5,754,685	6,053,252	6,254,685	+500,000	+201,433	
IDEA National Acitivities (current funded):						
State Program Improvement Grants	35,200	45,200	45,200	+10,000	---	D FF
Research and Innovation	64,433	74,433	64,433	---	-10,000	D
Technical Assistance and Dissemination	45,481	53,481	45,481	---	-8,000	D
Personnel Preparation	81,952	81,952	81,952	---	---	D
Parent Information Centers	18,535	26,000	22,000	+3,465	-4,000	D
Technology and Media Services	34,410	34,523	36,410	+2,000	+1,887	D
Public Telecom Info/Training Dissemination	1,500	---	---	-1,500	---	D
Subtotal, IDEA special programs	281,511	315,589	295,476	+13,965	-20,113	
Total, Special education	6,036,196	6,368,841	6,550,161	+513,965	+181,320	
Current Year	(2,294,196)	(2,626,841)	(2,808,161)	(+513,965)	(+181,320)	
Advance Year, FY02	(3,742,000)	(3,742,000)	(3,742,000)	---	---	
Subtotal, Forward funded	(2,047,885)	(2,356,452)	(2,557,885)	(+510,000)	(+201,433)	

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES ($000)

	FY 2000 Comparable	FY 2001 Request	Recommended in bill	Bill compared with FY 2000 Comparable	Bill compared with FY 2001 Request	
REHABILITATION SERVICES AND DISABILITY RESEARCH						
Vocational Rehabilitation State Grants	2,338,977	2,399,790	2,399,790	+60,813	---	M
Client Assistance State grants	10,928	11,147	10,928	---	-219	D
Training	39,629	39,629	39,629	---	---	D
Demonstration and training programs	21,672	21,672	16,492	-5,180	-5,180	D
Migrant and seasonal farmworkers	2,350	2,850	2,350	---	-500	D
Recreational programs	3,521	2,596	2,596	-925	---	D
Protection and advocacy of individual rights (PAIR)	11,894	12,132	14,000	+2,106	+1,868	D
Projects with industry	22,071	22,071	22,071	---	---	D
Supported employment State grants	38,152	38,152	38,152	---	---	D
Independent living:						
State grants	22,296	22,296	22,296	---	---	D
Centers	48,000	58,000	58,000	+10,000	---	D
Services for older blind individuals	15,000	15,000	18,000	+3,000	+3,000	D
Subtotal, Independent living	85,296	95,296	98,296	+13,000	+3,000	
Program Improvement	1,900	1,900	1,900	---	---	D
Evaluation	1,587	1,587	1,587	---	---	D
Helen Keller National Center for Deaf-Blind Youths & Adults	8,550	8,717	8,550	---	-167	D
National Institute for Disability and Rehabilitation Research (NIDRR)	86,462	100,000	86,462	---	-13,538	D
Assistive Technology	34,000	41,112	34,000	---	-7,112	D
Subtotal, discretionary programs	368,012	398,861	377,013	+9,001	-21,848	
Total, Rehabilitation services	2,706,989	2,798,651	2,776,803	+69,814	-21,848	

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES ($000)

	FY 2000 Comparable	FY 2001 Request	Recommended in bill	Bill compared with FY 2000 Comparable	Bill compared with FY 2001 Request	
SPECIAL INSTITUTIONS FOR PERSONS WITH DISABILITIES						
AMERICAN PRINTING HOUSE FOR THE BLIND	10,100	10,265	11,000	+900	+735	D
NATIONAL TECHNICAL INSTITUTE FOR THE DEAF						
Operations	45,500	46,410	48,000	+2,500	+1,590	D
Construction	2,651	5,376	6,000	+3,349	+624	D
Total	48,151	51,786	54,000	+5,849	+2,214	
GALLAUDET UNIVERSITY						
Operations	83,480	87,650	89,400	+5,920	+1,750	D
Construction	2,500	---	---	-2,500	---	D
Total	85,980	87,650	89,400	+3,420	+1,750	
Total, Special institutions	144,231	149,701	154,400	+10,169	+4,699	

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES ($000)

	FY 2000 Comparable	FY 2001 Request	Recommended in bill	Bill compared with FY 2000 Comparable	Bill compared with FY 2001 Request		
VOCATIONAL AND ADULT EDUCATION							
Vocational education:							
Basic State Grants, current funded	264,650	264,650	309,000	+44,350	+44,350	D	FF
Advance from prior year	---	(791,000)	(791,000)	(+791,000)	---	NA	
FY02	791,000	591,000	791,000	---	+200,000	D	
Basic State Grants, program level	1,055,650	855,650	1,100,000	+44,350	+244,350		
Tech-Prep Education	106,000	106,000	106,000	---	---	D	FF
FY02	---	200,000	---	---	-200,000	D	
Tribally Controlled Postsecondary Vocational Institutions	4,600	4,600	4,600	---	---	D	
National Programs	17,500	17,500	17,500	---	---	D	FF
NOICC	9,000	---	---	-9,000	---	D	
Subtotal, Vocational education	1,192,750	1,183,750	1,228,100	+35,350	+44,350		
Adult education:							
State Grants, current funded	450,000	460,000	470,000	+20,000	+10,000	D	FF
National programs:							
National Leadership Activities	14,000	89,000	14,000	---	-75,000	D	FF
National Institute for Literacy	6,000	6,500	6,500	+500	---	D	FF
Subtotal, National programs	20,000	95,500	20,500	+500	-75,000		
Subtotal, adult education	470,000	555,500	490,500	+20,500	-65,000		

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES ($000)

	FY 2000 Comparable	FY 2001 Request	Recommended in bill	Bill compared with FY 2000 Comparable	Bill compared with FY 2001 Request	
State Grants for Incarcerated Youth Offenders.....	19,000	12,000	---	-19,000	-12,000	D
Total, Vocational and adult education.....	1,681,750	1,751,250	1,718,600	+36,850	-32,650	
Current Year.....	(890,750)	(960,250)	(927,600)	(+36,850)	(-32,650)	
Advance Year, FY02.....	(791,000)	(791,000)	(791,000)	---	---	
Subtotal, forward funded.....	(858,150)	(943,650)	(923,000)	(+64,850)	(-20,650)	

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES ($000)

	FY 2000 Comparable	FY 2001 Request	Recommended in bill	Bill compared with FY 2000 Comparable	Bill compared with FY 2001 Request	
STUDENT FINANCIAL ASSISTANCE						
Pell Grants -- maximum grant (NA)	(3,300)	(3,500)	(3,500)	(+200)	---	NA
Pell Grants -- Regular Program	7,639,717	8,356,000	8,308,000	+668,283	-48,000	D
Federal Supplemental Educational Opportunity Grants	621,000	691,000	691,000	+70,000	---	D
Emergency SEOG--Hurricane Floyd	10,000	---	---	-10,000	---	D EMG
Federal Work Study	934,000	1,011,000	1,011,000	+77,000	---	D
Federal Perkins loans:						
Capital Contributions	100,000	100,000	100,000	---	---	D
Loan Cancellations	30,000	60,000	40,000	+10,000	-20,000	D
Subtotal, Federal Perkins loans	130,000	160,000	140,000	+10,000	-20,000	
LEAP program	40,000	40,000	---	-40,000	-40,000	D
Total, Student financial assistance	9,374,717	10,258,000	10,150,000	+775,283	-108,000	

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES ($000)

	FY 2000 Comparable	FY 2001 Request	Recommended in bill	Bill compared with FY 2000 Comparable	Bill compared with FY 2001 Request	
FEDERAL FAMILY EDUCATION LOAN PROGRAM						
Federal Administration	48,000	48,000	48,000	---	---	D
HIGHER EDUCATION						
Aid for institutional development:						
Strengthening Institutions	60,250	63,000	73,000	+12,750	+10,000	D
Hispanic Serving Institutions	42,250	62,500	68,500	+26,250	+6,000	D
Dual-Degree Programs for Minority Institutions	---	40,000	---	---	-40,000	D
Strengthening Historically Black Colleges (HBCUs)	148,750	169,000	185,000	+36,250	+16,000	D
Strengthening historically black graduate insts	31,000	40,000	45,000	+14,000	+5,000	D
Strengthening Alaska / Native Hawaiian Instit	5,000	5,000	5,000	---	---	D
Strengthening Tribal Colleges	6,000	9,000	12,000	+6,000	+3,000	D
Subtotal, Institutional development	293,250	388,500	388,500	+95,250	---	
Program development:						
Fund for the Improvement of Postsec. Ed. (FIPSE)	74,249	31,200	31,200	-43,049	---	D
Minority Science and Engineering Improvement	7,500	8,500	8,500	+1,000	---	D
International education and foreign language:						
Domestic Programs	62,000	62,000	67,000	+5,000	+5,000	D
Overseas Programs	6,680	10,000	10,000	+3,320	---	D
Institute for International Public Policy	1,022	1,022	1,022	---	---	D
Subtotal, International education	69,702	73,022	78,022	+8,320	+5,000	

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES ($000)

	FY 2000 Comparable	FY 2001 Request	Recommended in bill	Bill compared with FY 2000 Comparable	Bill compared with FY 2001 Request	
Interest Subsidy Grants	12,000	10,000	10,000	-2,000	---	D
Federal TRIO Programs	645,000	725,000	760,000	+115,000	+35,000	D
GEAR UP	200,000	325,000	200,000	---	-125,000	D
Byrd Honors Scholarships	39,859	41,001	39,859	---	-1,142	D
Javits Fellowships	20,000	10,000	10,000	-10,000	---	D
Graduate Assistance in Areas of National Need	31,000	31,000	31,000	---	---	D
Learning Anytime Anywhere Partnerships	23,269	30,000	10,000	-13,269	-20,000	D
Teacher Quality Enhancement Grants	98,000	98,000	98,000	---	---	D
Child Care Access Means Parents in School	5,000	15,000	15,000	+10,000	---	D
Demonstration in Disabilities / Higher Education	5,000	5,000	5,000	---	---	D
Underground Railroad Program	1,750	1,750	---	-1,750	-1,750	D
Community Scholarship Mobilization	1,000	---	---	-1,000	---	D
GPRA data/HEA program evaluation	3,000	3,000	3,000	---	---	D
Total, Higher education	1,529,579	1,795,973	1,688,081	+158,502	-107,892	

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES ($000)

	FY 2000 Comparable	FY 2001 Request	Recommended in bill	Bill compared with FY 2000 Comparable	Bill compared with FY 2001 Request	
HOWARD UNIVERSITY						
Academic Program	185,540	190,096	192,500	+6,960	+2,404	D
Endowment Program	3,530	3,530	3,600	+70	+70	D
Howard University Hospital	30,374	30,374	30,374	---	---	D
Total, Howard University	219,444	224,000	226,474	+7,030	+2,474	
COLLEGE HOUSING & ACADEMIC FACILITIES LOANS PROGRAM: Federal Administration	737	737	737	---	---	D
HISTORICALLY BLACK COLLEGE AND UNIVERSITY CAPITAL FINANCING, PROGRAM ACCOUNT						
HBCU Capital Financing Program -- Federal Adm	207	208	207	---	-1	D

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES ($000)

	FY 2000 Comparable	FY 2001 Request	Recommended in bill	Bill compared with FY 2000 Comparable	Bill compared with FY 2001 Request	
EDUCATION RESEARCH, STATISTICS, AND IMPROVEMENT						
Research and statistics:						
Research, Development, and Dissemination	---	198,567	---	---	-198,567	D
Research	103,567	---	103,567	---	+103,567	D
Regional Educational Laboratories	65,000	---	65,000	---	+65,000	D
Statistics	68,000	84,000	68,000	---	-16,000	D
Assessment:						
National Assessment	36,000	38,000	36,000	---	-2,000	D
National Assessment Governing Board	4,000	4,500	4,000	---	-500	D
Subtotal, Assessment	40,000	42,500	40,000	---	-2,500	
Subtotal, Research and statistics	276,567	325,067	276,567	---	-48,500	
Fund for the Improvement of Education	243,864	137,150	145,000	-98,864	+7,850	D
International Education Exchange	7,000	8,000	7,000	---	-1,000	D
Civic Education	9,850	9,850	10,000	+150	+150	D
Eisenhower Professional Dvp. Federal Activities	23,300	---	23,300	---	+23,300	D
Eisenhower Regional Math & Science Ed. Consortia	15,000	15,000	15,000	---	---	D
Javits Gifted and Talented Education	6,500	7,500	7,500	+1,000	---	D
America's Tests	---	5,000	---	---	-5,000	D
National Writing Project	9,000	10,000	10,000	+1,000	---	D
Total, ERSI	591,081	517,567	494,367	-96,714	-23,200	

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES ($000)

	FY 2000 Comparable	FY 2001 Request	Recommended in bill	Bill compared with FY 2000 Comparable	Bill compared with FY 2001 Request	
DEPARTMENTAL MANAGEMENT						
PROGRAM ADMINISTRATION	382,934	413,184	382,934	---	-30,250	D
OFFICE FOR CIVIL RIGHTS	71,200	76,000	71,200	---	-4,800	D
OFFICE OF THE INSPECTOR GENERAL	34,000	36,500	34,000	---	-2,500	D
Total, Departmental management	488,134	525,684	488,134	---	-37,550	
STUDENT LOANS						
New Annual Loan Volume (including consolidation):						
Federal Family Education Loans (FFEL)	(25,540,000)	(26,902,000)	(26,902,000)	(+1,362,000)	---	NA
Federal Direct Student Loans (FDSL)	(14,855,000)	(15,613,000)	(15,613,000)	(+758,000)	---	NA
Total Outstanding Loan Volume:						
Federal Family Education Loans (FFEL)	(281,700,000)	(303,900,000)	(303,900,000)	(+22,200,000)	---	NA
Federal Direct Student Loans (FDSL)	(54,200,000)	(65,400,000)	(65,400,000)	(+11,200,000)	---	NA
Total, Department of Education	37,943,569	42,494,646	39,542,049	+1,598,480	-2,952,597	
Current year	(25,495,806)	(30,046,883)	(27,094,286)	(+1,598,480)	(-2,952,597)	
Advance Year, FY02	(12,447,763)	(12,447,763)	(12,447,763)	---	---	

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES ($000)

	FY 2000 Comparable	FY 2001 Request	Recommended in bill	Bill compared with FY 2000 Comparable	Bill compared with FY 2001 Request	
TITLE IV - RELATED AGENCIES						
ARMED FORCES RETIREMENT HOME						
Operations and Maintenance	55,599	60,000	60,000	+4,401	---	D
Capital Program	12,696	9,832	9,832	-2,864	---	D
Total, AFRH	68,295	69,832	69,832	+1,537	---	
CORPORATION FOR NATIONAL AND COMMUNITY SERVICE (1)						
Domestic Volunteer Service Programs:						
Volunteers in Service to America (VISTA)	80,574	86,000	80,574	---	-5,426	D
National Senior Volunteer Corps:						
Foster Grandparents Program	95,988	97,782	95,988	---	-1,794	D
Senior Companion Program	39,219	41,669	39,219	---	-2,450	D
Retired Senior Volunteer Program	46,117	50,565	46,117	---	-4,448	D
Senior Demonstration Program	1,494	2,500	400	-1,094	-2,100	D
Subtotal, Senior Volunteers	182,818	192,516	181,724	-1,094	-10,792	
Program Administration	31,129	34,100	32,229	+1,100	-1,871	D
Total, Domestic Volunteer Service Programs	294,521	312,616	294,527	+6	-18,089	

(1) Appropriations for Americorps are provided in the VA-HUD bill.

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES ($000)

	FY 2000 Comparable	FY 2001 Request	Recommended in bill	Bill compared with FY 2000 Comparable	Bill compared with FY 2001 Request	
CORPORATION FOR PUBLIC BROADCASTING:						
FY03 (current request) with FY02 comparable.....	350,000	365,000	365,000	+15,000	---	
Digitalization program (1).....	---	30,000	---	---	-30,000	
FY02 advance with FY01 comparable (NA).....	(340,000)	(350,000)	(350,000)	(+10,000)	---	NA
Digitalization program (1).....	---	35,000	---	---	-35,000	D
FY01 advance with FY00 comparable (NA).....	(300,000)	(340,000)	(340,000)	(+40,000)	---	NA
FY00 reduction.....	-1,243	---	---	+1,243	---	D
Digitalization program (1).....	10,000	20,000	---	-10,000	-20,000	D
Satellite replacement supplemental--FY00.....	(17,300)	---	---	(-17,300)	---	NA
Subtotal, FY00/01 appropriation.....	(326,057)	(360,000)	(340,000)	(+13,943)	(-20,000)	
FEDERAL MEDIATION AND CONCILIATION SERVICE.....	36,693	39,001	37,500	+807	-1,501	D
FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION.....	6,136	6,320	6,200	+64	-120	D
INSTITUTE OF MUSEUM AND LIBRARY SERVICES.....	166,251	173,000	170,000	+3,749	-3,000	D
MEDICARE PAYMENT ADVISORY COMMISSION (TF).....	7,015	8,000	8,000	+985	---	TF
NATIONAL COMMISSION ON LIBRARIES AND INFO SCIENCE.....	1,295	1,495	1,400	+105	-95	D
NATIONAL COUNCIL ON DISABILITY.....	2,391	2,615	2,450	+59	-165	D
NATIONAL EDUCATION GOALS PANEL.....	2,241	2,350	---	-2,241	-2,350	D
NATIONAL LABOR RELATIONS BOARD.....	205,717	216,438	205,717	---	-10,721	D

(1) Unauthorized. Funding is subject to enactment of authorization by September 30, 2000.

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES ($000)

	FY 2000 Comparable	FY 2001 Request	Recommended in bill	Bill compared with FY 2000 Comparable	Bill compared with FY 2001 Request	
NATIONAL MEDIATION BOARD	9,562	10,400	9,800	+238	-600	D
OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION	8,470	8,720	8,600	+130	-120	D
RAILROAD RETIREMENT BOARD						
Dual Benefits Payments Account	173,339	160,000	160,000	-13,339	---	D
Less Income Tax Receipts on Dual Benefits	-10,000	-10,000	-10,000	---	---	D
Subtotal, Dual Benefits	163,339	150,000	150,000	-13,339	---	
Federal Payment to the RR Retirement Account	150	150	150	---	---	M
Limitation on administration: Consolidated Account	90,655	92,500	95,000	+4,345	+2,500	TF
Inspector General	5,380	5,700	5,380	---	-320	TF
SOCIAL SECURITY ADMINISTRATION						
Payments to Social Security Trust Funds	20,764	20,400	20,400	-364	---	M
SPECIAL BENEFITS FOR DISABLED COAL MINERS						
Benefit payments	520,000	484,078	484,078	-35,922	---	M
Administration	4,638	5,670	5,670	+1,032	---	M
Subtotal, Black Lung, current year program level	524,638	489,748	489,748	-34,890	---	
Less funds advanced in prior year	-141,000	-124,000	-124,000	+17,000	---	M
Total, Black Lung, current request	383,638	365,748	365,748	-17,890	---	
New advances, 1st quarter FY02	124,000	114,000	114,000	-10,000	---	M

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES ($000)

	FY 2000 Comparable	FY 2001 Request	Recommended in bill	Bill compared with FY 2000 Comparable	Bill compared with FY 2001 Request	
SUPPLEMENTAL SECURITY INCOME						
Federal benefit payments	29,189,000	30,483,000	30,483,000	+1,294,000	---	M
Beneficiary services	64,000	71,000	71,000	+7,000	---	M
Research and demonstration	25,085	30,000	30,000	+4,915	---	M
Administration	2,142,000	2,359,000	2,132,000	-10,000	-227,000	D
Subtotal, SSI current year program level	31,420,085	32,943,000	32,716,000	+1,295,915	-227,000	
Less funds advanced in prior year	-9,550,000	-9,890,000	-9,890,000	-340,000	---	M
Subtotal, regular SSI current year (2000/2001)	21,870,085	23,053,000	22,826,000	+955,915	-227,000	
Additional CDR funding (1)	200,000	210,000	210,000	+10,000	---	D
User Fee Activities	80,000	91,000	91,000	+11,000	---	D
Total, SSI, current request	22,150,085	23,354,000	23,127,000	+976,915	-227,000	
New advance, 1st quarter, FY02	9,890,000	10,470,000	10,470,000	+580,000	---	M

(1) Two year availability.

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES ($000)

	FY 2000 Comparable	FY 2001 Request	Recommended in bill	Bill compared with FY 2000 Comparable	Bill compared with FY 2001 Request	
LIMITATION ON ADMINISTRATIVE EXPENSES						
OASDI Trust Funds	2,925,236	3,138,200	3,265,236	+340,000	+127,036	TF
HI/SMI Trust Funds	1,038,000	1,094,000	1,038,000	---	-56,000	TF
Social Security Advisory Board	1,800	1,800	1,800	---	---	TF
SSI	2,142,000	2,359,000	2,132,000	-10,000	-227,000	TF
Subtotal, regular LAE	6,107,036	6,593,000	6,437,036	+330,000	-155,964	
User Fee Activities (SSI)	80,000	91,000	91,000	+11,000	---	TF
TOTAL, REGULAR LAE	6,187,036	6,684,000	6,528,036	+341,000	-155,964	
Additional CDR funding (1)						
OASDI	185,000	240,000	240,000	+55,000	---	TF
SSI	200,000	210,000	210,000	+10,000	---	TF
Subtotal, CDR funding	385,000	450,000	450,000	+65,000	---	
TOTAL, LAE	6,572,036	7,134,000	6,978,036	+406,000	-155,964	

(1) Two year availability.

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES ($000)

	FY 2000 Comparable	FY 2001 Request	Recommended in bill	Bill compared with FY 2000 Comparable	Bill compared with FY 2001 Request	
OFFICE OF INSPECTOR GENERAL						
Federal Funds	14,944	17,000	14,944	---	-2,056	D
Trust Funds	50,808	56,000	50,808	---	-5,192	TF
Total, Office of the Inspector General	65,752	73,000	65,752	---	-7,248	
Adjustment: Trust fund transfers from general revenues	-2,422,000	-2,660,000	-2,433,000	-11,000	+227,000	TF
Total, Social Security Administration	36,784,275	38,871,148	38,707,936	+1,923,661	-163,212	
Federal funds	32,583,431	34,341,148	34,112,092	+1,528,661	-229,056	
Current year	(22,569,431)	(23,757,148)	(23,528,092)	(+958,661)	(-229,056)	
New advances, 1st quarter FY01	(10,014,000)	(10,584,000)	(10,584,000)	(+570,000)	---	
Trust funds	4,200,844	4,530,000	4,595,844	+395,000	+65,844	
UNITED STATES INSTITUTE OF PEACE	12,951	14,450	15,000	+2,049	+550	D
Total, Title IV, Related Agencies	38,224,094	40,434,735	40,152,492	+1,928,398	-282,243	
Federal funds	33,920,200	35,798,535	35,448,268	+1,528,068	-350,267	
Current year	(23,556,200)	(24,784,535)	(24,499,268)	(+943,068)	(-285,267)	
Advance Year, FY02	(10,014,000)	(10,619,000)	(10,584,000)	(+570,000)	(-35,000)	
Advance Year, FY03	(350,000)	(395,000)	(365,000)	(+15,000)	(-30,000)	
Trust funds	4,303,894	4,636,200	4,704,224	+400,330	+68,024	

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES ($000)

	FY 2000 Comparable	FY 2001 Request	Recommended in bill	Bill compared with FY 2000 Comparable	Bill compared with FY 2001 Request
SUMMARY					
Grand bill total	329,648,462	356,123,602	351,717,730	+22,069,268	-4,405,872
Federal Funds	319,965,847	345,878,039	341,770,019	+21,804,172	-4,108,020
Current year	(258,211,409)	(276,509,825)	(272,436,805)	(+14,225,396)	(-4,073,020)
Advance Year, FY02	(61,404,438)	(68,973,214)	(68,968,214)	(+7,563,776)	(-5,000)
Advance Year, FY03	(350,000)	(395,000)	(365,000)	(+15,000)	(-30,000)
Trust Funds	9,682,615	10,245,563	9,947,711	+265,096	-297,852
BUDGET ENFORCEMENT ACT RECAP					
Mandatory, total in bill	233,063,984	248,996,967	248,991,967	+15,927,983	-5,000
Less advances for subsequent years	-42,791,003	-49,527,451	-49,527,451	-6,736,448	---
Plus advances provided in prior years	40,529,605	42,791,003	42,791,003	+2,261,398	---
Subtotal, mandatory	230,802,586	242,260,519	242,255,519	+11,452,933	-5,000

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES ($000)

	FY 2000 Comparable	FY 2001 Request	Recommended in bill	Bill compared with FY 2000 Comparable	Bill compared with FY 2001 Request
Discretionary, total in bill	96,584,478	107,126,635	102,725,763	+6,141,285	-4,400,872
Less advances for subsequent years	-18,963,435	-19,840,763	-19,805,763	-842,328	+35,000
Plus advances provided in prior years	8,844,735	18,933,435	18,953,435	+10,108,700	+20,000
Scorekeeping adjustments:					
Adjustment to balance with 2000 bill	-12,801	---	---	+12,801	---
Adjustment for leg cap on Title XX SSBGs	-605,000	---	---	+605,000	---
SSA User Fee Collection	-80,000	-91,000	-91,000	-11,000	---
HEAF Recapture	-26,000	---	---	+26,000	---
Refugee and entrant assistance reappropriation	12,000	---	---	-12,000	---
Medicaid Title XX offset	1,000	---	---	-1,000	---
Directory of New Hires	-878,000	---	---	+878,000	---
FUBA	40,000	---	---	-40,000	---
SSI Benefits Date Shift	---	---	-2,410,000	-2,410,000	-2,410,000
TANF Savings	---	---	-240,000	-240,000	-240,000
Effects of 2000 Supplemental	---	---	21,000	+21,000	+21,000
NIH General Provision	---	---	-1,700,000	-1,700,000	-1,700,000
SSA State Reimbursement	---	---	-295,000	-295,000	-295,000
Across the board OMB\CBO adjustment	-890	---	---	+890	---
Welfare to work and child support	-50,000	---	---	+50,000	---
Total, discretionary, current year	84,866,087	106,128,307	97,158,435	+12,292,348	-8,969,872
Grand total, current year	315,668,673	348,388,826	339,413,954	+23,745,281	-8,974,872

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

Mr. Chairman, I would ask the gentleman if it is the intention of the majority to now proceed to a final vote on this bill.

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

Mr. OBEY. I yield to the gentleman from Illinois.

Mr. PORTER. Yes, it is.

Mr. OBEY. Reclaiming my time, Mr. Chairman, I thank the gentleman, and all I would say with respect to the previous colloquy is that the only assurance that any individual Member can provide that there will be more funding for a program that he is interested in is to vote for a bill which contains it. When we vote for a bill that does not contain it, what we do is give leverage to the very people who are trying to hold down funding for that bill.

I think before Members vote they should understand one thing about this bill. All of yesterday we tried to offer amendments to restore funds for education, for health care, for job training, for various other items that were knocked out of the President's budget request and we were denied the opportunity to offer those amendments, in large part because we were told they exceeded the allowable budget ceiling for this bill. And yet this bill now, as it stands here, with the failure of the Young amendment, is $500 million in budget authority above the allowable amount and it is $217 million above the allowable budget ceiling for outlays; that despite the fact that it is still $3 billion short of the President's budget for education, $1.7 billion below for worker protection and training, and $1.2 billion below the President's budget for health.

I find it interesting that one standard is applied to amendments that this side sought to offer and another standard to the majority side when it wants to pass a bill. This bill, as it stands, is not in compliance with the budget resolution, and yesterday the majority time and time and time again chastised us for offering amendments that were not in compliance with the budget resolution. So much for consistency. But I guess it is the best that we can expect.

Lastly, I want to announce to the House, Mr. Chairman, that there will be a motion to recommit.

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

Though I did this at the beginning, Mr. Chairman, I want to take just a minute to thank the Members of the subcommittee and the staff.

Members of the House should realize that the hearings on this bill take longer perhaps than most other appropriation bills, running months, running into hundreds of public witnesses, and hearing from literally 100 Members of Congress. The Members that serve on it serve a very long and hard year in bringing this bill to the floor.

I want to thank the gentleman from Florida (Mr. YOUNG), the gentleman from Texas (Mr. BONILLA), the gentleman from Oklahoma (Mr. ISTOOK), the gentleman from Florida (Mr. MILLER), the gentleman from Arkansas (Mr. DICKEY), the gentleman from Mississippi (Mr. WICKER), the gentlewoman from Kentucky (Mrs. NORTHUP), and the gentleman from California (Mr. CUNNINGHAM) on our side; and the gentleman from Wisconsin (Mr. OBEY), the gentleman from Maryland (Mr. HOYER), the gentlewoman from California (Ms. PELOSI), the gentlewoman from New York (Mrs. LOWEY), the gentlewoman from Connecticut (Ms. DELAURO), and the gentleman from Illinois (Mr. JACKSON) on the minority side.

It has been a great source of pleasure for me to work with such fine people and to be able to, in the end, despite all the rhetoric, find the common ground to fund these very, very important programs that exist in the bill.

Let me also thank the professional staff, and they are true professionals, who work even harder than we do. Tony McCann, the clerk of my subcommittee and chief of staff; Carol Murphy, Susan Firth, Geoff Kenyon, Francine Salvador, and Tom Kelly; and on the minority side Mark Mioduski and Cheryl Smith.

Let me also thank my personal staff, my administrative assistant, Katharine Fisher, and Spencer Perlman, who also put in long, long hours in producing this bill.

Finally, let me thank the associate staff. Obviously, they work hard as well. Brent Jaquet, Angela Godby, Bill Duncan, Paul Pisano, Kristen Bannerman, Jim Perry, Kristy Craig, and Frank Purcell. All of them work very hard in very tough circumstances to make this bill come to the floor and, I hope, get passed.

Finally, let me say that it has been, for me, for all the years that I have served on the Committee on Appropriations a real pleasure to work with the gentleman from Florida (Mr. YOUNG), our chairman. If anyone wanted to see a strong, effective, hard-working leader, who is universally respected and loved by Members on both sides of the aisle, they would want to see the gentleman from Florida (Mr. YOUNG). I do not know when he or the gentleman from Wisconsin (Mr. OBEY) ever get a chance to get any sleep during appropriation season.

And during all of this, I would add, that the gentleman from Florida is the best husband and father, and puts his family ahead of everything else. How he finds the time to do it all is beyond me. But we all love him and respect him greatly.

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

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

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

I will not repeat everything I said about the gentleman from Illinois yesterday, in the interest of brevity, but I do simply want to say that on this side of the aisle we regret very much the fact that the gentleman is retiring. We regret very much he will not be with us next year.

As I said yesterday, the gentleman has been a superb public servant. He has done honor to his district, to his State, to his party, to his Nation, to this institution, and each and every one of us who have served with him, and we wish him Godspeed.

The CHAIRMAN pro tempore (Mr. PEASE). The Clerk will read.

The Clerk read as follows:

This Act may be cited as the ''Department of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2001''.

Mr. POMEROY. Mr. Chairman, I rise in opposition to H.R. 4577, the fiscal year 2001 Labor-Health and Human Services-Appropriations bill. I believe strongly this legislation shortchanges America's families by inadequately funding critical federal education and health programs.

First, I would like to express concerns with the legislation's funding levels for federal education programs. At a time when we should be increasing funding for our schools to reduce class size and to enhance teacher training, this bill would cut $3.5 billion from the Administration's education budget. H.R. 4577 would repeal last year's bipartisan plan to hire 100,000 additional teachers for smaller classes. In North Dakota alone, this initiative has helped to hire 145 teachers and reduce class size for children like my daughter Kathryn.

Mr. Chairman, H.R. 4577 would also provide no funding for school modernization, meaning that hundreds of schools in North Dakota will have to forgo repair and modernization projects. In addition, at a time when we are facing a teacher shortage, this bill eliminates $1 billion in crucial funding for teacher recruitment and training. By enacting these cuts and failing to provide funding for crucial education programs, this legislation will shortchange our students and endanger America's future economic prosperity.

In the area of health programs, I have serious concerns regarding the funding levels approved by the House Appropriations Committee for Medicare contractors. In the Administration's fiscal year 2001 budget request, the President requested $1.30 billion to support Medicare claims processing contractors, supported in part by Medicare user fees. While I do not support implementation of Medicare user fees, I am concerned that the committee approved only $1.17 billion for Medicare contractors. This amount is not only $136 million less than the President's request, but also $79 million less than the fiscal year 2000 allocation.

As the committee notes in its report, ''Medicare contractors are responsible for paying Medicare providers promptly and accurately.'' I am concerned that this funding reduction contradicts the committee's intent; it is likely to slow down claims processing activities and the ability of contractors to provide services to both beneficiaries and providers. We have all heard our constituents' concerns about the Medicare claim process—claims that are accidentally denied, slow payments, reaching voice mail more often than human beings. We should not exacerbate these concerns by reducing funding levels for Medicare contractors.

Mr. Chairman, I impress upon my colleagues the need to adequately fund the Medicare contractor program. I am not asking for Congress to approve Medicare user fees. In the future, however, when the House and Senate conference on this appropriations bill, I urge my colleagues to revisit this issue.

Mr. VENTO. Mr. Chairman, as we consider the Department of Labor, Health and Human Services and Education Appropriations Bill for Fiscal Year 2001, a simple question comes to mind. Do we, or do we not care about the needs of hard working American families? By looking at this proposal it seems to me that the answer is a resounding ''no.'' The appropriations legislation put before us short-changes nearly every vulnerable group—children, dislocated and injured workers, and the elderly, to highlight just a few.

The American public time and again has rated education as a top priority—above tax cuts, above foreign affairs, above Pentagon spending, even above gun control and protecting social security. While I am not discrediting the need for Congress to address all of those issues, it is important that we listen to what constituents are saying. It seems ridiculous that at a time when our economy is booming, we still have schools that are under funded and under staffed, mainly due to the slight of hand indifferent policy path of the Republican leadership. How can the United States possibly expect to remain competitive in a global marketplace if we are unwilling to make the investment to ensure that our students are receiving the best education possible? As examples, H.R. 4577 short-changes students who need the most support, by inadequately funding Head Start, Title I, after school care, teacher quality and class size reduction initiatives. Additionally, this proposal supports block granting for several programs, a method of funding which dilutes the effectiveness of federal dollars in our classrooms.

This appropriations bill is a disaster when it comes to taking care of on the job workers safety and health. The rider blocking the implementation of an ergonomics standard is particularly offensive, an unnecessary delay tactic which could ultimately result in thousands more workers being needlessly injured on the job. Additionally, this legislation cuts dislocated worker programs—a slap in the face following the recent vote of PNTR for China—and cuts funding of summer jobs for at-risk youth, retreating from the modest temporary programs that ease the plight of working families.

Congress must do more and increase funding for important human needs and health programs. Instead, funding is reduced for Social Service Block Grants (SSBG), one of the primary sources of social service funding for states to provide vital services for children, youth, seniors, families, and persons with disabilities. Also, public health priorities such as Child Care Development Block Grants (CCDBG) and mental health services have not been satisfactorily funded. Now, in a productive economic time, Congress should not exacerbate social-economic disparities, but rather maintain commitments to guarantee all Americans an opportunity to contribute to and share in America's prosperity.

This bill is emblematic of how budget distortions and faulty priorities often have grave consequences for some of our most vulnerable citizens. I encourage my colleagues to oppose this legislation, which ignores the needs and priorities of American families.

Mr. HILLEARY. Mr. Chairman, tonight, I come to the floor in opposition to the implementation of a uniform medical identifier and support of the Paul amendment, which would eliminate its implementation.

I, along with Representative PAUL, led a bipartisan group of members urging the inclusion of this amendment. We had less than 24 hours and limited resources at our disposal to gather support, yet within half a day we had 33 members by our side.

These members all shared the same fear. That fear was that unless Congress intervenes at this moment and stops the creation of a national database containing the medical history of every American, government and HMO bureaucrats across the country will be able to pry into the personal information of every American.

However, it is not just privacy that is at stake here. We also threaten to undermine the entire health care system. The confidentiality associated with doctor-patient relationship will be irreparably harmed. Embarrassing or emotional problems may never be shared. As a result, the treating physician will be unable to deliver the best treatment.

What we ask for today is nothing novel or extreme. For two straight years we have included similar language in the Labor-HHS appropriations bill. I am confident that this House will stand in favor of this provision.

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

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. LAHOOD) having assumed the chair, Mr. PEASE, 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. 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, pursuant to House Resolution 518, he reported the bill back to the House with sundry amendments adopted by the Committee of the Whole.

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

Is a separate vote demanded on any amendment? If not, the Chair will put them en gros.

The amendments were agreed to.

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

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

MOTION TO RECOMMIT OFFERED BY MR. OBEY

Mr. OBEY. Mr. Speaker, I offer a motion to recommit.

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

Mr. OBEY. I think that is safe to say, Mr. Speaker.

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

The Clerk read as follows:

Mr. OBEY moves to recommit the bill H.R. 4577 to the Committee on Appropriations with instructions to report the same back to the House forthwith with the following amendment:

Page 84, strike section 518 (as added by the amendment printed in part A of the report of the Committee on Rules to accompany H. Res. 518).

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Wisconsin is recognized for 5 minutes in support of his motion to recommit.

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

Mr. OBEY. Mr. Speaker, this motion is very simple. It deletes a provision in the bill that was added by the rule through a self-executing amendment that has the effect of cutting the fiscal 2000 appropriation in this bill for Child Care and Development Block Grant by $506 million.

□ 1615

The motion to recommit simply strikes that provision, thereby adding $506 million back for child care, which is the same level that was requested by the President and which was the level included in this bill as reported out of committee.

This motion would provide child care for an additional 100,000 children. The provision in the bill which my motion strikes says that if the Fiscal 2002 advance appropriation across all appropriation bills exceeds $23.5 billion, then the child care program is singled out for rescissions that bring the total back down to $23 billion.

Since the Labor HHS bill and VA bill already exceed that total by $506 million, that means $506 million will automatically be lopped off the $2 billion provided in this bill for child care.

I am sure my friend, the gentleman from Illinois (Mr. PORTER), will say this is next year's funding, and so you do not have to worry about it. My response is this bill is either real or it is not. It is either a let-us-pretend bill. If it is not a let-us-pretend bill, then it cuts child care by $506 million.

I would hope that we would be voting for real bills, and I would hope that we would not be slashing programs like this.

I would point out that only one out of every 10 children who are eligible for child care under Federal standards today are actually getting it because of a shortage of that service. If Members are comfortable with that situation, then they should vote against my motion. If they are not, then I would urge that they vote for it.

If this motion passes, the committee will simply have to bring back a new bill immediately without this misguided provision.

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

SEC. 518. If the total level of discretionary advance appropriations for fiscal year 2002 and subsequent fiscal years provided in general appropriation Acts for fiscal year 2001 exceeds $23,500,000,000, there shall be rescinded from the amount made available in

this Act for fiscal year 2002 under the heading ''ADMINISTRATION FOR CHILDREN AND FAMILIES—PAYMENTS TO STATES FOR THE CHILD CARE AND DEVELOPMENT BLOCK GRANT'' an amount sufficient to reduce the total level of such discretionary advance appropriations to $23,500,000,000: *Provided*, That the rescission shall not exceed an amount that would cause the amount provided under such heading to be less than the amount provided for fiscal year 2001 in the Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2000 (as enacted into law by section 1000(a)(4) of Public Law 106–113).

FY 2002 ADVANCES APPROPRIATIONS CONTAINED IN FY 2001 APPROPRIATIONS BILLS

[Dollars in missions; Labor HHS Education, HR 4577]

Labor:	
Adult Training	$712
Dislocated Workers	1,060
Job Corps	691
Subtotal	2,463
HHS:	
Child Care Block Grant	2,000
Low Income Energy Assistance	1,100
Head Start	1,400
Abstinence Education	30
Subtotal	4,530
Education:	
Title I	6,205
Title VI Block Grant	285
Teacher Assistance	900
Safe and Drug Free School	330
Reading Excellence Act	195
Special Education State Grants	3,742
Vocational Education State Grants	791
Subtotal	12,448
Related Agencies: CPB	365
Subtotal, Labor HHS Education Bill	19,806
VA HUD H.R. 4635, Section 8 housing assistance	4,200
Total advances	24,006
Budget Resolution limitation	23,500
Rescission of Child Care Block Grant	−506

Mr. Speaker, in the interest of time, I yield back the remainder of my time.

The SPEAKER pro tempore (Mr. LAHOOD). Is the gentleman from Illinois (Mr. PORTER) opposed to the motion?

Mr. PORTER. I am, Mr. Speaker, yes.

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

Mr. PORTER. Mr. Speaker, I am surprised that the minority would offer this particular motion to recommit.

When the House reported the bill, it exceeded the $23.5 billion cap in advanced appropriations, which is what the gentleman from Wisconsin (Mr. OBEY) was referring to.

We funded the Child Care Block Grant at $2 billion in fiscal year 2002; that is an advance appropriation, which is roughly $800 million over the enacted FY 2001 amount.

In the rule, a provision was added to the bill that assures that we will not exceed the overall budget cap of $23.5 billion set forth in the budget resolution. This is the provision that the motion to recommit of the gentleman would strike.

If we adopt the motion of the gentleman and remove the sequester provision, it will simply mean that we will have to make it up somewhere else in the other bill. These bills will have to be cut, in order to stay within the budget resolution: we will have to make up the $800 million.

So where will we make it up? We may have to cut section 8 housing money in VA–HUD. We may have to cut law enforcement money in Commerce-Justice-State. We may have to cut other money in other bills.

So while this may seem like a very appealing provision, there has to be a way under the budget resolution to pay for it. Every one of the amendments of the gentleman during the debate on this bill have ignored the budget resolution. We cannot do so. We have to live under it. We have to live within the allocations made. And if we squeeze the balloon at one point, it comes out in another.

I urge Members to vote no. I urge Members to support the bill.

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

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

There was no objection.

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

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

RECORDED VOTE

Mr. OBEY. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 15-minute vote followed by a 15-minute vote on passage.

The vote was taken by electronic device, and there were—ayes 212, noes 219, not voting 4, as follows:

[Roll No. 272]

AYES—212

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

NOES—219

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

Tauzin	Upton	Weldon (PA)
Taylor (NC)	Vitter	Weller
Terry	Walden	Whitfield
Thomas	Walsh	Wicker
Thornberry	Wamp	Wilson
Thune	Watkins	Wolf
Tiahrt	Watts (OK)	Young (AK)
Toomey	Weldon (FL)	Young (FL)

NOT VOTING—4

Cook	Sensenbrenner
Danner	Vento

□ 1638

Messrs. OSE, MANZULLO, PORTMAN and MCCRERY changed their vote from ''aye'' to ''no.''

Messrs. GEORGE MILLER of California, MARKEY and MEEKS of New York changed their vote from ''no'' to ''aye.''

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. LAHOOD). The question is on the passage of the bill.

Under clause 10 of rule XX, the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 217, nays 214, not voting 4, as follows:

[Roll No. 273]

YEAS—217

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

NAYS—214

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

NOT VOTING—4

Cook	Sensenbrenner
Danner	Vento

□ 1703

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

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. PORTER. 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. 4577, and that I may include tabular and extraneous material.

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

There was no objection.

REPORT ON CONTINUING NATIONAL EMERGENCY WITH RESPECT TO WEAPONS OF MASS DESTRUCTION—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 106–255)

The SPEAKER pro tempore (Mr. LAHOOD) laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on International Relations and ordered to be printed:

To the Congress of the United States:

Enclosed is a report to the Congress on Executive Order 12938, as required by section 204 of the International Emergency Economic Powers Act (50 U.S.C. 1703(c)) and section 401(c) of the National Emergencies Act (50 U.S.C. 1641(c)).

WILLIAM J. CLINTON.

THE WHITE HOUSE, *June 14, 2000.*

REPORT ON NATIONAL EMERGENCY CAUSED BY LAPSE OF EXPORT ADMINISTRATION ACT OF 1979—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 106–256)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on International Relations and ordered to be printed.

To the Congress of the United States:

As required by section 204 of the International Emergency Economic Powers Act (50 U.S.C. 1703(c)) and section 401(c) of the National Emergencies Act (50 U.S.C. 1641(c)), I transmit herewith a 6-month periodic report on the national emergency declared by Executive Order 12924 of August 19, 1994, to deal with the threat to the national security, foreign policy, and economy of the United States caused by the lapse of the Export Administration Act of 1979.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *June 14, 2000.*

GENERAL LEAVE

Mr. REGULA. 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. 4578, and that I may include tabular and extraneous material.

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

There was no objection.

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, 2001

The SPEAKER pro tempore. Pursuant to House Resolution 524 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 4578.

□ 1707

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 4578) making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2001, and for other purposes, with Mr. LATOURETTE in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee of the Whole rose on Tuesday, June 13, 2000, all time for general debate had 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, providing that the time for voting on the first question shall be a minimum of 15 minutes.

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

Mr. Chairman, I want to advise Members about the schedule, at least as we best know it for the time being. We are planning to go forward on the amendments and possibly have some votes prior to 6:30, if we can get some of these out of the way; and then it is my understanding that we will roll votes until about 9:30 because of the Members that are going to the Kennedy Center for an event.

I would hope we can keep going and then finish tonight, because I know if we can get finished with this bill, we will do a great deal to expedite the time of getting out of here tomorrow. I know many Members would like to get on their way at a decent time tomorrow night. So if everybody will help and cooperate, I think we can get this bill finished tonight.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

H.R. 4578

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 Department of the Interior and related agencies for the fiscal year ending September 30, 2001, and for other purposes, namely:

TITLE I—DEPARTMENT OF THE INTERIOR

BUREAU OF LAND MANAGEMENT

MANAGEMENT OF LANDS AND RESOURCES

For expenses necessary for protection, use, improvement, development, disposal, cadastral surveying, classification, acquisition of easements and other interests in lands, and performance of other functions, including maintenance of facilities, as authorized by law, in the management of lands and their resources under the jurisdiction of the Bureau of Land Management, including the general administration of the Bureau, and assessment of mineral potential of public lands pursuant to Public Law 96–487 (16 U.S.C. 3150(a)), $674,571,000, to remain available until expended, of which $2,198,000 shall be available for assessment of the mineral potential of public lands in Alaska pursuant to section 1010 of Public Law 96–487 (16 U.S.C. 3150); and of which not to exceed $1,000,000 shall be derived from the special receipt account established by the Land and Water Conservation Act of 1965, as amended (16 U.S.C. 460l–6a(i)); and of which $2,500,000 shall be available in fiscal year 2001 subject to a match by at least an equal amount by the National Fish and Wildlife Foundation, to such Foundation for cost-shared projects supporting conservation of Bureau lands and such funds shall be advanced to the Foundation as a lump sum grant without regard to when expenses are incurred; in addition, $33,366,000 for Mining Law Administration program operations, including the cost of administering the mining claim fee program; to remain available until expended, to be reduced by amounts collected by the Bureau and credited to this appropriation from annual mining claim fees so as to result in a final appropriation estimated at not more than $674,571,000, and $2,000,000, to remain available until expended, from communication site rental fees established by the Bureau for the cost of administering communication site activities: *Provided,* That appropriations herein made shall not be available for the destruction of healthy, unadopted, wild horses and burros in the care of the Bureau or its contractors.

WILDLAND FIRE MANAGEMENT

For necessary expenses for fire preparedness, suppression operations, emergency rehabilitation and hazardous fuels reduction by the Department of the Interior, $292,197,000, to remain available until expended, of which not to exceed $9,300,000 shall be for the renovation or construction of fire facilities: *Provided,* That such funds are also available for repayment of advances to other appropriation accounts from which funds were previously transferred for such purposes: *Provided further,* That unobligated balances of amounts previously appropriated to the ''Fire Protection'' and ''Emergency Department of the Interior Firefighting Fund'' may be transferred and merged with this appropriation: *Provided further,* That persons hired pursuant to 43 U.S.C. 1469 may be furnished subsistence and lodging without cost from funds available from this appropriation: *Provided further,* That notwithstanding 42 U.S.C. 1856d, sums received by a bureau or office of the Department of the Interior for fire protection rendered pursuant to 42 U.S.C. 1856 et seq., protection of United States property, may be credited to the appropriation from which funds were expended to provide that protection, and are available without fiscal year limitation.

CENTRAL HAZARDOUS MATERIALS FUND

For necessary expenses of the Department of the Interior and any of its component offices and bureaus for the remedial action, including associated activities, of hazardous waste substances, pollutants, or contaminants pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act, as amended (42 U.S.C. 9601 et seq.), $10,000,000, to remain available until expended: *Provided,* That notwithstanding 31 U.S.C. 3302, sums recovered from or paid by a party in advance of or as reimbursement for remedial action or response activities conducted by the Department pursuant to section 107 or 113(f) of such Act, shall be credited to this account to be available until expended without further appropriation: *Provided further,* That such sums recovered from or paid by any party are not limited to monetary payments and may include stocks, bonds or other personal or real property, which may be retained, liquidated, or otherwise disposed of by the Secretary and which shall be credited to this account.

CONSTRUCTION

For construction of buildings, recreation facilities, roads, trails, and appurtenant facilities, $5,300,000, to remain available until expended.

PAYMENTS IN LIEU OF TAXES

For expenses necessary to implement the Act of October 20, 1976, as amended (31 U.S.C. 6901–6907), $134,385,000, of which not to exceed $400,000 shall be available for administrative expenses: *Provided,* That no payment shall be made to otherwise eligible units of local government if the computed amount of the payment is less than $100.

AMENDMENT NO. 30 OFFERED BY MR. SUNUNU

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 30 offered by Mr. SUNUNU:

Page 5, line 17, after the first dollar amount insert the following: ''(increased by $10,000,000)''.

Page 15, line 15, after the first dollar amount insert the following: ''(increased by $10,000,000)''.

Page 17, line 7, after the dollar amount insert the following: ''(increased by $10,000,000)''.

Page 17, line 9, after the dollar amount insert the following: ''(increased by $10,000,000)''.

Page 17, line 13, after the dollar amount insert the following: ''(increased by $10,000,000)''.

Page 54, line 25, after the dollar amount insert the following: ''(increased by $10,000,000)''.

Page 67, line 16, after the dollar amount insert the following: ''(reduced by $126,500,000)''.

Mr. SUNUNU. Mr. Chairman, I am proud to rise in support of this amendment which I have cosponsored with my colleague the gentleman from New Jersey (Mr. ANDREWS). This amendment strikes $126 million from the

Partnership for the Next Generation Vehicle and takes the funds and uses it I think in a much more fiscally responsible way.

We put $86.5 million into debt repayment; and then we take $40 million, $10 million to the Forest Service operation and maintenance accounts, $10 million to the Park Service maintenance account, $10 million into land and water conservation, and $10 million into the payment in lieu of tax program. Anyone that has public lands in their district knows how important these programs are. They really make a difference to communities; they really make a difference in preserving public lands throughout the country.

Why are we striking $126 million from the Partnership for the Next Generation Vehicle? There are a number of important reasons.

First of all, that program provides subsidies, research and development subsidies to profitable firms. I think if you go to any community at the local level in this country and you look at the stress and the burden on the property tax base of that city and town that might be caused by public lands, they would think it is wrong to be subsidizing corporations that are profitable. In this case the automotive manufacturers, the Big Three, they are successful companies. They are great companies. But, let us face it, their profits last year were over $20 billion in the aggregate, and these are not the kinds of firms that need Federal subsidies from hard-working taxpayers.

Second, a program like this tries to pick winners and losers within an industry. It invests in solar cells, but perhaps at the expense of investments in fuel cell technology, or reinvests in battery technology or in diesel combustion or internal combustion engine technology. But who is the Federal Government to say which one of these technologies really deserves a Federal subsidy? And even within these subcategories, batteries, do we invest in lithium batteries, do we invest in nicad batteries, do we invest in photovoltaics?

It is wrong for the Federal Government to try to pick winners and losers in these industries. It is bad policy from a technology perspective, and it is fiscally irresponsible as well.

Third, this kind of a corporate welfare subsidy picks winners and losers among different companies. Who qualifies? If the Federal Government is going to subsidize diesel combustion engine research, which of the dozens of companies, firms large and small that might be involved in this kind of technology, is going to get the Federal handout?

□ 1715

The Federal government actually has to choose. There are going to be winners and losers. Who is to say which company really has the technological capability to finance a breakthrough? No Federal bureaucrat knows. We should not be second-guessing the markets. We should not be manipulating and distorting markets for technology. We should not be playing one company off against another.

Moreover, this program has failed to produce. I have a GAO study here from March of this year. It states clearly that it is unlikely that the technology focused upon in this program is ever likely to come to market.

Supporters will say, well, this program has created some jobs. If I spent $1 billion over 7 years, as this program has, I would certainly hope we might have a few jobs to show for it. But even if this program created a thousand new jobs, and I doubt that, that would come at a public cost, a taxpayer cost, of over $1 million per job. It just is not worth the subsidy.

Supporters might also argue that this has resulted in incremental technological improvements. Again, I might agree to that. But if we are spending $1 billion in our State or district back home over a 7- or 8-year period, giving that money to the brightest minds in our districts, I would hope they would have some kind of incremental innovation to show for it. But it is not going to bring a breakthrough to the marketplace.

We are distorting the marketplace of ideas. We are subsidizing one company at the expense of another. The taxpayers should not stand for it.

Mr. Chairman, this amendment is supported by a wide range of groups, and my cosponsor, the gentleman from New Jersey (Mr. ANDREWS) will speak to that, such as the Sierra Club, Friends of the Earth; but fiscally responsible groups as well: Citizens Against Government Waste, the National Taxpayers Union. They recognize that it is simply a poor use of taxpayer funds.

Supporters of the program I recognize will say it is well-intended, it has fair-minded objectives. I do not deny that. There are a lot of well-intended programs at the Federal level, but it is just not the appropriate use of taxpayer money to distort markets, to subsidize corporate profits.

This is a responsible amendment that sets aside $85 million for debt reduction, that gives back to the Park Service and the Forest Service that is so important in maintaining our public lands, and it sets the right course for our technology policy, as well.

Fundamental research through the National Science Foundation, through the National Institutes of Health, are critical to the underlying scientific foundation of this country, but we should not be going into product development areas where the markets are mature and where the capital markets know what a good deal is and what a good deal is not. We are distorting those capital markets as well as the technological markets.

Let us do the right thing for the taxpayers and the Partnership for the Next Generation Vehicle: Pay down some debt and invest in our public lands.

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

Mr. Chairman, the objective of the PNGV program is to produce ultimately an 80-mile-per-gallon five-passenger automobile by the year 2004. This is not something on which the Federal Government is carrying the burden alone. For every dollar we put in, the auto industry is investing, about $2 of private funding.

Particularly at this point in time we recognize how vitally important it is to improve mileage on our motor vehicles. The American people love their cars. We are not going to get people out of their cars. In fact, I think there will be even more and more automobiles, and it is quite evident that the highway departments recognize this. In Ohio, many two-lane highways are being made three-lane highways. Outer belt-ways are adding to it.

I am just simply saying, there are going to be more automobiles. The only way we can address the fuel consumption issue, recognizing we are now dependent on importation of fuel beyond 50 percent in terms of petroleum, is to lower that profile and to reduce our dependency. Because of the foreign policy and the defense implications, I think it is important that we continue the research to develop these fuel efficient vehicles.

Of course, the reason that we are involved with Federal money is because it is a national policy issue that transcends the question of the private owner of the automobile. It goes to our national security as an essential part of prospective energy policy, and recognizing the fact that we need to decrease the use of petroleum.

The spike that we have experienced in prices lately illustrates how much our pricing is dependent on those who make these decisions, i.e., OPEC, that is totally beyond our control.

We have invested quite a lot of money already, something like 600 million Federal dollars, and probably double that amount of private dollars. I think to stop at this point and not finish this research would be a mistake in terms of the utilization of our research.

For these reasons, I oppose the amendment that has been offered by the gentleman from New Hampshire.

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

Mr. Chairman, I rise in support of the amendment my friend, the gentleman from New Hampshire (Mr. SUNUNU) and I have offered.

Some of my dearest friends for whom I have the greatest respect are on the other side of me on this issue. I would just say that governing is about choosing. On this issue, I respectfully believe that we have made the right choice, and those who oppose this made the wrong choice.

This is about how we should spend $126.5 million of the taxpayers' money.

We say, those of us who support this amendment, that the right priority for that money is to put $86.5 of it toward reducing our national debt; to put $10 million of it toward property tax relief in communities that have federally-owned lands in the Payment in Lieu of Taxes program; to put $10 million into the State Land and Water Conservation Fund, to help States in their effort to preserve green space and promote clean water; to put $10 million into forest maintenance programs that help us protect the integrity of our Federal forest lands; and finally, $10 million into the maintenance of our national parks, the disrepair of which, despite the very excellent efforts of the chairman of this committee and the ranking member, has become a major problem, despite their very diligent and excellent efforts.

The opposition would tell us that this money would be better invested in a partnership with corporate America to develop cars that would get 80 miles to a gallon. I fervently hope and believe that we will one day have cars that can get 80 miles to a gallon. We could use them right now, given the spiralling price of gasoline.

But I would argue that the spiralling price of gasoline is precisely the reason why we do not need 126.5 million taxpayer dollars to do this. Someone is going to make an awful lot of money developing and selling automobiles to the American public that can get 80 miles to a gallon. God bless them. I have great faith that they will. But I think the $1.25 billion that we have already invested between fiscal 1995 and 1999 in this project is really quite enough.

We hear that we would not get these cars without this public investment. My research shows that in fiscal 1999, the industry spent $21.5 billion of its own money on research and development. I commend the industry for that, but I do not think they need our help to do that.

Then we hear that the money does not really go to the big auto makers, it goes to those who are subcontractors in universities and pass-throughs. With all due respect, that is pass-through money and services that are being performed for the auto makers. That is like saying, if you paid someone to mow my lawn, that I did not benefit from that. I did not pay them to mow my lawn, but I am the one who got my grass cut. It is the auto makers who are benefiting from that.

That is why our amendment is supported by the Sierra Club, because we should not be subsidizing vehicles that would add to our pollution problem. It is supported by U.S. PIRG; by Friends of the Earth. It is supported by the National Association of Counties because of the property tax relief that it provides, and it is supported strongly by the Taxpayers for Common Sense and Citizens Against Government Waste.

Governing is about choosing. The right choice for this $125.5 million is debt reduction, property tax relief, environmental protection, and not subsidies of the mightiest and most profitable, powerful corporations in this country.

I urge support of the amendment.

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

Mr. Chairman, there are few people in this House that I have as much respect for as I do for the gentleman from Ohio (Mr. REGULA), one of the truly great Americans here. But I have to support the amendment of the gentleman from New Hampshire (Mr. SUNUNU) on this amendment.

If I may say so, Mr. Chairman, when I look at my friends from New York, they are .04 owned by the Federal government. We almost have to get to the West to see those that are really owned by the Feds. In my State, it is 73 percent. Nevada is about 90 percent. We have authorized $250 million to be called Payment in Lieu of Taxes.

Let me just mention a little county called Garfield. Garfield County is owned 93 percent by the Federal government. Folks in the East love to come out to Garfield County because it has all kinds of monuments and beautiful things in it. They come out there and play on that area, and sometimes start fires and sometimes put debris and trash all over the place, and sometimes break a leg.

Every time those things happen, Garfield County, that is 7 percent owned by private, is asked to take care of them. They pick them up, haul them in, take care of that kind of thing. Where do these poor little county commissioners get their money? They put every dime in Payment in Lieu of Taxes, but they do not get it all. They get a very small percent, so they are actually losing money.

What the gentleman's amendment does is it tries to bring this up to what was authorized. It will not even come close, but it helps a little bit.

As chairman of the Subcommittee on National Parks and Public Lands, I would like to have some of the Members look at the backlog we have in infrastructure of our parks. We are talking about restrooms, these basic things; we are talking roads, parking places.

Talk to the American public and ask, what do you like in America? What is the best thing the American government does? They will come right back and say, the national parks. Ask them what is the worst thing, and they will say the IRS. But anyway, they love the national parks. This is putting a few more dollars in national parks.

How about our forests? People come from all over to go into the national forests. That is one of the great vacations in America. This will help a little bit toward that.

I agree with the gentleman, talking about better mileage on automobiles. Of course that is important. But I think it is very, very important that we help out these three entities. I would urge support of the gentleman's amendment.

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

Mr. Chairman, I oppose this amendment. I rise today in opposition to the Sununu-Andrews amendment to eliminate funding for Partnership for a New Generation of Vehicles, PNGV. While I understand that some of the money would go to the States' Land and Water Conservation Fund, as well as funding for PILT, this plan simply does rob Peter to pay Paul, taking money from one important environmental program to give to another.

Furthermore, Mr. Chairman, it appears that the real intention of the amendment is the elimination of funding for basic research for vastly improved fuel efficiency. We should find other ways to fund these other programs.

PNGV is a public-private partnership to develop a family sedan that is affordable and can achieve 80 miles per gallon. This 10-year program recently reached its 6-year goal to release a concept vehicle that can achieve utility and fuel efficiency as desired. The next phase of the program is an effort to make these cars affordable.

To suggest that new progress has not been made is not accurate. We are simply in the middle phase of the partnership. I strongly support this program because it works to achieve an important goal: fuel efficiency and environmental protection without losing utility, safety, or affordability. In other words, we can achieve the results we want and give consumers the vehicles they want.

Some will say this is corporate welfare. However, there is a broad consensus that the Federal government should encourage basic research. PNGV was not created as a new program, it was actually created by channelling existing funding. The result is more focused research and significant advances in vehicle technology. We cannot complain about fuel economy and then offer no resources to develop new science.

This option works toward our goal without artificially manipulating the supply of vehicles on the road. With gas prices of $2 per gallon and higher in the Midwest and other parts of the country, it seems unwise to eliminate a program designed to reduce our need for fuel.

I support immediate responses to our current fuel crisis, such as releasing the Strategic Petroleum Reserve. But I also support a long-term strategy for our energy program, to decrease our dependence on foreign oil. This program achieves those results. I strongly urge a no vote.

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

Mr. Chairman, I rise today in opposition to the Sununu-Andrews amendment to eliminate the Partnership for

a New Generation Vehicle, or PNGV program. This is a shortsighted cut when residents in my State of Illinois are paying the highest gas prices in the continental U.S.

□ 1730

The PNGV program is one of the true success stories of the Department of Energy. It has been reviewed annually by the independent National Research Council and each year it has received high marks for addressing the important national goals of improving vehicle efficiency and reducing emissions. Without this program, how do we achieve these goals? Do we abandon the successful public/private partnership and return to a costly regulatory regime? I do not think so.

I believe Congress should send the right message to agencies that have performed as intended. At the same time, we should signal to industry that the government is a reliable partner in research that has national benefits.

Cleaner, more efficient transportation, is the goal of the PNGV program. It is not a subsidy for the Big Three auto makers. It is an investment in American jobs, our transportation system, our environment and our national security. Let us not jeopardize our program by eliminating the PNGV program. I urge my colleagues to oppose the Sununu-Andrews amendment.

Mr. SUNUNU. Mr. Chairman, will the gentlewoman yield?

Mrs. BIGGERT. I yield to the gentleman from New Hampshire.

Mr. SUNUNU. Mr. Chairman, the gentlewoman raises a couple of important points, and I just want to respond briefly. First, the concern of the gentlewoman about gas prices. I think everyone shares that concern. We have had a debate here on the floor about gas prices and what might be done about the situation, but I want to reaffirm that nothing in this program will directly affect the price of gasoline.

The second point the gentlewoman makes is one about fuel efficiency, and there to be sure that was the stated objective of the program, but the GAO, in its March report, has said that at this point it does not appear likely that such a car will be manufactured and sold to consumers.

Even if we can agree that this is a lofty and well-founded goal, it simply looks at this point that the $1.25 billion that is put into the program has missed the mark.

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

Mr. Chairman, I rise in opposition to the amendment. Mr. Chairman, the gentleman from New Hampshire (Mr. SUNUNU) wants to aid some valuable programs, programs I hope will indeed gain additional funding as the appropriations process moves forward, but he wants to fund them by totally eliminating another valuable program, the Partnership for a New Generation of Vehicles, and therefore I must oppose the amendment.

Opponents of the partnership attack the program as corporate welfare, but that betrays a fundamental misunderstanding of the Federal Research Enterprise and its history. The Federal Government funds a wide variety of research at universities, at Federal labs, and sometimes even in corporate labs, that will help American industry over the long term but that market forces would prevent the private sector from investing adequately in the short term.

To take one prominent example, the Federal Government spends billions of dollars on research through the National Institutes of Health, research that helps hugely wealthy, multinational pharmaceutical companies develop new methods and products, but few attack this as corporate welfare. Indeed during yesterday's appropriation debate, Members were tripping over each other trying to claim to be the most ardent supporter of NIH funding and with good reason.

Well, the research being funded through PNGV on cleaner more efficient yet affordable transportation will also have a major impact on our Nation's health, and on our national security and is even less likely to be fully funded by the private sector than drug research is, and yet this program is under attack.

Maybe that is because this is technology and engineering research rather than something that seems more like pure science, but funding such research is nothing new. Back in the 19th century, the Federal Government offered money to promote the development of the railroads and at the beginning of the 20th century the Federal Government set up programs to help develop civilian aviation. The government continues to pump money into aviation research and into space technology, which can be used by the private sector.

In short, the kind of government involvement in technology represented by the PNGV is nothing new and it has always been a good idea. Given the impact of the transportation sector on our economy, on our energy use and on our environment, PNGV is a particularly wise investment.

I hope my colleagues will look past the simplistic slogan of corporate welfare and will instead consider the government's historic and necessary role in filling the gaps in R&D left by market failure. PNGV is a well-run program that deserves continued support. I urge opposition to the Sununu amendment.

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

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

Mr. DINGELL. Mr. Chairman, I want to begin by expressing great affection and respect to the authors of this amendment. They are fine Members of this body. They are good friends of mine. They deserve respect. But in this instance, my two good friends who offer this amendment are entirely in error. First of all, this is not a program that was sought by the auto industry. Second of all, it is not a program which benefits the auto industry directly. This benefits all Americans.

Now, I applaud the fact that somebody should want to put more money into programs which would pay the kind of benefits that this amendment would pay in rural areas, but this is not a place where that money should be sought. Let me point out some facts that are important.

First of all, this proposal was not sought by the auto industry. This is a proposal which was put together by this administration. It was supported, believe it or not, in this Congress enthusiastically. It was also supported by the organizations outside that were just cited as now being opposed to the expenditure of this money, because they recognized that this program, which has been in place now for about 10 years, was going to make a Federal contribution to more fuel-efficient, safer, better and more desirable automobiles for the American public, which would clean the environment, which would reduce the wastage of fuel and gasoline, and which would produce safer and better vehicles for the American people.

Now, the comment has been made how this is benefiting the auto industry. The auto industry does its own research on automobiles and products that are going to be sold to the American people in the immediate future. That is not done under this legislation. In point of fact, let me read some facts that I think need to be known about what this legislation is doing. First of all, over 99 percent, in fact 99.8 percent, of Federal PNGV funds went to the national labs and to the universities; over 1,200 projects at over 600 sites, including 21 Federal labs.

So everyone has a Federal lab or university in their district. This is a piece of legislation which probably benefits my colleagues, their people, their universities and their Federal labs in their districts. Some 51 universities in 47 States have participated in this program and are deriving significant benefits to themselves and contributing significant benefits in terms of the research which they are doing.

It should be noted in 1999, the most recent year, less than .2 percent, that is .002, of Federal funds actually went to the manufacturers. Does that say who is getting the benefits out of this program? The answer is, the colleges, universities, the Federal research institutions are getting the money, but the ultimate benefit is derived by the American public, which is going to drive safer, better, more fuel-efficient vehicles, and vehicles that produce less pollution.

This is a program that works. It was sought by this administration. It has been supported by this Congress time after time as conferring a significant

benefit on the country, upon the environment, and upon the American people. I see no reason why this should change at this particular time or any information that would indicate that this program is less in the national interest. PNGV has helped to align the research direction of the national labs and has contributed to keeping them open, and as the industry moves towards high opportunities to stretch research goals for the benefit of everybody, including people not in the areas where automobiles are produced. The $980 million which has been spent by the industry is indicative to its commitment towards the goals that are set out in this program, and that money is spent in addition to and to match Federal industry cooperative research programs to better this country, to better the environment, and to save fuel and energy for this.

It is indeed something which moves towards long-range research which goes far beyond that which would normally be committed by American industry in this ordinary course of events. This is research which moves far into the future and which significantly benefits everyone and does not confer a significant benefit on the auto industry.

I would remind my colleagues, the industry did not seek this. It was sought by the administration. It is money which benefits the private research sector, the universities and the research institutions, but it also benefits the Federal lab. I urge my colleagues to reject the amendment. It is well intentioned, but it is mischievous and poorly thought out.

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

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

Mr. DICKS. Mr. Chairman, I want to commend the gentleman from Michigan (Mr. DINGELL) for clearing up some of the myths about this program. This is one of the better programs, I believe, the Department of Energy has. It is a program where we are working on these advanced technologies and anyone can participate. So I think it is a tremendous effort.

Just this year, the year 2000, marks a major milestone in the PNGV program, the unveiling of the proof of concept vehicles that demonstrate up to 80 miles per gallon fuel economy. Earlier this year, the three auto makers presented their PNGV vehicles at several events, including the Northern American International Auto Show in Detroit and the PNGV 2000 Concept Roll-Out on March 30 in Washington, D.C. All three vehicles, the Ford Prodigy, the General Motors Precept, the DaimlerChrysler ESX–3, feature advanced hybrid propulsion systems, high efficiency diesel engines, and extensive use of lightweight materials. Each vehicle is a significant technological achievement and the auto makers each credited the government contribution to that achievement. It is estimated that industry has spent, on its own, a billion dollars of its own money on these concepts which would not have been invested in the absence of the PNGV program.

So I think this program is working. And at a time when energy prices are on the minds of the American people, where in the midwest gas prices are at $2.50, finally doing something with innovative technology to bring on these more efficient cars seems exactly the right thing for the Federal Government to be doing in a partnership with the private sector.

I commend this administration for what it has done. And I also want to reiterate, of the $128 million appropriated by the Department's PNGV efforts in fiscal year 1999, less than 3 percent, $3 million was sent to General Motors, Ford, and DaimlerChrysler. Most of the funds were passed through to subcontractors. The majority of the appropriation, as mentioned by the gentleman from Michigan (Mr. DINGELL), approximately 63 percent was distributed to the Department of Energy national labs and only a small portion passed through the laboratories to other businesses. About 30 percent of the appropriations supported large automotive suppliers and approximately 7 percent supported small businesses and universities.

By technologies, fuel cells rank first with $33 million, or 26 percent of the total. Lightweight materials accounted for $19 million. In comparison, the research efforts aimed solely at compression ignition diesel cycle totalled $6 million. In fiscal year 2004, General Motors and DaimlerChrysler receive less than 1 percent of the appropriation.

So this is hardly corporate welfare. What this is is a very smart program between the Department of Energy and the auto makers of this country to try and come forward with advanced technologies with these advanced engines, with the hybrid vehicles, with lighter materials which are crucial to this effort. So I think we should keep this program. I think we should reject the amendment and move on.

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

Mr. Chairman, I rise in strong opposition to the amendment. I have a high regard for the gentleman from New Hampshire (Mr. SUNUNU) and the gentleman from New Jersey (Mr. ANDREWS), and the others that I have seen or heard that mentioned something about this issue.

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Mr. Chairman, I rise in opposition because, frankly, as much as it is, it is very difficult to take away from one area and give to another, and that is what they are doing here; but they are actually striking a program that does work, as has been pointed out by a number of people.

This amendment would eliminate the funding to continue the partnership, a public-private sector program or plan that has worked. This is a program that has delivered proven technological results. It engages both the auto industry and the Government to develop the vehicles for the future, vehicles which are less polluting. I would remind everyone that, in the last 25 years, the emissions have been reduced substantially and the economy has more than increased by 100 percent. That is on automobiles. On trucks, it is over 60 percent.

So I think what we should look at is what is happening within the industry and why it is so important right now that we look at delivering that performance and the comfort that the American consumer desires but in a vehicle that is more economical.

Via the PNGV program, there have been great strides that have been reached on the development of these hybrid vehicles, vehicles by the way that combine so-called hybrid vehicles, the internal combustion with the battery concept. That is new stuff. It is beginning to work well. So I would just say the timing, I think, is out of touch with the current events.

We have heard from individuals who talked about the price of gasoline. I do not have to point this out again. It has already been mentioned about the costs have skyrocketed in the Midwest, in particular, well above $2 a gallon.

We as a country, as has been pointed out, are overly reliant on foreign petroleum supplies. So it is imperative that Congress do something to help the persons most affected by these price increases, and that is the American worker. The PNGV program is exactly one such program that will develop the technology that will stop our reliance on foreign oil and will improve the environment in the process.

So with the funds appropriated in this bill, we can continue the vitally important research and development associated with this program.

I reiterate my strong opposition for the amendment but support for retaining that funding in the bill. I ask my colleagues to defeat this amendment.

Mr. Chairman, I yield to the gentleman from Michigan (Mr. UPTON).

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

Mr. UPTON. Mr. Chairman, I want to underscore what the gentleman indicated that is in my district now in the last 2 weeks, we have seen gasoline go over $2 a gallon. I would think that now, more than ever before, that we need the research that this provision provides which would allow the PNGV, in essence, to support the technology that will, indeed, improve fuel efficiency.

I commend the gentleman from Ohio (Mr. REGULA), chairman of the Subcommittee on the Interior, for recognizing this important benefit for PNGV.

I urge my colleagues to defeat the Sununu amendment which would

strike the important funding for it in the bill. If not now, when? This is the time that we ought to do it. Our constituents are screaming about the high cost of gasoline.

We need to help the universities and other researchers provide the adequate funding so we have more fuel efficient automobiles. That is what this provision does. Obviously, an amendment to strike it would take away that ability for all consumers across the country. I urge defeat of this amendment.

Mr. Chairman, I rise in strong opposition to the Sununu amendment.

Unfortunately, this amendment shortsightedly overlooks the enormous benefits our wise investment in the Partnership for a New Generation of Vehicles—PNGV—makes to improve technologies to increase fuel economy and improve emissions without sacrificing affordability, utility, safety and comfort in today's family cars.

Investment in PNGV for agency programs most directly relevant to its technical objectives amount to about $130 million annually—99% of which goes directly to supplier companies, national labs, and universities who engage in research and development in areas including: advanced batteries for electric vehicles, hybrid electric vehicles, lightweight materials, vehicle recycling, fuel economy and further reductions of emissions. Federal partners involved in this research include the Departments of Commerce, Energy, Transportation and Defense, along with the EPA, the National Science Foundation, NASA, and 21 federal labs.

Make no mistake, the benefits which our wise investment in PNGV are enormous. This effort is advancing America's technology base, improving national competitiveness and the productivity of America's factories, preserving U.S. jobs, keeping the U.S. economy growing, minimizing transportation's impact on the global environment and achieving sustainable development by fostering environmentally friendly transportation solutions, and reducing reliance on foreign oil.

Speaking of foreign oil, many of our congressional districts around the nation are experiencing drastic increases in gas prices at the pump. In my district alone, prices are near the $2 per gallon mark for regular unleaded at the self-service pump, and my constituents are demanding relief. So now, more than ever, we need the research which PNGV supports for technologies which can improve fuel efficiency.

I applaud my colleagues on the Interior Appropriations Subcommittee for recognizing the important benefits of PNGV, and I urge my colleagues to defeat the Sununu amendment, which would strike the important funding for it in the bill.

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

Mr. Chairman, I rise in strong support of the Sununu-Andrews amendment and compliment those gentlemen for offering it. Mr. Chairman, this really is nothing but an unnecessary subsidy of three large and successful auto companies.

I am glad these companies are successful. They are doing well in our free market economy creating a lot of jobs, doing a lot of good things. The numbers certainly show that: the profits of Ford in 1999, over $7 billion; General Motors, $6 billion; Chrysler, almost $6 billion. They put almost that much money back into research, and I am delighted that the marketplace allows them to do that. Their success in the marketplace allows them to do that.

The amount of money that this program, the Partnership for a New Generation of Vehicles, is providing is a small fraction of what the private sector in these auto companies is already devoting to research for these kinds of vehicles.

The fact of the matter is this is a classic example of corporate welfare. We are subsidizing something that the private sector is already doing. We are subsidizing something with taxpayers' dollars that the private sector wants to do, is doing, has the resources to do, and has the incentive to do. There is no reason in the world for us to be putting $126 million into a program that is getting billions of dollars of private sector investment directed to it.

Several people have referred to the GAO report that says it is unlikely that such a car will be manufactured and sold to consumers. I do not know whether that is really all that important here today. I hope that this kind of a car is developed. But it is going to be developed whether the Federal Government puts tax dollars into it or not. That is why this is corporate welfare. We are supporting something that the private marketplace is doing on its own. We should let the market decide.

These three big companies are trying to develop hybrid engines that combine gasoline or diesel motors with electric parts. Honda and Toyota are doing the same. We should let the market decide.

The Congressional Budget Office has said, if Honda and Toyota do succeed in the U.S. market, our auto makers will have every incentive in the world to try to meet that competition and continue this research and development. If these Japanese hybrid cars do not succeed in our marketplace, our additional dollars are unlikely to change or revoke that judgment of the market.

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

Mr. HOEFFEL. I am happy to yield to the gentleman from New Hampshire.

Mr. SUNUNU. Mr. Chairman, I think that is a very prescient point, because we can look back in time from three particular areas where we either as a Nation did try to second guess the markets or we nearly tried to second guess the markets and look at what the historical results were.

First case in point, synthetic fuels. We put billions of dollars into trying to develop oil from coal in the synthetic fuels program, trying to second guess the technology that is out there in the energy marketplace; and that money was essentially wasted because the technological feasibility of success in that area was so limited.

A second example, back in the 1980s, the silicon industry, the chip industry was crying for subsidies for static memory. We need Federal subsidies to maintain our static memory markets. It was a question of competitiveness. We heard it from all corners of the country. Today, the static memory business is a terrible business to be in. The margins are razor thin. We put about $400 million into subsidy for that industry. But in retrospect, it would have been a terrible industry to subsidize.

A third example, high definition television. Thank goodness we did not put tens of billions of dollars into subsidizing that technology as some of our European and Asian counterparts did, because, by allowing markets to determine where the technology went, the American companies have the winning standard. So we have to be careful about distorting these technical markets.

Mr. HOEFFEL. Mr. Chairman, reclaiming my time, I thank the gentleman from New Hampshire for offering this amendment. We do not need to subsidize something that the marketplace is already doing. I urge strong support for the Sununu-Andrews amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New Hampshire (Mr. SUNUNU).

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

Mr. SUNUNU. 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 524, further proceedings on the amendment offered by the gentleman from New Hampshire (Mr. SUNUNU) will be postponed.

The point of no quorum is considered withdrawn.

AMENDMENT NO. 37 OFFERED BY MR. HEFLEY

Mr. HEFLEY. Mr. Chairman, for the purpose of offering my amendment No. 37, I ask unanimous consent to return to page 2, line 13. I was in the Chamber at the time we were on that item. I was on my feet, but I was not recognized. The gentleman from New Hampshire (Mr. SUNUNU) was recognized.

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

There was no objection.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 37 offered by Mr. HEFLEY:

Page 2, line 13, insert after the dollar amount the following: ''(reduced by $4,000,000)''.

Page 54, line 4, insert after the dollar amount the following: ''(increased by $4,000,000)''.

Mr. HEFLEY. Mr. Chairman, the amendment before us moves $4 million from the wild horse and burro management line item of the Bureau of Land Management budget to the wildland

fire management line item of the U.S. Forest Service.

In recent weeks, we have seen just how serious a problem fire is in the Rocky Mountain West. The recent fires in New Mexico resulted in the destruction of 400 residences, damaged two Indian pueblos and the Los Alamos National Laboratory, and loss is estimated in the hundreds of millions of dollars.

The problem is not confined in New Mexico. This week, two wildfires are burning houses and forced hundreds from their homes southwest of Denver and west of Loveland.

I have headlines here from the papers just this week out there: ''Two fires destroy homes, force residents to flee. Hundreds flee Larimer County fire. Front Range fires rage,'' the headlines read.

Three years ago, Dr. Thomas Veblen, a forest historian at the University of Colorado, stated that Rocky Mountain forests were due for a catastrophic fire event 3 years after the onset of a wet season. He was not talking about the kind of fires we see every year. He was talking about wildfires stretching the length of the Rockies from Wyoming to Colorado to New Mexico.

At that time, some of us estimated that these catastrophic fires could occur within 3 to 5 years, and we would have what they call a ''millennial fire.'' Now we may be 1 or 2 years away. As we have seen in this week's newspapers, we might be seeing the start of it.

At risk this time are the towns like Evergreen, Manitou Springs, Woodland Park, Estes Park, and Boulder. These are not isolated hamlets but thriving communities, some located inside of cities like Denver and Colorado Springs.

The Buffalo Creek fire, which struck the Pike-San Isabel National Forest 4 years ago, was one ridge and one rainstorm from hitting the Denver suburbs. The forest fire service map of the Front Range shows a solid block of red from Boulder to Pueblo.

So as we have seen, this is not just a Colorado problem. The New Mexico fire speaks for itself.

Three years ago, the gentleman from California (Mr. ROGAN) introduced legislation to treat the northern forest of that State. At that time, the Forest Service stated that forest treatment and prescribed burns would be needed in the foreseeable future to clear up the build-up on the forest floor.

For the past 2 years, the gentlewoman from Idaho (Mrs. CHENOWETH-HAGE) has held hearings on the forest health problem. Frankly, until the New Mexico fires, the response from the Forest Service headquarters has been silence.

Mr. Speaker, I do not think we can wait any longer. According to its own report, the appropriation bill is approximately $5 million under what is needed for a Forest Service to run an optimum wildland fire management program.

I do not think we can stint on this. I would add, I think, the report of March 2001 deadline for a Forest Service plan to deal with this is too far out. We should direct them to implement the plans they have now according to their internal priority lists.

The amendment before us offers a choice of priorities. We could argue about the merits or demerits of the wild horse program, but this does not do away with that program at all. There is still half of that money for that program there, $4 million, that can continue that program. But even with a budget increase, the burro and horse program is going to be a problem with us for a long time to come. The fire situation is something we can and must start dealing with right now.

With that, I urge support of this amendment.

Mr. UDALL of Colorado. Mr. Chairman, I move to strike the last word and rise in support of the Hefley-Udall amendment.

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

Mr. UDALL of Colorado. Mr. Chairman, as the gentleman from Colorado (Mr. HEFLEY), the dean of our delegation, has explained, the amendment would shift $4 million into the Forest Service's wildland fire management account.

The purpose of the amendment is to increase the funding for the preparedness and fire operations line items. Those line items pay for a number of important activities aimed at the protection of life, property, and natural resources. The preparedness account is used to enable the Forest Service and cooperating agencies to prevent, defect, and respond to fires on National Forest lands.

The fire operations account pays for actually fighting forest fires; but even more importantly, it pays for work to prevent them in the first place by controlled burning and other steps to reduce the amount of hazardous fuels.

□ 1800

Quite rightly, the Forest Service gives top priority to so-called ''urban interface'' areas where forest lands adjoin developed areas. As my colleague, the gentleman from Colorado (Mr. HEFLEY), has explained, in Colorado that means particularly the front range area, where the Great Plains meet the Rocky Mountains.

The Front Range is the edge of our State's most populated areas. And the danger of fire is real. In fact, in the last couple of days, fires in Jefferson, Park, and Larimer Counties have burned more than 40 houses and caused hundreds of Coloradans to be evacuated from their homes.

As we know, this year's fire season has just begun. This morning's Colorado newspapers are reporting that yesterday the ''Hi Meadow'' fire near the town of Bailey has gotten much worse and forced people to evacuate from Buffalo Creek. As all Coloradans know, Buffalo Creek was the scene of another devastating fire just a few years ago.

Our governor has declared a state of emergency in affected areas, and this morning FEMA told me they are responding to our State's request for aid. It is too late to prevent these fires. Now they must be fought. But it is still true the best time to fight a fire is before it starts, and that is the purpose of the Hefley-Udall amendment.

This is important for all Coloradans. It is especially important for Boulder, which I represent, and the other communities along the Front Range that are at risk for wildland fires. The additional funding provided by the amendment will help make sure the Forest Service will continue to cooperate with its Colorado partners to reduce the risk.

Already those partners are hard at work in places like Winiger Ridge near Boulder, the Upper South Platte watershed, and the Seven-Mile area near Red Feather Lakes. Our amendment would help make sure those efforts can continue.

Mr. Chairman, as a new member of the Committee on Resources, I followed with great interest some of the debates about the health of our forests. I suspect some may want to link this amendment to those debates. But I want to make clear this is not a forest health amendment, it is not an amendment about timber sales. This amendment is about fighting fires and fire prevention. And while prevention often requires reduction of the volume of hazardous fuels, it does not require removal of old growth timber or clearing of large areas.

This is also not a big-spending amendment. All it would do is bring the wildland fire management account back near the level of the current fiscal year. The desirability of this amendment was actually spelled out in the report of the Committee on Appropriations. Speaking of the very fire prevention measures affected by this amendment, the committee report says, ''Additional funding in this activity, were it available, would provide much more than a dollar-for-dollar savings in subsequent wildlife and wildfire suppression operations and loss of valuable resources.''

I agree with my colleague that this is a high priority matter, and I urge the adoption of our amendment.

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

Though I am sympathetic to this amendment, I rise in opposition. I believe that we have tried to address the overall problem of fire by adding $350 million in emergency wildland fire funds. That was a last-minute addition to the bill. And we also have $907 million in nonemergency wildland fire funds for these agencies.

I would say to both the gentlemen from Colorado that if the circumstances are exacerbated between

now and conference, we would make every effort to provide some additional funding there, because I know that this is a serious problem both in Colorado and in New Mexico.

By the same token, I am reluctant to see $4 million taken out of the Wild Horse and Burro program, because we are on the threshold of implementing the research program that has been developed by the University of Arizona for reducing herd size on the public lands and this would go a long way, if the research that has been developed is implemented, in reducing the impact on the health of the land in Colorado and all these western States that have a problem with the wild horses and burros.

So I would like to keep that $4 million in there because this money basically will implement what we now know by way of science as a way to address this, but I will give the gentlemen from Colorado the assurance that if the situation becomes more critical as we get to conference, that we will look with favor on adding some additional money.

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

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

Mr. DICKS. Mr. Chairman, I just want to point out to all of our colleagues, and the chairman worked with us on doing this, that we were very concerned that because we have not passed the supplemental appropriations bill through both bodies down to the President that there was not enough money in these accounts for wildland fire management. So we put in for the Department of Interior, Bureau of Land Management, $200 million to remain available until expended for emergency rehabilitation and wildfire suppression activities.

The other amendment we had in our bill, and this is on page 109, is $150 million for wildland fire management for the Forest Service. So there is a total in this bill of $350 million for what I think the gentlemen from Colorado rightfully want.

I will say here today that if there is additional money needed, as the chairman has just said, in the conference we will put additional money in. I am sure the administration will request it.

There is also $907 million in the regular bill, in the 01 bill, for this account, and then this $350 million is for emergency money. So if we add it all up there is $1.2 billion in total.

So I want to help, but I do not think we should beat up on the other program. And just to give a little information, BLM is required by statute to manage the wild horse and burro populations in a manner that protects herds at appropriate levels. Cumulative appropriate management levels total about 27,000 animals in the entire western United States. Today, the number of wild horses and burros stands at more than 50,000 animals or roughly double the carrying capacity of our rangelands.

What I worry about is if we take money away from this program, that they are going to do terrible damage to the watersheds all over the West. And it is estimated that at current funding levels and adoption demand, populations will increase to 126,000 animals by 2010, or more than four times the land's carrying capacity. And according to the BLM, a reduction of $4 million here will do serious damage to their program.

So I stand committed to helping the Colorado Members and the New Mexico Members, and whoever else is affected, and I am out from the West myself and realize the terrible conditions that are out there, but I would like to see us, if we could do it, without taking it out of the money for the wild burro program.

Mr. REGULA. Reclaiming my time, Mr. Chairman, I agree with what the gentleman has said.

But I want to give assurance again to the Colorado Members that we are very sensitive to the problem. As has been pointed out, the wild burro program is on the threshold of a breakthrough that we desperately need.

I commend the gentlemen from Colorado for bringing this to our attention. As the ranking member indicated, and as I have, we will be committed to addressing the problem in conference if the conditions continue to warrant that.

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

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

Mr. TANCREDO. Mr. Chairman, I rise in support of the bipartisan amendment, and I commend my colleague, the gentleman from Colorado Springs, Colorado (Mr. HEFLEY), for his work on the amendment, as his district is presently experiencing the most serious forest fire in the country.

I understand that the Hi Meadow fire is now less than two miles south of my congressional district. It has destroyed over 6,640 acres, and our thoughts and prayers go to the families of Pine, Colorado and the surrounding area, as well as the families displaced by the fire to the north of my district in the Roosevelt National Forest.

This year is already one of the worst fire years on record and we are not even halfway through the summer. I saw a statistic the other day saying that there have already been in the United States over 44,000 fires, burning well over 1.5 million acres of land so far this year.

Now, why are we facing a growing problem like this with these forest fires, that are sure to incinerate some of the most beautiful land in the United States? I have heard a few explanations in the media over the past few weeks, but I believe that the forest fires are caused for a simple reason. Wood is flammable, and in Colorado we have more wood in our mountains than ever before in history. These forests are not healthy. They are overgrown, after years of fire suppression. They are not safe at this of year. Our forests are tinderboxes. They are no longer in their natural state.

I urge my colleagues to acknowledge this fact because it is an extremely important one to remember as we consider the appropriations we provide to the forest managers. Fire prevention efforts, which this amendment would help fund, are a cost-saving strategy. I am told that if it were not for a prescribed burn that occurred last summer along the Buffalo Creek watershed by Jefferson County Open Space, the fire in Hi Meadow would have moved quickly south. If not for that prescribed burn, the fire may have jeopardized the supply of water that is used by thousands of Denver residents.

However, the biggest complaint I have heard this week was from the BLM and Forest Service that they do not have enough resources to combat the fire. Yesterday, the firefighters temporarily ran out of fire-retardant. They need equipment and they need funding for preventive measures. Fire prevention programs can save millions in damages to homes and buildings and water treatment.

Mr. Chairman, I wanted to thank my colleagues, especially my colleague from Colorado Springs, for bringing this amendment to our attention.

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

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

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

I just want to say that we do recognize that both the chairman, the gentleman from Ohio (Mr. REGULA), and the ranking member, the gentleman from Washington (Mr. DICKS), are not unsympathetic about this. They have worked in their bill to try to provide a great deal of assistance in this area, and we appreciate that and understand that. And we understand if the problem intensifies that they will be there to be helpful to us.

The Forest Service tells us that they are $5 million short of being able to do the kind of program that is needed to meet the need. This would put $4 million of that $5 million in it. At the same time, it would not in any way destroy the horse and burro program because that is something too that we need to solve. We have too many horses and burros on the range.

I would advise the gentleman from Ohio that I raise horses. I am sympathetic with the horse problem. I live in the West. I saw My Friend Flicka and Thunderhead. I understand about wild horses and the affection we have in America for wild horses. But we have too many on the range, and we do need to solve it. I would not in any way want to take away all the money from that. That is why half the money is still there.

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

Mr. TANCREDO. I yield to the gentleman from Ohio.

Mr. REGULA. Once again, Mr. Chairman, the ranking member and I have discussed this issue. We are going to take care of whatever has to be done out there, but we are reluctant to see the money come out of the Wild Horse and Burro Program because they are ready to move on that. We have been told by BLM that they need this money. To implement the recommendations of the University of Arizona study, that needs to stay there.

So, again, I can only reiterate the fact that we are going to be very sympathetic in conference as the needs emerge.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Colorado (Mr. HEFLEY).

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

Mr. HEFLEY. 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 524, further proceedings on the amendment offered by the gentleman from Colorado (Mr. HEFLEY) will be postponed.

The point of no quorum is considered withdrawn.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

LAND ACQUISITION

For expenses necessary to carry out sections 205, 206, and 318(d) of Public Law 94–579, including administrative expenses and acquisition of lands or waters, or interests therein, $19,000,000, to be derived from the Land and Water Conservation Fund, to remain available until expended.

AMENDMENT OFFERED BY MR. REGULA

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

The Clerk read as follows:

Amendment offered by Mr. REGULA:

On page 6, line 1, after ''$19,000,000'' insert ''(decreased by $3,000,000 and increased by $3,000,000)''.

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

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

There was no objection.

Mr. REGULA. My colleagues, this amendment eliminates $3 million in land acquisition funds in BLM for the Upper Missouri National Wild and Scenic River in Montana. I offer the amendment because there is local opposition.

We try to be very sensitive on these acquisition proposals to what the local people want, so we are proposing to take the $3 million, and put $2 million for the Lower Snake/South Fork Snake River, in Idaho, which they would like to have, and $1 million for the West Eugene Wetlands Project in Oregon.

Both projects are high priority acquisitions, and both projects that we propose to fund involve willing sellers. They are also included in the President's budget. We were not able to do them before tonight because of fiscal limitations, but in view of the fact that we would prefer not to spend the $3 million in the Upper Missouri, we propose to make that move. I would urge the Members to support this.

□ 1815

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

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

Mr. DICKS. Mr. Chairman, I would tell the chairman that we concur with his amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio (Mr. REGULA).

The amendment was agreed to.

SEQUENTIAL VOTES POSTPONED IN COMMITTEE OF THE WHOLE

The CHAIRMAN. Pursuant to House Resolution 524, further proceedings will now resume on those amendments on which further proceedings were postponed in the following order: amendment No. 30 by the gentleman from New Hampshire (Mr. SUNUNU), and amendment No. 37 by the gentleman from Colorado (Mr. HEFLEY).

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

AMENDMENT NO. 30 OFFERED BY MR. SUNUNU

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from New Hampshire (Mr. SUNUNU) 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 ordered.

PARLIAMENTARY INQUIRY

Mr. DICKS. Mr. Chairman, parliamentary inquiry.

The CHAIRMAN. The gentleman will state his inquiry.

Mr. DICKS. Mr. Chairman, was there enough people standing for a recorded vote?

The CHAIRMAN. The Chair counted for a recorded vote; and, a sufficient number having risen, a recorded vote was ordered.

Mr. DICKS. Mr. Chairman, did the Chair count?

The CHAIRMAN. The Chair's count is not subject to question.

RECORDED VOTE

The vote was taken by electronic device, and there were—ayes 214, noes 211, not voting 9, as follows:

[Roll No. 274]

AYES—214

Abercrombie
Aderholt
Andrews
Archer
Armey
Baldwin
Ballenger
Barr
Barrett (WI)
Bartlett
Bass
Becerra
Bereuter
Berkley
Bilbray
Blagojevich
Blumenauer
Bono
Boyd
Brown (OH)
Bryant
Burr
Burton
Calvert
Canady
Cannon
Capps
Chabot
Chenoweth-Hage
Clayton
Clyburn
Coble
Coburn
Collins
Combest
Condit
Costello
Cox
Crane
Cubin
Cummings
Cunningham
Davis (VA)
Deal
DeLauro
DeLay
DeMint
Deutsch
Dickey
Doggett
Doolittle
Duncan
Dunn
Ehrlich
Emerson
English
Eshoo
Evans
Everett
Farr
Filner
Fletcher
Foley
Forbes
Fossella
Fowler
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gillmor
Goode
Goodlatte
Goodling
Graham
Green (WI)
Gutknecht
Hall (TX)
Hansen
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (MT)
Hilleary
Hilliard
Hoeffel
Holt
Horn
Hostettler
Hulshof
Hunter
Hutchinson
Istook
Jenkins
Johnson (CT)
Johnson, Sam
Jones (NC)
Kasich
Kind (WI)
Kingston
Kolbe
Largent
Larson
Latham
Leach
Lee
Lewis (GA)
Lewis (KY)
Linder
LoBiondo
Lucas (OK)
Luther
Maloney (CT)
McCollum
McCrery
McGovern
McInnis
McIntosh
McKinney
Meehan
Menendez
Metcalf
Mica
Miller (FL)
Miller, Gary
Miller, George
Minge
Moakley
Moore
Moran (KS)
Myrick
Neal
Nethercutt
Norwood
Nussle
Olver
Pallone
Pascrell
Paul
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Pombo
Price (NC)
Radanovich
Rahall
Ramstad
Riley
Rogan
Rohrabacher
Rothman
Roukema
Royce
Ryan (WI)
Ryun (KS)
Salmon
Sanders
Sanford
Saxton
Scarborough
Schaffer
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Shimkus
Shows
Slaughter
Smith (NJ)
Smith (TX)
Souder
Spence
Stearns
Stenholm
Strickland
Stump
Sununu
Talent
Tancredo
Tanner
Tauzin
Taylor (MS)
Terry
Thompson (CA)
Thornberry
Thune
Tiahrt
Tierney
Toomey
Udall (NM)
Vitter
Walden
Walsh
Waters
Watkins
Watt (NC)
Watts (OK)
Weldon (FL)
Weldon (PA)
Wexler
Whitfield
Wicker
Woolsey

NOES—211

Allen
Baca
Bachus
Baird
Baker
Baldacci
Barcia
Barrett (NE)
Barton
Bateman
Bentsen
Berman
Berry
Biggert
Bilirakis
Bishop
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bonior
Borski
Boswell
Boucher
Brady (PA)
Brady (TX)
Brown (FL)
Buyer
Camp
Capuano
Cardin
Carson
Castle
Chambliss
Clay
Clement
Conyers
Cooksey
Coyne
Cramer
Crowley
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
Diaz-Balart
Dicks
Dingell
Dixon
Dooley
Doyle
Dreier
Edwards
Ehlers
Engel
Etheridge
Ewing
Fattah
Ford
Frank (MA)
Franks (NJ)
Frost
Gejdenson
Gephardt

Gilchrest
Gilman
Gonzalez
Gordon
Goss
Granger
Green (TX)
Gutierrez
Hall (OH)
Hastings (FL)
Hill (IN)
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Hooley
Houghton
Hoyer
Hyde
Inslee
Isakson
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kelly
Kennedy
Kildee
Kilpatrick
King (NY)
Kleczka
Klink
Knollenberg
Kucinich
Kuykendall
LaFalce
LaHood
Lampson
Lantos
LaTourette
Lazio
Levin
Lewis (CA)
Lipinski
Lowey
Lucas (KY)
Maloney (NY)
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McHugh
McIntyre
McKeon
McNulty
Meek (FL)
Meeks (NY)
Millender-McDonald
Mink
Mollohan
Moran (VA)
Morella
Murtha
Nadler
Napolitano
Ney
Northup
Oberstar
Obey
Ortiz
Ose
Owens
Oxley
Packard
Pastor
Pickett
Pomeroy
Porter
Portman
Pryce (OH)
Quinn
Rangel
Regula
Reyes
Reynolds
Rivers
Rodriguez
Roemer
Rogers
Ros-Lehtinen
Roybal-Allard
Rush
Sabo
Sanchez
Sandlin
Sawyer
Schakowsky
Scott
Sherman
Sherwood
Simpson
Sisisky
Skeen
Skelton
Smith (MI)
Smith (WA)
Snyder
Spratt
Stabenow
Stark
Stupak
Sweeney
Tauscher
Taylor (NC)
Thomas
Thompson (MS)
Thurman
Towns
Traficant
Turner
Udall (CO)
Upton
Velazquez
Visclosky
Wamp
Waxman
Weiner
Weller
Wilson
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—9

Ackerman
Callahan
Campbell
Cook
Danner
Greenwood
Lofgren
Shuster
Vento

☐ 1842

Messrs. PACKARD, MCDERMOTT, BERRY, DAVIS of Illinois, Ms. BROWN of Florida, Messrs. NADLER, KENNEDY of Rhode Island, WAXMAN, Ms. CARSON, Messrs. BERMAN, WEYGAND, GUTIERREZ, SHERMAN, JEFFERSON, DEFAZIO, COOKSEY, MANZULLO, EWING, and Mrs. TAUSCHER changed their vote from ''aye'' to ''no.''

Mr. SERRANO, Mr. DICKEY, Mrs. CUBIN, Messrs. MOAKLEY, NEAL of Massachusetts, FARR of California, STUMP, HILLIARD, CLYBURN, HORN, CALVERT, STRICKLAND, DOGGETT, MOORE, ABERCROMBIE, and GARY MILLER of California changed their vote from ''no'' to ''aye.''

So the amendment was agreed to.

The result of the vote was announced as above recorded.

☐ 1845

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN. Pursuant to House Resolution 524, 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 the additional amendment on which the Chair has postponed further proceedings.

AMENDMENT NO. 37 OFFERED BY MR. HEFLEY OF COLORADO

The CHAIRMAN. The pending business is the demand for a recorded vote on Amendment No. 37 offered by the gentleman from Colorado (Mr. HEFLEY) 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 ordered.

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

The vote was taken by electronic device, and there were—ayes 364, noes 55, not voting 15, as follows:

[Roll No. 275]

AYES—364

Abercrombie
Aderholt
Allen
Andrews
Archer
Baca
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett (WI)
Bartlett
Barton
Bass
Becerra
Bentsen
Bereuter
Berman
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Boehlert
Boehner
Bonior
Bono
Borski
Boswell
Boucher
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Bryant
Burr
Burton
Buyer
Calvert
Camp
Capps
Capuano
Cardin
Carson
Chabot
Chambliss
Chenoweth-Hage
Clay
Clayton
Clyburn
Coble
Coburn
Collins
Condit
Conyers
Costello
Cox
Coyne
Cramer
Crane
Crowley
Cubin
Cummings
Cunningham
Davis (FL)
Davis (IL)
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dickey
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Ewing
Fattah
Filner
Fletcher
Foley
Forbes
Ford
Fossella
Fowler
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gilchrest
Gilman
Goode
Goodlatte
Gordon
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
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Hooley
Horn
Hostettler
Houghton
Hulshof
Hunter
Hyde
Inslee
Isakson
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kasich
Kennedy
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Kucinich
Kuykendall
LaFalce
Lampson
Lantos
Largent
Larson
Latham
Lazio
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHugh
McInnis
McIntosh
McIntyre
McKeon
McKinney
McNulty
Meehan
Meeks (NY)
Menendez
Metcalf
Mica
Millender-McDonald
Miller, George
Minge
Mink
Moakley
Moore
Moran (KS)
Morella
Murtha
Myrick
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Oberstar
Obey
Olver
Ortiz
Owens
Oxley
Pallone
Pascrell
Paul
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pickett
Pitts
Pombo
Pomeroy
Portman
Price (NC)
Radanovich
Rahall
Ramstad
Reyes
Riley
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryun (KS)
Salmon
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schaffer
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Sisisky
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Sweeney
Talent
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tierney
Toomey
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velazquez
Vitter
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
Whitfield
Wicker
Wilson
Wise
Woolsey
Wu
Wynn

NOES—55

Armey
Barrett (NE)
Bateman
Berkley
Berry
Biggert
Blunt
Bonilla
Canady
Cannon
Castle
Clement
Combest
Cooksey
Davis (VA)
Dicks
Everett
Farr
Gibbons
Gillmor
Gonzalez
Goodling
Goss
Hobson
Hoekstra
Hutchinson
Kelly
Knollenberg
Kolbe
LaHood
LaTourette
Meek (FL)
Miller (FL)
Miller, Gary
Mollohan
Moran (VA)
Nadler
Nussle
Ose
Packard
Pastor
Porter
Pryce (OH)
Quinn
Regula
Reynolds
Rivers
Sabo
Simpson
Taylor (NC)
Visclosky
Walden
Wolf
Young (AK)
Young (FL)

NOT VOTING—15

Ackerman
Boyd
Callahan
Campbell
Cook
Danner
Greenwood
Hilliard
Hoyer
Lofgren
Rangel
Ryan (WI)
Schakowsky
Shuster
Vento

☐ 1852

So the amendment was agreed to.

The result of the vote was announced as above recorded.

Stated against:

Mr. RYAN of Wisconsin. Mr. Chairman, on rollcall No. 275 I was inadvertently detained. Had I been present, I would have voted ''no.''

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

OREGON AND CALIFORNIA GRANT LANDS

For expenses necessary for management, protection, and development of resources and

for construction, operation, and maintenance of access roads, reforestation, and other improvements on the revested Oregon and California Railroad grant lands, on other Federal lands in the Oregon and California land-grant counties of Oregon, and on adjacent rights-of-way; and acquisition of lands or interests therein including existing connecting roads on or adjacent to such grant lands; $100,467,000, to remain available until expended: *Provided*, That 25 percent of the aggregate of all receipts during the current fiscal year from the revested Oregon and California Railroad grant lands is hereby made a charge against the Oregon and California land-grant fund and shall be transferred to the General Fund in the Treasury in accordance with the second paragraph of subsection (b) of title II of the Act of August 28, 1937 (50 Stat. 876).

FOREST ECOSYSTEMS HEALTH AND RECOVERY FUND

(REVOLVING FUND, SPECIAL ACCOUNT)

In addition to the purposes authorized in Public Law 102–381, funds made available in the Forest Ecosystem Health and Recovery Fund can be used for the purpose of planning, preparing, and monitoring salvage timber sales and forest ecosystem health and recovery activities such as release from competing vegetation and density control treatments. The Federal share of receipts (defined as the portion of salvage timber receipts not paid to the counties under 43 U.S.C. 1181f and 43 U.S.C. 1181–1 et seq., and Public Law 103–66) derived from treatments funded by this account shall be deposited into the Forest Ecosystem Health and Recovery Fund.

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

Mr. Chairman, I assure Members that I will return that. I just wanted to make a statement. We have another appropriations bill on the floor, and I want to compliment the chairman, the gentleman from Ohio (Mr. REGULA), and the ranking member, the gentleman from Washington (Mr. DICKS). There are no games played in this bill. The American public is going to be able to see exactly what is in there.

There is no sneaking in of advanced funding. There is no sneaking of emergency funding that comes right out of Medicare. This committee should be recognized for setting the example of what the agreement was when we finished the budget in this year. And I wanted to tell Members how much I appreciated it, and I know that there are several other Members in the House that appreciate it. And we would like to see more of it.

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

Mr. Chairman, I want to express my appreciation to the committee for its attention to Florida in this bill, and, more particularly, the Florida manatee. There are many here who probably have never seen a Florida manatee. Come to Florida and see one. It is an extraordinary thing, and there are not many left. Despite being listed as endangered for almost 3 decades, the protection and recovery of the manatee population continues to be a matter of some concern.

I was pleased to see that the Interior bill contains an earmark of a million dollars for manatee protection, doubling the amendment provided last year. I want to thank the gentleman from Ohio (Chairman REGULA), and Members of the Interior subcommittee have always been attentive to the needs and concerns of Florida, which is a vast and wonderful place.

This is always a tough bill, given the many worthy programs competing for a small amount of money. However, I do want to take this opportunity to discuss issues related to manatee protection.

In January of this year, 18 environmental organizations filed suit against the Fish and Wildlife Service, Department of Interior, as well as the Army Corps of Engineers and the State of Florida alleging they were not enforcing their own rules designed to help save the manatee. Specifically, the groups asked for a moratorium on permitting until a plan is in place to prevent increased boat traffic and development from harming manatees.

Although the Federal agencies involved deny it, since the lawsuit was filed, all permitting has ground to a halt. As a result, many landowners are caught in limbo, unable to complete construction projects and facing significant financial losses as a result.

Of serious concern is that these landowners find themselves being referred from one government agency to another, the quintessential government shuffle, catch–22.

These folks deserve an answer; the Government cannot continue to shuffle them back and forth. I have heard some express the concern that the Clinton administration is dragging its feet intentionally on this issue because it does not want to upset a particular constituency in an election year.

I surely hope that is not the case. The Florida manatee deserves better and so do the American people and so do the boat owners and users in Florida.

In the end, the question is how do we protect the manatee? A fair question. Some seem to see boats as the enemy. By banning boats or limiting boat traffic, the thinking goes, we can save the manatee. This is not a practical solution. About one-third of manatee deaths are attributable to boats. Clearly, there is more at play than just that.

On the boating question, it seems to me the solution is very simple, responsible use. I know that is a heretical thought for some, but responsible use should go with boat use. This will likely require more money for enforcement and a crackdown on those who behave irresponsibly, as it should.

I believe we must ask quickly to devise a protection policy for the manatee. It is incumbent on the Fish and Wildlife Service to work with other agencies in the State of Florida to fashion a science-based consensus policy that protects the manatee in a reasonable manner. We are all for that.

The urgency of this situation became clear a few weeks ago with a report from the Florida Fish and Wildlife Conservation Commission indicating that 100 manatees died in the first 3 months of this year, up substantially from the 80 deaths in the first 3 months of 1999. Too many manatees dying for an endangered species.

Clearly, the approach of the Fish and Wildlife Service has shortchanged all parties to this debate. There have been no additional steps taken to protect the manatee, and landowners have been lost in this moratorium.

Solving this problem requires real leadership on the part of Fish and Wildlife Service. I hope they will begin to see the urgency of this situation and move quickly, and that is the reason I have made this statement.

Once again, I want to commend the committee for its attention to the manatee issue, and I want to express my thanks and gratitude for the committee's efforts for the State of Florida.

☐ 1900

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

RANGE IMPROVEMENTS

For rehabilitation, protection, and acquisition of lands and interests therein, and improvement of Federal rangelands pursuant to section 401 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701), notwithstanding any other Act, sums equal to 50 percent of all moneys received during the prior fiscal year under sections 3 and 15 of the Taylor Grazing Act (43 U.S.C. 315 et seq.) and the amount designated for range improvements from grazing fees and mineral leasing receipts from Bankhead-Jones lands transferred to the Department of the Interior pursuant to law, but not less than $10,000,000, to remain available until expended: *Provided*, That not to exceed $600,000 shall be available for administrative expenses.

SERVICE CHARGES, DEPOSITS, AND FORFEITURES

For administrative expenses and other costs related to processing application documents and other authorizations for use and disposal of public lands and resources, for costs of providing copies of official public land documents, for monitoring construction, operation, and termination of facilities in conjunction with use authorizations, and for rehabilitation of damaged property, such amounts as may be collected under Public Law 94–579, as amended, and Public Law 93–153, to remain available until expended: *Provided*, That notwithstanding any provision to the contrary of section 305(a) of Public Law 94–579 (43 U.S.C. 1735(a)), any moneys that have been or will be received pursuant to that section, whether as a result of forfeiture, compromise, or settlement, if not appropriate for refund pursuant to section 305(c) of that Act (43 U.S.C. 1735(c)), shall be available and may be expended under the authority of this Act by the Secretary to improve, protect, or rehabilitate any public lands administered through the Bureau of Land Management which have been damaged by the action of a resource developer, purchaser, permittee, or any unauthorized person, without regard to whether all moneys collected from each such action are used on the exact lands damaged which led to the action: *Provided further*, That any such moneys that are in excess of amounts needed to repair damage to the exact land for which funds were collected may be used to repair other damaged public lands.

MISCELLANEOUS TRUST FUNDS

In addition to amounts authorized to be expended under existing laws, there is hereby appropriated such amounts as may be contributed under section 307 of the Act of October 21, 1976 (43 U.S.C. 1701), and such amounts as may be advanced for administrative costs, surveys, appraisals, and costs of making conveyances of omitted lands under section 211(b) of that Act, to remain available until expended.

ADMINISTRATIVE PROVISIONS

Appropriations for the Bureau of Land Management shall be available for purchase, erection, and dismantlement of temporary structures, and alteration and maintenance of necessary buildings and appurtenant facilities to which the United States has title; up to $100,000 for payments, at the discretion of the Secretary, for information or evidence concerning violations of laws administered by the Bureau; miscellaneous and emergency expenses of enforcement activities authorized or approved by the Secretary and to be accounted for solely on his certificate, not to exceed $10,000: *Provided*, That notwithstanding 44 U.S.C. 501, the Bureau may, under cooperative cost-sharing and partnership arrangements authorized by law, procure printing services from cooperators in connection with jointly produced publications for which the cooperators share the cost of printing either in cash or in services, and the Bureau determines the cooperator is capable of meeting accepted quality standards.

UNITED STATES FISH AND WILDLIFE SERVICE

RESOURCE MANAGEMENT

For necessary expenses of the United States Fish and Wildlife Service, for scientific and economic studies, conservation, management, investigations, protection, and utilization of fishery and wildlife resources, except whales, seals, and sea lions, maintenance of the herd of long-horned cattle on the Wichita Mountains Wildlife Refuge, general administration, and for the performance of other authorized functions related to such resources by direct expenditure, contracts, grants, cooperative agreements and reimbursable agreements with public and private entities, $731,400,000, to remain available until September 30, 2002, except as otherwise provided herein, of which not less than $2,000,000 shall be provided to local governments in southern California for planning associated with the Natural Communities Conservation Planning (NCCP) program and shall remain available until expended: *Provided*, That not less than $2,000,000 for high priority projects which shall be carried out by the Youth Conservation Corps as authorized by the Act of August 13, 1970, as amended: *Provided further*, That not to exceed $6,395,000 shall be used for implementing subsections (a), (b), (c), and (e) of section 4 of the Endangered Species Act, as amended, for species that are indigenous to the United States (except for processing petitions, developing and issuing proposed and final regulations, and taking any other steps to implement actions described in subsection (c)(2)(A), (c)(2)(B)(i), or (c)(2)(B)(ii)): *Provided further*, That of the amount available for law enforcement, up to $400,000 to remain available until expended, may at the discretion of the Secretary, be used for payment for information, rewards, or evidence concerning violations of laws administered by the Service, and miscellaneous and emergency expenses of enforcement activity, authorized or approved by the Secretary and to be accounted for solely on his certificate: *Provided further*, That of the amount provided for environmental contaminants, up to $1,000,000 may remain available until expended for contaminant sample analyses.

Mr. REGULA. Mr. Chairman, I move to strike the last word for the purpose of entering into a colloquy with the gentleman from Virginia (Mr. GOODLATTE).

Mr. GOODLATTE. Mr. Chairman will the gentleman yield?

Mr. REGULA. I yield to the gentleman from Virginia.

Mr. GOODLATTE. Mr. Chairman, I would like to engage in a colloquy with the chairman of the Subcommittee on Interior of the Committee on Appropriations on the Wu amendment that will be offered during the consideration of this bill.

The purpose of the Wu amendment, according to its supporters, would be to provide more funding for important wildlife programs by cutting funding for the Federal timber sale program.

The gentleman from Ohio (Chairman REGULA) will recall that last year the gentleman from Oregon (Mr. WU) offered a similar, if not identical amendment, to the one he will offer this year. The gentleman will recall that at that time we extended our hands to those who were inclined to support the Wu amendment, offering to work together as an alternative to the political and counterproductive approach of offering a controversial floor amendment. At that time our offer was taken in good faith and with good results.

Last year, at the end of the day, wildlife programs received increased funding and the Federal timber sale program maintained adequate funding. That was a win-win result. This year, I proposed that we offer the same hand as an alternative to this controversial amendment. I am confident that, working together, we can achieve the same kind of balance this year that we achieved last year.

We do not need to reduce funding for the timber sale program and thereby reduce our fire risk prevention capabilities in order to fund wildlife programs. As we proceed through the appropriations process, we can, if we work cooperatively together, find a way to adequately fund both.

I ask the gentleman from Ohio (Chairman REGULA), would he be willing to work this year with me as the chairman of the Subcommittee on Agriculture with jurisdiction over forestry and the supporters of the Wu amendment to adequately fund important wildlife programs, just as we did last year?

Mr. REGULA. Mr. Chairman, reclaiming my time, yes, last year I made the commitment to work with Members to adequately fund wildlife programs. I am certainly willing to make that same commitment today.

I agree that working together to meet common objectives is a much better approach than having counterproductive floor fights over controversial amendments.

Mr. GOODLATTE. Mr. Chairman, if the gentleman will yield further, I thank the chairman. I would say to my colleagues, the gentleman from Ohio (Mr. REGULA) and I are extending our hands again, just like we did last year. We do not need the Wu amendment to help provide more funding for important wildlife programs. I urge Members to put the politics of this debate aside and choose instead to work together to meet our common objectives. That is a far better approach.

I urge Members to accept this offer in good faith. Vote no on the Wu amendment, and work with the gentleman from Ohio (Chairman REGULA) and me to meet our common objectives to deal with wildlife programs, like we did last year, in a collegial and reasonable way.

AMENDMENT NO. 41 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. 41 offered by Mr. KUCINICH:

Page 11, line 21, after the period add the following: ''Of the amounts made available under this heading, $500,000 shall be for preparing a report to the Congress on the scientific impacts of genetically engineered fish, including their impact on wild fish populations. In preparing the report the Secretary shall review all available data regarding such impacts and shall conduct additional research to collect any information that is not available and is necessary to assess the potential impacts. The Secretary shall include in the report a review of regulatory and other mechanisms that the United States Fish and Wildlife Service might use to prevent any problems caused by transgenic fish.''.

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

Mr. KUCINICH. Mr. Chairman, I am offering this amendment to ensure that the Fish and Wildlife Service pays close attention to the ecological impacts from genetically engineered fish. This amendment asks the Fish and Wildlife Service to conduct a study that would examine the ecological effects of genetically engineered fish and anticipate regulatory actions. Although such fish are not on the market yet, the Food and Drug Administration is currently evaluating a genetically engineered salmon.

There is a scientific explanation that I would like to go over here, starting with chart 1. Genetically engineered fish are engineered to grow faster and bigger. Scientists from the University of Minnesota and Purdue University foresee harmful ecological impacts.

On chart 2, scientists have determined that a larger fish has an advantage in mating. This handsomely big GE fish is more successful than the lonely natural fish, and scientists have also determined that these GE fish may survive for only a limited number of generations in the wild.

Now, in chart 3, mutant fish are created as GE fish escape into the wild and mate with natural fish. The mutant fish's larger size gives an advantage in mating, forcing new genetic traits to be spread into the wild. But

these mutant fish may survive only for a limited number of generations in the wild, because when genetic engineering is performed, the opportunity to disturb or disrupt other genetic traits is possible, including disturbing the trait of longevity. The implications are serious.

Chart 4 speaks of the Trojan Gene Effect. These are serious implications, because many fish populations are under consideration for genetic engineering. After several generations, natural fish may go extinct because larger genetically engineered fish are much more successful than natural fish in mating. Such mutant fish may also go extinct because their mutant genes can decrease the survivability of the species. This is what is called the Trojan Gene Effect.

The end result is the loss of genetic diversity, disruption of ecological systems, possible extinction of important commercial fish species, and, of course, effect on the food supply.

I am certainly expecting to withdraw this amendment, hoping that the chairman and the ranking member will work with me by advocating report language for a study to examine the ecological impacts of genetically engineered fish and anticipate regulatory actions that might be necessary.

I would let the gentleman from Ohio (Mr. REGULA) know that I would appreciate any consideration in conference for any report language.

Mr. REGULA. Mr. Chairman will the gentleman yield?

Mr. KUCINICH. I yield to the gentleman from Ohio.

Mr. REGULA. Mr. Chairman, we share the gentleman's concern. I think what I would like to do is discuss this with the Biological Research Division of the USGS, and perhaps they could do a study or take a look at it to see how this impacts on the fish population and work with Fish and Wildlife to address these concerns.

If the gentleman would withdraw the amendment, certainly we will work with the gentleman in trying to get Fish and Wildlife and the USGS that has the science responsibility, perhaps we can meet with them and discuss ways in which they can address your concerns.

Mr. KUCINICH. Mr. Chairman, reclaiming my time, I thank the gentleman.

Mr. DICKS. Mr. Chairman will the gentleman yield?

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

Mr. DICKS. Mr. Chairman, I want to commend the gentleman for his obvious work here and this presentation that he has made. I want to tell the gentleman that we have the same problem out in the Pacific Northwest with a variety of salmon species, not that we have genetically engineered, but we have hatchery fish that compete with our wild salmon that reproduce naturally in the wild, and these crowding-out effects, a lot of the same issues that the gentleman is raising here.

The importance of preserving the gene pool of these species is critical. There is a lot of good work that is being done by the Fish and Wildlife Service across the country under the Endangered Species Act, but I think this is very important. I look forward to working with the gentleman on this issue and with the Fish and Wildlife Service to see if we cannot collaborate on this.

Mr. KUCINICH. Mr. Chairman, I include the following articles for the RECORD.

BIOSAFETY ASSESSMENT OF AQUATIC GMOS: THE CASE OF TRANSGENIC FISH

(By Anne R. Kapuscinski)

A growing number of groups around the world are pursuing research and development of transgenic fish, shellfish, and algae. Transgenic Atlantic salmon are poised to be one of the first transgenic animals farmed for human consumption. Ecological risk assessments of transgenic aquatic organisms have been comparatively underfunded and understudied. Comparisons of the few risk assessment studies on transgenic fish confirm the need to conduct case-by-case risk assessment of each line of transgenic organism. Risk assessment should focus on tests for intended and unintended changes in six components of fitness. These include viability, fecundity, fertility, longevity, mating success, and developmental time. Muir and Howard have shown the critical importance of testing for the joint effects of changes in these fitness components because disadvantages in one fitness trait can be offset by advantages in another fitness trait. For instance, the reduced viability of growth-enhanced transgenic fish could be offset by increased mating advantage of larger transgenic adults, possibly driving a wild population towards extinction (the Trojan gene effect). Risk assessments need to actively search for this and other biologically feasible off-setting mechanisms. The state-of-the-art way to do this, called the Net Fitness Approach, is to: (1) Test GMOs for altered fitness components in confined experiment; (2) quantify the net fitness of the GMOs and mathematically predict effects of escapees on wild fish; and, wherever feasible, (3) test mathematical predictions on multiple generations of GMOs and non-GMOs interacting in simplified, confines ecosystems.

Muir's lab recently produced two lines of transgenic medaka bearing a sockeye salmon growth hormone construct (sGH) that promotes dramatically faster growth rates and earlier sexual maturity, as previously shown in coho salmon and tilapia. Both this construct and another salmon GH construct that is in the transgenic Atlantic salmon being reviewed by the FDA yield dramatic increases in growth rates, earlier smoltification (ability to survive in seawater), and growth promotion that overrides the natural environmental cue to slow growth in colder (winter) water temperatures. In one sGH medaka line, the transgenic fish are larger at sexual maturity and have a viability disadvantage (Muir et al., unpublished data). This is precisely the combination of traits predicted to trigger the Trojan gene effect! Empirical experiments are underway to test for this.

In summary, the publicly available data on transgenic fish confirm the need to test for ecological risks of each line of GMOs on a case-by-case basis and in a manner that integrates data on all modified traits, not just the target trait. These same scientific principles were used by the interdisciplinary Scientists' Working Group on Biosafety (1998) in designing the Manual for Assessing Ecological and Human Health Effects of Genetically Engineered Organisms (available at www.edmonds-institute.org). The Manual applies to small- and large-scale uses of any genetically engineered organism, including fish and other aquatic organisms. Users generate a specific trail of questions and responses that makes the scientific claim of risk or safety. The Manual follows the precautionary approach and encourages users to avoid type II statistical errors (i.e., concluding no adverse effect when the effect indeed occurs). Under the current state of inadequate information on fitness components of transgenic fish, application of the Manual leads the user to the conclusion that there is insufficient information to answer a key question and to the recommendation to apply several confinement measures (sterilization, mechanical barriers, physical barriers) to prevent ecological harm.

The take home messages for existing and future proposals to commercialize transgenic fish are: (1) The scientific data indicate that some lines of transgenic fish will pose a real ecological risk; (2) application of the Net Fitness Approach should be a minimum requirement for testing the ecological risk of all transgenic fish intended for aquaculture (or other uses that could affect the environment); (3) any transgenic fish approved for aquaculture (or other uses that could affect the environment) should be made sterile and individually screened to confirm sterility; (4) DNA markers distinguishing each line of transgenic fish should be registered in a publicly accessible central clearinghouse to allow tracing of escapees; and (5) regulatory agencies need to establish the information base and institutional mechanisms required to monitor for and quickly respond to surprising outcomes of transgenic fish escaping into the wild.

POSSIBLE ECOLOGICAL RISKS OF TRANSGENIC ORGANISM RELEASE WHEN TRANSGENES AFFECT MATING SUCCESS: SEXUAL SELECTION AND THE TROJAN GENE HYPOTHESIS

(By William M. Muir and Richard D. Howard)

Widespread interests in producing transgenic organisms is balanced by concern over ecological hazards, such as species extinction if such organisms were to be released into nature. An ecological risk associated with the introduction of a transgenic organism is that the transgene, though rare, can spread in a natural population. An increase in transgene frequency is often assumed to be unlikely because transgenic organisms typically have some viability disadvantage. Reduced viability is assumed to be common because transgenic individuals are best viewed as macromutants that lack any history of selection that could reduce negative fitness effects. However, these arguments ignore the potential advantageous effects of transgenes on some aspect of fitness such as mating success. Here, we examine the risk to a natural population after release of a few transgenic individuals when the transgene trait simultaneously increases transgenic male mating success and lowers the viability of transgenic offspring. We obtained relevant life history data by using the small cyprinodont fish, Japanese medaka (*Oryzias latipes*) as a model. Our deterministic equations predict that a transgene introduced into a natural population by a small number of transgenic fish will spread as a result of enhanced mating advantage, but the reduced viability of offspring will cause eventual local extinction of both populations. Such risks should be evaluated with each new transgenic animal before release.

Although production of transgenic organisms offers great agricultural potential, introduction of genetically modified organisms

into natural populations could result in ecological hazards, such as species extinction (1–3). Such risk has been suggested to pose little environmental threat because transgenic organisms are evolutionary novelties that would have reduced viability (4, 5). However, transgenic organisms may also possess an advantage in some aspect of reproduction that may increase their success in nature. Although a variety of transgene traits have been incorporated into various species (6, 7), a commonly desired characteristic in transgenic fish species (important in aquaculture and sport fishing) is accelerated growth rate and larger adult body size (8). DNA sequences for growth hormone (GH) genes and cDNAs have been well characterized in fish, and transgenic fish of several species have now been produced (9, 10). Growth enhancements of up to several times that of wild type have been obtained, with growth advantages persisting throughout adulthood in some fish species (8, 11). In many animal species, including fish, body size is an important determinant of differential mating success (sexual selection) through advantages in competing for mates against members of the same sex (mate competition) and/or being preferred as a mate by the opposite sex (mate choice) (12). A recent review found that large body size conferred mating advantages in 40% of the 186 animal taxa surveyed (12). The potential for sexual selection to produce a rapid evolution of sexual traits has long been appreciated (12); here we consider its potential to increase transgene frequency and to eliminate populations, specifically when a sexual trait is affected by transgenes.

MATERIALS AND METHODS

Study Organism. As a model organism, we studied Japanese medaka (*Oryzias latipes*) (13) to explore the ecological consequences of transgene release into natural populations. Medaka were convenient study organisms for obtaining data on fitness components. Individuals were readily bred in the lab, were easily cultured, and attained sexual maturity in about two months. We produced a stock of transgenic medaka by inserting the human growth hormone gene (hGH), with a salmon promoter, sGH (14). We then conducted several experiments to document survival and reproductive differences between transgenic and wild-type medaka (15). We categorized these differences into four fitness components; (*i*) viability (offspring survival to sexual maturity), (*ii*) developmental (age at sexual maturation), (*iii*) fecundity (clutch size), and (*iv*) sexual selection (mating advantages). We modeled the introduction of a small number of transgenic individuals into a large wild-type population using recurrence equations (described below) to predict the consequences of the model, i.e., of increased male mating success but reduced offspring viability. Elsewhere, we examined the results of model predictions in which GH transgenes influenced developmental and fecundity fitness components as well as offspring viability (unpublished data). Different transgene lines are likely to vary in fitness even when the same transgene construct is used, because of differences in copy number and sites of transgene insertion. To take such variation into account as well as to make our model generally applicable to other organisms and transgene constructs, we used a range of parameter values for male mating success and offspring viability in our models. The range of values also encompassed the particular fitness component estimates that we obtained.

We conducted a 2 2 factorial experiment to assess the early viability of offspring produced from crosses involving transgenic and wild-type medaka parents (15). Each pairing combination consisted of 10 males and 10 females; eggs were obtained from each pair for a period of 10 days, producing a total of 1,910 fertile eggs. Viability was estimated as the percentage of 3-day-old fry that emerged. Results shows that early survival of transgenic young was 70% of that of the wild type (15).

Mating experiments using wild-type medaka were performed to measure the mating advantage that large males obtained over small males (16). We found that, regardless of protocol, large males obtained a 4-fold mating advantage (16). Such size-related mating advantages have been demonstrated in a variety of fish species; they can result from mate competition or mate choice or both (12). We do not expect transgenic male medaka to have a mating advantage over wild-type males, because the hGH transgene we inserted increased only juvenile growth rate, not final adult body size (14); that is, the size difference between transgenic and wild-type males disappeared by sexual maturity. Nonetheless, we modeled the possible effect of transgene release into wild-type populations when transgenes accelerate growth throughout adulthood, thus increasing transgenic male mating success, because these effects could occur with other transgene constructs in other fish species. For example, continued growth enhancements from GH genes occurs in adult salmonids (8), and the mating advantages of large males has been reported in several salmonid species (17–19).

We used a range of mating and viability fitness parameters, including the values we obtained in experiments with a recurrence model that predicts changes in gene frequencies and population sizes when transgenic individuals invade a wild-type population (15).

RESULTS AND DISCUSSION

In the model, the initial population was structured with a stable age distribution giving a constant size (60,000), composed of wild-type fish with an equal sex ratio in each class. Based on experimental data (15), and adjusted by trial and error to achieve a stable age distribution, juvenile and adult mortality rates were set to 9.8% and 0.765% per day, respectively, for both genotypes, which resulted in an expected maximum life span of 150 days. Sixty homozygous transgenic fish of equal sex ratio were then introduced at sexual maturity. We assumed that transgenic and wild-type individuals were similar in age (at sexual maturity), fecundity, fertility, susceptibility to predation, and longevity; the only differential effects caused by the GH transgene were male mating success and offspring viability. We also assumed that the probability of mating was not frequency-dependent. For this model, population size was always assumed to be less than the carrying capacity; i.e., no density-dependent effects occurred. This assumption is known to be incorrect for some species. But for species that are declining in number because of heavy fishing pressure or other sources of mortality, the assumption is likely to be true. The above parameters were specified in the model, and genotype frequency, gene frequency, and population size were assessed each day. We expressed time to extinction in terms of the generation interval, the average age when all offspring were produced, which, in our laboratory experiments on medaka, equaled 96.9 days.

Predictions of the model were straightforward when transgenes affected only one fitness component. If transgenes reduced only juvenile survival, transgenic individuals would be quickly eliminated from any wild-type population. Our model predicted that if transgenic medaka suffered a 30% reduction in viability relative to the wild type, the transgene would be eliminated after about 10 generations (15). In contrast, if the GH transgene increased only the mating success of transgenic males relative to wild-type males, the gene would spread quickly. If adult transgenic males were 24% larger than adult wild-type males and thereby achieved the 4-fold mating advantage that we had observed in our mating experiments (16), the frequency of the transgene would exceed 50% in about five generations, and become fixed in the population in about 20 generations. In both of these situations, population size would remain essentially unchanged across generations, and the transgene would either be eliminated or go to fixation.

In contrast, combining the effects of the transgene on mating success and offspring viability is predicted to result in the local extinction of any wild-type population invaded by transgenic organisms. The male mating advantage would act to increase the frequency of the transgene in the population; however, the viability disadvantage suffered by all offspring carrying the transgene would reduce the population size by 50% in less than six generations and completely eliminate the population in about 40 generations. These population projections result because the males that produce the least fit offspring obtain a disproportionate share of the matings. We refer to this type of extinction as the ''Trojan gene effect,'' because the mating advantage provides a mechanism for the transgene to enter and spread in a population, and the viability reduction eventually results in population extinction. Such a conflict between offspring viability and male mating advantage based on large body size has been theorized to be one of the processes that can cause species extinction (20, 21).

Both the advantageous and disadvantageous effects of such sexual traits are usually considered to be sex-limited; however, the transgene we considered has a sex-limited advantage (male mating success), but no sex limitation on viability reduction. As a result, population extinction should occur even more rapidly. In theory, counterselection against the transgene and thereby rescuing a population from extinction is possible. Such counterselection could take two forms. Modifying genes might be selected that mitigate the degree of viability reduction of the transgene. Alternatively, if the transgenic male mating advantage results mostly from female preference for large males, females with alternative mating preferences could be favored by selection, halting or reversing the spread of the transgene. If the mating advantage of transgenic males resulted mostly from success in mate competition, we would expect no such selection against the transgene. Our prediction of population extinction must, however, be interpreted cautiously. A critical assumption of our deterministic model is that the viability reduction of transgenic organisms remains constant, even with a lowering of population density.

The predicted time course for extinction of a wild-type population after the release of transgenic individuals varies as a function of the rate of transgene spread, which is influenced by the relative mating advantage of transgenic males and by the severity of viability reduction in transgenic young (Fig. 1). For example, our model predicted that if the viability of transgenic young were 70% of that of wild-type young, as was the case with the hGH–sGH transgenic medaka we produced, population extinction would result only when transgenic males obtained a 2-fold or greater mating advantage over wild-type males.

Increasing the viability of transgenic offspring in the simulations produced a

counter-intuitive results, however. If the viability of transgenic young was increased to 85% of that of wild-type offspring, population extinction was predicted to occur over a wider range of male mating advantages, even though the time to extinction was greater. Thus, as the viability of transgenic offspring approaches that of wild type, risk of extinction may actually increase. Two situations resulted in the highest risk; a huge mating advantage and a moderate viability reduction (Fig. 1). A mating advantage of at least 4-fold produced a risk over a range of viabilities from about 0.45 to 0.9; a viability reduction in the range of 0.7 to 0.9 resulted in the risk of extinction over the widest range of mating advantages. These trends were predicted because, at one extreme, a transgene that greatly reduced offspring viability would be quickly eliminated unless it were counterbalanced by a very high male mating advantage. At the other extreme, in the case of a transgene that produced high viability of transgenic young, a lower male mating advantage could drive the gene to high frequency in the population, resulting in a lower genetic load and requiring more generations for population extinction.

Local extinction of a wild-type population from a release of transgenic individuals could also have cascading negative effects on the community. In contrast, if transgenic males were created intentionally to drive to extinction a wild-type population of, for example, a species of pests, it could serve as a mechanism for biological control.

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Mr. KUCINICH. Mr. Chairman, I ask unanimous consent to withdraw my amendment.

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

There was no objection.

Mr. KNOLLENBERG. Mr. Chairman, I move to strike the last word for the purpose of engaging in a colloquy with the chairman of the Subcommittee on Interior of the Committee on Appropriations, the gentleman from Ohio (Chairman REGULA).

Mr. Chairman, I know that the gentleman from Ohio (Mr. Regula) shares my interest in ensuring that the Kyoto Protocol is not implemented without ratification and that unauthorized activities to implement the protocol are not funded. Likewise, I know that the gentleman shares my interest in developing fuel cells for building applications and specifically in proton membrane exchange technology for supplying residential electric power and hot water.

I am asking that the gentleman work with me to address appropriately the first issue in conference and to identify any additional funding there might be for the fuel cell program in the event that additional funds are made available in conference.

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

Mr. KNOLLENBERG. I yield to the gentleman from Ohio.

Mr. REGULA. Mr. Chairman, I would commend the gentleman. I think that there has been a lot of progress on fuel cell development. We know it is something that offers a lot of promise.

The gentleman is correct, I share his concerns on both issues, and I look forward to working with the gentleman as the bill moves forward in conference on trying to support fuel cell research.

Mr. KNOLLENBERG. Mr. Chairman, reclaiming my time, I thank the chairman.

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

Mr. Chairman, I would like to ask the gentleman from Ohio (Chairman REGULA) to engage in a brief colloquy with me.

Mr. Chairman, as the gentleman from Ohio (Mr. REGULA) knows, there is language in the committee's report on this bill dealing with what is described as BLM wilderness reinventory activities. I just have some questions about the meaning and effect of that part of the report.

To begin with, the report says that BLM has completed all of its wilderness reinventory activities begun in prior years, but I understand that part of the language is inaccurate because there is an ongoing process in Colorado that has not yet ended.

I would respectfully ask the chairman, am I right in understanding that there is no intention to interfere with the ongoing reinventory process in Colorado?

Mr. REGULA. Mr. Chairman will the gentleman yield?

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

Mr. REGULA. Mr. Chairman, yes, the gentleman is correct. We do not intend to interfere with that ongoing process in Colorado.

Mr. HINCHEY. Mr. Chairman, I thank the chairman.

Am I also right in understanding that nothing in the committee report is intended to interfere with BLM's normal process in revising its management plans or keeping its resource inventory current?

Mr. REGULA. If the gentleman will continue to yield, he is correct. We are not intending to interfere with or change that process of revising management plans or keeping the resource inventory current.

Mr. HINCHEY. Mr. Chairman, I thank the gentleman very much for those answers.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

CONSTRUCTION

For construction, improvement, acquisition, or removal of buildings and other facilities required in the conservation, management, investigation, protection, and utilization of fishery and wildlife resources, and the acquisition of lands and interests therein; $48,395,000, to remain available until expended.

LAND ACQUISITION

For expenses necessary to carry out the Land and Water Conservation Fund Act of 1965, as amended (16 U.S.C. 460l–4 through 11), including administrative expenses, and for acquisition of land or waters, or interest therein, in accordance with statutory authority applicable to the United States Fish and Wildlife Service, $30,000,000, to be derived from the Land and Water Conservation Fund, to remain available until expended.

COOPERATIVE ENDANGERED SPECIES CONSERVATION FUND

For expenses necessary to carry out the provisions of the Endangered Species Act of 1973 (16 U.S.C. 1531–1543), as amended, $23,000,000, to be derived from the Cooperative Endangered Species Conservation Fund, to remain available until expended.

NATIONAL WILDLIFE REFUGE FUND

For expenses necessary to implement the Act of October 17, 1978 (16 U.S.C. 715s), $10,439,000.

NORTH AMERICAN WETLANDS CONSERVATION FUND

For expenses necessary to carry out the provisions of the North American Wetlands

Conservation Act, Public Law 101–233, as amended, $15,499,000, to remain available until expended.

WILDLIFE CONSERVATION AND APPRECIATION FUND

For necessary expenses of the Wildlife Conservation and Appreciation Fund, $797,000, to remain available until expended.

MULTINATIONAL SPECIES CONSERVATION FUND

For expenses necessary to carry out the African Elephant Conservation Act (16 U.S.C. 4201–4203, 4211–4213, 4221–4225, 4241–4245, and 1538), the Asian Elephant Conservation Act of 1997 (Public Law 105–96; 16 U.S.C. 4261–4266), and the Rhinoceros and Tiger Conservation Act of 1994 (16 U.S.C. 5301–5306), $2,391,000, to remain available until expended: *Provided*, That funds made available under this Act, Public Law 105–277, and hereafter in annual appropriations acts for rhinoceros, tiger, and Asian elephant conservation programs are exempt from any sanctions imposed against any country under section 102 of the Arms Export Control Act (22 U.S.C. 2799aa–1).

ADMINISTRATIVE PROVISIONS

Appropriations and funds available to the United States Fish and Wildlife Service shall be available for purchase of not to exceed 79 passenger motor vehicles, of which 72 are for replacement only (including 41 for police-type use); repair of damage to public roads within and adjacent to reservation areas caused by operations of the Service; options for the purchase of land at not to exceed $1 for each option; facilities incident to such public recreational uses on conservation areas as are consistent with their primary purpose; and the maintenance and improvement of aquaria, buildings, and other facilities under the jurisdiction of the Service and to which the United States has title, and which are used pursuant to law in connection with management and investigation of fish and wildlife resources: *Provided*, That notwithstanding 44 U.S.C. 501, the Service may, under cooperative cost sharing and partnership arrangements authorized by law, procure printing services from cooperators in connection with jointly produced publications for which the cooperators share at least one-half the cost of printing either in cash or services and the Service determines the cooperator is capable of meeting accepted quality standards: *Provided further*, That the Service may accept donated aircraft as replacements for existing aircraft: *Provided further*, That notwithstanding any other provision of law, the Secretary of the Interior may not spend any of the funds appropriated in this Act for the purchase of lands or interests in lands to be used in the establishment of any new unit of the National Wildlife Refuge System unless the purchase is approved in advance by the House and Senate Committees on Appropriations in compliance with the reprogramming procedures contained in Senate Report 105–56.

NATIONAL PARK SERVICE

OPERATION OF THE NATIONAL PARK SYSTEM

For expenses necessary for the management, operation, and maintenance of areas and facilities administered by the National Park Service (including special road maintenance service to trucking permittees on a reimbursable basis), and for the general administration of the National Park Service, including not less than $2,000,000 for high priority projects within the scope of the approved budget which shall be carried out by the Youth Conservation Corps as authorized by 16 U.S.C. 1706, $1,425,617,000, of which $8,727,000 for research, planning and interagency coordination in support of land acquisition for Everglades restoration shall remain available until expended, and of which not to exceed $7,000,000, to remain available until expended, is to be derived from the special fee account established pursuant to title V, section 5201 of Public Law 100–203.

AMENDMENT OFFERED BY MR. REGULA

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

The Clerk read as follows:

Amendment Offered by Mr. REGULA:

On page 15, line 15 after the first dollar amount insert ''(increased by $66,500,000)''.

Mr. REGULA. Mr. Chairman, my amendment adds $66.5 million to address critical operational backlog needs in the National Parks.

Mr. Chairman, backlog maintenance is a critical problem in our National Parks, and, as we all recognize from testimony by the Director of the National Parks, this is something where we should, wherever possible, provide funding to overcome the serious deficit that exists.

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What this amendment does is add $66,500,000 to, in a continuing way, address the critical problem of backlogged maintenance.

Mr. DICKS. Mr. Chairman, I rise in support of the amendment and urge that it be adopted.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio (Mr. REGULA).

The amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

NATIONAL RECREATION AND PRESERVATION

For expenses necessary to carry out recreation programs, natural programs, cultural programs, heritage partnership programs, environmental compliance and review, international park affairs, statutory or contractual aid for other activities, and grant administration, not otherwise provided for, $49,956,000, of which $2,000,000 shall be available to carry out the Urban Park and Recreation Recovery Act of 1978 (16 U.S.C. 2501 et seq.).

HISTORIC PRESERVATION FUND

For expenses necessary in carrying out the Historic Preservation Act of 1966, as amended (16 U.S.C. 470), and the Omnibus Parks and Public Lands Management Act of 1996 (Public Law 104–333), $41,347,000, to be derived from the Historic Preservation Fund, to remain available until September 30, 2002, of which $7,177,000 pursuant to section 507 of Public Law 104–333 shall remain available until expended.

CONSTRUCTION

For construction, improvements, repair or replacement of physical facilities, including the modifications authorized by section 104 of the Everglades National Park Protection and Expansion Act of 1989, $150,004,000, to remain available until expended.

LAND AND WATER CONSERVATION FUND

(RESCISSION)

The contract authority provided for fiscal year 2001 by 16 U.S.C. 460l–10a is rescinded.

LAND ACQUISITION AND STATE ASSISTANCE

For expenses necessary to carry out the Land and Water Conservation Act of 1965, as amended (16 U.S.C. 460l–4 through 11), including administrative expenses, and for acquisition of lands or waters, or interest therein, in accordance with the statutory authority applicable to the National Park Service, $65,000,000, to be derived from the Land and Water Conservation Fund, to remain available until expended, of which $21,000,000 is for the State assistance program including $1,000,000 to administer the program, and of which $10,000,000 may be for State grants for land acquisition in the State of Florida: *Provided*, That the $20,000,000 provided for grants in the State assistance program shall be used solely to acquire land for State and local parks for the benefit of outdoor recreation: *Provided further*, That the Secretary may provide Federal assistance to the State of Florida for the acquisition of lands or waters, or interests therein, within the Everglades watershed (consisting of lands and waters within the boundaries of the South Florida Water Management District, Florida Bay and the Florida Keys, and excluding the Eight and One-Half Square Mile Area) under terms and conditions deemed necessary by the Secretary to improve and restore the hydrological function of the Everglades watershed: *Provided further*, That funds provided under this heading for assistance to the State of Florida to acquire lands within the Everglades watershed are contingent upon new matching non-Federal funds by the State and shall be subject to an agreement that the lands to be acquired will be managed in perpetuity for the restoration of the Everglades: *Provided further*, That notwithstanding any other provision of law, hereafter, the Secretary of the Interior must concur in developing, implementing, and revising regulations to allocate water made available from Central and Southern Florida Project features: *Provided further*, That the Secretary's concurrence will address the temporal and spatial needs of the natural system as defined in terms of quality, quantity, timing, and distribution of water, and ensuring the restoration, preservation and protection of the South Florida ecosystem, including, but not limited to, the remaining natural system areas of the Everglades, Everglades National Park, Biscayne and Florida Bays, and the Florida Keys.

POINT OF ORDER

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

The CHAIRMAN. The gentleman from Utah (Mr. HANSEN) is recognized.

Mr. HANSEN. Mr. Chairman, I make a point of order against the language found on page 18, beginning on line 6 and continuing on line 19, which begins ''Provided further, that notwithstanding any other law.''

The language clearly imposes a new duty on the Secretary of the Interior in concurring in these actions regarding water allocations in Florida.

Currently, the Army Corps of Engineers oversees water development projects in and near the Everglades area, and there is no requirement that these projects need concurrence by the Secretary of the Interior.

In addition, the language modifies or affects the application of many existing laws, such as the Endangered Species Act, the National Park Service Organic Act, the Miccosukee Reserved Area Act, the Act of May 30, 1934, relating to the Everglades National Park, and the National Marine Sanctuaries Act.

It also appears to require the Secretary to apply Bureau of Reclamation statutes affecting water projects to a non-Bureau of Reclamation State,

Florida, in violation of Chapter 1093, 32 Stat. 388, section 1, Bureau of Reclamation Act of 1902.

Finally, the language federalizes water allocation issues which are a matter now determined under Florida's State law.

This language clearly constitutes legislation on an appropriation bill, in violation of clause 2(b) of rule XXI of the rules of the House of Representatives, and the Governor of Florida supports this.

The CHAIRMAN. Does any Member wish to be heard on the point of order?

Mr. REGULA. Mr. Chairman, I would like to be heard on the point of order.

The CHAIRMAN. The gentleman from Ohio (Mr. REGULA) is recognized.

Mr. REGULA. Mr. Chairman, we understand the problem here, and recognize that what the gentleman from Utah is raising as a point of order is correct. I would like to just discuss the implications of this situation, because I think it is important for our colleagues to understand what is happening.

The Everglades restoration is a major project. It is probably going to involve an expenditure of $10 to $15 billion in the years ahead. I think it is vitally important that the United States government, through the Department of the Interior, have a voice in this project.

I regret that our attempt to provide assurances for a vital, high-quality water supply to the natural areas of the Everglades, including Everglades National Park, several national wildlife refuges, and Florida Bay have been dropped.

Restoration of the Everglades began 7 years ago as a true partnership among various interests. These interests, Federal, State, and local governments, Indian tribes, agricultural, urban, and environmental organizations, and the public at large, came together as the South Florida Ecosystem Task Force.

This entity meets to set priorities and make collaborative decisions on this massive restoration effort. Since the restoration effort began, the Interior Appropriations Subcommittee has provided nearly $1 billion in Federal funding with the understanding that critical scientific research, land acquisition, and water planning funding to achieve environmental restoration would be one of the end results of the enormous sums the American taxpayers are being called upon to commit.

The committee has provided this funding during a time of declining budgets and at the expense of numerous meritorious projects—projects that our Members here would like to have. Because we were committed to spending what has already been a total of over $700 million to this program, we were not able to do some of the others that we should have done.

Mr. Chairman, the language being stripped from this bill ensured that the natural areas would receive equal treatment with other interests as important decisions about water flow and quantity are made.

Let us be honest. Without assurances that the Secretary of the Interior, together with the Chief of the Army Corps of Engineers and the South Florida Water Management District, has a voice in water decisions, we can no longer call this project environmental restoration. The Federal part of the money in this bill is the environmental restoration of the Everglades. Now, with the result of this point of order, we will not have that voice of the Federal government.

Mr. Chairman, I want to be clear, I bear no ill will toward the other goals of this effort: continued sugar and agricultural production, adequate potable water availability for the people of Florida, and sustainable growth for the region.

However, with the balanced, fair language now being stripped from this bill, the effort is no longer an environmental restoration project. It is no longer a partnership. The project is solely a water development project between the Army Corps of Engineers and the local water management district in ''Anywhere U.S.A.'', and should receive no further funding through the bill of the Subcommittee on the Interior of the Committee on Appropriations.

I want to point out something else. We will hear that this water is owned by the State of Florida, but in 1970, under the River Basin Monetary Authorization and Miscellaneous Civil Works Amendments, the following language was incorporated in that bill and is now the law of the United States:

> That as soon as practicable, and in any event upon completion of the work specified in the preceding provision, delivery of water from the Central and Southern Florida project to the Everglades National Park shall be not less than 315,000 acre feet annually.

In other words, the water belongs to the Everglades as part of the 1970 law. Our concern is that unless there is some way in which the Federal government has a voice in the distribution of the water that is going to be gained by all of the activities that have been funded from the money we have spent thus far, the possibility of the Everglades not receiving adequate water supply is very real.

I hope we can work out some language, in view of the fact that this is being stripped by the point of order, that will continue to ensure the protection of the United States' investment.

The CHAIRMAN. Does any other Member wish to be heard on the point of order?

Mr. HINCHEY. Mr. Chairman, I would like to be heard briefly on the point of order.

The CHAIRMAN. The gentleman from New York is recognized.

Mr. HINCHEY. Mr. Chairman, I think it is important for us to recognize what is happening here and to gauge the implications of it, to understand them and all of their ramifications, because they are broad and deep.

First of all, by striking this language, $9 million, which is appropriated in this bill to the Department of the Interior, will now be spent by the Army Corps of Engineers. The Department of the Interior will simply be a pass-through. The Department of the Interior will have no say whatsoever in how that money is spent. It will be spent only by the Army Corps of Engineers for their purposes.

Mr. Chairman, that is contrary to everything that this Congress has done up to this point with regard to this project. Our chairman has just outlined very carefully and accurately some of the profound difficulties that will ensue as a result of the striking of this language.

We have here a national resource. The Everglades are half owned by the United States government for all the people of the country. They are—that half of the Everglades is administered by the Department of the Interior. By striking this language, the Department of the Interior will have no say whatsoever in how this $9 million appropriated in this bill is to be spent.

The foundation which has been laid very, very carefully over a long period of time, and which has involved the appropriation and expenditure of several billion dollars so far, is undermined by the striking of this language.

What we have had up to now is a cooperative working relationship between the State of Florida, the South Florida Water Management District, the Army Corps of Engineers, and the United States Department of the Interior. The United States Department of the Interior is involved here because of the fact that we have a number of ecosystems in those Everglades which are administered by the Department of the Interior, and appropriately so.

Striking this language is going to do extreme damage to the foundation that has been laid, the confidence that has been had by these relating agencies in working together. That confidence will no longer exist. The people around the country who have watched this enterprise go forward, and they, too, have watched it with confidence because of the cooperation that has been had between the various agencies, many people around the country are going to now withdraw that confidence. They are going to be very skeptical about what is going to happen with regard to the Everglades.

All of the environmental protection that is important in the Everglades restoration is now placed in jeopardy. The 68 threatened and endangered species that are in the Everglades now will be increasingly endangered because their manager, their overseer, the Department of the Interior, will no longer be active.

I think it is important, Mr. Chairman, finally, that the Members here understand what is being done. This is

technically accurate but it is wholly mischievous. It is going to result in substantial damage. We will have to immediately find ways to correct the damage which has been done by the striking of this language.

The CHAIRMAN. The gentleman from Utah (Mr. HANSEN) makes a point of order that the provision beginning with ''Provided further'' on page 18, line 6, through line 19 proposes to change existing law in violation of clause 2(b) of rule XXI.

The provision directly waives any other provision of law and assigns new duties to the Secretary of the Interior with respect to water allocation in Florida. As stated on page 799 of the House Rules and Manual, a proposition to establish an affirmative duty on an executive officer is legislation. By establishing new duties on the Secretary of the Interior, the provision constitutes legislation on an appropriation bill in violation of clause 2(b) of rule XXI.

Accordingly, the point of order is sustained and the provision is stricken.

Mr. REGULA. Mr. Chairman, I ask unanimous consent that the remainder of the bill through page 21, line 13, 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 Ohio?

There was no objection.

The text of the remainder of the bill from page 18, line 20, through page 21, line 13, is as follows:

ADMINISTRATIVE PROVISIONS

Appropriations for the National Park Service shall be available for the purchase of not to exceed 340 passenger motor vehicles, of which 273 shall be for replacement only, including not to exceed 319 for police-type use, 12 buses, and 9 ambulances: *Provided,* That none of the funds appropriated to the National Park Service may be used to process any grant or contract documents which do not include the text of 18 U.S.C. 1913: *Provided further,* That none of the funds appropriated to the National Park Service may be used to implement an agreement for the redevelopment of the southern end of Ellis Island until such agreement has been submitted to the Congress and shall not be implemented prior to the expiration of 30 calendar days (not including any day in which either House of Congress is not in session because of adjournment of more than three calendar days to a day certain) from the receipt by the Speaker of the House of Representatives and the President of the Senate of a full and comprehensive report on the development of the southern end of Ellis Island, including the facts and circumstances relied upon in support of the proposed project.

None of the funds in this Act may be spent by the National Park Service for activities taken in direct response to the United Nations Biodiversity Convention.

The National Park Service may distribute to operating units based on the safety record of each unit the costs of programs designed to improve workplace and employee safety, and to encourage employees receiving workers' compensation benefits pursuant to chapter 81 of title 5, United States Code, to return to appropriate positions for which they are medically able.

UNITED STATES GEOLOGICAL SURVEY

SURVEYS, INVESTIGATIONS, AND RESEARCH

For expenses necessary for the United States Geological Survey to perform surveys, investigations, and research covering topography, geology, hydrology, biology, and the mineral and water resources of the United States, its territories and possessions, and other areas as authorized by 43 U.S.C. 31, 1332, and 1340; classify lands as to their mineral and water resources; give engineering supervision to power permittees and Federal Energy Regulatory Commission licensees; administer the minerals exploration program (30 U.S.C. 641); and publish and disseminate data relative to the foregoing activities; and to conduct inquiries into the economic conditions affecting mining and materials processing industries (30 U.S.C. 3, 21a, and 1603; 50 U.S.C. 98g(1)) and related purposes as authorized by law and to publish and disseminate data; $816,676,000, of which $60,553,000 shall be available only for cooperation with States or municipalities for water resources investigations; and of which $16,400,000 shall remain available until expended for conducting inquiries into the economic conditions affecting mining and materials processing industries; and of which $32,763,000 shall be available until September 30, 2002 for the operation and maintenance of facilities and deferred maintenance; and of which $140,416,000 shall be available until September 30, 2002 for the biological research activity and the operation of the Cooperative Research Units: *Provided,* That none of these funds provided for the biological research activity shall be used to conduct new surveys on private property, unless specifically authorized in writing by the property owner: *Provided further,* That no part of this appropriation shall be used to pay more than one-half the cost of topographic mapping or water resources data collection and investigations carried on in cooperation with States and municipalities.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

ADMINISTRATIVE PROVISIONS

The amount appropriated for the United States Geological Survey shall be available for the purchase of not to exceed 53 passenger motor vehicles, of which 48 are for replacement only; reimbursement to the General Services Administration for security guard services; reimbursement to the United States Fish and Wildlife Service (FWS) for Refuge Revenue Sharing payments made by FWS to local entities for the FWS real property transferred to the Geological Survey; contracting for the furnishing of topographic maps and for the making of geophysical or other specialized surveys when it is administratively determined that such procedures are in the public interest; construction and maintenance of necessary buildings and appurtenant facilities; acquisition of lands for gauging stations and observation wells; expenses of the United States National Committee on Geology; and payment of compensation and expenses of persons on the rolls of the Survey duly appointed to represent the United States in the negotiation and administration of interstate compacts: *Provided,* That activities funded by appropriations herein made may be accomplished through the use of contracts, grants, or cooperative agreements as defined in 31 U.S.C. 6302 et seq.

MINERALS MANAGEMENT SERVICE

ROYALTY AND OFFSHORE MINERALS MANAGEMENT

For expenses necessary for minerals leasing and environmental studies, regulation of industry operations, and collection of royalties, as authorized by law; for enforcing laws and regulations applicable to oil, gas, and other minerals leases, permits, licenses and operating contracts; and for matching grants or cooperative agreements; including the purchase of not to exceed eight passenger motor vehicles for replacement only; $127,200,000, of which $84,362,000, shall be available for royalty management activities; and an amount not to exceed $107,000,000, to be credited to this appropriation and to remain available until expended, from additions to receipts resulting from increases to rates in effect on August 5, 1993, from rate increases to fee collections for Outer Continental Shelf administrative activities performed by the Minerals Management Service over and above the rates in effect on September 30, 1993, and from additional fees for Outer Continental Shelf administrative activities established after September 30, 1993: *Provided,* That to the extent $107,000,000 in additions to receipts are not realized from the sources of receipts stated above, the amount needed to reach $107,000,000 shall be credited to this appropriation from receipts resulting from rental rates for Outer Continental Shelf leases in effect before August 5, 1993: *Provided further,* That $3,000,000 for computer acquisitions shall remain available until September 30, 2002: *Provided further,* That funds appropriated under this Act shall be available for the payment of interest in accordance with 30 U.S.C. 1721(b) and (d): *Provided further,* That not to exceed $3,000 shall be available for reasonable expenses related to promoting volunteer beach and marine cleanup activities: *Provided further,* That notwithstanding any other provision of law, $15,000 under this heading shall be available for refunds of overpayments in connection with certain Indian leases in which the Director of the Minerals Management Service concurred with the claimed refund due, to pay amounts owed to Indian allottees or tribes, or to correct prior unrecoverable erroneous payments: *Provided further,* That MMS may under the royalty-in-kind pilot program use a portion of the revenues from royalty-in-kind sales, without regard to fiscal year limitation, to pay for transportation and gathering expenses, processing, and any contractor costs required to aggregate and market royalty production taken in kind at wholesale market centers: *Provided further,* That MMS shall analyze and document the expected return in advance of any royalty-in-kind sales to assure to the maximum extent practicable that royalty income under the pilot program is equal to or greater than royalty income recognized under a comparable royalty-in-value program.

AMENDMENT NO. 44 OFFERED BY MRS. MALONEY OF NEW YORK

Mrs. MALONEY of New York. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 44 offered by Mrs. MALONEY of New York:

Page 24, beginning line 6, strike ''transportation and gathering expenses, processing, and any contractor costs required to aggregate and market royalty production taken in kind at wholesale market centers'' and insert ''transportation to wholesale market centers and processing of royalty production taken in kind''.

Mrs. MALONEY of New York. Mr. Chairman, I rise today to offer this amendment, which will enable the Minerals Management Services to operate the royalty-in-kind pilot program more efficiently.

I first want to thank both the gentleman from Ohio (Mr. REGULA) and the gentleman from Washington (Mr. DICKS) for their efforts to resolve this issue in a positive way. This amendment will strike language that would have given the royalties-in-kind program the ability to finance the gathering and marketing of oil and natural gas products.

It will continue to allow the Department of the Interior to finance the cost of transportation and processing of oil and natural gas.

Currently the Minerals Management Service is conducting three royalty-in-kind pilot programs located in Wyoming, Texas, and the Gulf of Mexico. We have worked in a bipartisan manner closely with the Department of the Interior to develop language that achieves their goals without affecting broader oil valuation policy or costing additional funds.

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My amendment will accomplish this purpose. So, again, I would like to thank the chairman and ranking member for their support, and I would urge all of my colleagues to support this common sense amendment.

Mrs. CUBIN. Mr. Chairman, I move to strike the last word.

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

Mrs. CUBIN. Mr. Chairman, I am the chairman of the authorizing subcommittee with jurisdiction over the Minerals Management Service. MMS is the agency charged with collecting royalties from mineral lessees of the federal government. Usually, the producer pays one-eighth of the value of the oil and natural gas from the wells on the lease to MMS to satisfy their royalty obligation, but the Secretary of the Interior is able to take royalty production in kind rather than in value, if he so chooses.

MMS has been conducting ''R-I-K pilot programs'' over the last several years, first for oil from leases in Wyoming and later for natural gas off the coast of Texas. Indeed, Mr. Chairman, the MMS has reported to me that royalty natural gas taken in-kind from the Gulf of Mexico has been sold to the General Services Administration for heating federal buildings, including this very Capitol building last winter.

MMS is seeking to expand the scope of its natural gas R-I-K program to learn how best to add value for the taxpayer by aggregating significant volumes of gas from many leases throughout the Gulf and marketing those volumes to the highest bidders. This is known as ''market uplift'' and it is a source of added value for the government. Why? Because when lessees pay their royalty in value it is based upon the wellhead value of the oil or gas, not the greater value one can receive from transporting product and aggressively marketing one's crude oil or natural gas downstream of the lease. Just two months ago a federal court ruled that there is no duty for oil and gas lessees to market their production without cost to the government. To my knowledge the federal government has not appealed this summary judgment.

Mr. Chairman, this simply means the producer of oil and gas owes royalty on the value of production at the lease. If the oil or gas is first sold downstream of the lease, then transportation, processing (if necessary) and marketing costs are deducted from the proceeds when calculating the royalty owed. Likewise, if and when the MMS takes its royalty in kind at a point downstream of the lease, a similar deduction is owed the producer. This bill, as reported by the Committee on Appropriations, recognized this requirement, as does Mrs. MALONEY' amendment. Thus, I shall not object to the gentlelady's amendment even though it will hinder the MMS in its efforts to explore adding value for the taxpayer. This is because the Maloney amendment strikes language allowing the MMS to contract with outside marketers who are skilled in aggregating volumes of natural gas and finding the best price for it. Yes, MMS will be able to do this work ''in house'' with its own personnel, but MMS itself recognizes that its employees lack the trading skills learned in the competitive marketplace. We cannot expect them to match the ''uplift'' private marketers would bring to the government's natural gas supply.

Mr. Chairman, the provision which follows the Maloney amendment in the text of this bill insures the taxpayers will not lose money in the conduct of the R-I-K pilots, but the shame here is that the opportunity to add further value for the taxpayer is unduly constrained by this amendment.

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

Mr. Chairman, we are prepared to accept the amendment.

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

Mr. Chairman, we accept the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from New York (Mrs. MALONEY).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. REGULA

Mr. REGULA. Mr. Chairman, I offer an amendment, and I ask unanimous consent to return to page 17, line 7, and that this amendment be made in order.

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

There was no objection.

The Clerk read as follows:

Amendment offered by Mr. REGULA: On page 17, line 7 after the dollar amount insert ''(increased by $20,000,000)''.

Mr. REGULA. Mr. Chairman, what this amendment does is increases the Park Service's land acquisition by $20 million, and the funding is directed to the high priority inholdings. I think it is very important, as they acquire land, that wherever possible we should purchase inholdings and thereby complete the parks. This funding, of course, is for purchases from willing sellers.

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

Mr. Chairman, we will accept the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio (Mr. REGULA).

The amendment was agreed to.

Mr. STUPAK. Mr. Chairman, I move to strike the last word and enter into a colloquy with the gentleman from Washington (Mr. DICKS).

Mr. Chairman, I was going to offer an amendment today on snowmobile use in certain national parks. Mr. Chairman, the national parks has more than 375 units. These units run from the historic homes here in Washington, D.C., the beauty of the Great Lakes, all the way up to Alaska. For all these units, their popularity is directly related to their access to the parks. As one generation immerses itself in the beauty and history of our national parks, so will the next.

This appreciation is often heightened by providing year-round access to parks. In some units, snowmobiles are necessary for traversing the isolated park lands of our northern States. In other units, like the Pictured Rocks in my district, snowmobiles are used for recreational purposes on restricted routes.

Unfortunately, on April 27, 2000, Interior Department Assistant Secretary Don Barry issued an announcement that many regarded as a ban of snowmobile use in the national park. The announcement said that the National Park Service must enforce existing regulations regarding snowmobile use. While I understand the need to balance the preservation of our park units with the public's desire for recreation, this issue is about much more. Foremost, the issues of public input must be addressed.

Most of these parks have general management plans that permit snowmobiling in designated areas. These plans, promulgated in law as special regulations, were agreed to by the local park officials and neighboring communities. How then can park officials in Washington, D.C. chastise local communities for not enforcing a snowmobile ban? In many cases, the local communities wanted snowmobile use, not restricted use. Snowmobilers wanted controlled and sensible use. That is why the designated snowmobile routes were promulgated as special regulations in Pictured Rocks National Park and other parks. Snowmobilers want to be held to a high standard.

To overturn these regulations, the National Park Service will require a new regulation or rule under the Administrative Procedures Act. The National Park Service cannot simply make an announcement and expect it to carry the weight of law. There is a process to be followed here. The process includes publishing a proposed rule or regulation in the Federal Register, taking comments from the public and issuing a final rule.

The method used by the Park Service announcement, however, attempts to circumvent the Administrative Procedures Act.

Mr. Chairman, I implore the National Park Service, before it proposes such a rule, to go to my community and determine if snowmobiles are damaging

the park; ask local residents if they want to continue with some controls on snowmobile use; but please do not make a national announcement that undermines local involvement, ignores local concerns and bans snowmobile use when such an announcement is not enforceable and does not carry the weight of law.

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

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

Mr. DICKS. The gentleman is correct that a new regulation must be promulgated by the Park Service before a ban on snowmobile use can be enforced at Pictured Rocks. If the Park Service proposes such a regulation, the constituents of the gentleman from Michigan (Mr. STUPAK) will be provided with ample opportunity to express their concern and interest.

I agree with the gentlemen that before proposing such a regulation that the Park Service should solicit the input of the park superintendent and the local community and follow the Administrative Procedures Act.

Mr. STUPAK. Mr. Chairman, reclaiming my time, I thank the gentleman from Washington (Mr. DICKS) for his support and for his understanding of what we are trying to do. I would also like to thank the gentleman from Ohio (Mr. REGULA).

Mr. Chairman, I will not offer my amendment. It will not be offered at this time or later tonight. I would withdraw that proposed amendment.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

OIL SPILL RESEARCH

For necessary expenses to carry out title I, section 1016, title IV, sections 4202 and 4303, title VII, and title VIII, section 8201 of the Oil Pollution Act of 1990, $6,118,000, which shall be derived from the Oil Spill Liability Trust Fund, to remain available until expended.

OFFICE OF SURFACE MINING RECLAMATION AND ENFORCEMENT

REGULATION AND TECHNOLOGY

For necessary expenses to carry out the provisions of the Surface Mining Control and Reclamation Act of 1977, Public Law 95–87, as amended, including the purchase of not to exceed 10 passenger motor vehicles, for replacement only; $97,478,000: *Provided*, That the Secretary of the Interior, pursuant to regulations, may use directly or through grants to States, moneys collected in fiscal year 2001 for civil penalties assessed under section 518 of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1268), to reclaim lands adversely affected by coal mining practices after August 3, 1977, to remain available until expended: *Provided further*, That appropriations for the Office of Surface Mining Reclamation and Enforcement may provide for the travel and per diem expenses of State and tribal personnel attending Office of Surface Mining Reclamation and Enforcement sponsored training.

ABANDONED MINE RECLAMATION FUND

For necessary expenses to carry out title IV of the Surface Mining Control and Reclamation Act of 1977, Public Law 95–87, as amended, including the purchase of not more than 10 passenger motor vehicles for replacement only, $197,873,000, to be derived from receipts of the Abandoned Mine Reclamation Fund and to remain available until expended; of which up to $8,000,000, to be derived from the Federal Expenses Share of the Fund, shall be for supplemental grants to States for the reclamation of abandoned sites with acid mine rock drainage from coal mines, and for associated activities, through the Appalachian Clean Streams Initiative: *Provided*, That grants to minimum program States will be $1,500,000 per State in fiscal year 2000: *Provided further*, That of the funds herein provided up to $18,000,000 may be used for the emergency program authorized by section 410 of Public Law 95–87, as amended, of which no more than 25 percent shall be used for emergency reclamation projects in any one State and funds for federally administered emergency reclamation projects under this proviso shall not exceed $11,000,000: *Provided further*, That prior year unobligated funds appropriated for the emergency reclamation program shall not be subject to the 25 percent limitation per State and may be used without fiscal year limitation for emergency projects: *Provided further*, That pursuant to Public Law 97–365, the Department of the Interior is authorized to use up to 20 percent from the recovery of the delinquent debt owed to the United States Government to pay for contracts to collect these debts: *Provided further*, That funds made available under title IV of Public Law 95–87 may be used for any required non-Federal share of the cost of projects funded by the Federal Government for the purpose of environmental restoration related to treatment or abatement of acid mine drainage from abandoned mines: *Provided further*, That such projects must be consistent with the purposes and priorities of the Surface Mining Control and Reclamation Act: *Provided further*, That from the funds provided herein, in addition to the amount granted to the Commonwealth of Pennsylvania under Sections 402(g)(1) and 402(g)(5) of the Surface Mining Control and Reclamation Act, an additional $2,000,000 shall be made available to the Commonwealth of Pennsylvania to reclaim abandoned coal mine sites and for acid mine drainage remediation caused by past coal mining practices: *Provided further*, That the additional funds are to be used to address such problems in the anthracite region of Pennsylvania.

BUREAU OF INDIAN AFFAIRS

OPERATION OF INDIAN PROGRAMS

For expenses necessary for the operation of Indian programs, as authorized by law, including the Snyder Act of November 2, 1921 (25 U.S.C. 13), the Indian Self-Determination and Education Assistance Act of 1975 (25 U.S.C. 450 et seq.), as amended, the Education Amendments of 1978 (25 U.S.C. 2001–2019), and the Tribally Controlled Schools Act of 1988 (25 U.S.C. 2501 et seq.), as amended, $1,657,446,000, to remain available until September 30, 2002 except as otherwise provided herein, of which not to exceed $93,225,000 shall be for welfare assistance payments and notwithstanding any other provision of law, including but not limited to the Indian Self-Determination Act of 1975, as amended, not to exceed $125,229,000 shall be available for payments to tribes and tribal organizations for contract support costs associated with ongoing contracts, grants, compacts, or annual funding agreements entered into with the Bureau prior to or during fiscal year 2001, as authorized by such Act, except that tribes and tribal organizations may use their tribal priority allocations for unmet indirect costs of ongoing contracts, grants, or compacts, or annual funding agreements and for unmet welfare assistance costs; and of which not to exceed $406,010,000 for school operations costs of Bureau-funded schools and other education programs shall become available on July 1, 2001, and shall remain available until September 30, 2002; and of which not to exceed $39,722,000 shall remain available until expended for housing improvement, road maintenance, attorney fees, litigation support, self-governance grants, the Indian Self-Determination Fund, land records improvement, and the Navajo-Hopi Settlement Program: *Provided*, That notwithstanding any other provision of law, including but not limited to the Indian Self-Determination Act of 1975, as amended, and 25 U.S.C. 2008, not to exceed $42,160,000 within and only from such amounts made available for school operations shall be available to tribes and tribal organizations for administrative cost grants associated with the operation of Bureau-funded schools: *Provided further*, That any forestry funds allocated to a tribe which remain unobligated as of September 30, 2002, may be transferred during fiscal year 2003 to an Indian forest land assistance account established for the benefit of such tribe within the tribe's trust fund account: *Provided further*, That any such unobligated balances not so transferred shall expire on September 30, 2003.

CONSTRUCTION

For construction, repair, improvement, and maintenance of irrigation and power systems, buildings, utilities, and other facilities, including architectural and engineering services by contract; acquisition of lands, and interests in lands; and preparation of lands for farming, and for construction of the Navajo Indian Irrigation Project pursuant to Public Law 87–483, $184,404,000, to remain available until expended: *Provided*, That such amounts as may be available for the construction of the Navajo Indian Irrigation Project may be transferred to the Bureau of Reclamation: *Provided further*, That not to exceed 6 percent of contract authority available to the Bureau of Indian Affairs from the Federal Highway Trust Fund may be used to cover the road program management costs of the Bureau: *Provided further*, That any funds provided for the Safety of Dams program pursuant to 25 U.S.C. 13 shall be made available on a nonreimbursable basis: *Provided further*, That for fiscal year 2001, in implementing new construction or facilities improvement and repair project grants in excess of $100,000 that are provided to tribally controlled grant schools under Public Law 100–297, as amended, the Secretary of the Interior shall use the Administrative and Audit Requirements and Cost Principles for Assistance Programs contained in 43 CFR part 12 as the regulatory requirements: *Provided further*, That such grants shall not be subject to section 12.61 of 43 CFR; the Secretary and the grantee shall negotiate and determine a schedule of payments for the work to be performed: *Provided further*, That in considering applications, the Secretary shall consider whether the Indian tribe or tribal organization would be deficient in assuring that the construction projects conform to applicable building standards and codes and Federal, tribal, or State health and safety standards as required by 25 U.S.C. 2005(a), with respect to organizational and financial management capabilities: *Provided further*, That if the Secretary declines an application, the Secretary shall follow the requirements contained in 25 U.S.C. 2505(f): *Provided further*, That any disputes between the Secretary and any grantee concerning a grant shall be subject to the disputes provision in 25 U.S.C. 2508(e).

INDIAN LAND AND WATER CLAIM SETTLEMENTS AND MISCELLANEOUS PAYMENTS TO INDIANS

For miscellaneous payments to Indian tribes and individuals and for necessary administrative expenses, $34,026,000, to remain

available until expended; of which $25,149,000 shall be available for implementation of enacted Indian land and water claim settlements pursuant to Public Laws 101–618, and 102–575, and for implementation of other enacted water rights settlements; of which $8,000,000 shall be available for Tribal compact administration, economic development and future water supplies facilities under Public Law 106–163; and of which $877,000 shall be available pursuant to Public Laws 99–264 and 100–580.

INDIAN GUARANTEED LOAN PROGRAM ACCOUNT

For the cost of guaranteed loans, $4,500,000, as authorized by the Indian Financing Act of 1974, as amended: *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 total loan principal, any part of which is to be guaranteed, not to exceed $59,682,000.

In addition, for administrative expenses to carry out the guaranteed loan programs, $485,000.

ADMINISTRATIVE PROVISIONS

The Bureau of Indian Affairs may carry out the operation of Indian programs by direct expenditure, contracts, cooperative agreements, compacts and grants, either directly or in cooperation with States and other organizations.

Appropriations for the Bureau of Indian Affairs (except the revolving fund for loans, the Indian loan guarantee and insurance fund, and the Indian Guaranteed Loan Program account) shall be available for expenses of exhibits, and purchase of not to exceed 229 passenger motor vehicles, of which not to exceed 187 shall be for replacement only.

Notwithstanding any other provision of law, no funds available to the Bureau of Indian Affairs for central office operations, pooled overhead general administration (except facilities operations and maintenance), or provided to implement the recommendations of the National Academy of Public Administration's August 1999 report shall be available for tribal contracts, grants, compacts, or cooperative agreements with the Bureau of Indian Affairs under the provisions of the Indian Self-Determination Act or the Tribal Self-Governance Act of 1994 (Public Law 103–413).

In the event any tribe returns appropriations made available by this Act to the Bureau of Indian Affairs for distribution to other tribes, this action shall not diminish the Federal Government's trust responsibility to that tribe, or the government-to-government relationship between the United States and that tribe, or that tribe's ability to access future appropriations.

Notwithstanding any other provision of law, no funds available to the Bureau, other than the amounts provided herein for assistance to public schools under 25 U.S.C. 452 et seq., shall be available to support the operation of any elementary or secondary school in the State of Alaska.

Appropriations made available in this or any other Act for schools funded by the Bureau shall be available only to the schools in the Bureau school system as of September 1, 1996. No funds available to the Bureau shall be used to support expanded grades for any school or dormitory beyond the grade structure in place or approved by the Secretary of the Interior at each school in the Bureau school system as of October 1, 1995. Funds made available under this Act may not be used to establish a charter school at a Bureau-funded school (as that term is defined in section 1146 of the Education Amendments of 1978 (25 U.S.C. 2026)), except that a charter school that is in existence on the date of the enactment of this Act and that has operated at a Bureau-funded school before September 1, 1999, may continue to operate during that period, but only if the charter school pays to the Bureau a pro-rata share of funds to reimburse the Bureau for the use of the real and personal property (including buses and vans), the funds of the charter school are kept separate and apart from Bureau funds, and the Bureau does not assume any obligation for charter school programs of the State in which the school is located if the charter school loses such funding. Employees of Bureau-funded schools sharing a campus with a charter school and performing functions related to the charter school's operation and employees of a charter school shall not be treated as Federal employees for purposes of chapter 171 of title 28, United States Code (commonly known as the ''Federal Tort Claims Act''). Not later than June 15, 2001, the Secretary of the Interior shall evaluate the effectiveness of Bureau-funded schools sharing facilities with charter schools in the manner described in the preceding sentence and prepare and submit a report on the finding of that evaluation to the Committees on Appropriations of the Senate and of the House.

DEPARTMENTAL OFFICES

INSULAR AFFAIRS

ASSISTANCE TO TERRITORIES

For expenses necessary for assistance to territories under the jurisdiction of the Department of the Interior, $69,471,000, of which: (1) $65,076,000 shall be available until expended for technical assistance, including maintenance assistance, disaster assistance, insular management controls, coral reef initiative activities, and brown tree snake control and research; grants to the judiciary in American Samoa for compensation and expenses, as authorized by law (48 U.S.C. 1661(c)); grants to the Government of American Samoa, in addition to current local revenues, for construction and support of governmental functions; grants to the Government of the Virgin Islands as authorized by law; grants to the Government of Guam, as authorized by law; and grants to the Government of the Northern Mariana Islands as authorized by law (Public Law 94–241; 90 Stat. 272); and (2) $4,395,000 shall be available for salaries and expenses of the Office of Insular Affairs: *Provided*, That all financial transactions of the territorial and local governments herein provided for, including such transactions of all agencies or instrumentalities established or used by such governments, may be audited by the General Accounting Office, at its discretion, in accordance with chapter 35 of title 31, United States Code: *Provided further*, That Northern Mariana Islands Covenant grant funding shall be provided according to those terms of the Agreement of the Special Representatives on Future United States Financial Assistance for the Northern Mariana Islands approved by Public Law 104–134: *Provided further*, That of the amounts provided for technical assistance, not to exceed $300,000 may be made available for transfer to the Disaster Assistance Direct Loan Program Account of the Federal Emergency Management Agency for the purpose of covering the cost of forgiving a portion of the obligation of the Government of the Virgin Islands to pay interest which has accrued on Community Disaster Loan 841 during fiscal year 2000, as required by section 504 of the Congressional Budget Act of 1974, as amended (2 U.S.C. 661c): *Provided further*, That of the amounts provided for technical assistance, sufficient funding shall be made available for a grant to the Close Up Foundation: *Provided further*, That of the amounts provided for technical assistance, the amount of $700,000 shall be made available to the Prior Service Benefits Trust Fund for its program of benefit payments to individuals: *Provided further*, That none of this amount shall be used for administrative expenses of the Prior Service Benefits Trust Fund: *Provided further*, That the funds for the program of operations and maintenance improvement are appropriated to institutionalize routine operations and maintenance improvement of capital infrastructure in American Samoa, Guam, the Virgin Islands, the Commonwealth of the Northern Mariana Islands, the Republic of Palau, the Republic of the Marshall Islands, and the Federated States of Micronesia through assessments of long-range operations maintenance needs, improved capability of local operations and maintenance institutions and agencies (including management and vocational education training), and project-specific maintenance (with territorial participation and cost sharing to be determined by the Secretary based on the individual territory's commitment to timely maintenance of its capital assets): *Provided further*, That any appropriation for disaster assistance under this heading in this Act or previous appropriations Acts may be used as non-Federal matching funds for the purpose of hazard mitigation grants provided pursuant to section 404 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170c).

COMPACT OF FREE ASSOCIATION

For economic assistance and necessary expenses for the Federated States of Micronesia and the Republic of the Marshall Islands as provided for in sections 122, 221, 223, 232, and 233 of the Compact of Free Association, and for economic assistance and necessary expenses for the Republic of Palau as provided for in sections 122, 221, 223, 232, and 233 of the Compact of Free Association, $20,745,000, to remain available until expended, as authorized by Public Law 99–239 and Public Law 99–658.

DEPARTMENTAL MANAGEMENT

SALARIES AND EXPENSES

For necessary expenses for management of the Department of the Interior, $62,406,000, of which not to exceed $8,500 may be for official reception and representation expenses and of which up to $1,000,000 shall be available for workers compensation payments and unemployment compensation payments associated with the orderly closure of the United States Bureau of Mines.

OFFICE OF THE SOLICITOR

SALARIES AND EXPENSES

For necessary expenses of the Office of the Solicitor, $40,196,000.

OFFICE OF INSPECTOR GENERAL

SALARIES AND EXPENSES

For necessary expenses of the Office of Inspector General, $26,086,000.

OFFICE OF SPECIAL TRUSTEE FOR AMERICAN INDIANS

FEDERAL TRUST PROGRAMS

For operation of trust programs for Indians by direct expenditure, contracts, cooperative agreements, compacts, and grants, $82,428,000, to remain available until expended: *Provided*, That funds for trust management improvements may be transferred, as needed, to the Bureau of Indian Affairs ''Operation of Indian Programs'' account and to the Departmental Management ''Salaries and Expenses'' account: *Provided further*, That funds made available to tribes and tribal organizations through contracts or grants obligated during fiscal year 2001, as authorized by the Indian Self-Determination Act of 1975 (25 U.S.C. 450 et seq.), shall remain available until expended by the contractor or

grantee: *Provided further,* That notwithstanding any other provision of law, the statute of limitations shall not commence to run on any claim, including any claim in litigation pending on the date of the enactment of this Act, concerning losses to or mismanagement of trust funds, until the affected tribe or individual Indian has been furnished with an accounting of such funds from which the beneficiary can determine whether there has been a loss: *Provided further,* That notwithstanding any other provision of law, the Secretary shall not be required to provide a quarterly statement of performance for any Indian trust account that has not had activity for at least 18 months and has a balance of $1.00 or less: *Provided further,* That the Secretary shall issue an annual account statement and maintain a record of any such accounts and shall permit the balance in each such account to be withdrawn upon the express written request of the account holder.

INDIAN LAND CONSOLIDATION

For implementation of a program for consolidation of fractional interests in Indian Lands and expenses associated with redetermining and redistributing escalated interests in allotted lands by direct expenditure or cooperative agreement, $5,000,000 to remain available until expended and which may be transferred to the Bureau of Indian Affairs and Departmental Management, of which not to exceed $500,000 shall be available for administrative expenses: *Provided,* That the Secretary may enter into a cooperative agreement, which shall not be subject to Public law 93–638, as amended, with a tribe having jurisdiction over the reservation to implement the program to acquire fractional interests on behalf of such tribe: *Provided further,* That the Secretary may develop a reservation-wide system for establishing the fair market value of various types of lands and improvements to govern the amounts offered for acquisition of fractional interests: *Provided further,* That acquisitions shall be limited to one or more reservations as determined by the Secretary: *Provided further,* That funds shall be available for acquisition of fractional interests in trust or restricted lands with the consent of its owners and at fair market value, and the Secretary shall hold in trust for such tribe all interests acquired pursuant to this program: *Provided further,* That all proceeds from any lease, resource sale contract, right-of-way or other transaction derived from the fractional interests shall be credited to this appropriation, and remain available until expended, until the purchase price paid by the Secretary under this appropriation has been recovered from such proceeds: *Provided further,* That once the purchase price has been recovered, all subsequent proceeds shall be managed by the Secretary for the benefit of the applicable tribe or paid directly to the tribe.

NATURAL RESOURCE DAMAGE ASSESSMENT AND RESTORATION

NATURAL RESOURCE DAMAGE ASSESSMENT FUND

To conduct natural resource damage assessment activities by the Department of the Interior necessary to carry out the provisions of the Comprehensive Environmental Response, Compensation, and Liability Act, as amended (42 U.S.C. 9601 et seq.), Federal Water Pollution Control Act, as amended (33 U.S.C. 1251 et seq.), the Oil Pollution Act of 1990 (Public Law 101–380) (33 U.S.C. 2701 et seq.), and Public Law 101–337, as amended (16 U.S.C. 19jj et seq.), $5,374,000, to remain available until expended.

ADMINISTRATIVE PROVISIONS

There is hereby authorized for acquisition from available resources within the Working Capital Fund, 15 aircraft, 10 of which shall be for replacement and which may be obtained by donation, purchase or through available excess surplus property: *Provided,* That notwithstanding any other provision of law, existing aircraft being replaced may be sold, with proceeds derived or trade-in value used to offset the purchase price for the replacement aircraft: *Provided further,* That no programs funded with appropriated funds in the ''Departmental Management'', ''Office of the Solicitor'', and ''Office of Inspector General'' may be augmented through the Working Capital Fund or the Consolidated Working Fund.

GENERAL PROVISIONS, DEPARTMENT OF THE INTERIOR

SEC. 101. Appropriations made in this title shall be available for expenditure or transfer (within each bureau or office), with the approval of the Secretary, for the emergency reconstruction, replacement, or repair of aircraft, buildings, utilities, or other facilities or equipment damaged or destroyed by fire, flood, storm, or other unavoidable causes: *Provided,* That no funds shall be made available under this authority until funds specifically made available to the Department of the Interior for emergencies shall have been exhausted: *Provided further,* That all funds used pursuant to this section are hereby designated by Congress to be ''emergency requirements'' pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, and must be replenished by a supplemental appropriation which must be requested as promptly as possible.

SEC. 102. The Secretary may authorize the expenditure or transfer of any no year appropriation in this title, in addition to the amounts included in the budget programs of the several agencies, for the suppression or emergency prevention of wildland fires on or threatening lands under the jurisdiction of the Department of the Interior; for the emergency rehabilitation of burned-over lands under its jurisdiction; for emergency actions related to potential or actual earthquakes, floods, volcanoes, storms, or other unavoidable causes; for contingency planning subsequent to actual oil spills; for response and natural resource damage assessment activities related to actual oil spills; for the prevention, suppression, and control of actual or potential grasshopper and Mormon cricket outbreaks on lands under the jurisdiction of the Secretary, pursuant to the authority in section 1773(b) of Public Law 99–198 (99 Stat. 1658); for emergency reclamation projects under section 410 of Public Law 95–87; and shall transfer, from any no year funds available to the Office of Surface Mining Reclamation and Enforcement, such funds as may be necessary to permit assumption of regulatory authority in the event a primacy State is not carrying out the regulatory provisions of the Surface Mining Act: *Provided,* That appropriations made in this title for wildland fire operations shall be available for the payment of obligations incurred during the preceding fiscal year, and for reimbursement to other Federal agencies for destruction of vehicles, aircraft, or other equipment in connection with their use for wildland fire operations, such reimbursement to be credited to appropriations currently available at the time of receipt thereof: *Provided further,* That for wildland fire operations, no funds shall be made available under this authority until the Secretary determines that funds appropriated for ''wildland fire operations'' shall be exhausted within thirty days: *Provided further,* That all funds used pursuant to this section are hereby designated by Congress to be ''emergency requirements'' pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, and must be replenished by a supplemental appropriation which must be requested as promptly as possible: *Provided further,* That such replenishment funds shall be used to reimburse, on a pro rata basis, accounts from which emergency funds were transferred.

SEC. 103. Appropriations made in this title shall be available for operation of warehouses, garages, shops, and similar facilities, wherever consolidation of activities will contribute to efficiency or economy, and said appropriations shall be reimbursed for services rendered to any other activity in the same manner as authorized by sections 1535 and 1536 of title 31, United States Code: *Provided,* That reimbursements for costs and supplies, materials, equipment, and for services rendered may be credited to the appropriation current at the time such reimbursements are received.

SEC. 104. Appropriations made to the Department of the Interior in this title shall be available for services as authorized by 5 U.S.C. 3109, when authorized by the Secretary, in total amount not to exceed $500,000; hire, maintenance, and operation of aircraft; hire of passenger motor vehicles; purchase of reprints; payment for telephone service in private residences in the field, when authorized under regulations approved by the Secretary; and the payment of dues, when authorized by the Secretary, for library membership in societies or associations which issue publications to members only or at a price to members lower than to subscribers who are not members.

SEC. 105. Appropriations available to the Department of the Interior for salaries and expenses shall be available for uniforms or allowances therefor, as authorized by law (5 U.S.C. 5901–5902 and D.C. Code 4–204).

SEC. 106. Annual appropriations made in this title shall be available for obligation in connection with contracts issued for services or rentals for periods not in excess of 12 months beginning at any time during the fiscal year.

SEC. 107. No funds provided in this title may be expended by the Department of the Interior for the conduct of offshore leasing and related activities placed under restriction in the President's moratorium statement of June 26, 1990, in the areas of northern, central, and southern California; the North Atlantic; Washington and Oregon; and the eastern Gulf of Mexico south of 26 degrees north latitude and east of 86 degrees west longitude.

SEC. 108. No funds provided in this title may be expended by the Department of the Interior for the conduct of offshore oil and natural gas preleasing, leasing, and related activities, on lands within the North Aleutian Basin planning area.

SEC. 109. No funds provided in this title may be expended by the Department of the Interior to conduct offshore oil and natural gas preleasing, leasing and related activities in the eastern Gulf of Mexico planning area for any lands located outside Sale 181, as identified in the final Outer Continental Shelf 5-Year Oil and Gas Leasing Program, 1997–2002.

SEC. 110. No funds provided in this title may be expended by the Department of the Interior to conduct oil and natural gas preleasing, leasing and related activities in the Mid-Atlantic and South Atlantic planning areas.

SEC. 111. Advance payments made under this title to Indian tribes, tribal organizations, and tribal consortia pursuant to the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.) or the Tribally Controlled Schools Act of 1988 (25 U.S.C. 2501 et seq.) may be invested by the Indian tribe, tribal organization, or consortium before such funds are expended for the

purposes of the grant, compact, or annual funding agreement so long as such funds are—

(1) invested by the Indian tribe, tribal organization, or consortium only in obligations of the United States, or in obligations or securities that are guaranteed or insured by the United States, or mutual (or other) funds registered with the Securities and Exchange Commission and which only invest in obligations of the United States or securities that are guaranteed or insured by the United States; or

(2) deposited only into accounts that are insured by an agency or instrumentality of the United States, or are fully collateralized to ensure protection of the funds, even in the event of a bank failure.

SEC. 112. Notwithstanding any other provisions of law, the National Park Service shall not develop or implement a reduced entrance fee program to accommodate non-local travel through a unit. The Secretary may provide for and regulate local non-recreational passage through units of the National Park System, allowing each unit to develop guidelines and permits for such activity appropriate to that unit.

SEC. 113. Refunds or rebates received on an on-going basis from a credit card services provider under the Department of the Interior's charge card programs, hereafter may be deposited to and retained without fiscal year limitation in the Departmental Working Capital Fund established under 43 U.S.C. 1467 and used to fund management initiatives of general benefit to the Department of the Interior's bureaus and offices as determined by the Secretary or his designee.

SEC. 114. Appropriations made in this title under the headings Bureau of Indian Affairs and Office of Special Trustee for American Indians and any available unobligated balances from prior appropriations Acts made under the same headings, shall be available for expenditure or transfer for Indian trust management activities pursuant to the Trust Management Improvement Project High Level Implementation Plan.

SEC. 115. Notwithstanding any provision of law, hereafter the Secretary of the Interior is authorized to negotiate and enter into agreements and leases, without regard to section 321 of chapter 314 of the Act of June 30, 1932 (40 U.S.C. 303b), with any person, firm, association, organization, corporation, or governmental entity for all or part of the property within Fort Baker administered by the Secretary as part of Golden Gate National Recreation Area. The proceeds of the agreements or leases shall be retained by the Secretary and such proceeds shall be available, without future appropriation, for the preservation, restoration, operation, maintenance and interpretation and related expenses incurred with respect to Fort Baker properties.

SEC. 116. A grazing permit or lease that expires (or is transferred) during fiscal year 2001 shall be renewed under section 402 of the Federal Land Policy and Management Act of 1976, as amended (43 U.S.C. 1752) or if applicable, sections 306 and 510 of the California Desert Protection Act (16 U.S.C. 410aaa–50). The terms and conditions contained in the expiring permit or lease shall continue in effect under the new permit or lease until such time as the Secretary of the Interior completes processing of such permit or lease in compliance with all applicable laws and regulations, at which time such permit or lease may be canceled, suspended or modified, in whole or in part, to meet the requirements of such applicable laws and regulations. Nothing in this section shall be deemed to alter the Secretary's statutory authority.

AMENDMENT OFFERED BY MR. REGULA

Mr. REGULA. Mr. Chairman, I ask unanimous consent to return to page 5, line 12, to offer an amendment.

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

There was no objection.

The Clerk read as follows:

Amendment offered by Mr. REGULA: On page 5, line 12 after the dollar amount insert ''(decreased by $1,000,000 and increased by $1,000,000)''.

Mr. REGULA. Mr. Chairman, this amendment decreases construction funding for the Escalante Science Center by $1 million. It is not quite ready to go forward. It increases funding for the National Trail Center in Casper, Wyoming, which we had an oversight on and had previously committed to do.

The Members involved in this switch are both in agreement with it, and I urge the adoption of the amendment.

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

Mr. Chairman, we support the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio (Mr. REGULA).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. INSLEE.

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

The Clerk read as follows:

Amendment offered by Mr. INSLEE: Page 49, beginning at line 23, strike section 116.

Mr. INSLEE. Mr. Chairman, this amendment will strike section 116, which has a considerable anti-environmental impact both because of the way it was drawn and because of existing law, because basically the existing section of the bill, if allowed to stand, would essentially lock in the livestock levels and practices, on various areas that are leased, for grazing after the permit expires, after the lease has expired and after BLM and other agencies have made good faith attempts to improve the environmental activities in the grazing.

For instance, when a lease expires now, our Federal Government is charged with the responsibility of making sure that before there is a renewal that there is not overgrazing that occurs in the land or there is not erosion that occurs on the land.

Under existing law and for the last probably 100 years, they had the right to do that, not subject to the unilateral decision-making by the permittee.

Unfortunately, the way this language is drafted in the existing proposed bill, it would allow the permittee to unilaterally, in a sense, insist on the continuation of the number of animals on the unit, of the uses and the practices on the unit, even to the extent one can have environmental damage. The way that that is drafted, it essentially would turn the lease on its head, because for decades in this country, when the permit expired, the permit expired. Essentially, in a Supreme Court decision that took place very recently, just in May of this year, called Public Lands Council versus Babbitt, the Supreme Court reaffirmed the proposition again that permittees do not have a right title in interest of land that is constitutionally protected after the expiration of the lease or permit.

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Unfortunately, the way that this action is drafted, it would allow, and I want to repeat that not all folks who are grazing are bad stewards in the land. Many of them are doing a tremendous job as stewards of the land. But there are some that, frankly, have loads of grazing that are causing damage to the land in the environmental aspect that we want to protect. It would allow those permitees to essentially unilaterally tell the BLM or the Forest Service that, No, no, I do not agree. Your process is not completed. I do not believe your process was adequate; therefore, I am going to appeal your process to another level or to a Federal court or to the Court of Appeals or to the Supreme Court.

While that was going on, Uncle Sam and the taxpayers would be required to be submitted to whatever the permitee had going on in the land in the first 10 years of the lease. I think that really is not consistent with our idea that, when the permit expires, Uncle Sam ought to have the ability to negotiate in good faith with the permitee about what provisions occur.

Now, I am not alone in being concerned about the environmental aspects of this. Our amendment is supported by the League of Conservation Voters and Trout Unlimited, U.S. PIRG, the National Wildlife Federation, the Sierra Club, and the Wilderness Society. The reason, Mr. Chairman, that those groups are concerned about this is that they believe it could be a fairly significant opening up and restriction of our agency's ability to fulfill their environmental mandate.

I also wanted to point out, and I presume the drafters of the language had some concern, that there would be some wholesale refusal or failure to simply reprocess these permits. But I have done some looking into it; and I found that, under existing loads, the agency ought to be able to handle these permits.

In the next year, about 1,600 permits will expire. They will have to do about 170 for previous years for under 2,000 permits. Last year, the agencies processed 3,847 permits.

So basically the agencies are capable of doing this. Our concern is that if we pass this language the way it was written, it will allow some permitees, some, not all, but some to essentially prevent BLM from enforcing environmental laws by essentially saying, even though my permit is expired, I am going to force Uncle Sam to except however many animals I have had, and that we are going to keep those animals on even if my permit is expired as

long as I keep this tied up in the courts.

I believe that is inconsistent with long-term practices and environmental law.

Mr. Chairman, I yield to the gentleman from Colorado (Mr. UDALL).

Mr. UDALL of Colorado. Mr. Chairman, I thank the gentleman from Washington for yielding to me.

Mr. Chairman, I rise in support of his amendment because I think the language of the bill raises serious questions and goes beyond what is needed. I am told, as is the gentleman from Washington, by the BLM that they do not need this provision and that they are capable of processing all of the grazing permits that will expire in the next fiscal year.

So I think for that simple reason alone, we ought to adopt this amendment and not get in the way of the work that the BLM is doing on its own at this point.

Mr. INSLEE. Mr. Chairman, reclaiming my time, I yield to the gentleman from Ohio (Mr. REGULA).

Mr. REGULA. Mr. Chairman, does the gentleman from Washington (Mr. INSLEE) understand that the decision rests with BLM? This is permissive authority for them to deal with the problem in the event, for lack of resources, both monetary and manpower that they would not be able to address all of the permits that have an environmental consideration. We are simply giving them some latitude to make the decision, but they do not have to do this.

I do not think it gives the permitees any standing because they have to negotiate with BLM. This is language similar to what we had negotiated with the President last year and just simply recognizing that the task was so huge they may not be able to effectively renegotiate all of these permits within the time allocated.

The CHAIRMAN. The time of the gentleman from Washington (Mr. INSLEE) has expired.

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

Mr. Chairman, I yield to the gentleman from Washington (Mr. INSLEE).

Mr. INSLEE. Mr. Chairman, I think we have a significant drafting issue that I very much would encourage the Chair to look at because I have looked at it very carefully. There is quite a number of folks that have looked at it.

I am very clear that the way the language is drafted at this time, it would allow the permittee to insist in the continuation of the lease for as long as this process in appeal period is involved. If that was the intention of the gentleman from Ohio (Chairman REGULA) to make this permissive or discretionary with the Bureau rather than mandatory to the permittee, I really believe we need some changes in the drafting. If that is the intention, I would perhaps encourage us to defer this for a few minutes so we could have that discussion. I really believe we need some drafting changes here.

Mr. REGULA. Mr. Chairman, it is our understanding, and this was negotiated with the President and the BLM last year. We put the identical language in this year. We do not think it would be appropriate next year because it is our hope that the BLM will have the resources to process the expiring grazing permits in conformance with the court's decision. Perhaps rather than remove it, we could change a word or two to give the gentleman from Washington (Mr. INSLEE) some comfort to at least accomplish what we think is being the effect of the language.

Mr. INSLEE. Mr. Chairman, with the Chair's permission, if we can find a parliamentary way to do this, table this for at least a few minutes while we have discussions in that regard, if the Chair would allow in that regard.

Mr. REGULA. Mr. Chairman, with the consent of the parties here, if we could defer this amendment, I would ask unanimous consent to return to this section at some later point, and allow some time to see if we can reach a meeting of the minds on the language that accomplishes the objectives of all the parties.

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

There was no objection.

The CHAIRMAN. The amendment is withdrawn without prejudice and may be returned to at a later time in the bill.

The Clerk will read.

The Clerk read as follows:

SEC. 117. Notwithstanding any other provision of law, for the purpose of reducing the backlog of Indian probate cases in the Department of the Interior, the hearing requirements of chapter 10 of title 25, United States Code, are deemed satisfied by a proceeding conducted by an Indian probate judge, appointed by the Secretary without regard to the provisions of title 5, United States Code, governing the appointments in the competitive service, for such period of time as the Secretary determines necessary: *Provided,* That the basic pay of an Indian probate judge so appointed may be fixed by the Secretary without regard to the provisions of chapter 51, and subchapter III of chapter 53 of title 5, United States Code, governing the classification and pay of General Schedule employees, except that no such Indian probate judge may be paid at a level which exceeds the maximum rate payable for the highest grade of the General Schedule, including locality pay.

SEC. 118. Notwithstanding any other provision of law, the Secretary of the Interior is authorized to redistribute any Tribal Priority Allocation funds, including tribal base funds, to alleviate tribal funding inequities by transferring funds to address identified, unmet needs, dual enrollment, overlapping service areas or inaccurate distribution methodologies. No tribe shall receive a reduction in Tribal Priority Allocation funds of more than 10 percent in fiscal year 2001. Under circumstances of dual enrollment, overlapping service areas or inaccurate distribution methodologies, the 10 percent limitation does not apply.

SEC. 119. None of the funds in this Act may be used to establish a new National Wildlife Refuge in the Kankakee River basin that is inconsistent with the United States Army Corps of Engineers' efforts to control flooding and siltation in that area. Written certification of consistency shall be submitted to the House and Senate Committees on Appropriations prior to refuge establishment.

SEC. 120. The Great Marsh Trail at the Mason Neck National Wildlife Refuge in Virginia is hereby named for Joseph V. Gartlan, Jr. and shall hereafter be referred to in any law, document, or records of the United States as the ''Joseph V. Gartlan, Jr. Great Marsh Trail''.

SEC. 121. Funds appropriated for the Bureau of Indian Affairs for postsecondary schools for fiscal year 2001 shall be allocated among the schools proportionate to the unmet need of the schools as determined by the Postsecondary Funding Formula adopted by the Office of Indian Education Programs.

SEC. 122. None of the funds in this Act may be expended by the United States Fish and Wildlife Service to establish a National Wildlife Refuge in the Yolo Bypass of California.

AMENDMENT OFFERED BY MR. OSE

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

The Clerk read as follows:

Amendment offered by Mr. OSE:

On page 52, strike lines 12 through 15.

Mr. OSE. Mr. Chairman, I want to preface my remarks this evening by expressing my appreciation to the gentleman from Ohio (Mr. REGULA). In particular, over the last 6 months as he has worked with me to try and address an issue of significant concern to my district.

I will tell my colleagues, coming to Congress recently with the expectation that it was a place of contentiousness and divisiveness, I will tell my colleagues that, having worked with the gentleman from Ohio (Chairman REGULA), he has affirmed my faith in our legislative body. He is a bulwark against inappropriate action and has taught this freshman so much for which I am appreciative.

To the gentleman from Washington (Mr. DICKS), the ranking member, who has taken the time to pull me aside sometimes with resistance from myself, I want to extend my compliments. I know the gentleman has been here far longer than I have.

I will tell my colleagues, working with the gentleman from Washington (Mr. DICKS) and the gentleman from Ohio (Mr. REGULA) is an eye opener. It is truly something that I wish our citizens could see firsthand for themselves. It is far different than perhaps the worst of our examples. It is, in fact, exactly the way that the system works. I want to, in particular, also recognize their assistance in this manner and express my appreciation for it.

Mr. DICKS. Mr. Chairman, will the gentleman yield just for a brief comment?

Mr. OSE. Certainly, I yield to the gentleman from Washington.

Mr. DICKS. Mr. Chairman, I want to say to the gentleman from California (Mr. OSE) that he has been a gentleman to work with and very persistent, but that is a good trait where I come from. We just appreciate his attitude and his approach to this problem.

Mr. OSE. I thank the gentleman from Washington (Mr. DICKS) for those remarks.

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

Mr. OSE. Certainly, I yield to the gentleman from Ohio.

Mr. REGULA. Mr. Chairman, this is a good example of our working together in a bipartisan way to meet a problem that affects the people that the gentleman from California represents. He is doing an effective job on behalf of his constituents, and that is what this House is all about.

Mr. OSE. Mr. Chairman, I thank the gentleman from Ohio (Chairman REGULA) and the gentleman from Washington (Mr. DICKS), the ranking member, for their comments.

Mr. Chairman, I want to briefly highlight the problem that these two distinguished gentlemen have helped me solve. This is a map of northern California. I represent basically the center portion of this. Geographically, this area is roughly two-thirds the size of the State of Washington. It is larger than, say, four or five States one may wish to select in New England. It is the size of two-thirds the State of New York. The State of Ohio could potentially fit right here.

The purpose of this map is to highlight how this entire area, rather than draining to the Pacific Ocean, the water that falls within this area works its way south down the Sacramento River and its tributaries for which one can see the vast expansion and number past a particular point opposite downtown Sacramento.

The main channel of the Sacramento River can hold around 150,000 cubic feet a second. The difficulty we have from this region is that, by virtue of the large geographic expansion, the rainfall in this region can generate up to 650,000 cubic feet a second of water flowing past downtown Sacramento.

The area that is the subject of our concern tonight is the Yolo Bypass. The Yolo Bypass, as many of my colleagues may realize, is the relief valve that protects the Sacramento area from an inordinate amount of water being forced down the main channel. The bypass contains up to 500,000 cubic feet a second. That is the subject of our discussion tonight.

At the suggestion of the gentleman from Ohio (Mr. REGULA) and the gentleman from Washington (Mr. DICKS), I have taken the opportunity to visit with the director of the Fish and Wildlife Service, Ms. Clark. We have, contrary to where we were headed earlier today, we have come to an agreement that allows us to work together to solve the competing needs between flood protection in one instance and the creation of an adequate amount of habitat in our State in another. I look forward to that.

I do want to, if I may, enter into a colloquy at this point with the gentleman from Washington (Mr. DICKS) to establish understanding of how we are going to proceed from here as it relates to this issue.

If I could, I would like to share with the gentleman from Washington my understanding of my discussion with Ms. Clark and have him affirm it, if he will.

When I spoke with Ms. Clark, what we agreed to do as it relates to the Yolo Bypass and any proposed refuge is to complete the existing environmental work that has been under way for quite some time. Ms. Clark has agreed that she will withhold any designation of a refuge in this area until such time as we can resolve any identified outstanding issues to our satisfaction and that I would withdraw my language from the bill as I have in the body of this amendment.

Mr. Chairman, I ask the gentleman from Washington (Mr. DICKS), the ranking member, if that is his understanding.

Mr. Chairman, I yield to the gentleman from Washington (Mr. DICKS).

Mr. DICKS. Mr. Chairman, yes, I had an opportunity to talk to Jamie Clark, our distinguished director of the Fish and Wildlife Service. She certainly indicated to me a willingness to work with the gentleman from California (Mr. OSE) and the other officials from that area.

The CHAIRMAN. The time of the gentleman from California (Mr. OSE) has expired.

(On request of Mr. DICKS, and by unanimous consent, Mr. OSE was allowed to proceed for 2 additional minutes.)

Mr. OSE. Mr. Chairman, I yield to the gentleman from Washington (Mr. DICKS).

Mr. DICKS. Mr. Chairman, I promise the gentleman from California, one, that we will work to make sure that all commitments are kept by the administration, and, number two, that I am very interested in this, and I want to work with the gentleman and the other Members in that area in resolving this issue to the gentleman's satisfaction.

The most important point here is that the Fish and Wildlife Service understands the crucial importance of having adequate flood control and reliable flood control even in the context of this new wildlife refuge once it is created. So I think this is a good outcome. And I appreciate the gentleman's interest and will work with him to resolve this problem in a proper way.

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

Mr. OSE. I yield to the gentleman from Ohio.

Mr. REGULA. Mr. Chairman, I want to commend the gentleman from Washington (Mr. DICKS) and also Mrs. Clark, Director of the Fish and Wildlife Service, for working with the gentleman in a very bipartisan fashion to solve a problem that affects the people in the gentleman's district.

I think it is a great example of how government officials, executive and legislative, can work together to do something that is beneficial to the people. We hear so much about the lack of bipartisanship, but this is a great example that it does work.

Mr. OSE. Reclaiming my time, Mr. Chairman, I thank the gentleman from Ohio, the chairman of the subcommittee, and I thank the ranking member, the gentleman from Washington, and I look forward to resolving this appropriately.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California (Mr. OSE).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. HINCHEY

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

The Clerk read as follows:

Amendment offered by Mr. HINCHEY:

Page 52, after line 15, add the following new section:

SEC. ____. The amounts otherwise provided by this title are revised by decreasing the amount made available under the heading ''NATIONAL PARK SERVICE—CONSTRUCTION'' by $9,000,000 and by increasing the amount made available under the heading ''NATIONAL PARK SERVICE—LAND ACQUISITION AND STATE ASSISTANCE'' for acquisition of lands or waters, or interests therein, by $9,000,000.

Mr. HINCHEY. Mr. Chairman, the purpose of this amendment really is very simple. It is designed to ensure that this $9 million, which is appropriated in the interior appropriation bill, goes to the State of Florida, as it was intended by the chairman and the members of the committee; and that that $9 million would be used for land acquisition in a way that would enhance and protect the Everglades in the State of Florida.

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

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

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

We are in agreement with this amendment. I think it reaches the intent of what we are trying to do in the committee, and that is to provide funding to match what the State of Florida is doing in land acquisition. This does not remove it, but rather ensures that the money that we have appropriated from all the taxpayers in the United States will be used to benefit a resource that is very valuable to the people of this Nation, namely: the Everglades National Park.

This goes to make sure that the money we appropriate goes to the kind of purpose that the constituents, the people of this Nation, would find very desirable. I commend the gentleman for the language, and I am willing to accept the amendment.

Mr. HINCHEY. Reclaiming my time, Mr. Chairman, I thank the gentleman, the chairman of the Subcommittee on Interior of the Committee on Appropriations, and I very much appreciate, as always, having the opportunity to work with him in a constructive way.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York (Mr. HINCHEY).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. DICKS

Mr. DICKS. Mr. Chairman, I offer an amendment, a consolidated amendment at the desk.

The Clerk read as follows:

Amendment offered by Mr. DICKS:

On page 52, after line 15, add the following new section:

SEC. ___. Any limitation imposed under this Act on funds made available by this Act related to planning and management of national monuments, or activities related to the Interior Columbia Basin Ecosystem Management Plan shall not apply to any activity which is otherwise authorized by law.

Mr. REGULA. Mr. Chairman, I ask unanimous consent that debate and votes on the gentleman's amendment and all amendments thereto be temporarily put aside, without prejudice, and that it be the first order of new business after 9:30 this evening.

The CHAIRMAN. Is there objection to the request of the gentleman from Ohio that the amendment be withdrawn and be permitted to be reoffered later during the bill?

There was no objection.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

TITLE II—RELATED AGENCIES

DEPARTMENT OF AGRICULTURE

FOREST SERVICE

FOREST AND RANGELAND RESEARCH

For necessary expenses of forest and rangeland research as authorized by law, $224,966,000, to remain available until expended.

STATE AND PRIVATE FORESTRY

For necessary expenses of cooperating with and providing technical and financial assistance to States, territories, possessions, and others, and for forest health management, cooperative forestry, and education and land conservation activities and conducting an international program as authorized, $197,337,000, to remain available until expended, as authorized by law: *Provided*, That none of the funds appropriated or otherwise made available by this Act or otherwise available to the Secretary shall be used to carry out any activity related to the urban resources partnership or similar or successor programs.

NATIONAL FOREST SYSTEM

For necessary expenses of the Forest Service, not otherwise provided for, for management, protection, improvement, and utilization of the National Forest System, $1,207,545,000, to remain available until expended, which shall include 50 percent of all moneys received during prior fiscal years as fees collected under the Land and Water Conservation Fund Act of 1965, as amended, in accordance with section 4 of the Act (16 U.S.C. 460l–6a(i)): *Provided*, That unobligated balances available at the start of fiscal year 2001 shall be displayed by extended budget line item in the fiscal year 2002 budget justification.

AMENDMENT NO. 35 OFFERED BY MR. DEFAZIO

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 35 offered by Mr. DEFAZIO:

Page 53, line 14, insert after the dollar amount the following: ''(increased by $26,000,000)''.

Page 67, line 16, insert after the dollar amount the following: ''(reduced by $53,000,000)''.

Mr. DEFAZIO. Mr. Chairman, this is an important amendment.

As the esteemed chair of the subcommittee refers to the Forest Service as the working man's country club, it is an everyday recreation area for tens of millions of Americans across the western United States.

I think everyone in this body would agree, certainly including the members of this subcommittee, that our recreation needs on the Forest Service lands are not being met. There is an extraordinary backlog in trails and facilities maintenance. There is virtually no construction of new trails, with the exception of volunteer activities. Recreation is up phenomenally, and the Forest Service has no capability of dealing with it.

This amendment would take money from the petroleum and natural gas industries, the Department of Energy budget. I believe that those industries are quite capable on their own, particularly given the huge run-up we have seen recently in oil prices, in conducting their own exploration, for instance. I do not think that the Federal Government needs to be providing incentives for exploration and in production for the oil industry.

Reservoir life extension and management? Certainly the industry, with these extraordinarily high oil prices and gas prices, has its own incentive plus huge tax breaks to invest in that area. Likewise, for exploration and production of natural gas.

I just met with my natural gas folks from the Northwest, and they said things are going swimmingly. They are drilling all sorts of new wells up in Canada and in parts of the United States and they did not give me any inkling they felt they needed a taxpayer subsidy to undertake very profitable exploration activities.

But we do know that we do not have enough money to fund everyday recreation needs of tens of millions of Americans in the western United States on Forest Service lands. So I think this would be a really great trade-off. Let us give average Americans a break, a break they are not getting from the oil and gas companies today when they go to the pump. It is costing them a heck of a lot more to get to the forests because of the gas prices that they are being charged.

And when they get to the forests they find the facilities are overcrowded, outmoded, inadequate. They find their trails are blocked by downed trees. They find that the same areas they have been going to for 30 years are no longer maintained by the Forest Service. Sometimes the roads are gated because the Forest Service cannot afford to maintain them and do the work.

This is an amendment for average Americans. Let us give them a break today. Let us take their tax dollars and spend them on something they want, need and enjoy, and not give it as a subsidy to the petroleum and the gas industry.

I would urge Members to support my amendment.

Mr. REGULA. Mr. Chairman, I rise in opposition to the amendment.

I agree with the gentleman that we need and can always use more money in the Forest Service recreation program. However, I do not want to do that at the expense of developing oil and gas technology.

We already know that the price of gasoline has soared to over $2 a gallon in some parts of the country; that we import more than 50 percent of our oil and it is estimated that this will rise to 64 percent by 2020. The only answer that we have is to improve the technology for producing oil in this country.

It is pretty well accepted in the industry that now we only get about 30 percent of the oil that is in the reservoir with today's technology. If we could double the amount of oil that is produced in a well, it does not take a lot of mathematics to figure out what it could do for the shortages that we are experiencing.

I think it is vitally important that we continue developing better technologies not only to increase production but also to reduce production costs. The more we produce onshore, the less we are subject to OPEC pricing. There is no question that the spike that we have seen on oil prices today results in part by the fact that OPEC can more or less determine what the price per barrel should be simply because we are so dependent on the oil that they produce.

Now, it is not that we have ignored recreation in the bill. I agree with the gentleman. Recreation is extremely important, and we have recognized that by putting a $25 million increase in funding for the Forest Service recreation program. It is a fast-growing program. It is something that our citizens enjoy. It serves us well. It is quite evident when we look at the numbers that of all the Federal land agencies, the Forest Service has substantially the far greater number of visitors, and we want to continue supporting the recreation program.

This is very much a part of the service that the forests provide to our people, but I just do not want to do it at the expense of risking higher and higher oil prices, gasoline prices, and becoming more and more dependent on other countries to supply our petroleum. And one of the most important ways we can avoid that, the higher prices, avoid that dependency, is to continue to do research on oil and gas technology.

If we have more funding available down the road, I would like to increase the amount we commit to recreation and all of our land programs because that is a very important asset to the

people of this Nation. We have increased it by $25 million. Perhaps conditions will be such that we can do even more. But let us not do it at the expense, as this amendment would propose, of crippling our oil and gas technology research.

For these reasons, Mr. Chairman, I oppose this amendment.

Mr. PETERSON of Pennsylvania. Mr. Chairman, I move to strike the last word.

I join to oppose the DeFazio amendment for the following reasons: How dependent do we have to get on unstable parts of the world before it concerns us? In my view, there is no issue facing America more important than energy self-sufficiency.

Just a year and a half ago we had $10 oil, and we had it for quite a while. We became drunk on cheap oil in this country. We had no energy policy, we had no incentives for production in this country, and our dependency continues to grow.

In a few short months, unstable parts of the world that we cannot trust suddenly engineered price increases that tripled the price of oil will per barrel. There is nothing to prevent them from doubling it again. What would happen to the American economy if oil became $60 a barrel? It could devastate the economy of this country.

I am not opposed to where the gentleman is putting the money. I am very pro recreation. But I cannot support taking the money away from energy self-sufficiency when we have allowed ourselves to become dependent on parts of the world that we cannot trust, that are unstable, and who care nothing about our future. I believe it is very poor public policy to take money out of energy self-sufficiency, to take money out of improving our own ability to produce oil.

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We are looking at sonification, where we would double and triple the amount of money that we would get out of existing old oil wells without drilling new ones. We are looking at sonification programs that have a lot of promise by using soundwaves down the well hole where we would drastically increase the amount of oil we got out of those wells, reviving many old wells in this country.

Now, it needs a little more work. It needs a little more research. Those are the kind of projects we need to be dealing with. Those are the kind of incentives. There has been no incentives in this country.

$10 oil destroyed this country's oil business. We do not have rigs in this country to drill. We have a fraction of the rigs to drill wells that we used to.

We are on a course and the DeFazio amendment will push us down that road to where we will be dependent on Iraq and Iran and countries like that for our economic future, and it is ludicrous.

The CHAIRMAN. The time of the gentleman from Pennsylvania (Mr. PETERSON) has expired.

(On request of Mr. DEFAZIO and by unanimous consent, Mr. PETERSON of Pennsylvania was allowed to proceed for 2 additional minutes.)

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

Mr. PETERSON of Pennsylvania. I yield to the gentleman from Oregon.

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

Mr. Chairman, does the gentleman from Pennsylvania (Mr. PETERSON) really believe it is necessary for the taxpayers of the United States to socialize and/or subsidize our oil industry, which is immensely profitable, is price gouging, involved in supporting OPEC in their price fixing, that we need to give them taxpayer dollars to increase their production to go back to old reservoirs and get more production?

Does the gentleman really believe that? I mean, does he really believe that they do not have an incentive from the marketplace to go and do this, we have to give them a taxpayer subsidy?

This is taxpayer dollars. We are underfunding recreation which millions of Americans enjoy.

Yes, we need to become energy independent. This is not about energy independence. It is about subsidizing a vastly profitable industry.

How much is $50 million? Is it 1 minute or 2 minutes' profit for that industry?

Mr. PETERSON of Pennsylvania. Mr. Chairman, reclaiming my time, the gentleman absolutely misses the point.

With $60 oil, people are not going to be able to afford to go on vacation, people will not get out to have recreation, people will not be running motorboats, people will not be having vehicles out there driving.

I want to tell my colleagues, if it does not scare them when oil can go from $10 a barrel to $32 a barrel in a few short months because foreign countries like Iran and Iraq can manipulate this country, if that does not scare my colleagues in the future, I do not know what does.

We have the ability in this country in environmental and sound ways to produce a lot more of our oil. If we produce 60 percent of our oil instead of 48 percent of oil, we would be less dependent on these unstable parts of the world.

I think that is a greater threat to our economic future and the defense of this country than any other foreign power. I think the energy crisis that is looming out there and our vulnerability to it, and there is no reason that we cannot have $40 oil in a month. We can have $50 oil in 2 months. All they have to do is slow down what they are going to sell us, and we are vulnerable; and there is nothing we can do about it. And until we become more self-sufficient and get people we can purchase oil from that are our friends that we can trust, we better be investing in our own security and our ability to produce energy.

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

Mr. Chairman, I say to the gentleman from Pennsylvania (Mr. PETERSON), if I might, he is, of course, a Republican; and I would imagine that he is familiar with the 1997 Republican budget resolution which touched on this issue. So let me quote it for him. This is from the Republican budget resolution of 1997:

''The Department of Energy has spent billions of dollars on research and development since the oil crisis in 1973 triggered this activity. Returns on this investment have not been cost effective, particularly for applied research and development, which industry has ample incentive to undertake.''

I think that is the point that the gentleman from Oregon (Mr. DEFAZIO) is trying to make.

Some of this activity is simply corporate welfare for the oil, gas, and utility industries. Much of it duplicates what industry is already doing. Some has gone to fund technology in which the market has no interest.

That is not me. That is the Republican budget resolution of 1997 regarding the Fossil Fuel Energy Research and Development Program.

I do not often agree with the Republican budgeteers, but I think on this one they are right.

Mr. PETERSON of Pennsylvania. Mr. Chairman, will the gentleman yield?

Mr. SANDERS. I yield to the gentleman from Pennsylvania.

Mr. PETERSON of Pennsylvania. Mr. Chairman, I think it is an indictment of the Clinton-Gore administration with a complete lack of energy policy and an inappropriate management of research dollars. Yes, I think it is an indictment of the last 5 years previous to that of this administration, who had had no energy policy and helped us become dependent on foreign countries.

Mr. SANDERS. Mr. Chairman, reclaiming my time, I really was not trying to be partisan. My colleague can attack Clinton and so forth.

The only point that I was making, and I did not mean to be partisan, I only meant to record for the RECORD what the Republicans in 1997 said. And I think what they said was appropriate.

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

Mr. SANDERS. I yield to the gentleman from Ohio.

Mr. REGULA. Mr. Chairman, just recently this body voted on a bill called CARA, which would spend almost $4 billion annually on a lot of worthy causes. That money is to be generated from royalties on oil wells on Federal property.

What we are saying here, in part, is that it is incumbent on the Federal Government to support some research to make these wells even more productive to get more of the resource, which will support the CARA bill.

Mr. SANDERS. Mr. Chairman, reclaiming my time, there is no argument with the gentleman from Pennsylvania (Mr. PETERSON) in the sense

that we all want to be energy independent and that we want lower prices. No one is arguing about that.

I think the question is that we have an oil industry which some believe is already rigging the game and artificially raising prices; we have an oil industry today that makes billions and billions of dollars in profits. And some of us would ask, why are they not investing heavily into making more oil efficiently.

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

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

Mr. DEFAZIO. Mr. Chairman, the gentleman previously spoke a lot about energy independence. I support energy independence with alternative energy, energy conservation, and a whole host of other things.

I did vote against the amendment to strike money from real investigation and real research earlier in energy efficiency on an amendment previously. But this is giving more money to the oil industry which is engaged with its OPEC partners in price fixing.

I wonder if the gentleman is a cosponsor of my legislation to require the President, the Metcalf legislation, of which I am a cosponsor, to require the President to file a WTO complaint against their WTO illegal price-fixing activities.

They are proud of it. The president of Venezuela says, hey, we are restraining production, we are fixing prices, and we are sticking it to the Americans. And our President and this Congress is silent on the issue.

Giving $53 million to a multihundred-billion-dollar industry, which is price fixing with overseas partners, is not good. Do my colleagues think they are not happy with the high price of oil? Do my colleagues think that this money is being spent to bring down the price of oil, $53 million would bring down the price of oil?

Mr. SANDERS. Mr. Chairman, reclaiming my time, I would simply say that, while we all want energy efficiency, providing corporate welfare to some of the largest and most profitable corporations in this country is not the way to go.

In a few moments, perhaps, I will be introducing legislation which increases funds for weatherization. Making homes of low-income and working people's homes more energy efficient is a lot better way.

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

Mr. Chairman, I would agree with the two gentlemen on this side. In California, when we asked why in San Diego the prices were so high of gas, the oil industry said, because the market will bear it.

I think the oil companies are ripping us off. It would surprise the gentleman that some of us do believe that when we look at gas prices and what they are across this country.

We had a staged event out here with the truck drivers in this country. They are all going to go bankrupt. They cannot afford the gas prices to haul the products around this country.

So I do not disagree with the gentleman on that. I think we ought to have an investigation through the President on why these oil prices are fixed and are costing us so much.

I would object and I will not support the amendment of the gentleman, however. I will tell my colleagues why.

I also agree with the gentleman that there is a backlog in maintenance and everything else. My whole family used to go to Yosemite in California and the Redwoods. There are gated areas where we cannot get into the roads in San Diego for recreation areas, whether it is even horseback riding; they will not let us into those roads now.

But I would ask of the chairman of the committee, first of all, if there is this big backlog, I understand the President under the Antiquities Act put aside millions of acres in Utah; and our concern, and I see the gentleman from California (Mr. GEORGE MILLER), we had one of the most lengthy debates on this floor on the California desert plan. We lost that issue. The gentleman prevailed. But one of our concerns is, if we put all of these acres into national monuments, into wilderness, where are we going to get the additional funds, especially since we are in backlog?

Now, we asked Secretary Babbitt what areas are they, at least, looking at under the Antiquities Act to nationalize all these millions of acres, most of them in the West, where more than 50 percent of the land is already owned by the Government? Do my colleagues know what the answer was when we asked him would he share where they are, at least, looking? The answer was, no.

So I would ask my colleagues that will support this presidential plan, up to 25 of these, where we are going to get the additional revenue, when we are already short, to nationalize all of these areas. I think it would be a mistake.

The area in Utah that the President nationalized into a park, if we take a look, it was one of the cleanest coal areas in the whole world. Well, the President nationalized that. The next week he gave $50 million to China to crack coal. Guess who now has the monopoly on clean coal? Mr. James Riady. And guess where he cracks his coal? In China.

So we have a question, first of all, of where we want to take and do a backlog; but, on the other hand, they want to nationalize all these different areas.

I think we do need more money for our forests and our parks and our recreations. I think some of that may be through a study to find out why these oil companies are gouging the American public. I think it is scandalous what they are doing.

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

Mr. Chairman, I rise to speak against this particular amendment. I think it is important for us to understand a little bit about the technology that arises from the research that the gentleman is seeking to take the funding from.

The technology that we are talking about is technology that the purpose of which is to make our oil fields more productive. As oil fields age, the production drops in these oil fields; and, of course, the royalties that accrue to governments drop along with it.

Also, what often happens then is that the ownership of these oil fields migrates from the large companies to small producers. The technologies that are developed as a consequence of this research are really intended to help the small producers as opposed to the large oil companies and to keep these small producers going.

What ends up happening usually is it extends the life of these oil fields. The consequence of that is that it often sustains the economy of those local areas. It protects the environment because instead of developing new oil reserves, they can utilize the oil reserves that are there. It increases the revenues that go to local governments and to State governments and even the revenues that come to the U.S. Treasury. They are the principal beneficiaries.

I happen to have a university in my district that has done some of the research, biofilm research, associated with this technology. The consequence of the research that was done originally to try to get a better understanding of what caused oil fields to sour is a whole new area of biofilm that has had incredible benefits in the area of medicine, benefits in the areas of the environment, and is creating whole new industries and whole new jobs all as a consequence of this kind of research.

And so, I think it is important for us to understand that what we are talking about, what this gentleman is trying to take the dollars away from are not the big oil companies. They do not need this research. It is the small producers. It is the universities that are doing this research. And in the end, the loss of this research will mean that we will not have that scientific knowledge and the new opportunities that go with it.

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Mr. PETERSON of Pennsylvania. Mr. Chairman, will the gentleman yield?

Mr. HILL of Montana. I yield to the gentleman from Pennsylvania.

Mr. PETERSON of Pennsylvania. I thank the gentleman for yielding.

Mr. Chairman, I think it is important to counteract the comment that has been made that this is just a handout to large oil companies. The vast majority of oil and gas produced in America is by small independent producers with less than 20 employees. Eighty percent of these independent companies are

family owned. They are small companies that drill 85 percent of the new wells in this country. Not many wells have been drilled. Of the oil research projects funded in this bill, more than 95 percent of them will be carried out by small independent companies, oil field service companies, universities, and laboratories. They also deal with fuel efficiency. They also deal with cleaner burning of fuels. That is what we are taking money from.

Mr. Chairman, this is a bad amendment. The people who have offered it do not understand who produces energy in this country. I come from the original oil patch where the Quaker States and the Pennzoils began, where all the energy began in this country, in western Pennsylvania. The oil was never produced by them. The vast majority was produced by little mom and pops. It is true across this country, in the Texas and the Oklahomas. Most of it is individuals, small companies. It is not the majors. The majors are the marketers and the sellers. They do not produce the energy in this country out of the ground, the vast majority of it.

We need to be more fuel efficient. We need to be using fuels and burning them cleaner. We need to continue to research. Just like we have realized that in health, research is vital to the health of this country. Research is vital to the economic health and being energy efficient in this country and being energy self-sufficient. If we follow the course of those who want us to stop producing oil energy in this country, this country will have no future. I certainly do not want to depend on the Irans and the Iraqs and countries like that for our future. Today we are. They can turn the key. They can make us squirm in a moment. They could double our energy costs in the next 2 months. We must not let that happen.

Mr. GEORGE MILLER of California. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the amendment. This amendment does one of two things. Either this amendment stands between us and energy independence in a globalized energy world or it saves mom and pops. They have used all the arguments. Never do we see people run so fast to mom and pop oil operations than when they talk about the oil industry. All of a sudden Chevron disappears, Shell disappears, Exxon disappears, Mobil disappears, and it is only the mom and pops that we care about. I remember when we got rid of the oil depletion allowance, it was going to be the end of mom and pops, it was going to be the end of the oil companies, it was going to be the end of the industry. If everybody who said they had a mom and pop oil company in their district had one, we would have been independent then. That was 1975.

For the gentleman to argue that this amendment is the difference between energy independence and nonenergy independence, this is the difference between $30 barrel oil and $60 barrel oil just shows a lack of understanding of the world oil market. Oil did not go above $30 a barrel a few weeks ago, a few months ago when we in California were paying $2 a gallon because they knew that they would drive down the world economy and they would lose their customers. You do not go to $60 a barrel because you can. Because if you do, you turn off your customers. That is why they have got a range. They said they would go between 20 and 30 or 22 and 30 or 28 and 22.

There is only one market in the world. There is only one price of oil in the world. We used to have a domestic market. Domestic producers produced at one price and foreign producers produced at another price. That does not happen anymore. The world price of oil is set once a day. That is the world price of oil. It does not matter if it comes from Texas, it does not matter if it comes from Saudi Arabia or if it comes from the former Soviet Union. That is the world price of oil. That world price of oil is managed very carefully. It is managed very carefully by those producing states because they have to have enough because they have high unemployment, terrible economies, they have got to keep showering money on their people, and not too high so that they turn off the rest of the world economies.

So let us not pretend like this amendment is the difference. We take 10 million barrels a day. That is 260 million gallons of gasoline a day. If you just took the 50 cents extra they charged on the people in Chicago and Michigan, they could pay all this research time and again. It is four times that amount.

I have these research facilities in my district for the oil companies. Oil executives will tell you that they do not make any decisions based upon what the United States Government does because they have to make such great commitments of capital that they cannot worry about our tax laws, our depreciation laws or our research laws. They make those commitments because they have to think in 10-year time lines, they have to think in billion dollar drilling rigs and they have to think in multi-billion dollar pipelines and they have to think in multi-billion dollar commitments around the world.

Did the gentleman from Oregon (Mr. DEFAZIO) know that he could affect this whole industry with $53 million? These are people who are betting billions of dollars on a single rig, drilling in a thousand feet of water in some of the most hostile environments in the world, people who are deciding whether they are going to take a pipeline through Iran or Turkey, a wonderful choice. But they are betting their companies are shareholders in it all. But for the gentleman from Oregon's amendment, it will not come together.

What are we doing? What are we doing using the taxpayer dollars to subsidize this research? The marketplace takes oil out of the ground. I remember those tight, tight sands up there in Wyoming. They were just a tax break away from busting loose in those sands. Gas would have come flowing out of those sands. Just one more tax break. Money is what takes oil out of the ground. It is funny, those mom and pops, they turn it down at $15 a barrel and they turn it right back on at $30 a barrel. It is money. It is the marketplace. It is not this.

At this point in time, this research is simply wasted taxpayer dollars. We are better off putting it into the National Forest System lands, we are better off putting it into the recreational opportunities where we have an incredible backlog of public lands that the people of this country want to use on behalf of their families and to recreate and to enjoy. In that one we are not meeting our needs.

We can take this money and transfer it from this program where according to their own Committee on the Budget there is no discernible evidence that this is in fact working as the gentleman from Vermont (Mr. SANDERS) pointed out. So we ought to put it to a place where it can be deployed immediately and it can be deployed on behalf of the American people. The oil companies I think will take good care of themselves given the price increase.

Mr. PETERSON of Pennsylvania. Mr. Chairman, will the gentleman yield?

Mr. GEORGE MILLER of California. I yield to the gentleman from Pennsylvania.

Mr. PETERSON of Pennsylvania. Mr. Chairman, it was interesting to hear the gentleman's comments about producers turn their wells right back on. That shows the gentleman does not understand the oil industry.

Mr. GEORGE MILLER of California. I understand it perfectly. I understand shut-in wells. I have shut-in wells all over California. We shut in the Bakersfield.

Mr. PETERSON of Pennsylvania. Thirty dollar oil has not turned a lot of them on.

The CHAIRMAN. The time of the gentleman from California (Mr. GEORGE MILLER) has expired.

(On request of Mr. DEFAZIO, and by unanimous consent, Mr. GEORGE MILLER of California was allowed to proceed for 2 additional minutes.)

Mr. GEORGE MILLER of California. Mr. Chairman, we had oil that you could not give away and at the right price it became one of the most valuable fields in the entire State, in the entire Nation. I understand people shut in their wells. But let us not pretend that it is a lack of this research that shuts in those wells. People make an economic decision and that is the marketplace.

I have been through this cycle. I have been through this with all of the oil companies in my district, with all of this research to inject. We have been through it in Prudhoe Bay. We have

been up there, and we have talked to them about means to make the oil process more efficient. That is what the oil companies are doing, because it is in their interest to do the enhanced recovery, the tertiary recovery, all of those programs. That is what they are doing. It is in their interest, also. It is in their interest also to collect it from the mom and pops.

Mrs. BIGGERT. Mr. Chairman, I rise today in strong opposition to the DeFazio amendment. This amendment purports to benefit the National Forest Service by cutting $53 million from the Department of Energy's fossil energy research activities.

In reality, this amendment will cut energy efficiency research.

Today, 70 percent of the electricity generated in this country comes from fossil fuels. Our nation's demand for electricity will continue to increase with the rapid growth of our high tech economy.

Do we really want to cut funding for research that will allow us to use nonrenewable resources more efficiently? Do we really want to cut funding for research that will further reduce the impact of fossil energy on the environment?

The answer is no.

Funding for fossil energy research supports national laboratory and university efforts to improve the fuel efficiency and reduce the emissions of fossil energy facilities.

Although it does not fall under the budgetary category of ''Energy Efficiency,'' fossil energy research is, in reality, ''energy efficiency'' research relating to fossil fuels and fossil energy.

The United States is already benefiting from the improved efficiency and environmental protections of fossil energy research. For example, three-quarters of America's coal-fired power plants use lower-pollution boilers developed through private sector collaboration with the Department of Energy.

Future research efforts promise even greater benefits. Let's not halt this kind of progress by cutting important fossil energy research.

I would urge my colleagues to vote against the DeFazio amendment.

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, and pending that, I make the point of order that a quorum is not present.

The CHAIRMAN. Pursuant to House Resolution 524, further proceedings on the amendment offered by the gentleman from Oregon (Mr. DEFAZIO) will be postponed.

The point of no quorum is considered withdrawn.

AMENDMENT OFFERED BY MR. HILL OF MONTANA

Mr. PETERSON of Pennsylvania. Mr. Chairman, I ask unanimous consent for the gentleman from Montana (Mr. HILL) to offer his amendment out of order.

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

Mr. SANDERS. Mr. Chairman, reserving the right to object, just out of respect here, some of us have been sitting here and have amendments that are coming down the pike.

Mr. HILL of Montana. If the gentleman will yield, I attempted to offer this amendment earlier and there was some confusion at the desk so I was not permitted to offer this amendment. And so I am not offering it early. We are actually going back and reopening.

Mr. SANDERS. Mr. Chairman, I withdraw my reservation of objection.

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

There was no objection.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. HILL of Montana:

Page 53, line 4, after the dollar amount insert ''(reduced by $500,000) (increased by $500,000)''.

Mr. HILL of Montana. Mr. Chairman, before I speak to this amendment, I want to join my colleagues in complimenting the chairman and the ranking member for their hard work on this bill. This is obviously a bill that has been produced from a great deal of bipartisan cooperation. I think the gentleman from Ohio (Mr. REGULA) and the gentleman from Washington (Mr. DICKS) deserve recognition for that. It is a very important bill. Our public lands are extraordinarily important. As we just witnessed, there are some very contentious issues associated with those, but I think that the one point I want to make is that this Congress and I think the country is going to miss the chairman's leadership that he has provided to this subcommittee. As the Members here know, term limits will be imposed in the next Congress and this will be the last time that he will be permitted to offer this. His understanding of the issues and knowledge of the facts about our forests and about our public lands astounds me. The help he has given me has been very much appreciated. I want to let him know that. I compliment the gentleman from Washington (Mr. DICKS) as well.

Mr. Chairman, I rise today in support of this amendment to H.R. 4578. The purpose of this amendment is to make a change within the economic action program of the State and private forestry appropriation. $500,000 should be moved from the economic recovery base program component and disbursed as a special project in support of the Traveler's Rest site in Montana. These funds are to be issued to the Montana Community Development Corporation in the form of a direct lump sum payment to preserve and enhance the historical, archaeological and cultural values of the Traveler's Rest site at Lolo, Montana. It is a very important project for local and rural development.

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

Mr. HILL of Montana. I yield to the gentleman from Ohio.

Mr. REGULA. Mr. Chairman, we are prepared to accept this amendment.

Mr. DICKS. Mr. Chairman, we accept the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Montana (Mr. HILL).

The amendment was agreed to.

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

Mr. Chairman, I rise to discuss an issue which is of great importance not only to the State of South Dakota but to the entire Northern Great Plains ecosystem and that is the Rocky Mountain Research Station in Rapid City, South Dakota.

Mr. Chairman, the Rocky Mountain Research Station plays a vital role in solving resource problems in the several national grasslands and national forests found in the Northern Great Plains ecosystem. This research station which focuses on managing prairies to sustain livestock and wildlife has been instrumental in decisions affecting wood production, stream flows and fire ecology research in order to provide forage for livestock and wildlife species. Therefore, it is vital that the Rocky Mountain Research Station receives the funding necessary to fulfill its mission in the year 2001.

Mr. Chairman, I would like to engage in a colloquy with the gentleman from Ohio (Mr. REGULA), chairman of the Subcommittee on Interior.

It is my understanding that the fiscal year 2001 funding for the United States Forest Service reflects the same level of funding that the Forest Service received in fiscal year 2000 plus inflation. Is that correct?

Mr. REGULA. If the gentleman will yield, yes, that is correct.

Mr. THUNE. That would mean, therefore, that the fiscal year 2001 funding to operate the Forest Service research facility such as the Rocky Mountain Research Station in Rapid City, South Dakota is also at the same level as in fiscal year 2000 plus inflation; is that correct?

Mr. REGULA. Yes, it is correct.

Mr. THUNE. So is it accurate to state that the Committee on Appropriations intends for the Forest Service to fund the Rocky Mountain Research Station in Rapid City, South Dakota at least at the same level in fiscal year 2001 as it did in fiscal year 2000, that is, at at least, very roughly, $536,000 plus inflation?

☐ 2045

Mr. REGULA. Yes, that is the intent of the Committee on Appropriations. We agree that this is important research, which benefits citizens and the Nation at large.

Mr. THUNE. Mr. Chairman, I thank the chairman, the gentleman from Ohio (Mr. REGULA), for clarifying that issue.

AMENDMENT NO. 31 OFFERED BY MR. WU

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 31 offered by Mr. WU:

Page 53, line 14, insert after the dollar amount the following: ''(reduced by $14,727,000) (increased by $14,727,000)''.

Mr. WU. Mr. Chairman, the gentleman from New Jersey (Mr. SMITH), the gentleman from Colorado (Mr. UDALL), and I offer this amendment to increase the Fish and Wildlife Management account of the United States Forest Service by $14.7 million, which would bring the account to the administration's request.

As an offset, the Wu-Udall-Smith amendment reduces the forest products line item to $230 million, still $10 million above the administration's request.

Similar to the amendment that I offered last year with the gentlewoman from Ohio, this amendment is environmentally and fiscally responsible. Investing in forest, fish and wildlife now will help us mitigate for past poor management and balance timber harvest with wildlife conservation.

Briefly, if we believe in sustainable timber harvest and in preserving fish and wildlife, both for aesthetic purposes and to permit harvest, then vote for this amendment. If we want to cut and run and leave my hunting and fishing buddies without either a job or a place to fish and hunt, then oppose this amendment.

Unless we take adequate steps now to protect watersheds, fish and wildlife, the courts will block further timber harvest in the future.

With more and more species listed as endangered or threatened, we jeopardize the future of timber. The Wu-Smith-Udall amendment strikes a balance between timber harvest, fish, and wildlife.

By redirecting funds to programs that improve the health of our Nation's forests, we protect the future of our Nation's resources. We need a fiscally responsible and environmentally sound approach to managing our Federal forests. The Wu-Udall-Smith amendment is just that, a bipartisan and common sense approach.

Our amendment is both environmentally and fiscally responsible.

As a hunter and fisherman, I care deeply about the future of our forests, as well as the health of our forest products industry. The administration requested $220 million for timber sales management and the subcommittee funded it at $245 million. Meanwhile, the fish and wildlife account was underfunded by $14.7 million.

Our amendment restores fish and wildlife habitat funding to the administration requests and leaves $10 million above the administration's requests for timber harvest purposes.

Mr. Chairman, I urge all of my colleagues to vote for fiscal responsibility, vote for a commitment to fish and wildlife, vote for the Wu-Udall-Smith amendment.

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

Mr. Chairman, I understand the concern of the gentleman from Oregon (Mr. WU) about increasing wildlife and watershed funding. But I would point out that the reduction of the amount available for timber sales has a couple pretty serious impacts.

First of all, surprisingly the gentleman may not agree with this, but it as an antienvironment amendment. I say that because much of this funding goes into thinning overstocked stands, enhancing habitat values, reducing dangers of wildfires and tree mortality caused by insects or disease.

One of the things we tried to do in the committee is ensure that there is good management of the forest. We must thin them, take care of insects, generally due for stewardship. I think one of the reasons we have had these severe fires is that we have not had adequate management of the forests, and the result is we get an enormous fuel buildup on the floor of the forest. When there is a fire, it is much hotter and much more destructive than if we were able to do thinning, if we were able to do removal of dead and insect-ridden trees.

We have reduced the sales, as the gentleman knows. When the Republicans took over the House, we were at about 12 billion board feet of authorized sales. Now we are at 3.6—70 percent reduction. I think we reflect the American public who puts great value on the forests. But on the other hand, we have to have adequate funding to manage these forests.

Of course, if we reduce the funding, it results in a decrease of something like $30 million in receipts to local government. Something that is overlooked is that local governments get a lot of benefit out of the forests, from the production of wood fiber. And for all of these reasons, I do not think given the fact that we in the committee have tried to be responsible in providing an adequate amount of money on the advice of the forestry division to manage the sales of 3.6 billion board feed, as a practical matter, we probably will not get over about 2.5.

I think it is a mistake to reduce the amount, and we have tried to be conservative to begin with in the amount that is available. While we can always provide more for wildlife and watershed funding, keep in mind that good forest management is really important to wildlife habitat, really important to watershed protection. We have tried to put that funding in an adequate level to do that.

I would hope that the gentleman would consider withdrawing the amendment. I think the gentleman has made his point. But I would simply say that working with the minority, with the ranking member, the gentleman from Washington (Mr. DICKS), who has a good understanding of the forest needs. We have tried to have a responsible number here in what we have allocated for forest management.

Mr. UDALL of Colorado. Mr. Chairman, I move to strike the requisite number of words and rise in support of this amendment.

I do want to acknowledge the good work of the gentleman from Oregon (Mr. WU). I think his points are very well made. The gentleman from Oregon (Mr. WU) pointed out that this is really a balanced and moderate amendment. What it does is, it moves $14.7 million from the forest products line, and it adds it to the fish and wildlife habitat management line.

The effect of the amendment is to add additional funds to maintain this critical fish and wildlife habitat that we all support. It is additionally important to note that the forest products line item remains at $10 million over the administration's request if this amendment passes; and then at the same time, concurrently, the wildlife fish and habitat management account will be at the requested level.

This is a balanced and moderate amendment. By restoring $14 million to fish and wildlife, we ensure timber harvest for the long term. We also provide more jobs by investing in the wildlife of our forests today. So I think this is a responsible way to go. It is balanced and it is moderate.

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

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

Mr. REGULA. Mr. Chairman, as the gentleman knows, his State has a lot of forests, and I think the gentleman would agree that management of these forests is probably a very vital responsibility of the Forest Service. It does take adequate funding to do that and, perhaps, we should have more. But this is the best we can do, given the allocation that was available to us.

Mr. UDALL of Colorado. Reclaiming my time, again, when I look at the numbers, Mr. Chairman, it seems to be that we leave that ability to the Forest Service. We have increased the amount available to them in this upcoming fiscal year; and yet we are also doing more directed at our wildlife in making sure that the forest is preserved in such a way that the wildlife also have an opportunity to thrive.

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

Mr. Chairman, the amendment of the gentleman from Oregon (Mr. WU) is certainly well-intentioned, but in the wrong direction. Earlier this year, I asked for $9 million in the supplemental, because I felt the Forest Service had insufficient funding to deal with storm recovery problems all across this Nation, including the disastrous storm that struck the Boundaries Waters canoe area in northern Minnesota in my district, blowing down 450,000 acres of trees, 6 million cords of wood, 26 million trees. And we have a calamity on our hands. We do not have enough money in the Forest Service budget to deal with this problem.

But beyond the eighth district of Minnesota is 65 million acres of national forest land in a severe health

crisis, high risk of wildfire disease and insect infestation. In the first 6 months of this year, 1.2 million acres of public lands had been consumed by wildfire.

In the previous 10-year average, that was 719,000 acres by this time. We are more than 50 percent above 10-year average in wildfires principally because of these problems of forest health. To cut these funds would cut the ability of professional foresters to manage the renewable resource of this Nation, our forestry, to manage the ability of our forests to continue to absorb carbon dioxide and return oxygen to the atmosphere, to keep our air clean, but also to provide jobs and economic stability for communities that are dependent upon those national forests.

And these forests pay for themselves in revenues returned to the Federal Government. The timber program generates over $300 million a year in tax revenue. The net contribution to the national economy is over $25 billion a year from these public lands that professional foresters manage in the public interests; and in our State of Minnesota, that is a $1.3 billion industry, forestry and allied products. 38,000 jobs in Minnesota, value of the products shipped, $7½ billion.

Now, it is not all dependent on U.S. forest lands, but those forest lands are the cornerstone of our whole forestry program. The more those forest lands are cut back, and we have already had the road lists program that was announced last year, which we fought out on this floor and opposed, we already had cutbacks. We have already had rare 1, rare 2, rare 3. We have already had more lands added to wilderness, and I am for wilderness; but when we take it out of living forests and deny people job opportunities and livelihoods of community, we are squeezing us too hard.

And when we put that pressure on the public lands, it shifts over to the less well-managed and less available private forestry lands. I would say well, this is $15 million, but this will take us below the President's budget, which is below what we need.

I commend the chairman, the gentleman from Ohio (Mr. REGULA), and the ranking member, the gentleman from Washington (Mr. DICKS) of our subcommittee, for adding the resources that we need to manage these public resources in the best public interest. Do not take a short-sighted view. A forest is forever.

Trees that were blown down in the boundary waters a year ago this summer, a year ago this July, were saplings at the time of the Civil War; managed well, they can last for another 150 years. I urge this body to oppose this amendment.

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

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

Mr. WU. Mr. Chairman, I would like to point out to the gentleman that the account for timber sales management remains at $10 million above the administration request; and that with respect to blowdown and other nongreen trees, there is a separate account for salvage purposes.

Mr. OBERSTAR. Reclaiming my time, I would just say to these gentleman, I know how these budgets work. We cut $15 million here, then we have to shift that money someplace. So it is going to come out of the hide of the resources that I have just addressed, and so I really cannot agree. We must oppose this amendment.

Mr. SMITH of New Jersey. Mr. Chairman, I move to strike the requisite number of words, and I rise in support of passage of the Wu-Smith-Udall amendment which shifts $14.7 million to the fish and wildlife habitat conservation line item from the forest products line item within the budget of the U.S. Forest Service.

Let me just say that I do believe that the chairman, the gentleman from Ohio (Mr. REGULA), has tried very hard within the budget constraints to allocate sufficient monies for programs within the jurisdiction of his subcommittee. It is a very tough balancing act—as chairman of the Subcommittee on International Operations I found how hard it was to write our bill. Last year the Congress passed my State authorization bill which is now law and it too was a balancing act—287 pages of desperate provisions and allocations. So I emphasize.

But in response to my good friend, the gentleman from Minnesota (Mr. OBERSTAR), there is more money not less, but more federal dollars, as my friend, the gentleman from Oregon (Mr. WU), just pointed out. The pending legislation includes an additional $10 million more than the President's request for the Forest Service line item, the timber sales management program. Our amendment retains that plus up but shifts another $14.7 over to the fish and wildlife programs. It is a reasonable and environmentally sound redirection of scarce resources. It is fiscally prudent. And it deserves support.

□ 2100

Mr. Chairman, the Forest Service through their fish and wildlife conservation program manages 192 acres of public lands, ensuring that animals such as elk, bighorn sheep, mountain goat, waterfowl, and song bird enjoy the habitat they need to remain viable and productive. Over 360 threatened and endangered species live in National Forests and the Forest Service works in this program to provide ecological conditions that provide for the plant and animal community diversity which will allow these species to survive and to thrive.

Mr. Chairman, yes, this a difficult choice, but, again, we are talking about redirecting a modest amount of resources from this account that has already been plussed up, and we are looking to take some of that and put it in the area where we think it will do the greatest good. I urge support for this amendment.

Mr. DICKS. Mr. Chairman, I rise in opposition to the Wu amendment.

Mr. Chairman, I think our side has worked with the chairman to try to come up with a balanced package. I would point out to my colleagues that in the Pacific Northwest we have reduced timber harvests because of endangered species issues by 85 percent, maybe 90 percent.

The administration, when it came to office, held a summit in Portland, Oregon, and said we are going to try to get out of court. We appreciated that. We were enjoying no timber harvest at all, zero, under the previous administration. We worked out a plan, the Northwest Forest Plan, to deal with it. Unfortunately, because the Forest Service has not done all of its work on some of the species they were supposed to monitor, instead of getting to the one billion board feet, down from four billion to one billion, we are now down at about 300 million to 400 million board feet a year in harvest. So what this amendment would do would mean that we would not be able to try to build back up to the one billion board feet that was in the President's plan.

We are spending money, a substantial amount of money, on ecosystem management, on watershed restoration. I have made sure that the President's program to help the Northwest was funded over the last 7 years, and we are putting a lot of money into wildlife protection, into the Endangered Species Act, et cetera, et cetera. What we have got to do though is to keep the commitment we made to all of those rural communities that we would stay at about one billion board feet. Last year we were down at about 300 million board feet because of the court decisions.

Now, I would be delighted to work with the gentleman from Oregon in trying to do something on the wildlife account, to move it up a little bit as we go to the conference committee. The gentleman from Oregon I think always tries to be constructive, and the gentleman is correct that the forest products account is up a little, and, therefore, we have some room to make some adjustments. But I think, frankly, that this effort to try to build back up is going to take a couple more years, frankly, so, again, we are going to have the people out there from our areas who we told that we were going to get up to one billion board feet, we still have not lived up to that commitment. That is why I think the committee felt that adding a little money here was appropriate.

Number two, we have a crisis in the West, and it has been pointed out here. We have seen the fire at Los Alamos, we see the fires every night. Because of what? Because, as the chairman said, we have not properly managed these forests. We have understorage, undergrowth, that is there, that is explosive at this point because we have not done the thinning, we have not done the pruning and the other things you do to properly manage a forest.

There was a professor at Berkeley who was denounced by everyone who

said you have to use control fires; and now, 30 years later, people are saying he was the guru, the genius, who really understood that these forests have to be managed.

Mr. Chairman, I have always been a believer in balance and fairness. I think, because we are so far behind, especially in the Northwest, not to add this small amount of money to try to get timber sale preparation done, to do the pre-commercial thinning and the other things, which will have a good effect on forest health, but also will help us build back up to that one billion board feet, would be a very serious mistake in judgment. That is why I support the chairman and oppose the Wu amendment, though I remain open to deal with the gentleman and try to work out something in conference if the amendment is not successful.

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

Mr. Chairman, the issue of fish and wildlife management is what we are talking about. I ask all Members, how much time do you spend in the forest? I am not a golfer, I am a gardener, and I have spent a lot of time in the forest. I grew up as a youngster, I camped out in the forest more than I did anything else. I have always loved nature and the forest, and a healthy forest is the most important thing to fish and wildlife management. A healthy forest is the most important thing to fish and wildlife management, and we do not have a healthy forest in this country, not what we should have. It was already mentioned, 65 million acres at risk; 39 million for fire, 26 million with disease-insect infestation, and 1,200,000 acres have burned this year.

How much wildlife and what kind of quality of streams do you have in a forest that is burned? A few years ago I was with the Speaker and the leaders of the House, and we were out in Idaho and went over the burned area, 400,000 acres. There was not a blade of grass, there was not a live tree, there was no greenery. The streams were sliding into the rivers, the rivers were ruined, the streams were decimated, and wildlife was not there.

A healthy forest will bring us the fish and wildlife management that we need. Let us look at the record. Our forest is growing by 23 billion board feet a year. We have six billion board feet that blow down and die annually, and we are cutting less than three billion, so we are having a net gain of 14 billion board feet a year on Forest Service land. Over the last 5 years, that is an average. That is 70 billion board feet of additional timber than we had 5 years ago. And the wildlife will be flourishing on the land that is healthy. Wildlife will be extinct, will not be endangered, it will not be there, and the fish will not be there when a forest burns.

Where do you find grouse in the woods? Where do you find deer, wild turkey, and song birds? Where the forest has been adequately pruned and the forest is healthy. Somebody else mentioned, you do not hear much about it, a fast growing forest that is growing fast and has been pruned is a carbon dioxide reducer. It is a carbon sink. It takes the CO_2 out of the air, which we are worrying about. An old dying forest adds CO_2 to the air and adds to the air pollution. Not a healthy, well-mature, well-managed growing forest. The Forest Service has 200 million acres. They have the wilderness and the roadless areas which are appropriate.

The GAO study says we should be treating three million acres a year at a minimum, and we are treating about 200,000. We are not managing it, and the gentleman's amendment will prevent us from treating more, and we are treating too little already.

Mr. Chairman, I understand the concept of wildlife habitat, but allow them to manage the forest adequately. Let them make the investment. Let them prune the forest where it is too thick and there is a lot of fire danger. Let them cut out the diseased trees so it does not infest the acres nearby. That is how you manage a forest, that is how you keep it healthy, that is how you have a home for wildlife and creatures.

The gentleman's amendment takes us in the wrong direction. We need to be managing our forest, we need to be treating our forest. It is like a garden, and, when you ignore it, the weeds take over and you do not have much of anything.

Our forest is a valuable resource for this country. It is also a job creator. We have not even talked about the economics. But areas that are basically owned by the Federal Government, there has been no dependency, because the Federal Government, you cannot depend on it to adequately market any amount of timber. Many counties in the West and parts of other States, their economies have been decimated, and for no good reason.

We can manage our forests, we can prune them properly, we can enhance wildlife habitat, and we can do it without the gentleman's amendment.

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

Mr. Chairman, I rise in strong opposition to this amendment. This is an unfortunate and uninformed amendment, especially in view of the importance of the timber sale program to preventing tragedies like we recently saw in Los Alamos, New Mexico.

Contrary to the myth created by some in the environmental community that cutting timber harms the environment, today's Federal timber sale program is a critical and cost-effective tool for reducing fire risk, improving wildlife habitat and protecting communities.

Let me give Members an example. Last summer I visited a timber sale in the fire-prone forests of Northern California. The purpose of the sale was to reduce the risk of fire on 2,000 acres of forest and return the forest to a more natural state. The strategy was to thin the forest by removing undesirable fir trees while leaving the large majestic Ponderosa pines. The result was a more fire resistant forest and better wildlife habitat.

This result was achieved through a timber sale contract, a contract that simply thinned the forest of the most undesirable trees, a timber sale contract that reduced fire risk and created better wildlife habitat, a timber sale that helped protect the local communities from the devastation of catastrophic wildfire. What added to the benefits of this project was that it actually made money for the Federal Government. A contractor actually paid the Forest Service $8 million to thin the forest by removing the most undesirable fire-prone trees.

Mr. Chairman, what I am describing is today's Federal timber sale program. The notion that this program is harmful to the environment is a myth, is a political fabrication. Today's timber sale program is designed to reduce fire risk and improve wildlife habitat in a way that is more cost effective than any program that the Wu amendment will fund. Even more importantly, it is our most effective tool for preventing tragedies in communities like Los Alamos, where the single-most important strategy for protecting homes and lives from devastating wildfire is to thin overstocked timber stands.

Mr. Chairman, we should not be cutting funding for this program. If we have learned anything from Los Alamos, we should be increasing the funding for this program.

Make no mistake, a vote in support of this amendment is a vote to cut our ability to reduce the risk of wildfire and thereby protect homes and lives. It is a vote against cost-effective wildlife habitat restoration. A vote for this amendment is a vote for a myth. I urge my colleagues to reject the myth and support cost-effective management of our forests.

Earlier this evening the chairman of the Subcommittee on the Interior of the Committee on Appropriations and I engaged in a colloquy in which we discussed the needs of the wildlife management program. I was pleased just a few minutes ago to hear the ranking Democrat on the subcommittee say that he, too, was interested in working with the gentleman to find increased funding for the wildlife program, without taking it from the modest increase that is taking place in the forestry program.

Therefore, it seems to me far more appropriate to join in and accept, reach across the aisle, accept the chairman's offer, accept the ranking member's offer, to work to find that increase elsewhere, rather than take it away from a program that obviously has far greater need than we are addressing, given the fact that we have more than 40 million acres of our National Forests that are subject to high risk of catastrophic wildfire.

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

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

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

Mr. Chairman, I just wanted to make very, very clear that what I am standing up for is not just good fish and wildlife management, but good long-term forestry management. But there is one issue that I want to take off the table.

□ 2115

That is that there is a lot of discussion today about fires on forest land. I understand the concern. I am completely sympathetic to it.

I just want to point out to the gentleman and to the prior speaker that there is more than $600 million in the Department of Agriculture funds to prevent wildfires and address wildfires if they occur. Separately, there is $297 million in the Department of the Interior budget to address wildfires and to suppress wildfires.

The CHAIRMAN. The time of the gentleman from Virginia (Mr. GOODLATTE) has expired.

(By unanimous consent, Mr. GOODLATTE was allowed to proceed for 30 additional seconds.)

Mr. GOODLATTE. Reclaiming my time, Mr. Chairman, the gentleman knows those funds are available for the purpose of fighting the fires once they get started, or for other fire prevention methods.

But the best way to long-term prevent that catastrophe and to improve the wildlife habitat and the general condition of the forest is to have a viable timber sale program, geared in the new directions of the Forest Service, to use that program to thin these areas that are exposed to very high risk.

While I join with the gentleman in his interest in making sure that wildlife habitat is promoted, taking this money from one fund that promotes that wildlife habitat and putting it into another does not achieve that, whereas working with the chairman to first preserve this fund and then look for additional help, as the ranking Democrat also proposed, that is a better way to proceed.

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

Mr. Chairman, I rise to speak in opposition to the Wu, Smith, and Udall amendment.

I also believe we should invest wisely in our National Forest resources, but I have a different view on how to accomplish this worthy goal.

Clearly this amendment put thousands of forestry jobs at risk and jeopardized the economic stability of rural communities such as Northern Michigan.

I want to speak about a larger issue. The amendment claims to be concerned with an extensive backlog of fish and wildlife habitat needs. However, this singular approach is misguided. The real backlog is in the overall forest management, the backlog of improvement projects needed to restore forests to stable ecological conditions.

Fish and wildlife habitat is an important part of forest restoration. Many of us in Congress are aware of the tremendous accumulation of forest fuels on our public lands. Poor forest conditions are a major contributor to larger forest fires, like the recent fire in New Mexico. It is estimated that 65 million acres of our National Forests are currently at risk of catastrophic wildfire, insect infestation, and disease.

While there may be a large backlog of watershed and wildlife habitat restoration needs, there is even a larger national backlog of general forest restoration work.

This amendment is a contradiction. It is misguided to focus solely on fish and wildlife program funding and fail to address the broader forest health crisis that currently exists on our Nation's forest lands. In fact, it is impossible to separate the two goals.

Large-scale watershed and wildlife habitat improvement activities are certainly needed. A lot of work is needed in the removal of massive amounts of wood that currently is a fire hazard on Federal lands.

The rationale that the forest products line item is excessive is simply false. In spite of what others may have us believe, timber sales are not bad. Modern timber sales are a necessary tool and an economic means to an environmentally beneficial end. Professional foresters can develop silvicultural prescriptions and design timber sales to accomplish fish and wildlife restoration objectives.

It certainly would be nice to have more funds for fish and wildlife programs. There certainly is a lot of good work to be done in the woods. But increasing fish and wildlife habitat management funds at the expense of forest products would be a serious mistake. It is unreasonable. Indeed, it would be wrong. It would be wrong to take these funds from Forest Service timber programs. Such a change is misguided and would only serve to hurt both programs in the long run.

These funds are needed to protect the forest product line, to counter inflation, and pay the salaries of people who work in the woods preparing and administering timber sales. Reducing the capacity of the Forest Service to prepare these timber sales would ultimately be detrimental to fish and wildlife habitat.

Timber sales are often of the most effective way to achieve vegetation management objectives. An example of this work is thinning dense forest stands to restore ecological conditions, reduce the risk and intensity of catastrophic fire by removing excessive forest fuels, and create desired wildlife habitat. Removing excess wood from the forest lands improves the long-term health of watersheds and protects fish and wildlife habitat.

A broad forest health strategy and a variety of tools are needed to effectively meet this challenge. Prescribed fire is one tool, but there are many constraints and dangers that limit the use of fire, as we have seen in the catastrophic fire at Los Alamos.

Removing flammable wood requires the use of many tools, including properly planned timber sales. Well designed timber sales are a good way to remove large amounts of dead, dying, or overmature wood from our accessible public lands.

I urge my colleagues to join me in opposing this amendment. I thank the chairman and the ranking member for increasing the account for timber sales. Let us not cut the timber sales. Let us have a holistic approach to our National Forests.

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

Mr. Chairman, I understand the passion that we see on both sides of this issue. I simply want to say that I understand the good intentions of the gentleman who offers the amendment. He is very concerned about a very important cluster of programs.

But I think the problem we face here tonight is that we are seeing efforts to move very small amounts of money around from one program to another. It sort of depends on what kind of district you come from, whether you think that is a good idea or not. If you come from a district like mine, which is heavily dependent upon a broad understanding of multiple use, so that forest lands are used for economic production, so that they are used for recreation, so that they are used for wildlife, we have one view of this amendment. If one comes from a different kind of district, one has quite another.

I would urge Members to oppose the amendment because we are not going to fix the wildlife problems in this country by taking a few million dollars out of the forestry program. The real problem is that we need more money in all of these programs. We had a good excuse not to put that money there when we had huge deficits, but now we do not.

So it seems to me that we need a more aggressive forest management. We need much greater investments in wildlife. We have a huge backlog in maintenance for our parks and our forests.

I do not think that we do any good by playing a beggar thy neighbor game. I am going to vote against this amendment because I think the best way to deal with this is to remember what was said yesterday when the labor-health-education bill was on the floor.

The main reason that we do not have enough money in this bill for all of these programs, whether it is land acquisition or forestry management or anything else, is because the majority has chosen to commit a huge amount of its resources to providing tax cuts, most of which are aimed at very high-

income people, the richest 1 percent or 2 percent, so everything else that this Nation tries to do suffers. That in the end is the problem with this bill.

Mr. Chairman, I would urge Members to remember that, and I would urge Members in the end, after efforts are made to reflect Members' various districts' differences, I would urge Members to vote against this bill because it is inadequate to meet the Nation's needs on a whole host of fronts, and I would urge rejection of this amendment in the process.

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

Mr. Chairman, I rise in opposition to the amendment. I am hopeful that the gentleman from Oregon (Mr. WU) will in the end withdraw this amendment. I know or I believe that he is sincere in offering this amendment because he sincerely believes that wildlife habitat is important, and providing more dollars for that is important. I do not disagree with him about that.

I think it is important for us to remember that this bill increases the wildlife and fish habitat management funds by about $6 million over last year's funding level. It is about a 5 percent increase over last year's budget. It only increases the timber sales management by $8 million, which is about 2½ percent increase over the last year budget.

In other words, the amount of increase for the wildlife and fish habitat management fund is twice as much proportionately as the amount of money that is offered for the timber sale.

I think it is important also for us to remember that the dollars in this budget are not going to be enough dollars for us to meet the targeted timber harvest that the bill calls for. It is not even going to come close to enough money. We have not been meeting these targets. These are targets that Congress has determined are necessary for us in order to manage the forest.

The events of the last few weeks that others have talked about, the fires at Los Alamos, in Arizona, in California, in my home State of Montana, demonstrate the increasing risks that we have to fires in our Western National Forests.

What the forest supervisors will tell us if we go talk to them is that the biomass in these forests and the threat of fire is at the highest that they have ever seen, ever in their lives. The kinds of fires that we are going to have are going to be more intense, they are going to be more destructive than the fires that we have experienced in the past. The General Accounting Office points out and says that 40 million acres in the Western forests are at risk of catastrophic fire. This is over 20 percent of the National Forests that we have in this Nation.

When we talk about catastrophic fire, we are talking about an environmental catastrophe. We are talking about the destruction of soils, we are talking about the destruction of watershed, and we are talking about fires that destroy the habitat that the gentleman claims to seek to protect with his amendment.

We have already cut timber sales in this country by 80 percent. These are having huge impacts on rural communities. I know the gentleman's district has been impacted as well. We have lost 1,500 jobs in Lincoln County, Montana, alone, a county of 10,000 people.

The consequence of this has been the huge loss of revenues to the local governments. At the same time, the people who live in these communities have lost their jobs, the schools in those districts who depend on the timber receipts have lost their revenues, the counties have lost their revenues, and the local hospitals have lost their revenues. Teachers have been laid off, counties have been required to cut back their budgets, at a time when we desperately need to manage this resource and to thin these forests.

The Government Accounting Office says we need to spend $750 million a year for the next 25 years to restore the health of these forests. This bill is $500 million short of what it is going to take just to get us on track. So at this level, we are going to lose ground. It means the risk is going to be even worse than the risk is today.

That means the intensity of these fires is going to go up, not down. It means they are going to destroy more habitat, not less. It means it is going to destroy more watershed, not less. It is going to destroy more fisheries, not less.

While I know the gentleman's intention is to preserve wildlife and habitat, and I agree with him, and he has heard the chairman of the subcommittee and he has heard the ranking member say that he is willing to work for more funds for his purpose, and I support him in that, let us not do it by taking it from this necessary and important area.

We need to mechanically manage these forests to get them to the stage that we can reintroduce fire as a management regimen. It is incredibly important that we have the dollars to do that. I urge the gentleman to withdraw his amendment.

Mr. GEORGE MILLER of California. Mr. Chairman, I move to strike the requisite number of words.

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

Mr. GEORGE MILLER of California. Mr. Chairman, let me say at the outset that the ranking member of the full Committee on Appropriations, the gentleman from Wisconsin (Mr. OBEY), had it about right. That is that we are arguing over a pot of money here that in and of itself does not cure either problem. If we left it in the account, it would not cure the problems that the gentlemen in opposition to the amendment have spoken about, and if we are fortunate enough to transfer it into the fish and wildlife account, the fact of the matter is that we still will not deal with that account with the urgency which it is due.

The problem with this amendment is that it is different in different parts of the country, but I would invite colleagues to come to the Sierra and look at the watershed there and see that we are in continued decline in those great mountains from activities that have taken place in the last several years, and many years ago.

We still have not been able to restore habitat. We still have not been able to restore water quality.

□ 2130

In fact, they all continue to be in decline. The very species that have already been listed continue to be in decline so it is not about recovery. That is why this money is so urgently needed in the fish and wildlife account. That is why the gentleman from Oregon (Mr. WU) felt it was necessary to offer this amendment. It is not as though this would leave the forestry account naked because, in fact, it puts the forestry account back to what the administration requested, and several million dollars above last year's level so that they can continue.

It is not like the investment in the forestry account has been the best deal for the American taxpayers. From 1995 to 1997, we spent $1.2 billion to administer this fund and we got back $125 million. We lost almost $900 million administering this forest program.

The suggestion is that one is either for forest health if they want to cut trees or one is against it if they want to do fish and wildlife habitat. The fact of the matter is that both of these are tools of forest management. Habitat restoration is part of forest management, as is forest health. But this leaves the salvage accounts that are used in forest health intact. It leaves the wild lands fires account intact, and it allows us to address some of the most urgent needs where we continue to have these watersheds, habitat, and species in decline.

The bottom line is this, our budget may be in surplus but our society is not. We have argued now appropriation bill after appropriation bill where the needs, the urgent needs, for those who are from States with great forest resources, are telling us we need $750 million a year, and we are arguing over $14 million. We are arguing over $14 million.

So we have a society that is in great deficits. When HHS was out here earlier in the day, we were arguing over the lack of being able to provide a decent education to children, to be able to provide help for handicapped students, all of which are in deficits.

We walk around pulling our suspenders and talking about a surplus. Well, this is a deficit account here, both on the forestry side and on the fish and wildlife side, but the more urgent account in this particular case

happens to be fish and wildlife because the decline is continuing and that threatens the economy; that threatens the ability of commercial fishermen; that threatens the forest health in a grander scale and then comes back and calls for more people to limit the logging. So we should support the Wu-Smith-Udall amendment.

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

Mr. Chairman, I have here some charts that I think really tell a story very graphically. The first one here is the USDA Forest Service, acres harvested, fiscal year 1997 versus 1999 acres burned, and what we see here is the difference of what is going on in our forests in terms of acres harvested versus those that are burned.

The next picture I show, Mr. Chairman, is from my district, the Upper Grand Run. That is not snow we see there. That is ash. That is from a fire in 1996.

This particular part of my district was slated to have a timber management sale. That sale was let and then appealed. No harvest took place.

Mr. Chairman, this area then burned. Do we want to talk about fish habitat; want to talk about fish habitat? After this forest fire occurred in my district, this is riparian area, this was a stream. This washed out in the next major rainfall, and 30 miles of salmon habitat were destroyed.

Now, why does that matter in the course of this debate? It matters because we are not taking good care of our forests. As the General Accounting Office said in their report right here about western national forests, we believe the threats and costs associated with increasing uncontrollable catastrophic fires, together with the urgent need for action to avoid them, make them the most serious immediate problem related to the health of national forests in the interior West.

We also believe the activities planned by the Forest Service may not be sufficient and may not be completed during the estimated 10 to 25 year window of opportunity remaining for effective action before damage from uncontrollable wild fires becomes widespread.

The tinderbox that is now the interior West likely cannot wait that long for a cohesive strategy.

Mr. Chairman, there was another fire in my district this summer, 113 acres near Sun River, Oregon. I quote from the local newspaper there, the fire started in a 75 acre stand of unthinned trees and consumed it, according to the Deschutes National Forest spokesman, but when the flames were blown into a 30 acre area to the northeast that had been thinned fire fighters stopped it. Fire fighters credited the quick control of the fire to the stands that had been thinned as a part of a recent timber sale, thereby reducing its intensity and allowing the crews to get the upper hand.

Both of these programs are important to us, as we manage these forest lands, Mr. Chairman, and this is not an amendment that should be adopted to shift these funds.

Frankly, my colleague and friend from Oregon should recognize when he has a good deal, and the deal he has is he can have both. He can have this timber management program to stop this kind of catastrophic fire, at least help with the timber sales and prevent that from occurring, and he has gotten a commitment from the ranking member of the subcommittee and the subcommittee chairman to work for the funds we need for fish habitat improvement as well.

I will say, I have not been around this process a long time but that sounds like a pretty good deal that I think my colleague would be wise to accept and withdraw his amendment.

Mr. Chairman, more than half of the timber sales on Forest Service lands are about stewardship purposes. They are to thin, because the biggest problem we have is disease and overstocking. Since 1909 we have done one heck of a job of putting out forest fires and we have reduced, as we heard the ranking Democrat say on the Northwest Forest Plan, an extraordinary level of harvest down to a very, very low level we have reduced.

These fires burn. One cannot tell which way they are going when one is in them.

Mr. Chairman, our forests are choking. Our communities are hurting. I represent people in counties that if they were in an urban setting one would say are oppressed, because 70, 75 percent of the lands around them are Federal lands. They live in these neighborhoods. Their homes abut these forests. These fires are as real in northeastern Oregon as they are in New Mexico.

Let us not move this amount of money around and take money away from the timber sale program. Let us do both. Let us defeat the Wu amendment or hopefully have it withdrawn, which would be the better course of action, Mr. Chairman.

With that, I would urge a no vote on the Wu amendment.

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

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

Mr. HOLT. Mr. Chairman, I rise in support of the environmentally and fiscally wise amendment from my colleague from New Jersey, my colleague, the gentleman from Oregon (Mr. WU), and my colleague, the gentleman from Colorado (Mr. UDALL). The Wu-Smith-Udall amendment adds, as we have heard, $14.7 million to the fish and wildlife management line of the Forest Service.

Yes, both of the programs that we are talking about here are important, but what we want to do is to establish some balance. How did this come about? The administration requested $220 million for the forest products account, what used to be called timber harvest, and the committee gave the Forest Service $245 million, an increase of $25 million above what the agency requested.

Meanwhile, the committee funded the valuable wildlife and fish habitat management accounts $14.7 million below the administration request.

Now, fish and wildlife management sorely needs an increase in funding. Of course, they both do. For years, this fish and wildlife program has been underfunded. At the forest level, biologists are scarce and are involved in planning and NEPA work and are frequently unable to do the on-the-ground work that needs to be done.

Now on the other hand, there is evidence that the Forest Service timber program is not cost effective. According to the GAO, the program costs the American taxpayer over $2 billion from 1992 to 1997. The Forest Service estimates that this year recreational jobs will account for 77 percent of the national forest employment, whereas timber-related jobs will account for only 2.3 percent.

The Wu-Smith-Udall amendment is not only a statement of fiscal responsibility, it is a commitment to preserving natural resources. Without the Wu-Smith-Udall amendment, the current funding levels for fish and wildlife habitat will result in the loss of hundreds of miles of fish habitat restoration and thousands of acres of wildlife habitat restoration.

The head of the Forest Service, Chief Dombeck, has changed the focus of the Forest Service. He has done a great job in promoting a sustainable supply of timber, while promoting conservation and habitat restoration.

The Wu-Smith-Udall amendment is consistent with Chief Dombeck's leadership in continuing a future and sustainable supply of timber, while maintaining a habitat necessary for healthy fishruns and for healthy stocks of wildlife.

I strongly urge all of my colleagues to support this important amendment.

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

Mr. Chairman, I rise in strong disapproval of this amendment. I think we have heard a great deal tonight. We have heard about the President's budget, and it is obvious that that budget does not understand or does not want to realize the benefits of timber management.

The zero cut philosophy will get us somewhere where we do not want to be. Our timber has been managed for hundred of years by wildfire. We have suppressed those wildfires in this century pretty successfully, so now we have a ladder of trash, we have a very unhealthy forest and it is susceptible to cataclysmic fire. We saw that in New Mexico.

If the forest is not going to be treated with wildfire, and we do not want to do that, it is dangerous, it has to be

treated somehow. The underbrush has to be removed. There has to be harvesting. This resource has to be managed.

Our forests are one of the greatest resources that have been left to this country, and we need to use our best judgment to manage them.

This amendment does not use good judgment. It pulls $14 million away from these very sound programs to manage our forest resource. As we manage that resource, as has been said earlier this evening, we will provide fish and wildlife habitat. Every time there is a cataclysmic fire, it destroys that fish and wildlife habitat and it destroys it for two or three generations. So by properly using these stewardship cuts to improve our forest stand, we will get the economic benefit of the removed trees. We will have a safer stand. It will not be as susceptible to fire. It will grow more rapidly. It will absorb more carbon dioxide. That is a win/win.

Our chairman has offered to work with the other side on the budget for fish and wildlife. Let us stop trying to take a foolish cut out of the forest management program.

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

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

Mr. WU. Mr. Chairman, as the gentleman knows, there is $297 million already allocated in the Department of Interior for fire suppression and for thinning activities and additionally there is over $600 million allocated for fire suppression and thinning activities under the Department of Agriculture funds. So every speaker is coming up and talking about fire, and this is just a smokescreen for bad forestry practices of the past. That is something that we were trying to correct with this amendment. We should take the fire issue off the table because that is funded separately in this bill.

Mr. SHERWOOD. I could not disagree more. The $600 million the gentleman is talking about is for fire suppression. This is fire prevention. $14 million, if it prevents a fire, we will not have to spend that other money. That is good management. Fire cannot be taken off the table here because fire is a result of a poorly managed forest, and this is money to properly manage our forests.

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

Mr. Chairman, I would note the Pennsylvania delegation is slightly out of order.

We have, almost have the deck chairs on the *Titanic* arranged through this debate, and that is interesting, because as a number of people who have spoken before me have said quite truthfully, there is not an adequate amount of money in the Forest Service budget to perform its many diverse functions.

□ 2145

Mr. Chairman, I offered earlier an amendment to increase the recreation budget. We earlier had an amendment to take $4 million out of the wild horse management program of which I am a big supporter. But it was to go to a slightly higher priority, which is fighting fires and fire suppression and fuels management.

Now, these are choices this Congress should not be forced to make. We should not be starving these resource management agencies. We should be investing in the future, the future of our forests, not starving them. That is what we are doing. Do not try and treat them like cash cows.

This amendment, in the past, the gentleman from Oregon (Mr. WU) and before that Ms. Furse and others have offered amendments similar to this; but in those amendments, they actually cut the Forest Service budget. From those amendments, they actually transferred the money to other agencies or transferred money to deficit reduction.

Tonight the amendment before us is trying to divide a pie which is too small. It is trying to decide whether we should undertake crucial activities on the wildlife side. If we do not fulfill those functions and those activities, we will not be harvesting any timber anywhere because we will not be meeting the needs of the forests as a healthy ecosystem.

On the other side, we have the Forest Service struggling to implement in my region the Clinton forest plan, and we are in gridlock again. If fact, I have asked the Clinton administration to begin an early plan update because I believe the plan has failed. It has failed both to protect old growth and to deliver what it said would be predictable supplies of timber.

So the question becomes on this amendment, what can we do. Well, unfortunately, we are slicing up and dicing up the pie into little bits and pieces. The amendment of the gentleman from Oregon (Mr. WU) will leave an increase of $10 million in the account for timber harvesting. It will transfer some money to another underfunded account.

This is a difficult choice for those of us who live in areas more than half owned by the Federal Government, someone who represents a district like mine that has been formerly the most public timber-dependent district in the United States.

So the question becomes, what should we do here? I am going to recommend that this amendment is not going to break the forest gridlock. It is not going to resolve the controversies. It is not going to be an incredible setback for the Forest Service on the timber management side. There are other monies that have been allocated to the committee by other forms of vegetation management. I am certain in conference they can move some of those funds around. I am certain that they can deliver on the promise they made to the gentleman from Oregon (Mr. WU).

We will both better fund wildlife and better fund reasonable timber management. But I do not think unless a change is made here tonight that necessarily that problem will be fulfilled. I believe, if this amendment passes, we will get more money for both accounts when we come out of the conference committee. So I will support the amendment.

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

Mr. Chairman, I rise today as a member of the Subcommittee on Forests and Forest Health of the Committee on Resources in support of the Wu-Smith-Udall amendment.

Just a few short weeks ago, we all stood on this floor to debate the CARA bill, probably the most importance piece of environmental legislation to pass the House of Representatives this Congress.

I was pleased to support that legislation, as it represented a solid and productive effort by the Congress to ensure the protection of America's delicate forest land, open space, waterways, and park lands.

Today the Congress has another chance to go on the record of supporting our environment. This amendment boosts clean water efforts and improves the health of our national forest recreation and commercial users.

The Wu-Smith-Udall amendment also redirects vital resources towards improvement of our drinking water and our fish and wildlife.

This amendment reduces what is basically a subsidy for timber sales management and directs the Federal funds to desperately needed forest restoration projects throughout this country.

As the Representative of the most urban district on the Committee on Resources, I know the value of green space and the need to protect these lands for future generations of Americans. By keeping ecosystems at a healthy level, clean air and water can be supplied to all communities throughout this land.

Protection of our watersheds is important for making our communities more livable and making sure that we all have the safest and cleanest water available for drinking and for recreation.

There is absolutely no reason to put the interest of the timber industry ahead of the health of our forests and drinking water, especially when both can peacefully co-exist.

I strongly support this environmentally sound and fiscally responsible amendment, and I urge my colleagues to do the same.

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

Mr. Chairman, certainly every Member of this House has a right to weigh in on issues no matter how they fail to affect that particular Member's district. Just as I do not claim any authority over the boroughs of New York

City, so, too, do I think it is important that we understand precisely what it is we are talking about. We are talking about jobs. But more importantly, we are talking about forest health.

I have heard some interesting claims tonight. One of my friends from California again says we need more and more and more and more money; and yet this House, against the better judgment of some of us, enacted CARA, calling for an additional $900 million a year over the next 15 years to purchase even more land.

I would invite my friends from the east coast metropolises and also those who hail from coastal districts from the West in urban areas to come visit the Sixth Congressional District of Arizona to understand the very clear and present forest fire danger that exists because we fail to employ effective forest management techniques.

Oh, we do have one rallying cry that comes from the inner cities of the East. Over 30 years ago, the cry ''burn, baby, burn'' has now been inflicted into this debate, because people seem to think let us let the forests go up in smoke; that is the way one controls this renewable resource. That is wrong.

This amendment, though well intentioned, is wrong, because it does not protect the fish and wildlife its sponsors would purport to protect. It, instead, sets up a situation for ecological disaster.

Those of my colleagues who say they embrace the notion of balance and ecological principles, Mr. Chairman, I implore my friends on the left to withdraw this amendment, to work in a constructive way with the ranking member of this subcommittee and the subcommittee chairman, to strike that true balance.

While, again, everyone is entitled to their own opinion, and we certainly rejoice in that fact, I would, Mr. Chairman, ask my colleagues to think of the people who live in the districts whose homes and livelihoods are affected and the very wildlife they purport to want to protect.

Sadly, we see a situation where some in this Chamber and around this Nation cannot see the forest for the trees. No to this amendment.

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

Mr. Chairman, I rise in opposition to the Wu-Smith amendment, and I want to share with my colleagues from a very personal perspective why I think this is a bad idea.

I come from an area of Texas where we have four national forests. Now, when one looks at those national forests on a map, one thinks they are entirely Federal property. But when one looks at a more detailed map, what one sees is that those Federal properties are interspersed with private property tracks.

As a consequence, everyone who is a private land owner who adjoins the national forest is at risk in terms of their property and the ability of them to be free from forest fires if we, as the Federal Government, fail to properly manage the Federal forests.

If my colleagues or I were living in the midst of the national forest tonight, and we heard that Congress was going to reduce the funding for management of the forest, we would have every reason to be worried about the risk of forest fire and danger to our own properties.

So even though we are debating tonight an issue that calls for the reduction of funding in the amount of $15 million, and some would argue who have offered this amendment that we ought to increase funding for the protection of wildlife, I say to them that it is equally, if not more important, to protect the lives and safety of those citizens who are all across this country in areas where we have national forests who own private property within and adjoining those national forests.

It is also, I think, important to remember that those who have opposed traditionally logging in our national forests have gotten the better end of the deal in recent years. In fact, we are at an all-time low in terms of the volume of timber harvested from our national forest.

We see today based on the statistics that are available to all of us that we are growing timber six times faster in the national forest than we harvest it. As a consequence, we have an abundant supply of available marketable timber in our national forest.

If we are going to be good stewards of the land and if we are going to protect those who adjoin and live in the midst of our national forest from the threat of forest fires engulfing their own homes, we have got to be willing to spend the necessary funds to be sure that we properly manage the forest.

Now, I have talked to the district forester that manages and overseas the four national forests in east Texas. I can tell my colleagues that, when we talk about reducing funding for forest management, it gets his attention, because he understands that it takes personnel and it takes equipment and it takes time to go out and properly manage a forest.

There are some here tonight who criticize the cost of management of our national forests even to go so far as to suggest that it costs more to manage the forests than we get in harvestable commercial timber. Well, the truth of the matter is we may manage our forest well and it may cost a lot, but I will tell my colleagues, there is a whole lot of regulations that our national forests have to abide by in management of those forests.

I, frankly, as a private forest land owner only wish that I could afford to manage my property the same way that the Federal Government manages our national forest, because the amount of control and regulation and attention to detail that takes place in the management of our national forest far exceeds anything that I see going on in the private sector.

But the bottom line here for me is that this amendment and any future effort to cut funding for the management of our forest directly affects the school children in my congressional district, because as we all know, 25 percent of the proceeds of the sale of timber goes to the school districts in our respective congressional districts.

I know personally firsthand the hardship that has been placed upon many of our school districts and the disadvantages that it has placed the school children in those districts from the reduction of harvesting from our national forest.

There is a piece of legislation that passed this House that is now pending in the Senate that is designed to try to help that situation. I hope that when that bill comes back, we will all support it. But in the meantime, we do not need to be reducing funding for the management of our national forest.

□ 2200

Mr. REGULA. Mr. Chairman, I ask unanimous consent to strike the requisite number of words.

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

There was no objection.

Mr. REGULA. Mr. Chairman, I want to advise the membership of what we are doing.

We have an agreement that has been agreed to between the gentleman from Washington (Mr. INSLEE) and myself, and I have a colloquy, and then we have two votes on amendments that have been rolled, and that will complete the activities tonight. Then we will get time agreements to start tomorrow morning, as soon as the Subcommittee on Foreign Operations, Export Financing and Related Programs have completed their markup.

We are going to make every effort to finish this bill tomorrow. We have to finish it tomorrow, but will attempt to do so in order to get people out of here in time to make their airplane connections.

So we have no more debate on this amendment, Mr. Chairman.

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

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

Mr. DICKS. Mr. Chairman, I would ask the gentleman why we do not just go ahead and vote on this amendment.

Mr. REGULA. Reclaiming my time, Mr. Chairman, let us defer that one.

Mr. DICKS. I believe we have to vote on this amendment.

The CHAIRMAN. We have not put the question on the amendment.

The question is on the amendment offered by the gentleman from Oregon (Mr. WU).

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

Mr. WU. 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 524, further proceedings on the amendment offered by the gentleman from Oregon (Mr. WU) will be postponed.

The point of no quorum is considered withdrawn.

AMENDMENT OFFERED BY MR. REGULA

Mr. REGULA. Mr. Chairman, I ask unanimous consent to return to page 49 to offer an amendment on behalf of the gentleman from Washington (Mr. INSLEE) and myself.

The CHAIRMAN. Without objection, the Clerk will report the amendment.

There was no objection.

The Clerk read as follows:

Amendment offered by Mr. REGULA:

On page 49 line 24 strike ''shall'' and insert in lieu thereof ''may'' and on page 50 line 5 strike ''shall'' and insert in lieu thereof ''may at the discretion of the Secretary.''

Mr. REGULA. Mr. Chairman, this amendment reflects an agreement between the gentleman from Washington (Mr. INSLEE) and myself on an amendment, and I urge the Members to support it.

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

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

Mr. DICKS. Mr. Chairman, we accept the amendment on this side.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio (Mr. REGULA).

The amendment was agreed to.

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

Mr. Chairman I would like to enter into a very brief colloquy with the chairman of the subcommittee.

Mr. Chairman, as the gentleman knows, I represent the State of Oklahoma, a State that is home to 23 percent of the Native Americans in this country. Despite the fact that almost one in four Native Americans live in my State, we receive only 13 percent of Indian Health Service dollars. Of the 12 Native American service areas in the country, Oklahoma City receives less than $900 per capita, while Nashville receives $1800 per capita, and some tribes receive as much as three times that of Oklahoma City, $2700 per capita.

Our hospitals in Tahlequah and Claremore receive $141, while the Phoenix Indian Medical Center receives $400 per capita.

I believe that the Native Americans in my State should receive more equitable treatment when IHS funds are distributed. Rather than receiving 13 percent, Oklahoma should be receiving close to 20 percent, if not more.

Mr. Chairman, will the gentleman from Ohio commit to working with me to close these gaps in funding?

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

Mr. LARGENT. I yield to the gentleman from Ohio.

Mr. REGULA. Mr. Chairman, I thank the gentleman for raising this important issue today. I agree that this disparity is problematic, and that the IHS funding mechanisms are lacking. I agree that the Director of Indian Health Services should develop a plan for ensuring that every Native American is treated in an even-handed manner.

Last year, we provided funding through an Indian Health Care Improvement Fund to bring these tribes funded at very low levels of need up to more reasonable levels. Unfortunately, the Indian Health Service has not decided on a method for distributing these funds. It was the committee's intent that these funds be devoted to the most underfunded tribes rather than spreading the funds across the large number of tribes.

I will be more than happy to work with the gentleman from Oklahoma to see that the IHS functions are distributed in a more equitable way.

Mr. LARGENT. Reclaiming my time, Mr. Chairman, I thank the gentleman and look forward to working with him to ensure Oklahoma's Native Americans receive something closer to their fair share.

Ms. KAPTUR. Mr. Chairman, I move to strike the last word and, Mr. Chairman, I have an amendment at the desk.

The CHAIRMAN. Will the gentlewoman identify the page and line for us?

Ms. KAPTUR. Page 69, line 10.

The CHAIRMAN. We are not at that portion of the bill yet.

Mr. REGULA. Mr. Chairman, would the gentlewoman want to enter into a colloquy, in lieu of the amendment?

Ms. KAPTUR. Yes, Mr. Chairman. What I wanted to do was to introduce the amendment, withdraw it, and then enter into the colloquy as a part of that whole package.

Mr. REGULA. We are not at the right place in the bill for that. Let us get these votes over, frankly, and if she wants to do the colloquy we can do that, but we need to get on to the votes.

Ms. KAPTUR. Well, that was not my understanding, Mr. Chairman, but I would move to strike the last word and would like to submit for the RECORD articles in The New York Times today and in the Toledo Blade concerning gas prices and enter into a colloquy with the chairman and ranking member of the subcommittee.

Mr. Chairman, I believe there is a critical need for a comprehensive report on how biofuels, including ethanol and biodiesel, can be more fully incorporated into the strategic fuel reserves of our country. Alternatives such as swaps or sales of a portion of current crude reserves for biofuels should be evaluated with estimates of funds realized to be directed toward biofuels purchase and storage costs. Also, options to encourage on-farm storage of biofuel inputs and related biofuel processing and storage capacity as a ready reserve should be evaluated.

Therefore, I would ask the chair and ranking member if they could consider the need for such a report and possibly include language in the conference report on this bill to request such a report from the Departments of Interior, Agriculture and Energy?

Mr. REGULA. Mr. Chairman, will the gentlewoman yield?

Ms. KAPTUR. I yield to the gentleman from Ohio.

Mr. REGULA. Mr. Chairman, I would respond to the gentlewoman from Ohio that we would be happy to look into this situation. I believe we need an overall national energy strategy that addresses issues such as this in the larger context.

Mr. DICKS. Mr. Chairman, will the gentlewoman yield?

Ms. KAPTUR. I yield to the gentleman from Washington.

Mr. DICKS. Mr. Chairman, I want to compliment the gentlewoman for her outstanding leadership on this issue, and I assure her that we will give this request careful consideration and we will work with her in the conference to see if we can get the language that the gentlewoman would like. We will also work with the administration to try to make sure this commitment is kept.

Ms. KAPTUR. Reclaiming my time, Mr. Chairman, I thank the gentleman very much for his openness and leadership on this, and also the chairman of the subcommittee for his fine work on clean coal and other alternative fuels over the past years.

Mr. Chairman, the articles I referred to above are as follows:

[From the New York Times, June 14, 2000]

IN GAS PRICES, MISERY AND MYSTERY

COSTS IN MIDWEST EXCEED $2 A GALLON

(By Pam Belluck)

CHICAGO, June 13.—Gasoline is so expensive in the Midwest that a retired railroad worker in Cleveland says he had to cancel his annual summer drive to visit his daughter in San Francisco.

A volunteer agency that delivers meals to shut-ins in Milwaukee cannot afford to pay its drivers enough to fill their tanks.

A florist in Urbana, Ill., is talking about raising what he charges to deliver roses and carnations.

And in suburban Chicago, Kathy Stachnik says she now considers putting gas in her blue 1997 Honda Accord an ''evil necessity.''

''Whenever I stand at the pumps these days, I'm just furious,'' said Ms. Stachnik, 38, as she bought 10 gallons of gas at an Amoco in Arlington Heights for $2.25 a gallon. ''I know that something fishy is going on with these prices.''

Gasoline prices in the Midwest have risen sharply in recent weeks, jumping as much as 50 cents a gallon and far outstripping increases in the rest of the country. In Chicago and Milwaukee, drivers are paying more than $2 a gallon, the first time prices have ever soared that high in the United States, analysts says.

In recent days, the federal government has been trying to determine why the prices in the Midwest have risen so steeply. The Environmental Protection Agency and the Energy Department met with oil refiners on Monday in Washington. And the Clinton administration and the House Judiciary Committee have asked the Federal Trade Commission to look into whether the increases involve price gouging or collusion.

''We don't have good explanations,'' said Robert Perciasepe, the environmental agency's assistant administrator for air and pollution programs. ''We're not seeing this anywhere else in the country.''

Gas prices increased across the country in the last few weeks as the summer driving season began. Gasoline inventories are being depleted, and new requirements for cleaner burning gasoline became effective on June 1. But the spikes in the Midwest are especially steep.

On Friday, the most recent day for which figures are available, the average prices of self-serve regular gasoline in Chicago was $2.13 a gallon, up from $1.37 a gallon in January, according to Trilby Lundberg, an analyst who compiles the Lundberg Survey of gas station prices. By comparison, prices on Long Island averaged $1.67 a gallon last week, up from $1.39 in January. And prices in Los Angeles averaged $1.56 a gallon in June, up from $1.29 in January.

Industry representatives say the price increases in the Midwest are a result of several factors.

The most significant, they say, is the new federal requirement for cleaner-burning gasoline, known as RFG–2. In the Midwest, unlike in other regions, the additive oil refiners use to make their gasoline comply with the regulations is ethanol. Because ethanol evaporates quickly it requires a special formulation of gasoline, said Edward H. Murphy, general manager for downstream operations at the American Petroleum Institute an industry group.

''It's more difficult to produce that gasoline,'' Mr. Murphy said, ''As a result, production is significantly lower,''

Another factor, industry officials say, was the rupture in March of a Texas pipeline that Midwest refineries depended on for their supply. The pipeline was repaired two weeks later, but it is still operating at only 80 percent capacity.

A third factor is a court ruling that the Unocal Corporation can collect royalties on a particular type of cleaner-burning fuel. That has prompted smaller refineries to curtail RFG–2 production to avoid paying royalties to Unocal, industry analysts say.

''In a situation where supplies are tight, and you have relatively inelastic demand for gasoline, the price increase you need that occurs in the market is disproportionately large,'' said Mr. Murphy, who said some refineries are carting in the fuel they need by barge from Nova Scotia or the Gulf states. ''If the price of lemons goes up, you move to limes. If the price of coffee goes up, you move to tea. But with gasoline, consumers don't adjust very quickly in a very short term. Obviously you don't go out and trade in your brand new Ford Excursion for a Toyota Camry.''

Officials at the Environmental Protection Agency and the Energy Department acknowledge that all these factors play a role in increasing gas prices somewhat. But they say none is sufficient to account for the precipitous price jumps in cities like Chicago and Milwaukee.

''All of these may have some impact but they don't seem to explain the size of the disparity,'' Mr. Perciasepe said. For example, he said the cost of producing cleaner gasoline with ethanol should lead to only about a 5 cent to 8 cent increase in gas prices. ''Whether people are taking advantage of some of these situations is something that we hope to be able to understand better.''

A senior official at the Energy Department said that although the supply of oil was tight in the Midwest, ''we weren't persuaded by the arguments of the refiners. Generally speaking, all of the large suppliers say they have adequate supplies to serve the demand.''

The official added, ''It has the administration very concerned, obviously,''

Sam Stratman, a spokesman for the House Judiciary Committee and its chairman, Representative Henry J. Hyde, Republican of Illinois, said that oil companies had years to prepare for the increased costs of the RFG–2 regulations.

''This is a complicated issue,'' Mr. Stratman said. ''It deals with issues of supply and demand and regulatory changes mandated by E.P.A., and you wonder, have these changes given oil companies a chance to gouge consumers?''

Of course, Americans still have the lowest gas prices in the world. The Organization of petroleum Exporting Countries, which controls nearly half of the global oil supply, will meet next week to decide on whether to increase production.

Although the prices in Chicago and Milwaukee are the highest on record, they are still lower than gas prices were at their peak in March 1981, when the national average price of a gallon of gasoline was $2.67, if adjusted for inflation, Ms. Lundberg said.

That is hardly comforting to beleaguered drivers across the Midwest these days.

''It's outrageous,'' said Colleen Posinger, 44, of Streamwood, Ill. ''I'm really upset about the gas prices, because we told our 1-year-old daughter that we'd drive to South Dakota this summer. The vacation was already planned, so I guess we'll just have to take the crunch.''

Others, like Adam Matavovszky, the retired railroad worker in Cleveland, decided they could not afford their vacations.

In Milwaukee, Goodwill industries which delivers meals to the elderly and also takes disabled people to workshops and training programs, has been hit by $23,000 in extra fuel costs this year, said Roger Sherman, vice president for human services. He said the organization had asked for emergency assistance from the Milwaukee County Department of Aging and might have to cut back on transportation.

''We are running 150 percent over budget,'' Mr. Sherman said, ''We have not kept up with the rising gasoline prices.''

[From the Toledo Blade, June 13, 2000]

EPA CAN'T FIND REASON FOR HIKES

WASHINGTON.—Federal officials met for two hours with refiners yesterday, and the EPA's top air pollution official said he heard ''no good explanation'' for soaring gasoline prices in Midwest cities, in which new requirements require cleaner-burning gas.

The Environmental Protection Agency and Energy Department said inspectors were sent to the Milwaukee and Chicago areas to investigate price increases in recent weeks of 30 to 50 cents a gallon. They focused on refining and distribution, one official said.

At the White House, spokesman Joe Lockhart said the Midwest price increases ''seem to be out of whack,'' and any evidence of price gouging that investigators find will be turned over to the Federal Trade Commission for further investigation.

Officials from eight major oil refineries sat in on the EPA and Energy Department meeting, and further sessions were held later with individual companies.

''We see no good explanation for why the [high] prices exist. . . . We think the prices are unfair and inappropriate,'' Robert Perciasepe, the EPA's assistant administrator for air and pollution programs, said.

He said that while gasoline supplies are lower than normal, ''there are adequate supplies'' to keep prices in check. The additional cost of the cleaner-burning gasoline, called reformulated gasoline, costs only 5 to 8 cents a gallon more to produce, Mr. Perciasepe said.

The Energy Department released data that showed prices of reformulated gas were on average 9 cents a gallon higher as of June 5 than conventional gas nationwide, but 23 cents higher in the Midwest. The newly blended gas was required beginning this month in areas with severely polluted air.

Mr. Perciasepe and Melanie Kenderdine, a senior DOE official who attended the meeting, would not characterize explanations given by industry officials except to say the two sides has a general discussion about supply and distribution problems.

''We're suspicious of gouging,'' Dave Cohen of the EPA said.

Urvan Sternfels, president of the National Petrochemical and Refiners Association, said some of the price increases in the Midwest stem from unexpected problems refiners had with meeting the new, higher vapor-pressure requirements for the cleaner gas. Corn-based ethanol, used widely in the region as a fuel additive, reduces vapor pressure and complicates fuel blending, he said.

The Renewable Fuels Association, which represents the ethanol industry blamed the refiners for not building adequate stocks of reformulated gasoline and the EPA for ''failure to make appropriate regulatory changes that would reduce the cost of producing RFG in Chicago and Milwaukee.''

Gas prices have increased for five consecutive weeks nationwide with the beginning of the heavy summer driving season, but they soared in some parts of the Midwest—especially Illinois and Wisconsin.

But EPA officials said they are puzzled as to why the price difference between conventional and the cleaner-burning gas is as wide as it has been in the Midwest. ''We do not believe that the cleaner-burning gasoline is causing the major price increases,'' Mr. Perciasepe said.

According to the Energy Department, the average price of regular-grade gas in areas requiring reformulated gas nationwide was $1.63 a gallon on June 5, or 9 cents a gallon more than the average price of gas sold in other parts of the country that not require reformulated gas.

The average price for the cleaner gas was $1.84 a gallon in the Midwest, a 23-cent difference from conventional gas; $1.56 a gallon on the East Coast, a 9-cent difference; $1.61 on the West Coast, only a 5-cent difference; and $1.48 a gallon on the Gulf Coast, a difference of 2½ cents, according to the DOE's Energy Information Administration.

Environmental groups have questioned the soaring prices.

''The oil companies have known for five years that they would have to sell the cleaner-burning gasoline by June 1. Why didn't the industry plan for known supply needs,'' asked Frank O'Donnell of the Clean Air Trust, an environmental advocacy group.

[From Toledo Blade, June 9, 2000]

GASOLINE PRICE SURGE SHOCKS TOLEDO DRIVERS

Alex Alvarado filled up his gas tank just in time yesterday, saving big bucks. Most were not so lucky.

By lunchtime, gasoline prices around Toledo had surged to $1.86 or more for regular-grade gasoline and more than $2 for premium gasoline—an unexpected price jump at many stations of more than 30 cents per gallon.

A 30-cent-per-gallon increase costs someone with an 18-gallon tank an extra $5.40 each fill-up.

''It's ridiculous,'' Mr. Alvarado said as he topped off his tank with the last of the gasoline that cost $1.549 for regular grade at the

Clark station on Eleanor Avenue at Lewis Avenue. Several yards away, a gas station clerk was posting the new prices.

The next customer would pay $1.859 per gallon of regular grade at the same pump.

''It's price-fixing,'' Mr. Alvarado of Toledo grumbled. ''I'm lucky I just made it in here before they changed.''

Some drivers took their frustrations out on the clerks working at the stations.

Regina Chiles, assistant manager at the Speedway on Dixie Highway off I–75 said as she tacked up the new numbers on her outside sign. ''You'd think they'd be a bit more appreciative that we were still a bit cheaper, but instead they just yell at us because prices are going up.''

An informal survey by The Blade found that gas prices around the Toledo area spiked by midday from $1.549 to $1.859 for regular-grade gasoline and $1.729 to $2.07—or more—for premium gasoline.

Just two weeks ago, the Kroger gas station at Jackman and Laskey roads was selling gas at $1.419 to $1.619 per gallon. Yesterday, prices at the same pumps had climbed to $1.879 to $2.079 per gallon.

If you think it was bad in northwest Ohio, Michigan has been dealing with similar prices for a week.

Yesterday at the Total stations in Adrian on North and South Main streets, the price of regular was $1.94 per gallon and premium was $2.16 at the Speedway on South Main.

There may be several reasons for the increases, industry experts said.

A demand for environmentally-friendlier gasoline in bulk markets such as Chicago and Milwaukee have forced up gas prices because of the more complicated, expensive refining process, Tom Kloza, publisher of Oil News and Prices, in Rockville, Md., said.

And because motorists continue to fuel up in those cities—even with the higher prices—suppliers know they can raise prices at pumps in other areas throughout the Midwest, he said.

''We reached the whining state. We reached it a few weeks ago,'' Mr. Kloza said. ''But we haven't reached the stage when we change our behavior.''

Chris Kelley of the Washington-based American Petroleum Institute agreed.

''Everyone loves to drive their gas-guzzling SUVs,'' he said. Economic prosperity globally means people are consuming more petroleum-based products world-wide, he added.

Add to that the high price of crude oil now—nearly $30 a barrel compared to $18 this time last year—and consumers will feel the pinch at the pump, he said.

U.S. Rep. Marcy Kaptur (D., Toledo), said she has tried several times this year to pass amendments that would release some of the strategic petroleum reserves to ease the gas crunch.

She said Republicans have defeated the measures. She said the government should promote efforts to develop nonpetroleum fuel sources.

In West Toledo before lunchtime, Earl Price waited several cars deep to take advantage of some of the lower prices at the Shell station at Secor Road and Monroe Street.

The gas there ranged between $1.559 and $1.739 per gallon, while across the intersection, BP's prices were $1.879 to $2.119 per gallon.

''I'm driving around here comparing gas prices and the lines at the stations,'' said Mr. Price, who installs pools and works with a moving company. He said he drives 100 miles daily on his 1978 pickup, which gets eight miles a gallon.

Behind him, Pam Green, a hospital technician, chuckled.

''You have to laugh,'' she said. ''I'm sitting here using up all my gas waiting in line to buy gas.''

But with gasoline 30 cents or so cheaper per gallon at some stations, ''it adds up,'' she said. ''I'll wait.''

It adds up even quicker for those who buy in great quantities, although Julian Highsmith, Toledo's commissioner of facility and fleet operations, said prices are a bit more stable than they are at the pump.

The city buys its fuel in bulk from suppliers and gets a price estimate each week from the Ohio Petroleum Index System. It has fluctuated, Mr. Highsmith said, between 80 cents per gallon and the current $1.08, the highest so far this year.

''It goes up and down, but our costs have been a little more constant than what you've been seeing at the pump,'' he said.

SEQUENTIAL VOTES POSTPONED IN COMMITTEE OF THE WHOLE

The CHAIRMAN. Pursuant to House Resolution 524, proceedings will now resume on those amendments on which further proceedings were postponed in the following order: Amendment No. 35 offered by the gentleman from Oregon (Mr. DEFAZIO) and amendment No. 31 offered by the gentleman from Oregon (Mr. WU).

AMENDMENT NO. 35 OFFERED BY MR. DEFAZIO

The CHAIRMAN. The pending business is the demand for a recorded vote on amendment No. 35 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 ordered.

The CHAIRMAN. This will be a 15-minute vote followed by a 5-minute vote on the Wu amendment.

The vote was taken by electronic device, and there were—ayes 167, noes 254, not voting 13, as follows:

[Roll No. 276]

AYES—167

Abercrombie	Crowley	Hoyer
Allen	Cummings	Hulshof
Andrews	Davis (FL)	Inslee
Baird	DeFazio	Jackson (IL)
Baldwin	DeGette	Jones (NC)
Barcia	Delahunt	Jones (OH)
Barrett (WI)	DeLauro	Kasich
Bass	Deutsch	Kelly
Becerra	Dixon	Kennedy
Berkley	Doggett	Kildee
Berman	Ehlers	Kilpatrick
Bilbray	Engel	Kind (WI)
Bishop	Eshoo	Kleczka
Blagojevich	Etheridge	Kucinich
Blumenauer	Evans	LaFalce
Bonior	Farr	Lantos
Borski	Fattah	Larson
Boswell	Filner	Lazio
Brown (FL)	Foley	Leach
Brown (OH)	Forbes	Lee
Capps	Ford	Levin
Capuano	Frank (MA)	Lewis (GA)
Cardin	Gejdenson	Lipinski
Carson	Gephardt	LoBiondo
Castle	Green (WI)	Lowey
Chabot	Gutierrez	Luther
Clayton	Hastings (FL)	Maloney (CT)
Clyburn	Hilliard	Maloney (NY)
Condit	Hinchey	Markey
Conyers	Hoeffel	Matsui
Costello	Holt	McDermott
Cox	Hooley	McGovern
Coyne	Hostettler	McKinney
McNulty	Payne	Sherman
Meehan	Pelosi	Slaughter
Meek (FL)	Petri	Smith (NJ)
Meeks (NY)	Phelps	Smith (WA)
Menendez	Rahall	Stark
Metcalf	Rivers	Sununu
Mica	Rohrabacher	Tauscher
Millender-McDonald	Rothman	Taylor (MS)
Miller, George	Roybal-Allard	Thompson (CA)
Minge	Royce	Thompson (MS)
Mink	Ryan (WI)	Tierney
Moakley	Sabo	Udall (CO)
Morella	Salmon	Velazquez
Nadler	Sanchez	Walden
Neal	Sanders	Waters
Oberstar	Sanford	Watt (NC)
Obey	Sawyer	Waxman
Olver	Saxton	Weiner
Owens	Scarborough	Wexler
Pallone	Schakowsky	Weygand
Pascrell	Sensenbrenner	Woolsey
Paul	Serrano	Wu
	Shays	Wynn

NOES—254

Aderholt	Gallegly	McKeon
Archer	Ganske	Miller (FL)
Armey	Gekas	Miller, Gary
Baca	Gibbons	Mollohan
Baker	Gilchrest	Moore
Baldacci	Gillmor	Moran (KS)
Ballenger	Gilman	Moran (VA)
Barr	Gonzalez	Murtha
Bartlett	Goode	Myrick
Barton	Goodlatte	Napolitano
Bateman	Goodling	Nethercutt
Bentsen	Gordon	Ney
Bereuter	Goss	Northup
Berry	Graham	Norwood
Biggert	Granger	Nussle
Bilirakis	Green (TX)	Ortiz
Bliley	Greenwood	Ose
Blunt	Gutknecht	Oxley
Boehlert	Hall (OH)	Packard
Boehner	Hall (TX)	Pastor
Bonilla	Hansen	Pease
Bono	Hastings (WA)	Peterson (MN)
Boucher	Hayes	Peterson (PA)
Boyd	Hayworth	Pickering
Brady (PA)	Hefley	Pickett
Brady (TX)	Herger	Pitts
Bryant	Hill (IN)	Pombo
Burr	Hill (MT)	Pomeroy
Burton	Hilleary	Porter
Buyer	Hinojosa	Portman
Callahan	Hobson	Price (NC)
Calvert	Hoekstra	Pryce (OH)
Camp	Holden	Quinn
Canady	Horn	Radanovich
Cannon	Houghton	Ramstad
Chambliss	Hunter	Rangel
Chenoweth-Hage	Hutchinson	Regula
Clement	Hyde	Reyes
Coble	Isakson	Reynolds
Coburn	Istook	Riley
Collins	Jackson-Lee (TX)	Rodriguez
Combest	Jefferson	Roemer
Cooksey	Jenkins	Rogan
Cramer	John	Rogers
Crane	Johnson (CT)	Ros-Lehtinen
Cubin	Johnson, E. B.	Roukema
Cunningham	Johnson, Sam	Rush
Davis (IL)	Kanjorski	Ryun (KS)
Davis (VA)	Kaptur	Sandlin
Deal	King (NY)	Schaffer
DeLay	Kingston	Scott
DeMint	Klink	Sessions
Diaz-Balart	Knollenberg	Shadegg
Dickey	Kolbe	Shaw
Dicks	Kuykendall	Sherwood
Dingell	LaHood	Shimkus
Dooley	Lampson	Shows
Doolittle	Largent	Simpson
Doyle	Latham	Sisisky
Dreier	LaTourette	Skeen
Duncan	Lewis (KY)	Skelton
Dunn	Lucas (KY)	Smith (MI)
Edwards	Lucas (OK)	Smith (TX)
Ehrlich	Manzullo	Snyder
Emerson	Mascara	Souder
English	McCarthy (MO)	Spence
Everett	McCarthy (NY)	Spratt
Ewing	McCollum	Stabenow
Fletcher	McCrery	Stearns
Fossella	McHugh	Stenholm
Fowler	McInnis	Strickland
Franks (NJ)	McIntosh	Stump
Frelinghuysen	McIntyre	Stupak
Frost		Sweeney

Talent	Toomey	Watts (OK)
Tancredo	Towns	Weldon (FL)
Tanner	Traficant	Weldon (PA)
Tauzin	Turner	Weller
Taylor (NC)	Udall (NM)	Whitfield
Terry	Upton	Wicker
Thomas	Visclosky	Wilson
Thornberry	Vitter	Wise
Thune	Walsh	Wolf
Thurman	Wamp	Young (AK)
Tiahrt	Watkins	Young (FL)

NOT VOTING—13

Ackerman	Cook	Martinez
Bachus	Danner	Shuster
Barrett (NE)	Lewis (CA)	Vento
Campbell	Linder	
Clay	Lofgren	

☐ 2231

Messrs. THORNBERRY, REYES, TERRY, HINOJOSA, RODRIGUEZ and TOOMEY changed their vote from ''aye'' to ''no.''

Messrs. HOEFFEL, SALMON, ROHRABACHER and HOYER changed their vote from ''no'' to ''aye.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN. Pursuant to House Resolution 524, 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 the additional amendment on which the Chair has postponed further proceedings.

AMENDMENT NO. 31 OFFERED BY MR. WU

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Oregon (Mr. WU) 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 ordered.

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

The vote was taken by electronic device, and there were—ayes 173, noes 249, not voting 12, as follows:

[Roll No. 277]

AYES—173

Abercrombie	Clyburn	Fossella
Allen	Conyers	Frank (MA)
Andrews	Coyne	Franks (NJ)
Baldwin	Crowley	Frelinghuysen
Barcia	Cummings	Gejdenson
Barrett (WI)	Davis (FL)	Gephardt
Becerra	Davis (IL)	Gilman
Berkley	DeFazio	Gonzalez
Bilbray	DeGette	Goss
Blagojevich	Delahunt	Greenwood
Blumenauer	DeLauro	Gutierrez
Boehlert	Deutsch	Hall (OH)
Bonior	Doggett	Hastings (FL)
Borski	Ehlers	Hill (IN)
Boucher	Engel	Hinchey
Brown (FL)	Eshoo	Hoeffel
Brown (OH)	Etheridge	Holt
Capps	Evans	Hooley
Capuano	Farr	Horn
Cardin	Fattah	Hoyer
Carson	Filner	Inslee
Castle	Foley	Jackson (IL)
Chabot	Forbes	Jefferson
Johnson (CT)	Miller (FL)	Sawyer
Jones (OH)	Miller, George	Saxton
Kanjorski	Mink	Scarborough
Kaptur	Moakley	Schakowsky
Kelly	Moore	Scott
Kennedy	Moran (KS)	Sensenbrenner
Kildee	Moran (VA)	Serrano
Kilpatrick	Morella	Shaw
Kind (WI)	Nadler	Shays
Kleczka	Napolitano	Slaughter
Kucinich	Neal	Smith (NJ)
LaFalce	Olver	Smith (TX)
Lantos	Owens	Smith (WA)
Larson	Pallone	Spratt
Lazio	Pascrell	Stabenow
Leach	Pastor	Stark
Lee	Paul	Tauscher
Levin	Payne	Tierney
Lewis (GA)	Pease	Towns
LoBiondo	Pelosi	Udall (CO)
Lowey	Porter	Udall (NM)
Luther	Portman	Upton
Maloney (CT)	Price (NC)	Velazquez
Maloney (NY)	Rahall	Walsh
Markey	Ramstad	Waters
Matsui	Rivers	Watt (NC)
McCarthy (MO)	Roemer	Waxman
McCarthy (NY)	Rothman	Weiner
McDermott	Roukema	Weldon (PA)
McGovern	Roybal-Allard	Wexler
McKinney	Rush	Weygand
McNulty	Sabo	Woolsey
Meehan	Sanchez	Wu
Meeks (NY)	Sanders	Wynn
Menendez	Sanford	

NOES—249

Aderholt	Dicks	Jones (NC)
Archer	Dingell	Kasich
Armey	Dixon	King (NY)
Baca	Dooley	Kingston
Bachus	Doolittle	Klink
Baird	Doyle	Knollenberg
Baker	Dreier	Kolbe
Baldacci	Duncan	Kuykendall
Ballenger	Dunn	LaHood
Barr	Edwards	Lampson
Barrett (NE)	Ehrlich	Largent
Bartlett	Emerson	Latham
Barton	English	LaTourette
Bass	Everett	Lewis (CA)
Bateman	Ewing	Lewis (KY)
Bentsen	Fletcher	Lipinski
Bereuter	Ford	Lucas (KY)
Berman	Fowler	Lucas (OK)
Berry	Frost	Manzullo
Biggert	Gallegly	Mascara
Bilirakis	Ganske	McCollum
Bishop	Gekas	McCrery
Bliley	Gibbons	McHugh
Blunt	Gilchrest	McInnis
Boehner	Gillmor	McIntosh
Bonilla	Goode	McIntyre
Bono	Goodlatte	McKeon
Boswell	Goodling	Metcalf
Boyd	Gordon	Mica
Brady (PA)	Graham	Millender-McDonald
Brady (TX)	Granger	Miller, Gary
Bryant	Green (TX)	Minge
Burr	Green (WI)	Mollohan
Burton	Gutknecht	Myrick
Buyer	Hall (TX)	Nethercutt
Callahan	Hansen	Ney
Calvert	Hastings (WA)	Northup
Camp	Hayes	Norwood
Canady	Hayworth	Nussle
Cannon	Hefley	Oberstar
Chambliss	Herger	Obey
Chenoweth-Hage	Hill (MT)	Ortiz
Clayton	Hilleary	Ose
Clement	Hilliard	Oxley
Coble	Hinojosa	Packard
Coburn	Hobson	Peterson (MN)
Collins	Hoekstra	Peterson (PA)
Combest	Holden	Petri
Condit	Hostettler	Phelps
Cooksey	Houghton	Pickering
Costello	Hulshof	Pickett
Cox	Hunter	Pitts
Cramer	Hutchinson	Pombo
Crane	Hyde	Pomeroy
Cubin	Isakson	Pryce (OH)
Cunningham	Istook	Quinn
Davis (VA)	Jackson-Lee (TX)	Radanovich
Deal	Jenkins	Rangel
DeLay	John	Regula
DeMint	Johnson, E. B.	Reyes
Diaz-Balart	Johnson, Sam	Reynolds
Dickey		
Riley	Smith (MI)	Thune
Rodriguez	Snyder	Thurman
Rogan	Souder	Tiahrt
Rogers	Spence	Toomey
Rohrabacher	Stearns	Traficant
Ros-Lehtinen	Stenholm	Turner
Royce	Strickland	Visclosky
Ryan (WI)	Stump	Vitter
Ryun (KS)	Stupak	Walden
Salmon	Sununu	Wamp
Sandlin	Sweeney	Watkins
Schaffer	Talent	Watts (OK)
Sessions	Tancredo	Weldon (FL)
Shadegg	Tanner	Weller
Sherman	Tauzin	Whitfield
Sherwood	Taylor (MS)	Wicker
Shimkus	Taylor (NC)	Wilson
Shows	Terry	Wise
Simpson	Thomas	Wolf
Sisisky	Thompson (CA)	Young (AK)
Skeen	Thompson (MS)	Young (FL)
Skelton	Thornberry	

NOT VOTING—12

Ackerman	Danner	Meek (FL)
Campbell	Linder	Murtha
Clay	Lofgren	Shuster
Cook	Martinez	Vento

☐ 2258

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

So the amendment was rejected.

The result of the vote was announced as above recorded.

☐ 2300

Mr. REGULA. Mr. Chairman, I ask unanimous consent that consideration in the Committee of the Whole of the amendment by the gentleman from Washington (Mr. DICKS) to H.R. 4578, adding a new section at the end of title I proceed as follows: After the initial five-minute speech by Representative DICKS in support of his amendment, no further debate on that amendment shall be in order; and amendments thereto offered by Representative NETHERCUTT of Washington, or by Representative HANSEN of Utah, each shall be debatable for one hour equally divided and controlled by the proponent and Representative DICKS.

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

There was no objection.

AMENDMENT OFFERED BY MR. TAYLOR OF MISSISSIPPI

Mr. TAYLOR of Mississippi. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. TAYLOR of Mississippi:

On page 56, line 3, after the figure insert ''(and in addition $2,000,000, to be available to the Department of Interior for the acquisition of Cob Island, Mississippi''.

On page 69, line 13, after the figure insert ''reduced by $2,000,000.''

Mr. TAYLOR of Mississippi. Mr. Chairman, I believe we have an agreement on the amendment.

The CHAIRMAN. Is there objection to the consideration of the Taylor amendment at this point in the bill?

Mr. REGULA. We have no objection.

Mr. DICKS. We have no objection. We strongly support the gentleman's amendment.

The CHAIRMAN. Without objection, the Taylor amendment will be considered at this point.

There was no objection.

Mr. TAYLOR of Mississippi. Mr. Chairman, again I have already spoken to the Majority and Minority on this. They have been very helpful. It is the reallocation of some funds for wildlife conservation. I appreciate everyone's assistance on it.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Mississippi (Mr. TAYLOR).

The amendment was agreed to.

Mr. KIND. Mr. Chairman, I rise today in support of the Wu-Smith-Udall amendment to the Interior Appropriations bill. The purpose of this amendment is to restore adequate funding to an important forest service program designed to protect and manage fish and wildlife habitat within the national forest system. Specifically, this bipartisan and fiscally responsible amendment calls for a transfer of $14.7 million from the consistently overfunded Forest Service forest products program to the chronically underfunded fish and wildlife habitat management account.

The mission of the U.S. Forest Service is to provide for the multiple uses of our Nation's great forests. Traditionally, timber management and extraction has been the principal goal of the Forest Service. In recent decades, with the rise of recreational uses of our national forests and environmental regulations that require careful assessment of natural resources impacted by timber cutting and road-building activities, the Forest Service has been called upon to survey and monitor fish and wildlife populations and to protect and restore important fish and wildlife habitat.

The problem is that Congress has not appropriated adequate funds to the Forest Service for this important habitat protection work which is demanded by the public and required by law. It makes no sense to boost funding for the Forest Service forest products program by $25 million over the administration's request at the expense of the fish and wildlife habitat management program. To ensure the future health of our Nation's forests and to make sustainable forestry a reality instead of a mere promise, the Forest Service must be given the resources it needs to fulfill its complex and changing mission.

At this time I would also like to point out that this bill fails to adequately fund crucial habitat protection and restoration activities conducted by the U.S. Fish and Wildlife Service. The pressing needs of region 3, especially of the upper Mississippi River and Mark Twain National Refuge Systems—which serve as the migratory pathway for over 40% of North America's waterfowl and which receive more visitors annually than Yellowstone National Park—continue to go unrecognized in this bill.

As a co-chairman of the bipartisan upper Mississippi River congressional task force, I have worked hard with other members within the region to draw attention to the underfunding of region 3 Fish and Wildlife Service programs relative to other regions in the country. For three years running now, we have requested that approximately $6 million of additional funds be appropriated for region 3 programs. These funds would be used to address the huge backlog of operations and maintenance work within the refuge system, to address increasingly serious invasive species problems, and to assist in the recovery and restoration of endangered species.

I remain deeply troubled by the shortcomings of the Interior Appropriations bill, especially in relation to Fish and Wildlife Service programs. At the very least, I urge my colleagues to vote in favor of the Wu-Smith-Udall amendment, which deals with the pressing need for fish and wildlife habitat protection and restoration within the National Forest System. Thank you and I yield back the remainder of my time.

Mr. HOLT. Mr. Chairman. I rise today to speak about what seems like an annual ritual. We are now in the thick of the appropriations process and that can mean only one thing. My colleagues on the other side of the aisle have sharpened their pencils and are loading up budget bills with legislative riders that surrender our environment to special interests.

There riders not only threaten important environmental and public health protections, but they subvert the democratic process by trying to force through legislative changes without the benefit of hearings or public scrutiny.

I am calling on my colleagues and the public to demand an end to this yearly assault on our precious natural resources and our open form of government.

I would like to highlight a few of the attacks within the FY 2001 House Interior Appropriations that is before us today.

One rider would prohibit any spending on national monuments developed after 1999. Among the monuments affected are the Grand Canyon-Parashant, Giant Sequoia, Agua Fria and the California Coastal National Monuments. The monuments were created by the Administration to strengthen protection of these unique federal lands.

Apparently, for some, it is not important to protect our land.

Another rider would effectively prevent agencies from implementing the American Heritage Rivers Program. This is a program where the federal government provides help to river communities looking for backing on environmental and economic development projects. This program helps communities improve water quality.

Apparently, for some, it is not important to help communities.

Another rider within the bill would block federal agencies funded within the bill from action on global warning. This rider is not even needed because the Administration does not intend to implement the Protocol prior to congressional ratification. The President is continuing to work on international negotiations on this important treaty.

Apparently, for some the climate is not important.

Finally, besides the various riders, the bill does not adequately fund many programs at the levels needed to carry them out. One such program is the President's Land Legacy Initiative. This appropriation bill places these important conservation programs in jeopardy by rejecting the President's request for a permanent funding source. This program is also drastically under-funded. As a result, federal land conservation efforts to protect national treasures, such as the Everglades, the Lewis and Clark National Historic Trail and various Civil War Battlefields are in jeopardy.

Apparently, for some, our national treasures are not important.

Well, for many, including people in central New Jersey, our national treasures, our constitution, our communities and our land are important. I urge all of my colleagues to reject these antienvironmental riders that threaten our environment and our democracy.

Mr. STUMP. Mr. Chairman, I rise in opposition to any amendment that strikes language currently in the Interior Appropriations legislation for Fiscal Year 2001 to not allow any federal funds to be used on national monuments created since 1999. I support Mr. HANSEN's effort in the Interior Appropriations bill to bring accountability back to the Administration's use of the 1906 Antiquities Act.

Mr. Chairman, Congress has spent too much time in the last few months reacting to monument designations after unilateral declaration by the Administration.

When Secretary Babbitt first announced his desire to create a higher protective status on lands in the Arizona Strip region, he agreed to work legislatively on a proposal to protect the historic uses of this area. After his announcement, I worked closely with local residents, elected officials, tribal officials, conservationists in the region, as well as the Governor, federal land management agencies and the State Lands, Minerals and Game and Fish departments to develop legislation reflecting the Secretary's publicly stated objectives.

On August 5, 1999, I introduced H.R. 2795, the Shivwits Plateau National Conservation Area Establishment Act. The original intent of the legislation was to initiate a dialogue with the Secretary, particularly considering the Secretary had not outlined his ideas in any form of legislation.

On January 11, 2000, after months of negotiating, the President, with the Secretary's recommendation, walked into Arizona and declared two national monuments, the Grand Canyon-Parashant National Monument in northern Arizona and the Agua Fria National Monument north of Phoenix.

In regard to the Agua Fria National Monument, the Secretary first made public his proposal to create a more restrictive status for the area just four months before the actual monument designation.

The original intent of the 1906 Antiquities Act was to protect small areas of land and specific items of archaeological, scientific, or historic importance in imminent danger of destruction. While the Administration contends that the areas designated as national monuments are threatened by increasing development and recreation, the government controls the development which occurs on those lands and has the authority to address problems if and when they exist.

Frankly, the Administration's decision to preempt any action by Congress is political. No reasonable public process has been used to secure public input on the merits of these designations and no environmental assessments have been done. The designations are occurring without any formal public input as mandated by NEPA, the National Environmental Policy Act.

Finally, Mr. Chairman, by highlighting these lands as national monuments, the President is merely calling more attention to the areas and significantly increasing recreation and visitation and jeopardizing the very resources he is attempting to ''protect.'' I urge my fellow members to vote no on any amendment to remove

language in the Interior Appropriations language to prohibit funds to be used on any national monuments created since 1999. Congress has already spent too much time reacting to the unilateral declaration of such monuments.

Mr. BEREUTER. Mr. Chairman, this Member rises today in support of H.R. 4578, the Interior appropriations bill and wishes to particularly thank the chairman of the Subcommittee, the distinguished gentleman from Ohio (Mr. REGULA) and the ranking member, the distinguished gentleman from Washington (Mr. DICKS) for their hard work on the bill.

This Member understands that the Members of the Subcommittee were extremely limited by the 302(b) allocation received and as a result were forced to make tough spending decisions. However, this Member is pleased that continued funding was made available for the next phase of construction of the replacement facility for the existing Indian Health Service hospital in Winnebago, Nebraska. As the members of the Subcommittee know, this ongoing project has a long and difficult history, and the Subcommittee's support is greatly appreciated.

In closing Mr. Chairman, this Member wishes to acknowledge and express his most sincere appreciation for the extraordinary assistance that Chairman REGULA, the Interior Appropriations Subcommittee, and the Subcommittee staff have provided thus far on this important project and urges his colleagues to support the bill.

Mr. REGULA. 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. PEASE), having resumed the chair, Mr. LATOURETTE, 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. 4578) making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2001, and for other purposes, had come to no resolution thereon.

HOUR OF MEETING ON TOMORROW

Mr. REGULA. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 9 a.m. tomorrow.

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

There was no objection.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 2966

Mr. TANCREDO. Mr. Speaker, I ask unanimous consent to withdraw my name as cosponsor of H.R. 2966.

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

There was no objection.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 1999, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. PALLONE) is recognized for 5 minutes.

(Mr. PALLONE 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 Indiana (Mr. BURTON) is recognized for 5 minutes.

(Mr. BURTON of Indiana addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. GREEN) is recognized for 5 minutes.

(Mr. GREEN of Texas 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 Washington (Mr. METCALF) is recognized for 5 minutes.

(Mr. METCALF addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

PRESCRIPTION DRUGS

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Michigan (Ms. STABENOW) is recognized for 5 minutes.

Ms. STABENOW. Mr. Speaker, on April 12, I led an hour of debate on the topic of prescription drug coverage for senior citizens. I read three letters from around the state from seniors who shared their personal stories. On the 12th, I made a commitment to continue to read a different letter every week until the House enacts reform. This is the seventh week in a row that Congress has been in session in which I have returned to the House floor to read another letter from a Michigan senior citizen. This week, I will read a letter from Edith DeYoung of Spring Lake, Michigan.

Before I read Ms. DeYoung's letter, I would like to share some troubling statistics released just yesterday in President Clinton's report entitled, ''Prescription Drug Coverage and the Rural Medicare Beneficiaries: A Critical Unmet Need.''

Although Ms. DeYoung is fortunate to live next to a larger city in Michigan, Muskegon, there are many rural communities in our state, particularly in the Upper Peninsula that have unique health care needs. As a member of the Rural Health Care Caucus in the House of Representatives, I have been working to ensure that those needs are understood and met.

The President's report documents that seniors living in rural America face real challenges in accessing health services, especially prescription drugs.

Senior citizens who live in rural communities represent almost 25 percent of all Medicare beneficiaries, tend to have a greater need for prescription drug coverage, but have fewer coverage options. Their incomes are lower, access to pharmacies more limited, and out-of-pocket spending higher.

According to the President's report, rural beneficiaries are over 60 percent more likely to fail to get needed prescription drugs due to cost. A greater proportion of rural elderly spend a large percent of their income on prescription drugs. In fact, rural senior citizens pay over 25 percent more in out-of-pocket expenses for prescription drugs than urban senior citizens. Finally, rural senior citizens on Medicare are 50 percent less likely to have any prescription drug coverage.

I would like to take this opportunity to highlight an important provision in the Democratic prescription drug proposal that does not get as much attention as some of the other important provisions that offer coverage for Medicare seniors. The Democratic plan includes assurance that resident in rural communities will have full access to all prescription drug benefits.

Now, I will read the letter from Edith DeYoung. ''I'm writing this letter to you concerning medical prescriptions for people who have reached 65 years of age. I was getting Medicaid but now that I've reached the Golden Years, age 65, I can't get help from Medicaid and Medicare does not cover prescriptions. I get $915 a month on Social Security. I would like to know how you can pay rent, lights, and, oh yes, groceries, and still have to pay $437 on a spend-down for medicine that leaves me $478 a month to pay all the above and live on. I am sending you a copy of the prescriptions I get every year. I sure can't afford any other insurance. So please, help the bill pass and help us that are 65 and need it really bad. As a senior citizen, I would like to hear back from your office. Sincerely, Edith DeYoung.''

The time is now to enact real prescription drug legislation that includes a prescription drug benefit in Medicare.

Proposals have been offered by the other party that would essentially offer a subsidy for a private insurance plan—that may or may not be available to all senior citizens. I am especially worried about seniors living in rural communities. And, as Edith DeYoung said, herself, she can't afford additional insurance. The Democratic plan, on the other hand, would provide her with the real help she needs. The Democratic plan would create a Medicare benefit that, because of Ms. DeYoung's income level, would cover all of her prescription drug costs.

INTELLIGENT DESIGN IS NOT A SCIENCE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana (Mr. SOUDER) is recognized for 5 minutes.

Mr. SOUDER. Mr. Speaker, on June 1, I received a letter that was written by seven members of the biology department and one professor of psychology from Baylor University in response to my co-hosting a recent conference on intelligent design, the theory that an intelligent agency can be

detected in nature, sponsored by the Discovery Institute.

The professors denounced intelligent design as pseudo science and advocated what is bluntly called the materialistic approach to science.

Mr. Speaker, I am appalled that any university seeking to discover truth, yet alone a university that is a Baptist Christian school, could make the kinds of statements that are contained in this letter. Is there position on teaching about materialistic science so weak that it cannot withstand scrutiny and debate?

Intelligent design theory is upheld by the same kind of data and analysis as any other theory to determine whether an event is caused by natural or intelligent causes; just as a detective relies on evidence to decide whether a death was natural or murder, and an insurance company relies on evidence to decide whether a fire is an accident or arson. A scientist looking at, say, the structure of a DNA molecule goes through exactly the same reasoning to decide whether the DNA code is the result of natural causes or an intelligent agent.

Today, qualified scientists are reaching the conclusion that design theory makes better sense of the data. Influential new books are coming out by scientists like molecular biologist Behe, Darwin's Black Box, the Free Press, and mathematician William Dembski, the Design Interference, Cambridge University Press, which point out the problems with Darwinian evolution and highlight evidence for intelligent design in the university.

The tone of the letter I received seems to suggest that my congressional colleagues and I were unsuspecting honorary co-hosts in a conference on intelligent design. That is not the case. My good friend, the gentleman from Florida (Mr. CANADY), chairman of the House Judiciary Subcommittee on the Constitution has considered holding a congressional hearing on the bias and viewpoint discrimination in science and science education. Ideological bias has no place in science and many of us in Congress do not want the government to be party to it.

The gentleman from Florida (Mr. CANADY) approached several people, including the Discovery Institute, about plans for such a hearing. The people at Discovery suggested that instead we allow them merely to put on a modest informational briefing on intelligent design. That is exactly what happened, and we regarded the result as very valuable.

Nevertheless, many of us continue to be concerned about the unreasoning viewpoint discrimination in science. This letter dismisses those who do not share the philosophy of science favored by the authors as frauds. It is ironic, however, that the authors do not ever actually get around to answering the substantive arguments put forward by people at the Discovery Institute. The authors support a philosophy of science they call materialistic science. The key phrase in the letter is that we cannot consider God's role in the natural phenomenon we observe. Yet this assumption is merely asserted without any argument.

How can the authors of this letter be so confident that God plays no role in the observable world? Once we acknowledge that God exists, as these professors presumably do since they teach as a Christian university, there is no logical way to rule out the possibility that God may actually do something within the universe He created.

In addition, the philosophy of science the authors talk about is just that, a philosophy. It is not itself science, even according to the definition of science put forward by the authors themselves. They state, for example, that all observations must be explained through empirical observations. I am not sure what that means but I do know this: This statement itself is not verifiable by observation or by methods of scientific inquiry. It is rather a philosophical statement.

If they prefer it to the alternative that they suppose it advanced by the Discovery Institute folks, then the preference itself cannot be based on science. It is a difference of philosophy, but they are biologists not philosophers. They have no special authority in philosophy, even the philosophy of science.

Even more egregiously, they say that God cannot be proved or disproved. Now there is a philosophical statement for you. Of course many philosophers agree with it, but there are philosophers of stature who disagree with it, too. Why should the philosophical viewpoint of a group of biologists enjoy privileged status?

And then there was Darwinism. This letter treats Darwinism as a straightforwardly scientific position despite the criticism advanced by many responsible, informed people that Darwinism itself rests not on demonstrable facts but rather on controversial philosophical premises. In other words, serious people make a case against Darwinism, precisely the case that Baylor's biologists themselves are trying to make against intelligent design.

Yet the Baylor biologists simply ignore these criticisms. One senses here not a defense of science but rather an effort to protect, by political means, a privileged philosophical viewpoint against a serious challenge.

In digging into this matter further, it turns out that an international conference related to this topic, the Nature of Nature, was held recently at Baylor University. It was hosted by the Polanyi Center at Baylor and sponsored by the Discovery Institute and the John Templeton Foundation. A number of world-class scientists participated in the event, and contrary to the assertions made in this letter, advocates of intelligent design, as well as materialism, presented their ideas publicly. The authors of this letter have been part of an intense effort to close down that center, which was founded in part to explore these issues.

I would like to insert the rest of this statement in the RECORD, as well as the letter from the professors at Baylor University.

I would like to reference the words of the Israeli statesman, Shimon Peres: He said, ''Science and lies cannot coexist. You don't have a scientific lie, and you cannot lie scienifically. Science is basically the search of truth—known, unknown, discovered, undiscovered—and a system that does not permit the search for truth cannot be a scientific system. Then again, science must operate in freedom. You cannot have free research in a society that doesn't enjoy freedom. . . . So in a strange way, science carries with it a color of transparency, of openness, which is the beginning of democracy . . .''

Dr. Bruce Alberts, President of the National Academy of Sciences made a recent speech where he said ''Scientists, as practitioners, teach important values. These include honesty, an eagerness for new ideas, the sharing of knowledge for public benefit, and a respect for evidence that requires verification by others. These ''behaviors of science'' make science a catalyst for democracy. Science and democracy promote similar freedoms. Science and democracy accommodate, and are strengthened by, dissent. Science's requirement of proof resembles democracy's system of justice. Democracy is buttressed by science's values. And science is nurtured by democracy's principles.''

There seems to be a tension between science as democratic, welcoming new ideas and dissent—and science as a lobby group, seeking to impose its viewpoint upon others. As the Congress, it might be wise for us to question whether the legitimate authority of science over scientific matters is being misused by persons who wish to identify science with a philosophy they prefer. Does the scientific community really welcome new ideas and dissent, or does it merely pay lip service to them while imposing a materialist orthodoxy?

Only a small percentage of Americans think the universe and life can be explained adequately in purely materialistic terms. Even fewer think real debate on the issue ought to be publicly suppressed.

I ask my colleagues to join with me in putting aside unfounded fears to explore the evidence and truthfulness of the theories that are being presented by those on both sides of this debate.

I want to thank Philip Johnson of the University of California at Berkeley. Robert * * * of Princeton University, and others is drafting this response.

BAYLOR UNIVERSITY,
June 1, 2000.

DEAR CONGRESSMAN SOUDER, We became aware of a meeting on May 10, 2000 that you and other legislators attended with members of the Discovery Institute from their website. According to the website, the main topics of the meeting involved the scientific case for design, the influence of the Darwinian and materialistic worldview on public policy, and how intelligent design will affect education. As citizens concerned with science education, we wish to give you the

perspective of mainstream scientists and science teachers.

INTELLIGENT DESIGN IS NOT SCIENCE

It is an old philosophical argument that has been dressed up as science. We and other mainstream scientists refer to it as intelligent design creationism. Some have referred to it as 'creeping creationism' due to the methods used by its proponents to sneak creation science into the classroom. The hypothesis of intelligent design is that living creatures are too complex to have arisen by random chance alone. However, we have yet to see any scientific, empirical data to support this hypothesis. Some of the proponents use statistics to show the improbability that living creatures have arisen by random chance, but this does not say that living things could not have arisen through such means. The members of the Discovery Institute stress that the idea of design is entirely empirical. If this is true, then their data should be presented to the scientific community. If mainstream scientists deem the data as evidence for design, then your office will be flooded with messages from professional scientists asking for more funding for design research. However, as the supporters of intelligent design have never openly presented their data, we have to conclude that either there is none or that it does not provide evidence for design.

THE PROPONENTS OF INTELLIGENT DESIGN DO NOT OPERATE AS LEGITIMATE SCIENTISTS

In science, all research must go through some sort of peer review. A scientist requests funds from various agencies, such as the National Science Foundation (NSF), which requires the scientists to give a detailed explanation of the research to be conducted. After conducting the research, the scientist then publishes or presents his/her findings in peer reviewed, scientific journals or at meetings sponsored by scientific organizations. In this way, other scientists can critically study the research, how it was conducted, and if its conclusions are correct. Proponents of intelligent design do none of this. Their funding comes from think tanks such as the Discovery Institute which have their own agenda. They do not publish in scientific journals nor present their ideas at meetings sponsored by scientific organizations. Rather, they publish books for the general public which go through no sort of review process except by editors at publishing companies who are often concerned more with the financial gains and less of the scientific merit of the book.

INTELLIGENT DESIGN DOES NOT BELONG IN THE SCIENCE CLASSROOM.

Because intelligent design has no scientific, empirical data to support it, we see no reason why it should be allowed into the science classroom. The proponents of intelligent design would say that they should have equal time in the classroom as a competing theory against Darwinism. However, in science, a theory isn't given equal time, it earns equal time. Ideas should be allowed into the science classroom only when they have amassed so much empirical evidence as to gain the support of the scientific community. Intelligent design has not risen to this level.

INTELLIGENT DESIGN COULD HAVE A SERIOUS NEGATIVE IMPACT ON SCIENCE EDUCATION AND RESEARCH.

Much of the proposed research from intelligent design deals mainly with understanding the personality and limits of the designer. Within the intelligent design paradigm, a possible answer to any scientific question is ''That's how the designer wanted it''. This does not answer anything at all. How are science teachers to inspire curiosity into the natural world when the answer to every question is 'That's just how it is', Also, we fear that future school board administrators would cut funds for science education because the role of science will have shifted from an exploration of the natural world to an exploration into the mind of a supposed designer. This could also have a negative impact on scientific research. Future Congresses with the need to balance budgets may cut funding to the National Science Foundation, Center for Disease Control, or National Institute for Health for the same reason as the school board administrator.

THE MEMBERS OF THE DISCOVERY CENTER ARE MISREPRESENTING MATERIALISTIC SCIENCE.

The current philosophy of science states that all observations must be explained through empirical observations. Materialistic science does not say that there is no God. Rather, it says that God, due to His supernatural and divine nature, cannot be proved or disproved, thus we cannot consider His role in the natural phenomena we observe. Therefore, the existence of God is not a question within the realm of science. Many scientists have a strong belief in a divine God and do not see any conflict between this belief and their work as scientists.

MATERIALISTIC SCIENCE HAS GREATLY INCREASED THE AMERICAN PEOPLE'S QUALITY OF LIFE.

Considering that materialistic science has been the predominant paradigm of science for about 150 years, let us look at life in America before and after the 1850's. First, all races were certainly not considered as equals. Women were considered inferior to men in every way. Also, the number of cause of death in women was giving birth. The infant mortality rate was equal to any Third World nation today. People died of diseases such as polio, small pox, and influenza. Mentally ill people wee locked up in institutions that resembled the horrors of the Inquisitions. The average life expectancy for people born in the 1850's was in the early sixties. Since the advent of materialistic science we have shown that all the races are much more alike than they are different. Medical health for women has improved to the point that couples rarely worry if the woman and/or child will die during birth. Also, women have become more empowered than any other time in human history. Diseases such as polio and small pox have essentially been wiped out in America. Also, due to improved sanitation and health regulations, typhoid, cholera, and malaria, are unheard of in America today. Mental illness is seen as a treatable, if not curable, disease. Children born in the 1990's could expect to live to be ninety years old.

THE PROPONENTS OF INTELLIGENT DESIGN ARE MAKING AN EMOTIONAL APPEAL AND NOT A SCIENTIFIC ARGUMENT.

The proponents of intelligent design are trying to use meetings such as the one that you attended to make an emotional plea to the general public about the ills that face our society. They would have us believe that all of our problems in society can be blamed on Darwinism. As a U.S. Legislator, we are certain you are aware of the many problems, great and small, facing America. As any concerned citizen, we watch the news and wonder why is there violence in the schools, why does racism and intolerance persist, and why can't the greatest nation in the world feed and house all of its people? The answer to these questions is neither Darwinian evolution nor materialistic science. Rather materialistic science could be the cure for many of society's problems.

We thank you in advance for considering the above information and for seeking more complete information regarding this important issue affecting the congressional debate regarding science education programs in this country.

Sincerely,

Cliff Hamrick, Biology Department, Baylor University.
Robert Baldridge, Professor of Biology, Baylor University.
Richard Duhrkopf, Associate Professor of Biology, Baylor University.
Lewis Barker, Professor of Psychology & Neuroscience, Baylor University.
Wendy Sera, Assistant Professor of Biology, Baylor University.
Darrell Vodopich, Associate Professor of Biology, Baylor University.
Sharon Conry, Biology Department, Baylor University.
Cathleen Early, Biology Department, Baylor University.

□ 2310

The SPEAKER pro tempore (Mr. PEASE). Under a previous order of the House, the gentleman from New Jersey (Mr. HOLT) is recognized for 5 minutes.

(Mr. HOLT addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

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. WU) to revise and extend their remarks and include extraneous material:)

Mr. PALLONE, for 5 minutes, today.

Mr. GREEN of Texas, for 5 minutes, today.

Ms. STABENOW, for 5 minutes, today.

Mr. HOLT, for 5 minutes, today.

(The following Members (at the request of Mr. SOUDER) to revise and extend their remarks and include extraneous material:)

Mr. BURTON of Indiana, for 5 minutes, June 21.

Mr. SOUDER, for 5 minutes, today.

SENATE BILL REFERRED

A bill of the Senate of the following titles was taken from the Speaker's table and, under the rule, referred as follow:

S. 1507. An act to authorize the integration and consolidation of alcohol and substance abuse programs and services provided by Indian tribal governments, and for other purposes; to the Committee on Resources and Committee on Commerce.

ADJOURNMENT

Mr. SOUDER. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 11 o'clock and 10 minutes p.m.), under its previous order, the House adjourned until tomorrow, Thursday, June 15, 2000, at 9 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

8123. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Myclobutanil; Pesticide Tolerances [OPP–300994; FRL–6555–5] (RIN: 2070–AB78) received May 3, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

8124. A letter from the Director, Regulations Policy and Management Staff, FDA, Department of Health and Human Services, transmitting the Department's final rule—Obstetrical and Gynecological Devices; Classification of Female Condoms [Docket No. 99N–1309] received May 23, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

8125. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—West Virginia: Final Authorization of State Hazardous Waste Management Program Revision [FRL–6600–4] received May 3, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

8126. A letter from the Director, Office of Regulatory Manageement and Information, Environmental Protection Agency, transmitting the Agency's final rule—National Emission Standards for Hazardous Air Pollutants: Group I Polymers and Resins; and National Emission Standards for Hazardous Air Pollutants: Group IV Polymers and Resins [AD-FRL–6585–7] (RIN: 2060–AH47) received May 3, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

8127. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Montana: Final Authorization of State Hazardous Waste Management Program Revision [FRL–6601–3] received May 3, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

8128. A letter from the Director, Office of Regulatory Managment and Information, Environmental Protection Agency, transmitting the Agency's final rule—South Dakota: Final Authorization of State Hazardous Waste Management Program Revision [FRL–6601–4] received May 3, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

8129. A letter from the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans and Designation of Areas for Air Quality Planning Purposes; Indiana [IN 119–1a; FRL–6601–5] received May 3, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

8130. A letter from the Acting Director, Office of Surface Mining, Department of the Interior, transmitting the Department's final rule—Oklahoma Regulatory Program [SPATS No. OK–027–FOR] received May 23, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

8131. A letter from the Acting Director, Office of Surface Mining, Department of the Interior, transmitting the Department's final rule—Indiana Regulatory Program [SPATS No. IN–147–FOR] received May 23, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

8132. A letter from the Deputy Assistant Administrator for Fisheries, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Fishery Management Plans of the Gulf of Mexico; Addition to FMP Framework Provisions; Stone Crab Gear Requirements [Docket No. 000511134–0134–01; I.D. 072699D] (RIN: 0648–AL81) received May 23, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

8133. A letter from the Assistant Administrator For Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Magnuson-STEVENS Act Provisions; Fishing Capacity Reduction Program [Docket No. 980812215–0109–02; I.D. 07289D] (RIN: 0648–AK76) received May 23, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

8134. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Learjet Model 45 Airplanes [Docket No. 2000–NM–85–AD; Amendment 39–11699; AD 2000–08–13] (RIN: 2120–AA64) received May 2, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8135. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Boeing Model 747 Series Airplanes [Docket No. 99–NM–56–AD; Amendment 39–11700; AD 2000–08–14] (RIN: 2120–AA64) received May 2, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8136. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Boeing Model 747 Series Airplanes [Docket No. 99–NM–56–AD; Amendment 39–11700; AD 2000–08–14] (RIN: 2120–AA64) received May 2, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8137. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Raytheon Model BAe 125–800A and BAe 125–800B, Model Hawker 800, and Model Hawker 800XP Series Airplanes [Docket No. 99–NM–13–AD; Amendment 39–11693; AD 2000–08–07] (RIN: 2120–AA64) received May 2, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8138. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Boeing Model 777 Series Airplanes [Docket No. 99–NM–346–AD; Amendment 39–11701; AD 2000–08–15] (RIN: 2120–AA64) received May 2, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8139. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Boeing Model 737–100, -200, -300, -400, and -500 Series Airplanes [Docket No. 98–NM–253–AD; Amendment 39–11703; AD 2000–08–17] (RIN: 2120–AA64) received May 2, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8140. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Revision of Class E Airspace; Unalaska, AK [Airspace Docket No. 99–AAL–18] received May 2, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8141. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Revision of Class E Airspace; Carrizo Springs, Glass Ranch, TX [Airspace Docket No. 2000–ASW–12] received May 2, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8142. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Revocation of Class E Airspace, Freeport, TX [Airspace Docket No. 2000–ASW–11] received May 2, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8143. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Revision of Class E Airspace; Uvalde, TX [Airspace Docket No. 2000–ASW–04] received May 2, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8144. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Revision of Class E Airspace; Jasper, TX [Airspace Docket No. 2000–ASW–05] received May 2, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8145. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Revision of Class E Airspace; Port Lavaca, TX [Airspace Docket No. 2000–ASW–03] received May 3, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8146. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Establishment of Class E Airspace; Holy Cross, AK [Airspace Docket No. 99–AAL–22] received May 2, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8147. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Establishment of Class E Airspace; Kipnuk, AK [Airspace Docket No. 99–AAL–20] received May 2, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8148. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Establishment of Class E Airspace; Scammon Bay, AK [Airspace Docket No. 99–AAL–19] received May 2, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8149. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Water Quality Standards; Establishment of Numeric Criteria for Priority Toxic Pollutants for the State of California [FRL–6587–9] (RIN: 2040–AC44) received May 3, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8150. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Last In, first-out inventories [Rev. Rul. 2000–29] received May 23, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

8151. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Administrative, Procedural and Miscellaneous [Rev. Proc. 2000–26] received May 23, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

8152. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Consolidated Returns—Limitations on the Use of Certain Credits [TD 8884] (RIN: 1545–AV88) received May 23, 2000, pursuant to 5 U.S.C.

801(a)(1)(A); to the Committee on Ways and Means.

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. SHUSTER: Committee on Transportation and Infrastructure. H.R. 809. A bill to amend the Act of June 1, 1948, to provide for reform of the Federal Protective Service; with an amendment (Rept. 106–676). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Ms. BALDWIN (for herself, Mr. MCHUGH, Mr. OBEY, Mr. COOKSEY, Mr. KIND, Mr. BOEHLERT, Mr. HILLIARD, Mr. SWEENEY, Mr. BOUCHER, Mrs. THURMAN, Mr. SHERWOOD, Mr. WALSH, Mrs. ROUKEMA, and Mr. SMITH of Michigan):

H.R. 4652. A bill to amend the Federal Food, Drug, and Cosmetic Act to prohibit products that contain dry ultra-filtered milk products or casein from being labeled as domestic natural cheese, and for other purposes; to the Committee on Commerce.

By Mr. CUNNINGHAM:

H.R. 4653. A bill to amend the Public Health Service Act to establish an Office of Men's Health; to the Committee on Commerce.

By Mr. DELAY (for himself, Mr. ARMEY, Mr. WATTS of Oklahoma, Mr. BLUNT, Mrs. FOWLER, Ms. PRYCE of Ohio, Mr. COX, Mr. DREIER, Mr. SPENCE, Mr. GILMAN, Mr. GOSS, Mr. HYDE, Mr. STUMP, Mr. SMITH of New Jersey, Mr. BARR of Georgia, and Mr. ADERHOLT):

H.R. 4654. A bill to protect United States military personnel and other elected and appointed officials of the United States Government against criminal prosecution by an international criminal court to which the United States is not a party; to the Committee on International Relations.

By Mr. FRELINGHUYSEN (for himself, Mr. FRANKS of New Jersey, Mr. FOLEY, and Mr. MEEHAN):

H.R. 4655. A bill to direct the Secretary of Energy to sell the fossil-fuel and nuclear generation facilities and the electric power transmission facilities of the Tennessee Valley Authority, and for other purposes; to the Committee on Transportation and Infrastructure, and in addition to the Committee on Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GIBBONS:

H.R. 4656. A bill to authorize the Forest Service to convey certain lands in the Lake Tahoe Basin to the Washoe County School District for use as an elementary school site; to the Committee on Resources.

By Mr. GIBBONS:

H.R. 4657. A bill to direct the Secretary of the Interior to convey certain land to Eureka County, Nevada, for continued use as a cemetery; to the Committee on Resources.

By Mr. HAYES (for himself and Mr. MCINTYRE):

H.R. 4658. A bill to designate the facility of the United States Postal Service located at 301 Green Street in Fayetteville, North Carolina, as the ''J.L. Dawkins Post Office Building''; to the Committee on Government Reform.

By Mr. HEFLEY (for himself, Mrs. MORELLA, Mrs. BIGGERT, Mrs. EMERSON, Ms. LOFGREN, Mr. TOWNS, Mrs. KELLY, and Ms. DUNN):

H.R. 4659. A bill to allow postal patrons to contribute to funding for domestic violence programs through the voluntary purchase of specially issued postage stamps; to the Committee on Government Reform.

By Mr. HEFLEY:

H.R. 4660. A bill to amend title 10, United States Code, to deny Federal educational assistance funds to local educational agencies that deny military recruiters access to secondary school students, or directory information about secondary school students, on the same basis as other potential employers, and for other purposes; to the Committee on Armed Services, and in addition to the Committee on Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HOEKSTRA (for himself and Mr. MORAN of Virginia):

H.R. 4661. A bill to amend the Internal Revenue Code of 1986 to permit the disclosure of return information to verify the accuracy of information provided on applications for Federal student financial aid; to the Committee on Ways and Means.

By Mr. SAM JOHNSON of Texas:

H.R. 4662. A bill to amend section 313 of the Tariff Act of 1930 to make certain products eligible for drawback and to simply and clarify certain drawback provisions; to the Committee on Ways and Means.

By Mrs. LOWEY:

H.R. 4663. A bill to provide civil legal assistance for victims of domestic violence and sexual assault; to the Committee on the Judiciary.

By Mr. MEEKS of New York:

H.R. 4664. A bill to establish the elderly housing plus health support demonstration program to modernize public housing for elderly and disabled persons; to the Committee on Banking and Financial Services.

By Ms. MILLENDER-MCDONALD:

H.R. 4665. A bill to authorize assistance for mother-to-child HIV/AIDS transmission prevention efforts; to the Committee on International Relations.

By Mr. NUSSLE:

H.R. 4666. A bill to amend the Internal Revenue Code of 1986 to permit financial institutions to determine their interest expense deduction without regard to tax-exempt bonds issued to provide certain small loans for health care or educational purposes; to the Committee on Ways and Means.

By Mr. OWENS:

H.R. 4667. A bill to establish a commission to study the establishment of a national education museum and archive for the United States; to the Committee on Education and the Workforce.

By Mr. ROMERO-BARCELO:

H.R. 4668. A bill to provide for the protection of critical lands in Puerto Rico, for intergovernmental cooperation in land and water conservation, and for other purposes; to the Committee on Resources.

By Mr. BACHUS (for himself and Mr. HILLIARD):

H.J. Res. 102. A joint resolution recognizing that the Birmingham Pledge has made a significant contribution in fostering racial harmony and reconciliation in the United States and around the world, and for other purposes; to the Committee on the Judiciary.

By Mr. GILMAN (for himself, Mr. LANTOS, and Mr. SMITH of New Jersey):

H. Con. Res. 352. Concurrent resolution expressing the sense of the Congress regarding manipulation of the mass media and intimidation of the independent press in the Russian Federation, expressing support for freedom of speech and the independent media in the Russian Federation, and calling on the President of the United States to express his strong concern for freedom of speech and the independent media in the Russian Federation; to the Committee on International Relations.

By Mr. SANDERS (for himself, Mrs. MORELLA, Mrs. CLAYTON, Mr. HILLIARD, Ms. CARSON, Ms. MILLENDER-MCDONALD, Mr. LANTOS, Mr. ENGEL, Mr. FILNER, Mr. BARRETT of Wisconsin, Mr. LIPINSKI, Mr. BALDACCI, and Mrs. MEEK of Florida):

H. Con. Res. 353. Concurrent resolution expressing the sense of the Congress that a national summit of sports, political, community, and media leaders should be promptly convened to develop a multifaceted action plan to deter acts of violence, especially domestic violence and sexual assault; to the Committee on Education and the Workforce.

By Ms. CARSON:

H. Res. 526. A resolution encouraging and promoting greater involvement of fathers in their children's lives and expressing the sense of the House of Representatives regarding a National Responsible Father's Day; to the Committee on Education and the Workforce.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 49: Mr. FRANK of Massachusetts, Mr. LAFALCE, and Mr. MCGOVERN.

H.R. 229: Mr. MCNULTY and Mr. NADLER.

H.R. 460: Ms. MCKINNEY.

H.R. 802: Ms. LOFGREN.

H.R. 826: Ms. ROYBAL-ALLARD.

H.R. 980: Mr. BAKER.

H.R. 1079: Mr. PALLONE, Mr. HOLT, and Mr. ROMERO-BARCELO.

H.R. 1217: Mr. JONES of North Carolina.

H.R. 1303: Mr. MEEKS of New York.

H.R. 1322: Mr. FALEOMAVAEGA, Mr. TAUZIN, and Mrs. ROUKEMA.

H.R. 1422: Mr. BACA.

H.R. 1472: Mr. BACA.

H.R. 1581: Mr. RUSH.

H.R. 1621: Mr. WISE.

H.R. 1622: Mr. HOLT.

H.R. 1708: Mr. KLINK.

H.R. 2059: Ms. KAPTUR.

H.R. 2265: Mr. PASCRELL.

H.R. 2273: Mr. HERGER, Mr. WOLF, Mr. TERRY, and Mr. SOUDER.

H.R. 2382: Mr. DEFAZIO.

H.R. 2451: Mr. ADERHOLT.

H.R. 2562: Mr. SWEENEY.

H.R. 2624: Mr. JEFFERSON.

H.R. 2631: Mr. GUTIERREZ.

H.R. 2702: Mr. PASCRELL.

H.R. 2774: Mr. HINCHEY and Mr. PAYNE.

H.R. 2870: Mrs. JONES of Ohio, Mr. BAIRD, and Mr. BILBRAY.

H.R. 2882: Ms. MCKINNEY.

H.R. 3032: Ms. CARSON, Mr. GUTIERREZ, Mr. HASTINGS of Florida, Mr. THOMPSON of California, Mr. FRANK of Massachusetts, Mr. OWENS, and Mr. FILNER.

H.R. 3082: Mr. STUPAK.

H.R. 3142: Mr. FALEOMAVAEGA.

H.R. 3144: Mr. PASTOR.

H.R. 3180: Ms. MCKINNEY.

H.R. 3193: Ms. PELOSI, Mr. VISCLOSKY, and Ms. SANCHEZ.

H.R. 3317: Mr. SPRATT.

H.R. 3319: Mr. ALLEN.

H.R. 3466: Mr. FOLEY and Mr. BACA.
H.R. 3521: Mr. HILLEARY.
H.R. 3573: Mr. KING.
H.R. 3580: Ms. MCKINNEY, Mr. PICKETT, Mr. ROYCE, Mr. NORWOOD, and Mr. FARR of California.
H.R. 3593: Mr. THOMAS.
H.R. 3634: Mr. RANGEL.
H.R. 3655: Mr. BERMAN and Mr. BENTSEN.
H.R. 3681: Mr. LUCAS of Kentucky and Mr. CLEMENT.
H.R. 3688: Mr. MASCARA.
H.R. 3800: Mr. BLUNT and Mr. LOBIONDO.
H.R. 3918: Mr. BARR of Georgia, Mr. BARRETT of Nebraska, Mr. BASS, Mr. BILBRAY, Mrs. BONO, Mr. BRADY of Texas, Mr. CALLAHAN, Mr. CANADY of Florida, Mr. CANNON, Mr. CHAMBLISS, Mr. COLLINS, Mr. COSTELLO, Mr. COX, Mr. CUNNINGHAM, Mr. DUNCAN, Mr. EVERETT, Mrs. FOWLER, Mr. GALLEGLY, Mr. GOODLATTE, Ms. GRANGER, Mr. HAYWORTH, Mr. HOBSON, Mr. HORN, Mr. HUNTER, Mr. HUTCHINSON, Mr. SAM JOHNSON of Texas, Mr. KINGSTON, Mr. KOLBE, Mr. LATHAM, Mr. LEWIS of California, Mr. LEWIS of Kentucky, Mr. METCALF, Mr. MILLER of Florida, Mrs. NORTHUP, Mr. NORWOOD, Mr. OXLEY, Mr. PACKARD, Mr. REYNOLDS, Mr. ROHRABACHER, Ms. ROS-LEHTINEN, Mr. ROYCE, Mr. SENSENBRENNER, Mr. SHADEGG, Mr. SHIMKUS, Mr. SKEEN, Mr. SPENCE, Mr. STUMP, Mr. SUNUNU, Mr. VITTER, Mr. WAMP, Mr. WELDON of Pennsylvania, Mr. WHITFIELD, Mr. WICKER, Mr. BENTSEN, Mr. BOSWELL, Mr. BOYD, Mrs. CAPPS, Mr. CLEMENT, Mr. CONDIT, Mr. DAVIS of Illinois, Mr. DOOLEY of California, Mr. EDWARDS, Mr. FARR of California, Mr. FILNER, Mr. FORD, Mr. GONZALEZ, Mr. GREEN of Texas, Mr. HINOJOSA, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. MARTINEZ, Mr. MINGE, Mrs. NAPOLITANO, Mr. ORTIZ, Mr. PASTOR, Mr. PETERSON of Minnesota, Mr. ROMERO-BARCELO, Mr. ROTHMAN, Mr. SHERMAN, Mr. SKELTON, Mr. SNYDER, Mr. SPRATT, Mr. THOMPSON of California, Mr. TRAFICANT, Mr. TURNER, and Mr. UNDERWOOD.
H.R. 4013: Mr. GILCHREST.
H.R. 4033: Ms. MCKINNEY.
H.R. 4041: Ms. WOOLSEY.
H.R. 4042: Ms. WOOLSEY and Mr. WEXLER.
H.R. 4066: Mr. ANDREWS and Mr. FILNER.
H.R. 4069: Mr. DUNCAN, Mr. DEUTSCH, Mr. HEFLEY, Mr. MORAN of Virginia, and Mr. THUNE.
H.R. 4165: Mr. KUYKENDALL.
H.R. 4206: Mr. WEINER and Mr. GONZALEZ.
H.R. 4210: Mr. CUMMINGS and Mr. EHLERS.
H.R. 4257: Mr. PICKETT.
H.R. 4259: Mr. WALDEN of Oregon, Mr. TRAFICANT, Mr. TOOMEY, Mr. THUNE, Mr. UPTON, Mr. SIMPSON, Mr. SHIMKUS, Mr. SHERWOOD, Mr. SWEENEY, Mr. TIAHRT, and Mr. TALENT.
H.R. 4282: Mr. ROHRABACHER and Mr. REYES.
H.R. 4320: Mr. CONYERS.
H.R. 4328: Mr. MCGOVERN and Mr. FALEOMAVAEGA.
H.R. 4329: Mr. PASCRELL.
H.R. 4384: Mr. OXLEY, Mr. TANNER, Mr. BALDACCI, Mrs. TAUSCHER, Mr. TOWNS, Mr. OWENS, Mrs. MEEK of Florida, Mr. ROEMER, Mr. HOLDEN, Mr. WATT of North Carolina, Mr. BRADY of Pennsylvania, Mr. FATTAH, Mr. BORSKI, Mr. KLINK, Mr. KANJORSKI, Mr. MURTHA, Mr. HOEFFEL, Mr. COYNE, Mr. DOYLE, Mr. MASCARA, Mr. GORDON, Mr. LAMPSON, Mr. HINOJOSA, Mr. GONZALEZ, Mr. MENENDEZ, Mr. BAIRD, Mr. MCDERMOTT, Mr. WISE, Ms. PELOSI, Mr. STARK, Ms. LOFGREN, Mr. HASTINGS of Florida, Mr. DEUTSCH, Mr. ABERCROMBIE, Mr. COSTELLO, Mr. CARDIN, Mr. CUMMINGS, and Ms. KILPATRICK.
H.R. 4395: Mr. CAMP and Mr. CRANE.
H.R. 4441: Mr. BONIOR and Mr. VISCLOSKY.
H.R. 4453: Mr. CUMMINGS, Mr. ABERCROMBIE, and Mr. CLAY.
H.R. 4467: Mrs. KELLY.
H.R. 4468: Mr. WATTS of Oklahoma.
H.R. 4487: Mr. UNDERWOOD and Mr. WEYGAND.
H.R. 4492: Mr. LIPINSKI, Mr. BONIOR, Mr. OXLEY, Mr. WEINER, and Mr. NEAL of Massachusetts.
H.R. 4507: Ms. KAPTUR.
H.R. 4536: Mrs. MEEK of Florida and Ms. STABENOW.
H.R. 4541: Mr. BARRETT of Nebraska, Mr. CHAMBLISS, and Mr. GUTKNECHT.
H.R. 4543: Mr. MCNULTY, Mr. COLLINS, Mr. ENGLISH, Mr. WATKINS, Mr. SENSENBRENNER, Mr. FRANK of Massachusetts, Mr. BARR of Georgia, Mr. BERMAN, and Mr. GRAHAM.
H.R. 4553: Mr. OSE, Mr. WALSH, Mr. GILCHREST, Mr. NETHERCUTT, Mrs. FOWLER, Mr. GREENWOOD, Ms. PRYCE of Ohio, Mr. KUYKENDALL, Mr. UPTON, Mrs. EMERSON, Mr. HOUGHTON, Mr. EHLERS, Mr. MANZULLO, and Mr. TANCREDO.
H.R. 4556: Mr. ENGLISH.
H.R. 4596: Ms. LEE and Mr. HINCHEY.
H. Con. Res. 220: Mr. PASCRELL.
H. Con. Res. 225: Mr. WYNN.
H. Con. Res. 261: Mr. TOWNS.
H. Con. Res. 297: Mrs. MYRICK.
H. Con. Res. 322: Mr. DOOLITTLE and Mr. LARSON.
H. Con. Res. 348: Mr. TURNER, Mrs. CAPPS, Ms. MILLENDER-MCDONALD, Mr. WYNN, Mr. THOMPSON of Mississippi, Mr. CUMMINGS, Mr. CONYERS, Ms. BROWN of Florida, Mr. CLAY, and Mr. SHERMAN.
H. Res. 259: Mr. MCHUGH, Mr. COOK, Mr. CLEMENT, Mr. GARY MILLER of California, and Mr. FALEOMAVAEGA.
H. Res. 420: Mr. TAYLOR of North Carolina, Ms. DELAURO, Mr. TRAFICANT, and Mr. SHAYS.
H. Res. 458: Mr. FORBES and Mr. LATHAM.
H. Res. 500: Mr. MENENDEZ.
H. Res. 517: Mr. TIAHRT and Mr. RYUN of Kansas.
H. Res. 521: Mr. STEARNS, Mr. LARGENT, Mr. JONES of North Carolina, Mr. HILLEARY, Mr. SCHAFFER, Mr. GARY MILLER of California, Mr. RYUN of Kansas, Mr. RYAN of Wisconsin, Mr. BARTLETT of Maryland, Mr. HUTCHINSON, Mr. CHABOT, Mr. HOEKSTRA, Mr. SMITH of Michigan, Mr. GREEN of Wisconsin, Mr. COX, Mr. VITTER, and Mr. TOOMEY.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 2966: Mr. TANCREDO.

AMENDMENTS

Under clause 8 of rule XVIII, proposed amendments were submitted as follows:

H.R. 4578

OFFERED BY: MR. HILL of MONTANA

AMENDMENT NO. 51: Page 53, line 4, after the dollar amount insert ''(reduced by $500,000) (increased by $500,000)''.

H.R. 4578

OFFERED BY: MR. HILL of MONTANA

AMENDMENT NO. 52: At the end of the bill, insert after the last section (preceding the short title) the following:

TITLE V—ADDITIONAL GENERAL PROVISIONS

SEC. 501. None of the funds made available in this Act may be used to remove or rescind a designation, in existence as of the date of enactment of this Act, of a route or water surface for use by snowmobiles under section 2.18(c) of title 36, Code of Federal Regulations, or any special regulations promulgated thereunder, in Yellowstone National Park, Grand Teton National Park, or the John D. Rockefeller National Memorial Parkway.

H.R. 4578

OFFERED BY: MS. KAPTUR

AMENDMENT NO. 53: Page 69, Line 10: After ''until expended.'' Add *''Provided*, that the Secretary of Energy shall annually acquire and store as part of the Strategic Petroleum Reserve 300,000,000 gallons of ethanol and 100,000,000 gallons of biodiesel fuel. Such fuels shall be obtained in exchange for, or purchased with funds realized from the sale of, crude oil from the Strategic Petroleum Reserve.''

H.R. 4578

OFFERED BY: MR. OSE

AMENDMENT NO. 54: On page 52, strike lines 12 through 15.

H.R. 4578

OFFERED BY: MR. SUNUNU

AMENDMENT NO. 55: Page 5, line 17, after the first dollar amount insert the following: ''(increased by $10,000,000)''.

Page 15, line 15, after the first dollar amount insert the following: ''(increased by $10,000,000)''.

Page 17, line 7, after the dollar amount insert the following: ''(increased by $10,000,000)''.

Page 17, line 9, after the dollar amount insert the following: ''(increased by $10,000,000)''.

Page 17, line 13, after the dollar amount insert the following: ''(increased by $10,000,000)''.

Page 54, line 25, after the dollar amount insert the following: ''(increased by $10,000,000)''.

Page 67, line 16, after the dollar amount insert the following: ''(reduced by $126,500,000)''.

H.R. 4635

OFFERED BY: MR. ANDREWS

AMENDMENT NO. 11: Page 20, line 13, after the dollar amount, insert the following: ''(reduced by $25,000,000)''.

Page 20, line 18, after the dollar amount, insert the following: ''(reduced by $25,000,000)''.

Page 62, line 22, after the dollar amount, insert the following: ''(increased by $25,000,000)''.

Page 63, line 1, after the dollar amount, insert the following: ''(increased by $25,000,000)''.

H.R. 4635

OFFERED BY: MR. ANDREWS

AMENDMENT NO. 12: Page 20, line 13, after the dollar amount, insert the following: ''(reduced by $60,000,000)''.

Page 20, line 18, after the dollar amount, insert the following: ''(reduced by $60,000,000)''.

Page 62, line 22, after the dollar amount, insert the following: ''(increased by $60,000,000)''.

Page 63, line 1, after the dollar amount, insert the following: ''(increased by $60,000,000)''.

H.R. 4635

OFFERED BY: MR. BILIRAKIS

At the appropriate place in the bill insert the following:

SEC. XX. OFFICE OF THE ENVIRONMENTAL PROTECTION AGENCY NATIONAL HAZARDOUS WASTE AND SUPERFUND OMBUDSMAN.

(a) REAUTHORIZATION.—

(1) IN GENERAL.—Section 2008(d) of the Solid Waste Disposal Act (42 U.S.C. 6917(d)) is

amended by striking ''4 years after the date of enactment of the Hazardous and Solid Waste Amendments of 1984'' and inserting ''on the date that is 10 years after the date of enactment of the Act making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 2001, and for other purposes''.

(2) FUNCTIONS AND POWER OF OFFICE.—

(A) GENERAL FUNCTIONS.—In addition to those functions not otherwise inconsistent with Federal law and the solid and hazardous waste laws of the United States, if shall be the function of the Hazardous Waste and Superfund Ombudsman to administer the Office of Environmental Protection Agency National Hazardous Waste and Superfund Ombudsman to:

(i) assist citizens in resolving problems with the Environmental Protection Agency;

(ii) identify areas in which citizens have problems in dealing with the Environmental Protection Agency;

(iii) to the extent possible, propose changes in the administrative practices of the Environmental Protection Agency to mitigate problems identified under clause (ii);

(iv) identify potential legislative changes that may be appropriate to mitigate such problems; and

(v) conduct investigations, determine findings of fact, and make non-binding recommendations.

(B) GENERAL POWERS.—In addition to the powers not otherwise inconsistent with Federal law and the hazardous waste laws to the United States, the Office of Environmental Protection Agency National Hazardous Waste and Superfund Ombudsman shall have the following powers:

(i) To investigate any act of the Environmental Protection Agency, upon complaint or his own motion, without regard to its finality.

(ii) To adopt rules necessary for the execution of duties, including procedures for receiving and processing complaints, conducting investigations and reporting findings, not inconsistent with this Act and the consensus standards expressed in the 1969 Resolution of the American Bar Association and the United States Ombudsman Association Model Act for Ombudsman for the establishment of Ombudsman.

(iii) To examine the records and documents and to enter and inspect without notice the premises of the Environmental Protection Agency together with related authorities of section 104(e) of CERCLA.

(iv) To subpoena any person to appear, to give sworn testimony or to produce documentary or other evidence determined by the National Hazardous Waste and Superfund Ombudsman to be reasonably material to an Ombudsman investigation.

(v) To undertake, participate in or cooperate with any persons or agencies in such conferences, inquiries on the record, public hearings on the record, meetings and studies as may be determined by the National Hazardous Waste and Superfund Ombudsman to be reasonably material to an Ombudsman investigation or which may lead to improvements in the functions of the Environmental Protection Agency and cooperating agencies.

(vi) To maintain as confidential and privileged any and all communications respecting any matter and the identities of any parties or, witnesses coming before the National Hazardous Waste and Superfund Ombudsman.

(vii) To request independent counsel from the United States House of Representatives, the United States Senate, the appropriate United States Attorney, or, otherwise at the election of the National Hazardous Waste and Superfund Ombudsman, to enforce the provisions of this section.

(viii) Administer a budget for the Office of Environmental Protection Agency National Hazardous Waste and Superfund Ombudsman.

(3) STRUCTURE, OPERATIONS AND REPORTS.—

(A) STRUCTURE.—The National Hazardous Waste and Superfund Ombudsman of the Environmental Protection Agency Office of the National Hazardous Waste and Superfund Ombudsman shall report to the Administrator of the Environmental Protection Agency and Congress.

(B) OPERATION.—The National Hazardous Waste and Superfund Ombudsman of the Environmental Protection Agency Office of Ombudsman shall have the authority and responsibility to, but shall not be required to—

(i) appoint one Ombudsman for each Region of the United States;

(ii) evaluate and take personnel actions (including hiring and dismissal) with respect to any employee of the Office of Ombudsman; and

(iii) conduct and lead investigations, determine findings of fact, and make non-binding recommendations.

Notwithstanding the placement of the office described in subparagraph (A), the Environmental Protection Agency Office of the National Hazardous Waste and Superfund Ombudsman shall maintain, at each and every location, an office location, a telephone, facsimile and other electronic communication access and a post office address at a location other than any Environmental Protection Agency office.

(c) REPORTS.—The Environmental Protection Agency Office of the National Hazardous Waste and Superfund Ombudsman may from time to time and shall annually report on the status of health and environmental concerns addressed by complaints and cases brought to the National Hazardous Waste and Superfund Ombudsman. Such reports shall be submitted to the President, to the Congress through the Commerce Committee of the House of Representatives and the Committee on Environment and Public Works of the Senate; and to the public, to the Environmental Protection Agency, and in his discretion, to other governmental agencies.

(4) IMMUNITIES AND OBSTRUCTION.—

(A) IMMUNITIES.—The National Hazardous Waste and Superfund Ombudsman shall have the same immunities from civil and criminal liabilities as an administrative law judge and shall not be compelled to testify or produce evidence in any judicial or administrative proceeding with respect to any matter involving the exercise of official duties except as may be necessary to enforce this Act or the criminal laws of the United States.

(B) OBSTRUCTION.—Any person who willfully obstructs or hinders the proper and lawful exercise of the National Hazardous Waste and Superfund Ombudsman's powers, or willfully misleads or attempts to mislead the Ombudsman in the course of an investigation shall be subject, at a minimum, to penalties under sections 1001 and 1505 of the United States Code.

(5) RELATION TO OTHER LAWS AND COOPERATION.—

(A) RELATION TO OTHER LAWS.—The provisions of this section do not limit any remedy or right of appeal and may be exercised notwithstanding, any provision of law to the contrary that an agency action is not reviewable, final or not subject to appeal.

(B) COOPERATION.—All Federal agencies shall assist the Environmental Protection Agency Office of the National Hazardous Waste and Superfund Ombudsman in carrying out functions under this Act and shall promptly make available all requested information concerning past or present agency waste management practices and past or present agency owned, leased or operated hazardous waste facilities. This information shall be provided in such format as may be determined by the National Hazardous Waste and Superfund Ombudsman.

(6) APPROPRIATION.—The sum of $2,000,000 is hereby made available and appropriated within the general funds of the Environmental Protection Agency for fiscal year 2001 for the purposes of carrying out this Act. In future years not less than one one-thousandth of the annual Environmental Protection Agency appropriation shall be made available and appropriated within the general funds of the Environmental Protection Agency for the purposes of carrying out this Act.

(7) SEVERABILITY.—If any part of this Act is declared invalid, all other provisions shall remain in full force and effect.

H.R. 4635

OFFERED BY: MR. BILIRAKIS

AMENDMENT NO. 14: Page 62, line 2, under the heading ''Hazardous Substance Superfund'', after ''2002'' insert ''; *Provided further,* That of amounts appropriated under this heading, $2,000,000 shall be available for purposes of the National Hazardous Waste and Superfund Ombudsman''.

H.R. 4635

OFFERED BY: MR. DEFAZIO

AMENDMENT NO. 15: At the end of the bill, insert after the last section (preceding the short title) the following new section:

SEC. 426. None of the funds made available in this Act may be used by the Department of Housing and Urban Development to provide any financial assistance for a smoke shop or other tobacco outlet.

H.R. 4635

OFFERED BY: MR. DEFAZIO

AMENDMENT NO. 16: Page 9, line 8, insert after the dollar amount the following: ''(increased by $16,000,000)''.

Page 79, line 23, insert after the dollar amount the following: ''(reduced by $16,000,000)''.

H.R. 4635

OFFERED BY: MR. DEFAZIO

AMENDMENT NO. 17: Page 79, line 23, insert after the dollar amount the following: ''(reduced by $16,000,000)''.

H.R. 4635

OFFERED BY: MR. FILNER

AMENDMENT NO. 18: Page 14, after line 13, insert the following:

In addition, for ''Grants for Construction of State Extended Care Facilities'', $80,000,000: *Provided,* That the Congress hereby designates the entire such amount 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 of a specific dollar amount for such purpose that is included in an official budget request transmitted by the President to the Congress and that is designated as an emergency requirement pursuant to such section 251(b)(2)(A).

H.R. 4635

OFFERED BY: MR. FILNER

AMENDMENT NO. 19: Page 9, after line 8, insert the following:

In addition, for ''Medical and Prosthetic Research Benefits'', $25,000,000: *Provided,* That the Congress hereby designates the entire such amount 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 of a specific dollar amount for such purpose that is included in an official budget request transmitted by the President to the Congress and that is designated as an emergency requirement pursuant to such section 251(b)(2)(A).

H.R. 4635

OFFERED BY: MR. FILNER

AMENDMENT NO. 20: Page 9, after line 3, insert the following:

In addition, for ''Medical Care'', $35,200,000 for health care benefits for Filipino World War II veterans who were excluded from benefits by the Rescissions Acts of 1946 and to increase service-connected disability compensation from the peso rate to the full dollar amount for Filipino World War II veterans living in the United States: *Provided,* That the Congress hereby designates the entire such amount 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 of a specific dollar amount for such purpose that is included in an official budget request transmitted by the President to the Congress and that is designated as an emergency requirement pursuant to such section 251(b)(2)(A).

H.R. 4635

OFFERED BY: MR. FILNER

AMENDMENT NO. 21: Page 3, after line 21, insert the following:

In addition, for ''Readjustment Benefits'', $900,000,000 for enhanced educational assistance under chapter 30 of title 38, United States Code (the Montgomery GI Bill), in accordance with the provisions of H.R. 4334 of the 106th Congress as introduced on April 13, 2000: *Provided,* That the Congress hereby designates the entire such amount 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 of a specific dollar amount for such purpose that is included in an official budget request transmitted by the President to the Congress and that is designated as an emergency requirement pursuant to such section 251(b)(2)(A).

H.R. 4635

OFFERED BY: MR. HINCHEY

AMENDMENT NO. 22: Page 46, line 21, after the dollar amount, insert the following: ''(increased by $4,770,000)''.

H.R. 4635

OFFERED BY: MR. HINCHEY

AMENDMENT NO. 23: At the end of the bill, after the last section (before the short title) insert the following new section:

SEC. ____. None of the funds made available in this Act may be used by the Department of Veterans Affairs to implement or administer the Veterans Equitable Resource Allocation system.

H.R. 4635

OFFERED BY: MR. HOSTETTLER

AMENDMENT NO. 24: 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 administer the Communities for Safer Guns Coalition.

H.R. 4635

OFFERED BY: MR. HOSTETTLER

AMENDMENT NO. 25: At the end of the bill, insert after the last section (preceding the short title) the following:

SEC. ____. None of the funds made available in this Act to the Department of Housing and Urban Development may be used to enforce, implement, or administer the provisions of the settlement document dated March 17, 2000, between Smith & Wesson and the Department of Housing and Urban Development (among other parties).

H.R. 4635

OFFERED BY: MR. TANCREDO

AMENDMENT NO. 26: Page 14, line 13, insert after the dollar amount the following: ''(increased by $30,000,000)''.

Page 73, line 18, insert after the dollar amount the following: ''(reduced by $30,000,000)''.

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PROCEEDINGS AND DEBATES OF THE *106th* CONGRESS, SECOND SESSION

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Senate

The Senate met at 9:30 a.m. and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Almighty God, today as we celebrate Flag Day, we repledge allegiance to our flag and recommit ourselves to the awesome responsibilities You have entrusted to us. May the flag that waves above this Capitol remind us that this is Your land. We thank You for outward symbols of inner meaning that remind us of Your blessings. The sight of our flag stirs our patriotism and dedication. It reminds us of Your providential care through the years, of our blessed history as a people, of our role in the unfinished and unfolding drama of the American dream, and of the privilege we share by living in this land.

Thank You, Lord, that our flag also gives us a bracing affirmation of the unique role of the Senate in our democracy. In each age, You have called truly great men and women to serve as leaders. May the Senators experience fresh strength and vision as You renew in them the drumbeat of Your Spirit, calling them to march to the cadence of Your righteousness. We pledge allegiance to the high calling of keeping this land one Nation under You, our God.

Today on the 225th birthday of the United States Army we join with all Americans in thanking You for the patriotism, faithfulness, and bravery of the men and women of the Army throughout the years. Dear God, You are our Lord and Saviour. 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.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER (Mr. ALLARD). Under the previous order, the 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, 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.

Pending:

Smith of New Hampshire modified amendment No. 3210, to prohibit granting security clearances to felons.

Warner/Dodd amendment No. 3267, to establish a National Bipartisan Commission on Cuba to evaluate United States policy with respect to Cuba.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, the leadership determined the Senate will return to consideration of this very important piece of legislation. I shall now read the order that was devised by the leaders.

Today, the Senate will immediately resume consideration of S. 2549, the Department of Defense authorization bill. As a reminder, there are an overwhelming number of amendments in order. In an effort to complete action on the bill, those Senators with amendments are encouraged to work with the bill managers during today's session.

Of course—I think I am joined by my distinguished ranking member—we desire to try our very best to continue to consider only those amendments that are actually germane to the purpose of this bill. That is my hope. Votes are expected throughout the day, and Senators will be notified as votes are scheduled.

Senators should be aware that consideration of the Transportation appropriations bill may begin as early as the leadership determines. Hopefully, also, last night we agreed among the leadership to vote on the nominee for the Department of Energy, General Gordon. There will be some announcement to that effect later today.

Mr. BYRD. Mr. President, will the Senator yield?

Mr. WARNER. Yes. I want to finish up.

Mr. BYRD. Did not the clerk read ''a bill making appropriations''? Did not the clerk read ''a bill making appropriations'' being the business before the Senate?

The PRESIDING OFFICER. The bill is to authorize appropriations.

Mr. BYRD. Parliamentary inquiry: What is the business before the Senate?

The PRESIDING OFFICER. S. 2549 is the bill before the Senate. It is to authorize appropriations.

Mr. WARNER. I thank our distinguished colleague.

It had been my hope to lay aside the Smith amendment to which is attached the McCain amendment regarding campaign finance issues. I have been advised there is an objection to laying that aside. There is a possibility that objection could be raised solely for the purpose of the managers of the bill, Mr. LEVIN and myself, proceeding to clear amendments that have been agreed to on both sides. I am just not at the moment able to assure the Senate that is in place.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. I suggest the absence of a quorum.

Mr. DODD. Mr. President, for clarification——

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

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The PRESIDING OFFICER. Does the Senator withhold his request?

Mr. REID. I suggest the absence of a quorum.

The PRESIDING OFFICER. A quorum call has been requested.

Mr. WARNER. I urge us to proceed with the quorum call.

Mr. REID. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. 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, we have had a discussion with the leaders on the other side of the aisle. I think there is a consensus that with the current objection to laying aside the Smith-McCain legislative package, which is the pending business, together with the Warner-Dodd amendment, which also needs a UC to lay aside, we cannot do either of those at this time. So the consensus is we go into a period of morning business, and at the hour of 11 o'clock the Senator from Virginia be recognized.

The PRESIDING OFFICER. Is there objection?

The Senator from Michigan.

Mr. LEVIN. Reserving the right to object, at the hour of 11 o'clock we would then return to the consideration of the matter that is now pending?

Mr. WARNER. Right, and that I be recognized.

Mr. LEVIN. And that the Senator from Virginia be recognized.

The PRESIDING OFFICER. Is there objection?

Mr. REID. Reserving the right to object, Mr. President, it is my understanding, of course—and I think it is our understanding collectively—that for the next 1 hour and 15 minutes, until 11 o'clock, there would be no substantive legislative issues that would be introduced in any manner.

Mr. WARNER. That is correct. I understand that is under the rules guaranteed. We should, I think to accommodate our distinguished colleagues who have been waiting——

Mr. REID. We should get that.

Mr. WARNER. Get the order entered. I was going to include a specific time for the President pro tempore, the former distinguished majority leader, and such others who want to be recognized during morning business.

Mr. President, I ask unanimous consent that 6 minutes be allocated to the distinguished senior Senator from South Carolina and——

Mr. REID. Twenty minutes.

Mr. WARNER. Twenty minutes be allocated to our distinguished colleague, Senator BYRD, and then the morning would flow in morning business until 11 o'clock.

Mr. REID. And all the reservations that were announced would be subject to the unanimous consent request that has been propounded?

Mr. WARNER. That is correct.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

The PRESIDING OFFICER. The Senator from South Carolina, Mr. THURMOND, is recognized.

Mr. THURMOND. Mr. President, I ask unanimous consent to speak in morning business for 6 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMEMORATION OF FLAG DAY, JUNE 14, 2000

Mr. THURMOND. Mr. President, 223 years ago today, the United States was engaged in its war for independence. I note that the American Continental Army, now the United States Army, was established by the Continental Congress, just 2 years earlier on June 14, 1775. I express my congratulations to the United States Army on its 225th birthday.

At the start of that war, American colonists fought under a variety of local flags. The Continental Colors, or Grand Union Flag, was the unofficial national flag from 1775–1777. This flag had thirteen alternating red and white stripes, with the English flag in the upper left corner.

Following the publication of the Declaration of Independence, it was no longer appropriate to fly a banner containing the British flag. Accordingly, on June 14, 1777, the Continental Congress passed a resolution that ''the Flag of the United States be 13 stripes alternate red and white, and the Union be 13 stars white in a blue field representing a new constellation.''

No record exists as to why the Continental Congress adopted the now-familiar red, white and blue. A later action by the Congress, convened under the Articles of Confederation, may provide an appropriate interpretation on the use of these colors. Five years after adopting the flag resolution, in 1782, a resolution regarding the Great Seal of the United States contained a statement on the meanings of the colors: red—for hardiness and courage; white—for purity and innocence; and blue—for vigilance, perseverance, and justice.

The stripes, symbolic of the thirteen original colonies, were similar to the five red and four white stripes on the flag of the Sons of Liberty, an early colonial flag. The stars of the first national flag after 1777 were arranged in a variety of patterns. The most popular design placed the stars in alternating rows of three or two stars. Another flag placed twelve stars in a circle with the thirteenth star in the center. A now popular image of a flag of that day, although it was rarely used at the time, placed the thirteen stars in a circle.

As our country has grown, the Stars and Stripes have undergone necessary modifications. Alterations include the addition, then deletion, of stripes; and the addition and rearrangement of the field of stars.

While our Star-Spangled Banner has seen changes, the message it represents is constant. That message is one of patriotism and respect, wherever the flag is found flying. Henry Ward Beecher, a prominent 19th century clergyman and lecturer stated, ''A thoughtful mind, when it sees a nation's flag, sees not the flag only, but the nation itself; and whatever may be its symbols, its insignia, he reads chiefly in the flag the Government, the principles, the truths, and the history which belong to the nation that sets it forth.''

Old Glory represents the land, the people, the government and the ideals of the United States, no matter when or where it is displayed throughout the world—in land battle, the first such occurrence being August 16, 1777 at the Battle of Bennington; on a U.S. Navy ship, such as the *Ranger*, under the command of John Paul Jones in November 1777; or in Antarctica, in 1840, on the pilot boat *Flying Fish* of the Charles Wilkes expedition.

The flag has proudly represented our Republic beyond the Earth and into the heavens. The stirring images of Neil Armstrong and Edwin Aldrin saluting the flag on the moon, on July 20, 1969 moved the Nation to new heights of patriotism and national pride.

Today we pause to commemorate our Nation's most clear symbol—our flag. An early account of a day of celebration of the flag was reported by the Hartford Courant suggesting an observance was held throughout the State of Connecticut, in 1861. The origin of our modern Flag Day is often traced to the work of Bernard Cigrand, who in 1885 held his own observance of the flag's birthday in his one-room schoolhouse in Waubeka, WI. This began his decades-long campaign for a day of national recognition of the Flag. His advocacy for this cause was reflected in numerous newspaper articles, books, magazines and lectures of the day. His celebrated pamphlet on ''Laws and Customs Regulating the Use of the Flag of the United States'' received wide distribution.

His petition to President Woodrow Wilson for a national observance was rewarded with a Presidential Proclamation designating June 14, 1916 as Flag Day. On a prior occasion President Wilson noted:

> Things that the flag stands for were created by the experiences of a great people. Everything that it stands for was written by their lives. The flag is the embodiment, not of sentiment, but of history. It represents the experiences made by men and women, the experiences of those who do and live under the flag.

Flag Day was officially designated a national observance by a Joint Resolution approved by Congress and the President in 1949, and first celebrated the following year. This year then marks the 50th anniversary of a Congressionally designated Flag Day.

It is appropriate that we pause today, on this Flag Day, to render our respect and honor to the symbol of our Nation, and to review our commitment to the underlying principles it represents. Today, let us reflect on the deeds and sacrifices of those who have gone before and the legacy they left to us. Let us ponder our own endeavors and the inheritance we will leave to future generations.

Finally, as we commemorate the heritage our flag represents, may we as a nation pledge not only our allegiance, but also our efforts to furthering the standards represented by its colors—courage, virtue, perseverance, and justice. Through these universal concepts, We the People can ensure better lives for ourselves and our children, for these are the characteristics of greatness. In doing so, we can move closer to the goal so well stated by Daniel Webster at the laying of the cornerstone of the Bunker Hill Monument on June 17, 1825. On that occasion he said:

Let our object be our country, our whole country, and nothing but our country. And, by the blessing of God, may that country itself become a vast and splendid monument, not of oppression and terror, but of Wisdom, of Peace, and of Liberty, upon which the world may gaze with admiration forever.

I have long supported legislation which imposes penalties on anyone who knowingly mutilates, defaces, burns, tramples upon, or physically defiles any U.S. flag. I have also supported a constitutional amendment to grant Congress and the States the power to prohibit the physical desecration of the U.S. flag. I regret that earlier this year this Senate failed to adopt a Resolution for a flag protection Constitutional amendment.

I am pleased that last year the Senate adopted a Resolution to provide for a designated Senator to lead the Senate in reciting the Pledge of Allegiance to the Flag of the United States. This has added greatly to the opening of the Senate each day.

Mr. President, today I encourage my colleagues and all Americans to take note of the history and meaning of this 14th day of June. We celebrate our Flag, observing its 223rd birthday, and the 225-year-old Army which has so proudly and valiantly defended it and our great Nation.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Mr. President, I thank Mr. WARNER, the distinguished senior Senator from Virginia, and Mr. HARRY REID, the distinguished Senator from Nevada, for accommodating the President pro tempore, Mr. THURMOND, and me at this time.

PRESIDENTIAL POWER

Mr. BYRD. Mr. President, on Friday, June 9, I noted with particular interest the headline in The Washington Post which read, ''Bush Aims at 'Discord' in Capital.'' Not surprisingly, candidate Bush's solution to too much partisanship in Washington is to increase the power of the Presidency.

We have heard that before. We have heard it from the current President, and we have heard it from previous Presidents. But now we hear it again. Imagine that. The solution to too much partisanship in Washington is to increase the power of the President.

Now imagine that! Among the ''power grabs'' the candidate advocates are biennial budgeting, a congressional budget resolution which would have to be signed by the President—get that—a version of the line-item veto—how preposterous—and a commission to recommend ''pork-barrel projects for elimination.'' What a joke.

While I readily agree with candidate Bush that there is too much partisanship in Washington, and have said so repeatedly for years, the solutions candidate Bush proposes will do absolutely nothing to eliminate partisanship. In the highly unlikely event that any of these proposals will ever be enacted, their most likely impact would be to hand the next President a club with which to beat into submission members of Congress who might not be leaning the President's way on key issues of importance to him.

None of these reported Bush solutions to disharmony in Washington are new, nor are they ''news.'' Every President in recent history has tried to wrest more power from the people's duly elected representatives and transfer it to the executive branch. The net effect of all such transfers would be that unelected executive-branch bureaucrats, and, the President, who is not directly elected by the people either, would enjoy an increased advantage in forcing their agenda on this Nation.

Make no mistake about it. The carefully crafted constitutional checks and balances between the branches of Government can slowly be subverted over time by just such proposals as these, which candidate Bush has made. While I agree that the climate in Washington these days is less than inspiring, the cure must never be to advocate a weakening of the constitutional checks and balances under the false colors of constructive reform.

Take, for instance, Mr. Bush's proposal to have a commission recommend certain pork-barrel projects for elimination. This is an idea which, conceptually, goes straight at the heart of representative democracy and at its most important tool, the power of the purse. It is a proposal which exposes an absolute ignorance and disregard of the constitutional grant of spending power to the representatives—and I am one of them—of the 50 States. Moreover, when examined closely, the arrogance of such an approach is close to appalling.

To suggest that an appointed commission could somehow understand the needs of the 50 States in terms of public works better than the men and women who are sent here to represent those States, defies logic and denigrates the people's judgment in the choice of their own Members of Congress. Imagine a commission that would be set up to make judgments about appropriations concerning infrastructure, about bridges, roads, highways, canals, harbors, rivers in this country. That is why the people sent us here; that is our responsibility. No member of a commission can possibly understand the needs of the State I represent—I defy anyone to contend otherwise—and have been proud to represent for 54 years, better than I, and others in the West Virginia delegation. No commission can tell me or tell the people of West Virginia what they need by way of infrastructure, so-called ''pork barrel'' projects. The same can be said about the Members from other States. I defy anyone to claim that sort of wisdom to the satisfaction of myself or the citizens of my State. Such a claim would be sheer and utter nonsense!

I realize that the term ''pork-barrel'' has become symbolic in modern parlance of everything that is wrong with Government. But, in fact, one man's ''pork-barrel'' project is another man's essential road, another constituency's essential road or bridge or dam. What is totally forgotten is that many of these so-called ''pork barrel'' projects are the sort of infrastructure improvements which, State by State, combine to help to make this country the economic power house that it has become. Now, Webster debated with Hayne in 1830. That has all been plowed over by Webster at that time.

It is easy to oppose infrastructure projects in another Member's state. I wouldn't do it unless there was outright fraud involved. It is easy to claim that if a project does not benefit me or my State, then it must be wasteful. Of course, when it comes down to it, they don't benefit me personally. They benefit the people I represent. But, the Members of Congress on both sides of the aisle generally grant each other the expertise to know what is essential for their own State's well-being. I believe that I would be a poor judge, indeed, of what is good for California or New Mexico or Arizona, and so I generally rely on the Members of those States when it comes to projects which they deem important.

I also assume that the elected representatives of those states have the wisdom and integrity not to advocate foolish or wasteful endeavors. Federal dollars are and have been scarce for years. Congressional spending is watched closely by representatives of the media and by the voters who send us here. What is not watched so closely by the media or the voters who send us here or the voters who indirectly send the topmost occupant of the White House to his position is executive branch spending. Although the voters may be only dimly aware of waste and duplication vigorously advocated and defended each year by the executive

branch, I can assure everyone within the sound of my voice and everyone watching through the electronic eye that it exists in the executive branch.

Talk about pork barrel; take a look at the executive branch! A more useful commission might be one that is charged to look at executive branch excesses and report yearly to the Congress.

How about that? Let the candidates for the Presidency and Vice Presidency take that on. Let both candidates, Mr. Bush and Mr. GORE, take that on. Look at the executive branch, see what the excesses are there, weed out the pork barrel.

As for any attempt to negate the decisions of the people's duly elected representatives through any form of line-item veto process, I assure the new President—and I don't know who will be the new President just yet, but I can assure the new President, whether he be a Republican or a Democrat, whether he be Mr. Bush or Mr. GORE—it doesn't make any difference to me in this respect—whichever party he may represent, that that proposal concerning a line-item veto will encounter a solid stonewall from this Senate, as it has always encountered such a wall.

We slew that dragon once in the courts, didn't we? Yes, we slew that dragon in the courts. Thank God for the Supreme Court of the United States, certainly in that incidence. We slew that dragon once in the courts, and it will raise its ugly head again only with very great difficulty. Any proposal which seeks to bury a dagger in the heart of the most powerful check which the Constitution provides on an overreaching President will encounter serious opposition right here on this floor, and right here at this desk. Amen! May God continue to give me the voice with which to speak and the legs on which to stand to fight this dragon, wherever it may appear.

The power over the purse—a power derived through centuries of struggle and bloodshed—a power that protects the people of this Nation from the whims of a fool or knave in the White House—has been bequeathed to the people's branch in our national charter. It is not there through any accident. It is there through no luck of the draw. It is there because the framers understood the lessons of history and had the wisdom to know that a King or a President must be made controllable by the people in this most fundamental, this most basic way.

By its very nature, any proposal which hands to the President an easy means by which to threaten a Member with the cancellation or redirection of moneys for that Member's State, after those moneys have been appropriated in law by the Congress, gives the President undue and unwise leverage over Members of Congress in a way that completely alters the nature of the separation of powers.

Ask any Governor or former Governor who has had the tool of a line-item veto at his disposal what he found to be its principal value. You will probably get an answer that indicates that the major usefulness of the line-item veto is a means to bully certain uncooperative members of the State legislature. I urge candidate Bush and I urge candidate GORE and all of their advisers to read afresh article I of the U.S. Constitution. Read it again. Pay particular attention to it. The intent of the framers is crystal clear.

As for biennial budgeting, at the moment, I am not so sure about that. With respect to biennial appropriations, however, I am very sure. I would be very opposed to that. I fear that with biennial budgeting there may be some unintended consequences. With respect to biennial appropriations, I still fear that the consequences of such a change might ultimately mean massive supplemental appropriations bills to cover contingencies which no human mind can predict, such as earthquakes, floods, droughts, wars, or recessions.

While biennial appropriations are always touted for their supposed natural byproduct—more oversight—I believe that, in the real world, the kind of massive supplemental appropriations bills which will likely occur as a result of any such biennial appropriations, if we ever reach that point, will receive very little in the way of thorough oversight.

In truth, most of our serious budget problems derive not from yearly appropriations, but from the ever-growing mandatory spending and entitlement programs. Dealing with politically difficult entitlement and mandatory spending reform demands the kind of study, analysis, consensus, leadership, and courage that no process tinkering can replace. One thing I have learned after 48 years in this town is that when hard decisions press down on politicians, process reform often becomes the solution of choice.

I also noted in the same Post article—and I must admit with some amusement—that while candidate Bush decries polling, he appears to have been paying at least some modicum of attention to the polls, else how would he know that ''Americans look upon the spectacle in Washington and they do not like what they see''? I am quoting from the reported story. Perhaps he has found some direct way to channel the viewpoints of the people, but I rather think he has been doing a little poll watching of his own.

The trouble with election year poll watching is that it makes us politicians think we have to instantly respond, either to get a headline or get a vote. As one might expect, these quickie candidate responses are often neither very responsive nor very wise.

No, the climate in Washington today cannot be improved by any such commission, as has been recommended, or any budget process change, or any power grab by the executive branch. The problems here have to do in part with this being an election year and in part with more fundamental matters. If we in this body could just begin to do away with the simplicity of labeling each other as devils, and each other's proposals as ruinous to the Republic and, instead, worked to promote a freer, less rancorous exchange of debate and discussion on this floor, I believe that much of the pointless partisanship might begin to dissipate.

The partisanship we all complain about is born, at least partially, from the frustration of not being permitted to adequately and openly debate issues and ideas important to our constituencies and to the Nation.

I believe that once we begin to do what our people sent us here to do, which is grapple with the nation's challenges, exchange views, and learn and profit from those exchanges, we will see a return of most of the lost public confidence which may have been reflected in somebody's polls. Legislating in a Republic—and it is a republic, not a democracy. I want to say that again. We pledge allegiance to the flag of the United States of America and to the Republic—not to the democracy.

Well, legislating in a republic can never be a totally neat, efficient, and tidy endeavor. In a nation as large and diverse as our own, which bears heavy responsibilities both domestically and internationally, the way to wisdom usually lies in the often tedious, rarely orderly, free flow of informed debate. Consensus is what we need to aim for, and consensus is best built by an airing of views. The Framers knew this and gave the Congress the power to legislate, tax and appropriate because of that fundamental understanding. But, absolutely basic to that kind of informed discussion and debate is respect among those of us charged with conducting it, for the motives, experience, expertise, and opinions of our colleagues on both sides of the aisle. Regrettably no shop-worn set of budget process changes can mandate that. And the American people should view with an especially jaundiced eye any finger wagging presidential candidate with an agenda all his own who wants to transfer power to himself in order to quiet congressional ''discord.''

Mr. President, I ask unanimous consent to print the June 9, 2000 Washington Post article.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington Post, June 9, 2000]

BUSH AIMS AT ''DISCORD'' IN CAPITAL

(By Dana Milbank)

KNOXVILLE, TN, JUNE 8.—Texas Gov. George W. Bush today offered a broad plan to take the partisan poison out of Washington—in large part by transferring power from Congress to the president.

The GOP presidential candidate pointed to the budget and confirmation battles of the last decade that have left scars on Republicans and Democrats and have turned off many Americans.

''If the discord in Washington never seems to end, it's because the budget process never seems to end,'' Bush told about 600 people in

brilliant sunshine outside the Knoxville Civic Auditorium. He decried an environment of ''too much polling and not enough decisionmaking.''

''Americans look upon the spectacle of Washington and they do not like what they see,'' Bush declared. ''I agree with them. It's time for a change.''

Bush proposed revamping the federal budget process to shift budget-making from an annual to a biennial exercise and to require the president and Congress to agree on spending targets early in the process, to prevent government shutdowns.

Bush also said he would target wasteful spending by restoring a version of the line-item veto and installing a commission to recommend pork-barrel projects for elimination, a nod to one of the favored issues of his former rival Sen. John McCain (R-Ariz.). In addition, he proposed soothing partisan tensions by calling on Congress to approve the next president's executive and judicial nominations within 60 days.

Even on their day of bipartisanship, Bush and his supporters took a couple of partisan shots. ''All we have heard from my opponent are the familiar exaggerations and scare tactics,'' Bush told the crowd in Vice President Gore's home state. ''Proposals he disapproves of are never just arguments; they're 'risky schemes.' This kind of unnecessary rhetoric is characteristic of the tone in Washington, D.C. It's the 'war room' mentality.''

Gov. Don Sundquist (R) introduced Bush by saying of his proposals: ''You're right on every one and Gore is wrong.''

The likeliest opponents of Bush's proposals are members of Congress in both parties, particularly those in charge of spending legislation. Many of Bush's proposals—biennial budgeting, the line-item veto, the anti-pork commission and limiting the confirmation process—amount to a transfer of power from the legislative to the executive branch. When the House recently attempted to add a biennial budgeting proposal to a budget reform measure, 42 Republicans joined a large number of Democrats in killing it.

The Clinton administration has supported the line-item veto and biennial budgeting, and Gore advisers said most of the rest of Bush's proposals are unobjectionable. But Chris Lehane, Gore's spokesman, sought to undermine Bush's credibility as a reformer. He said that Bush promised to create an office overseeing the reform of Texas government but that, ''to date, no such office has been put together.''

This is the second time this spring Bush has focused a major speech on changing the tone of Washington. While some of the details in today's speech will resonate more with political insiders, the overall message, as with his earlier remarks at a GOP fundraiser in Washington, is aimed at a broader audience.

''I recognize it's a little dry, but it's a necessary reform,'' Bush told the crowd. ''If anybody pays attention, people in Washington will pay attention.'' He added: ''I don't see this resonating with intensity across America.''

Bush said he got encouraging responses from McCain and Senate Budget Committee Chairman Pete V. Domenici (R-N.M.).

House and Senate members said Bush's ideas would get a respectful hearing on Capitol Hill, although proposals requiring Congress to relinquish power over the nation's purse strings likely would encounter resistance. As for Bush's call for cracking down on pork-barrel spending, Rep. David L. Hobson (R-Ohio), a senior member of the Appropriations Committee, said: ''In the abstract it sounds good, but in the real world of government there's always going to be some of that.''

Today's speech is part of a package of reform proposals. On Friday, Bush will speak about cutting the budget and making government services more efficient. Among other things, he will propose devoting the off-year in the biennial budget process to examining which government programs should be eliminated.

Biennial budgeting, used in about 20 states, including Texas and Virginia, would free lawmakers to devote more time to other duties. Bush also would write the budget in non-election years to reduce partisan tensions. He told reporters aboard his campaign plane that his proposals would ''contribute to fiscal sanity.'' However, Bush advisers acknowledged, it would be easy for Congress to pass supplemental spending measures, even in non-budget years.

As part of Bush's budgeting proposal, he would require a joint budget resolution to be signed by the president to provide a framework. If Congress and the president couldn't agree, they would use the president's budget or the previous year's, whichever were lower, to prevent a government shutdown. A similar process was used with continuing budget resolutions in the 1980s. The anti-shutdown provision is the one proposal that could draw serious objections from Gore. One Democrat argued that it would ''put Congress on autopilot.''

Bush's line-item veto provision seeks to avert the pitfalls that caused a similar measure passed by Congress to be struck down by the Supreme Court. Instead of giving the president the power to cancel spending outright, it would allow him not to release certain funds. This is similar to the ''impoundment'' power used by presidents until Watergate-era reforms took it away because of President Nixon's zealous use of it.

In his speech, Bush decried the ''unreasonable delay and unrelenting investigation'' in the approval of presidential nominations, an implicit rebuke of Senate Republicans. But he did not recommend that the Senate act on President Clinton's long-delayed appointments.

Bush said the 60-day provision should apply to whoever is the next president. But he seemed to have a pretty good idea of who that will be. ''As president, I'm here in Knoxville, Tennessee,'' he said at one point during his speech.

Mr. BYRD. Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. L. CHAFEE). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DORGAN. 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. DORGAN. Mr. President, is it the case we are in a period of morning business?

The PRESIDING OFFICER. The Senator is correct.

Mr. DORGAN. Mr. President, let me have consent for as much time as I consume in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

SANCTIONS ON FOOD AND MEDICINE

Mr. DORGAN. Mr. President, while we are waiting for the managers of the Defense authorization bill to continue—I understand they are trying to work out some arrangements on the bill itself—I wanted to make a couple of comments about an issue I intend to raise as an amendment on the Defense authorization bill. At the risk of being repetitious, which I think is probably advantageous in this Chamber, I want to speak again about the issue of using sanctions that are now being employed by the United States of America on the sale or shipment of food and medicine to other countries. Those sanctions are wrong. We ought not use sanctions on the shipment of food and medicine to other countries. Yet we are, so far, unable to repeal sanctions on the shipment of food and medicine.

We almost got it repealed last year. Seventy Senators voted to repeal the use of sanctions by the United States on the shipment of food and medicine to other countries—70 Senators voted for that—but we went into a conference and we were hijacked, literally legislatively hijacked by the Members of the House. So we still have sanctions on the shipment of food and medicine to many parts of the world.

I also have included this year in the Agriculture appropriations bill, a repeal of the use of sanctions for food and medicine shipments. That appropriations bill will come to the floor of the Senate at some point. But I understand, procedurally, the legislative leaders can hijack it once again with a number of parliamentary approaches. I may very well be in a situation where I, Senator GORTON, who cosponsored the bill in the Appropriations Committee, Senator ASHCROFT, and others, would have a wide majority of Senators and Representatives who believe the sanctions that exist on the shipment of food and medicine to other countries in the world should be repealed. But despite the fact we perhaps have 60, 70, or 80 percent of the entire Congress who believe that, we have been unable to get it done. For that reason, I intend to offer it as an amendment on the Defense authorization bill.

Let me describe just a bit what this issue is. First of all, this is very unfair to America's family farmers. I represent a farm State. Our family farmers are told you should have the freedom to farm. That is the title of the farm bill we have—Freedom to Farm. That all sounds good except farmers don't have the freedom to sell. Our farmers raise grain and they can't sell it in Cuba, they by and large haven't been able to sell it in Iran, they can't sell it in Libya, Iraq, Sudan, North Korea—why? Because we believe these countries are operating outside the international norms. We don't like these countries. We don't like what Cuba does. We don't like the behavior of Libya or Iraq or North Korea. So we say we are going to have a set of sanctions to penalize these countries—economic sanctions. That is fine with me. I am all for creating economic sanctions to try to hurt Saddam Hussein.

But I would say this: Everybody in this Chamber knows when you take

aim at a dictator by imposing sanctions on food and medicine, you aim at the dictator and you hurt hungry people; you aim at a dictator and you hurt sick people; you aim at a dictator and you hurt poor people. It is true in every one of these countries. Sanctions are fine, but we ought never include sanctions on the shipment of food and medicine.

This country needs to understand that and learn that. The legislation I have introduced with my colleagues, Senator GORTON from the State of Washington, Senator ASHCROFT, Senator DODD, and others, is very simple. It says all current sanctions on the shipment of food and medicine shall be abolished within 180 days—gone. This country will not use food and medicine as a weapon.

Second, no President will be able to impose sanctions on the shipment of food and medicine unless he comes to the Congress and gets an affirmative vote by the Congress to do so. In other words, this ends the sanctions on the shipment of food and medicine.

Mr. WARNER. Mr. President, will the Senator yield?

Mr. DORGAN. Of course, I am happy to yield.

Mr. WARNER. This is a subject in which I have been heavily involved, as have others. Senator DODD and I on repeated occasions have put legislation up, I presume comparable to what the Senator has in mind. I clearly associate myself with the Senate's goals.

As a matter of fact, on the authorization bill for the Department of Defense, there is a Warner-Dodd amendment which asks for the appointment of a commission, to be appointed by President Clinton, drawing on nominees from not only the President but the majority, the Democratic leader, and others in the Congress, to begin to focus on a broad range of policy considerations with regard to the relationship between the United States and Cuba. So I am highly supportive. I have listened to the Senator enumerate a few Senators, and with a lack of humility I ask my name be included among those who strongly support, as I have now for 2 years, with Senator DODD and others, the lifting of particulars. If we are to make any inroads on the Government in Cuba, it has to be done people to people. What better way than food and medicine because if there is anything that does not have the taint of politics, it should be food and medicine. So I commend my colleague.

Mr. DORGAN. The Senator from Virginia, of course, has been involved in this issue. I certainly agree the embargo has not worked. I mean, 40 years of embargo with respect to Cuba, speaking only now of Cuba, ought to tell us that when a policy doesn't work, you should change the policy—especially that portion of the policy that deals with food and medicine. It is immoral, in my judgment, for this country to use food as a weapon. It is not only unfair to our farmers—I have talked about that at some length— It is unfair to say to farmers we have the freedom to farm but not the freedom to sell. But it is immoral for this country to use food as a weapon. I want to change it.

The Senator from Virginia described the support for this. I don't know if he heard me say I intend to offer it as an amendment on the Defense authorization bill. That will not be deemed a great pleasure by the Senator from Virginia, I am sure, but the only opportunity I have to get this done is to put it in legislation that is going to go to the President.

The legislative leaders have the opportunity in the appropriations process to strip this from the appropriations bill. They did it last year and they are going to do it this year. This year I am not going to sit back and say: That's fine; we do all this work and we get rid of the food and medicine sanctions in appropriations, only to have you hijack it in conference or with some parliamentary procedure, and at the end of the day this country still prevents the sale of food and medicine to the poor people in Cuba and Iraq and Libya. That is not something I am willing to accept. It is not going to happen anymore.

I mentioned previously I sat in a hospital in Havana, Cuba, last year when I visited Havana—sat in a hospital in an intensive care room and watched a 12-year-old boy in a coma. His mother, at a bedside vigil, was holding this boy's hand—and in an intensive care room—there was no beeping going on because there was no machinery or equipment there. This hospital had no equipment for a young boy in a coma in intensive care. The doctor at that hospital said, ''We are out of 250 different kinds of medicine; we don't have it. We are just out of it.''

And our country says we cannot move medicine to Cuba? We cannot sell medicine to Cuba? We can't sell food to Cuba? It doesn't make any sense to me.

I have been to many of the poor countries around the world. I do not want to be a part of a government that says we want to continue to use food as a weapon; we want to continue to use food and medicine as weapons. That is fundamentally wrong. It is a wrong-headed public policy.

Again, I say to the Senator from Virginia, I do not think he heard me. He has been a strong supporter of these issues. I have great respect for him. He will not be pleased that I intend to offer this as an amendment to the Defense authorization bill at some point. I feel I must do that because it is the only way we will get it done. The legislative leaders intend to strip this out of the appropriations process. The only opportunity for the Members of the House and Senate to express their will is to put this in a bill that is going to be signed by the President.

Do I understand the managers wish to do some business?

Mr. REID. If the Senator will be kind enough to withhold, without losing his right to the floor, we have a unanimous consent agreement we would like to have entered.

UNANIMOUS CONSENT AGREEMENT—EXECUTIVE CALENDAR

Mr. WARNER. As in executive session, I ask unanimous consent the Senate, at 11 a.m., immediately proceed to consider the following nomination on Executive Calendar: The nomination of Gen. John Gordon to be Under Secretary for Nuclear Security, Department of Energy, with the time until 11:30 to be equally divided between myself and the ranking member.

I further ask unanimous consent that a vote occur at 11:30 this morning on confirmation of the nomination of General Gordon, the motion to reconsider be laid on the table, any statements relating to the nomination appear in the RECORD, the President be immediately notified of the Senate's action, and the Senate then return to legislative session.

I further ask unanimous consent that no later than July 12, 2000, the Senate proceed to executive session for the consideration of Calendar No. 473, the nomination of Madelyn Creedon to be Deputy Administrator for Defense Programs, National Nuclear Security Administration. I further ask consent that there be 2 hours for debate, equally divided in the usual form. I finally ask consent that following the use or yielding back of the time, the Senate proceed to a vote on the confirmation of the nomination, the President be notified of the Senate's action immediately following the vote, and the Senate then resume legislative session.

The PRESIDING OFFICER. Is there objection?

Mr. LEVIN. No objection, Mr. President. We support this.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WARNER. Mr. President, just further administrative observation by myself, I thank the distinguished colleagues on the other side for trying to work it out such that at some point this morning Senator LEVIN and I may move to consideration of 40 or more cleared amendments on the Defense authorization bill. I know every effort is being made to achieve that procedural opportunity.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, that effort would be made, as I understand it, immediately following the vote on the confirmation of General Gordon. I am just wondering if that is accurate, so we can inform our colleagues who have an interest in this that the effort which the Senator from Virginia, the manager of the bill, has just described would occur immediately following the vote on the confirmation of General Gordon.

Mr. WARNER. Mr. President, the Senator is correct.

Mr. President, I ask for the yeas and nays on the Gordon nomination at this point.

The PRESIDING OFFICER. Is there a sufficient second? There appears to be.

The yeas and nays were ordered.

ORDER OF BUSINESS

Mr. REID. Mr. President, I apologize to my friend from North Dakota. I hope during the next hour and 15 minutes we can also make some progress toward getting rid of a number of the amendments, in addition to those cleared. I hope we can move in an orderly fashion to dispose of the Smith amendment, as amended. We can move forward and give Senator DODD an opportunity to move forward with what he desires to do.

In effect, I hope we can do more than just deal with cleared amendments. The arrangement between Senators LOTT and DASCHLE is that we would have the right on a subsequent piece of legislation to legislate. That is what we want to do. We have cooperated. We have moved expeditiously in getting rid of that very large Defense appropriations bill in a matter of a day and a half. I hope in the next hour and a half we are able to come up with a formula whereby we move to the legislative authorization bill and do some legislating.

Mr. WARNER. Mr. President, I will consult with my distinguished leader on that subject.

Mr. DORGAN. I wonder if the Senator from Virginia will yield for a question.

Mr. WARNER. Yes.

Mr. DORGAN. Mr. President, I agree with the comments that were made, and I know the desire is to move the Defense authorization bill forward with some dispatch. I indicated previously that I intend to offer an amendment dealing with sanctions on food and medicine. There are national security issues which have compelled us to impose sanctions, which include food and medicine, on countries.

We have debated this at great length. We had 70 votes for this policy last year in the Senate. Seventy percent of the Senate said they want to strip out food and medicine sanctions. We also have this in our appropriations bill, but I understand the legislative leadership is going to strip it out, and they have the capability from a parliamentary standpoint to do that.

The only option for those of us who want to get this policy done is to put it in a bill that is amendable, like this bill. It is my intention to offer an amendment. I will accept a short time limit when I do so. It is not my intention to hold things up. This has been debated at great length, and 70 percent of the Senators said we want to end sanctions on food and medicine with respect to sanctions that exist around the world.

Mr. WARNER. Mr. President, I advise my distinguished colleague of the following situation: One of the amendments pending at the desk is a Warner-Dodd amendment which establishes a Presidential commission to examine the overall policy between the United States and Cuba. It is my intention, if the parliamentary situation develops and I can do this, to ask that that amendment be withdrawn.

I do that with the greatest reluctance, but I have an obligation as manager of this very critical piece of legislation, the annual authorization for the Armed Forces of the United States, to compromise in my own objectives. One of them, of course, is to support the Senator's goals and to support the establishment of a commission. I have to do that because two colleagues, very respectfully, in a very friendly and forthright manner, told me that if the Warner-Dodd amendment remains on the authorization bill, we can anticipate—and I use the magic words—a prolonged debate on the Warner-Dodd amendment. That prolonged debate, I have to interpret, is a means by which to deprive the ability of the managers to move forward in an expeditious manner on the authorization bill.

In recognition of that, I have indicated to my two distinguished colleagues and good friends that I am going to withdraw my amendment, if I can, from a parliamentary standpoint. I can only anticipate those two Members, and indeed probably others, will indicate to the managers that should the distinguished colleague from North Dakota desire to offer that amendment, whether it is today or at some future time that will be available, we can anticipate prolonged debate on the armed services authorization bill. That is as much as I can say at this point in time.

Mr. DORGAN. Mr. President, I understand that. The two managers, Senator WARNER and Senator LEVIN, are doing a remarkable job of trying to move this legislation forward. It is not my intent to cause difficulties, but I do not want one or two Senators holding up the will of 70 percent of the Senate, saying this country ought not use food and medicine in sanctions anymore.

If I were assured by somebody that the efforts we have underway—Senator ASHCROFT, myself, Senator GORTON, Senator DODD, and others—to strike these sanctions of food and medicine in other pieces of legislation that are coming to the floor were somehow protected, that would be one thing. It is quite clear to me, and the leadership said to me publicly: We intend to dump them; it does not matter how many people support it, we intend to dump them, get rid of them.

The only opportunity I have is to force my way into this bill. If we have an up-or-down vote on this, 70 percent of the Senate and 70 percent of the House says this country will never use sanctions on the shipment of food and medicine, which is wrong, and the only chance I have to do that is on a piece of legislation such as this.

As my colleague knows, we seldom have a piece of legislation on the floor that is open for amendment. This one is. I give the Senator my assurance that we do not need long debate on this at all. We can debate this in a very short order because we had extensive debate last year. Seventy Senators said let us not any longer use food and medicine on sanctions.

Mr. WARNER. The distinguished Senator knows the rules of the Senate, and further I sayeth not.

Mr. LEVIN. Mr. President, I wonder if my friend from North Dakota will yield.

First, I join Senator WARNER in thanking him for allowing, with such graciousness, as always, the interruption of his presentation.

Secondly, he has a very important amendment. It is an amendment on which this Senate has voted, and this vehicle is a perfectly legitimate vehicle for legislation. It is one of the few opportunities we have for legislation. It is because there are such few opportunities that it has attracted this many potential amendments. I do not think anyone needs to apologize for that.

Senator WARNER—the way he works so well—and I will attempt to work with him and attempt to accommodate Senators who wish to offer amendments to this legislation. They need no apologies. We will try to work through it.

I thank the Senator from North Dakota for not just intending to offer an important amendment again, but being willing to take a very short time agreement on it, which means we can move the bill along.

Mr. WARNER. Mr. President, my good friend from Michigan and I have a responsibility to get the bill passed. I have been discouraging, as best I can, colleagues from bringing to the floor amendments which are not clearly germane to the central purposes of the annual authorization bill.

I hope I am not interpreting his comments as inviting, in contrast to my discouraging, such amendments. It is going to take a joint effort.

I commend our distinguished colleague, Senator REID of Nevada. He has been most helpful, and Senator LOTT on my side has supported me in trying to get this bill moving. As a matter of fact, Senator LOTT has given us this time this morning. He has represented to me he will try henceforth to give us time in between appropriations bills, which understandably is the prime function of the Senate.

Please, let us not encourage matters by way of amendment which are not clearly germane to this bill.

Mr. LEVIN. If my good friend will yield for a comment on that, I happen to share with him the desirability of moving this bill, but I also understand the need of colleagues to offer legislation in the Senate. That is why we are here.

The way I would accomplish the goal which the good Senator from Virginia has just laid out—a goal I share—would be to encourage colleagues who feel strongly about amendments, as the

Senator from North Dakota does, and understandably so, to agree to short time agreements. The shorter the time agreement we can get on some of these amendments, particularly amendments which have been debated for a long time before, is a way in which we can expedite the passage of the bill, and that is the way in which I think effectively we can do that.

Mr. WARNER. We ought to conclude this saying no matter how laudatory it is to get short time agreements, practically speaking I can think of several amendments on our side which will not be given short time agreements on the other side and reciprocally is the situation. We ought to stick to the premise of bringing up those matters that are germane.

Mr. LEVIN. I can think of amendments on both sides that could require extensive debate, but there may be occasions where cloture is an appropriate way in this Senate. We have rules for that. With some of these amendments which have been waiting to be offered for so many months, I think the best way to do it is deal with them within the rules of the Senate. Happily, this is not one of those amendments. We should not in any way suggest the amendment of the Senator from North Dakota is involved in that particular issue. He is willing to take a short time agreement. I think we ought to put that in the bank, get this amendment up early, and dispose of it.

Mr. WARNER. Mr. President, given the shortness of the hour, we should yield the floor so our colleague can finish. Perhaps there are others who wish to speak, too.

SANCTIONS IN FOOD AND MEDICINE—Continued

Mr. DORGAN. Mr. President, if I might continue, let me again speak of my admiration for the two managers. This isn't a case, however, of being either encouraged nor discouraged with respect to amendments. It is about the rules of the Senate. And I know the rules. I have the right to offer the amendment, and I will do that, but I will do that with consideration to the two managers, understanding that they have a job to do to try to get this bill out. So I will do it in a manner that says, let's have a reasonable time agreement.

But this is about national security. The reason we have imposed sanctions on other countries is because we have national security interests about the behavior of these countries. And if, in the interest of national security, we have said this country shall continue to impose sanctions on the shipments of food and medicine, then I say this country is wrong, and we must change the law.

We had been close to changing the law last year but failed, because there are only a few people—a handful of people; determined people—in the Congress who insist that they want to continue using food and medicine as a weapon.

The absurdity of it, of course, is that Saddam Hussein has never missed a meal. Does anybody think Saddam Hussein has ever missed breakfast because we are not able to send much food to Iraq? Does anybody think that Fidel Castro has missed dinner because we have imposed sanctions on the shipment of food to Cuba? If either of them take medication, do you think they miss their daily dose of medication because we have sanctions? Of course they have not missed either dinner or medication. Saddam Hussein and Fidel Castro do just fine, thank you.

It is hungry people, sick people, and poor people who live in their countries who are injured by this. It is not the best of America to say we want to include sanctions on the shipment of food and medicine to other parts of the world because we are concerned about the behavior of their leaders. That is not the best of what America has to offer.

There are a couple of reasons I have to describe this issue in such repetitive terms. One is, I represent a farm State. Our family farmers say all the time: You tell us to go operate in the open market, to produce our grain and then go sell it in the open market. We have these folks who created this farm program called Freedom to Farm, but some of them have forgotten there also ought to be a freedom to sell. What about the ability to sell that grain to these countries?

There are $7.7 billion in agricultural sales—nearly 11 percent of all the wheat purchases in the world—by the countries with which we have sanctions. So we say to farmers: You have the freedom to farm, but you do not have the freedom to sell. You cannot move your wheat to Cuba. We will let Cuba buy its wheat from other countries—from Europe, from Canada, from Argentina. They all sell, but the United States will not.

Farmers have the legitimate right to ask the question: Why? Why would you do this to family farmers? Why would you penalize family farmers by making so much of the world's wheat market and so much of the world's grain market off limits to family farmers?

This chart shows a list of farm groups that support lifting the sanctions on food and medicine. It is a list that includes virtually all of them. I do not know of any farm group that thinks this policy is smart, thoughtful, or reasonable. Every farm organization in the country representing family farmers believes we ought to discontinue using food as a weapon.

What about medicine? Dr. Patricia Dawson, a breast surgeon from Seattle, WA, Providence Hospital, says:

> The embargo appears to have a disproportionate impact on women and children by limiting access to new medications and technology.

In every one of these countries with which we have sanctions, I bet you will find a disproportionate impact on women and children. If anyone has the time, go talk to Congressman TONY HALL who went to North Korea and came back and made the report about hunger and malnutrition in North Korea. See what is going on in that country. Then ask yourself: Does it make any sense at all for this country to withhold food shipments to North Korea, or anywhere for that matter? The answer is a resounding no, of course not.

As I indicated when I started, there are two reasons for me to believe so strongly about this. One, this country has developed a policy that is wrong at its core. It is wrong for America. It is wrong for our family farmers. It is morally wrong, in my judgment, for a country that is the breadbasket of the world and produces such a prodigious amount of food to be telling other countries that, by the way, we will use our food in a punitive way if you do not behave. Mr. or Mrs. Leader of Another Country, we will decide that food is off limits to those who want to purchase commodities for your country.

What on Earth could provoke a country such as ours to believe that is a smart, sensible, or reasonable policy? It is not reasonable. It is not moral.

From a more selfish standpoint, I would say it is not fair to our family farmers. This morning someplace in my home State of North Dakota there is a family farmer who is driving a load of grain to a country elevator someplace. When that farmer gets to the country elevator, that farmer is going to be told that the food he produced—starting in the spring, gassing up the tractor, plowing a straight furrow, planting some seeds, and hoping and praying that seed is going to grow; and when it grows, finally being able to come out with a combine and harvesting the crop, and putting it in the bin, and then putting it in the truck, and then the elevator—that farmer is going to be told at the elevator that the food he produced from the work he did has no value; that food is food that does not have much value for the world at all.

So the price is collapsed. And the farmer scratches his or her head and says: I don't understand that. We have more than half a billion people going to bed with an ache in their belly because they didn't have enough to eat yesterday. Every single minute, up to eight children, die—every single minute—because of the winds of hunger around the world. Yet our farmers are told somehow their food does not have value, and those poor people who live in these countries—Cuba, Iran, Libya, North Korea, Sudan, and Iraq—are told American food, by the way, is off limits to you because we do not like the way your leaders behave.

So you poor folks in those unfortunate countries, you can't do much to kick Saddam Hussein out of Iraq, but we can prevent you from having access to American food. You can't even buy it.

That is just wrongheaded public policy. I intend to change it. As I indicated, Senator GORTON from Washington cosponsored the amendment I offered on the Agriculture appropriations bill. Senator ASHCROFT offered a nearly identical amendment on the floor of the Senate last year. The Senate will be dealing with this.

Finally, as I conclude, I say to those Senate leaders who believe they are going to be able to strip it out of the legislation this year, strip it out of the appropriations bill where I added it to the Agriculture appropriations bill, I am not going to let you do that. You might have the capability of stripping it out of that bill. I have the capability and the right on the floor of the Senate to add it to this bill.

Some say they don't want to do it because it does not pertain just to defense. It pertains to national security. I have a right under the rules to add it. I have to get a vote on it, but I have every right to offer it as an amendment. I intend to offer it. I will accept a short time agreement, but I intend that this Congress, with a wide majority of Senators and Representatives, will support this. I intend that this Congress will not be hijacked by a handful of legislative leaders who are trying to protect a dinosaur of a policy that represents the worst of America—the use of food and medicine as a weapon in economic sanctions.

So if we have not gotten a decade past that mentality then something is fundamentally wrong with this country. This country should stand up for its family farmers, first, to say that you have the freedom to sell; and, second, it ought to stand up as a world leader to say that we will not use food as a weapon. Poor people around the world, people who live in countries that need our food, have the right to buy it, have the right to expect it, and have the right to have access to it under a range of programs. This country should no longer penalize those poor people and those hungry people.

I came to the floor as I saw there was a morning business opportunity just to say to the two managers—I like them, they are good friends; and they will grit their teeth and wring their hands and mop their brows—but I intend to offer this amendment. I have a right to do so.

Mr. President, I yield the floor.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

EXECUTIVE SESSION

NOMINATION OF GENERAL JOHN A. GORDON, U.S. AIR FORCE, TO BE UNDER SECRETARY FOR NUCLEAR SECURITY, DEPARTMENT OF ENERGY

The PRESIDING OFFICER. Under the previous order, the Senate will now go into executive session and proceed to the nomination of Gen. John A. Gordon, which the clerk will report.

The legislative clerk read the nomination of Gen. John A. Gordon, United States Air Force, to be Under Secretary for Nuclear Security, Department of Energy.

The PRESIDING OFFICER (Mr. HUTCHINSON). Who yields time?

If no one yields time, time will be charged equally to both sides.

The distinguished Senator from Virginia.

Mr. WARNER. I thank the Chair. Under that ruling, without objection on my part, time will be charged equally to both sides.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant bill clerk proceeded to call the roll.

Mr. 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, momentarily, we will vote on the nomination of a very distinguished citizen of our country. I want to elaborate in these few minutes about his distinguished career.

We know he has been nominated to be the first Under Secretary for Nuclear Security, as well as the first administrator of the National Nuclear Security Administration at the Department of Energy. We are all familiar with General Gordon's record. He took on many challenging assignments over these years in the Department of Defense and currently is Deputy Director for the Central Intelligence Agency.

I would like to go back and give a brief history of the establishment of the National Nuclear Security Administration and the position for which General Gordon has been nominated.

The Administration was established by title 32 of the National Defense Authorization Act for fiscal year 2000. That consolidated all of the national security functions of the Department of Energy under a single, semi-autonomous organizational unit. This reorganization represents the most significant reorganization of the Department of Energy in more than 20 years.

The Congress did not take this action lightly. We established this new entity in response to a multitude of reports and assessments which called for changes in the Department of Energy's ''dysfunctional'' organization structure. The reports include the 1997 ''120-day study'' issued by the Institute for Defense Analysis, the 1999 Chiles Commission report, and the 1999 Foster Panel report—just to mention a few. However, the most compelling report was issued by President Clinton's Foreign Intelligence Advisory Board in June 1999. That bipartisan report stated that:

. . . real and lasting security and counterintelligence reform at the weapons labs is simply unworkable within DOE's current structure and culture. To achieve the kind of protection that these sensitive labs must have, they and their functions must have their own autonomous operational structure free of all the other obligations imposed by DOE management.

The President's Foreign Intelligence Advisory Board went on to make the following recommendations to the President and Congress, (1) create a new semi-autonomous agency and (2) streamline the management of the DOE weapons labs management structure by abolishing ties between the weapons labs and all DOE regional, field and site offices, and all contractor intermediaries. The committee was very careful to fully implement the President's Foreign Intelligence Advisory Board's bipartisan recommendations, exactly as they were presented to President Clinton.

The overarching goal was to establish, for the first time in many years, a clear chain of command for the Department's national security programs. Some disagree with the final product, but I believe we accomplished that goal. It is now time for General Gordon to make this new entity work.

I have been trying for some weeks to get this nomination up. Just think: Last year, we passed structural reforms. It was signed into law by the President. And here we are almost a year later—just today—about to confirm the President's nominee to head this new entity.

We have vested a considerable amount of authority in the Administrator of the National Nuclear Security Administration; that is, General Gordon. We trust that he will use it in the best of U.S. national security.

I have come to know this fine man very well over the months that I have worked with him in connection with this nomination. I can tell the Senate without any equivocation that I do not know of a more qualified person, a man whose background, whose achievements, whose every step in life better qualifies him, including a character I think that is beyond question, to take on this important responsibility.

With regard to some details about him, the general entered the Air Force through the Reserve Officer Training Corps Program in 1968.

His early assignments were in research and development and acquisition where he was involved in improving the Minuteman Intercontinental Ballistic Missile—ICBM—and in developing and acquiring the Peacekeeper ICBM. He served with the U.S. Department of State in the politico-military affairs. Later, he commanded the 90th Strategic Missile Wing, the only Peacekeeper ICBM unit. He served in the National Security Council in the areas of defense and arms control, including oversight and completion of START II negotiations. The general then became senior member of the staff of the Secretary of Defense, and later the Director of Operations, Air Force Space Command, responsible for overseeing

and developing policy and guidance for the command's operational missions.

Mr. President, I ask unanimous consent to have printed in the RECORD the biography of General Gordon.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

BIOGRAPHY—GENERAL JOHN A. GORDON

General John A. Gordon is deputy director of central intelligence, Central Intelligence Agency, Washington, D.C.

The general entered the Air Force through the Reserve Officer Training Corps program in 1968. His early assignments were in research, development and acquisition where he was involved in improving the Minuteman Intercontinental Ballistic Missile (ICBM) and in developing and acquiring the Peacekeeper ICBM. He was a long-range planner at Strategic Air Command and served with the U.S. State Department in politico-military affairs. Later, he commanded the 90th Strategic Missile Wing, the only Peacekeeper ICBM unit. He has served with the National Security Council in the areas of defense and arms control, including the oversight and completion of the START II negotiations. The general then became a senior member of the secretary of defense's staff and later, the director of operations, Air Force Space Command, responsible for overseeing and developing policy and guidance for the command's operational missions. He also has served as special assistant to the Air Force chief of staff for long-range planning, where he was responsible for restarting and integrating a long-range planning process into the Air Force. Prior to assuming his current position, he was associate director of central intelligence for military support, Central Intelligence Agency.

EDUCATION

1968 Bachelor of science degree with honors in physics, University of Missouri, Columbia.

1970 Master of science degree, Naval Postgraduate School, Monterey, Calif.

1972 Master of arts degree in business administration, New Mexico Highlands University, Las Vegas.

1975 Squadron Officer School, by correspondence.

1978 Air Command and Staff College, by correspondence.

1986 Air War College, Maxwell Air Force Base, Ala.

ASSIGNMENTS

1. July 1968–June 1970, graduate student, Naval Postgraduate School, Monterey, Calif., and Wright-Patterson Air Force Base, Ohio.

2. June 1970–June 1974, physicist, Air Force Weapons Laboratory, Kirtland Air Force Base, N.M.

3. June 1974–April 1976, research associate at DOE, Sandia Laboratories, Albuquerque, N.M.

4. April 1976–February 1979, long-range planner, Headquarters Strategic Air Command, Offutt Air Force Base, Neb.

5. February 1979–August 1980, staff officer, research and development, Headquarters U.S. Air Force, Washington, D.C.

6. August 1980–May 1982, executive assistant to the undersecretary of the Air Force, Washington, D.C.

7. May 1982–January 1983, deputy director, Office of Policy Analysis, Department of State, Washington, D.C.

8. January 1983–July 1985, office director for strategic nuclear policy, and director for defense and arms control matters, Bureau of Politico-Military Affairs, Department of State, Washington, D.C.

9. July 1985–July 1986, student, Air War College, Maxwell Air Force Base, Ala.

10. July 1986–June 1987, assistant deputy commander for maintenance, 44th Strategic Missile Wing, Ellsworth Air Force Base, S.D.

11. June 1987–May 1989, vice commander, then commander, 90th Strategic Missile Wing, Francis E. Warren Air Force Base, Wyo.

12. May 1989–January 1993, special assistant to the president for national security affairs and senior director for defense policy and arms control, National Security Council, Washington, D.C.

13. January 1993–June 1994, deputy undersecretary of defense and chief of staff for policy, Department of Defense, Washington, D.C.

14. June 1994–September 1995, director of operations, Headquarters Air Force Space Command, Peterson Air Force Base, Colo.

15. September 1995–September 1996, special assistant to the chief of staff for long-range planning, Headquarters U.S. Air Force, Washington, D.C.

16. September 1996–October 1997, associate director of central intelligence for military support, Central Intelligence Agency, Washington, D.C.

17. October 1997–present, deputy director of central intelligence, Central Intelligence Agency, Washington, D.C.

MAJOR AWARDS AND DECORATIONS

Defense Distinguished Service Medal with oak leaf cluster.
Defense Superior Service Medal.
Legion of Merit.
Defense Meritorious Service Medal.
Meritorious Service Medal with oak leaf cluster.
Air Force Commendation Medal.

EFFECTIVE DATES OF PROMOTION

Second Lieutenant Jun 4, 1968.
First Lieutenant Dec 4, 1969.
Captain Jun 4, 1971.
Major Sep 1, 1979.
Lieutenant Colonel Nov 1, 1981.
Colonel Dec 1, 1985.
Brigadier General Jun 1, 1992.
Major General May 25, 1995.
Lieutenant General Sep 20, 1996.
General Oct 31, 1997.
(Current as of September 1998).

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, I thank the Chair.

Mr. President, I join with Senator WARNER in supporting the President's nomination of Gen. John Gordon to be the Under Secretary for Nuclear Security in the Department of Energy, and the first administrator of the new National Nuclear Security Agency in the Department of Energy.

General Gordon is an excellent choice to fill this very demanding position. General Gordon has served his country for more than 30 years, most recently as the Deputy Director of the Central Intelligence Agency. He was recommended for this position by a panel of highly qualified experts headed by former Deputy Secretary of Energy Charles Curtis.

It is hard to imagine an individual with more experience than General Gordon with all aspects of the nuclear forces of the United States. During his long and distinguished career in the United States Air Force, General Gordon worked in the research and development of nuclear weapons programs as a physicist and technician; he is familiar with the operational requirements of our nuclear forces from his tours of duty with U.S. strategic missile forces, including service as vice commander and commander of a Strategic Missile Wing; and he worked at the highest policy levels of the Executive Branch during his four years on the National Security Council as special assistant to the President for national security affairs and senior director for defense policy and arms control.

Upon confirmation, General Gordon will take on one of the most challenging assignments in the federal government. The Administrator of the new National Nuclear Security Administration is responsible for maintaining the safety and reliability of our nation's nuclear warheads; for addressing security problems that continue to undermine public confidence in the Department of Energy; for managing the Department of Energy laboratories; and for cleaning up some of the worst environmental problems in the country.

Moreover, the Administrator will face these assignments as the head of an agency so plagued with ''convoluted, confusing and contradictory'' reporting channels that the President's Foreign Intelligence Advisory Board last year characterized the entire Department of Energy as a ''dysfunctional'' organization. Although I believe that some of the legislation Congress has passed and is currently considering will make General Gordon's job harder and not easier, I pledge to work with General Gordon, Secretary Richardson and my colleagues in the Congress to do everything I can to give General Gordon the support he will need to be successful in this demanding job.

I think all of us appreciate General Gordon's willingness to serve his country on this continuing basis and to take on a very difficult assignment.

I yield the floor.

Mr. ALLARD. Mr. President, I rise today to show my support for General John Gordon to be the Director of the National Nuclear Security Administration or the NNSA. But before I do that, I need to mention a related item, the lack of security protections at the Los Alamos lab.

On Monday, June 12, the New York Times reported that computer hard drives containing valuable nuclear weapons data and other highly sensitive information were found missing from the Los Alamos National Laboratory on May 7th. These classified hard drives were stored in locked containers in a vault at the weapons X Division at the lab. The containers were found but the hard drives are gone. According to reports, the material missing is American nuclear weapons data that the Nuclear Emergency Search Team needs to disarm nuclear devices during emergencies. Also missing is the intelligence information on the Russian nuclear weapons program. To make matters worse, the Lab did not begin an intensive search until May 24. I realize that a fire was raging in the area and

that people were focused on that, but to wait that long makes little sense. I understand that the law now requires that any such incident must be reported to the Department of Energy within 8 hours. Finally, DOE headquarters was informed of the missing data on June 1.

While it may seem premature to speculate foul play, I must say that neither DOE nor the Administration have a strong track record in the area of safeguards and security. Unfortunately, this is not the first incident of lax security during this Administration.

Here are just a few of the reported incidents.

March 1999—It was determined that the Chinese had penetrated Los Alamos Laboratory and stole our nuclear secrets.

Last December—A Russian diplomat is ordered to leave after a microphone transmitter is discovered on the 7th floor of the State Department, only a short walk from the office of Secretary Albright.

Then there is the case of the missing laptops at the State Department and the situation with the former CIA Director John Deutch, who since has lost all his clearances, of mishandling classified information.

While not all these cases are related to the newly created NNSA, they do show that a new attitude and new ethic must be incorporated into this Administration. We have had too many problems at too many places.

That is why I am glad that General Gordon is finally being voted on by this Senate. I am sorry that this vote took so long to take place. This vote was objected to by some who wanted to get a better deal on a few items in the Defense authorization bill relating to the NNSA. It was my belief there would be obstacles in this job, but I never believed it would happen before he got to the NNSA. However, now that the objection to General Gordon's nomination has been lifted, we can finally move this nomination. Gen. Gordon's position is far too valuable to be made a political pawn and the latest incident at Los Alamos proves that.

Also, I let him know that I don't expect miracles, I just expect our national security be treated as such. No longer should science and personnel matters out rank security. We must change this culture and I believe that General Gordon is the right person for this job. I want to thank General Gordon for his dedication and commitment to his country and for serving in this new position.

Lastly, Mr. President, I look forward to the hearings on the latest incident at the lab. For too long I have heard this administration crowing that they are taking care of the security problems, but this latest incident shows that their actions don't match their words. While this administration crowed they attempted to undermine what Congress had done last year to strengthen security in the Department of Energy through amendments in the Strategic Subcommittee of the Armed Services Committee. As chairman of that committee I was appalled at the action of Democrat members of the committee as well in their attempts to stop the nomination of General Gordon. We must and will get to the bottom of our nation's security problems.

Mr. WARNER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant bill clerk proceeded to call the roll.

Mr. 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.

All time having expired, the question is, Will the Senate advise and consent to the nomination of Gen. John A. Gordon, United States Air Force, to be Under Secretary for Nuclear Security, Department of Energy? On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. REID. I announce that the Senator from New York (Mr. MOYNIHAN), the Senator from Rhode Island (Mr. REED), and the Senator from West Virginia (Mr. ROCKEFELLER) are necessarily absent.

The result was announced—yeas 97, nays 0, as follows:

[Rollcall Vote No. 128 Ex.]

YEAS—97

Abraham	Enzi	Lott
Akaka	Feingold	Lugar
Allard	Feinstein	Mack
Ashcroft	Fitzgerald	McCain
Baucus	Frist	McConnell
Bayh	Gorton	Mikulski
Bennett	Graham	Murkowski
Biden	Gramm	Murray
Bingaman	Grams	Nickles
Bond	Grassley	Reid
Boxer	Gregg	Robb
Breaux	Hagel	Roberts
Brownback	Harkin	Roth
Bryan	Hatch	Santorum
Bunning	Helms	Sarbanes
Burns	Hollings	Schumer
Byrd	Hutchinson	Sessions
Campbell	Hutchison	Shelby
Chafee, L.	Inhofe	Smith (NH)
Cleland	Inouye	Smith (OR)
Cochran	Jeffords	Snowe
Collins	Johnson	Specter
Conrad	Kennedy	Stevens
Coverdell	Kerrey	Thomas
Craig	Kerry	Thompson
Crapo	Kohl	Thurmond
Daschle	Kyl	Torricelli
DeWine	Landrieu	Voinovich
Dodd	Lautenberg	Warner
Domenici	Leahy	Wellstone
Dorgan	Levin	Wyden
Durbin	Lieberman	
Edwards	Lincoln	

NOT VOTING—3

Moynihan	Reed	Rockefeller

The nomination was confirmed.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will now return to legislative session.

Mr. LOTT. Mr. President, we are discussing an agreement as to how to proceed. We need to actually get it typed up where everybody can review it. I say to Senator DASCHLE, I will make some remarks commending the gentleman's movement to South Carolina. I thought he might want to join me in that. I will take some leader time to do that while we get the final look at the agreement.

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. LOTT. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

HONORING JIM TALBERT'S RETIREMENT FROM SENATE

Mr. LOTT. Mr. President, let me make a very important correction. The gentleman I am going to speak about briefly is going to be moving to South Dakota, not South Carolina. He obviously likes cooler weather and not hot weather. He deserves to be able to go wherever he chooses after the great service he has provided to the Congress.

I want to take a moment to say goodbye on behalf of the Senate to a man we know quite well. I know Senator DASCHLE is going to join me in this and make some comments, either in a few minutes or later. I am talking about Jim Talbert, who is Superintendent of the Senate's Periodical Press Gallery and is retiring this week after 32 years of service.

Jim and I came to the House of Representatives in the same year, 1968. He was hired in the House Daily Press Gallery, and I was hired as an aide to then-Congressman Bill Colmer, chairman of the Rules Committee. Twenty-three years and five Speakers later, Jim crossed the DMZ in the Capitol to the Senate to be Superintendent of the Periodical Press Gallery.

Early on, Jim figured out what it took to get things done around here: know the rules. He knew them. That is why he became such a valuable resource. His expertise on congressional procedure is widely recognized and consulted by rookie reporters, veteran correspondents, and, yes, even by an occasional Senator or House Member who knows that he spent those many years in the House. His generosity in sharing his knowledge and time has brought him a great many friends on the second and third floors of this Capitol.

I have a letter from the Executive Committee of Correspondents that describes in the reporters' words all Jim has accomplished on their behalf in the Senate. I ask unanimous consent that that letter be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

CONGRESS OF THE UNITED STATES,
SENATE PERIODICAL PRESS GALLERY,
Washington, DC, June 7, 2000.

JIM TALBERT,
Superintendent, Senate Periodical Press Gallery, U.S. Senate, Washington, DC.

DEAR JIM: The Executive Committee of Correspondents conveys its gratitude on behalf of the more than 250 publications and 1,700 reporters who benefited from your nine years as superintendent of the United States Senate Periodical Press Gallery.

The transformation you have made running the press gallery has been nothing short of historic. The gallery has never operated in a more professional manner. The gallery staff was never better educated about the legislative process nor more knowledgeable of what is happening at any given moment on the Senate floor. Reporters never had a better opportunity of snagging a seat and testimony at a crowded hearing. Functions such as accrediting reporters and publications never operated in a more even-handed, efficient manner.

During your tenure, there was never a doubt that a reporter calling the gallery to ask about pending legislation would get an immediate and informed answer.

You deserve credit for what you have accomplished. You also earn our praise for leaving in your wake a highly trained and motivated staff. The personal zeal you displayed in understanding the often complicated legislative process was infectious and you were a good teacher.

While replacing Jim Talbert is out of the question, since you certainly are one of a kind, the mark you leave on the gallery will remain long after you enter your well-deserved retirement. The seeds you sowed will help reporters covering Congress for years to come.

We wish you and Judy a happy retirement to South Dakota filled with good health and mild winters.

Sincerely,

RICK MAZE,
Chairman.
CHERYL BOLEN,
Secretary-Treasurer.
RICHARD E. COHEN.
JAY CARNEY.
HEIDI GLENN.
AMY BORRUS.
TIM CURRAN.

Mr. LOTT. While Jim no longer will be toiling with us every day, he is keeping his favorite jobs: husband, father, and grandfather. I am a little envious, to tell the truth. He and his wife, Judy, whom he met while working in the Capitol, are moving to her native South Dakota.

It is typical of Jim that he didn't want a big bang, a big fuss over his departure. But we couldn't let him go without first wishing him well and saying, ''Thanks, Jim. You have earned it.''

The PRESIDING OFFICER. The Democratic leader.

Mr. DASCHLE. Mr. President, I join the majority leader in his commendation of an extraordinary part of this wonderful institution. Jim Talbert, as the majority leader has indicated, is retiring at the end of this week as the Superintendent of the Senate Periodical Press Gallery. He is one of hundreds of members of our Capitol family whom C–SPAN viewers never see but without whom this institution would simply not function. He has served Congress with distinction for 32 years.

Born on February 22, 1943, in Washington, D.C., he has resided here all of his life. He graduated from the University of Maryland with a degree in journalism in 1964 and began his career on Capitol Hill in 1966, covering politics for the Timmons News Service.

In 1968, he joined the House Daily Press Gallery where he worked for 23 years. Much to our good fortune, he came to the Senate in 1991 as the Superintendent of the Senate Periodical Press Gallery. The periodical gallery is one of three press galleries in the Senate. It is the nerve center for Capitol Hill reporters representing national and local magazines and newsletters. More than 1,700 journalists representing 250 different news organizations are credentialed to use the Periodical Press Gallery to file stories, stay in contact with home offices, and get information on Senate activities. As head of the periodical gallery, Jim approves credentials for reporters covering Capitol Hill. He acts as a liaison between the press and Senate staff and keeps up-to-the-minute information on what is happening on the Senate floor.

Reporters do not turn to Jim simply for information about where a press conference is being held or when a bill might be coming to the floor. They also depend on his vast knowledge of Senate history and legislative procedure to make sense of our sometimes confusing parliamentary rules. He is a professional, an efficient and fair-minded person in carrying out all of his duties. He is also generous and always has a humorous story to share.

While his departure will have reporters scrambling to find a good source on Senate procedure, he can leave knowing that the periodical gallery staff he has worked so hard to train is committed to maintaining his same high standards.

Besides his retirement, Jim will celebrate another happy milestone this year. In 1995, Jim was diagnosed with throat cancer. In his 5-year fight to beat cancer, he endured several rounds of radiation treatment and surgery and missed only 1 month of work. Recently, Jim was declared cancer free.

Finally, I always sensed that there was something unusually wise about Jim. That hunch was confirmed recently when I learned that he and his wife, Judy, will be moving to her hometown, Brookings, SD, home of South Dakota State University. I can't think of a better place to retire. I am glad to call them constituents and look forward to seeing them many times in my State and now their State.

I wish Jim and Judy well. Jim has served this Senate with dedication and distinction. I look forward to being able to serve with him, for a change, as his Senator. I wish him and Judy all of the best as they begin their new life in South Dakota.

UNANIMOUS-CONSENT AGREEMENT

Mr. LOTT. Mr. President, I now ask unanimous consent that the Senator from Virginia be recognized to offer a series of cleared amendments to the pending DOD authorization bill, and following the disposition of the 41-plus cleared amendments, the DOD authorization bill be laid aside and that the Senate then turn to the House Transportation appropriations bill and the Senate bill be immediately offered as an amendment in the nature of a substitute.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LOTT. Mr. President, I also had intended to ask consent that when the Senate resumes the DOD bill, the Smith amendment be laid aside and Senator DODD be recognized to offer his amendment regarding a Cuba commission. I am informed that Senator MCCAIN would object to that, but I assure Senator DASCHLE and Senator DODD and Senator MACK and Senator LEVIN and Senator WARNER, everybody, we will keep working to see if we can get this done. I think that is what we should do.

We are going to go back to DOD authorization in the morning in some form. Everybody is wanting to get in line or get their position first, or they don't want us to allow that second-degree slot to be opened, I guess, to the Smith amendment. Others want it to be open. It is kind of complicated. A lot of Senators are invoking their rights. They have a right to do that.

I do plead with the Senate, Republicans and Democrats, to work with us to try to get our appropriations bills done. I am going to continue to try to keep my word. Senator DASCHLE is working with me, and Senators are cooperating on both sides to come back to make progress on the Department of Defense authorization bill.

We were prepared to go to the Murray amendment, which is germane to the Defense bill. It is a Defense amendment. But I believe Senator FEINGOLD or somebody objected to that. We will keep working here. I think we can work through this in a way that will allow us to come back to the Defense authorization bill and deal with Defense-related amendments, which is what I prefer. It is our national security we are talking about. But there are amendments that Senators on both sides of the aisle want to offer that are not germane. We will try to find an orderly way in which to do that.

At this point, I am advised that there will be objections on this side on one approach and on that side on another approach. Let's keep working to find a way to get this done.

Mr. DASCHLE. Mr. President, I just urge the cooperation of all Senators. The only way this dual track is going to work is if we can accommodate each other's needs. That is what generated our agreement to address both bills in this fashion. Senators on both sides want to be accommodated. They have amendments to offer. This allows for that process to continue—to allow amendments on Defense authorization

in the morning up until early afternoon, and then to take up appropriations in the afternoon—so that we can work through the appropriations bills that we know we must get done.

We will be unable to go to appropriations bills in the future if we can't continue to accommodate each other's needs. I think this is working well. I hope we can continue to work well to work off the list of amendments. Senator REID does his magic with our list, and I know we have our colleagues on the other side who are attempting to do the same there. But we ought to have these votes and debates. I think it is good for the country and good for the institution to be able to have the opportunity to debate some of these issues. That is what we are doing, and that is why you see the cooperation you have this week.

I yield the floor.

Mr. LOTT. Mr. President, one of the reasons Senator DASCHLE and I decided to try to proceed on this dual track, trying to work on the Defense authorization bill in the morning and appropriations bills in the afternoon—it was Senator DASCHLE's suggestion that we do that for the very purpose we are achieving here. It keeps people focused. Out of sight, out of mind. If we were not trying to come back to DOD authorization, everybody would go off to committee hearings and other work and would not focus on trying to get an orderly way to do it. So while it is not agreed to yet, it is exactly what we had in mind—to make everybody understand we are going to keep trying to do the Transportation appropriations bill, and we are going to focus on amendments and try to get order and process to go back to the Department of Defense authorization.

JOHN WARNER and Senator LEVIN, the two managers of this legislation, are trying very hard to find a way to work through this maze that they are faced with to get a Defense authorization bill for the national security of our country. Senator WARNER, working with others, has 41 amendments that we can clear. At that rate, in 2 or 3 days, maybe we can eliminate a couple hundred amendments. So we will keep trying to do that.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2001—Continued

AMENDMENTS NOS. 3382 THROUGH 3424, EN BLOC

Mr. WARNER. Mr. President, I send a series of amendments to the desk en bloc, and I ask for their immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Virginia [Mr. WARNER] proposes amendments numbered 3382 through 3424, en bloc.

Mr. WARNER. Mr. President, I ask unanimous consent that reading of the amendments be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WARNER. Mr. President, I ask unanimous consent that the amendments be agreed to en bloc, that the motions to reconsider be laid upon the table and, finally, that any statements relating to any of these individual amendments be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered. The amendments (Nos. 3382 through 3424), were agreed to en bloc as follows:

AMENDMENT NO. 3382

(Purpose: To clarify the duties of the Chief of Naval Research as the Navy's manager of research funds)

On page 353, between lines 15 and 16, insert the following:

SEC. 914. MANAGEMENT OF NAVY RESEARCH FUNDS BY CHIEF OF NAVAL RESEARCH.

(a) CLARIFICATION OF DUTIES.—Section 5022 of title 10, United States Code, is amended—

(1) by redesignating subsections (c) and (d) as subsections (d) and (e), respectively;

(2) by inserting after paragraph (1) of subsection (a) the following:

''(b)(1) The Chief of Naval Research is the head of the Office of Naval Research.''; and

(3) by inserting after subsection (b) the following new subsection (c):

''(c) CHIEF AS MANAGER OF RESEARCH FUNDS.—The Chief of Naval Research shall manage the Navy's basic, applied, and advanced research funds to foster transition from science and technology to higher levels of research, development, test, and evaluation.''.

(b) CONFORMING AMENDMENT.—Subsection (a) of such section is amended by striking ''(a)(1)'' and inserting ''(a)''.

AMENDMENT NO. 3383

(Purpose; To provide, with an offset, $5,000,000 for research, development, test, and evaluation Defense-wide for the Strategic Environmental Research and Development Program (PE603716D) for technologies for the detection and transport of pollutants resulting from live-fire activities)

On page 48, between lines 20 and 21, insert the following:

SEC. 222. TECHNOLOGIES FOR DETECTION AND TRANSPORT OF POLLUTANTS ATTRIBUTABLE TO LIVE-FIRE ACTIVITIES.

(a) INCREASE IN AMOUNT.—The amount authorized to be appropriated by section 201(4) for research, development, test, and evaluation Defense-wide is hereby increased by $5,000,000.

(b) AVAILABILITY OF AMOUNT.—Of the amount authorized to be appropriated by section 201(4), as increased by subsection (a), the amount available for the Strategic Environmental Research and Development Program (PE6034716D) is hereby increased by $5,000,000, with the amount of such increase available for the development and test of technologies to detect, analyze, and map the presence of, and transport of, pollutants and contaminants at sites undergoing the detection and remediation of constituents attributable to live-fire activities in a variety of hydrogeological scenarios.

(c) ADDITIONAL REQUIREMENT.—Performance measures shall be established for the technologies described in subsection (b) for purposes of facilitating the implementation and utilization of such technologies by the Department of Defense.

(d) OFFSET.—The amount authorized to be appropriated by section 201(1) for research, development, test, and evaluation for the Army is hereby decreased by $5,000,000, with the amount of such decrease applied to Combat Vehicle and Automotive Advanced Technology (PE603005A).

AMENDMENT NO. 3384

(Purpose: To increase by $45,000,000 the amount authorized to be appropriated for environmental restoration of formerly used defense sites and reduce defense-wide operations and maintenance accounts by $45,000,000 for mobility enhancements)

On page 55, strike lines 13 and 14, and insert the following:

(18) For Environmental Restoration, Formerly Used Defense Sites, $231,499,000.

On page 54, line 16, strike ''$11,973,569,000'' and insert ''$11,928,569,000''.

AMENDMENT NO. 3385

(Purpose: To set aside for weatherproofing of facilities at Keesler Air Force Base, Mississippi, $2,800,000 of the amount authorized to be appropriated for the Air Force for operation and maintenance)

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.

AMENDMENT NO. 3386

(Purpose: To remove the inclusion of housing in the determining of income eligibility for WIC support for members of the Armed Forces overseas)

On page 239, after line 22, insert the following:

SEC. 656. DETERMINATIONS OF INCOME ELIGIBILITY FOR SPECIAL SUPPLEMENTAL FOOD PROGRAM.

Section 1060a(c)(1)(B) of title 10, United States Code, is amended by striking the second sentence and inserting the following: ''In the application of such criterion, the Secretary shall exclude from income any basic allowance for housing as permitted under section 17(d)(2)(B) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(d)(2)(B)).''.

Mr. HARKIN. Mr. President, I am offering a bipartisan amendment with my distinguished colleagues, Mr. LUGAR and Mr. LEAHY. This amendment would simply change the rules on eligibility of overseas troops for the supplemental nutrition program to be the same as the rules for troops in the United States. It corrects an inequity that would otherwise harm thousands of our troops overseas.

We have had much discussion of the disgrace that some of our men and women in uniform, who are risking their lives to serve our nation, have to rely on welfare to feed their families. Thousands of our troops are eligible for food stamps and WIC, the supplemental nutrition program. This is an outrage, and I will continue to work to increase the pay of our enlisted men and women, the real solution to this problem.

But it is even more outrageous that some of our troops who need this assistance cannot get it, just because of where they are stationed. WIC is administered by the States. Since our troops overseas are not in a State, in the past they have not received any

support from WIC. When they are stationed here, they can get the food they need to feed their families; they get transferred overseas, and suddenly they are ineligible, and the assistance on which they have come to rely disappears. No wonder it's so hard to convince them to sign up for another tour.

Last year this body passed an amendment I proposed to end this unfairness by having the Defense Department provide WIC assistance to troops overseas. The amendment simply required the Defense Department to set up a WIC program similar to those run by the states that would serve Department personnel who are overseas. The Department is proceeding to implement that program. In fact the Department is uniquely situated to efficiently run such a program because of the network of medical treatment facilities and commissaries that is already in place. But in conference a significant change was made to the provision. A sentence was added that requires the Department to include the value of on-base housing in calculating income to determine eligibility for the program. That one sentence knocked more than half of those who should be eligible from the program.

It also failed to correct the fundamental unfairness. The regulations governing WIC specifically prohibit states from counting in-kind housing and other in-kind assistance in appplicants' income when determining eligibility. They bar states from doing what we required the Pentagon to do. That makes no sense. It means that people who were receiving food stamps in the U.S. still may be kicked out of the program when their period of eligibility is up, even though their income and expenses have not changed, just because they were transferred out of the country. And when my staff talked with the Defense Department officials who are setting up the program, they agreed that the rules should be changed so that eligibility overseas would match eligibility in the U.S.

So this amendment strikes the one sentence, leaving the overall principle that the Secretary of Defense should seek to apply the eligibility rules in the regulations governing state implementation of WIC.

Those regulations leave one ambiguity, however. I have talked about in-kind housing, that is housing on military bases. Troops who live off-base instead receive a basic housing allowance to help them pay for their own housing. As directed in the Child Nutrition Act of 1966, the rules on WIC state that states have the choice in determining income eligibility of whether to count the basic housing allowance received by military personnel living off the base. I understand that as of 1994, the last time states were surveyed, not one of the fifty states had chosen to include the housing in income. That only makes sense. It would be patently unfair to let troops living on-base receive support, but withhold it from troops living off-base whose real income is no higher. In fact the troops off-base usually have higher expenses because the housing allowance usually does not fully cover their housing expense.

So this amendment directs the Secretary of Defense to follow the current practice of the states in excluding the basic allowance for housing when determining income eligibility. Thus it would allow the Secretary to restore full fairness by treating troops overseas the same as troops at home, and troops who live on-base the same as troops who live off-base. And most importantly it would allow thousands of troops to receive the food they need to keep their families healthy.

I thank my colleagues on both sides of the aisle for their favorable consideration and am glad that this correction has been accepted as a manager's amendment.

AMENDMENT NO. 3387

(Purpose: To improve access to health care under the TRICARE program by prohibiting a requirement for statements of nonavailability or preauthorization for certain services under that program)

On page 251, between lines 6 and 7, insert the following:

SEC. 714. IMPROVEMENT OF ACCESS TO HEALTH CARE UNDER THE TRICARE PROGRAM.

(a) WAIVER OF NONAVAILABILITY STATEMENT OR PREAUTHORIZATION.—In the case of a covered beneficiary under chapter 55 of title 10, United States Code, who is enrolled in TRICARE Standard, the Secretary of Defense may not require with regard to authorized health care services (other than mental health services) under any new contract for the provision of health care services under such chapter that the beneficiary—

(1) obtain a nonavailability statement or preauthorization from a military medical treatment facility in order to receive the services from a civilian provider; or

(2) obtain a nonavailability statement for care in specialized treatment facilities outside the 200-mile radius of a military medical treatment facility.

(b) NOTICE.—The Secretary may require that the covered beneficiary inform the primary care manager of the beneficiary of any health care received from a civilian provider or in a specialized treatment facility.

(c) EXCEPTIONS.—Subsection (a) shall not apply if—

(1) the Secretary demonstrates significant cost avoidance for specific procedures at the affected military medical treatment facilities;

(2) the Secretary determines that a specific procedure must be maintained at the affected military medical treatment facility to ensure the proficiency levels of the practitioners at the facility; or

(3) the lack of nonavailability statement data would significantly interfere with TRICARE contract administration.

(d) EFFECTIVE DATE.—This section shall take effect on October 1, 2001.

AMENDMENT NO. 3388

(Purpose: To modify the time for use by members of the Selected Reserve of entitlement to certain educational assistance)

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)''.

AMENDMENT NO. 3389

(Purpose: To treat as veterans individuals who served in the Alaska Territorial Guard during World War II)

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.

AMENDMENT NO. 3390

(Purpose: To extend to members of the National Guard and other reserve components not on active duty the entitlement to receive special duty assignment pay)

On page 220, between lines 13 and 14, insert the following:

SEC. 622. ENTITLEMENT OF MEMBERS OF THE NATIONAL GUARD AND OTHER RESERVES NOT ON ACTIVE DUTY TO RECEIVE SPECIAL DUTY ASSIGNMENT PAY.

(a) AUTHORITY.—Section 307(a) of title 37, United States Code, is amended by inserting after ''is entitled to basic pay'' in the first

sentence the following: '', or is entitled to compensation under section 206 of this title in the case of a member of a reserve component not on active duty,''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on the first day of the first month that begins on or after the date of the enactment of this Act.

Mr. FEINGOLD. Mr. President, today I offer an amendment that will restore a measure of pay equity for our nation's Guardsmen and Reservists. I offered this same amendment last year to S. 4, the military pay increase bill, and it was adopted by voice vote.

I understand that this amendment is acceptable to the managers on both sides, and I thank the chairman and the ranking member of the Armed Services Committee for their continuing cooperation on this important issue.

Mr. President, the men and women who serve in the Guard and Reserves are cornerstones of our national defense and domestic infrastructure, and they deserve to be adequately and equitably compensated for their dedicated service to this country.

The Guard and Reserve are integral parts of overseas missions, including recent and ongoing missions in places, including Iraq and the Balkans. According to statements by Department of Defense officials, Guardsmen and Reservists will continue to play an increasingly important role in our national defense strategy as they are called upon to shoulder more of the burden of military operations both at home and abroad. The National Guard and Reserves deserve the full support they need to carry out their duties.

Mr. President, my amendment would correct special duty assignment pay inequities between the Reserve components of our Armed Forces and their active duty counterparts. These inequities should be address to take into account the National Guard and Reserves' increased role in our national security, especially on the front lines.

My amendment allows a Guardsmen or Reservist who is entitled to basic pay and is performing a special duty to be paid special duty assignment pay.

Right now, Guardsmen and Reservists are getting shortchanged despite the vital role they play in our national defense. The special duty assignment pay program ensures readiness by compensating specific soldiers who are assigned to duty positions that demand special training and extraordinary effort to maintain a level of satisfactory performance. The program, as it stands now, effectively reduces the ability of the National Guard and Reserve to retain highly dedicated and specialized soldiers.

The special duty assignments pay program provides an additional monthly financial incentive paid to enlisted soldiers and airmen who are required to perform extremely demanding duties that require an unusual degree of responsibility. These special duty assignments include certain command sergeants major, guidance counselors, retention non-commissioned officers (NCO's), drill sergeants, and members of the Special Forces. These soldiers, however, do not receive special duty assignment pay while in on IDT status (drill weekends).

I am pleased that the underlying bill as reported by the Armed Services Committee contains a provision that increases the maximum rate for special duty assignment pay from $275 per month to $600 per month. This modest increase, coupled with my amendment, will help to ensure that our Guardsmen and Reservists are fairly compensated for their service.

This is especially important since National Guard and Reserve members give up their civilian salaries during the time they are called up for, or volunteer for, active duty.

Mr. President, as the U.S. military prepares to face the challenges of the next century and beyond, the National Guard and Reserves will be called more frequently to active duty for domestic support roles and various peacekeeping efforts abroad. They will also be vital players on special teams trained to deal with emerging threats, including the possibility of the deployment of weapons of mass destruction within our own borders. According to many military experts, this represents a more salient threat to the United States than the threat of a ballistic missile attack that many of our colleagues have spent so much time addressing.

Mr. President, I have had the opportunity to see some of these soldiers off as they embarked on these missions and have welcomed them home upon their return. I am struck by the courage and professionalism they displayed as they prepare to meet these varied assignments. In Wisconsin, the State Guard provides vital support during natural disasters and state emergencies, including floods, ice storms, and train derailments.

We have a duty to honor the service of our National Guardsmen and Reservists. One way to do that is to equitably compensate them for their service.

Again, I thank the managers of the bill for their courtesy and for their cooperation on this important amendment.

AMENDMENT NO. 3391

(Purpose: To authorize the expansion of service areas for transferees of former uniformed services treatment facilities that are included in the uniformed services health care delivery system)

On page 270, between lines 16 and 17, insert the following:

SEC. 744. SERVICE AREAS OF TRANSFEREES OF FORMER UNIFORMED SERVICES TREATMENT FACILITIES THAT ARE INCLUDED IN THE UNIFORMED SERVICES HEALTH CARE DELIVERY SYSTEM.

Section 722(e) of the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104–201; 10 U.S.C. 1073 note) is amended—

(1) by inserting ''(1)'' after ''(e) SERVICE AREA.—''; and

(2) by adding at the end the following:

''(2) The Secretary may, with the agreement of a designated provider, expand the service area of the designated provider as the Secretary determines necessary to permit covered beneficiaries to enroll in the designated provider's managed care plan. The expanded service area may include one or more noncontiguous areas.''.

AMENDMENT NO. 3392

(Purpose: To refine and advance Federal acquisition streamlining)

In section 801(a), strike ''The Secretary of Defense shall ensure that, not later than 180 days after the date of the enactment of this Act, the Department of Defense Supplement to the Federal Acquisition Regulation is revised'' and insert ''Not later than 180 days after the date of the enactment of this Act, the Federal Acquisition Regulation issued in accordance with sections 6 and 25 of the Office of Federal Procurement Policy Act (41 U.S.C. 405 and 421) shall be revised''.

At the end of title VIII, add the following:

SEC. 814. REVISION OF THE ORGANIZATION AND AUTHORITY OF THE COST ACCOUNTING STANDARDS BOARD.

(a) ESTABLISHMENT WITHIN OMB.—Paragraph (1) of subsection (a) of section 26 of the Office of Federal Procurement Policy Act (41 U.S.C. 422) is amended by striking ''Office of Federal Procurement Policy'' in the first sentence and inserting ''Office of Management and Budget''.

(b) COMPOSITION OF BOARD.—Subsection (a) of such section is further amended—

(1) by striking the second sentence of paragraph (1);

(2) by redesignating paragraph (2) as paragraph (3); and

(3) by inserting after paragraph (1) the following new paragraph (2):

''(2) The Board shall consist of five members appointed as follows:

''(A) A Chairman, appointed by the Director of the Office of Management and Budget, from among persons who are knowledgeable in cost accounting matters for Federal Government contracts.

''(B) One member, appointed by the Secretary of Defense, from among Department of Defense personnel.

''(C) One member, appointed by the Administrator, from among employees of executive agencies other than the Department of Defense, with the concurrence of the head of the executive agency concerned.

''(D) One member, appointed by the Chairman from among persons (other than officers and employees of the United States) who are in the accounting or accounting education profession.

''(E) One member, appointed by the Chairman from among persons in industry.''.

(c) TERM OF OFFICE.—Paragraph (3) of such subsection, as redesignated by subsection (b)(2), is amended—

(1) in subparagraph (A)—

(A) by striking '', other than the Administrator for Federal Procurement Policy,'';

(B) by striking clause (i);

(C) by redesignating clauses (ii) and (iii) as clauses (i) and (ii), respectively; and

(D) in clause (ii), as so redesignated, by striking ''individual who is appointed under paragraph (1)(A)'' and inserting ''officer or employee of the Federal Government who is appointed as a member under paragraph (2)''; and

(2) by striking subparagraph (C).

(d) OTHER BOARD PERSONNEL.—(1) Subsection (b) of such section is amended to read as follows:

''(b) SENIOR STAFF.—The Chairman, after consultation with the Board, may appoint an executive secretary and two additional staff members without regard to the provisions of

title 5, United States Code, governing appointments in the competitive service and in senior-level positions. The Chairman may pay such employees without regard to the provisions of chapter 51 (relating to classification of positions), and subchapter III of chapter 53 of such title and section 5376 of such title (relating to the rates of basic pay under the General Schedule and for senior-level positions, respectively), except that no individual so appointed may receive pay in excess of the maximum rate of basic pay payable for a senior-level position under such section 5376.''.

(2) Subsections (c) and (d)(2), and the third sentence of subsection (e), of such section are amended by striking ''Administrator'' and inserting ''Chairman''.

(e) COST ACCOUNTING STANDARDS AUTHORITY.—(1) Paragraph (1) of subsection (f) of such section is amended by inserting '', subject to direction of the Director of the Office of Management and Budget,'' after ''exclusive authority''.

(2) Paragraph (2)(B)(iv) of such subsection is amended by striking ''more than $7,500,000'' and inserting ''$7,500,000 or more''.

(3) Paragraph (3) of such subsection is amended, in the first sentence—

(A) by striking ''Administrator, after consultation with the Board'' and inserting ''Chairman, with the concurrence of a majority of the members of the Board''; and

(B) by inserting before the period at the end the following: '', including rules and procedures for the public conduct of meetings of the Board''.

(4) Paragraph (5)(C) of such subsection is amended to read as follows:

''(C) The head of an executive agency may not delegate the authority under subparagraph (A) or (B) to any official in the executive agency below a level in the executive agency as follows:

''(i) The senior policymaking level, except as provided in clause (ii).

''(ii) The head of a procuring activity, in the case of a firm, fixed price contract or subcontract for which the requirement to obtain cost or pricing data under subsection (a) of section 2306a of title 10, United States Code, or subsection (a) of section 304A of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 254b) is waived under subsection (b)(1)(C) of such section, respectively.''.

(5) Paragraph (5)(E) of such subsection is amended by inserting before the period at the end the following: ''in accordance with requirements prescribed by the Board''.

(f) REQUIREMENTS FOR STANDARDS.—(1) Subsection (g)(1)(B) of section 26 of the Office of Federal Procurement Policy Act is amended by inserting before the semicolon at the end the following: '', together with a solicitation of comments on those issues''.

(g) INTEREST RATE APPLICABLE TO CONTRACT PRICE ADJUSTMENTS.—Subsection (h)(4) of such section is amended by inserting ''(a)(2)'' after ''6621'' both places that it appears.

(h) REPEAL OF REQUIREMENT FOR ANNUAL REPORT.—Such section is further amended by striking subsection (i).

(i) EFFECTS OF BOARD INTERPRETATIONS AND REGULATIONS.—Subsection (j) of such section is amended—

(1) in paragraph (1), by striking ''promulgated by the Cost Accounting Standards Board under section 719 of the Defense Production Act of 1950 (50 U.S.C. App. 2168)'' and inserting ''that are in effect on the date of the enactment of the National Defense Authorization Act for Fiscal Year 2001''; and

(2) in paragraph (3), by striking ''under the authority set forth in section 6 of this Act'' and inserting ''exercising the authority provided in section 6 of this Act in consultation with the Chairman''.

(j) RATE OF PAY FOR CHAIRMAN.—Section 5315 of title 5, United States Code, is amended by adding at the end the following:

''Chairman, Cost Accounting Standards Board.''.

(k) TRANSITION PROVISION FOR MEMBERS.—Each member of the Cost Accounting Standards Board who serves on the Board under paragraph (1) of section 26(a) of the Office of Federal Procurement Policy Act, as in effect on the day before the date of the enactment of this Act, shall continue to serve as a member of the Board until the earlier of—

(1) the expiration of the term for which the member was so appointed; or

(2) the date on which a successor to such member is appointed under paragraph (2) of such section 26(a), as amended by subsection (b) of this section.

SEC. 815. REVISION OF AUTHORITY FOR SOLUTIONS-BASED CONTRACTING PILOT PROGRAM.

(a) PILOT PROJECTS UNDER THE PROGRAM.—Section 5312 of the Clinger-Cohen Act of 1996 (40 U.S.C. 1492) is amended—

(1) in subsection (a), by striking ''subsection (d)(2)'' and inserting ''subsection (d)''; and

(2) by striking subsection (d) and inserting the following:

''(d) PILOT PROGRAM PROJECTS.—The Administrator shall authorize to be carried out under the pilot program—

''(1) not more than 10 projects, each of which has an estimated cost of at least $25,000,000 and not more than $100,000,000; and

''(2) not more than 10 projects for small business concerns, each of which has an estimated cost of at least $1,000,000 and not more than $5,000,000.''.

(b) ELIMINATION OF REQUIREMENT FOR FEDERAL FUNDING OF PROGRAM DEFINITION PHASE.—Subsection (c)(9)(B) of such section is amended by striking ''program definition phase (funded, in the case of the source ultimately awarded the contract, by the Federal Government)—'' and inserting ''program definition phase—''.

SEC. 816. APPROPRIATE USE OF PERSONNEL EXPERIENCE AND EDUCATIONAL REQUIREMENTS IN THE PROCUREMENT OF INFORMATION TECHNOLOGY SERVICES.

(a) AMENDMENT OF THE FEDERAL ACQUISITION REGULATION.—Not later than 180 days after the date of the enactment of this Act, the Federal Acquisition Regulation issued in accordance with sections 6 and 25 of the Office of Federal Procurement Policy Act (41 U.S.C. 405 and 421) shall be amended to address the use of personnel experience and educational requirements in the procurement of information technology services.

(b) CONTENT OF AMENDMENT.—The amendment issued pursuant to subsection (a) shall—

(1) provide that a solicitation of bids on a performance-based contract for the procurement of information technology services may not set forth any minimum experience or educational requirement for contractor personnel that a bidder must satisfy in order to be eligible for award of the contract; and

(2) specify—

(A) the circumstances under which a solicitation of bids for other contracts for the procurement of information technology services may set forth any such minimum requirement for that purpose; and

(B) the circumstances under which a solicitation of bids for other contracts for the procurement of information technology services may not set forth any such minimum requirement for that purpose.

(c) CONSTRUCTION OF REGULATION.—The amendment issued pursuant to subsection (a) shall include a rule of construction that a prohibition included in the amendment under paragraph (1) or (2)(B) does not prohibit the consideration of the experience and educational levels of the personnel of bidders in the selection of a bidder to be awarded a contract.

(d) GAO REPORT.—Not later than 1 year after the date on which the regulations required by subsection (a) are published in the Federal Register, the Comptroller General shall submit to Congress an evaluation of—

(1) executive agency compliance with the regulations; and

(2) conformity of the regulations with existing law, together with any recommendations that the Comptroller General considers appropriate.

(e) DEFINITIONS.—In this section:

(1) The term ''executive agency'' has the meaning given that term in section 4 of the Office of Federal Procurement Policy Act (41 U.S.C. 403).

(2) The term ''performance-based contract'' means a contract that includes performance work statements setting forth contract requirements in clear, specific, and objective terms with measurable outcomes.

(3) The term ''information technology'' has the meaning given that term in section 5002 of the Clinger-Cohen Act of 1996 (40 U.S.C. 1401).

At the end of subtitle A of title X, insert the following:

SEC. 1010. TREATMENT OF PARTIAL PAYMENTS UNDER SERVICE CONTRACTS.

For the purposes of the regulations prescribed under section 3903(a)(5) of title 31, United States Code, partial payments, other than progress payments, that are made on a contract for the procurement of services shall be treated as being periodic payments.

Mr. THOMPSON. Mr. President, I offer this amendment on behalf of myself as chairman of the Governmental Affairs Committee and Senator LIEBERMAN, the Committee's ranking minority member, and Senators WARNER and LEVIN, the chairman and ranking minority member of the Armed Services Committee. Senator LIEBERMAN and I thank the Armed Services chairman and ranking member for their cooperation and assistance in preparing this amendment which will benefit not only the procurement process within the Department of Defense, but other agencies across the Federal government as well.

The amendment which we offer today began as a request from the administration and others to include additional procurement-related reforms to those enacted over the past several years and those already included in S. 2549. Our amendment includes language which would (1) express a government-wide preference for performance-based service contracting; (2) move the Cost Accounting Standards (CAS) Board out of the Office of Federal Procurement Policy, making it a separate office within the Office of Management and Budget, and conform the delegation of authority levels relating to the CAS with those for the Truth in Negotiations Act; (3) extend the authority of certain pilot programs under the Clinger-Cohen Act of 1996; (4) prohibit the use of mandatory minimum educational and experience requirements on performance-based service contracts and certain other contracts; and (5) ensure that the implementing regulations

of the Prompt Payment Act treat partial payments on contracts for services as periodic payments covered by the Act. I ask unanimous consent that a joint statement of sponsors explaining the amendment be placed in the RECORD immediately following my statement. This statement represents the consensus view of the sponsors as to the meaning and intent of the amendment.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

JOINT STATEMENT OF SPONSORS REGARDING THE THOMPSON-LIEBERMAN-WARNER-LEVIN PROCUREMENT STREAMLINING AMENDMENT

1. Performance-based service contracting

The amendment would make government-wide a provision included in section 801 of the bill, which establishes a preference for performance-based service contracting. Successful performance of services contracts throughout government can be ensured by establishing clear goals which give vendors the flexibility to propose different approaches, while giving the government a firm basis for cost and quality comparison.

2. Organization of the Cost Accounting Standards Board

The Cost Accounting Standards (CAS standards) are a set of 19 accounting principles developed and maintained by the Cost Accounting Standards Board (CAS Board), a body created by Congress to develop uniform and consistent standards. The CAS standards require government contractors to account for their costs on a consistent basis and prohibit any shifting of overhead or other costs from commercial contracts to government contracts, or from fixed-price contracts to cost-type contracts.

Currently, the CAS Board is located in the Office of Federal Procurement Policy (OFPP) and chaired by the Administrator of OFPP. Concerns have been raised that OFPP's broader procurement policy mission has distracted past Administrators from the task of maintaining the CAS standards. In order to ensure that the CAS standards receive the focused attention of qualified accounting professionals, the amendment would remove the CAS Board from OFPP and make it an independent board within the Office of Management and Budget.

The amendment would retain the CAS Board's ''exclusive authority'' to make, promulgate, amend, and rescind cost accounting standards and interpretations thereof. Because of the need for consistent cost accounting standards for all government contracts, no other Federal agency is authorized to issue cost accounting standards or regulations. However, the amendment would make the CAS Board's authority ''subject to the direction of the Director of the Office of Management and Budget'' in recognition of the existing relationship of the CAS Board with the Director of OMB and the requirement that federal rules and regulations be adopted by an officer with the authority to take such action.

Further, the amendment clarifies the level to which Federal agencies may delegate authority to waive the applicability of CAS standards in certain circumstances, to conform to waiver authority under the Truth in Negotiations Act and ensure that the same official may waive the requirements of both statutes in cases where it makes sense to do so.

3. Revision of authority for solutions-based contracting pilot program

The amendment would amend section 5312 of the Clinger-Cohen Act, the solutions-based contracting pilot program, to remove detailed statutory requirements concerning the development of a pilot plan, including the requirement to form a public-private working group. The elimination of this requirement is intended to avoid concerns raised regarding which private industry specialists would participate on working groups and the extent to which it would be appropriate for such participants to compete for later solutions-based contracts. The provision also would eliminate a requirement to fund the awardee's efforts during the program definition phase and instead leave this decision to the contracting officer's discretion on a case-by-case basis.

4. Appropriate use of personnel experience and educational requirements in the procurement of information technology services

Many in the information technology industry have argued that minimum education or experience requirements included in agency solicitations for information technology services are contributing to the serious worker shortage by requiring contractors to use more highly trained and educated workers to perform some services required by government contracts that could be done just as well by less educated or experienced workers. They argue that these mandatory minimum requirements are often included in information technology service contracts without regard to whether it is necessary to perform the work and that it drives up the cost of contracts.

The amendment would prohibit the use of minimum experience or educational requirements for contractor personnel in performance-based services contracts. Minimum experience requirements are inappropriate for such contracts, which are supposed to be awarded on the basis of measurable outcomes. The provision would also require the issuance of regulations on the appropriate use of minimum experience or educational requirements for other services contracts other than performance-based contracts.

It is the sponsors' view that this amendment will have no negative impact on Federal employees performing similar information technology work for the Federal government.

5. Treatment of partial payments under service contracts

When the Prompt Payment Act was amended in 1988, Congress recognized the failure of Federal agencies to implement the requirement in the Act to pay, during the contract period, for the periodic delivery of supplies or the periodic performance of services if permitted by the contract. As a result, the Act was amended to require that periodic payments were covered by the Act's requirement that agencies pay interest on late payments.

The amendment would clarify that partial payments, other than progress payments, made under service contracts are periodic payments for purposes of the Prompt Payment Act and that interest must be paid on such partial payments which are not paid timely.

AMENDMENT NO. 3393

(Purpose: To increase by $2,500,000 the amount provided for the Army for operation and maintenance for the ceremonial rifle program; and to offset that increase by reducing by $2,500,000 the amount provided for operation and maintenance, Defense-wide, for spectrum database upgrades)

On page 54, line 11, strike ''$19,028,531,000'' and insert ''$19,031,031,000''.

On page 54, line 11, strike ''$11,973,569,000'' and insert ''$11,971,069,000''.

AMENDMENT NO. 3394

(Purpose: To set aside up to $1,000,000 for the support of programs to promote informal region-wide dialogues on arms control and regional security issues for Arab, Israeli, and United States officials and experts)

On page 462, between lines 2 and 3, insert the following:

SEC. 1210. SUPPORT OF CONSULTATIONS ON ARAB AND ISRAELI ARMS CONTROL AND REGIONAL SECURITY ISSUES.

Of the amount authorized to be appropriated by section 301(5), up to $1,000,000 is available for the support of programs to promote informal region-wide consultations among Arab, Israeli, and United States officials and experts on arms control and security issues concerning the Middle East region.

AMENDMENT NO. 3395

(Purpose: To amend title 10, United States Code, to authorize the United States Air Force Institute of Technology)

On page 353, between lines 15 and 16, insert the following:

SEC. 914. UNITED STATES AIR FORCE INSTITUTE OF TECHNOLOGY.

(a) AUTHORITY.—(1) Part III of subtitle D of title 10, United States Code, is amended by inserting after chapter 903 the following:

''CHAPTER 904—UNITED STATES AIR FORCE INSTITUTE OF TECHNOLOGY

''Sec.
''9321. Establishment; purposes.
''9322. Sense of the Senate.

''SEC. 9321. ESTABLISHMENT; PURPOSES.

''(a) ESTABLISHMENT.—There is a United States Air Force Institute of Technology in the Department of the Air Force.

''(b) PURPOSES.—The purposes of the Institute are as follows:

''(1) To perform research.

''(2) To provide advanced instruction and technical education for employees of the Department of the Air Force and members of the Air Force (including the reserve components) in their practical and theoretical duties.

''SEC. 9322. SENSE OF THE SENATE REGARDING THE UTILIZATION OF THE AIR FORCE INSTITUTE OF TECHNOLOGY.

''(a) It is the sense of the Senate that in order to insure full and continued utilization of the Air Force Institute of Technology, the Secretary of the Air Force should, in consult with the Chief of Staff of the Air Force and the Commander of the Air Force Materiel Command, review the following areas of organizational structure and operations at the Institute:

''(1) The grade of the Commandant

''(2) The chain of command of the Commandant of the Institute within the Air Force

''(3) The employment and compensation of civilian professors at the Institute

''(4) The processes for the identification of requirements for advanced degrees within the Air Force, identification for annual enrollment quotas and selection of candidates

''(5) Post graduation opportunities for graduates of the Institute

''(6) The policies and practices regarding the admission of

''(A) officers of the Army, Navy, Marine Corps, and Coast Guard;

''(B) employees of the Department of the Army, Department of the Navy, and Department of Transportation;

''(C) personnel of the armed forces of foreign countries;

''(D) enlisted members of the Armed Forces of the United States; and

''(E) others eligible for admission.''

AIR FORCE INSTITUTE OF TECHNOLOGY

Mr. DEWINE. Mr. President, the amendment I have offered is designed

to ensure the continued viability of and effectiveness in a vital Air Force asset—the Air Force Institute of Technology, known as AFIT. AFIT, located at Wright-Patterson Air Force Base in Dayton, Ohio, provides defense-focused graduate and continuing education, research, and consultation to the Air Force and the Department of Defense.

The U.S. Army established AFIT in 1919, as the Air School of Application. This school, located at historic McCook field in Dayton, Ohio, provided technical training to pilots. In 1926, the Army Air Corps relocated the engineering school to Wright Field. In 1947, when the Air Force became a separate service, the school assumed its current name. Under the guidance of Theodore Von Karman, AFIT developed a graduate education program to support the vision of a technologically superior Air Force.

Today, the AFIT Graduate School of Engineering and Management offers Masters of Science degrees in 20 areas of defense-focused specialization, and Doctors of Philosophy (PhD) in 13 of these areas. At any one time, AFIT has 400 full-time graduate students, including officers and civilians from the Air Force, sister services, and allied and foreign services. International students from more than 50 countries have participated since 1961, and 21 international students are currently enrolled. AFIT has awarded more than 13,000 Masters and 300 PhD degrees since it became accredited in 1954. Among AFIT's illustrious graduates are 11 current and former astronauts, including Steve Lindsay, the pilot of the shuttle mission of our former colleague, retired Senator John Glenn.

Mr. President, AFIT is critical to the Air Force's long-term ability to retain technological superiority. AFIT trains the mid-career officers and civilians required to provide the expertise necessary to act as informed, technically astute buyers in our acquisition corps and skilled innovators in our laboratories. AFIT graduates eventually progress through their careers to become senior level leaders with the technical backgrounds needed to provide the vision for the Air Force to retain its ability to provide air superiority well into this century. I have long said that Wright-Patterson is the brain power behind our air power. AFIT is the source of a great deal of that air power.

Despite this past success, AFIT's future is uncertain. AFIT's Board of Visitors completed a troubling report on the long-term viability of the school. The report states that the Institute is ''in passive, but inexorable shutdown mode'' due to an attitude of ''studied inaction by the Air Force at all levels.'' In response to this report, I joined with Senator VOINOVICH and Congressmen HOBSON and HALL in a letter to Air Force Secretary Peters, calling on the Air Force to respond to the Board of Visitors' disturbing findings. The amendment I have offered today is designed to reinforce the importance of AFIT by giving it a statutory designation in the U.S. Code. My amendment also contains a sense of the Senate that details the issues that need to be reviewed by the Air Force leadership if AFIT is to continue to be a significant contributor to our nation's aeronautical dominance.

Mr. President, I urge my colleagues to support this important amendment.

AMENDMENT NO. 3396 TO AMENDMENT NO. 3237

(Purpose: To make a technical correction)

On page 2, line 15, strike ''$1,500,000'' and insert ''$1,500,000''.

AMENDMENT NO. 3397

(Purpose: To increase the TRICARE maximum allowable charge for physicians in rural States, and to require a report on nonparticipation of physicians in TRICARE in rural States)

On page 251, between lines 6 and 7, insert the following:

SEC. 714. ENHANCEMENT OF ACCESS TO TRICARE IN RURAL STATES.

(a) HIGHER MAXIMUM ALLOWABLE CHARGE.—Section 1079(h) of title 10, United States Code, is amended—

(1) in paragraph (1), by striking ''paragraphs (2) and (3)'' in the first sentence and inserting ''paragraphs (2), (3), and (4)'';

(2) by redesignating paragraph (4) as paragraph (5);

(3) by inserting after paragraph (3) the following new paragraph (4):

''(4)(A) The amount payable for a charge for a service provided by an individual health care professional or other noninstitutional health care provider in a rural State for which a claim is submitted under a plan contracted for under subsection (a) shall be equal to 80 percent of the customary and reasonable charge for services of that type when provided by such a professional or other provider, as the case may be, in that State.

''(B) A customary and reasonable charge shall be determined for the purposes of subparagraph (A) under regulations prescribed by the Secretary of Defense in consultation with the other administering Secretaries. In prescribing the regulations, the Secretary may also consult with the Administrator of the Health Care Financing Administration of the Department of Health and Human Services.''; and

(4) by adding at the end the following:

''(6) In this subsection the term 'rural State' means a State that has, on average, as determined by the Bureau of the Census in the latest decennial census—

''(A) less than 76 residents per square mile; and

''(B) less than 211 actively practicing physicians (not counting physicians employed by the United States) per 100,000 residents.''.

(b) REPORT.—(1) Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the extent to which physicians are choosing not to participate in contracts for the furnishing of health care in rural States under chapter 55 of title 10, United States Code.

(2) The report shall include the following:

(A) The number of physicians in rural States who are withdrawing from participation, or otherwise refusing to participate, in the health care contracts.

(B) The reasons for the withdrawals and refusals.

(C) The actions that the Secretary of Defense can take to encourage more physicians to participate in the health care contracts.

(D) Any recommendations for legislation that the Secretary considers necessary to encourage more physicians to participate in the health care contracts.

(3) In this subsection, the term ''rural State'' has the meaning given that term in section 1079(h)(6) of title 10, United States Code (as added by subsection (a)).

Mr. MURKOWSKI. Mr. President, I commend Chairman WARNER for the significant improvements he and his committee have proposed for the TRICARE system. However I am concerned that the current proposals do not address access problems in rural states, and I am offering this amendment to alleviate this problem.

Military healthcare is one of the most important quality of life issues for my constituents. I have heard countless times how civilian doctors are refusing to see TRICARE patients because of the extremely low rates at which they are reimbursed. Because an adequate civilian healthcare provider network is required to supplement the military healthcare system, especially in rural states, TRICARE is failing to provide the kind of healthcare our service members, retirees and their dependents deserve.

In rural states like my home state of Alaska, this is a huge problem. Medical costs are much higher than average, and there are fewer doctors. Having fewer doctors to compete with reduces physicians' incentive to accept the extremely low pay from TRICARE. In fact, in Alaska, doctors who see TRICARE patients are paid less than when they see Medicaid patients.

Frankly, I am very concerned that the government would consider those who serve in our armed forces as less worthy of quality care than welfare recipients. When doctors refuse to see TRICARE beneficiaries and their dependents, they are forced to pay for their care themselves, or go without it all together. I have heard too often from Alaskans in the military who are frustrated that they cannot receive care because doctors cannot afford to see them. I would like to read the following letter from one of my constituents and ask unanimous consent that it be entered into the RECORD.

The Department of Defense has the authority to raise the rates they pay doctors if they decide that a region has access problems. In fact, they are in the process of doing this in parts of Alaska. However they have excluded Anchorage, the largest city in the state. This is where the largest portion of beneficiaries live, and where the largest access problem exists. It is clear to me that the Department of Defense is not properly assessing where access is a problem. Because of this, it is time for Congress to act.

My amendment will raise the rates the Department of Defense pays to civilian doctors who see TRICARE patients. It also calls on the Department of Defense to conduct a study assessing access problems in rural states, and present Congress ways to solve these problems.

When men and women in the armed services, retirees and their dependents are refused treatment by civilian doctors, it has a direct effect on morale. They begin to think twice when it comes time to reenlist or leave. I am sure they are not recommending service to the young people in their family and community. With our current recruitment and retention problems in the military, I think it is our responsibility in the Senate to give TRICARE beneficiaries the kind of high quality healthcare they have earned through their dedication to this nation.

I urge my colleagues to accept this important amendment.

AMENDMENT NO. 3398

(Purpose: To extend the authority of the Federal Government to conduct public interest law enforcement conveyances of surplus property)

At the appropriate place, insert the following:

SEC. . IMPROVING PROPERTY MANAGEMENT.

(a) IN GENERAL.—Section 203(p)(1)(B)(ii) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 484(p)(1)(B)(ii)) is amended by striking ''July 31, 2000'' and inserting ''December 31, 2002''.

(b) CONFORMING AMENDMENT.—Section 233 of Appendix E of Public Law 106–113 (113 Stat. 1501A–301) is repealed.

Mr. FEINGOLD. Mr. President, I thank the bill's managers, the Senior Senator from Virginia, Mr. WARNER, and the Senior Senator from Michigan, Mr. LEVIN, for assisting me with this amendment. I also deeply appreciate the efforts of the Senator from Tennessee, Mr. THOMPSON, who joins me as a co-sponsor of this amendment, and of his staff who assisted my staff in developing an acceptable final version.

This amendment extends the authority of the General Services Administration to convey surplus property to local governments for law enforcement purposes for two years until the end of December 2002. This amendment will help a number of communities across the country seeking to use surplus property to protect their citizens and provide safe, secure facilities for their police departments. Without this amendment, the authority to convey surplus property for law enforcement purposes would expire at the end of July, 2000. Communities that want to use the GSA process, and have counted upon doing so, to negotiate the use of property for law enforcement purposes at a reduced cost would have been shut out in the matter of a few weeks.

In fact, Mr. President, I have just such a situation in my own home state. The City of Kewaunee, Wisconsin wants to acquire the city's Army Reserve Center, which is a former federal armory building. The City intends to use the property as a municipal building in which they would house their police force and other municipal offices.

Congress has specified a number of public purpose uses for which property can be transferred to local governments at a reduced cost. The Federal Property and Administrative Services Act allows property to be transferred to public agencies and institutions at discounts of up to 100 percent of fair market value for a number of purposes: public health or educational uses, public parks or recreational areas, historic monuments, homeless assistance, correctional institutions, port facilities, public airports, wildlife conservation, and self-help housing. This type of transfer is called a public interest conveyance.

I strongly believe that law enforcement is an important public purpose for which surplus property should be used. Moreover, in fairness to local communities with tight budgets, Congress needs to preserve this option for communities that are counting on being able to use this authority.

Again, I am delighted that the bill managers have decided to accept this amendment, and I hope that this provision will be retained in Conference.

AMENDMENT NO. 3399

(Purpose: To require a report on the status of domestic preparedness against the threat of biological terrorism)

On page 378, between lines 19 and 20, insert the following:

SEC. 1027. REPORT ON THE STATUS OF DOMESTIC PREPAREDNESS AGAINST THE THREAT OF BIOLOGICAL TERRORISM.

(a) REPORT REQUIRED.—Not later than March 31, 2001, the President shall submit to the Speaker of the House of Representatives and the President Pro Tempore of the Senate a report on domestic preparedness against the threat of biological terrorism.

(b) REPORT ELEMENTS.—The report shall address the following:

(1) The current state of United States preparedness to defend against a biologic attack.

(2) The roles that various Federal agencies currently play, and should play, in preparing for, and defending against, such an attack.

(3) The roles that State and local agencies and public health facilities currently play, and should play, in preparing for, and defending against, such an attack.

(4) The advisability of establishing an intergovernmental task force to assist in preparations for such an attack.

(5) The potential role of advanced communications systems in aiding domestic preparedness against such an attack.

(6) The potential for additional research and development in biotechnology to aid domestic preparedness against such an attack.

(7) Other measures that should be taken to aid domestic preparedness against such an attack.

(8) The financial resources necessary to support efforts for domestic preparedness against such an attack.

(9) The beneficial consequences of such efforts on—

(A) the treatment of naturally occurring infectious disease;

(B) the efficiency of the United States health care system;

(C) the maintenance in the United States of a competitive edge in biotechnology; and

(D) the United States economy.

AMENDMENT NO. 3400

(Purpose: To authorize a land conveyance, former National Ground Intelligence Center, Charlottesville, Virginia)

On page 545, following line 22, add the following:

PART IV—OTHER CONVEYANCES

SEC. 2876. LAND CONVEYANCE, FORMER NATIONAL GROUND INTELLIGENCE CENTER, CHARLOTTESVILLE, VIRGINIA.

(a) CONVEYANCE AUTHORIZED.—The Administrator of General Services may convey, without consideration, to the City of Charlottesville, Virginia (in this section referred to as the ''City''), all right, title, and interest of the United States in and to a parcel of real property, including any improvements thereon, formerly occupied by the National Ground Intelligence Center and known as the Jefferson Street Property.

(b) AUTHORITY TO CONVEY WITHOUT CONSIDERATION.—The conveyance authorized by subsection (a) may be made without consideration if the Administrator determines that the conveyance on that basis would be in the best interests of the United States.

(c) PURPOSE OF CONVEYANCE.—The conveyance authorized by subsection (a) shall be for the purpose of permitting the City to use the parcel, directly or through an agreement with a public or private entity, for economic development purposes.

(d) REVERSIONARY INTEREST.—If, during the 5-year period beginning on the date the Administrator makes the conveyance authorized by subsection (a), the Administrator determines that the conveyed real property is not being used for a purpose specified in subsection (c), all right, title, and interest in and to the property, including any improvements thereon, may upon the election of the Administrator revert to the United States, and upon such reversion the United States shall have the right of immediate entry onto the property.

(e) INAPPLICABILITY OF CERTAIN PROPERTY MANAGEMENT LAWS.—The conveyance authorized by subsection (a) shall not be subject to the following:

(1) Sections 2667 and 2696 of title 10, United States Code.

(2) Section 501 of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11411).

(3) Sections 202 and 203 of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 483, 484).

(f) LIMITATION ON CERTAIN SUBSEQUENT CONVEYANCES.—(1) Subject to paragraph (2), if at any time after the Administrator makes the conveyance authorized by subsection (a) the City conveys any portion of the parcel conveyed under that subsection to a private entity, the City shall pay to the United States an amount equal to the fair market value (as determined by the Administrator) of the portion conveyed at the time of its conveyance under this subsection.

(2) Paragraph (1) applies to a conveyance described in that paragraph only if the Administrator makes the conveyance authorized by subsection (a) without consideration.

(3) The Administrator shall deposit any amounts paid the United States under this subsection into the fund established by section 210(f) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 490(f)). Any amounts so deposited shall be available to the Administrator for real property management and related activities as provided for under paragraph (2) of that section.

(g) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Administrator. The cost of the survey shall be borne by the City.

(h) ADDITIONAL TERMS AND CONDITIONS.—The Administrator may require such additional terms and conditions in connection with the conveyance as the Administrator considers appropriate to protect the interests of the United States.

AMENDMENT NO. 3401

(Purpose: To authorize a land conveyance, Army Reserve Center, Winona, Minnesota)

On page 539, between lines 7 and 8, insert the following:

SEC. 2836. LAND CONVEYANCE, ARMY RESERVE CENTER, WINONA, MINNESOTA.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Army may convey, without consideration, to the Winona State University Foundation of Winona, Minnesota (in this section referred to as the ''Foundation''), all right, title, and interest of the United States in and to a parcel of real property, including improvements thereon, in Winona, Minnesota, containing an Army Reserve Center for the purpose of permitting the Foundation to use the parcel for educational purposes.

(b) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary. The cost of the survey shall be borne by the Foundation.

(c) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

AMENDMENT NO. 3402

At the appropriate place, insert the following:

SEC. . SENSE OF THE SENATE REGARDING TAX TREATMENT OF MEMBERS RECEIVING SPECIAL PAY.

It is the sense of the Senate that members of the Armed Forces who receive special pay for duty subject to hostile fire or imminent danger (37 U.S.C. 310) should receive the same tax treatment as members serving in combat zones.

AMENDMENT NO. 3403

(Purpose: To modify the basic allowance for housing)

On page 206, between lines 15 and 16, insert the following:

SEC. 610. BASIC ALLOWANCE FOR HOUSING.

(a) APPLICABILITY OF LOW-COST AND NO-COST REASSIGNMENTS TO MEMBERS WITH DEPENDENTS.—Subsection (b)(7) of section 403 of title 37, United States Code, is amended by striking ''without dependents''.

(b) ALLOWANCE WHEN DEPENDENTS ARE UNABLE TO ACCOMPANY MEMBERS.—Subsection (d) of such section is amended by striking paragraph (3) and inserting the following:

''(3) In the case of a member with dependents who is assigned to duty in an area that is different from the area in which the member's dependents reside—

''(A) the member shall receive a basic allowance for housing as provided in subsection (b) or (c), as appropriate;

''(B) if the member is assigned to duty in an area or under circumstances that, as determined by the Secretary concerned, require the member's dependents to reside in a different area, the member shall receive a basic allowance for housing as if the member were assigned to duty in the area in which the dependents reside or at the member's last duty station, whichever the Secretary concerned determines to be equitable; or

''(C) if the member is assigned to duty in that area under the conditions of low-cost or no-cost permanent change of station or permanent change of assignment and the Secretary concerned determines that it would be inequitable to base the member's entitlement to, and amount of, a basic allowance for housing on the cost of housing in the area to which the member is reassigned, the member shall receive a basic allowance for housing as if the member were assigned to duty at the member's last duty station.''.

(c) EFFECTIVE DATE.—The amendments made by subsections (a) and (b) shall take effect on October 1, 2000, and shall apply with respect to pay periods beginning on and after that date.

AMENDMENT NO. 3404

(Purpose: To authorize the acceptance and use of gifts from the Air Force Museum Foundation for the construction of a third building for the United States Air Force Museum at Wright-Patterson Air Force Base, Ohio)

On page 546, after line 13, add the following:

SEC. 2882. ACCEPTANCE AND USE OF GIFTS FOR CONSTRUCTION OF THIRD BUILDING AT UNITED STATES AIR FORCE MUSEUM, WRIGHT-PATTERSON AIR FORCE BASE, OHIO.

(a) ACCEPTANCE AUTHORIZED.—(1) The Secretary of the Air Force may accept from the Air Force Museum Foundation, a private non-profit foundation, gifts in the form of cash, Treasury instruments, or comparable United States Government securities for the purpose of paying the costs of design and construction of a third building for the United States Air Force Museum at Wright-Patterson Air Force Base, Ohio. The building is listed as an unfunded military construction requirement for the Air Force in the fiscal year 2002 military construction program of the Air Force.

(2) A gift accepted under paragraph (1) may specify that all or part of the amount of the gift be utilized solely for purposes of the design and construction of a particular portion of the building described in that paragraph.

(b) DEPOSIT IN ESCROW ACCOUNT.—The Secretary, acting through the Comptroller of the Air Force Materiel Command, shall deposit the amount of any cash, instruments, or securities accepted as a gift under subsection (a) in an escrow account established for that purpose.

(c) INVESTMENT.—Amounts in the escrow account under subsection (b) not required to meet current requirements of the account shall be invested in public debt securities with maturities suitable to the needs of the account, as determined by the Comptroller of the Air Force Materiel Command, and bearing interest at rates that take into consideration current market yields on outstanding marketable obligations of the United States of comparable maturities. The income on such investments shall be credited to and form a part of the account.

(d) UTILIZATION.—(1) Amounts in the escrow account under subsection (b), including any income on investments of such amounts under subsection (c), that are attributable to a particular portion of the building described in subsection (a) shall be utilized by the Comptroller of the Air Force Materiel Command to pay the costs of the design and construction of such portion of the building, including progress payments for such design and construction.

(2) Subject to paragraph (3), amounts shall be payable under paragraph (1) upon receipt by the Comptroller of the Air Force Materiel Command of a notification from an appropriate officer or employee of the Corps of Engineers that such amounts are required for the timely payment of an invoice or claim for the performance of design or construction activities for which such amounts are payable under paragraph (1).

(3) The Comptroller of the Air Force Materiel Command shall, to the maximum extent practicable consistent with good business practice, limit payment of amounts from the account in order to maximize the return on investment of amounts in the account.

(e) LIMITATION ON CONTRACTS.—The Corps of Engineers may not enter into a contract for the design or construction of a particular portion of the building described in subsection (a) until amounts in the escrow account under subsection (b), including any income on investments of such amounts under subsection (c), that are attributable to such portion of the building are sufficient to cover the amount of such contract.

(f) LIQUIDATION OF ESCROW ACCOUNT.—(1) Upon final payment of all invoices and claims associated with the design and construction of the building described in subsection (a), the Secretary of the Air Force shall terminate the escrow account under subsection (b).

(2) Any amounts in the account upon final payment of invoices and claims as described in paragraph (1) shall be available to the Secretary for such purposes as the Secretary considers appropriate.

AMENDMENT NO. 3405

(Purpose: To require a GAO review of the AH–64 program of the Army)

On page 123, between lines 12 and 13, insert the following:

SEC. 377. REVIEW OF AH–64 AIRCRAFT PROGRAM.

(a) REQUIREMENT FOR REVIEW.—The Comptroller General shall conduct a review of the Army's AH–64 aircraft program to determine the following:

(1) Whether any of the following conditions exist under the program:

(A) Obsolete spare parts, rather than spare parts for the latest aircraft configuration, are being procured.

(B) There is insufficient sustaining system technical support.

(C) The technical data packages and manuals are obsolete.

(D) There are unfunded requirements for airframe and component upgrades.

(2) Whether the readiness of the aircraft is impaired by conditions described in paragraph (1) that are determined to exist.

(b) REPORT.—Not later than March 1, 2001, the Comptroller General shall submit to the congressional defense committees a report on the results of the review under subsection (a).

AMENDMENT NO. 3406

(Purpose: To make available, with an offset, an additional $2,500,000 for research, development, test, and evaluation for the Army for Countermine Systems (PE602712A) for research in acoustic mine detection)

On page 48, between lines 20 and 21, insert the following:

SEC. 222. ACOUSTIC MINE DETECTION.

(a) INCREASE IN AMOUNT.—(1) The amount authorized to be appropriated by section 201(1) for research, development, test, and evaluation for the Army is hereby increased by $2,500,000.

(2) Of the amount authorized to be appropriated by section 201(1), as increased by paragraph (1), the amount available for Countermine Systems (PE602712A) is hereby increased by $2,500,000, with the amount of such increase available for research in acoustic mine detection.

(b) OFFSET.—The amount authorized to be appropriated by section 201(4) for research, development, test, and evaluation Defense-wide is hereby decreased by $2,500,000, with the amount of such decrease to be applied to Sensor Guidance Technology (PE603762E).

AMENDMENT NO. 3407

(Purpose: To permit the lease of the Naval Computer Telecommunications Center, Cutler, Maine, pending its conveyance)

On page 543, between lines 19 and 20, insert the following:

(e) LEASE OF PROPERTY PENDING CONVEYANCE.—(1) Pending the conveyance by deed of the property authorized to be conveyed by subsection (a), the Secretary may enter into one or more leases of the property.

(2) The Secretary shall deposit any amounts paid under a lease under paragraph (1) in the appropriation or account providing funds for the protection, maintenance, or repair of the property, or for the provision of utility services for the property. Amounts so deposited shall be merged with funds in the appropriation or account in which deposited, and shall be available for the same purposes, and subject to the same conditions and limitations, as the funds with which merged.

AMENDMENT NO. 3408

(Purpose: To modify the authorized conveyee of certain land at Ellsworth Air Force Base, South Dakota)

On page 543, strike line 20 and insert the following:

PART III—AIR FORCE CONVEYANCES

SEC. 2861. MODIFICATION OF LAND CONVEYANCE, ELLSWORTH AIR FORCE BASE, SOUTH DAKOTA.

(a) MODIFICATION OF CONVEYEE.—Subsection (a) of section 2863 of the Military Construction Authorization Act for Fiscal Year 1998 (division B of Public Law 105–85; 111 Stat. 2010) is amended by striking ''Greater Box Elder Area Economic Development Corporation, Box Elder, South Dakota (in this section referred to as the 'Corporation')'' and inserting ''West River Foundation for Economic and Community Development, Sturgis, South Dakota (in this section referred to as the 'Foundation')''.

(b) CONFORMING AMENDMENTS.—That section is further amended by striking ''Corporation'' each place it appears in subsections (c) and (e) and inserting ''Foundation''.

PART IV—DEFENSE-AGENCIES CONVEYANCES

AMENDMENT NO. 3409

(Purpose: To consent to the retransfer by the Government of Greece to USS LST Ship Memorial, Inc., of an alternative LST excess to the needs of the Government of Greece)

At the end of title XII, add the following:

SEC. ___. AUTHORITY TO CONSENT TO RETRANSFER OF ALTERNATIVE FORMER NAVAL VESSEL BY GOVERNMENT OF GREECE.

Section 1012 of the National Defense Authorization Act for Fiscal Year 2000 (Public Law 106–65; 113 Stat. 740) is amended—

(1) in subsection (a), by inserting after ''HS Rodos (ex-USS BOWMAN COUNTY (LST 391))'' the following: '', LST 325, or any other former United States LST that is excess to the needs of that government''; and

(2) in subsection (b)(1), by inserting ''retransferred under subsection (a)'' after ''the vessel''.

AMENDMENT NO. 3410

(Purpose: To require a report on the establishment of a global missile launch early warning center)

On page 378, between lines 19 and 20, insert the following:

SEC. 1027. REPORT ON GLOBAL MISSILE LAUNCH EARLY WARNING CENTER.

Not later than March 15, 2001, the Secretary of Defense shall submit to the congressional defense committees a report on the feasibility and advisability of establishing a center at which missile launch early warning data from the United States and other nations would be made available to representatives of nations concerned with the launch of ballistic missiles. The report shall include the Secretary's assessment of the advantages and disadvantages of such a center and any other matters regarding such a center that the Secretary considers appropriate.

AMENDMENT NO. 3411

(Purpose: To require a GAO review of the working-capital fund activities of the Department of Defense, including the use of carryover authority between fiscal years)

On page 378, between lines 19 and 20, insert the following:

SEC. 1027. MANAGEMENT REVIEW OF WORKING-CAPITAL FUND ACTIVITIES.

(a) COMPTROLLER GENERAL REVIEW REQUIRED.—The Comptroller General shall conduct a review of the working-capital fund activities of the Department of Defense to identify any potential changes in current management processes or policies that, if made, would result in a more efficient and economical operation of those activities.

(b) REVIEW TO INCLUDE CARRYOVER POLICY.—The review shall include a review of practices under the Department of Defense policy that authorizes funds available for working-capital fund activities for one fiscal year to be obligated for work to be performed at such activities within the first 90 days of the next fiscal year (known as ''carryover''). On the basis of the review, the Comptroller General shall determine the following:

(1) The extent to which the working-capital fund activities of the Department of Defense have complied with the 90-day carryover policy.

(2) The reasons for the carryover authority under the policy to apply to as much as a 90-day quantity of work.

(3) Whether applying the carryover authority to not more than a 30-day quantity of work would be sufficient to ensure uninterrupted operations at the working-capital fund activities early in a fiscal year.

(4) What, if any, savings could be achieved by restricting the carryover authority so as to apply to a 30-day quantity of work.

AMENDMENT NO. 3412

(Purpose: To impose requirements for the implementation of the Navy-Marine Corps Intranet)

Beginning on page 295, after line 22, insert the following:

(e) PHASED IMPLEMENTATION TO COMMENCE DURING FISCAL YEAR 2001—The Secretary of the Navy shall commence a phased implementation of the Navy-Marine Corps Intranet during fiscal year 2001. For the implementation in that fiscal year—

(1) not more than fifteen percent of the total number of work stations to be provided under the Navy-Marine Corps Intranet program may be provided in the first quarter of such fiscal year; and

(2) no additional work stations may be provided until—

(A) the Secretary has conducted operational testing of the Intranet; and

(B) the Chief Information Officer of the Department of Defense has certified to the Secretary that the results of the operational testing of the Intranet are acceptable.

(f) IMPACT ON FEDERAL EMPLOYEES.—The Secretary shall mitigate any adverse impact of the implementation of the Navy-Marine Corps Intranet on civilian employees of the Department of the Navy who, as of the date of the enactment of this Act, are performing functions that are included in the scope of the Navy-Marine Corps Intranet program by—

(1) developing a comprehensive plan for the transition of such employees to the performance of other functions within the Department of the Navy;

(2) taking full advantage of transition authorities available for the benefit of employees;

(3) encouraging the retraining of employees who express a desire to qualify for reassignment to the performance of other functions within the Department of the Navy; and

(4) including a provision in the Navy-Marine Corps Intranet contract that requires the contractor to provide a preference for hiring employees of the Department of the Navy who, as of the date of the enactment of this Act, are performing functions that are included in the scope of the contract.

AMENDMENT NO. 3413

(Purpose: To enhance authorities relating to education partnerships to encourage scientific study)

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).''.

AMENDMENT NO. 3414

(Purpose: To make available, with an offset, an additional $5,000,000 for research, development, test, and evaluation for the Army for Concepts Experimentation Program (PE605326A) for test and evaluation of future operational technologies for use by mounted maneuver forces)

On page 48, between lines 20 and 21, insert the following:

SEC. 222. OPERATIONAL TECHNOLOGIES FOR MOUNTED MANEUVER FORCES.

(a) INCREASE IN AMOUNT.—(1) The amount authorized to be appropriated by section 201(1) for research, development, test, and evaluation for the Army is hereby increased by $5,000,000.

(2) Of the amount authorized to be appropriated by section 201(1), as increased by paragraph (1), the amount available for Concepts Experimentation Program (PE605326A) is hereby increased by $5,000,000, with the amount of such increase available for test and evaluation of future operational technologies for use by mounted maneuver forces.

(b) OFFSET.—The amount authorized to be appropriated by section 201(4) for research, development, test, and evaluation Defense-wide is hereby decreased by $5,000,000, with the amount of such decrease to be applied to Computing Systems and Communications Technology (PE602301E).

AMENDMENT NO. 3415

(Purpose: To provide for the development of a Marine Corps Heritage Center at Marine Corps Base, Quantico, Virginia)

On page 546, following line 13, add the following:

SEC. 2882. DEVELOPMENT OF MARINE CORPS HERITAGE CENTER AT MARINE CORPS BASE, QUANTICO, VIRGINIA.

(a) AUTHORITY TO ENTER INTO JOINT VENTURE FOR DEVELOPMENT.—The Secretary of the Navy may enter into a joint venture with the Marine Corps Heritage Foundation, a not-for-profit entity, for the design and construction of a multipurpose facility to be used for historical displays for public viewing, curation, and storage of artifacts, research facilities, classrooms, offices, and associated activities consistent with the mission of the Marine Corps University. The facility shall be known as the Marine Corps Heritage Center.

(b) AUTHORITY TO ACCEPT CERTAIN LAND.—(1) The Secretary may, if the Secretary determines it to be necessary for the facility described in subsection (a), accept without compensation any portion of the land known as Locust Shade Park which is now offered by the Park Authority of the County of Prince William, Virginia, as a potential site for the facility.

(2) The Park Authority may convey the land described in paragraph (1) to the Secretary under this section without regard to any limitation on its use, or requirement for its replacement upon conveyance, under section 6(f)(3) of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460*l*–8(f)(3)) or under any other provision of law.

(c) DESIGN AND CONSTRUCTION.—For each phase of development of the facility described in subsection (a), the Secretary may—

(1) permit the Marine Corps Heritage Foundation to contract for the design, construction, or both of such phase of development; or

(2) accept funds from the Marine Corps Heritage Foundation for the design, construction, or both of such phase of development.

(d) ACCEPTANCE AUTHORITY.—Upon completion of construction of any phase of development of the facility described in subsection (a) by the Marine Corps Heritage Foundation to the satisfaction of the Secretary, and the satisfaction of any financial obligations incident thereto by the Marine Corps Heritage Foundation, the facility shall become the property of the Department of the Navy with all right, title, and interest in and to facility being in the United States.

(e) LEASE OF FACILITY.—(1) The Secretary may lease, under such terms and conditions as the Secretary considers appropriate for the joint venture authorized by subsection (a), portions of the facility developed under that subsection to the Marine Corps Heritage Foundation for use in generating revenue for activities of the facility and for such administrative purposes as may be necessary for support of the facility.

(2) The amount of consideration paid the Secretary by the Marine Corps Heritage Foundation for the lease under paragraph (1) may not exceed an amount equal to the actual cost (as determined by the Secretary) of the operation of the facility.

(3) Notwithstanding any other provision of law, the Secretary shall use amounts paid under paragraph (2) to cover the costs of operation of the facility.

(f) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the joint venture authorized by subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

AMENDMENT NO. 3416

(Purpose: To require a the Army National Guard to carry out a demonstration project to provide Internet access and services to rural communities that are unserved or underserved by the Internet)

On page 58, between lines 7 and 8, insert the following:

SEC. 313. DEMONSTRATION PROJECT FOR INTERNET ACCESS AND SERVICES IN RURAL COMMUNITIES.

(a) IN GENERAL.—The Secretary of the Army, acting through the Chief of the National Guard Bureau, shall carry out a demonstration project to provide Internet access and services to rural communities that are unserved or underserved by the Internet.

(b) PROJECT ELEMENTS.—In carrying out the demonstration project, the Secretary shall—

(1) establish and operate distance learning classrooms in communities described in subsection (a), including any support systems required for such classrooms; and

(2) subject to subsection (c), provide Internet access and services in such classrooms through GuardNet, the telecommunications infrastructure of the National Guard.

(c) AVAILABILITY OF ACCESS AND SERVICES.—Under the demonstration project, Internet access and services shall be available to the following:

(1) Personnel and elements of governmental emergency management and response entities located in communities served by the demonstration project.

(2) Members and units of the Army National Guard located in such communities.

(3) Businesses located in such communities.

(4) Personnel and elements of local governments in such communities.

(5) Other appropriate individuals and entities located in such communities.

(d) REPORT.—Not later than February 1, 2005, the Secretary shall submit to Congress a report on the demonstration project. The report shall describe the activities under the demonstration project and include any recommendations for the improvement or expansion of the demonstration project that the Secretary considers appropriate.

(e) FUNDING.—(1) The amount authorized to be appropriated by section 301(10) for operation and maintenance of the Army National Guard is hereby increased by $15,000,000.

(2) Of the amount authorized to be appropriated by section 301(10), as increased by paragraph (1), $15,000,000 shall be available for the demonstration project required by this section.

(3) It is the sense of Congress that requests of the President for funds for the National Guard for fiscal years after fiscal year 2001 should provide for sufficient funds for the continuation of the demonstration project required by this section.

AMENDMENT NO. 3417

(Purpose: To authorize, with an offset, $300,000 for research, development, test, and evaluation Defense-wide for Generic Logistics Research and Development Technology Demonstrations (PE603712S) for air logistics technology)

On page 48, between lines 20 and 21, insert the following:

SEC. 222. AIR LOGISTICS TECHNOLOGY.

(a) AVAILABILITY OF AMOUNT.—Of the amount authorized to be appropriated by section 201(4) for research, development, test, and evaluation Defense-wide, the amount available for Generic Logistics Research and Development Technology Demonstrations (PE603712S) is hereby increased by $300,000, with the amount of such increase available for air logistics technology.

(b) OFFSET.—Of the amount authorized to be appropriated by section 201(4), the amount available for Computing Systems and Communications Technology (PE602301E) is hereby decreased by $300,000.

AMENDMENT NO. 3418

(Purpose: To authorize the President to award a gold medal on behalf of Congress to General Wesley K. Clark, United States Army, in recognition of his outstanding leadership and service during the military operations against the Federal Republic of Yugoslavia (Serbia and Montenegro))

On page 415, between lines 2 and 3, insert the following:

SEC. 1061. AWARD OF CONGRESSIONAL GOLD MEDAL TO GENERAL WESLEY K. CLARK.

(a) FINDINGS.—Congress makes the following findings:

(1) While serving as Supreme Allied Commander in Europe, General Wesley K. Clark demonstrated the highest degree of professionalism in leading over 75,000 troops from 37 countries in military operations against the Federal Republic of Yugoslavia (Serbia and Montenegro).

(2) General Clark's 34 years of outstanding service as an Army officer gave him the ability to effectively mobilize and command multinational air and ground forces in the Balkans.

(3) The forces led by General Clark succeeded in halting the Serbian government's human rights abuses in Kosovo and permitted a safe return of refugees to their homes.

(4) Under the leadership of General Clark, NATO forces launched successful air and ground attacks against Serbian military forces with a minimum of losses.

(5) As the Supreme Allied Commander in Europe, General Clark continued the history of the American military of defending the rights of all people to live their lives in peace and freedom, and he should be recognized for his tremendous achievements by the award of a Congressional Gold Medal.

(b) CONGRESSIONAL GOLD MEDAL.—

(1) PRESENTATION AUTHORIZED.—The President is authorized to present, on behalf of the Congress, a gold medal of appropriate design to General Wesley K. Clark, in recognition of his outstanding leadership and service as Supreme Allied Commander in Europe during the military operations against the Federal Republic of Yugoslavia (Serbia and Montenegro).

(2) DESIGN AND STRIKING.—For the purpose of the presentation referred to in paragraph (1), the Secretary of the Treasury (hereafter in this section referred to as the ''Secretary'') shall strike a gold medal with suitable emblems, devices, and inscriptions, to be determined by the Secretary.

(c) DUPLICATE MEDALS.—The Secretary may strike and sell duplicates in bronze of

the gold medal struck pursuant to subsection (b) under such regulations as the Secretary may prescribe, and at a price sufficient to cover the costs thereof, including labor, materials, dies, use of machinery, overhead expenses, and the cost of the gold medal.

(d) NATIONAL MEDALS.—The medals struck pursuant to this section are national medals for purposes of chapter 51 of title 31, United States Code.

(e) AUTHORIZATION OF APPROPRIATIONS; PROCEEDS OF SALE.—

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

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

AMENDMENT NO. 3419

(Purpose: To conform the requirement for verbatim records of the proceedings of special courts-martial to the increased punishment authority of special courts-martial)

On page 200, after line 23, insert the following:

SEC. 566. VERBATIM RECORDS IN SPECIAL COURTS-MARTIAL.

(a) WHEN REQUIRED.—Subsection (c)(1)(B) of section 854 of title 10, United States Code (article 54 of the Uniform Code of Military Justice), is amended by inserting after ''bad-conduct discharge'' the following: '', confinement for more than six months, or forfeiture of pay for more than six months''.

(b) RETROACTIVE EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect as of April 1, 2000, and shall apply with respect to charges referred on or after that date to trial by special courts-martial.

AMENDMENT NO. 3420

(Purpose: To require the Secretary of Defense to prescribe policies and procedures for Department of Defense decisionmaking on actions to be taken in cases of false claims submitted to the Department of Defense)

On page 415, between lines 2 and 3, insert the following:

SEC. 1061. DEPARTMENT OF DEFENSE PROCESS FOR DECISIONMAKING IN CASES OF FALSE CLAIMS.

(a) POLICIES AND PROCEDURES.—Not later than 30 days after the date of the enactment of this Act, the Secretary of Defense shall prescribe policies and procedures for Department of Defense decisionmaking on issues arising under sections 3729 through 3733 of title 31, United States Code, in cases of claims submitted to the Department of Defense that are suspected or alleged to be false.

(b) REFERRAL AND INTERVENTION DECISIONS.—The policies and procedures shall specifically require that—

(1) an official at an appropriately high level in the Department of Defense make the decision on whether to refer to the Attorney General a case involving a claim submitted to the Department of Defense or to recommend that the Attorney General intervene in, or seek dismissal of, a qui tam action involving such a claim; and

(2) before making any such decision, the official determined appropriate under the policies and procedures take into consideration the applicable laws, regulations, and agency guidance implementing the laws and regulations, and an examination of all of the available alternative remedies.

(c) REPORT.—(1) Not later than February 1, 2001, the Secretary of Defense shall submit to Congress a report on the Qui Tam Review Panel, including its status.

(2) For the purposes of paragraph (1), the Qui Tam Review Panel is the panel that was established by the Secretary of Defense for an 18-month trial period to review extraordinary cases of qui tam actions involving false contract claims submitted to the Department of Defense.

AMENDMENT NO. 3421

(Purpose: Expressing the sense of the Senate that long-term economic development aid should be immediately provided to assist communities rebuilding from Hurricane Floyd)

At the appropriate place, insert the following:

SEC. . SENSE OF THE SENATE.

(a) FINDINGS.—The Senate finds that—

(1) during September 1999, Hurricane Floyd ran a path of destruction along the entire eastern seaboard from Florida to Maine;

(2) Hurricane Floyd was the most destructive natural disaster in the history of the State of North Carolina and most costly natural disaster in the history of the State of New Jersey;

(3) the Federal Emergency Management Agency declared Hurricane Floyd the eighth worst natural disaster of the past decade;

(4) although the Federal Emergency Management Agency coordinates the Federal response to natural disasters that exceed the capabilities of State and local governments and assists communities to recover from those disasters, the Federal Emergency Management Agency is not equipped to provide long-term economic recovery assistance;

(5) it has been 9 months since Hurricane Floyd and the Nation has hundreds of communities that have yet to recover from the devastation caused by that disaster;

(6) in the past, Congress has responded to natural disasters by providing additional economic community development assistance to communities recovering from those disasters, including $250,000,000 for Hurricane Georges in 1998, $552,000,000 for Red River Valley Floods in North Dakota in 1997, $25,000,000 for Hurricanes Fran and Hortense in 1996, and $725,000,000 for the Northridge Earthquake in California in 1994;

(7) additional assistance provided by Congress to communities recovering from natural disasters has been in the form of community development block grants administered by the Department of Housing and Urban Development Administration;

(8) communities affected by Hurricane Floyd are facing similar recovery needs as have victims of other natural disasters and will need long-term economic recovery plans to make them strong again; and

(9) on April 7, 2000, the Senate passed amendment number 3001 to S. Con. Res. 101, which amendment would allocate $250,000,000 in long-term economic development aid to assist communities rebuilding from Hurricane Floyd, including $150,000,000 in community development block grant funding and $50,000,000 in rural facilities grant funding.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that—

(1) communities devastated by Hurricane Floyd should know that, in the past, Congress has responded to natural disasters by demonstrating a commitment to helping affected States and communities to recover;

(2) the Federal response to natural disasters has traditionally been quick, supportive, and appropriate;

(3) recognizing that communities devastated by Hurricane Floyd are facing tremendous challenges as they begin their recovery, the Federal agencies that administer community and regional development programs should expect an increase in applications and other requests from these communities;

(4) community development block grants administered by the Department of Housing and Urban Development, grant programs administered by the Economic Development Administration, and the Community Facilities Grant Program administered by the Department of Agriculture are resources that communities have used to accomplish revitalization and economic development following natural disasters; and

(5) additional community and regional development funding, as provided for in amendment number 3001 to S. Con. Res. 101, as passed by the Senate on April 7, 2000, should be appropriated to assist communities in need of long-term economic development aid as a result of damage suffered by Hurricane Floyd.

AMENDMENT NO. 3422

(Purpose: To amend S. 2549, to provide for the coverage and treatment of unutilized and underutilized plant-capacity costs of United States arsenals when making supplies and providing services for the United States Armed Forces)

At the end of title III, subtitle D insert the following:

SEC. . UNUTILIZED AND UNDERUTILIZED PLANT-CAPACITY COSTS OF UNITED STATES ARSENALS.

(a) UNUTILIZED AND UNDERUTILIZED PLANT CAPACITY AT UNITED STATES ARSENALS.—S. 2549 is amended by adding the following:

(b) UNUTILIZED AND UNDERUTILIZED PLANT CAPACITY AT UNITED STATES ARSENALS.—

(1) The Secretary shall submit to Congress each year, together with the President's budget for the fiscal year beginning in such year under section 1105(a) of title 31, an estimate of the funds to be required in the fiscal year in order to cover the costs of operating and maintaining unutilized and underutilized plant capacity at United States arsenals.

(2) Funds appropriated to the Secretary for a fiscal year for costs described in paragraph (1) shall be utilized by the Secretary in such fiscal year only to cover such costs.

(3) Notwithstanding any other provision of law, the Secretary shall not include unutilized or underutilized plant-capacity costs when evaluating an arsenal's bid for purposes of the arsenal's contracting to provide a good or service to a United States government organization. When an arsenal is subcontracting to a private-sector entity on a good or service to be provided to a United States government organization, the cost charged by the arsenal shall not include unutilized or underutilized plant-capacity costs that are funded by a direct appropriation.

(c) DEFINITION OF UNUTILIZED AND UNDERUTILIZED PLANT-CAPACITY COSTS.—For purposes of this section, the term ''unutilized and underutilized plant-capacity cost'' shall mean the cost associated with operating and maintaining arsenal facilities and equipment that the Secretary of the Army determines are required to be kept for mobilization needs, in those months in which the facilities and equipment are not used or are used only 20% or less of available work days.

Mr. FITZGERALD. Mr. President, this is an amendment that corrects a flaw in Department of Defense procurement rules that has increased military costs and had a severe impact on this nation's arsenals. Recently implemented rules requires U.S. arsenals to overstate their true cost of supplying goods and services to the military. As a result, arsenals have been losing bids

on contracts under competitive bidding procedures, even when use of an arsenal would lead to lower overall costs for the Department of Defense. This quirk in the rules has not only increased Department of Defense expenditures; it has also led to severe underutilization of the arsenals, threatening the viability of an invaluable national resource.

Under Defense Working Capital Fund procurement rules, which were implemented in 1996, government-owned military suppliers are required to charge the military the full cost of any good or service that they supply to the Armed Forces. The idea behind these rules was to discourage overconsumption of goods and services by the military, and to promote cost transparency—to make it clear to the government how much it was paying to have a good or service supplied by a government-owned facility. Individual military departments were encouraged to seek the lowest price available for goods and services—and to allow private companies to compete with government-owned facilities for military contracts.

Unfortunately, the DWCF rules also include a number of provisions that place domestic facilities at a substantial disadvantage to their private competitors. The domestic suppliers are required to include a number of items in their contract bids that are unrelated to their marginal cost of actually supplying a good or and service to the military. For example, suppliers are now required to bill their net capital investment costs in a given year to all of their customers in that year—even if the equipment that was purchased has no relation to the customers' contracts. More severe for the arsenals is the DWCF rules' treatment of reserve capacity. All U.S. arsenals are required to maintain excess capacity, in order to be able to ramp up production immediately in the event of a war or military crisis. This unused plant capacity is something that no private business would maintain—a private business would simply sell off or lease out its unused assets. And the costs of maintaining this capacity are substantial. But DWCF rules, as they presently exist, require the arsenals to include reserve capacity costs in their bids when they compete with private companies for military contracts.

The results of this system have been predictable. Arsenals have repeatedly lost work to private companies, even when the true marginal cost of having the work performed by an arsenal is less than the price charged by a private contractor. Moreover, the United States government ends up paying for the arsenals' unused capacity anyway—either through higher costs on other arsenal contracts, or through accumulated operating deficits built up by the arsenals. Though the individual military department saves money when its purchasing agents buy from a private contractor instead of an arsenal, when those purchasing decisions are driven by avoidance of reserve capacity costs, the military as a whole loses. The government pays for reserve capacity anyway, and the military pays more to have the work done by a private company that the true marginal cost of having it done by an arsenal.

These conclusions are confirmed by a 1999 Department of Defense report on the DWCF system. The Defense Working Capital Fund Task Force's Issue Paper emphasizes that under the current system, though immediate purchasers may pay a lower price, ''the DoD will ultimately pay twice for maintaining both the essential organic capability as well as contracting out'' for the good or service. The DWCF rules' overpricing of arsenal services not only ''encourage[] behavior that is not optimal for the military as a whole,'' it also leads to an increasing disparity between military and private suppliers that ''results in an increasing abandonment of DWCF services.''

For these reasons, I introduce the present amendment. This amendment provides for direct funding of unused plant-capacity costs at United States arsenals. By removing these reserve-capacity costs from arsenal bid prices, the amendment would allow arsenals to compete on an equal footing with private companies. And by allowing arsenal prices to reflect true marginal costs, it would not only bring more business to the arsenals; it would save money for the government. No longer would military purchasers be discouraged from using an arsenal when its actual marginal costs—those that would be charged by a private business—are less than the prices charged by a private contractor. And finally, direct funding would promote the goal of cost transparency—the original goal of the DWCF system. Separately budgeting for reserve capacity—while also allowing arsenal prices to reflect the true costs of providing goods and services.

Finally, I wish to emphasize that allowing the arsenals to fall into disuse would be a grave loss for the United States military. In my home state of Illinois, the Rock Island Arsenal has long been an important military resource. It is a proven, cost-effective producer of high-quality military equipment. It has also served as a valuable supplier of last resort, providing mission-critical parts and services to the Department of Defense when private contractors have lacked capacity or breached their contracts. The arsenal has been called on to provide M16 gun bolts when a private contractor defaulted on a contract. It has also produced mission-critical shims and pins for the Apache helicopter when outside suppliers were unable to meet the Army's deadline.

The U.S. government acquired Rock Island, which lies in the Mississippi River between Illinois and Iowa, in 1804. The first U.S. military base on the island was Fort Armstrong, established in 1816. In 1862, Congress passed a law that established the Rock Island Arsenal. Construction of the first manufacturing buildings began in 1866 and finished with the last stone shop in 1893.

In the late 1980s, the Department of Defense invested $222 million in Rock Island Arsenal's capabilities. The arsenal is now the Department of Defense's only general-purpose metal manufacturing facility, providing forging, sheet metal, and welding and heat treating operations that cover the entire range of technologically feasible processes. The Rock Island Arsenal also has a machine shop capable of specialized operations such as gear cutting, die sinking, and tool making; a paint shop certified to apply chemical agent resistant coatings to items as large as tanks; and a plating shop that can apply chrome, nickel, cadmium, and copper and can galvanize, parkerize, anodize, and apply oxide finishes.

Direct budgeting of unused plant capacity will allow arsenals' bids to reflect their true marginal costs of production and service, thereby increasing efficient use of the arsenals, reducing costs for the Department of Defense as a whole, and preserving an invaluable military resource.

AMENDMENT NO. 3423

At the appropriate place, insert the following:

SEC. . REGARDING LAND CONVEYANCE, MARINE CORPS BASE, CAMP LEJEUNE, NORTH CAROLINA.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Navy may convey, to the city of Jacksonville, North Carolina (City), all right, title and interest of the United States in and to real property, including improvements thereon, and currently leased to Norfolk Southern Corporation (NSC), consisting of approximately 50 acres, known as the railroad right-of-way, lying within the City between Highway 24 and Highway 17, at the Marine Corps Base, Camp Lejeune, North Carolina, for the purpose of permitting the City to develop the parcel for initial use as a bike/green way trail.

(b) CONSIDERATION.—As consideration for the conveyance under subsection (a), the City shall reimburse the Secretary such amounts (as determined by the Secretary) equal to the costs incurred by the Secretary in carrying out the provisions of this section, including, but not limited to, planning, design, surveys, environmental assessment and compliance, supervision and inspection of construction, severing and realigning utility systems, and other prudent and necessary actions, prior to the conveyance authorized by subsection (a). Amounts collected under this subsection shall be credited to the account(s) from which the expenses were paid. Amounts so credited shall be merged with funds in such account(s) and shall be available for the same purposes and subject to the same limitations as the funds with which merged.

(c) CONDITION OF CONVEYANCE.—The right of the Secretary of the Navy to retain such easements, rights of way, and other interests in the property conveyed and to impose such restrictions on the property conveyed as are necessary to ensure the effective security, maintenance, and operations of the Marine Corps Base, Camp Lejeune, North Carolina, and to protect human health and the environment.

(d) DESCRIPTION OF THE PROPERTY.—The exact acreage and legal description of the

real property authorized to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary of the Navy.

(e) ADDITIONAL TERMS AND CONDITIONS.—The Secretary of the Navy may require such additional terms and connection with the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

AMENDMENT NO. 3424

(Purpose: To authorize, with an offset, $1,450,000 for a contribution by the Air National Guard to construction of a new airport tower at Cheyenne Airport, Cheyenne, Wyoming)

On page 503, between lines 5 and 6, insert the following:

SEC. 2602. AUTHORIZATION FOR CONTRIBUTION TO CONSTRUCTION OF AIRPORT TOWER, CHEYENNE AIRPORT, CHEYENNE, WYOMING.

(a) INCREASE IN AMOUNT AUTHORIZED FOR AIR NATIONAL GUARD.—The amount authorized to be appropriated by section 2601(3)(A) is hereby increased by $1,450,000.

(b) OFFSET.—The amounts authorized to be appropriated by section 2403(a), and by paragraph (2) of that section, are each hereby reduced by $1,450,000. The amount of the reduction shall be allocated to the project authorized in section 2401(b) for the Tri-Care Management Agency for the Naval Support Activity, Naples, Italy.

(c) AVAILABILITY OF FUNDS FOR CONTRIBUTION TO TOWER.—Of the amounts authorized to be appropriated by section 2601(3)(A), as increased by subsection (a), $1,450,000 shall be available to the Secretary of the Air Force for a contribution to the costs of construction of a new airport tower at Cheyenne Airport, Cheyenne, Wyoming.

(d) AUTHORITY TO MAKE CONTRIBUTION.—The Secretary may, using funds available under subsection (c), make a contribution, in an amount considered appropriate by the Secretary and consistent with applicable agreements, to the costs of construction of a new airport tower at Cheyenne Airport, Cheyenne, Wyoming.

Mr. WARNER. Mr. President, I understand under the unanimous consent request, the Senate is ready to turn to the consideration of the Transportation bill.

Mr. LEVIN. 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. 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 inform the Senate that we are currently under a unanimous consent request whereby the authorization bill for Defense is laid aside and we are going to the question of the Transportation appropriations.

Am I not correct in that?

The PRESIDING OFFICER. The Senator is correct.

Mr. WARNER. The reason for the quorum call is to accommodate the chairman of the Subcommittee on Appropriations who will be here, as I understand it, momentarily.

Senator LEVIN and I have just had the opportunity to talk on the telephone with the Secretary of Energy. It had been our intention and the Committee on Armed Services is currently scheduled to have a hearing at 9:30 tomorrow morning on the problems associated with the missing disks at the Los Alamos Laboratories.

In view of the fact that at least one committee—the Energy Committee, and I think to some extent the Intelligence Committee—are conducting the hearing on this subject now, and basically the same witnesses would be involved, Senator LEVIN and I are of the opinion that time should be given for the Secretary of Energy and/or his staff to make certain assessments, and then we would proceed to address these issues in our committee.

I point out that our committee has explicit jurisdiction over these problems under the Standing Rules of the Senate. Nevertheless, other committees are looking at the situation. Secretary Richardson has agreed to appear as a witness before our committee, together with General Habinger, Ed Curran, and the Lab Director of Los Alamos. We will have that group of witnesses on Wednesday morning beginning at 9:30.

Senator LEVIN and I wish to notify Senators that we are rescheduling the hearing for tomorrow morning until 9:30 next Wednesday morning.

I ask Senator LEVIN if he wishes to add anything.

Mr. LEVIN. Mr. President, only that John Brown is the fourth witness who will be invited. He is the Director at the Los Alamos Lab.

MORNING BUSINESS

Mr. WARNER. Mr. President, I ask unanimous consent, notwithstanding the agreement in place, that there now be a period for morning business with the time between now and 2 p.m. equally divided between the two leaders, and that at 2 p.m. the Senate turn to the Transportation appropriations bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WARNER. I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. HAGEL). The clerk will call the roll.

The assistant legislative clerk proceeded to call.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

FLAG DAY 2000

Mr. BYRD. Mr. President, today is the 223rd anniversary of the adoption, by the Continental Congress meeting in Philadelphia, of a resolution establishing a new symbol for the new nation that was then in its birth throes. The resolution, passed on June 14, 1777, was a model of simplicity, specifying only ''that the flag be 13 stripes alternate red and white; that the union be 13 stars, white in a blue field, representing a new constellation.'' Although the flag reputedly stitched by Betsy Ross arranged the stars in a full circle, other versions of this first flag placed the stars in a half circle or in rows, as the resolution did not state how the new constellation was to be configured.

This first flag, like the Constitution to follow it in 1787, was not entirely new, but rather predicated on flags that had come before it. An English flag, known as the Red Ensign, flew over the thirteen colonies from 1707 until the Revolution. The body of this flag was red, with a Union Jack design in the upper left corner composed of the combined red-on-white Cross of St. George, patron of England, and the white-on-blue diagonal cross of St. Andrew, patron of Scotland. The Red Ensign was the merchant flag of England, reinforcing for the colonists and their status as an unequal and lesser partner in their relationship with Mother England.

The Grand Union flag that first succeeded the Red Ensign was raised on January 1, 1776, approximately a year after the American Revolution had begun, over George Washington's headquarters in the outskirts of Boston. The Grand Union flag retained the Union Jack in the upper left corner, but the solid red body of the English trade flag was now broken by six white stripes. However, the stripes alone did not represent enough of a separation from England, and, a year later, the patron saints of England and Scotland were removed from the flag, to be replaced by the ''new constellation,'' more representative of the new nation which was then decisively vying for freedom.

In the ensuing years, stars and stripes were added to the flag, reflecting the growth of the young nation. The flag flying over Fort McHenry during the naval bombardment of September 13 and 14, 1814, that inspired Francis Scott Key to compose the immortal words that became our national anthem, contained fifteen stars and fifteen stripes. By 1818, the number of stars had climbed to twenty, while the number of stripes had shrunk back to the more manageable thirteen. On April 4, 1818, Congress adopted another resolution to specify that the number of stripes on the flag would forever remain at thirteen, representing the original thirteen colonies, while a star would be added to the flag for each new state to join the union.

Henry Ward Beecher once said:

A thoughtful mind, when it sees a Nation's flag, sees not the flag only, but the Nation itself; and whatever may be its symbols, its insignia, he reads chiefly in the flag the Government, the principles, the truths, the history which belongs to the Nation that sets if forth.

Certainly, knowing the history and evolution of the American flag from the Red Ensign, through the Grand Union flag, to the Stars and Stripes,

one can see clearly into the early history of our nation. The symbolism of the flag also echoes the principles of our government, with each state represented by its own star in the constellation, equal to all the other stars, and each one a vital part of the constellation as a whole.

I think that it is also reflective of our nation of free people that the idea for Flag Day arose, not from a Governmental decree, but from the people. The idea of an annual day to celebrate the Flag is believed to have originated in 1885, when B.J. Cigrand, a school teacher from Fredonia, WI, arranged for pupils of Fredonia's Public School District 6 to celebrate June 14 as ''Flag Birthday.'' Over the following years, Mr. Cigrand advocated the observance of June 14 as ''Flag Birthday'' or ''Flag Day'' in magazine and newspaper articles, as well as public addresses.

In 1889, George Balach, a kindergarten teacher in New York City, planned Flag Day ceremonies for the children in his school. His idea of observing Flag Day was subsequently adopted by the State Board of Education of New York. In 1891, the Betsy Ross House in Philadelphia held a Flag Day celebration, and in 1892, the New York Society of the Sons of the Revolution held similar festivities.

The Sons of the Revolution in Philadelphia, and the Pennsylvania Society of Colonial Dames of America, further encouraged the widespread adoption of Flag Day, and on June 14, 1893, in Independence Square in Philadelphia, Flag Day exercises were conducted for Philadelphia public school children. The following year, the Governor of New York directed that American flags be flown on all public buildings on June 14, while in Chicago, more than 300,000 children participated in that city's first Flag Day celebration.

On May 30, 1916, President Woodrow Wilson established by proclamation the first official Federal Flag Day on June 14. On August 3, 1949, President Harry S Truman signed an Act of Congress designating June 14 of each year as National Flag Day.

So now, thanks to the inspiration of a pair of elementary school teachers who had the vision to bring to life a vivid bit of history for their young students, we are reminded to look out our windows for a bright bit of cloth floating on the breeze, and to recall the struggle that created it, and the great country which it represents so ably and so proudly. There is just nothing like it, nothing like the Stars and Stripes. For in that couple of yards of fabric, we can see the origin of our Nation, its beginnings. We can see the bit of British history that we all share, whether or not any English blood actually flows in our veins. It is in the very shape of our flag, with its red field split by white stripes of separation, in the white stars on a blue field supplanting the British crosses. We can sense the oppression of that unequal partnership. We can feel the frustration of being a subject colony in those white stripes that separate and break up the red field of the British trade flag. And, we can sense the purpose and optimism of the new nation, so eloquently portrayed by the ''new constellation'' of white stars against a deep blue sky.

I am proud to follow in the footsteps of B.J. Cigrand and George Balach, and pay homage to this anniversary date. I hope that my colleagues and those who are listening and watching through those electronic eyes, might offer their own salutes to the flag today, and resolve to celebrate today or future Flag Days by unfurling their own flags and flying them proudly. In my own house, over in McLean, I fly the flag when I am there and can watch the flag and take it down if raindrops start to fall. I hope that more Americans, and more American children, might be inspired by the sight of that flag and might do likewise, and that they might learn the history of their flag, and learn to honor and cherish and respect it, on Flag Day and every day.

I close with the stirring words of Henry Holcomb Bennett, who wrote ''The Flag Goes By:''

Hats off!
Along the street there comes
A blare of bugles, a ruffle of drums,
A flash of color beneath the sky:
Hats off!
The flag is passing by!

Blue and crimson and white it shines,
Over the steel-tipped, ordered lines.
Hats off!
The colors before us fly;
But more than the flag is passing by:

Sea-fights and land-fights, grim and great,
Fought to make and to save the State;
Weary marches and sinking ships;
Cheers of victory on dying lips:

Days of plenty and years of peace;
March of a strong land's swift increase;
Equal justice, right and law,
Stately honor and reverend awe;

Sign of a nation great and strong
To ward her people from foreign wrong:
Pride and glory and honor, all
Live in the colors to stand or fall.

Hats off!
Along the street there comes
A blare of bugles, a ruffle of drums;
And loyal hearts are beating high:
Hats off!
The flag is passing by!

Mr. President, I yield the floor and 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. BROWNBACK. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Kansas.

INTERNATIONAL TRAFFICKING OF YOUNG GIRLS

Mr. BROWNBACK. Mr. President, while we are in this morning business period, I want to take a few minutes to advise the body about a bill that has cleared through the House and we have held two hearings on in the Foreign Relations Committee and one I hope we are going to be able to clear through here and pass into law during this session.

It is a bill dealing with one of the darker sides of the globalization of the world's economy that has occurred around us. Globalization of the world's economy has been, by and large, a very good thing, a positive thing for growth and opportunity, but it also has a seamier side to it. One of the seamier issues that is coming to light now is the international trafficking of primarily young girls in the sex trade, or as its known, international sex trafficking.

One is astounded by the level at which this is occurring today around the world. By our own Government's numbers, approximately 600,000 primarily young girls are trafficked from one country to the next for the business of prostitution.

There are about 50,000 girls who are, against their will, trafficked into the United States each year into this terrible sort of activity.

In January of this year, I was in Nepal and visited a home where girls who have returned from this terrible trafficking of human individuals live. What I saw there was a ghastly sight. There were young girls, 16, 17, 18 years of age, most of whom had been tricked out of their villages in Nepal and promised a job at a carpet factory or a job as a housekeeper in Katmandu—sometimes in Bombay, India these girls took the job offered, not having any other economic opportunities available to them. Once taking the job and moving out of their villages and away from their families they were forced into a brothel. They were locked in a room, beaten, starved, and submitted to the sex trade, at times being subjected to as many as 30 clients a night.

I saw them after they had escaped. Or in this case, there was a nongovernmental organization, private sector group that was actually organized to try to return the young girls to Nepal. Once they were freed and got back to Nepal, most of these girls returned only to die. Two-thirds of them come back with such things as AIDS or tuberculosis. They are coming back to die.

It is a disgusting, terrible thing that is taking place. We held two hearings in the Senate Foreign Relations Committee. We have had witnesses before the committee who had been forced into this trade, tricked into it, deceived into it, or thought they were going to do something else, and were ultimately trafficked into different places around the world.

Dr. Laura Lederer of Johns Hopkins University has spent several years tracking this flow. The committee heard from women from Eastern Europe and Europe who had been trafficked into Israel, people who had been trafficked throughout Asia and then

into the United States from Mexico. Most of the trafficking into the United States occurs from Asia.

They described the conditions surrounding their being bought and sold. After they are forced into one brothel, if the brothel owner wants somebody else, they will sell this person to another brothel. They told us $7,000, $8,000 will exchange hands for the sale of human flesh from one place to another—all against this person's will. They hated the conditions that they were in, and yet they found themselves unable to escape.

This bill that I mention has passed the House of Representatives. It is a bipartisan bill that Congressmen CHRIS SMITH and SAM GEJDENSON have pushed to get passed through the House of Representatives.

Senator WELLSTONE and I have the Senate version of this bill. While ours is a different bill, there are a lot of similarities with the House bill—which is at the desk. We are seeking to get it passed, we hope by unanimous consent, by this body because the issue is so terrible, so disgusting, and awful. We need to put some focus on this and have some remedies to it.

Increasingly, you are seeing international organized crime groups getting involved in the trafficking of human flesh. Apparently, they believe this is a business they can be successful at, that unlike drugs, it does not involve as many criminal activities because much of this has not been criminalized. They are saying it is a situation where they can resell their ''property.'' Unlike drugs they sell once, they can sell human flesh multiple times.

It is just a ghastly, terrible thing that is taking place. Organized crime is increasing its activity in this arena, trafficking. We need to step up and address it.

The bill we have put forward would allow the prosecution of people who traffic in human flesh and increase the criminal penalties for doing such. It would provide visas for people who are trafficked into this country, so they can stay and provide evidence, testifying against those who have trafficked them into this country.

This bill would provide some help to the countries they come from by providing educational assistance to work with those governments, to work with people that are in-country to work against this sort of activity, and to provide more information to people that sex trafficking is going on on an expanded, global scale. Nearly some 600,000 people a year are trafficked in human flesh. Much of this happens in the United States, 50,000 people are trafficked into the United States on an annual basis.

I will happily provide to any offices interested in this issue the hearing record Senator WELLSTONE and I have compiled on this bill, so Members can look into this issue. If they seek to make modifications to improve the bill, our office will be open to work with any office so we can reach unanimous consent on this important issue. It is something we need to and can address. The Administration wants this addressed as well and is working with us to make that happen. The focus on this issue is increasing. In fact, you may have seen one of the recent news reports about this hideous practice.

I am hopeful the time is coming where this body will address this, that it will not get held hostage to any other legislative matter that might be having problems. I am hopeful that we see this as clearly something we can address and that needs to be addressed. I will be bringing to the Senate individual stories of people who have been trafficked because they really tell the terrible plight.

One lady testified in our committee who was trafficked out of Mexico who thought she was going to get a job washing dishes at a restaurant in Florida. She agreed to having somebody take her across the border illegally. Once in the United States, she was their hostage, she was their slave, if we want to put it in those gross types of terms. They said: Instead of being a dishwasher, you will be a prostitute for us. We are going to move you around in trailers to use, and we will subject you to 30 clients a day and, after that is done, to the owners of this brothel as well.

This was the testimony of a witness who reported on activities occurring in this country within the past several years. It is occurring on a large scale. We need to address it; we need to deal with it.

GAMBLING ON INTERCOLLEGIATE ATHLETICS

Mr. BROWNBACK. Mr. President, another issue I am hopeful of getting in front of the Senate this year is a bill to ban gambling on intercollegiate athletics.

Yesterday the House held a hearing in the Commerce Committee and a markup on a bill to ban gambling on intercollegiate athletics in the United States. There is only one State in which that can occur today. It is in Nevada. There is clearly a problem we need to address. We have had more points shaving scandals in collegiate sports in the decade of the 1990s than all prior decades combined. There is about $1 billion a year bet on our student athletes. It has been a big problem on our college campuses and is growing. We have one State where it is still legal. In all the rest of the States, this is illegal. In order to deal with the problem of collegiate gambling, we need to make the gambling on our kids illegal. Again, currently it is legal in only one State, and that is Nevada.

The NCAA is a strong supporter of banning gambling on college sports as are all the coaches. Yesterday, the House Judiciary Committee heard from Tubby Smith from the University of Kentucky and Lou Holtz, football coach. Both testified strongly in favor of this bill. They want to get this gambling influence contained at the collegiate level.

I am hopeful we will reach agreement to have a vote on this issue sometime before the legislative year expires.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. MURKOWSKI. Mr. President, are we in morning business at this time?

The PRESIDING OFFICER. The Senator is correct. The Senate is in morning business until 2 o'clock.

Mr. MURKOWSKI. I ask unanimous consent that I may speak 7 or 8 minutes at this time.

The PRESIDING OFFICER. Without objection, it so ordered.

LOS ALAMOS SECURITY

Mr. MURKOWSKI. Mr. President, a few days ago, June 12, we were advised of a security incident associated with our Los Alamos National Laboratory in New Mexico. The particular notification initially came out in a press release from Los Alamos, unlike a press release from the Department of Energy. It specifically stated that the Los Alamos National Laboratory announced a joint Department of Energy-Federal Bureau of Investigation inquiry underway into the missing classified information at the DOE Laboratory. The information was stored on two hard drives. It was an electronic transfer. These two hard drives were unaccounted for.

This is a serious matter, to say the least. The press release indicated that at this point there is no evidence that suggests espionage involved in this incident.

Today we had an opportunity to hold a joint hearing between the Intelligence Committee, chaired by Senator SHELBY, and the Energy and Natural Resources Committee, which I chair. It was rather enlightening because the Secretary of Energy was not there, although he was invited. The significance of what we learned was that no one bears the ultimate responsibility. The Department of Energy suggests that they designated certain people to bear this responsibility. There was a process and procedure underway, but circumstances associated with the disastrous fire, the need for evacuation and other factors, all led to the missing documentation and the two hard drives.

I can generalize and suggest that, well, our national security to a degree went up in smoke at the time of the disastrous fires in New Mexico. You can lose your car keys, but you don't lose these hard drives.

What we are talking about is the very highest security interests of this Nation. Missing on the hard drives is the highly sensitive information that covers not only the Russian nuclear weapons programs but how we arm and disarm nuclear devices. Imagine what

this would mean if it fell into the hands of terrorists. They could theoretically steal a nuclear device and either arm it or disarm it. That is the kind of information for which we cannot account.

Earlier today this body voted 97–0 to confirm the new czar, Gen. John Gordon, who has been waiting since May for confirmation. It had been held up by Members on the other side who had a hold on his nomination. The question of responsibility is a reasonable one. We had the assurance of the Secretary of Energy that he bore the responsibility for security in the laboratories after we had the Wen Ho Lee incident. That was widely publicized; it was widely debated. Not only that, at that time, Members will recall, there was a special commission set up. This commission came as a result of a report from the House. That report ultimately resulted in the appointment of a former respected Senator, Warren Rudman, who has since retired. The purpose of that report was to analyze the security at the laboratories at that particular time.

I will read a couple of inserts and findings from that report because I think they bear on the credibility of what we are hearing from the Department of Energy. One of the findings stated:

> More than 25 years worth of reports, studies and formal inquiries—by executive branch agencies, Congress, independent panels, and even the DOE itself—have identified a multitude of chronic security and counterintelligence problems at all of the weapons labs.
>
> Critical security flaws . . . have been cited for immediate attention and resolution . . . over and over and over . . . ad nauseam.

They haven't been corrected.

Further, the report again was the Rudman report. The open-source information alone on the weapons laboratories overwhelmingly supports a troubling conclusion: Their security and counterintelligence operations have been seriously hobbled and relegated to low-priority status for decades.

That, again, is associated with the Wen Ho Lee security breach.

Finally, Senator Warren Rudman indicates:

> The Department of Energy is a dysfunctional bureaucracy that has proven it is incapable of reforming itself. Accountability at DOE has been spread so thinly and erratically that it is now almost impossible to find.

Well, we heard this morning that the Secretary is going to appoint—or has appointed—our respected colleague, Senator Howard Baker, and a very distinguished House Member, Lee Hamilton, to give a report on the findings as to the security adequacy at the labs. Well, I welcome this in one sense, and I reflect on it with some question in another, because clearly what Senator Rudman recommended in his report, ''Science at its Best; Security at its Worst'' was not followed by the Department of Energy.

The action taken by both the Senate and the House in the manner in which we proceeded with legislation to authorize an energy czar was objected to by the Secretary of Energy through the entire process, almost to the point of eluding congressional intent in the law, and the fact that others felt inclined to hold up his nomination until the vote today, 97–0. I think that reflects on the squeaky wheel theory. The wheel squeaks enough today, and we finally put our czar, Gen. John Gordon, in a responsible position.

But the barn door has been left open, and it is inconceivable to me that we have not had adequate explanations of how this could occur. You can go to the library and get a card, take out a book, and they know who took out the book. If you are overdue, you pay a penalty. But not in the Department of Energy secured area. They have their so-called nest people who have access to this. It is estimated that that number is 86 or so. They take this material in and out.

What happened is rather interesting on this particular day, according to the testimony we had. I will leave you with this concluding thought: On May 7, the fire was moving toward the laboratory. The obligation of this nest group is to ensure that if the laboratories were to fall victim to the fire so that no one could get in for a period of time, they would have these hard drives available if somewhere there were a nuclear device that was prepared to or exposed somewhere to go off, that this team could take this technology on these two hard drives and go off and disarm them. They had that obligation. So they proceeded to go into the secured area and they asked permission and got permission from one of the deputies to enter. They went to remove the two hard drive disks, and they found that they were gone; they weren't there.

Now, what they did is rather interesting. They didn't notify their senior officials. They simply moved over to another shelf where a duplication of these hard drives was available and they took those. Then, after the fire, they went back and searched the place, could not find it, and finally they reported it, I think, on May 24. It was a timeframe from May 7, when the fire started, and on May 24 a team went back and searched again, and then at about the end of May, they called the DOE and in early June the story broke.

Those are the facts up until now. When you hear the explanations, you just shake your head and say, how could this happen? And then, of course, the questions we have are: Who might have this information? If they had it, what might they be able to do with it?

Some of these questions have to be responded to in a secure environment because of the national security interest. Some have said, well, the appropriators didn't give them enough money to ensure a foolproof system. They asked for $35 million and I think they got $7 million. It doesn't take $7 million to put in a foolproof checkout system. They don't even have cameras in these secured areas. They don't know who is going in and out—other than they have to have a certain security clearance to go in. But there is no checkout system. It is unbelievable.

We need answers and we are going to pursue this matter. As a consequence of the situation to date, clearly, the DOE and the labs have not been under control. I hope now that we have cleared the nomination, with the vote of 97–0, of the National Nuclear Security Administrator, that process can get underway. But there are a lot of questions that remain. The two missing hard drives contain secrets about every nuclear weapon in the world—just not ours. We should pursue this matter because clearly the buck has to stop somewhere.

When Congressmen NORM DICKS and CHRISTOPHER COX in their report concluded that China had design information—the Wen Ho Lee case—that should have been enough. The report by Senator Warren Rudman should have been an alarm, and the action by the Senate and the House to establish the energy czar should have been enough. But it wasn't. Today, as I said, the squeaky wheel got some grease. We have Gen. John Gordon in the position, but we have a lot of questions unanswered and a lot of people who assured us that they bore the responsibility that everything was under control. We found out today that it isn't.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Idaho is recognized.

THE SITUATION AT LOS ALAMOS LABORATORIES

Mr. CRAIG. Mr. President, I, too, was attending the joint committee hearing this morning on the situation at the laboratories at Los Alamos that FRANK MURKOWSKI chaired, along with RICHARD SHELBY.

I must tell you that it was shocking and angering to watch an administration that recognized a problem and failed to do anything about it—or very little—and then to ignore a Congress that recognized the problem after extensive hearings and which passed legislation last year into law; and we have a Secretary of Energy who ignored it and openly denied that he would do it. And then for the Secretary not to show up this morning at a hearing—I am not sure how we respond to it.

But I will tell you how the American people ought to respond to it. They ought to say: Mr. Secretary, you have failed and you have failed us in the security of our country. We ask that we find someone better to serve in that capacity.

That is what the American people ought to be saying. And I hope they will.

THE RIGHT TO SELF-DEFENSE

Mr. CRAIG. Mr. President, I have come to the floor for the next few minutes to talk about something that is

very important to our country. Last week, I rose in defense of the second amendment to our Constitution. Why? Because it is under relentless attack at this moment by our colleagues on the other side of the aisle. It is under relentless attack by the White House and has been now for nearly 8 solid years. They want to deny that there is a second amendment, or that there are legitimate rights under that amendment, and they simply want to control or shape what many Americans believe to be their constitutional right under the second amendment, and that is the right to own a firearm in this Nation.

The second amendment reads:

A well regulated Militia, being necessary to the security of a free State, the right of the people to keep and bear Arms, shall not be infringed.

It is a simple amendment, but, oh, what a powerful force it brings; and, oh, what important emotions it engenders in our country.

The enemies of the right to keep and bear arms tell us that because the word ''militia'' is present, the second amendment only protects the right of the Government to keep and bear arms.

If anyone in this body is a student of American history and understands the thinking of our Founding Fathers, they recognize their hostility toward a central government and their willingness to control a central government and give the citizens the greater expression of freedom but, most importantly, power over that central government.

Somehow, our colleague would like to ignore those thoughts and the mind set and the belief of the framers of our Constitution. But let me tell you that our framers knew what they were talking about. They said, ''A well regulated Militia'' means, in the words of George Mason, ''the whole people''—''the whole people'' was the regulation militia—''except a few public officers.''

So never mind their restrictive reading of the Constitution. I think our scholars of history have widely recognized and rejected the idea that there is a narrow interpretation.

They tell us the second amendment only protects hunting and sport shooting. Read the Constitution. It is so very clear. It doesn't even mention the words ''hunting and sport shooting.'' I don't believe the term ''sport shooting'' was something used in those days. Hunting certainly was perceived to be a right, and even a responsibility, and a necessary tool of many families to put food on the table.

They cite Supreme Court cases—such as United States v. Miller—that state the second amendment protects private ownership of military-style weapons; then they try to ban private ownership of military-style weapons. How can you use the argument to argue its purpose and then turn and try to do quite the opposite?

I will simply point out for a few brief moments this afternoon the real inconsistencies in the argument that is presented by my colleagues on the other side and the blatant ignoring of our Constitution by the White House. But then those of us who are observers of the White House are not terribly surprised by that.

Am I being harsh? I don't think so, Mr. President. I think I am being very clear in what I say.

Senate gun controllers have said they do not want to confiscate the guns of Americans. But then other leaders in other countries—including Great Britain, Nazi Germany, Cambodia, Australia, Cuba, and Soviet Georgia—have said the same, and they would only license and register, and not confiscate. And, of course, they did license, they did register, and then they confiscated.

With my time remaining, let me point to a few examples as to why our Government said there was a right and why our Founding Fathers said under our Constitution there is a right.

Every 13 seconds, the stories I am about to tell you are repeated across this Nation. Every 13 seconds in America, someone uses a gun—not to kill someone else, but to stop a crime, to protect their property, to protect their life. Every 13 seconds across America, our citizens do what our Founding Fathers knew they must do as a free citizen; that is, protect themselves in the right of self-defense. That is so much what our second amendment is about.

Let me tell you about this lady, whom I show here on the chart, from Spring Hill, FL, May 24 of this year. It says: ''A pistol-packing grandmother with a license to carry calmly approached a man with a knife who was scuffling with employees at a Wal-Mart and ordered him to drop'' the knife. He dropped the knife. She held him at bay. They called the cops, and the cops arrested him.

Thank you, grandma, for being willing to defend your rights and the integrity of others.

Let me talk about someone who invaded the home of one of our citizens in Benton Harbor in Berrien County.

Prosecutor Jim Cherry announced Thursday he will not file homicide charges against a man who shot and killed Rodney Lee Moore last month at a Benton Harbor housing complex.

Why? Because this man was defending his life and defending the life of his family. He had been attacked. He had been injured. And yet, he struggled, he found his gun, and he protected his person by taking the intruder's life.

That is the right of a free citizen in a free society—to defend oneself and one's property.

One more example. I know there are other colleagues on the floor who wish to speak on other issues. But it is an important example.

It was the night of January 31 of this year in Apache Junction, AR, 25 miles from Phoenix. It began when a woman was getting into her SUV in a Wal-Mart parking lot in nearby Chandler. She was approached by a man riding a bicycle. He pulled out a gun, forced her into her SUV, and made her drive to an isolated area 15 miles away. He raped her. Then he abandoned her in the desert.

According to the Chandler Police Department sergeant, Ken Phillips, ''He left her in a desert area and starts to drive away, but turns around, comes back, and he shoots her twice.'' The woman, suffering from bullet wounds in her face, her chest, and her arm, was miraculously able to walk a quarter of a mile for help.

This dangerous criminal then drove his victim's SUV to the home of his former boss, Jeff Tribble. In that home, Mr. Tribble, his 28-year-old wife Bricie, and their 9-year-old nephew resided. The criminal broke into their house. What happened? Sergeant Phillips said that this gentleman's wife, Mr. Tribble's wife, got her gun and shot the criminal twice—once in the face and once in the chest—and he dropped dead. Then she called 911 to report the shooting of an intruder who had just hours before raped and shot another person.

Those are the stories that are not being told to America today. And they happen every 13 seconds across our Nation. Two and one-half million Americans annually use the second amendment right to protect themselves, their property, their children, and their spouses. That is the right of a free citizen. That is why the second amendment is in the Constitution.

I do not in any way by these statements fail to recognize the tragedies that occur when a gun is misused in our society. It is misused much too often. But it is time we speak out.

I have said several times to those who may be listening or who might read my statement to call me or write me. Tell me about your story. Tell me about what happened in your community. Literally, citizens are now doing that. Tell me about the right of the free citizen to protect themselves and their property.

It is very simple. It is, LARRY CRAIG, U.S. Senator, Washington, DC, 20510.

I would like to hear from you. I think it is time America is heard, about how other Americans use their sacred right of the second amendment to protect themselves and their loved ones.

I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois.

UNITED STATES NONMILITARY ARSENALS

Mr. FITZGERALD. Mr. President, thank you very much.

I take this opportunity to thank my colleagues on the Armed Services Committee, Chairman WARNER, and also the ranking member, Senator LEVIN, for the amendment I offered, that they have accepted, I am told. My amendment addresses the situation with our Nation's military arsenals.

We have the Rock Island arsenal in Rock Island, IL. It lies on an island in the Mississippi River between the border of Illinois and Iowa. The Rock Island Arsenal dates back to just about

the time of the Civil War. It has been producing outstanding equipment, with outstanding personnel, to our Nation's military for well over 100 years.

A few years ago, the military changed its procurement rules to require our Nation's arsenals, when they were bidding on a contract, to provide military hardware to our Army or Defense Department. It requires them to submit bids that not only include their marginal cost for producing the product but, in fact, requires them to add into their bid the entire overhead.

This new policy which the Defense Department established a few years ago has actually been harming taxpayers. Why, someone might ask, has that been harming taxpayers? What has been happening, as our Nation's arsenals—and there are three in this country; in addition to one in Illinois, there is one in New York and also one in Arkansas—go to bid on projects to provide supplies to the military, and they have to not only state their cost of building those supplies, they also have to add in the cost of their overhead. That means in analyzing those bids, the military is always going to prefer the bid of the private contractor.

In fact, our arsenals have been losing business from the U.S. Government. This has been harming taxpayers. The reason it has been harming the taxpayers is because once we pay the private contractor to build the weapon or perform on the contract, we are still paying to keep the arsenals open. So the taxpayers wind up paying twice for the project.

For example, a few years ago the military requested a new Light Towed Howitzer. They wound up giving the bid to a British defense firm. The Rock Island Arsenal lost out on the bid. The Government paid the British defense firm to start on the contract, but meanwhile, the Government and the taxpayers are still paying to keep the arsenals open.

My amendment is designed to correct this flaw which is wasting taxpayers' money. From now on, under this amendment, when domestic organic arsenals in this country bid on a military project, they will be able to state their incremental cost for building the product, if it is a Howitzer or other weapon for the military. This way, it will be more fair to the arsenals. They will be able to bid their actual cost and the playing field won't be tilted in favor of the private contractors.

Actually, the Department of Defense convened a defense working capital fund task force a couple of years ago that noted that the taxpayers were being billed twice for these military contractors; that it didn't make any sense. In fact, that issue paper which came out on February 25, 1999, and was issued by the defense working capital fund task force, concluded that

> [T]he Department of Defense will ultimately pay twice for maintaining the essential organic capabilities as well as contracting out for the goods or services.

It went on to say that these rules cause an artificial, a fictitious bookkeeping entry that overprices the arsenal services and not only encourages behavior that is not optimal for the military as a whole, but also leads to an increasing disparity between military and private suppliers that ''results in an increasing abandonment of arsenal services.''

Mr. President, I compliment the members of the Armed Services Committee and Chairman WARNER and also the ranking member for accepting my amendment. We should be able to help our Nation's arsenals and particularly the Rock Island Arsenal in Rock Island, IL, as well as save the taxpayers of this Nation some of their hard-earned money.

The PRESIDING OFFICER. The Senator from Nebraska.

HAPPY BIRTHDAY, UNITED STATES ARMY

Mr. HAGEL. Mr. President, I rise today to wish the United States Army happy birthday. It was 225 years ago today, in 1775, that the Continental Army of the United States was formed. That Continental Army of the United States has had a rich, important impact on our country.

Millions of men and women over the last 225 years have served in the senior branch of services of our military forces of the U.S. Army. The Army is interwoven into the culture of America. Those who have had the great privilege of serving in this country in the U.S. Army understand that. It may have been a little difficult during basic training for some, but as we progressed through basic training and became Army men and women, formed, shaped, and molded from raw recruiting into something that America could be proud of, and we could be proud of ourselves, that touch, that impact, that molding, that shape, has defined our country, has defined our culture, and has, in fact, defined the world. The U.S. Army has had an incredible effect on our country and the world for the better.

''Duty, honor, country'' is the motto of the U.S. Army. It is America. It is who we are. Not one generation of Americans who have served in the U.S. Army have gone untouched by not only what America is about but what the Army is about. It is a shaping and molding that has touched lives in ways that are hard to explain, just as the Army has touched our national life and made the world more secure, more prosperous, and a better world for all mankind.

On this 225th birthday of the U.S. Army, as an old infantry-man who served in the U.S. Army, I say happy birthday to the veterans of this country. We recognize and acknowledge and pay tribute to those generations who have served before some of us had the opportunity to serve a newer Army.

It is the Army that has laid the foundation for our services today and for a stronger America. To that, we say, again, happy birthday and thank you, in the great rich tradition of the U.S. Army.

Mr. President, we say ''hoo-ha.''

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SHELBY. I take a few moments to commend the Senator from Nebraska for his remarks. I think he speaks for most of us, if not all of us. He speaks eloquently in congratulating the Army. That is something we shouldn't forget: The role of the Army, what the Army stands for, what the Army has done, often at a tremendous price, as we know. We shouldn't forget that.

I commend the Senator from Nebraska for his remarks.

DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES APPROPRIATIONS ACT, 2001

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

> A bill (H.R. 7475) making appropriations for the Department of Transportation and related agencies for the fiscal year September 30, 2001, and for other purposes.

The Senate proceeded to consider the bill.

The PRESIDING OFFICER (Mr. GREGG). Under the previous order, the language of S. 2720 is before the Senate as amendment No. 3426.

(The text of the amendment is printed in today's RECORD under ''Amendments Submitted.'')

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SHELBY. Mr. President, the pending business before the Senate is the House bill, is that right, or the Senate bill?

The PRESIDING OFFICER. The House bill, with the Senate language as an amendment.

Mr. SHELBY. We have some procedural obstacles to clear, is my understanding here. In the meantime, what I will do is go ahead and make my opening statement.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SHELBY. Mr. President, chairman STEVENS and the leader asked us to move quickly on this year's Transportation appropriations bill, and I'm happy to say that with the assistance of the senior Senator from New Jersey, we have reported a bill for the Senate's consideration. I am speaking of the Senate bill now. Considering that the Senate approved the Transportation appropriations bill in September last year, I suppose that presenting this bill during the second full week in June would qualify as moving more quickly this year.

I commend Senator STEVENS and Majority Leader LOTT for pushing this agenda.

Both Senator LAUTENBERG and I strongly support this package, though

neither one of us agrees with every decision and funding level that is included in the bill and report. However, this bill contains the essential elements of a Transportation appropriations bill that meets the challenge of adequately funding the Transportation programs within the budget constraints that we have set for Federal spending in fiscal year 2001.

I will spend a few minutes on the bill funding summary.

The bill provides a total of $54.7 billion, which is $4.7 billion more than the fiscal year 2000 enacted level. Because the firewalled highway and transit programs account for most of this growth—not to mention the increases in aviation capital investment anticipated in FAIR–21 that this body approved just a few months ago—we have been left with no choice but to constrain the growth in the FAA and Coast Guard operations accounts and Coast Guard capital account. Nevertheless, I am confident that, with responsible management, the funding levels for FAA operations and for the Coast Guard are adequate to meet the challenges of safely and effectively managing the nation's airways and the execution of the Coast Guard missions.

I note that the administration requested 15 percent growth in the Coast Guard operations account and 12 percent in the FAA operating expenses account. The bill before you today directly provides 9 percent growth in both those operating accounts with an additional 4 percent potential growth available to the FAA operations account if necessary to maintain aviation safety at the discretion of the Secretary of Transportation and the FAA Administrator.

That is a lot of money—and a great deal of growth under the budgetary constraints we are operating under. At the same time, the funding levels in our bill require the Secretary to balance the critical needs of both the Coast Guard and the FAA as he (or she) manages the Department. My concern is not that we haven't provided enough resources. My concern is that they won't be administered with an eye towards saving the taxpayers money or toward seeking efficiencies in program execution.

We have rejected the administration's proposal to divert highway funds in Revenue Aligned Budget Authority—or RABA—to other programs. This unrealistic proposal raised expectations, but is nothing more than a case of the administration wanting to say they support the highway firewalls while proposing to spend the money on nonhighway activities. You can't have it both ways.

We have also rejected the administration's proposal to levy new user fees. Three years ago during my first year as chairman of the Transportation subcommittee, we said no to the administration's new user-fee taxes, 2 years ago, we said no again to the new and improved user-fee taxes from the administration, and last year, we again said no thanks to the newly reconstituted user-fee tax proposal from the administration. Guess what? This is my fourth year as chair of the Transportation appropriation subcommittee, and the President's budget again includes $1.3 billion in new user-fees taxes—I am starting to recognize a pattern. Is anyone in the administration listening to what Congress is saying about new user-fee taxes?

Along these lines, I would note that the shortfalls that the administration will complain about in the FAA operations account in this bill are far short of the user-fee proposals that they have proposed for the FAA, not to mention the Coast Guard. If the administration would refrain from submitting budgets with new user-fee taxes as a budget gimmick that they know will never be enacted to hide other non-transportation spending, it would make all our jobs a lot easier to meet realistic targets and expectations for these operations accounts.

The bill before you meets the TEA-21 firewall levels for highway and transit investment. In highways, the RABA funding has all been distributed to the states in accordance with each state's share of the program consistent with last year's Senate appropriations bill. In short, every states gets more highway funds through the approach taken in the bill before you. I urge every Senator to refer to the table I will insert in the RECORD to see the total highway funds that will be available for highway construction in his or her state through the approach we propose.

The transit new starts and bus projects are not earmarked, which is the way the Senate has handled these programs the last 2 years. This is an approach that has worked well for the Defense appropriations process with respect to the National Guard equipment account, and I believe that it is a good model for balancing congressional and administration priorities in the allocation of discretionary transit projects.

The bill provides $4.4 billion for the activities of the U.S. Coast Guard, and, as I mentioned earlier, there is an 9 percent increase for the operating expenses of the Coast Guard. I think we can all agree that it is essential to provide the Coast Guard with the resources they need to continue their tradition of maritime search and rescues, protecting the environment and our coastlines, and enforcing our laws on the seas.

There are a few general provisions that I would draw to your attention. One requires the administration to submit with their budget request an accounting of what programs are to be cut if the Congress does not choose to enact the next complement of new user-fee tax-budget gimmicks.

Although there are other issues that will be discussed during consideration of this bill, I will note one now. That issue is the national ''.08'' blood alcohol content provision. Senator LAUTENBERG, who is managing his last Transportation appropriations bill this year, makes a compelling case for why the states should adopt ''.08''. This language was included in the bill at his request and will vote to support its inclusion the bill the Senate passes. I urge you to look at it and consider it carefully.

The bill before the Senate sets the stage well for a conference with the House. The House 302b for Transportation appropriations has substantially more budget resources than the bill before us today. As a result, the House passed bill is higher in a number of accounts than the bill before the Senate today. Notably, the Coast Guard has $150 million more in the Operating Expenses account, $100 million more in the AC&I account—the Coast Guard's capital improvement account, and the FAA operations account is $200 million higher than the Senate bill. We have included a number of flexibility provisions for the Secretary of Transportation and for the FAA administrator to soften the impact of those cuts from the President's budget request, but the fact remains that we are below the House appropriated levels in those accounts in particular. In addition, there are a number of specific projects or procurements that are included in the House bill that are not in ours, and a number of initiatives in our bill that are not in the House-passed bill. I believe that we can resolve all of these issues in conference to the satisfaction of both bodies and present a conference report that the President will sign.

We know of a few amendments to the bill and we would encourage those Members who have amendments to come to the floor to offer them or to see if they can be accepted. We want to work with Members where possible and will seek time agreements on amendments so we can move the bill.

Mr. President, I also would be remiss if I did not note my colleague, Senator LAUTENBERG, has joined us. He is the former chairman of this subcommittee and is now the ranking Democrat. I have enjoyed working with him on this subcommittee. This will be the last Transportation bill he will help manage. I can tell my colleagues that he has rendered a great service to his State and to the country. He has been a lot of help to me as I have worked through this process, the same road which he has been down many more times.

Before yielding the floor, I ask unanimous consent that a list of revenue aligned budget authority be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

REVENUE ALIGNED BUDGET AUTHORITY

[In thousands of dollars]

STATE	Admin. Distr.	TEA–21 Distr.	Full RABA committee recommendation
Alabama	41,620	56,296	60,784
Alaska	24,403	33,019	35,733
Arizona	33,982	45,989	49,705
Arkansas	27,252	36,857	39,629
California	192,556	260,472	281,963
Colorado	23,972	32,437	35,005
Connecticut	31,060	42,018	45,543
Delaware	9,079	12,289	13,269
District of Columbia	8,094	10,950	11,865
Florida	98,866	133,774	144,775
Georgia	72,971	98,720	106,972
Hawaii	10,580	14,312	15,525
Idaho	15,797	21,359	23,146
Illinois	69,077	93,428	101,422
Indiana	48,609	65,756	71,291
Iowa	24,576	33,244	36,048
Kansas	23,951	32,399	35,139
Kentucky	36,905	49,925	54,114
Louisiana	32,778	44,332	48,127
Maine	10,896	14,739	15,782
Maryland	33,696	45,585	49,396
Massachusetts	38,389	51,919	55,894
Michigan	67,305	91,044	98,737
Minnesota	30,608	41,395	44,962
Mississippi	25,698	34,763	37,696
Missouri	50,947	68,911	74,579
Montana	20,374	27,577	29,776
Nebraska	15,929	21,557	23,296
Nevada	14,846	20,089	21,736
New Hampshire	10,601	14,335	15,483
New Jersey	55,014	74,409	80,765
New Mexico	20,219	27,353	29,641
New York	105,420	142,576	154,827
North Carolina	57,943	78,390	84,939
North Dakota	13,438	18,187	19,651
Ohio	71,674	96,952	105,159
Oklahoma	31,735	42,934	46,417
Oregon	25,248	34,140	36,537
Pennsylvania	102,976	139,222	149,607
Rhode Island	12,276	16,612	17,868
South Carolina	34,553	46,751	50,215
South Dakota	14,918	20,176	21,440
Tennessee	47,385	64,099	69,511
Texas	156,693	212,010	229,231
Utah	16,581	22,429	24,333
Vermont	9,372	12,682	13,715
Virginia	53,715	72,671	78,633
Washington	36,508	49,378	53,607
West Virginia	23,057	31,172	33,944
Wisconsin	40,737	55,111	59,726
Wyoming	14,316	19,373	20,846
Total	2,089,193	2,826,115	3,058,000

ESTIMATED FISCAL YEAR 2001 DISTRIBUTION OF OBLIGATION LIMITATION AND REVENUE ALIGNED BUDGET AUTHORITY (RABA)

States	Obligation limitation [1]	RABA	Total
Alabama	$478,393,294	$60,783,866	$539,177,160
Alaska	273,338,905	35,732,730	309,071,635
Arizona	386,599,345	49,704,732	436,304,077
Arkansas	312,654,965	39,628,622	352,283,587
California	2,211,981,611	281,962,890	2,493,944,501
Colorado	275,490,135	35,004,926	310,495,061
Connecticut	353,217,355	45,542,794	398,760,149
Delaware	103,731,809	3,268,662	117,000,471
District of Columbia	93,741,325	11,865,040	105,606,365
Florida	1,121,666,241	144,774,894	1,266,441,135
Georgia	832,178,590	106,971,898	939,150,488
Hawaii	121,240,964	15,525,466	136,766,430
Idaho	181,168,531	23,146,002	204,314,533
Illinois	795,299,213	101,421,628	896,720,841
Indiana	555,444,640	71,291,154	626,735,794
Iowa	283,379,331	36,047,704	319,427,035
Kansas	276,678,619	35,139,478	311,818,097
Kentucky	423,684,551	54,114,368	477,798,919
Louisiana	376,584,623	48,126,804	424,711,427
Maine	124,948,152	15,782,338	140,730,490
Maryland	386,612,173	49,395,874	436,008,047
Massachusetts	440,827,553	55,894,124	496,721,667
Michigan	770,487,758	98,736,704	869,224,462
Minnesota	352,733,729	44,961,774	397,695,503
Mississippi	295,425,345	37,695,966	333,121,311
Missouri	585,613,867	74,578,504	660,192,371
Montana	230,749,423	29,775,746	260,525,169
Nebraska	183,090,968	23,295,844	206,386,812
Nevada	169,145,618	21,736,264	190,881,882
New Hampshire	121,821,196	15,482,654	137,303,850
New Jersey	632,567,758	80,764,838	713,332,596
New Mexico	231,198,136	29,641,194	260,839,330
New York	1,211,655,529	154,826,540	1,366,482,069
North Carolina	662,205,968	84,939,008	747,144,976
North Dakota	153,765,807	19,650,708	173,416,515
Ohio	823,947,807	105,158,504	929,106,311
Oklahoma	364,937,744	46,417,382	411,355,126
Oregon	291,813,790	36,536,984	328,350,774
Pennsylvania	1,190,371,427	149,606,534	1,339,977,961
Rhode Island	139,958,730	17,867,894	157,826,624
South Carolina	393,474,564	50,215,418	443,689,982
South Dakota	171,367,488	21,439,638	192,807,126
Tennessee	544,746,298	69,511,398	614,257,696
Texas	1,785,645,239	229,230,738	2,014,875,977
Utah	190,699,752	24,332,506	215,032,258
Vermont	107,423,888	13,715,130	121,139,018
Virginia	615,042,972	78,633,412	693,676,384
Washington	421,802,708	53,606,740	475,409,448
West Virginia	267,976,665	33,943,800	301,920,465
Wisconsin	465,112,354	59,725,798	524,838,152
Wyoming	163,917,007	20,846,386	184,763,393
Subtotal	23,947,561,460	3,058,000,000	27,005,561,460
Allocation Program [2]	2,656,244,540		2,656,244,540
Total	26,603,806,000	3,058,000,000	29,661,806,000

[1] Includes Special Limitation (Minimum Guarantee, Appalachian Development Highway, High Priority Projects).

[2] Includes Territorial High Priority Projects.

The PRESIDING OFFICER. The Senator from New Jersey is recognized.

Mr. LAUTENBERG. I thank the Chair. Mr. President, first, Senator SHELBY, with whom I have worked a number of years on more than one committee, has established a working relationship that, frankly, I treasure as one of the best I have had since I have been in the Senate. We rarely agree on policy differences, but one thing we do agree on is that we have respect for one another. We listen and try to resolve our differences.

As everyone knows, the way we finally resolve differences is the majority says this is what we are going to do, I concur, and we go ahead and do it.

It has been a pleasure working with Senator SHELBY and members of the subcommittee over these past few years. This is my last Transportation appropriations bill. I look forward to reaching agreement among our colleagues and sending the bill to the House, resolving whatever differences there might be, and the President signing it into law while there is still time before we have an omnibus appropriations bill before us.

This is a decent bill. It was reported out of the Appropriations Committee yesterday by a unanimous vote. I thank Senator SHELBY for his leadership and skill in maneuvering around the number of obstacles that invariably come up and still not have people angry or unwilling to discuss their issues.

During yesterday's markup, a number of amendments were adopted that I believe improve our initial subcommittee product. I, therefore, rise in strong support of the bill and encourage my colleagues to support it as well. Everybody is not going to get what they want in the bill. Senator SHELBY does not even though he is the chairman. I am the ranking member and I do not get what I want, for sure. I would have permitted Senator SHELBY to be even more generous than he has been. That is his choice. He treated me and the members of the committee fairly.

Over the last 14 years, I do not believe I have ever managed this bill without expressing the importance of balancing how we address the Nation's transportation needs, and that is to look at all modes. We cannot be attentive to highways without being attentive to transit, by way of example. It is not enough to look out for the marine safety agenda and the Coast Guard; we also have to pay attention to the aviation safety needs of the FAA. We must recognize that while some States are wholly dependent on highways and rural aviation to meet their transportation needs, other States depend heavily on commuter rail and Amtrak to move their citizens. A balanced approach is what is needed, and I believe the bill before us embodies that balance.

This bill fully funds the growth in highway and transit funding we called for in TEA–21, the highway bill that was enacted a couple of years ago. The bill also fully funds the request for Amtrak's core capital grant. While the funding levels for certain accounts in the FAA and Coast Guard might appear to be austere, a more indepth review of the bill before us and prior actions by the Senate sheds some further light on this situation.

Specifically, the bill before us would cut the Coast Guard by $257 million. However, it is important to note that only a few weeks ago the Senate passed a supplemental appropriation of over $800 million for the Coast Guard, and all of that supplemental funding will be available on a multiyear basis.

That is one of the anomalies: We give an agency such as the Coast Guard ever more responsibilities, whether it is just doing the navigation assists, the buoys, and the charts, or whether it is stopping illegal immigration, or whether it is pursuing drug transport by boat, or whether it is managing the licensing of vessels that ply our waters making sure they stay up to date and do not violate the standards that are required for ships entering our waters. They are now putting .50-caliber guns, and some larger, on helicopters in the Coast Guard to intercept or interrupt the drug flow that is devastating our country.

Whatever you need, the Coast Guard is always there. We are always squeezing and squeezing, but this year we have figured out a way to take care of it. There is no one who does not respect the Coast Guard for the job they do and looks to them when an emergency arises. Whether there is an oilspill or some other disaster that includes travel on the seas, the Coast Guard is there.

In the case of the FAA's operations account, it appears we reduced the administration's request by more than $240 million. It is important to note that within the appropriations for the FAA's facilities and equipment account, the bill includes $64 million for operating expenses. That shortage we talked about, again, was the operations account.

Moreover, as a result of an amendment I offered during the full committee markup, there is now an additional $120 million available for operating expenses from the $3.2 billion appropriations for airport grants.

I want to clarify what I am discussing. I am talking about putting in over $3 billion in airport grants, airport improvements, be it terminals or access routes in and out. There are all kinds of things for which the airports can use these funds so they can handle the expanding need for passengers who want to take airplanes. I support it 100 percent. We cannot continue to expand a facility without having enough of a crew—I will use the term—to manage it. One would never dream of taking a ship that needs a 1,000-person crew and saying: OK, we are going to put in new electronics, but we are going to cut down on the size of the crew. We would never understand it nor agree to it.

The changes we have made enable this bill to provide a $634 million, or 11-percent, increase for FAA operations. Nobody wants to be up in the sky with too few controllers guiding the traffic as they do.

I fly a lot in the second seat in airplanes. That is the way I prefer to travel. I know when the controllers are stressed or when the flight service stations are not giving the data needed or when it delays departures or takeoffs. We want to ensure safety, above all. When we put our families in an airplane, whether it is a flight from New York to Washington or whether it is a cross-country flight, we want to know they are traveling in as safe a condition as possible. Our aviation system is safe. I point that out.

But when it is not operating as it should, it comes out in delays. It is akin to borrowing to pay your bills. The longer it takes to get a flight started, the worse things become later on. We know that whether it is a flight from New York to Washington, to use that example, or if it is a flight from Denver to Los Angeles; what happens on that leg from New York to Washington affects what happens on the leg from Denver to L.A. That is the nature of the system. It is a huge system. It is all interconnected. We have to have enough people in the key spots to take care of things.

There are several other items of importance in this bill that I think bear mentioning at this time.

I thank my subcommittee chairman, Senator SHELBY, for including provisions in the bill to implement a national drunk driving standard of .08 blood alcohol content. This provision passed the Senate in 1998 by an overwhelming margin. However, the House never had an opportunity to vote on the measure.

The administration still strongly supports implementation of .08 as the national standard for blood alcohol content. It has been said by several institutions that have studied this problem that by reducing the standard across the country from .10—that is parts per million of alcohol to blood—we could save 500 to 700 lives a year. It does not sound like much in the abstract—500 to 700 lives a year—but if it is a child in your household or a family member in your neighborhood or a friend, the effects are devastating.

I remember one time I had a discussion with the occupant of the Chair about a friend of his son's who was badly injured in an automobile accident. The pain that permeates a community is unmatched. Thank goodness we are focused on what happens with our children. Whenever we have a chance to do something to protect them, we do it—protecting any member of a family.

So when we ask now for .08 to be the standard, we are saying to 500 to 700 families, who will never know they have been protected from disaster, that it was because we demanded a better standard for automobile safety.

This provision works in the same way as the minimum drinking age law which I authored back in 1984, signed into law by President Reagan, and assisted by Secretary Elizabeth Dole at the time. To this point in time, it is estimated that the minimum drinking age law saves over 1,000 lives a year. Over 15,000 families have been spared mourning over the loss of a child because this applies almost exclusively to very young people.

The .08 provision holds the promise of saving the lines of an additional 500 persons every year. So I thank Senator SHELBY again for including this provision in the bill.

The Members should be aware there is a separate provision in this bill that prohibits the administration from implementing its newly proposed ''hours of service'' regulations pertaining to truck and bus drivers. Many interested groups have voiced strong opposition to the administration's proposed rule. I personally oppose certain aspects of it, as well. However, I have concerns with the remedy that is proposed in the bill.

The administration has already shown renewed willingness to reconsider aspects of this rule by extending the comment period on their proposal by 90 days. So it gives those who have views about what this bill should look like or the conditions it should carry an extra 90 days to present those views, and then perhaps we will take the subject up again. I note that this prohibition is not included on the House side, so it is something that may come up in the conference.

I hope that before we go to conference, all concerned Members can discuss this issue in the time that is available with Secretary Slater, to discuss this issue and advance the cause of safety on our highways.

Finally, I thank all the members of the Transportation Subcommittee for their friendship and assistance throughout the process. I am not talking exclusively about the Democrats. We worked with Republicans. Sometimes there are disagreements in policy that can't be bridged, but we talk about it, and we try to iron out the problems and see if we can accommodate, by consensus, the bill. We have again delivered a unanimously supported bill to the floor.

I especially thank Senator SHELBY again. His leadership of the subcommittee has been excellent. He has always kept me, the minority ranking member, informed of his plans for the subcommittee. He has been evenhanded in his approach to addressing Members' funding priorities. We have developed a good friendship throughout this process.

I want to say, while the chairman of the full Appropriations Committee is here, that I thank him, as well, for his willingness to listen. Too much listening often kills the time that a chairman can get his bill through, but Senator STEVENS held his patience, his temper, and he permitted us to air our views, and we got the bill done in very good form.

I also extend my thanks to Senator ROBERT C. BYRD, who is the ranking member on the Appropriations Committee. I have worked with him since my first day in the Senate. He is a brilliant, patient man and has been a leader for me, a mentor for me. Even with all this white hair, we still can have mentors and enjoy a relationship. We can still learn. I have found that out. My kids teach me that every day. But the relationship between Senator STEVENS and Senator BYRD is excellent, as we have always seen in this Appropriations Committee.

I also give a special thanks to my team, to Peter Rogoff, who so skillfully manages the staff on our side, Denise Matthews, Laurie Saroff, and Mitch Warren on the Democratic side. And to Wally Burnett; he always knows what side of the aisle he works for and makes sure he is diligent about it, but he makes certain that our messages get through and that they do have a hearing before the bill gets put to bed. I appreciate Wally's leadership, and Joyce Rose and Paul Doerrer, as well.

With that, if there are any amendments Members want to bring to the floor, they ought to do that. This bill was moved expeditiously, carefully through the process. It is here. So we can eliminate much of the griping and complaining about having bills linger on forever and winding up—in the final analysis, before the October 1 fiscal year starts, the new year—in an omnibus bill, where a bunch of things are crashed together, without having a good, comfortable feeling about what is in the bill: How does it affect my State? How does it affect the country? If you get it the last minute, you do not have a chance to review those things.

Here we have a bill that has been carefully engineered and is ready to go. We would like to get it done. If I asked the chairman of the Appropriations Committee when he would like to get it done, he would say certainly this afternoon. But we will be taking amendments. That is the process. Hopefully, we can get it over to the conference committee and maybe have this bill signed into law by the time the next break comes at the end of June.

With that, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Ms. MIKULSKI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. MIKULSKI. Mr. President, the pending bill is on Transportation appropriations. I wish to comment not only on the content of the bill but on the managers of the bill.

I am sorry they are not here, though I note the chairman of the full committee is.

I thank the chairman, Senator SHELBY of Alabama, for the courtesies and cordiality he extended to me as he worked on the physical infrastructure needs of Maryland. I am continually grateful for his cooperation.

I also want to say something about a very dear friend, and pay my respects to someone I have worked with up and down the Northeast corridor, on the highways and byways of Baltimore, of Maryland, and our country. That is, of course, the very distinguished Senator from New Jersey, Mr. LAUTENBERG.

When I came to the Senate in 1986 and was sworn in in 1987, I was the very first Democratic woman ever elected to the Senate in her own right. At the time of my arrival, there was only one other woman in the Senate, the very wonderful Senator from Kansas, Ms. Nancy Kassebaum.

When I gave speeches out in the community, they would say: Senator MIKULSKI, what is it like to be the only Democratic woman Senator? I would say that although I was all by myself, I was never alone because there were wonderful men in the Senate who helped me get started, who showed me how to be effective, and how to be a very good Senator. Of course, I had a great senior Senator, Mr. PAUL SARBANES. I had the help of the then-chairman of the full committee, Senator BOB BYRD, and others, such as Senator KENNEDY and Senator DODD.

But also right there in appropriations was someone who I counted on and looked up to, and who was really a help, my very good friend, Senator LAUTENBERG. That is why I was never by myself because I could turn to Senator LAUTENBERG.

What a way he had on appropriations—bringing his businessman's savvy and yet his total compassion for people. He brought to the Appropriations Committee a need to see how we could be compassionate about people today and yet look at the long-range needs of our country.

That is what he brought to the Transportation Subcommittee.

While we were working on how to build America and its physical infrastructure, Senator LAUTENBERG looked beyond bricks and mortar. He was looking at people.

It was under his leadership that he brought to our attention the issue related to terrorism and how we could protect our people, whether it was on the high seas or at airports.

He was the one who talked about the impact of smoking and what it meant to both airline passengers as well as those who worked on the airlines.

Most recently, he has also talked about the issue of the impact of high blood alcohol levels on the whole issue of drunk driving.

Senator LAUTENBERG brought public health and a public safety agenda to the Transportation Subcommittee. It has served the Nation well because we not only built communities but we have been able to save lives because of what I call ''the Lautenberg approach,'' which is putting people along with bricks and mortar. We are building communities and saving lives.

I hope long after the distinguished Senator no longer officially serves the people of New Jersey that ''the Lautenberg approach'' can be an approach that the Senate continues always thinking about people—putting people first, looking at every opportunity to enhance the public safety and the public health of the people of this country and the people who visit this country.

Again, although I was all by myself, I was never alone. The American people owe Senator LAUTENBERG a great debt of gratitude. People are alive because of him today. I owe him a debt that I can never repay, except to follow the Lautenberg method.

Senator LAUTENBERG will always be with me in every day as long as I continue to be a Senator and a public servant.

Mr. President, I thank the Senators for their kind attention, and I yield the floor.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. LAUTENBERG. Mr. President, I thank my pal from Maryland. We have been good friends. Senator MIKULSKI said something that got my attention. She said she has looked up to me. We have differences in height in a lot of places, but no one has ever looked down to Senator MIKULSKI. She is a giant. What a welcome addition she was when she first graced the Democratic Party with her presence, followed by nine others.

What a difference women have made in this body—not just cleaning up the language, which helped, but also in making sure that we understood there was a far different point of view on many issues. As Senator MIKULSKI so clearly said and has always said, she listened. We can steal a couple of things from commercials to say that when Senator BARBARA MIKULSKI speaks, people listen. The Members here listen.

We share a common background in many ways. We both have Polish roots. Second, we both have what I call an ordinary person's background; she in the bakery, and me in the newspaper store with our families trying to eke out a living each and every day.

One of the things that I thought we ought to do here, although probably would not get enough votes to carry, is every Senator ought to spend a week in poverty living with a family in either an urban our rural environment to kind of get a feeling for what it is to worry about putting food on the table, about putting decent clothing on a child's back, not stylish things but decent clothing, a roof over their heads, a grandparent or a parent aging and needing help. What a difference.

Senator MIKULSKI brought that background, as I hope I did to our function here. That is why we have a special kinship because we care about the people we serve.

One of the happiest moments I have had since I have been in the Senate was the other day. I went to visit a school for the blind in New Jersey, the only one that operates in New Jersey. It is run by the Sisters of Joseph of Peace. With help from colleagues on the Appropriations Committee and throughout the Senate, I was able to get some funding so they could build a relatively modest facility. They named a room after me in an ''Independent Life Section'' where they try to educate people on how to live by themselves, though visually impaired and sometimes in total blindness. How do you get by?

I came in and there was a little child. I have a weakness for little kids because my oldest grandchild is 6. I have seven, six following him, and No. 8 is going to be on the way before No. 1 turns 7. They are a beautiful litter of puppy dogs. They are so cute I can only smile when I think about them.

This little child was 7. She was smaller in stature because her mother was an alcoholic, and she has fetal alcohol syndrome, which reduces size, in effect, and physical and mental health. This child was as bright as any child I have ever met. I picked her up, she said: What's your name?

I said: Frank.

She said: OK, Frank.

She rubbed her hands through my hair. She said: It feels sticky. I said: Yes, I put stuff on my hair. She asked: What kind of stuff? I wasn't doing advertising so I didn't give her the name.

Her vision is impaired with similar to a mesh screen in front of her eyes. The only way she can focus her vision is turning her head. Her vision is like Swiss cheese; she had to constantly turn her head to catch the channel through which she could see.

She was so bright. We wound up with a picture of her and me in the paper, me laughing, with her hands running through my hair.

If there is ever a doubt about the work we do here, about what it is we debate so harshly at times, the things we legislate, the laws we write, about the ultimate test of whether or not we have done the right thing, how does it affect people? What is the impact on a family? What is the impact on a child?

What is the impact of a loss due to a drunk driver in a family? What is the loss when a child 6 years old takes a gun and kills another 6-year-old? What is the impact? It is not only that family; it is the entire community, the entire school. What affect did Columbine have? Was it only the kids who were shot at, the kids who were pleading for help from the police? The kids who were running away in fear? No, it was the entire character of our country.

We have to think about those things and their impact. Are these a question of States rights, of rights other than the rights to bring up a child in safety? What is the most important right?

What was the Million Mom March about? The million moms marched because they were so hurt, so anguished that no one was listening sufficiently to say, OK, sensible gun control. We weren't taking away everybody's gun. If people want to hunt, they have a right to hunt. People need them for law enforcement jobs. Or if someone really thinks they need it for protection, let them get a license and be identified. A million moms were down here to say: Please help us.

That is the measure. That is what I have always found from Senator MIKULSKI, who manages this very important bill, VA-HUD, that takes care of veterans, housing, the National Science Foundation, and NASA. She does a remarkable job and we keep squeezing.

My relationship with Senator MIKULSKI, my relationship with other dear friends in the Senate is what I will miss terribly. This has been one great experience. My desk is a couple rows back. If only my father or my mother could have seen what happens when I open the top of my desk. It says: Harry Truman, Missouri. He sat where I sit now. My parents came here from Ellis Island with not a dime. They didn't understand the language. My parents were brought here as little kids. They wanted to be in America; they wanted to talk English; they wanted to be part of the society. And they worked at it.

We are in this illustrious place. As Senator BYRD will state, about 1,800 Members have served in the Senate since the founding of this country. And here we are, two good friends, sharing the same.

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. GORTON. 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. GORTON. Mr. President, each and every one of my colleagues has received a letter signed by this Senator and by Senators BRYAN and FEINSTEIN on the subject of CAFE standards—that is to say, the Corporate Average Fuel Economy standards—relating to gas mileage of automobiles.

In that Dear Colleague letter, we indicated there would be a sense-of-the-Senate resolution on that subject that would come before the Senate during the course of the debate on this Transportation appropriations bill. The reason we had adopted that course of action, identical to the course of action we took last year, is that the Senate bill itself has no reference, one way or another, to automobile and small truck fuel economy. The House bill, however—as it has for at least 10 consecutive years—prohibits the use of any funds appropriated in this bill for even the study of increasing the mandated fuel economy of automobiles and small trucks in the United States.

As a consequence, it seemed to us the only way we could get at this subject, and perhaps reverse that very head-in-the-sand policy that has plagued us for so long, was somehow or another to express the views of the Senate on the subject.

A year ago, 40 Senators voted with us, if my memory serves me correctly; 57 voted against us.

This year, however, the situation on appropriations bills has changed. It has changed effectively by the readoption of rule XVI and the extension of rule XVI, not only to substantive amendments but to sense-of-the-Senate amendments as well. As a consequence, we now need to notify our colleagues we will deal with this question in a different fashion.

The proponents of better fuel economy standards have not yet met formally to discuss our various alternatives, but in my view they are basically two in nature. Technically, what is before us at this point is the House bill, including the prohibition against spending any money on Corporate Average Fuel Economy standards, with an amendment that strikes everything after the enacting clause and substitutes the Senate-reported bill for the House bill.

So at this point, an amendment is in order to strike that funding prohibition in the House bill, which will give us a direct vote on the issue, though that House provision, together with every other House provision, will eventually be stricken in any event by the adoption of the Senate amendment.

Our other option is to wait until the end of the debate, wait until final passage of the Transportation appropriations bill, and make a motion to instruct the Senate conferees to uphold the Senate position, something the Senate conferees have notoriously failed to do during the course of the last decade.

I am inclined to favor that latter course of action, but the group has not yet made its decision. But we do wish all of our colleagues to know we are not going to be engaged in any procedural legerdemain by any stretch of the imagination. We will be debating this issue. We regard the issue as vitally important.

Perhaps most significantly, I should like to say the ground of the debate may be somewhat different from the debate a year ago, for several reasons—at least three in number. The first of those reasons is we were still living as a country in a fool's paradise a year ago, a fool's paradise of abnormally low retail prices for gasoline. During the course of the last 12 months, of course, we have been subjected to a huge runup in gasoline prices motivated almost entirely by the reanimation of OPEC and its throttling back on petroleum production among its various members.

This left us earlier this year with what I considered to be the humiliating spectacle of a Secretary of Energy traveling from one OPEC country to another, hat in hand, asking those OPEC countries: Please, please, please, resume higher production of your product and, thus, lower those product prices.

The point was that we had no bargaining ability as the United States of America whatsoever to accomplish that goal, and while there was a brief respite, though nothing like a return to the original status quo in gasoline prices, we now know they are, once again, very much on the rise: increases of 30 to 50 cents a gallon in many places in the Midwest that have special air pollution requirements, the highest prices reported yesterday in the Washington Post, perhaps forever.

We can look forward with apprehension but with a real expectation of regular gasoline prices hitting $2 a gallon in the relatively near future. I cannot possibly emphasize enough the fact that this is a pricing structure that is simply beyond our control because we have allowed ourselves to become so dependent on foreign oil. The largest single percentage of our trade deficit, which is itself alarmingly high, is due to the importation of foreign oil. We have three possible answers to that question: We must either increase domestic production, encourage to an even greater extent than we do the use of alternative fuels, or to use the fuels we have more efficiently and more effectively. The latter not only has a very positive impact on the cost of gasoline to every consumer in the United States but also will, in a very significant fashion, help clean up our air. We will bring this subject up once again.

Second is the proposition that last year we were told—I am not sure entirely accurately—the law under which fuel economy was mandated did not allow the Department of Transportation to consider the safety of vehicles that would be designed to meet these standards.

It is our explicit intention this year, whatever the validity of that argument, to allow the Department of Transportation, in fixing new corporate average fuel economy standards, to consider factors of safety. That was a major argument a quarter of a century ago against the original CAFE standards. We were told everyone would be driving a subcompact and death rates would go up markedly. We

are not driving subcompacts. Our highways are far safer than they were 25 years ago, and will be, again, I am convinced, if we once again significantly increase our mandated fuel economy. In any event, we are explicitly allowing that consideration.

Third, whether one is on this side of the political aisle or the other side of the political aisle, it is obvious this process will not be completed during the course of this administration. It will be another administration, whether a Democratic or a Republican administration, that will make that final decision, and the final decision will, for all practical purposes, be subject to the same kind of prohibition that has prevented the study of corporate average fuel economy for the last two and a half decades.

This is a vitally important matter. I commend Chairman SHELBY and Chairman STEVENS, once again, for not including any such prohibition in the Senate bill. This time we want the prohibition stricken from the final package, as well as not being included in the Senate bill itself. It seems to me to be paradoxical and foolish that the United States of America should consistently say, in spite of our magnificent technologies, in spite of the huge advances in technologies in the last couple of decades, that this is a subject we will not even study. And that, in effect, is what the present law requires of us.

It makes Luddites of us. It says we are afraid of such a study. It is perfectly acceptable to increase our dependence on petroleum products each and every year; that in spite of the technology, we are going to be as ostriches with our heads in the sand and not go forward at all.

I believe that to be an indefensible position, but as I say, this is just simply both the invitation to join us in this cause and a statement that there will be a vote on this issue. Whether in the form of an amendment to the House bill or in the form of instructions to the conferees is not yet certain.

There will be plenty of additional time to debate this issue, and debate it we will and vote on it we will. I am confident of a greater number of votes this year, for the reasons I have already outlined, than was the case last year. I hope my colleagues will join me in saying the United States will, once again, lead not only in abstract technology but in applied technology, and begin at least not only to clean up our air but to reduce our dependence on foreign oil, and save money for our constituents every single day of their lives in which they drive automobiles and trucks.

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. DORGAN. 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. 3427 TO AMENDMENT NO. 3426

(Purpose: To provide protection against the risks to the public that are inherent in the interstate transportation of violent prisoners.)

Mr. DORGAN. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The assistant legislative clerk read as follows:

The Senator from North Dakota [Mr. DORGAN] for himself and Mr. ASHCROFT, proposes an amendment numbered 3427 to amendment No. 3426.

Mr. DORGAN. I ask unanimous consent 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, insert the following:

SEC. ___. INTERSTATE TRANSPORTATION OF DANGEROUS CRIMINALS.

(a) SHORT TITLE.—This section may be cited as the ''Interstate Transportation of Dangerous Criminals Act of 1999'' or ''Jeanna's Act''.

(b) FINDINGS.—Congress finds that—

(1) increasingly, States are turning to private prisoner transport companies as an alternative to their own personnel or the United States Marshals Service when transporting violent prisoners;

(2) often times, these trips can last for days if not weeks, as violent prisoners are dropped off and picked up at a network of hubs across the country;

(3) escapes by violent prisoners during transport by private prisoner transport companies have not been uncommon; and

(4) oversight by the Attorney General is required to address these problems.

(c) DEFINITIONS.—In this section:

(1) CRIME OF VIOLENCE.—The term ''crime of violence'' has the same meaning as provided in section 924(c)(3) of title 18, United States Code.

(2) DRUG TRAFFICKING CRIME.—The term ''drug trafficking crime'' has the same meaning as provided in section 924(c)(2) of title 18, United States Code.

(3) PRIVATE PRISONER TRANSPORT COMPANY.—The term ''private prisoner transport company'' means any entity other than the United States, a State or the inferior political subdivisions of a State which engages in the business of the transporting for compensation, individuals committed to the custody of any State or of the inferior political subdivisions of a State, or any attempt thereof.

(4) VIOLENT PRISONER.—The term ''violent prisoner'' means any individual in the custody of a State or the inferior political subdivisions of a State who has previously been convicted of or is currently charged with a crime of violence, a drug trafficking crime, or a violation of the Gun Control Act of 1968, or any similar statute of a State or the inferior political subdivisions of a State, or any attempt thereof.

(d) FEDERAL REGULATION OF PRISONER TRANSPORT COMPANIES.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Attorney General shall promulgate regulations relating to the transportation of violent prisoners in or affecting interstate commerce.

(2) STANDARDS AND REQUIREMENTS.—The regulations shall include, at a minimum—

(A) minimum standards for background checks and preemployment drug testing for potential employees;

(B) minimum standards for factors that disqualify employees or potential employees similar to standards required of Federal correction officers;

(C) minimum standards for the length and type of training that employees must undergo before they can perform this service;

(D) restrictions on the number of hours that employees can be on duty during a given time period;

(E) minimum standards for the number of personnel that must supervise violent prisoners;

(F) minimum standards for employee uniforms and identification, when appropriate;

(G) standards requiring that violent prisoners wear brightly colored clothing clearly identifying them as prisoners, when appropriate;

(H) minimum requirements for the restraints that must be used when transporting violent prisoners, to include leg shackles and double-locked handcuffs, when appropriate;

(I) a requirement that when transporting violent prisoners, private prisoner transport companies notify local law enforcement officials 24 hours in advance of any scheduled stops in their jurisdiction and that if unscheduled stops are made, local law enforcement should be notified in a timely manner, when appropriate;

(J) minimum standards for the markings on conveyance vehicles, when appropriate;

(K) a requirement that in the event of an escape by a violent prisoner, private prisoner transport company officials shall immediately notify appropriate law enforcement officials in the jurisdiction where the escape occurs, and the governmental entity that contracted with the private prisoner transport company for the transport of the escaped violent prisoner;

(L) minimum standards for the safety of violent prisoners; and

(M) any other requirement the Attorney General deems to be necessary to prevent escape of violent prisoners and ensure public safety.

(3) FEDERAL STANDARDS.—Except for the requirements of paragraph (2)(G), the regulations promulgated under this section shall not provide stricter standards with respect to private prisoner transport companies than are applicable to Federal prisoner transport entities.

(e) ENFORCEMENT.—Any person who is found in violation of the regulations established by this section shall be liable to the United States for a civil penalty in an amount not to exceed $10,000 for each violation and, in addition, to the United States for the costs of prosecution. In addition, such person shall make restitution to any entity of the United States, of a State, or of an inferior political subdivision of a State, which expends funds for the purpose of apprehending any violent prisoner who escapes from a prisoner transport company as the result, in whole or in part, of a violation of regulations promulgated pursuant to subsection (d)(1).

Mr. DORGAN. Mr. President, it is my intention, just for purposes of understanding, to speak on this amendment for a few minutes. I understand that some will raise rule XVI on this issue. This is an important issue, and I want to have the opportunity, in this context, to discuss this legislation.

This amendment is in the form of a bill that I have introduced with my colleagues, Senators ASHCROFT, GRAMS,

LEAHY, and others. A bipartisan group of Senators introduced a bill dealing with the interstate transportation of violent criminals around this country.

I want to describe why I think this is important. I have spoken about this on the floor several times in the past.

I show you a picture of a man named Kyle Bell. Kyle Bell is shown standing in this picture in shackles and handcuffs. He is a man who murdered an 11-year-old girl in Fargo, ND. But that was not all of his crime spree. He has committed other unspeakable acts, criminal acts. His criminal behavior culminated in the murder of a young girl named Jeanna North in Fargo, ND.

Kyle Bell was apprehended, sent to trial, and convicted of murder. When convicted of murder in the State of North Dakota, Kyle Bell was to go to the penitentiary to spend the rest of his life. But instead, Kyle Bell was put on a bus that was operated by a private company called TransCor. TransCor is a pretty good size company that hauls prisoners around America by contract. TransCor put Kyle Bell on a bus with about 12 other prisoners. He was being transported, under the Prisoner Exchange Program, to another prison in another State to be incarcerated.

They got to New Mexico. In fact, he was not going south, he was going straight west, over to the State of Oregon. But they got to New Mexico, and this Kyle Bell escaped.

The bus stopped for gas, apparently. One security guard from this private company was buying gas. Another two were asleep in the bus. And another was probably in buying a cheeseburger, as best we can tell. And so with both guards in the bus asleep—Kyle Bell apparently produced a key for his shackles and handcuffs, crawled out the roof of the bus, and while he was in civilian clothing being transferred in this bus, walked through the parking lot of a big shopping center, and they didn't see him again.

Kyle Bell, this child killer, was on the loose for several months. He has now been apprehended and he is back in prison. But I started evaluating what happened. It sounds as if the three stooges were given custody of a convicted child killer: two guards asleep, another guard buying a cheeseburger. What happened here? The more I look at it, the more I understand that there is something fundamentally wrong on our highways.

Do you know we have private companies taking possession of violent offenders, murderers, and others, to transport around the country, and there is not one regulation they must meet in order to hire themselves out as transport companies? You can be a retired county sheriff, and you and your brother-in-law and your wife can rent a minivan and say you are in business to haul prisoners, someone will turn a convicted murderer over to you, and away you go.

Interestingly enough, when they were transporting Kyle Bell, this child killer—he escaped in New Mexico—do you know how long it took them to understand he was gone, that he was not on the bus anymore? Nine hours later they finally counted their prisoners on the bus, to discover they had lost a child killer—9 hours later.

We have a circumstance in this country where when you pull up to the gas pumps next to a minivan or a small bus, you may not know it but you may be pulling up next to a minivan with four convicted murderers being transported by a retired police officer and his brother-in-law.

In fact, in Iowa, a man and his wife, hiring themselves out as a transport company, showed up at a prison to take possession of five convicted murderers and a convicted kidnapper. And the prison warden said: You've got to be kidding me. You and your wife have come to take possession of five convicted murderers and a convicted kidnapper? The Warden said: You've got to be kidding me. But the warden turned the prisoners over to this man and his wife. And, of course, they escaped. It is absurd for us to be turning violent criminals over to private companies that do not have to meet any basic or reasonable standards.

As I indicated, Kyle Bell is now back in prison.

We do not know what he did when he was on the loose. He was on the loose for some long while. They apprehended him in Texas, as a matter of fact.

Then, just a couple of weeks ago, I read in the newspaper that the State of Nevada was going to send a convicted murderer to North Dakota under the Prisoner Exchange Program, a man named James Prestridge. So Nevada was going to send a murderer to North Dakota. James Prestridge, along with an armed robber, escaped in California while being transported. The two of them were gone. Once again, we had apparently a kind of three-stooges approach by the people who were supposed to have been guarding these violent criminals.

They found the armed robber who escaped with Mr. Prestridge just south of the Mexican border with a bullet through his head, dead. They apprehended James Prestridge recently. He is now back in prison.

Here is a man who is serving a life sentence without parole for first-degree murder, and he is turned over to a private company and that private company loses him. Extraditions International is the name of that company.

My proposition is this. When we in our criminal justice system convict violent criminals, convict people of murder, convict Kyle Bell of killing Jeanna North, I do not want those prisoners turned over to a private company that is going to put them in a minivan and transport them across the country with guards who are ill-prepared and ill-trained and follow no procedures. I do not want that to happen.

The private companies, if they are going to transport criminals across State lines in this country, ought to have to meet basic standards.

The amendment I have introduced—again, a bipartisan amendment—says the Department of Justice should establish regulations that must be met by private companies that are going to haul violent offenders. The standards should be no more than the standards that exist for law enforcement when they transport the same criminals.

I should mention, incidentally, the U.S. Marshals Service has a service, for a flat fee, of taking these child killers and violent offenders anywhere in the country. In fact, I don't believe State and local governments ought to contract with private companies to transport violent criminals, as they now do.

The legislation I propose would require that a private company that is preparing to do this must meet basic safety standards with respect to training and other kinds of security circumstances that would give the American people some comfort that they are not in jeopardy by driving down the highway only to confront a minivan or a bus carrying 20 criminals coast to coast.

It might be useful to read into the RECORD other circumstances that persuade me there is something wrong in this area.

On January 22 of this year, three prisoners escaped while a van transporting them stopped at a minimart for a restroom break. While the two guards weren't looking, two inmates jumped into the front seat where the keys had been left in the ignition. How much judgment did that take? You are hauling criminals around the country. You stop at a gas station to go to the bathroom. You leave the keys in the vehicle. I am sorry; something is wrong. It is serious.

On July 24, last year, two men convicted of murder escaped from a van while being transported from Tennessee to Virginia. The two guards went into a fast food restaurant to get breakfast for the convicts. When they returned, they didn't notice the convicts had freed themselves from their leg irons, possibly with a smuggled key. While one guard went back into the restaurant, the other stood watch—there is some improvement; at least they are standing watch—but he forgot to lock the van door. The inmates kicked it open and fled.

On July 30, 1997, convicted rapist and kidnapper Dennis Glick escaped from a van while being transported from Salt Lake City to Pine Bluff, AR. While still in the van, Glick grabbed a gun from a guard who had fallen asleep, took seven prisoners, a guard, and a local rancher hostage and led 60 law enforcement officials on an all-night chase across Colorado. He was finally recaptured the next morning.

I won't read all of these, but there are plenty of them.

A husband-and-wife team of guards showed up at an Iowa State prison to transport six inmates, five of them

convicted murderers, from Iowa to New Mexico. When the Iowa prison warden saw there were only two guards to transport six dangerous inmates, he reportedly responded: ''You've got to be kidding me.'' Despite his concerns, the warden released the prisoners into the custody of the guards when told the transport company had a contract. Despite explicit instructions not to stop anywhere but the county jails or State prisons until they reached their destination, the guards decided to stop at a rest stop in Texas. Of course, the rest is predictable. The six inmates escaped, stole the van, led police on a high-speed chase, and so on.

My point is, I wasn't aware, and I will bet most Members of Congress are not aware, that State and local governments are routinely turning violent criminals over to the hands of private companies for transport across this country. Yet there is no basic standard, no set of regulations to guarantee the safekeeping of those violent offenders. I believe there ought to be. Republicans and Democrats who have joined us on this amendment believe there ought to be. That is the purpose of the amendment.

I understand this will probably be subject to rule XVI. I also understand the chairman of the subcommittee, Senator SHELBY, is trying to get this subcommittee markup moving. I sympathize with that. Senator LAUTENBERG wants the same thing. They want to get this through. I fully understand that. I hope the authorizing committee, where we hope to have a hearing on this legislation, will allow us to get that hearing and to advance this matter in another way, if in fact it is subject to rule XVI.

It is my belief, and I think the belief of almost everyone, that something needs to be done in this area to set some commonsense rules. My first choice would be, if you have a violent offender, a criminal who has been judged violent by his or her behavior, they ought never leave the embrace of a law enforcement official. The address of someone convicted of murder ought to be their prison cell until the end of their term, with no time off for good behavior. Convict them and put them in prison.

Instead, what is happening is, too often they are being convicted and then under prisoner exchanges turned over to a private company for transport, only to discover that it is not very secure with respect to this transport: Guards who are ill prepared, vehicles that are not sufficient, procedures that are nonexistent.

Lest one doubt that, when Kyle Bell escaped in New Mexico, a child killer walked off the bus, a vicious child killer walked off the bus. The guards in that bus didn't count heads to find out that 1 of their inmates had escaped for 9 full hours. They didn't miss a child killer for 9 hours. Does anybody think this might be an area ripe for some thoughtful regulations and some thoughtful restraint? I think it is. That is why I offer the amendment.

I thank the Senator for his indulgence. I yield the floor.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. Mr. President, on behalf of the manager of the bill, I make the point of order that the amendment violates rule XVI.

The PRESIDING OFFICER. The point of order is sustained. The amendment falls.

Mr. COCHRAN. 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. CONRAD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The remarks of Mr. CONRAD pertaining to the introduction of S. 2729 are located in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

The PRESIDING OFFICER. The Senator from Nevada.

Mr. BRYAN. Mr. President, I rise to discuss a matter that will be before the body tomorrow. That is a motion to instruct conferees on an issue we have debated last year and in previous years dealing with corporate average fuel economy, CAFE. That is an acronym that many Americans are not familiar with, but it is something that can have a profound and important impact on their lives. Perhaps a little background will be instructive.

In the early 1970s, our economy was sent into a convulsion as a result of our dependence on imported oil, primarily from the Middle East. The OPEC oil embargo, followed by the fall of the Shah of Iran later in the decade, sent fuel prices skyrocketing, plummeted the economy into a situation known as ''stagflation,'' and the effect was devastating.

Congress responded in 1974 with a piece of legislation designed to make the U.S. less dependent upon foreign oil and to provide for better fuel economy, thereby saving American consumers millions of dollars each year in fuel costs and improving the quality of the air and reducing our trade deficit.

In 1974, before these CAFE or fuel economies were established for the first time, the average fuel economy of all vehicles in America was 13.8 miles per gallon. As a result of those CAFE standards adopted in 1975, the current average is 28.1 miles per gallon. That is slightly more than twice the average economy in 1974. The effect of that has produced each and every day a savings of 3 million barrels of oil that would otherwise have been consumed.

That issue was not an easy issue for the Congress to deal with in 1974 because testimony before the congressional committees suggested if such standards were required, and they were set on an incremental basis to be expanded over the course of a decade, it was asserted that terrible things would happen in terms of consumer choice and size of the vehicle. In 1974, the Ford Motor Company testified this proposal for the fuel economy standards, which ultimately doubled fuel economy, would require a Ford product line consisting of either all sub-Pinto-sized vehicles—some may recall that was the smallest automobile that Ford made at the time—or some mix of vehicles ranging from a ''sub-subcompact'' to perhaps a Maverick. The clear thrust of the testimony is, if these fuel economy standards are imposed upon the industry, a full-sized four-door vehicle would be impossible to produce.

Let me skip for a moment to the present. Today, the largest automobile—I am not talking about a sport utility vehicle—that Ford makes has better fuel economy than the smallest produced in 1974. There is, indeed, a full range of vehicle choice available to American consumers.

Chrysler Motors also joined in with the Big Three and made this statement in 1974:

> In effect, this bill would outlaw a number of engine lines and car models, including most full-sized sedans and station wagons. It would restrict the industry to producing subcompact-sized cars—or even smaller ones.

That was the testimony by Chrysler.

General Motors went on to say:

> This legislation would have the effect of placing restrictions on the availability of 5 and 6 passenger cars—regardless of consumer needs or intended use of vehicles.

Once this legislation was enacted, the automotive industry, with some of the best and brightest engineering minds anywhere in the world, went to work. Indeed, astonishing technological developments occurred and today Americans enjoy a full range of automobiles in terms of size and choice. We have been successful in saving 3 million barrels of oil each and every day, reducing to some extent our dependence on imported foreign fuel and alleviating, in part, the trade deficit.

Unfortunately, no new fuel requirements have been enacted since 1975. Once again, the auto industry is suggesting that if, indeed, new fuel economy standards are required, that customer choice, size of vehicle, and a whole host of safety concerns, will place the American public at risk.

I am not sure what it is. I happen to be an automobile buff. I am of the age that I can recall the excitement of the introduction each year of the new models, the changes and the configuration of lights, the chrome, the fins, all of the things that in my generation were pretty exciting stuff. And I love automobiles today.

So I come to the floor as a Member of this body not with any antipathy toward automobiles. I freely acknowledge both my dependence and my love of the American automobile. However, I must say there is something that

must be part of a corporate culture in the auto industry which has resisted over the years virtually any significant technological improvement dealing with fuel efficiency, safety, or air pollution.

For decades, the automobile industry resisted the introduction of airbags. It took my colleagues, Senator GORTON and I, a decade ago to get that language changed. Today, Americans have a choice in their safety. Many lives have been saved as a result of that. But the auto industry strenuously resisted that effort.

Indeed, when catalytic converter technology came online, even though the engineers acknowledged its significance, there was great resistance to requiring the introduction of catalytic converters. Our air is cleaner, our tailpipe emissions substantially less. Some of the major cities of America that still struggle with pollution now have perhaps twice as many vehicles on the road, but their air is cleaner than it would have been but for these technological advancements.

There must be something in the corporate culture of the automobile industry that resists this technology. These are remarkably able and talented engineers, the best and brightest. I wish they had more confidence in themselves.

We are placed in an anomalous situation wherein none of the technology that has been available for the past quarter of a century, 25 years, that might have enabled us to move forward and to improve fuel economy, to reduce our dependence on imported oil, has been used to help improve quality.

Since 1975, a rider has been added in the other body to this appropriations bill that prevents the Department of Transportation from even considering, even looking at any technological changes. In effect, it is a provision that requires us all to be deaf, dumb, and blind to any technology that has been developed in the last quarter century. I need not remind my colleagues and the American public that the last 25 years has been the most remarkable quarter of a century since human history was recorded in terms of technological advances; 25 years ago all but a handful of people would have been totally mystified if the term ''Internet'' was used. E-commerce was not a part of our conversation. Nobody discussed e-mail or m-commerce. Indeed, most Americans had never heard of cellular telephones. I just cite but two of the more obvious and more dramatic technological changes that have had a profound impact upon our economy.

Here are the facts that we confront today. Unfortunately, once again in America we are becoming increasingly dependent on foreign oil. Mr. President, 54 percent of the oil consumed in America is imported.

That leaves us vulnerable to the vicissitudes of foreign policy considerations, instabilities, and political crises in the other parts of the world. Our thirst for fuel continues. Now, even more timely, we are seeing the price of gasoline rise to record levels. Earlier in the year it achieved a high point, then dropped down, and now, with the onset of the heavy driving season in the summer, we are seeing those prices increase. So Americans are beginning to get hit in the pocketbook. About 40 percent of all the oil we consume in America is consumed by automobiles and light trucks or the sport utility vehicles.

So we have an opportunity to consider a number of public policy issues. No. 1, is it possible to achieve improved fuel economy, still leaving us a range of choice in selection of our vehicles? Would anyone argue that would be a bad result if it could be achieved? Fuel costs are responsible for roughly a third of the enormous trade deficit we generate each year in this country, the one economic indicator—in a field which otherwise has nothing but bright horizons in front of us—that is troubling to us economically. We cannot long sustain those kinds of trade imbalances, not for an indefinite period of time.

So we have the opportunity, by a policy initiative, to perhaps reduce at least the one-third of that trade deficit that is attributed to the foreign oil we import each year. Would anyone argue it would be a bad policy for us to be less dependent and, therefore, to reduce our trade deficit to an extent by improving fuel economy? I think not.

I believe this past winter was the warmest on record in the Northeast. There is no question dramatic changes are occurring to our climate. Not everyone will agree those are attributable to global warming, but I think there is a growing consensus in the scientific sector that global warming is for real, that there is an impact that is occurring. One of the elements that contributes to that global warming is carbon dioxide emissions. With improved fuel economy, we reduce those emissions.

So there are three public policy initiatives that could all benefit if we could improve fuel economy. We would reduce the amount of fuel we consume in the automotive sector; we could reduce our trade imbalance; we could improve the quality of air; and as Americans are increasingly concerned about the price of filling up at the gas station, we could save Americans millions and millions of dollars each year.

Notwithstanding all those positive public policy potentials, we are left with a situation that the legislation before us will preclude the Department of Transportation from even looking at the possibility that an increase could occur. So the purpose of the motion to strike, which Senator GORTON and Senator FEINSTEIN and I and others will be offering tomorrow, is not to set a standard at a precise or numerical number—that was done in 1975—but simply permitting the Department of Transportation to examine the technology that has been developed in the last 25 years.

I believe it is almost impossible to argue that in a quarter of a century there is not new technology that could be applied to automobile efficiency that would not enable us to improve fuel economy. To resist that argument is akin to saying, as some did in the early part of the 19th century, we ought to lock up the U.S. Patent Office and close it down because everything that can be invented has already been invented; there are no new inventions. That is utter folly. We know the technology of the last 25 years has been remarkable, extensive, and pervasive in its impact.

So our plea tomorrow as we go to the floor will be: Unmuzzle, unshackle, allow us to remove the blindfold and look at the technology in a way we can improve fuel economy, in a way that will produce real benefits for consumers, reducing the amount they have to pay, helping clean up the environment, reducing the trade deficit, and reducing our dependence on foreign oil.

These are public policy issues that we ought to be able to examine without the restrictive riders that have been added each year since 1995. I look forward, as part of a bipartisan effort, to continuing this discussion and argument tomorrow as we further process this legislation. My purpose today is simply to alert my colleagues that this debate will occur sometime tomorrow and ask them—indeed, plead with them—to simply allow us to look at the technology.

We are not mandating anything. We are not setting any standards. We are not making any policy judgments or pronouncements other than let's take a look at what the technology of the last quarter of a century might make possible and see if we cannot get better fuel economy, particularly on the sport utility vehicles and light trucks that today make up such a substantial part of the product mix that Americans are purchasing for their personal transportation.

I yield the floor.

I do not believe any of my colleagues seek recognition. 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. STEVENS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. VOINOVICH). Without objection, it is so ordered.

Mr. STEVENS. Mr. President, I now ask unanimous consent that the following amendments be the only first-degree amendments in order to the pending Transportation bill and subject to relevant second-degree amendments only.

They include:

Three amendments by Senator MCCAIN: One on Big Dig, one on airport revenue, and one relevant;

One amendment by Senator GORTON on CAFE;

One amendment by Senator ALLARD on debt repayment;

Two amendments by Senator COCHRAN: One technical amendment and one relevant;

One amendment by Senator COLLINS on SOS on high gas prices;

One relevant amendment by Senator WARNER;

One amendment by Senator VOINOVICH on passenger rail flexibility;

The managers' package by Senator SHELBY, and two relevant amendments;

One amendment by Senator NICKLES on BAC;

One relevant amendment by Senator GRAMM;

One amendment by Senator DOMENICI on rural air service;

One amendment by Senator BAUCUS on the Beartooth Highway;

Two relevant amendments by Senator BYRD;

One amendment by Senator BOXER on proposed rule on trucking;

One relevant amendment by Senator CONRAD;

Two relevant amendments by Senator DASCHLE;

One relevant amendment by Senator FEINGOLD;

One amendment by Senator FEINSTEIN on farm worker safety;

One sense-of-the-Senate amendment by Senator KOHL on Coast Guard funding;

Two relevant amendments by Senator LAUTENBERG;

Two amendments by Senator LEAHY: One on nonpublic personal disclosure, and one which is relevant;

Three relevant amendments by Senator LEVIN;

Two relevant amendments by Senator REED;

Two amendments by Senator ROBB: One on the Bristol Rail, and one on the Coal Fields Expressway;

Two relevant amendments by Senator TORRICELLI;

One relevant amendment by Senator WELLSTONE;

And, two relevant amendments by Senator WYDEN.

Mr. President, Senator DOMENICI wants to be added as one amendment to that list. It is described as rural air services.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. Mr. President, I hope in the morning or early afternoon we can obtain consent on a time for these amendments to be filed so we can determine what we can work out, what we can accept, and what will have to be debated and voted on.

I also am anxious to deal with the problem of adoption of the basic bill that has come to the Senate from the Appropriations Committee. I would like to also have that resolved tomorrow early in the afternoon, if possible.

I am constrained to say as chairman of the committee that this year is passing very quickly. We are now well into June. We have to have all of these bills finished by July before we go to the recess and the conventions during the August recess.

I urge Members to help us define the amendments that they wish to offer and enter into time agreements once we are certain they are going to offer them.

I thank the managers of the bill. I thank my friend, the chairman of the committee, and the ranking member for what they are doing. I am hopeful we can move this bill along. We have other bills that will be ready to go as soon as this one is finished.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. LAUTENBERG. Mr. President, I salute the fact that the appropriations chairman is anxious to get this finished. The subcommittee chairman and I are also anxious.

But the one thing that concerns me—and I am not going to object to the request that was made—is this: Normally, there is a time lapse for filing the report during which there is time to review the report. Suddenly, we are at a pell-mell pace. I want to get it finished.

I think it is fair to Senator SHELBY, myself, and the Appropriations Committee chairman to make sure this doesn't trample on anybody's rights so that Senators have the opportunity to review. We are picking up the pace considerably. Thus far, we have had three bills: MILCON, legislative, and Defense. So we are not in the back of the pack by a long shot.

This is a bill in which lots of people have an interest. I want to ensure that our people have a chance to look at the report which was filed today. It won't even be seen until tomorrow. We may have to stretch our tolerance level a little bit to give folks a chance. I don't want to drag my feet. Certainly, the Senator from Alabama knows that. I want to be cooperative, and I want people to respond.

It is always a frustrating experience when we bring a bill to the floor when time goes by and people who want to offer amendments don't bring them down.

I hope someday there will be reform—it won't be during my tenure—that says if you have amendments, you have to bring them up but that you have every right to examine the documents that relate to a bill before you are crowded out in a stampede. I offer that as a suggestion.

Mr. SHELBY. Mr. President, is the unanimous consent request made by Senator STEVENS, the chairman of the full Committee on Appropriations, before the Senate right now?

The PRESIDING OFFICER. That has already been agreed to.

Mr. SHELBY. What is the pending business at the moment?

The PRESIDING OFFICER. The substitute amendment is the pending business.

Mr. SHELBY. 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. SHELBY. 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. 3428 TO AMENDMENT NO. 3426

(Purpose: To modify a highway project in the State of Iowa)

Mr. SHELBY. Mr. President, I send an amendment to the desk, and I ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Alabama [Mr. SHELBY] for Mr. HARKIN, for himself and Mr. GRASSLEY, proposes an amendment numbered 3428.

Mr. SHELBY. Mr. President, I ask unanimous consent 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 III, insert the following:

SEC. 3 . MODIFICATION OF HIGHWAY PROJECT IN POLK COUNTY, IOWA.

The table contained in section 1602 of the Transportation Equity Act for the 21st Century is amended in item 1006 (112 Stat. 294) by striking ''Extend NW 86th Street from NW 70th Street'' and inserting ''Construct a road from State Highway 141''.

Mr. SHELBY. Mr. President, I ask for the yeas and nays on the amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. SHELBY. Mr. President, I ask unanimous consent a vote occur in relation to the pending amendment at 5:40 p.m. and no second-degree amendments be in order prior to the vote.

The PRESIDING OFFICER. Without objection, it is so ordered.

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. LAUTENBERG. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LAUTENBERG. Mr. President, what is the pending business?

The PRESIDING OFFICER. The pending business is amendment No. 3428. The question is on agreeing to amendment No. 3428. The yeas and nays have been ordered. 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) is necessarily absent.

Mr. REID. I announce that the Senator from New York (Mr. MOYNIHAN) and the Senator from West Virginia (Mr. ROCKEFELLER) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 97, nays 0, as follows:

[Rollcall Vote No. 129 Leg.]

YEAS—97

Abraham	Feingold	Lugar
Akaka	Feinstein	Mack
Allard	Fitzgerald	McCain
Ashcroft	Frist	McConnell
Baucus	Gorton	Mikulski
Bayh	Graham	Murkowski
Bennett	Gramm	Murray
Biden	Grams	Nickles
Bingaman	Grassley	Reed
Bond	Gregg	Reid
Boxer	Hagel	Robb
Breaux	Harkin	Roberts
Brownback	Hatch	Roth
Bryan	Helms	Santorum
Bunning	Hollings	Sarbanes
Burns	Hutchinson	Schumer
Byrd	Hutchison	Sessions
Campbell	Inhofe	Shelby
Chafee, L.	Inouye	Smith (NH)
Cleland	Jeffords	Smith (OR)
Cochran	Johnson	Snowe
Collins	Kennedy	Specter
Conrad	Kerrey	Stevens
Coverdell	Kerry	Thomas
Craig	Kohl	Thompson
Crapo	Kyl	Thurmond
Daschle	Landrieu	Torricelli
DeWine	Lautenberg	Voinovich
Dodd	Leahy	Warner
Dorgan	Levin	Wellstone
Durbin	Lieberman	Wyden
Edwards	Lincoln	
Enzi	Lott	

NOT VOTING—3

Domenici	Moynihan	Rockefeller

The amendment (No. 3428) was agreed to.

Mr. SHELBY. Mr. President, I move to reconsider the vote.

Mr. LAUTENBERG. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 3426

Mr. SHELBY. Mr. President, I ask unanimous consent that the pending amendment be agreed to, which is the committee substitute for the House bill, and the amendment be treated as original text for purposes of further amendment, and that no points of order be waived.

The PRESIDING OFFICER (Mr. SMITH of Oregon). Without objection, it is so ordered.

The amendment (No. 3426) was agreed to.

Mr. SHELBY. Mr. President, I ask unanimous consent that when the Senate resumes the Transportation bill at 9:45 a.m. in the morning, Senator VOINOVICH be recognized to offer his amendment regarding passenger rail flexibility.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SHELBY. Mr. President, in light of this agreement, on behalf of the leader, I announce that there will be no further rollcall votes tonight.

It is the hope of the managers—Senator LAUTENBERG and I—that this bill will be passed by 1 p.m. on Thursday, tomorrow. All Members have a lot in this Transportation appropriations bill. I hope all Members who have amendments will come forward. A lot of Members are already coming. We are working them out. If we work together, I think we can work this out tomorrow.

Mr. STEVENS. Mr. President, I thought there was supposed to be a time agreement for a vote on the amendment of Senator VOINOVICH. Was that not in the agreement?

Mr. SHELBY. It is not.

Mr. STEVENS. I hope early in the morning we can get an agreement for a specific time so we can move this bill forward. The other body is working on the Health and Human Services bill. We have already reported that bill out of committee. We were able to take that bill up. We also have the foreign assistance bill that will be ready to be taken up on the floor as soon as the House passes it. I hope we will be able to finish this bill early tomorrow afternoon.

I thought we were going to get an agreement to vote on the Voinovich amendment early tomorrow morning. But I hope we will be able to meet early in the morning and get some timeframe on that amendment. I hope my friends on the other side will agree with that.

We are coming in at 9:45, and the Voinovich amendment will be the first amendment. But there is no time limit to vote on it.

We are hopeful we can finish this bill sometime early in the afternoon, at 1 o'clock or so, go back to the Defense bill, and be ready to take up another appropriations bill on Friday morning, the next day.

I hope the parties will consider doing what we did in the Defense bill and set a time limit for when these amendments that were listed in this agreement will be filed tomorrow so we can take a look at them and, hopefully, work many of them out without a vote.

Mr. REID. Mr. President, I say to the managers of the bill and to the chairman of the full committee that on our side, in regards to the Transportation appropriations bill, we believe we are in very good shape to move forward just as quickly as the other side. We had one amendment we were concerned about that would take a lot of time, but the Senator stated that it will not be offered.

We are at a point where we think, if the Voinovich amendment doesn't take very long, we can finish this fairly quickly.

MORNING BUSINESS

Mr. SHELBY. Mr. President, I ask unanimous consent that the Senate proceed to a period of morning business with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SHELBY. 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. ALLARD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

BROADBAND TAX INCENTIVE BILL

Mr. BURNS. Mr. President, I rise to today in support of a bill I introduced last week along with my friend Senator MOYNIHAN and 26 other members on both sides of the aisle. The bill, S. 2698, the Broadband Internet Access Act of 2000, crates tax incentives for the deployment of broadband (high-speed) Internet services to rural, low-income, and residential areas.

This bill will ensure that all Americans gain timely and equitable access to the Internet over current and future generations of broadband capability.

The legislation provides graduated tax credits to companies that bring qualified telecommunication capabilities to targeted areas. It grants a 10-percent credit for expenditures on equipment that provide a bandwidth of 1.5 million bits per second (mbps) to subscribes in rural and low-income areas, and a 20-percent credit for delivery of 22 mbps to these customers and other residential subscribers.

This bill has been endorsed by a number of organizations, including Bell Atlantic, MCI/Worldcom, Corning Incorporated, the National Telephone Cooperative Association, the Association for Local Telecommunications Services, the United States Distance Learning Association, and the Imaging Science and Information Systems Center at Georgetown University Medical Center.

Mr. President, in a few short years, the Internet has grown exponentially to become a mass medium used daily by over 100 million people worldwide. The explosion of information technology has created opportunities undreamed of by previous generations. In my home state of Montana, companies such as Healthdirectory.com and Vanns.com are taking advantage of the global markets made possible by the stunning reach of the Internet.

The pace of broadband deployment to rural America must be accelerated for electronic commerce to meet its full potential, however. Broadband access is an important to our small businesses in Montana as water is to agribusiness.

I am aware of all of the recent discussion regarding the ''digital divide'' and I am very concerned that the pace of broadband deployment is greater in urban than rural areas. However, there is some positive and exciting news on this front as well. The reality on the ground shows that some of the ''gloom and doom'' scenarios are far from the case. By pooling their limited resources, Montana's independent and cooperative telephone companies are doing great things. I encourage my colleagues to support this bill.

AGRICULTURAL RISK PROTECTION ACT

Mr. GRASSLEY. Mr. President, recently Congress passed the Agricultural Risk Protection Act. This legislation provides reform for the Federal Crop Insurance Program, economic assistance to farmers, and the establishment of new, innovative programs to assist the agricultural community. One of the innovative programs established in the bill is what I have termed the Agriculture Marketing Equity Capital Fund.

The Agriculture Marketing Equity Capital Fund will assist independent grain and livestock producers nationwide develop new value-added agricultural opportunities. Independent producers will use these funds to develop business plans, feasibility studies, and business ventures with packers and processors.

While I was able to garner the support of many of the nation's largest commodity organizations, I met fierce opposition from the American Meat Institute's Washington lobbyists. My floor statement during the debate over the crop insurance conference report was highly critical of their efforts. It is not my intent to attack the individual members of AMI, but I believe it is important that they understand my position.

AMI's Washington lobbyists misrepresented the provision. A story written within ''Inside AMI'' recently explained:

> Senator Chuck Grassley pushed conferees to provide for a $35 million Agriculture Marketing Equity Capital Fund. The proposal was yet another attempt to fund an NPPC proposal that seeks to secure government funding to establish a national pork cooperative and use government funds to buy, build or purchase equity in a pork slaughter and processing facility.

This a blatant misrepresentation of the facts. My provision never had anything to do with publicly financing the construction of a pork plant.

My staff did contact AMI's Washington lobbyists who explained the opposition was based on the possibility of government-funded competition and specifically that funds would be used to develop a plant. In good faith, my staff offered AMI's Washington lobbyists an opportunity to offer their input on the legislation.

I cannot guarantee that AMI's input would have been acceptable to me, but we will never know if a mutually beneficial position could have been established because my office never received a response. I have been a friend of the agriculture community for a very long time. I am disappointed and dismayed by the way this was handled by AMI's Washington representatives.

As I promised in my crop insurance floor statement, I am today asking unanimous consent to place a list of AMI's member companies in the CONGRESSIONAL RECORD. Once again, I'm not saying that every processor or packer on this list knew what AMI's Washington lobbyists were doing, but I hope to inform every member what happened and why independent producers won't have the funds to reach out to processors in joint ventures and receive working capital to help everyone survive and thrive. I am also enclosing the text of a letter I recently sent to AMI's members.

It is my hope that members of AMI see the value of my efforts and work with me in the future to improve the plight of the independent producer. Providing stability to family farmers through joint ventures with AMI's membership would only serve to benefit both parties in the long-run.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

JUNE 9, 2000.

DEAR AMI MEMBER: I am writing to express how disappointed I am with your Washington lobbyists and their efforts to misrepresent and thus undermine my attempts to help American farmers.

You may have read a recent ''Inside AMI'' story claiming that, ''Senator Grassley pushed conferees to provide for a $35 million Agriculture Marketing Equity Capital Fund. The proposal was yet another attempt to fund a National Pork Producers Council proposal that seeks to secure government funding to establish a national pork cooperative and use government funds to buy, build or purchase equity in a pork slaughter and processing facility.''

This claim is a blatant misrepresentation of the facts. The truth is that the provision your lobbyists were attacking had nothing to do with publicly financing the construction of a pork plant. These funds are intended to be used by independent grain and livestock producers to develop business plans, feasibility studies, and business ventures with packers and processors. While some may believe the truth is no longer relevant in Washington, D.C., that attitude will be given no quarter in dealings with me.

My staff reached out to your's to make certain they understood the error in their representations of my proposal, as well as to request alternative suggestions. No response ever came. Unfortunately, many of my colleagues were misled by your staff, and my proposal was gutted.

I wanted you to hear directly from me because I have had a long and positive working relationship with many AMI members over the years and I hope that this can be the case in the future. I believe, however, that it would be appropriate to investigate for yourself the concerns I have raised about your Washington representatives.

Sincerely,

CHARLES E. GRASSLEY,
U.S. Senator.

P.S.: I have included a copy of my floor statement for your review.

AMERICAN MEAT INSTITUTE MEMBERS

Bar-S Foods Co.
Birchwood Foods—Division of
Kenosha Beef Int'l.
Burke Corporation
Coleman Natural Products, Inc.
DeAns Pork Products
Devault Foods
Diamond Stainless
Evans Food Products Company
Fresh Mark, Inc.
E.W. Knass & Sons, Inc.
F. Wardynski & Sons, Inc.
Farmlands Foods, Inc.
Foodbrands America, Inc.
Fred Usinger, Inc.
Julian Freirich Company
Greater Omaha Packing Co., Inc.
Harrington's in Vermont, Inc.
Hormel Foods Corporation
Huisken Meats
Indiana Packers Corporation
Jac Pac Foods Ltd.
Johnsonville Foods
Kowalski Sausage Company, Inc.
Maverick Ranch Lite Beef, Inc.
MPCA, Inc.
Norbest, Inc.
Omaha Steaks, Inc.
Provimi Veal Corporation
Stevison Ham Company
Sun-Husker Foods, Inc.
Taylor Packing
Wegmans Food Markets, Inc.
Wright Brand Foods, Inc.
Certified Angus Beef Program
Foodcomm International
International Natural Sausage Casing Association
KoSa
Meat and Livestock Australia
New Zealand Meat Producers Board
Packaging Digest Magazine
The Schroeder Group
ABC Research Corporation
A.C. Legg Inc.
Advanced Instruments Inc.
AEW Thurne, Inc. Ltd.
Alfacel, Inc.
ALKAR
Amana Appliances
American Engineering Corporation
Aspen Systems
Bell-Mark Inc.
Bell Paper Box, Inc.
Bettcher Industries, Inc.
BioControl Systems, Inc.
Blentech Corporation
BOC Gases
Bolton & Menk, Inc.
Bridge Machine Co., Inc.
Bunzl Distribution USA
Carruthers Equipment Company
Carter & Burgess, Inc.
Cretel Food Equipment Inc.
Custom Metalcraft, Inc.
CVP Systems, Inc.
DAPEC, Inc./NUMAFA USA
Deltrak, Inc.
Dewied International, Inc.
The Dupps Company
Equipment Exchange Company of America
The Facility Group
The Ferrite Company
Flavex Protein Ingredients—Division of Arnhem, Inc.
FoodUSA.Com
Foss North America, Inc.
FPEC CORP of Arkansas
F.R. Drake
G.B.C-111 International, LTD.
General Machinery Corporation
GlobalFoodExchange.com
Grain Processing Corporation
Grote Company
The HACCP Consulting Group, L.L.C.
Handtmann, Inc.
Hansen-Rice, Inc.
Hantover, Inc.
Harpak, Inc.
The Haskell Co.
HDR Engineering, Inc.
Heat and Control, Inc.
Henningsen Cold Storage Company
Hollymatic Corporation
Hutchison-Hayes Separators, Inc.
Hyder North American, Inc.
Hydrite Chemical Company
IDEXX Laboratories, Inc.
International Casings Group, Inc.
J.M. Swank Company
Jem Analytical Laboratory Services
JetNet Corporation

Jif-Pak Manufacturing, Inc.
Koch Supplies Inc.
Le Fiell Company
Linker Machines
Loma International, Inc.
Mahaffy & Harder Engineering Company
Maja Equipment
Marlen Research Corporation
Mepaco/Apache Stainless Equipment Corp.
Mettler Toledo
Mince Master
Nalco Chemical Co.
Neogen Corporation
New Science Management
Norwood Marking Systems, Inc.
NSF International
NuTEC Manufacturing, Inc.
Planet Products Corporation
Prime Prodata, Inc.
Prime Label Consultants, Inc.
Remco Products Corporation
Ross Industries, Inc.
Rudolph Industries
Russell Harrington Cutlery Co.
Karl Schnell, Inc.
Sensitech, Inc.
S.F.B. Plastics, Inc.
Silliker Laboratories Group
Speco, Inc.
The Stellar Group
Strahman Valves, Inc.
Tipper Tie, Inc.
Treif USA, Inc.
Triton Commercial Systems
Unitherm Food Systems
Vande Berg Scales
CV999 Packaging Systems
Waterlink/Hycor
Whizard Protective Wear Corporation
York Saw & Knife
Zer-O-Loc Insulated Panel & Door Systems

VICTIMS OF GUN VIOLENCE

Mr. DURBIN. 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 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, on June 14, 1999:

Juan Avina, 21, San Antonio, TX.
Theodoro Espada, 33, Dallas, TX.
Samuel Foster, 30, Chicago, IL.
Jonathan Hayes, 28, New Orleans, LA.
Johnny Jackson, 21, Detroit, MI.
Jamie Jones, 21, Miami-Dade County, FL.
Frank Ivery Odom, 23, Washington, DC.
Antonio Rodriguez, 20, Kansas City, MO.
Carlos Santiago, 23, Chicago, IL.
Eric T. Smith, 24, Chicago, IL.
Michael Theard, 35, New Orleans, LA.
Lakecia Wesley, 20, Washington, DC.
Unidentified male, 53, Charlotte, NC.
Unidentified male, Newark, NJ.

S. RES. 319

Mr. ASHCROFT. Mr. President, I rise in support of S. Res. 319, which the Senate approved on Friday, during National Homeownership Week. I thank my colleagues for supporting this important resolution which affects the security and welfare of Missourians and all Americans. This resolution addresses the importance of placing quality housing within reach of a greater number of Americans as well as improving housing opportunities for Americans at all income levels. I, along with my colleagues, support the efforts of Habitat for Humanity and ''The House the Senate Built'' project.

As you know, the largest debt most families take on in their lifetimes is a home. Over 65 percent of Americans own a home, as do approximately 80 percent of Americans over the age of 50. This represents real progress. In 1940, fully 56 percent of Americans were renters. Clearly, America has come a long way. People buy homes for different reasons. A home can be a place of safety to raise a family, the potential of financial security, a sense of community. All around Missouri, and across this great nation, couples of all ages agree that buying a home is among the essential steps a family takes to ensure stability and prosperity in their lives.

While homes are a worthwhile investment, they also are expensive. Real estate experts recommend that families buy homes valued at over three times their annual income—a sum far greater than what families could pay back in a year, or two, or even five. So, most Americans take out a mortgage. Once this burden of debt is behind them, they are free to dream new dreams—pay for their children's or grandchildren's education, travel, or make other investments.

Homeownership is an important factor in promoting economic security and stability for American families. The level of homeownership among foreign-born naturalized citizens who have been in the United States for at least six years is the same as the level of homeownership of the Nation as a whole. When families such as these, who are new to our shores, prosper, we as a nation prosper.

This resolution expresses the Senate's concern for improving homeownership in America. The resolution commends the nonprofit housing organization, Habitat for Humanity, and supports their commitment to partner with the United States Senate to strengthen neighborhoods and communities by building simple and affordable homes with low-income buyers. I thank Senator BROWNBACK for offering this resolution and endorse its passage.

ESTATE TAX RELIEF

Mrs. MURRAY. Mr. President, I rise today to express my support for S. 1128, the Estate Tax Elimination Act.

Mr. President, I came to understand the impact of the federal estate tax during my first campaign for election to the U.S. Senate. As I met with hundreds of small businessmen and women, timber lot owners, and farmers and ranchers, I consistently heard the federal estate tax was a major road-block to the long-term success of their family operations.

But when I came to the Senate in 1993, it appeared it would be a long time before Congress could take action on the estate tax, or any other tax issue for that matter. We faced deficits as far as the eye could see. We had to make hard choices about spending cuts and tax relief for the neediest families. I'm pleased that my colleagues and I on the Democratic side made those tough choices in 1993 and in subsequent years. Combined with a strong economy, those tough choices gave us the opportunity to be in the position we are in today.

The effort to roll back the federal estate tax, and provide relief for farms and small businesses, started slowly. In 1995, I joined those efforts by introducing S. 161, the American Family Business Preservation Act. Senator Bob Dole was the prime Republican cosponsor of this measure. With respect to the estate tax, the Murray-Dole bill would have reduced the maximum estate tax rate from 55 percent to 15 percent if the heirs continued to own and operate a business for ten years after the death of the primary owner. Given the limited resources we had, I believed this modest bill was a good step forward.

In 1997, Congress passed the Taxpayer Relief Act, a bipartisan effort to reduce taxes for working Americans. The bill provided for an increase in the estate tax exemption over ten years, and created an additional exemption for small business and farm assets. I supported this bipartisan initiative to provide estate tax relief to my constituents. As it is phased in, this law will help to ensure the very small percentage of estates subject to the estate tax bill grow even smaller.

But we should all recognize the environment has changed. As projected surpluses have grown, the debate about the estate tax has turned from increasing the exemption to outright repeal. Estate tax opponents have made their case for elimination, and it's compelling. The question for me is no longer whether the estate tax will or should be repealed, but how and when it will be repealed. I believe one of the appropriate roles for Democrats in this debate—the same Democrats who helped balance the budget—is to ensure that we promote as progressive an end to the estate tax as possible.

At this moment in time, I believe S. 1128 is the most progressive estate tax repeal vehicle that is under consideration. Instead of taxing an estate when it is transferred to the next generation, it would require heirs to pay a capital gains tax on appreciated value when the asset is sold. This provides an effective mechanism for transferring farm and business assets, while still maintaining a reasonably progressive tax structure.

I understand there is some debate about whether S. 1128 or similar proposals will increase the tax code's complexity. Now that the House has overwhelmingly passed estate tax repeal, we have an ideal opportunity to engage in a serious, thoughtful debate about the current effects of the estate tax and the possible implications of various repeal proposals. I believe by the end of this year, Congress, the Administration, and the American public will have a better understanding of the complex choices we face.

I would like to make it clear that I do not believe estate tax repeal should be the only tax priority of this or future Congresses. There are many inequities, complexities, and inefficiencies in the tax code, many of which affect low- and middle-income working families who need tax relief the most.

In the spirit of helping those who need it the most, I have cosponsored legislation to address the alternative minimum tax and the marriage penalty. In addition, I have cosponsored tax legislation to expand health insurance, improve the infrastructure of our nation's public schools, encourage alternative energy sources, enhance the safety net for farmers and ranchers, and increase the availability of child care and long-term care. Last year, I sponsored tax legislation to protect forest and agricultural land, which passed the Senate in July.

Estate tax relief should certainly be an important component in any agenda to provide relief and economic opportunities to working families and family-owned businesses. Therefore, I support estate tax repeal in the context of a modest, targeted tax cut benefitting working families.

Before the end of the year, Congress and the Administration will likely reach agreement on a reconciliation package. Further reform—if not repeal—of the estate tax should be a part of that package. While repeal may not be possible this year, I look forward to strongly supporting increased exemptions for small business and farm assets. At the very least, we should guarantee a brighter and less complicated future for those families that need estate tax reform the most.

I urge my colleagues to cosponsor S. 1128, and to work toward meaningful action on the estate tax issue before Congress adjourns this fall.

225TH ANNIVERSARY OF THE UNITED STATES ARMY

Mr. GRAMS. Mr. President, Valley Forge, Gettysburg, Normandy, Pusan, Panama, and Kuwait are well-known names in our nation's history. I proudly rise to honor an American institution that has proven its unparalleled greatness time and again in battles such as these. I ask my colleagues to join me in recognizing today as the 225th anniversary of the U.S. Army.

When the Second Continental Congress established the U.S. Army on June 14, 1775, it set forth an organization that has repeatedly faced adversity straight in the eye and never backed down. From fulfilling the promises of the Declaration of Independence to countering Saddam Hussein's aggression in Kuwait, the Army's dedication to our nation's bedrock values and its protection of our cherished freedoms has been exemplary. For more than two centuries, Army personnel have rallied to both defend our American shores and ensure the rights of citizens around the world.

The role of a soldier has changed drastically over the Army's rich, 225-year history. Technological and political changes have altered the battlefield landscape, but the core principles the Army consistently upholds have not changed. Those principles were captured by General Douglas MacArthur in his 1962 address at West Point:

> Duty, honor, country: Those three hallowed words reverently dictate what you ought to be, what you can be, what you will be. They are your rallying point to build courage when courage seems to fail, to regain faith when there seems to be little cause for faith, to create hope when hope becomes forlorn.

While many of the Army's accomplishments have been in battle, others have come during pivotal moments of peace. Since its inception, the Army has been instrumental in humanitarian and disaster relief efforts that have helped countless citizens in their greatest time of need. By helping tornado victims throughout the American Midwest or assisting in the flood-ravaged areas of Mozambique, Army personnel serve honorably.

The Army has a long history of turning ordinary men and women into distinguished soldiers. Currently, there are about 480,000 soldiers on active duty, comprising the premier fighting force in the world. Whether it is the most senior Army general or the soldier standing guard at the North Korean border, the quality of our soldiers is unsurpassed. It is consistently proven that the investment we make in our military personnel today reaps the leaders of tomorrow.

One of my highest priorities here in Congress is maintaining the strength of that important investment, because it is crucial to our future. At the very root of our national security is the well-being of our soldiers. This includes supplying the best technologically advanced equipment in the world and ensuring our Armed Forces are funded at levels that adequately compensate our dedicated servicemen and women.

The dedication and sacrifices demonstrated by millions of Army veterans must never be forgotten, nor should their needs be neglected; honoring the commitments this nation has made to its veterans is vital.

As we celebrate the Army's 225th anniversary today, I encourage all Americans to reflect on the blanket of freedoms we are blessed with, thanks to the sacrifices made by those who valiantly heed the call of duty by serving in the United States Army, both in war and peacetime. I am proud to join my colleagues in congratulating the Army on this impressive milestone.

REPEAL OF THE TELEPHONE EXCISE TAX

Mr. BURNS. Mr. President, I rise today to express my support for a bill which I have co-sponsored. The bill, S. 2330, will repeal federal excise taxes on telephone services.

This tax was first introduced as a temporary luxury tax in 1898 to fund the Spanish American War. However, over 100 years later this tax remain in effect. The definition of temporary should not span an entire century.

This tax is imposed on telephone and other services at a rate of 3 percent. Furthermore, these taxes are not applied to a specific purpose that enhances telephone service in our nation—rather these taxes are directed in the general revenue account. In other words, there is no reason we shouldn't repeal this tax. It means only one thing—Montanans end up paying one more tax to encourage government spending.

As I said a moment ago, this tax was enacted to fund the Spanish American War. Considering that war was ended a mere six months after it began, I feel its time to repeal this tax. Instead, Montana consumers continue to pay this tax on all their telephone services—local, long distance, and wireless.

It is time to eliminate this excise tax. At the time of enactment, this tax was considered a luxury tax on the few who owned telephones in 1898—this tax has now become an unnecessary burden on virtually every American taxpayer. Repealing this excise tax on communications services will save consumers over $5 billion annually.

Furthermore, this tax is regressive in nature. It disproportionately hurts the poor, particularly those households on either fixed or limited incomes, Even the U.S. Treasury Department has concluded in a 1987 study that the tax ''causes economic distortions and inequities among households'' and ''there is no policy rationale for retaining the communications excise tax.''

Rural customers in states like Montana are also disproportionately impacted. This tax is even more of a burden on rural customers due to the fact that they are forced to make more long distance calling comparative to urban customers.

This tax also impacts Internet service. The leading reason why households with incomes under $25,000 do not have home Internet access is cost. If consumers are very price sensitive, the government should not create disincentives to accessing the Internet. Eliminating this burdensome tax can help to narrow the digital divide.

Mr. President, this is a tax on talking—a tax on communicating—a tax on

our nation's economy—I encourage my colleagues to join me in support of this bill to repeal this unnecessary and burdensome general revenue tax.

SEQUENTIAL REFERRAL

Mr. WAXMAN. Mr. President, I ask unanimous consent to have printed in the RECORD my letter to Senator LOTT dated May 8, 2000.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
COMMITTEE ON ARMED SERVICES,
Washington, DC, May 8, 2000.

Hon. TRENT LOTT,
Majority Leader,
U.S. Senate, Washington, DC.

DEAR MR. LEADER: Pursuant to section 3(b) of S. Res. 400 of the 94th Congress, I request that S. 2507, the Intelligence Authorization Act for Fiscal Year 2001, which was reported out on May 4 by the Select Committee on Intelligence, be sequentially referred to the Committee on Armed Services for a period not to exceed thirty days.

With kind regards, I am

Sincerely,

JOHN WARNER,
Chairman.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Tuesday, June 13, 2000, the Federal debt stood at $5,651,368,584,663.04 (Five trillion, six hundred fifty-one billion, three hundred sixty-eight million, five hundred eighty-four thousand, six hundred sixty-three dollars and four cents).

Five years ago, June 13, 1995, the Federal debt stood at $4,903,284,000,000 (Four trillion, nine hundred three billion, two hundred eighty-four million).

Ten years ago, June 13, 1990, the Federal debt stood at $3,120,867,000,000 (Three trillion, one hundred twenty billion, eight hundred sixty-seven million).

Fifteen years ago, June 13, 1985, the Federal debt stood at $1,766,874,000,000 (One trillion, seven hundred sixty-six billion, eight hundred seventy-four million).

Twenty-five years ago, June 13, 1975, the Federal debt stood at $528,036,000,000 (Five hundred twenty-eight billion, thirty-six million) which reflects a debt increase of more than $5 trillion—$5,123,332,584,663.04 (Five trillion, one hundred twenty-three billion, three hundred thirty-two million, five hundred eighty-four thousand, six hundred sixty-three dollars and four cents) during the past 25 years.

ADDITIONAL STATEMENTS

TRIBUTE TO CAPTAIN VILHELM HANSEN (1917–2000)

• Mr. LIEBERMAN. Mr. President, I submit for the RECORD the following, written by Marshall H. Cohen, photojournalist, and honorary life-member of the Association of Tall Ship, The Danmark, June, 2000.

Captain Vilhelm Hansen passed away at age 82 on May 3, 2000. Captain Hansen was master of the training ship the *Danmark* for twenty-two years from 1964 until his retirement in 1986. He was not only a legendary captain and educator, training thousands of Danish men and women for maritime careers, but also a familiar, and well-liked ambassador of good will to the United States with his ready wit, his unparalleled knowledge of seamanship, and his unbending strong character. Whenever the *Danmark* anchored in various East Coast ports, thousands of Americans, including members of the U.S. Congress, have been welcomed on board this beautiful full-rigged ship.

Captain Hansen received many honors and awards here in the United States. He has been presented with the keys to many U.S. cities, among them, Baltimore. He received the Danish-American Society's ''Man of the Year'' award in New York City in 1987, and this year (June 8, 2000) Captain Hansen posthumously received the National Maritime Historical Society Walter Cronkite Award for Excellence in Maritime Education in a ceremony in Miami, Florida.

The *Danmark* has played a significant role in the maritime history of the United States. In 1939, the *Danmark* was on a routine training mission to the United States when the Second World War began. The Captain at that time, Knud Hansen, was informed that Germany had invaded Denmark, and consequently, the *Danmark* remained in the United States for the duration of the war. The *Danmark* was based in New London, Connecticut, and served as a training ship for U.S. sailors.

The First Officer of the *Danmark* during the war was Knud Langevad, and he was in charge of training more than 5,000 U.S. cadets. He also convinced U.S. authorities of the value of learning basic seamanship on a tall ship, and following the war the U.S. Coast Guard purchased its well-known tall ship the *U.S. Eagle,* to replace the *Danmark.*

Reflecting this special kinship between the two ships, the *Danmark* sails as the first foreign ship behind the *Eagle* in official Tall Ship Parades. It will be so honored again in June and July, 2000 during the millennium voyage of tall ships along the East Coast, from Miami to Boston.

On July 4, 1986 the *Danmark* was honored with the number two position sailing behind the *Eagle* during the Parade of Tall Ships celebrating the 100th birthday of the Statue of Liberty. It was Captain Hansen's final voyage as master of the *Danmark* prior to his retirement that year. Captain Vilhelm Hansen, in his white uniform and gold braided cap, steered his 253 foot ship into the South Street Seaport, New York City, for the last time. He barked his final commands to the officers, switched off the auxiliary engine, and ended his distinguished career during this memorable event in American history.•

TRIBUTE TO LIEUTENANT GENERAL BLOUNT

• Mr. L. CHAFEE. Mr. President, I would like to take a moment to pay tribute to a Rhode Island hero.

Mr. President, Lieutenant General John Bruce Blount was just given an Honorary Doctorate Degree from his alma mater, the University of Rhode Island. A former star athlete, a decorated war hero of two wars, Korea and Vietnam, and a man who helped end the Army-McCarthy hearings of the 1950s, Rhode Islanders were happy to welcome him home.

The Providence Journal ran this article, ''Hometown Hero Blount to be Honored at URI Graduation,'' about him.

Mr. President, I ask that the text of the article be inserted in the RECORD.

The article follows:

[From the Providence Journal]

HOMETOWN HERO BLOUNT TO BE HONORED AT URI GRADUATION

(By David Henley)

KINGSTON—A favorite son will be returning soon.

A decorated hero of two wars, a former star athlete who set the still-standing high school basketball record for points scored in a game over half a century ago and a man who helped end the Army-McCarthy hearings of the 1950s, Lt. Gen. John Bruce Blount will return to the University of Rhode Island in a few weeks to pick up his latest recognition. Blount will be one of four recipients of honorary doctorate degrees from his alma mater at the school's 114th commencement May 20.

''I'm 50 years away from Kingston, but this is a real thrill,'' Blount said Monday from his home in Columbia, S.C. ''My whole family is coming in, from Carolina, Florida, Detroit. I've always maintained my connections back home, and I knew people were trying to do this, but I guess the planets were just in the right alignment.''

Blount, known as Bruce, is something of a local legend, both at the university and at South Kingstown High school, where he was a student when he scored his record-setting 66 points. The team then played at the St. Francis Parish Hall on High Street; the games lasted only 32 minutes and there were no three-point shots then.

His military career has been written about many times. As the only URI alumnus to achieve the rank of three-star general, Blount's service in Korea and Vietnam earned him dozens of medals and decorations, including the Silver Star, the Bronze Star, the Korean Chung Mu Distinguished Service Medal and a Purple Heart when he was injured in combat on Korea's Old Baldy.

Blount became nationally famous when he stood his ground under questioning at the McCarthy hearings, earning praise even from Sen. Joseph McCarthy himself, and later produced photographic evidence discrediting the senator by proving he had doctored evidence.

But to many of his own generation, and to his elders, he is probably best remembered as just a kid with a basketball under one arm hitchhiking back and forth between Peace Dale and Kingston.

Blount's family first moved into South County during the Depression, according to his brother Frank, a retired schoolteacher living on Great Island. The boys' father, Joseph Blount, an insurance salesman from Illinois who had met his Rhode Island bride while both served in the Navy in World War I, came to the area looking for work, which he found in local restaurants. Eventually Joe Blount opened Joe's Diner in Peace Dale, where Patsy's Package Store is now, and a second restaurant next to the Wakefield Diner on Main Street. But Loretta Blount had bigger plans for her children.

''My mother knew she wanted her children to go to college, so she moved us out of Peace Dale and out to Kingston, just to be near the campus, when I was about 7,'' Bruce Blount said. ''She financed the house by renting rooms out to college kids. When I finally started at the university myself, I was the only kid who actually was farther away from campus in my frat house than I was at home.''

Joe Blount contined in the restaurant business, opening the original Ram's Den in the house next to the family home on Upper College Road.

''I can remember getting up with my dad at about 4 in the morning and going down and getting the fires going,'' the general said. ''He'd get the baking started for the day. By the time I was 10 I was making the bacon and eggs, putting them up for people. Basically, I was a short-order cook.''

By that time he also had become a favorite of the school's basketball team, and particularly of its coach, Frank Keaney, another local legend. In fact the whole family was more or less adopted by the university community, to hear the sons tell it. One day, Frank Blount remembers, Keaney came in to see Joe Blount with an idea. It seems he had a team that needed to work to eat, but needed flexibility for practice and games; Joe hired them all as waiters, cooks and dishwashers. When they were playing he tended not to have that much business anyway. Loretta opened a soda shop at Lippitt Hall and worked as a switchboard operator, the same job she had had in the Navy. She became friends with each of the university's presidents over the years, and for years it was a tradition for the president to stop the commencement march to walk over and shake hands with Loretta Blount.

''She loved that,'' Frank remembered.

''I started out as waterboy for the team, and later I was the mascot,'' Bruce Blount said. ''I grew up knowing more older men, and more athletes, than I knew of kids my own age. ''Back then we didn't just walk around in sneakers, you had regular street shoes, and coach wouldn't let me on the floor with them on. So I would stand in the corners during practice, and when the ball came to me, instead of tossing them back in I would just put them up. I developed a really different sort of shooting style, but I could hit from almost anywhere.''

Once he started high school, Blount found himself constantly traveling between gyms, from URI's Rodman Hall to St. Francis and the Old Fagan's Hall in Peace Dale, the South Kingstown team's alternate gym. With his gym bag over his shoulder and a basketball under his arm, Blount became a familiar sight on Kingstown Road.

''I could get around better than anybody without a car,'' he said.

That famous basketball career could have led Blount away from Kingston but didn't. Despite being recruited by schools like Brown and Harvard, Blount knew he wanted to attend URI, then called Rhode Island State.

''There was never any question,'' he said. ''I was absolutely enthralled with the idea of playing for Rhode Island, and Coach Keaney was an idol to me.'' On his way to collecting more than 1,000 points in his college career, Blount also acted as captain of both the basketball and baseball teams. But he also found time to begin what would be his ultimate career. As an ROTC cadet, Blount became cadet colonel in his senior year and was commissioned in the regular Army as a second lieutenant in the Infantry when he graduated in 1950.

Starting out as a training officer in the 4th Infantry Division and the 101st Airborne, he was made platoon commander in Korea the next year, then company executive officer, then company commander in the 45th Infantry. He was selected as aide-de-camp by Maj. Gen. C.E. Ryan, commander of the Korean Military Advisory Group, and returned to the states with Ryan after his injury.

Since then he has worked his way up the ranks, spending time as a staff officer at the Pentagon, in the Southern Command in the Canal Zone and as commander of the 1st Battalion, 12th Cavalry, 1st Air Cavalry in Vietnam. In 1969 he was made secretary of the U.S. Army Infantry School in Fort Benning, Ga., and in 1971 was assigned to the European Command, eventually serving as community commander of the American Military Community in Wurzburg, Germany.

Finally, in 1983, he was promoted to lieutenant general and made chief of staff of the NATO Allied Forces South Command, consisting of units from Greece, Turkey, Italy the United Kingdom and the United States.

''I always followed Bruce, did whatever he did, only not as well,'' said little brother Frank Friday. ''When he was in the NATO command, I thought that was a big deal. But I had the most fun when he was on the general's staff at Dix when he was stationed there. Whenever my company needed anything, they would come to me and I would call up, say, the motor pool and tell them I needed a Jeep. They'd ask who I was and I would say, 'This is Lieutenant Blount' in my best command voice and get whatever it was I needed.

''Of course it only lasted about a month before everybody figured out there were two Lieutenant Blounts on base, but we would begin to laugh our heads off whenever I told him what I was doing.''

''For the longest time in my life I was 'Bruce Blount's brother,' '' he said. ''And to this day I am very proud of that.''●

HONORING MS. MARY MORAN AND MS. VICTORIA METZ

● Mr. ROBB. Mr. President, I'm pleased to honor the service of Ms. Mary Moran and Ms. Victoria Metz, the outgoing Parent Teacher Association (PTA) co-presidents at the Arlington Traditional School, a public alternative elementary school in Arlington, Virginia.

For the past two years, both Mary Moran and Victoria Metz have dedicated themselves to educational achievement by assisting the students, parents, teachers and administration of Arlington Traditional School. They have appeared on numerous occasions before the Arlington County School Board to discuss educational issues and sustain support for the Arlington Traditional School. Ms. Moran and Ms. Metz have also frequently met with individual members of the School Board to answer questions and have reached out to other local PTA presidents.

During the tenure of Mary Moran and Victoria Metz as co-presidents, the Arlington Traditional School PTA has played an integral role in the following activities: Math Night, Science and Technology Night, the DARE Program for 5th Graders; Black History Month, Hispanic Heritage Month, Asian Pacific Heritage Month, Native American Month, the Fall Family Get-Together, Holiday Open House, Parent-Teacher Conference Luncheon and Dinner, Summer Reading Challenge, Back to School Night and Staff Appreciation Week. The PTA generously purchased computers for student use at the Arlington Traditional School.

Mary Moran and Victoria Metz were also responsible for the Arlington Traditional School PTA's outreach efforts into the community. The PTA made significant contributions to the Arlington Community Temporary Shelter, the Animal Welfare League of Arlington, UNICEF and the Red Cross's International Relief Fund.

Mary Moran and Victoria Metz have truly made a difference at the Arlington Traditional School. Their success illustrates that our public schools benefit and prosper when parents take active leadership roles in supporting education.●

A TRIBUTE TO THE BELLES OF INDIANA ON THEIR 45TH REUNION

● Mr. LUGAR. Mr. President, I rise before you today to recognize the Belles of Indiana who are celebrating their 45th Reunion this summer. The Belles of Indiana, a choral group comprised of Indiana University students, were the first singing group to perform overseas with the United Service Organizations (USO). The Belles entertained soldiers stationed in Japan and Korea, performing 75 shows in 77 days during the summer of 1955. Their voices and energy brought great joy to all those who heard them perform. These singers displayed strong patriotism for their country and acted as outstanding ambassadors from Indiana. I am pleased to submit their names for the CONGRESSIONAL RECORD because of their great contributions to our soldiers and country.

I would like to commend the following members on their participation: Doris Day Block, Robert Bluemle, Vera Scammon Broughton, Dennis Escol, Roberta Ratliff Graham, Sondra Gauthier Harroff, Sally Graham Johnson, Helen Rapp Nefkens, Sandra Pawol Overack, Carolyn Hill Pain, Joyce Harrod Sakakini, Nancy Speed Schultz, Sue Ann Steeves, Cynthia Findley Stewart, Annabelle Baldridge Menguy, Sharlie Shull Stuart, Linda Foncannon Tucker, Ellen Dallas Wiggins, Mary Musgrave Wirts, Joyce Lancaster Voit, and Barbara Lockard Zimmerman. I would also like to recognize those members of the Belles of Indiana who are no longer with us: Eugene and Keitha Bayless, (Choral Director and his wife), Mary Mauer, Irma Batley Corcoran, Mary Sinclair Baron, and Joan Drew Irwin.

I am pleased to pay tribute to these great Americans whose positive attitude and high energy boosted morale for our overseas troops. The history of America is replete with stories of its sons and daughters being summoned and responding to their nation's call to duty. It is a proud history of accomplishment, honor, and victory. The Belles of Indiana answered their nation's call to duty and diligently persevered to be emissaries for the families and friends of servicemen who were far away from home.

I extend my congratulations to the Belles of Indiana for being the first entertainment group to travel and perform with the United Service Organization. I ask my colleagues to join me today in honoring these courageous

women and men for their valiant service to our country.●

IN HONOR OF JOSEPH A. MEZZO

● Mr. TORRICELLI. Mr. President, I rise today to recognize Mr. Joseph A. Mezzo of New Jersey and the 4th Regiment of the United States Marine Corps, whose gallant actions in 1937 prevented an already tumultuous conflict from destabilizing further. The 4th Marines were deployed near the Soochow Creek in China to diffuse tensions that emerged after Japanese forces penetrated Chinese boundaries. Further intensifying the situation, a Chinese officer killed two members of the Japanese military, creating a hostile climate that culminated in armed conflict. Amidst heavy gunfire from both Japanese and Chinese forces, Mr. Mezzo and the 4th Marine Regiment demonstrated tremendous fortitude and resolve as they assisted in the stabilizing of the Soochow Creek, halting what could have been a major international battle.

After all other American forces returned home, the 4th Marines remained in the Soochow Creek, accepting an even greater challenge of returning a Chinese rice barge that had been captured by the Japanese to its rightful owner. Mr. Mezzo and his fellow Marines executed this risky maneuver, thereby diffusing a situation which could have added fuel to an already volatile situation. The 4th Marine Regiment courageously exhibited the Marine Corps standard of Semper Fidelis, which saving the lives of many people.

Although Mr. Mezzo and his comrades acted with bravery and selflessness, their efforts, and the efforts of many gallant veterans, have gone virtually unrewarded and unappreciated. While their exploits may not be found in history books, the services with which these veterans have provided our country are invaluable. I would like to recognize Mr. Mezzo, the 4th Marine Regiment, and all veterans who have risked their lives for the welfare of our country. Their willingness to accept these dangerous missions is a testament to their senses of duty, honor and patriotism. For this, I salute our veterans to whom we own a debt of gratitude and our ceaseless appreciation, for they exemplify what it means to be American.●

VIRGINIA TECH'S CLASS OF 2000

● Mr. WARNER. Mr. President, yesterday, I inserted into the CONGRESSIONAL RECORD the speeches of two graduates from Virginia Tech University who addressed their class during its commencement ceremonies last month. During the commencement ceremony, at which I had the privilege of also speaking with the Class of 2000, I listened to the eloquent and inspiring speeches of three Virginia Tech students, Class President Lauren Esleeck, Graduate Student Representative Timothy Wayne Mays, and Class Treasurer Rush K. Middleton. Yesterday, I inserted Ms. Esleeck's and Mr. Middleton's speeches into the CONGRESSIONAL RECORD. I have now obtained a copy of Mr. Mays' speech, and it is my pleasure to ask that a copy of his speech also be printed in the RECORD.

GRADUATION SPEECH BY TIMOTHY WAYNE MAYS

Good morning. I'd like to begin with a brief story that I recently read that illustrates the theme of my message today. A successful business executive and former University of Alabama football player was asked ''what was the first thing coach Paul Bear Bryant said to you and the other scholarship athletes after arriving on campus.'' Surprisingly, at the first team meeting, Coach Bryant asked the group ''Have you called your folks yet to thank them?'' After hearing those words, the players looked confused—most had their mouths open. They looked at one another with disbelief. Apparently, not one of them had anticipated this question. These freshman athletes had been on campus less than 24 hours, but they already had their first lesson in team productivity. No one in the room that day had acknowledged having called home with a word of thanks. What was the essence of the lesson? Coach Bryant followed up his initial question with a second statement. ''No one ever got to this level without the help of others. Call your folks. Thank them.'' [from The Millionaire Mind (Stanley, 2000)]

When I was asked to speak at today's graduation ceremony, I kind of struggled with what I wanted to talk about, but preparing this speech gave me the opportunity to reflect on how I got to this point in my life. And the main thing that stood out to me was the significant influence that certain individuals have had on my life. In some way or another, these people gave me a chance or an opportunity that I would not have had otherwise. Now some of these people are, of course, my parents and other family members who have given me a chance by raising me in a safe, loving, and spiritual environment. In the most challenging times of my life, their prayers and support have helped me stand strong, or sometimes, just make it through.

In a different way, some of the people who have most significantly influenced my life are friends, teachers, and even just acquaintances that have taken an interest in me for some reason or another. They have given me the guidance and motivation that I need to succeed. As a recent example, when I came to Virginia Tech, I wasn't sure what type of structural engineering work I wanted to do after graduation. Over the last four years, Dr. Tom Murray, in the Civil Engineering department here at Virginia Tech, has helped me find the specific type of work that I will enjoy. I will surely remember his help in the years to come when I wake up every morning happy to go to work. Also, it was Dr. Ray Plaut who took a personal interest in me during my college visit and brought me here to Virginia Tech. Everything that I have accomplished here at Virginia Tech would have been impossible without his help and guidance over the last four years. The truth of the matter is this: Had some of these people not entered my life, I definitely would not be here speaking today.

As graduates of this great university, we really do have so much for which to be proud. However, I challenge each of you to take the time to reflect on the individuals who have helped you get to this place in your life, and to personally thank them for taking an interest in you.

At this chapter in our life comes to an end, a new chapter begins, and one of the most exciting things to think about is the new people we will meet and the impact they will have on our lives. More importantly though, I hope that we can be influential people in others lives. By always recognizing the impact that other people have had on us, I believe that we can. Thank you very much and God bless.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

REPORT ON EXECUTIVE ORDER 12938—MESSAGE FROM THE PRESIDENT—PM114

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Banking, Housing, and Urban Affairs.

To the Congress of the United States:

Enclosed is a report to the Congress on Executive Order 12938, as required by section 204 of the International Emergency Economic Powers Act (50 U.S.C. 1703(c)) and section 401(c) of the National Emergencies Act (50 U.S.C. 1641(c)).

WILLIAM J. CLINTON.
THE WHITE HOUSE, *June 14, 2000.*

REPORT RELATIVE TO THE LAPSE OF THE EXPORT ADMINISTRATION ACT OF 1979—MESSAGE FROM THE PRESIDENT—PM 115

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Banking, Housing, and Urban Affairs:

To the Congress of the United States:

As required by section 204 of the International Emergency Economic Powers Act (50 U.S.C. 1703(c)) and section 401(c) of the National Emergencies Act (50 U.S.C. 1641(c)), I transmit herewith a 6-month periodic report on the national emergency declared by Executive Order 12924 of August 19, 1994, to deal with the threat to the national security, foreign policy, and economy of the United States caused by the lapse of the Export Administration Act of 1979.

WILLIAM J. CLINTON.
THE WHITE HOUSE, *June 14, 2000.*

MESSAGES FROM THE HOUSE

At 1:23 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bill and joint resolution, in which it requests the concurrence of the Senate:

H.R. 4079. An act to require the Comptroller General of the United States to conduct a comprehensive fraud audit of the Department of Education.

H.J. Res. 101. An act recognizing the 225th birthday of the United States Army.

The message also announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 266. Concurrent resolution expressing the sense of Congress regarding the benefits of music education.

At 4:28 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House of Representatives to the bill (S. 761) to regulate interstate commerce by electronic means by permitting and encouraging the continued expansion of electronic commerce through the operation of free market forces, and for other purposes.

MEASURES REFERRED

The following bill and joint resolution were read the first and second times by unanimous consent and referred as indicated:

H.R. 4079. An act to require the Comptroller General of the United States to conduct comprehensive fraud audit of the Department of Education.

H.J. Res. 101. An act recognizing the 225th birthday of the United States Army.

The following concurrent resolution was read, and referred as indicated:

H. Con. Res. 266. Concurrent resolution expressing the sense of Congress regarding the benefits of music education.

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–9212. A communication from the Deputy General Counsel, Office of SDB Certification and Eligibility, Small Business Administration, transmitting, pursuant to law, the report of a rule entitled ''8(a) Business Development/Small Disadvantaged Business Status Determinations'' (RIN 3245–AE46) received on June 5, 2000; to the Committee on Small Business.

EC–9213. A communication from the Assistant Secretary of State (Legislative Affairs), transmitting, pursuant to law, the annual report under the Chemical and Biological Weapons Control and Warfare Elimination Act of 1991; to the Committee on Foreign Relations.

EC–9214. A communication from the Executive Director of the District of Columbia Financial Responsibility and Management Assistance Authority, transmitting, pursuant to law, the report of the resolution and order approving the fiscal year 2000 financial plan and budget; to the Committee on Governmental Affairs.

EC–9215. A communication from the Director of the Office of Regulations Management, Veterans Benefits Administration, Department of Veterans Affairs, transmitting, pursuant to law, the report of a rule entitled ''Children Suffering from Spina Bifida Who Are Children of Vietnam Veterans'' (RIN 2900–A–J25) received on June 1, 2000; to the Committee on Veterans' Affairs.

EC–9216. A communication from the Assistant Secretary of State (Legislative Affairs), transmitting, pursuant to law, the report of a rule entitled ''Amendment to the International Traffic in Arms Regulations: Exports of Commercial Communications Satellite Components, Systems, Parts, Accessories and Associated Technical Data on the United States Munitions Lists'' received on May 24, 2000; to the Committee on Foreign Relations.

EC–9217. A communication from the Attorney-Adviser, Bureau of Educational and Cultural Affairs, Department of State, transmitting, pursuant to law, the report of a rule entitled ''Fees for Exchange Visitor Program Designation Services'' (Public Notice 3284) received on June 5, 2000; to the Committee on Foreign Relations.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. SHELBY, from the Committee on Appropriations:

Report to accompany S. 2720, An original bill making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2001, and for other purposes (Rept. No. 106–390).

By Mr. HELMS, from the Committee on Foreign Relations, with an amendment in the nature of a substitute and with a preamble:

S. Res. 303: A resolution 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.

By Mr. STEVENS, from the Committee on Appropriations:

Special Report entitled ''Further Revised Allocation to Subcommittees of Budget Totals for Fiscal Year 2001'' (Report No. 106–309).

EXECUTIVE REPORTS OF COMMITTEE

The following executive reports of committee were submitted:

By Mr. THOMPSON for the Committee on Governmental Affairs.

Alan Craig Kessler, of Pennsylvania, to be a Governor of the United States Postal Service for a term expiring December 8, 2008.

Amy L. Comstock, of Maryland, to be Director of the Office of Government Ethics for a term of five years.

Anna Blackburne-Rigsby, of the District of Columbia, to be an Associate Judge of the Superior Court of the District of Columbia for the term of fifteen years.

Thomas J. Motley, of the District of Columbia, to be an Associate Judge of the Superior Court of the District of Columbia for the term of fifteen years.

Carol Waller Pope, of the District of Columbia, to be a Member of the Federal Labor Relations Authority for a term expiring July 1, 2004.

John McAdam Mott, of the District of Columbia, to be an Associate Judge of the Superior Court of the District of Columbia for the term of fifteen years.

(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.)

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. HELMS (for himself, Mr. LOTT, Mr. WARNER, Mr. HATCH, Mr. GRAMS, and Mr. SHELBY):

S. 2726. A bill to protect United States military personnel and other elected and appointed officials of the United States Government against criminal prosecution by an international criminal court to which the United States is not a party; to the Committee on Foreign Relations.

By Mr. KENNEDY (for himself, Mr. BRYAN, Ms. MIKULSKI, and Mr. WELLSTONE):

S. 2727. A bill to improve the health of older Americans and persons with disabilities, and for other purposes; to the Committee on Finance.

By Mr. BRYAN (for himself and Mr. REID):

S. 2728. A bill to authorize the Forest Service to convey certain lands in the Lake Tahoe Basin to the Washoe County School District for use as an elementary school site; to the Committee on Energy and Natural Resources.

By Mr. CONRAD (for himself and Mr. SMITH of Oregon):

S. 2729. A bill to amend the Internal Revenue Code of 1986 and the Surface Mining Control and Reclamation Act of 1977 to restore stability and equity to the financing of the United Mine Workers of America Combines Benefit Fund by eliminating the liability of reachback operations, to provide additional sources of revenue to the Fund, and for other purposes; to the Committee on Finance.

By Mrs. HUTCHISON (for herself, Mrs. FEINSTEIN, Mr. DOMENICI, Mrs. BOXER, and Mr. BINGAMAN):

S. 2730. A bill to provide for the appointment of additional Federal district judges, and for other purposes; to the Committee on the Judiciary.

By Mr. FRIST (for himself and Mr. KENNEDY):

S. 2731. A bill to amend title III of the Public Health Service Act to enhance the Nation's capacity to address public health threats and emergencies; to the Committee on Health, Education, Labor, and Pensions.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. BIDEN (for himself, Mr. GRASSLEY, Mr. JEFFORDS, Mr. LEVIN, Mr. BRYAN, Mr. KENNEDY, Mrs. MURRAY,

Mr. MOYNIHAN, Mr. SESSIONS, Mr. DEWINE, Mr. HELMS, Mr. THURMOND, Mr. SCHUMER, and Mr. INOUYE):

S. Res. 323. A resolution to designating Monday, June 19, 2000, as National Eat-Dinner-With-Your-Children Day; considered and agreed to.

By Mr. DURBIN (for himself, Mr. GORTON, Mr. ROBB, Mr. GRAMS, and Mr. VOINOVICH):

S. Con. Res. 122. Concurrent resolution recognizing the 60th anniversary of the United States nonrecognition policy of the Soviet takeover of Estonia, Latvia, and Lithuania, and calling for positive steps to promote a peaceful and democratic future for the Baltic region; to the Committee on Foreign Relations.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. HELMS (for himself, Mr. LOTT, Mr. WARNER, Mr. HATCH, Mr. GRAMS, and Mr. SHELBY):

S. 2726. A bill to protect United States military personnel and other elected and appointed officials of the United States Government against criminal prosecution by an international criminal court to which the United States is not a party; to the Committee on Foreign Relations.

AMERICAN SERVICEMEMBERS' PROTECTION ACT OF 2000

Mr. HELMS. 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. 2726

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 ''American Servicemembers' Protection Act of 2000''.

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) On July 17, 1998, the United Nations Diplomatic Conference of Plenipotentiaries on the Establishment of an International Criminal Court, meeting in Rome, Italy, adopted the ''Rome Statute of the International Criminal Court.'' The vote on adoption of the Statute was 120 in favor to 7 against, with 21 countries abstaining. The United States voted against final adoption of the Rome Statute.

(2) As of May 30, 2000, 96 countries had signed the Rome Statute and 10 had ratified it. Pursuant to Article 126 of the Rome Statute, the Statute will enter into force on the first day of the month after the 60th day following the date that the 60th country deposits an instrument ratifying the Statute.

(3) Since adoption of the Rome Statute, a Preparatory Commission for the International Criminal Court has continued to meet regularly to draft documents to implement the Rome Statute, including Rules of Procedure and Evidence, definitions of Elements of Crimes, and a definition of the Crime of Aggression.

(4) During testimony before the Congress, the lead United States negotiator, Ambassador David Scheffer stated that the United States could not sign the Rome Statute because certain critical negotiating objectives of the United States had not been achieved. As a result, he stated: ''We are left with consequences that do not serve the cause of international justice.''

(5) Ambassador Scheffer went on to tell the Congress that: ''Multinational peacekeeping forces operating in a country that has joined the treaty can be exposed to the Court's jurisdiction even if the country of the individual peacekeeper has not joined the treaty. Thus, the treaty purports to establish an arrangement whereby United States armed forces operating overseas could be conceivably prosecuted by the international court even if the United States has not agreed to be bound by the treaty. Not only is this contrary to the most fundamental principles of treaty law, it could inhibit the ability of the United States to use its military to meet alliance obligations and participate in multinational operations, including humanitarian interventions to save civilian lives. Other contributors to peacekeeping operations will be similarly exposed.''.

(6) Any Americans prosecuted by the International Criminal Court will, under the Rome Statute, be denied many of the procedural protections to which all Americans are entitled under the Bill of Rights to the United States Constitution, including, among others, the right to trial by jury, the right not to be compelled to provide self-incriminating testimony, and the right to confront and cross-examine all witnesses for the prosecution.

(7) American servicemen and women deserve the full protection of the United States Constitution when they are deployed around the world to protect the vital national interests of the United States. The United States Government has an obligation to protect American servicemen and women, to the maximum extent possible, against criminal prosecutions carried out by United Nations officials under procedures that deny them their constitutional rights.

(8) In addition to exposing American servicemen and women to the risk of international criminal prosecution, the Rome Statute creates a risk that the President and other senior elected and appointed officials of the United States Government may be prosecuted by the International Criminal Court. Particularly if the Preparatory Commission agrees on a definition of the Crime of Aggression, senior United States officials may be at risk of criminal prosecution for national security decisions involving such matters as responding to acts of terrorism, preventing the proliferation of weapons of mass destruction, and deterring aggression. No less than American servicemen and women, senior officials of the United States Government deserve the full protection of the United States Constitution with respect to official actions taken by them to protect the national interests of the United States.

SEC. 3. TERMINATION OF PROHIBITIONS OF THIS ACT.

The prohibitions and requirements of sections 4, 5, 6, and 7 shall cease to apply, and the authority of section 8 shall terminate, if the United States becomes a party to the International Criminal Court pursuant to a treaty made under article II, section 2, clause 2 of the Constitution of the United States.

SEC. 4. PROHIBITION ON COOPERATION WITH THE INTERNATIONAL CRIMINAL COURT.

(a) CONSTRUCTION.—The provisions of this section apply only to cooperation with the International Criminal Court and shall not be construed to apply to cooperation with an ad hoc international criminal tribunal established by the United Nations Security Council before or after the date of the enactment of this Act to investigate and prosecute war crimes committed in a specific country or during a specific conflict.

(b) PROHIBITION ON RESPONDING TO REQUESTS FOR COOPERATION.—No agency or entity of the United States Government or of any State or local government, including any court, may cooperate with the International Criminal Court in response to a request for cooperation submitted by the International Criminal Court pursuant to Part 9 of the Rome Statute.

(c) PROHIBITION ON SPECIFIC FORMS OF COOPERATION.—No agency or entity of the United States Government or of any State or local government, including any court, may undertake any action described in the following articles of the Rome Statute with the purpose or intent of cooperating with, or otherwise providing support or assistance to, the International Criminal Court:

(1) Article 89 (relating to arrest, extradition, and transit of suspects).

(2) Article 92 (relating to provisional arrest of suspects).

(3) Article 93 (relating to seizure of property, asset forfeiture, execution of searches and seizures, service of warrants and other judicial process, taking of evidence, and similar matters).

(d) RESTRICTION ON ASSISTANCE PURSUANT TO MUTUAL LEGAL ASSISTANCE TREATIES.—The United States shall exercise its rights to limit the use of assistance provided under all treaties and executive agreements for mutual legal assistance in criminal matters, multilateral conventions with legal assistance provisions, and extradition treaties, to which the United States is a party, and in connection with the execution or issuance of any letter rogatory, to prevent the transfer to, or other use by, the International Criminal Court of any assistance provided by the United States under such treaties and letters rogatory.

(e) PROHIBITION ON INVESTIGATIVE ACTIVITIES OF AGENTS.—No agent of the International Criminal Court may conduct, in the United States or any territory subject to the jurisdiction of the United States, any investigative activity relating to a preliminary inquiry, investigation, prosecution, or other proceeding at the International Criminal Court.

SEC. 5. RESTRICTION ON UNITED STATES PARTICIPATION IN CERTAIN UNITED NATIONS PEACEKEEPING OPERATIONS.

(a) POLICY.—Effective beginning on the date that the Rome Statute enters into force pursuant to Article 126 of the Rome Statute, the President should use the voice and vote of the United States in the United Nations Security Council to ensure that each resolution of the Security Council authorizing a peacekeeping operation pursuant to chapter VI or VII of the charter of the United Nations permanently exempts United States military personnel participating in such peacekeeping operation from criminal prosecution by the International Criminal Court for actions undertaken by such personnel in connection with the operation.

(b) RESTRICTION.—United States military personnel may not participate in a peacekeeping operation authorized by the United Nations Security Council pursuant to chapter VI or VII of the charter of the United Nations on or after the date that the Rome Statute enters into effect pursuant to Article 126 of the Rome Statute, unless the President has submitted to the appropriate congressional committees a certification described in subsection (c) with respect to such peacekeeping operation.

(c) CERTIFICATION.—The certification referred to in subsection (b) is a certification by the President that United States military personnel are able to participate in a peacekeeping operation without risk of criminal prosecution by the International Criminal Court because—

(1) in authorizing the peacekeeping operation, the United Nations Security Council

permanently exempted United States military personnel participating in the operation from criminal prosecution by the International Criminal Court for actions undertaken by them in connection with the operation;

(2) each country in which United States military personnel participating in the peacekeeping operation will be present is either not a party to the International Criminal Court or has entered into an agreement in accordance with Article 98 of the Rome Statute preventing the International Criminal Court from proceeding against United States personnel present in that country; or

(3) the President has taken other appropriate steps to guarantee that United States military personnel participating in the peacekeeping operation will not be prosecuted by the International Criminal Court for actions undertaken by such personnel in connection with the operation.

SEC. 6. PROHIBITION ON DIRECT OR INDIRECT TRANSFER OF CERTAIN CLASSIFIED NATIONAL SECURITY INFORMATION TO THE INTERNATIONAL CRIMINAL COURT.

(a) DIRECT TRANSFER.—Not later than the date on which the Rome Statute enters into force, the President shall ensure that appropriate procedures are in place to prevent the transfer of classified national security information to the International Criminal Court.

(b) INDIRECT TRANSFER.—Not later than the date on which the Rome Statute enters into force, the President shall ensure that appropriate procedures are in place to prevent the transfer of classified national security information relevant to matters under consideration by the International Criminal Court to the United Nations and to the government of any country that is a party to the International Criminal Court unless the United Nations or that government, as the case may be, has provided written assurances that such information will not be made available to the International Criminal Court.

SEC. 7. PROHIBITION OF UNITED STATES MILITARY ASSISTANCE TO PARTIES TO THE INTERNATIONAL CRIMINAL COURT.

(a) PROHIBITION OF MILITARY ASSISTANCE.—Subject to subsections (b), (c), and (d), no United States military assistance may be provided to the government of a country that is a party to the International Criminal Court.

(b) WAIVER.—The President may waive the prohibition of subsection (a) with respect to a particular country if the President determines and reports to the appropriate congressional committees that such country has entered into an agreement with the United States pursuant to Article 98 of the Rome Statute preventing the International Criminal Court from proceeding against United States personnel present in such country.

(c) SPECIAL AUTHORITIES.—The prohibition of subsection (a) shall be subject to the special authorities of section 614 of the Foreign Assistance Act of 1961 and the applicable conditions and limitations under such section.

(d) EXEMPTION.—The prohibition of subsection (a) shall not apply to the government of any country that is—

(1) a NATO member country, or

(2) a major non-NATO ally (including, inter alia, Australia, Egypt, Israel, Japan, the Republic of Korea, and New Zealand).

SEC. 8. AUTHORITY TO FREE UNITED STATES MILITARY PERSONNEL AND CERTAIN OTHER PERSONS HELD CAPTIVE BY OR ON BEHALF OF THE INTERNATIONAL CRIMINAL COURT.

(a) AUTHORITY.—The President is authorized to use all means necessary and appropriate to bring about the release from captivity of any person described in subsection (b) who is being detained or imprisoned against that person's will by or on behalf of the International Criminal Court.

(b) PERSONS AUTHORIZED TO BE FREED.—The authority of subsection (a) shall extend to the following persons:

(1) United States military personnel, elected or appointed officials of the United States Government, and other persons employed by or working on behalf of the United States Government.

(2) Military personnel, elected or appointed officials, and other persons employed by or working on behalf of the government of a NATO member country or major non-NATO ally (including, inter alia, Australia, Egypt, Israel, Japan, the Republic of Korea, and New Zealand) that is not a party to the International Criminal Court, upon the request of such government.

(3) Individuals detained or imprisoned for official actions taken while the individual was a person described in paragraph (1) or (2), and in the case of such individuals described in paragraph (2), upon the request of such government.

(c) CONSTRUCTION.—Subsection (a) shall not be construed to authorize the payment of bribes or the provision of other incentives to induce the release from captivity of a person described in subsection (b).

SEC. 9. STATUS OF FORCES AGREEMENTS.

(a) REPORT ON STATUS OF FORCES AGREEMENTS.—Not later than 6 months after the date of the enactment of this Act, the President shall transmit to the appropriate congressional committees a report evaluating the degree to which each existing status of forces agreement with a foreign government, or other similar international agreement, protects United States military and other personnel from extradition to the International Criminal Court under Article 98 of the Rome Statute.

(b) PLAN FOR ACHIEVING ENHANCED PROTECTION OF UNITED STATES MILITARY PERSONNEL.—Not later than 1 year after the date of the enactment of this Act, the President shall transmit to the appropriate congressional committees a plan for amending existing status of forces agreements, or negotiating new international agreements, in order to achieve the maximum protection available under Article 98 of the Rome Statute for United States military and other personnel in those countries where maximum protection under Article 98 has not already been achieved.

(c) SUBMISSION IN CLASSIFIED FORM.—The report under subsection (a), and the plan under subsection (b), or appropriate parts thereof, may be submitted in classified form.

SEC. 10. ALLIANCE COMMAND ARRANGEMENTS.

(a) REPORT ON ALLIANCE COMMAND ARRANGEMENTS.—Not later than 6 months after the date of the enactment of this Act, the President shall transmit to the appropriate congressional committees a report with respect to each military alliance to which the United States is party—

(1) describing the degree to which United States military personnel may, in the context of military operations undertaken by or pursuant to that alliance, be placed under the command or operational control of foreign military officers subject to the jurisdiction of the international criminal court because they are nationals of a party to the international criminal court, and

(2) evaluating the degree to which United States military personnel engaged in military operations undertaken by or pursuant to that alliance may be exposed to greater risks as a result of being placed under the command or operational control of foreign military officers subject to the jurisdiction of the international criminal court.

(b) PLAN FOR ACHIEVING ENHANCED PROTECTION OF UNITED STATES MILITARY PERSONNEL.—Not later than one year after the date of the enactment of this Act, the President shall transmit to the appropriate congressional committees a plan for modifying command and operational control arrangements within military alliances to which the United States is a party to reduce any risks to United States military personnel identified pursuant to subsection (a)(2).

(c) SUBMISSION IN CLASSIFIED FORM.—The report under subsection (a), and the plan under subsection (b), or appropriate parts thereof, may be submitted in classified form.

SEC. 11. WITHHOLDINGS.

Funds withheld from the United States share of assessments to the United Nations or any other international organization pursuant to section 705 of the Admiral James W. Nance and Meg Donovan Foreign Relations Authorization Act, Fiscal Years 2000 and 2001 (as enacted by section 1000(a)(7) of Public Law 106–113; 113 Stat. 1501A–460), are authorized to be transferred to the Embassy Security, Construction and Maintenance Account of the Department of State.

SEC. 12. DEFINITIONS.

As used in this Act and in sections 705 and 706 of the Admiral James W. Nance and Meg Donovan Foreign Relations Authorization Act, Fiscal Years 2000 and 2001, the following terms have the following meanings:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term ''appropriate congressional committees'' means the Committee on International Relations of the House of Representatives and the Committee on Foreign Relations of the Senate.

(2) CLASSIFIED NATIONAL SECURITY INFORMATION.—The term ''classified national security information'' means information that is classified or classifiable under Executive Order 12958 or a successor executive order.

(3) EXTRADITION.—The terms ''extradition'' and ''extradite'' include both ''extradition'' and ''surrender'' as those terms are defined in Article 102 of the Rome Statute.

(4) INTERNATIONAL CRIMINAL COURT.—The term ''International Criminal Court'' means the court established by the Rome Statute.

(5) MAJOR NON-NATO ALLY.—The term ''major non-NATO ally'' means a country that has been so designated in accordance with section 517 of the Foreign Assistance Act of 1961.

(6) PARTY TO THE INTERNATIONAL CRIMINAL COURT.—The term ''party to the International Criminal Court'' means a government that has deposited an instrument of ratification, acceptance, approval, or accession to the Rome Statute, and has not withdrawn from the Rome Statute pursuant to Article 127 thereof.

(7) PEACEKEEPING OPERATION AUTHORIZED BY THE UNITED NATIONS SECURITY COUNCIL PURSUANT TO CHAPTER VI OF VII OF THE CHARTER OF THE UNITED NATIONS.—The term ''peacekeeping operation authorized by the United Nations Security Council pursuant to chapter VI of VII of the charter of the United Nations'' means any military operation to maintain or restore international peace and security that—

(A) is authorized by the United Nations Security Council pursuant to chapter VI or VII of the charter of the United Nations, and

(B) is paid for from assessed contributions of United Nations members that are made available for peacekeeping activities.

(8) ROME STATUTE.—The term ''Rome Statute'' means the Rome Statute of the International Criminal Court, adopted by the United Nations Diplomatic Conference of Plenipotentiaries on the Establishment of an International Criminal Court on July 17, 1998.

(9) SUPPORT.—The term ''support'' means assistance of any kind, including material support, services, intelligence sharing, law enforcement cooperation, the training or detail of personnel, and the arrest or detention of individuals.

(10) UNITED STATES MILITARY ASSISTANCE.—The term ''United States military assistance'' means—

(A) assistance provided under chapters 2 through 6 of part II of the Foreign Assistance Act of 1961 (22 U.S.C. 2311 et seq.);

(B) defense articles or defense services furnished with the financial assistance of the United States Government, including through loans and guarantees; or

(C) military training or education activities provided by any agency or entity of the United States Government.

Such term does not include activities reportable under title V of the National Security Act of 1947 (50 U.S.C. 413 et seq.).

By Mr. KENNEDY (for himself, Mr. BRYAN, Ms. MIKULSKI, and Mr. WELLSTONE):

S. 2727. A bill to improve the health of older Americans and persons with disabilities, and for other purposes; to the Committee on Finance.

MEDICARE HEALTH IMPROVEMENT ACT OF 2000

Mr. KENNEDY. Mr. President, today we are introducing legislation to improve the health of Medicare beneficiaries and the health of the Medicare program itself. Under Medicare, the health and quality of life for millions of older adults and people with disabilities have significantly improved. The rate of chronic disability among adults over 65 continues to decline, but we can do better. A recent report by the World Health Organization showed that the U.S. falls behind 23 other nations in ''healthy life expectancy.'' On average, Americans can expect only 70 healthy years, compared to Japanese citizens who can anticipate 74½ years of life without disability. Chronic disability robs too many older Americans of active and productive years, and adds $26 billion annually in health care costs as people over 65 lose their ability to live independently.

In the next 30 years, the viability of Medicare will be challenged as the baby boom generation ages. Nearly one fifth of the population will be 65 and older by 2025, which means that a larger number of beneficiaries will be supported by a smaller number of workers. The current debate over the future of Medicare often revolves around benefit cuts or tax increases. But an obvious alternative that should be part of the debate is to reduce the demand for Medicare by improving the health of senior citizens. Unfortunately, Medicare today contains few incentives to encourage beneficiaries and providers to take health promotion and disease prevention seriously. This bill will help older adults and individuals with disabilities to improve their health. It will also educate health providers about the best practices for treatment of Medicare patients.

Older adults are generally health conscious and are interested in taking steps to maintain their health and independence. Poor lifestyle factors—which include lack of exercise, poor diet, at-risk behaviors, smoking, and alcohol abuse—account for 70% of the physical decline and disease that occur with aging. Experts agree that the potential for better health through health promotion and disease prevention is great. Too often, however, older Americans lack the accurate information that would help them take advantage of these opportunities. This bill will ensure that Medicare beneficiaries are better informed about the lifestyle changes they can make to improve their health, and the preventive health services they can use to prevent disease.

To encourage more beneficiaries to use the preventive services that Medicare currently offers, our legislation will eliminate cost-sharing for these services. Prevention saves lives and saves money. The incidence of cancer in adults over 65 is approximately eleven times higher than in persons under 65. Most cancers can be treated and many can be cured if detected early. But cancer screening tests are significantly underused by Medicare beneficiaries. Thirty-eight percent of women over 65 who have survived breast cancer (and remain at risk) do not receive an annual mammogram. Our bill will waive cost-sharing for mammography, screening pelvic exams, colorectal cancer screening, prostate cancer screening, bone mass measurement, hepatitis B vaccine and its administration, and diabetes self-management training.

Despite the great potential of preventive services to improve the quality of life for older Americans, few clinical guidelines focus on preventive care for this population. Our bill calls for a task force to conduct studies to determine which preventive services in primary care are most valuable to senior citizens. A separate demonstration project will determine effective means to reduce smoking by Medicare beneficiaries. Cessation of smoking can reduce the risk of lung cancer, heart disease, and stroke. In 1997, smoking-related expenditures were estimated to cost the Medicare program a total of $20.5 billion.

There are substantial defects in the quality of care provided to Medicare beneficiaries. Medical research has established that early use of a beta blocker after a heart attack reduces the risk of mortality and rehospitalization. Yet 51 percent of older adults fail to receive this treatment when it is indicated. In fact, patients at the highest risk of death in the hospital are least likely to receive a beta blocker.

Every senior citizen deserves quality health care. The gaps between the best medical practice and actual practice must be narrowed. Our bill asks the Department of Health and Human Services to determine which areas in the treatment of Medicare beneficiaries do not meet the highest professional standards, and to determine the best practices in those areas. Steps will then be taken to inform health care professionals about these standards for treatment.

The opportunities for better health care and budget savings are great, if care can be delivered to beneficiaries with high-cost chronic conditions in a more coordinated and effective way. Our legislation authorizes demonstration projects to develop innovative approaches to increase the quality of care and reduce costs for Medicare beneficiaries in skilled nursing facilities. Similar demonstration projects are authorized for beneficiaries with serious or chronic illness who do not reside in nursing facilities.

In ways like this, we do more—much more—to preserve and strengthen Medicare, and achieve substantial long-term savings as well. I look forward to working closely with my colleagues on both sides of the aisle to achieve this important goal. I ask unanimous consent that the bill, the bill summary, and the relevant fact sheet be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 2727

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 ''Medicare Health Improvement Act of 2000''.

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

Sec. 1. Short title; table of contents.
Sec. 2. Definitions.

TITLE I—HCFA MISSION STATEMENT

Sec. 101. Establishment of HCFA mission statement with regard to the medicare program.

TITLE II—ENABLING OLDER AMERICANS AND PERSONS WITH DISABILITIES TO IMPROVE THEIR HEALTH STATUS

Sec. 201. Waiver of all preventive services cost sharing under the medicare program.
Sec. 202. Information campaign on preventive health care for older Americans and individuals with disabilities.
Sec. 203. Development of health status self-assessment tool for medicare beneficiaries.

TITLE III—IMPROVING THE QUALITY OF CARE PROVIDED TO OLDER AMERICANS AND PERSONS WITH DISABILITIES

Sec. 301. Information campaign for the best practices for the treatment of conditions of medicare beneficiaries.
Sec. 302. Program to promote the use of best practices for the treatment of conditions of medicare beneficiaries and to reduce hospital and physician visits that result from improper drug use.
Sec. 303. Studies on preventive interventions in primary care for older Americans.
Sec. 304. Smoking cessation demonstration project.

TITLE IV—DEMONSTRATION PROJECTS TO IMPROVE THE CARE OF RESIDENTS OF SKILLED NURSING FACILITIES AND PERSONS WITH SERIOUS ILLNESSES
Sec. 401. Demonstration projects to provide effective care for skilled nursing facility residents.
Sec. 402. Demonstration projects to improve the care of persons with serious illnesses.
TITLE V—WHITE HOUSE CONFERENCE ON IMPROVING THE HEALTH OF OLDER AMERICANS
Sec. 501. White House Conference on Improving the Health of Older Americans.

SEC. 2. DEFINITIONS.

In this Act:

(1) COMMISSIONER.—The term ''Commissioner' means the Commissioner of Social Security.

(2) MEDICARE BENEFICIARIES.—The term ''medicare beneficiaries'' means individuals who are entitled to benefits under part A or enrolled under part B of the medicare program, including individuals enrolled in a Medicare+Choice plan offered by a Medicare+Choice organization under part C of such program.

(3) MEDICARE PROGRAM.—The term ''medicare program'' means the health insurance program under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.).

(4) SECRETARY.—The term ''Secretary'' means the Secretary of Health and Human Services.

TITLE I—HCFA MISSION STATEMENT

SEC. 101. ESTABLISHMENT OF HCFA MISSION STATEMENT WITH REGARD TO THE MEDICARE PROGRAM.

Part A of title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.) is amended by inserting before section 1801 the following:

''HCFA MISSION STATEMENT

''SEC. 1800. In administering the health insurance program established under this title, it is the mission of the Health Care Financing Administration to—

''(1) effectively and efficiently administer a program of health insurance coverage for individuals who are entitled to benefits under part A or enrolled under part B of this title, including individuals enrolled in a Medicare+Choice plan offered by a Medicare+Choice organization under part C of this title, in accordance with the requirements of this title;

''(2) assure that health care provided to such individuals is of the highest quality; and

''(3) carry out programs in cooperation with other Government agencies and the private sector to promote health, prevent disease, and assure the highest possible functional level for such individuals.''.

TITLE II—ENABLING OLDER AMERICANS AND PERSONS WITH DISABILITIES TO IMPROVE THEIR HEALTH STATUS

SEC. 201. WAIVER OF ALL PREVENTIVE SERVICES COST SHARING UNDER THE MEDICARE PROGRAM.

(a) WAIVER OF COINSURANCE AND DEDUCTIBLES.—

(1) IN GENERAL.—Section 1834 of the Social Security Act (42 U.S.C. 1395m) is amended by adding at the end the following:

''(m) WAIVER OF COINSURANCE AND DEDUCTIBLE FOR PREVENTIVE SERVICES.—

''(1) COINSURANCE.—

''(A) IN GENERAL.—Notwithstanding any other provision of this part—

''(i) the Secretary shall waive any coinsurance applicable to services described in subparagraph (B); and

''(ii) with respect to payment for such services, any reference to a percent that is less than 100 percent shall be deemed to be a reference to 100 percent.

''(B) SERVICES DESCRIBED.—The services described in this subparagraph are the following services:

''(i) Screening mammography (as defined in section 1861(jj)).

''(ii) Screening pelvic exam (as defined in section 1861(nn)(2)).

''(iii) Hepatitis B vaccine and its administration (under section 1861(s)(10)(B)).

''(iv) Colorectal cancer screening test (as defined in section 1861(pp)).

''(v) Bone mass measurement (as defined in section 1861(rr)).

''(vi) Prostate cancer screening test (as defined in section 1861(oo)).

''(vii) Diabetes outpatient self-management training services (as defined in section 1861(qq)).

''(2) DEDUCTIBLE.—

''(A) IN GENERAL.—Notwithstanding any other provision of this part, the deductible described in section 1833(b) shall not apply with respect to services described in subparagraph (B).

''(B) SERVICES DESCRIBED.—The services described in this subparagraph are the following services:

''(i) Hepatitis B vaccine and its administration (under section 1861(s)(10)(B)).

''(ii) Colorectal cancer screening test (as defined in section 1861(pp)).

''(iii) Bone mass measurement (as defined in section 1861(rr)).

''(iv) Prostate cancer screening test (as defined in section 1861(oo)).

''(v) Diabetes outpatient self-management training services (as defined in section 1861(qq)).''.

(2) CONFORMING AMENDMENT.—Section 1833(a) of the Social Security Act (42 U.S.C. 1395l(a)) is amended by striking ''section 1876'' and inserting ''sections 1834 and 1876'' in the matter preceding paragraph (1).

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to services furnished on or after December 31, 2001.

SEC. 202. INFORMATION CAMPAIGN ON PREVENTIVE HEALTH CARE FOR OLDER AMERICANS AND INDIVIDUALS WITH DISABILITIES.

(a) IN GENERAL.—The Secretary and the Commissioner shall jointly conduct an information campaign, in consultation with the heads of other Government agencies and States and the private sector, for individuals who have attained age 50 and individuals with disabilities to promote—

(1) the use of preventive health services among such individuals, including services that are available to medicare beneficiaries and are covered by the medicare program;

(2) the proper use of prescription and over-the-counter drugs in order to reduce the number of hospital stays and physician visits among such individuals that are a result of the improper use of such drugs; and

(3) the steps (including exercise, maintenance of a proper diet, and utilization of accident prevention techniques) that such individuals may take in order to promote and safeguard their health.

(b) USE OF SERVICES.—The information campaign described in subsection (a) shall stress the benefits of—

(1) using the services described in subsection (a)(1);

(2) following the proper directions for using prescription and over-the-counter drugs as described in subsection (a)(2); and

(3) utilizing the steps described in subsection (a)(3).

(c) ELEMENTS OF CAMPAIGN.—In conducting the information campaign described in subsection (a), the Secretary and the Commissioner (as applicable) shall—

(1) expand the section in the Medicare and You handbook on preventive benefits to include a more detailed description of the importance of using preventive health services and the benefits offered under the medicare program;

(2) instruct fiscal intermediaries and carriers under the medicare program to include preventive benefits messages on the Medicare Summary Notice statement and the Explanation of Medicare Benefits;

(3) regularly include preventive benefits messages on the medicare part B benefits statement;

(4) combine public service announcements and a print media campaign to raise awareness of the value of using preventive health services;

(5) distribute brochures and other information on health promotion and disease prevention activities through—

(A) State health insurance assistance programs;

(B) area agencies on aging;

(C) Social Security Administration field offices; and

(D) any other appropriate entities, as determined by the Secretary and the Commissioner; and

(6) include information on the importance of using preventive health services—

(A) on the cost of living adjustment (COLA) notice, which is sent to individuals who receive disability benefits under titles II and XVI of the Social Security Act (42 U.S.C. 401 et seq.; 1381 et seq.);

(B) on the social security account statements distributed pursuant to section 1143 of the Social Security Act (42 U.S.C. 1320b–13); and

(C) in brochures on retirement and survivors' benefits that are produced by the Commissioner.

(d) TARGETED POPULATIONS.—To the extent appropriate, aspects of the information campaign described in subsection (a) may be targeted to specific subpopulations of medicare beneficiaries.

(e) GRANTS AND CONTRACTS.—

(1) IN GENERAL.—The Secretary and the Commissioner shall provide grants to, and enter into contracts with, eligible entities to assist with carrying out the purposes of this section.

(2) ELIGIBLE ENTITY DEFINED.—In this subsection, the term ''eligible entity'' means—

(A) any community organization working with medicare beneficiaries;

(B) any organization representing medicare beneficiaries;

(C) area agencies on aging; and

(D) any other appropriate entities, as determined by the Secretary and the Commissioner.

SEC. 203. DEVELOPMENT OF HEALTH STATUS SELF-ASSESSMENT TOOL FOR MEDICARE BENEFICIARIES.

(a) DEVELOPMENT.—The Secretary, in conjunction with the Director of the National Institutes of Health, the Director of the Centers for Disease Control and Prevention (CDC), the Administrator of the Substance Abuse and Mental Health Services Administration (SAMHSA), and the Administrator of the Agency for Healthcare Research and Quality (AHRQ), shall develop a health status self-assessment tool that includes assessment of mental health status, alcohol use, and substance use, and assists medicare beneficiaries in identifying important health information, risk factors, or significant symptoms that should be acted upon or discussed with the beneficiary's health care provider.

(b) DISTRIBUTION.—The Secretary shall establish procedures for the distribution of the self-assessment form developed under subsection (a) and may contract with the eligible entities described in section 202(e)(2) to distribute and promote the use of such forms.

(c) TRAINING.—The Secretary shall establish a training program for the staff of State health insurance assistance programs that will enable such staff to assist medicare beneficiaries in completing the self-assessment form developed under subsection (a).

TITLE III—IMPROVING THE QUALITY OF CARE PROVIDED TO OLDER AMERICANS AND PERSONS WITH DISABILITIES

SEC. 301. INFORMATION CAMPAIGN FOR THE BEST PRACTICES FOR THE TREATMENT OF CONDITIONS OF MEDICARE BENEFICIARIES.

(a) STUDY.—The Secretary, in consultation with the Administrator for Health Care Policy and Research, the Director of the National Institutes of Health, and such other professional societies and experts as the Secretary considers appropriate, shall—

(1) conduct a study to determine areas where treatment of medicare beneficiaries falls short of the highest professional standards; and

(2) determine the best practices in the areas described in paragraph (1).

(b) INFORMATION CAMPAIGN.—The Secretary shall provide for an information campaign to inform medicare beneficiaries about the results of the study conducted under subsection (a).

SEC. 302. PROGRAM TO PROMOTE THE USE OF BEST PRACTICES FOR THE TREATMENT OF CONDITIONS OF MEDICARE BENEFICIARIES AND TO REDUCE HOSPITAL AND PHYSICIAN VISITS THAT RESULT FROM IMPROPER DRUG USE.

(a) IN GENERAL.—The Secretary, in conjunction with the Administrator of the Health Resources and Service Administration and such other agencies and professional societies as the Secretary deems appropriate, shall establish a program to—

(1) improve treatment of medicare beneficiaries based on the results of the study conducted under section 301(a) and other relevant information; and

(2) reduce the number of hospital stays and physician visits among medicare beneficiaries that are a result of the improper use of prescription and over-the-counter drugs.

(b) ELEMENTS OF PROGRAM.—The program described in subsection (a) shall include—

(1) an information campaign for health professionals;

(2) coordination of the part of the program established under subsection (a) that is designed to achieve the purpose described in paragraph (2) of that subsection with the information campaign conducted under section 202; and

(3) any other activity the Secretary considers appropriate to carry out the purposes described in subsection (a).

(c) DEMONSTRATIONS AND GRANTS.—In establishing the program under subsection (a), the Secretary may conduct demonstration projects and award grants to eligible entities (as defined in subsection (d)).

(d) ELIGIBLE ENTITY DEFINED.—In this section, the term ''eligible entity'' means an entity that is an academic health center, a professional medical society, or such other entity as the Secretary considers appropriate to carry out the purposes of this section.

(e) REPORT TO CONGRESS.—Not later than 1 year after the date of enactment of this Act, and annually thereafter, the Secretary shall annually report to Congress on the program conducted under this section.

SEC. 303. STUDIES ON PREVENTIVE INTERVENTIONS IN PRIMARY CARE FOR OLDER AMERICANS.

(a) STUDIES.—The Secretary, acting through the United States Preventive Services Task Force, shall conduct a series of studies designed to identify preventive interventions that can be delivered in the primary care setting that are most valuable to older Americans.

(b) MISSION STATEMENT.—The mission statement of the United States Preventive Services Task Force is amended to include the evaluation of services that are of particular relevance to older Americans.

(c) REPORT.—Not later than 1 year after the date of enactment of this Act, and annually thereafter, the Secretary shall submit a report to Congress on the conclusions of the studies conducted under subsection (a), together with recommendations for such legislation and administrative actions as the Secretary considers appropriate.

SEC. 304. SMOKING CESSATION DEMONSTRATION PROJECT.

(a) IN GENERAL.—The Secretary, acting through the Administrator of the Health Care Financing Administration, shall conduct a demonstration project to—

(1) evaluate the most successful and cost-effective means of providing smoking cessation services to medicare beneficiaries; and

(2) test incentive systems for physicians, other health care professionals, and medicare beneficiaries to optimize rates of successful smoking cessation among medicare beneficiaries.

(b) LATEST SCIENTIFIC EVIDENCE.—The Secretary shall use the latest scientific evidence regarding smoking cessation strategies and guidelines in conducting the demonstration project under this section.

(c) PAYMENT.—Payment to an individual or an entity for a service provided under the demonstration project shall be equal to the lesser of—

(1) the actual charge for providing the service to a medicare beneficiary; or

(2) the amount determined by a fee schedule established by the Secretary for the purposes of this section for such service.

(d) WAIVER AUTHORITY.—

(1) IN GENERAL.—The Secretary may waive such requirements of the medicare program as may be necessary for the purposes of carrying out the demonstration project conducted under this section.

(2) NON-MEDICARE PROVIDERS.—Individuals and entities that do not provide items and services under the medicare program shall be permitted to participate in the demonstration project conducted under this section.

(e) REPORT TO CONGRESS.—Not later than 1 year after the date of enactment of this Act, and annually thereafter, the Secretary shall report to Congress on the demonstration project conducted under this section.

TITLE IV—DEMONSTRATION PROJECTS TO IMPROVE THE CARE OF RESIDENTS OF SKILLED NURSING FACILITIES AND PERSONS WITH SERIOUS ILLNESSES

SEC. 401. DEMONSTRATION PROJECTS TO PROVIDE EFFECTIVE CARE FOR SKILLED NURSING FACILITY RESIDENTS.

(a) IN GENERAL.—The Secretary shall conduct demonstration projects that are designed to provide medicare beneficiaries who are residents of skilled nursing facilities (as defined in section 1819(a) of the Social Security Act (42 U.S.C. 1395i–3(a)) with higher quality and more cost-effective services in order to avoid unnecessary hospitalizations of such residents.

(b) REQUIREMENTS.—

(1) IN GENERAL.—The demonstration projects conducted under this section shall include the following:

(A) Programs of case management.

(B) Programs of disease management.

(C) Such other programs as the Secretary determines are likely to increase the quality of, and reduce the cost of, the care provided to such residents.

(2) AUTHORIZED TECHNIQUES.—The demonstration projects conducted under this section may utilize—

(A) contracts with centers of excellence or other entities or individuals with special expertise in providing quality services to residents of skilled nursing facilities;

(B) innovative payment techniques, including capitation payments, for all or selected services provided under such projects and incentive payments to reward favorable cost and quality outcomes;

(C) provision of services not normally covered under the medicare program, if the provision of such services would result in the more cost-effective provision of, or higher quality of, services covered under such program; or

(D) reduced cost-sharing requirements for medicare beneficiaries participating in such projects.

(c) WAIVER AUTHORITY.—The Secretary may waive such requirements of the medicare program as may be necessary for the purposes of carrying out the demonstration projects conducted under this section other than requirements relating to providing medicare beneficiaries with freedom of choice of provider under section 1802 of the Social Security Act (42 U.S.C.1395a) or any other provision of law.

(d) REPORT TO CONGRESS.—Not later than 1 year after the date of enactment of this Act, and annually thereafter, the Secretary shall report to Congress on the demonstration projects conducted under this section.

SEC. 402. DEMONSTRATION PROJECTS TO IMPROVE THE CARE OF PERSONS WITH SERIOUS ILLNESSES.

(a) EXPANSION OF MEDICARE COORDINATED CARE DEMONSTRATION PROJECT.—Section 4016 of the Balanced Budget Act (Public Law 105–33; 111 Stat. 343) is amended—

(1) by striking subsection (a)(2) and inserting the following:

''(2) TARGET INDIVIDUAL DEFINED.—In this section, the term ''target individual'' means an individual that is enrolled under the fee-for-service program under parts A and B of title XVIII of the Social Security Act (42 U.S.C. 1395c et seq.; 1395j et seq.) and—

''(A) has a chronic illness, as defined and identified by the Secretary; or

''(B) has a serious illness, as so defined and identified.'';

(2) in subsection (b)(2), by striking ''Not'' and inserting ''With respect to demonstration projects for items and services provided to target individuals described in subsection (a)(2)(A), not''; and

(3) by adding at the end the following:

''(f) REQUIREMENTS.—

''(1) IN GENERAL.—The demonstration projects conducted under this section shall include—

''(A) programs of case management;

''(B) programs of disease management; and

''(C) such other programs as the Secretary determines are likely to increase the quality of, and reduce the cost of, the care provided to target individuals.

''(2) AUTHORIZED TECHNIQUES.—The demonstration projects conducted under this section may include—

''(A) contracts with centers of excellence or other entities or individuals with special expertise in providing quality services to target individuals;

''(B) innovative payment techniques, including capitation payments, for all or selected services provided under such projects and incentive payments to reward favorable cost and quality outcomes;

''(C) provision of services not normally covered under title XVIII of the Social Security Act (42 U.S.C 1395 et seq.), if the provision of such services would result in the more cost-effective provision of, or higher quality of, services covered under that title; or

''(D) reduced cost-sharing requirements for target individuals participating in such projects.''.

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of enactment of this Act.

TITLE V—WHITE HOUSE CONFERENCE ON IMPROVING THE HEALTH OF OLDER AMERICANS

SEC. 501. WHITE HOUSE CONFERENCE ON IMPROVING THE HEALTH OF OLDER AMERICANS.

(a) IN GENERAL.—Not later than December 31, 2002, the President shall convene a White House Conference on Improving the Health of Older Americans.

(b) GOAL OF CONFERENCE.—The goal of the Conference shall be to—

(1) develop a consensus on a program to enable older Americans to protect and improve their own health;

(2) develop procedures to ensure that—

(A) older Americans are provided with the highest standard of health care available, with an emphasis on assuring that standard practice is also the best practice; and

(B) the needs of older Americans are more effectively met through the benefits provided under the medicare program; and

(3) outline a research and demonstration agenda to further the goals described in paragraphs (1) and (2).

(c) CONFERENCE PARTICIPANTS.—

(1) PARTICIPANTS.—In order to carry out the purposes of this section, the Conference shall bring together—

(A) representatives of older Americans and those who care for older Americans;

(B) researchers and research institutions with an expertise in issues related to older Americans;

(C) health professionals and members of professional societies with expertise in caring for older Americans; and

(D) other appropriate parties.

(2) SELECTION OF DELEGATES.—The participants shall be selected without regard to political affiliation or past partisan activity and shall, to the best of the President's ability, be representative of the spectrum of thought in the field of geriatric health care.

MEDICARE HEALTH IMPROVEMENT ACT OF 2000—SUMMARY

The viability of Medicare is increasingly threatened as the nation's population ages and as large numbers of beneficiaries are supported by fewer workers. The current debate over the future of Medicare often revolves around benefit cuts or tax increases. But an alternative that should be part of the debate is to improve the health of beneficiaries and reduce the demand for Medicare. Unfortunately, Medicare contains few incentives to encourage beneficiaries and providers to take health promotion and disease prevention seriously. This bill will help older Americans and individuals with disabilities to improve their health and will educate health care providers in the best practices to achieve these goals.

TITLE I: HCFA MISSION STATEMENT

The purpose of this title is to establish a mission statement for the Health Care Financing Administration, the agency in the Department of Health and Human Services that administers Medicare. The mission of HCFA would be to: (1) effectively and efficiently administer health insurance coverage; (2) assure that the health care provided to Medicare beneficiaries is of the highest quality; (3) carry out health promotion and disease prevention activities; (4) and assure the highest possible level of functioning for beneficiaries.

TITLE II: ENABLING OLDER AMERICANS AND PERSONS WITH DISABILITIES TO IMPROVE THEIR HEALTH

Cost-sharing is waived for the following preventive services currently covered by Medicare—screening mammography, screening pelvic exam, hepatitis B vaccine and its administration, colorectal cancer screening, bone mass measurement, prostate cancer screening, and diabetes outpatient self-management training services.

An information campaign for individuals over age 50 and individuals with disability will be conducted jointly by the Secretary of Health and Human Services and the Commissioner of Social Security to promote the use of preventive health services, including services not covered by Medicare. The campaign will also encourage the proper use of prescription and over-the-counter medications, and the use of measures such as exercise, proper diet, and accident prevention to safeguard health.

A health status self-assessment program will be developed to help Medicare beneficiaries identify health information, risk factors, and symptoms that they should act on or discuss with their health provider.

TITLE III: IMPROVING THE QUALITY OF CARE FOR OLDER AMERICANS AND PERSONS WITH DISABILITIES

HHS, in consultation with other agencies, will conduct a study to determine areas in the treatment of Medicare beneficiaries that do not meet the highest professional standards. The study will also determine the best practices for treatment in these areas and inform Medicare beneficiaries about the study results.

A program will be established to inform health professionals of the best practices for treatment, and to reduce hospital stays and outpatient visits attributable to improper use of medications.

A task force will conduct studies to determine which preventive services in primary care are most valuable to older Americans.

A smoking cessation demonstration project will determine how to reduce smoking most effectively among Medicare beneficiaries.

TITLE IV: DEMONSTRATION PROJECTS TO IMPROVE THE CARE OF SKILLED NURSING RESIDENTS AND PERSONS WITH SERIOUS ILLNESSES

HHS will conduct demonstration projects on case management and disease management to increase the quality and reduce the cost of care for Medicare beneficiaries in nursing facilities. The projects will encourage contracts with Centers of Excellence, and will be authorized to use innovative payment techniques, explore services not normally covered by Medicare, and experiment with reduced cost-sharing requirements for beneficiaries. Similar demonstration projects will be conducted to improve the care of beneficiaries with serious or chronic illness who are not in nursing facilities.

TITLE IV: WHITE HOUSE CONFERENCE ON IMPROVING THE HEALTH OF OLDER AMERICANS

This title requests the President to convene a White House Conference on Improving the Health of Older Americans. The goals of the Conference will be to develop ways to enable older Americans to improve their health, and to develop procedures to ensure that they receive the highest quality of care, including the development of a research and demonstration agenda to advance these goals.

COST

The Congressional Budget Office estimates that the cost of this program will be $1.6 billion over 5 years and $5 billion over 10 years.

MEDICARE HEALTH IMPROVEMENT ACT OF 2000—FACT SHEET

The health and quality of life for millions of adults age 65 or older and people with disabilities have significantly improved under Medicare. From 1982 to 1994, chronic disability among Americans over 65 declined by 1.3% annually, and has continued to decline through 1999. Nevertheless, a recent report by the World Health Organization revealed that the U.S. lags behind Europe, Australia, Canada, Israel and Japan in ''healthy life expectancy.'' Americans have a life expectancy of 76.7 years of which 70 will be without disability, in comparison to Japanese citizens who can anticipate 74.5 healthy years. Chronic disability robs older Americans of active and productive years. It adds $26 billion annually in health care costs for those over 65 who lose their ability to live independently over the course of a year.

In the next 30 years, the viability of Medicare will be challenged as the baby boom generation ages. The percentage of the population 65 and older is expected to increase from 13% to 19% in 2025, resulting in larger numbers of beneficiaries who will be supported by fewer workers. If the prevalence of chronic disability can be further reduced and healthy life expectancy increased, the aging population will enjoy a longer period of independence and general well-being while using fewer medical services.

Medicare was enacted in 1965 to ensure acute medical care for older adults and persons with disabilities. As the field of medicine and the demographics of the American population have changed, the purpose of Medicare has evolved to include health promotion and disease prevention activities.

Older Americans and persons with disabilities can contribute significantly to improving their health.

Medicare offers multiple preventive services, but current cost-sharing requirements often deter people from using these services. Additional measures such as exercise, proper diet, accident prevention and appropriate use of medications, can enable beneficiaries to prevent or delay the onset of disability. According to Healthy People 2010, ''More than any other age group, older adults are seeking health information and are willing to make changes to maintain their health and independence.'' Medicare can do more to inform people about health promotion and disease prevention to help them improve their health.

Lifestyle problems account for approximately 70% of the physical decline and disease that occur with aging. The over-65 population is increasingly knowledgeable about medical issues and can be motivated to make behavioral changes to improve their health.

Deaths from heart disease and stroke rise significantly over age 65, accounting for more than 40% of all deaths among persons aged 65 to 74, and almost 60% of deaths in persons age 85 and older. Medication and dietary changes have been shown to reduce risk factors for heart disease and stroke, such as high blood pressure and high cholesterol. Other lifestyle changes—including increased physical activity, maintaining healthy weight and cessation of smoking—can also be effective.

Osteoporosis leads to 300,000 hip fractures each year and 50,000 deaths from complications. 50% of fracture victims lost their ability to walk independently. The direct and indirect costs of osteoporosis are estimated to be $13.8 billion annually.

Only 13% of people ages 65 to 74 engage in vigorous physical activity that promotes cardiorespiratory fitness and prevents osteoporosis. Only 11% engage in strengthening exercises and only 22% engage in

stretching exercises. For those ages 75 older, the rates are 6%, 8%, and 21% respectively. Yet these activities help older adults maintain their functional independence and quality of life.

The incidence of cancer in adults ages 65 and older is approximately 11 times higher than that for persons under 65. Most cancers can be treated and many can be curd if detected early, but cancer screening tests are underutilized by Medicare beneficiaries. In 1998, only 42.7% of older women obtained a Pap smear. One study showed that only 62% of breast cancer survivors over 65 and at risk for recurrence, obtained an annual mammogram.

Good health largely depends on taking responsibility for one's own health. Studies support a role for educational programs that provide relevant information and guidelines to enable medical consumers to determine when professional care is required.

Medicare beneficiaries are entitled to treatment that meets the highest professional standards.

Medicare effectively pays the bills for covered health services, but it is less successful in assuring that older adults and persons with disabilities actually receive the quality health care they need and deserve. Less than optimal health care is extremely costly to Medicare.

Approximately 17,000 individuals aged 65 or older die of influenza or influenza-related pneumonia each year. But in 1997, only 63% of non-institutionalized older adults received the influenza vaccine, and only 43% received the pneumococcal vaccine. For every 10,000 persons over 65 who receive the pneumococcal vaccine, approximately $1.4 million in health care costs are saved.

On average, older adults use 4.5 prescription medication at the same time and are at higher risk of misuse or drug-drug interactions. Hospitalization from drug reactions or interactions is six times higher for older adults than for the general population.

Aspirin is an effective therapy that can reduce the risk of death and disability from coronary artery disease, including heart attacks and strokes. Yet this inexpensive medication is inadequately used, especially in community settings. General practitioners (11%), family doctors (18%), and internists (20%) are less likely to recommend the use of aspirin than are cardiologists (37%). Aspirin is especially underused in patients over 80 years old, even though this population is likely to receive the greatest benefit.

Early use of a beta-blocker reduces the rates of mortality and rehospitalization after acute myocardial infarction. Yet 51% of older adults who are eligible for such therapy do not receive a beta blocker after a heart attack. In fact, patients at highest risk for death in the hospital were the least likely to receive beta blockers.

Mental illness is not a part of normal aging. Depression affects up to 20% of older adults in the community and up to 37% of older primary care patients, but often goes unrecognized and untreated. Both major and minor depression are associated with high use of health care services and poor quality of life. Untreated, depression can worsen symptoms of other illness, produce disability, and result in suicide. The incidence of suicide is highest in the elderly population. Up to 75% of older suicide victims are seen by their primary care provider in the month prior to suicide, but are not treated or referred for treatment of their depression.

Physicians diagnose only 30% of older adults who have an alcohol problem. The effects of alcohol can be greater in older patients, due to changes in body mass and metabolism. Drinking is linked with falls, motor vehicle accidents, and is often a factor in suicide and martial violence. Alcohol interacts with may medications and impairs judgment and cognition. The long-term abuse of alcohol increases the risk for high blood pressure, arrhythmias, cardiomyopathy and stroke, as well as certain cancers.

Smoking-related expenditures were 9.4% of Medicare expenditures in 1993 and were estimated to cost Medicare $20.5 billion in 1997. Cessation of smoking slows the rate of decline of lung function, in addition to reducing the risk of heart disease and stroke.

Improving the health of older adults and persons with disabilities will also improve the health of Medicare.

Improving the health of older adults and persons with disabilities is essential for its own sake, and is also one of the most important ways to improve the health of Medicare, even as enrollment increases.

Chronically disabled adults over 65 have health costs that are seven times those of healthy individuals. Reduction in the rate of chronic disability could maintain the current disabled retiree to worker ratio through 2030, despite a dramatic change in the overall retiree to worker ratio, with potentially immense savings to Medicare.

Savings achieved by improving the health of Medicare beneficiaries outweigh any costs associated with increased longevity.

SUMMARY

Establishes a mission statement for the Health Care Financing Administration, with new emphasis on health promotion and diseases prevention.

Waives cost-sharing for preventive services currently offered by Medicare, such as screening mammography, screening pelvic exam, colorectal screening, bone mass measurement and diabetes self-management training.

Provides an information campaign to promote the use of preventive health services.

Authorizes the development of a health self-assessment tool that includes assessment of mental health.

Promotes the use of best practices for treatment of Medicare beneficiaries.

Establishes a demonstration project for smoking cessation.

Provides demonstration projects to improve the care of residents in skilled nursing facilities and persons with serious illnesses who are not in nursing facilities.

Requests a White House conference on improving the health of older Americans.

The cost of these specific measures is estimated to be $1.6 billion over 5 years and $5 billion over 10 years, but these costs are likely to be offset by reductions in Medicare costs as the measures become effective in improving the health of senior citizens.

By Mr. CONRAD (for himself and Mr. SMITH of Oregon):

S. 2729. A bill to amend the Internal Revenue Code of 1986 and the Surface Mining Control and Reclamation Act of 1977 to restore stability and equity to the financing of the United Mine Workers of America Combines Benefit Fund by eliminating the liability of reachback operations, to provide additional sources of revenue to the Fund, and for other purposes; to the Committee on Finance.

COMBINED FUND STABILITY AND FAIRNESS ACT

Mr. CONRAD. Mr. President, I rise to introduce, along with my colleague, Senator GORDON SMITH of Oregon, legislation that we call the Combined Fund Stability and Fairness Act.

The Coal Act of 1992 represents an unbreakable commitment to retired miners, their spouses, and their dependents. But it is clear today that if we do not address the shortcomings of the 1992 Act, we will fall short of keeping that promise.

Simply put, the Combined Benefit Fund needs to be put on a firm financial footing so that the miners and their family members—who depend on the health benefits the Fund provides—can stop worrying about when their benefits might be cut.

The Coal Act of 1992 cast a wide net in identifying companies that would be obligated to pay into the fund. Not only were companies then in the coal mining business included, but the Act also brought in companies that were no longer in the bituminous coal mining business as well as successor companies. Nearly eight years later, we know that Congress overreached.

Two years ago, the Supreme Court in Eastern Enterprises versus Apfel, held that the so-called ''super reachback'' companies should not have been included among Combined Benefit Fund contributors in the first place.

The logic of the Court's decision in Eastern appears just as applicable to the reachback companies. They should not have been included either.

The bill the Senator from Oregon and I are introducing today is not a bailout for the reachback companies. In fact, the reachbacks will not receive one penny under this legislation. It provides relief to the reachbacks on a prospective basis only.

There are a limited number of companies that will receive payments under this bill. One group—what we refer to as the ''final judgment'' companies—are companies in the same situation as Eastern Enterprises. However, they had been unsuccessful in litigation decided before the Eastern decision, and were barred from recovery by the doctrine of res judicata. The other group—the ''stranded interim'' companies—are companies that were assessed following the enactment of the 1992 Act but were never assigned any beneficiaries.

The total of the refunds to be paid to these two groups of companies amounts to about $28 million. That is the only money under this bill that would not go retired miners and their dependents.

I think this is a fundamental question of fairness and equity. Those companies ought to be treated the same way as those companies that were relieved of the obligation because of the Eastern decision. That is just basic fairness.

To help ensure the solvency of the Combined Benefit Fund into the future, the legislation would extend the Abandoned Mine Reclamation Fee program beyond its current expiration date of 2004 through 2010. The interest earned on the Abandoned Mine Lands Fund would be made available to the Combined Benefit Fund. This is similar to

the approach Congress took with respect to the AML fund in the 1992 Act.

It is important to stress that the AML fees would be lowered substantially from current levels. The rate on surface-mined coal would drop from 35 cents per ton to 20 cents per ton; the rate on underground-mined coal would drop from 15 cents per ton to 5 cents per ton; and the rate on lignite coal would drop from 10 cents per ton to 5 cents per ton.

The legislation also authorizes the transfer of $38 million in general fund revenues every year to cover any shortfall in the fund.

The combination of the AML Fund interest money, the premium adjustment mechanism, and the annual general fund transfers will ensure that all Combined Benefit Fund obligations will be fully met.

The fundamental purpose of the Combined Fund Stability and Fairness Act is to provide a secure, sound and fair financial foundation for the benefits miners have been promised. It is my hope that Congress will not delay in addressing this issue. Too many people are depending on us.

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. 2729

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

SECTION 1. SHORT TITLE; AMENDMENTS OF 1986 CODE.

(a) SHORT TITLE.—This Act may be cited as the ''Combined Fund Stability and Fairness Act''.

(b) AMENDMENT OF 1986 CODE.—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

TITLE I—REACHBACK PROVISIONS

SEC. 101. REFORM OF REACHBACK PROVISIONS OF COAL INDUSTRY HEALTH BENEFIT SYSTEM.

(a) AGREEMENTS COVERED BY HEALTH BENEFIT SYSTEM.—

(1) IN GENERAL.—Section 9701(b)(1) (defining coal wage agreement) is amended to read as follows:

''(1) COAL AGREEMENTS.—

''(A) 1988 AGREEMENT.—The term '1988 agreement' means the collective bargaining agreement between the settlors which became effective on February 1, 1988.

''(B) COAL WAGE AGREEMENT.—The term 'coal wage agreement' means the 1988 agreement and any predecessor to the 1988 agreement.''

(2) CONFORMING AMENDMENT.—Section 9701(b) (relating to agreements) is amended by striking paragraph (3).

(b) DEFINITIONS APPLICABLE TO OPERATORS.—

(1) SIGNATORY OPERATOR.—Section 9701(c)(1) (defining signatory operator) is amended to read as follows:

''(1) SIGNATORY OPERATOR.—The term 'signatory operator' means a 1988 agreement operator.''

(2) 1988 AGREEMENT OPERATOR.—Section 9701(c)(3) (defining 1988 agreement operator) is amended to read as follows:

''(3) 1988 AGREEMENT OPERATOR.—The term '1988 agreement operator' means—

''(A) an operator which was a signatory to the 1988 agreement, or

''(B) a person in business which, during the term of the 1988 agreement, was a signatory to an agreement (other than the National Coal Mine Construction Agreement or the Coal Haulers' Agreement) containing pension and health care contribution and benefit provisions which are the same as those contained in the 1988 agreement.

Such term shall not include any operator who was assessed, and paid the full amount of, contractual withdrawal liability to the 1950 UMWA Benefit Plan, the 1974 UMWA Benefit Plan, or the Combined Fund.''

(3) CONFORMING AMENDMENTS.—

(A) Section 9711(a) is amended by striking ''maintained pursuant to a 1978 or subsequent coal wage agreement''.

(B) Section 9711(b)(1) is amended by striking ''pursuant to a 1978 or subsequent coal wage agreement''.

(c) MODIFICATIONS TO REFLECT REACHBACK REFORMS.—

(1) BOARD OF TRUSTEES OF COMBINED FUND.—

(A) IN GENERAL.—Section 9702(b)(1) is amended—

(i) by striking ''one individual who represents'' in subparagraph (A) and inserting ''two individuals who represent'',

(ii) by striking subparagraph (B) and redesignating subparagraphs (C) and (D) as subparagraphs (B) and (C), respectively, and

(iii) by striking ''(A), (B), and (C)'' in subparagraph (C) (as so redesignated) and inserting ''(A) and (B)''.

(B) CONFORMING AMENDMENT.—Section 9702(b)(3) is amended to read as follows:

''(3) SPECIAL RULE.—If the BCOA ceases to exist, any trustee or successor under paragraph (1)(A) shall be designated by the 3 employers who were members of the BCOA on the enactment date and who have been assigned the greatest number of eligible beneficiaries under section 9706.''

(C) TRANSITION RULE.—Any trustee serving on the date of the enactment of this Act who was appointed to serve under section 9702(b)(1)(B) of the Internal Revenue Code of 1986 (as in effect before the amendments made by this paragraph) shall continue to serve until a successor is appointed under section 9702(b)(1)(A) of such Code (as in effect after such amendments).

(2) ASSIGNMENT OF BENEFICIARIES.—Section 9706 (relating to assignment of eligible beneficiaries) is amended by adding at the end the following:

''(h) ASSIGNMENT AS OF OCTOBER 1, 2000.—

''(1) IN GENERAL.—Effective October 1, 2000, the Commissioner of Social Security shall—

''(A) revoke all assignments to persons other than 1988 agreement operators for purposes of assessing premiums for periods after September 30, 2000,

''(B) make no further assignments to persons other than 1988 agreement operators, and

''(C) terminate all unpaid liabilities of persons other than 1988 agreement operators with respect to eligible beneficiaries whose assignment to such persons is pending on October 1, 2000.

''(2) REASSIGNMENT UPON PURCHASE.—This subsection shall not be construed to prohibit the reassignment under subsection (b)(2) of an eligible beneficiary.''

(3) LIABILITY FOR 1992 PLAN.—

(A) IN GENERAL.—Section 9712(d) (relating to guarantee of benefits) is amended by striking paragraph (3) and by redesignating paragraphs (4), (5), and (6) as paragraphs (3), (4), and (5), respectively.

(B) CONFORMING AMENDMENT.—Section 9712(d)(3) (as redesignated under subparagraph (A)) is amended by striking ''or last signatory operator described in paragraph (3)''.

(C) EFFECTIVE DATE.—The amendments made by this paragraph shall apply to premiums assessed for periods after September 30, 2000, except that a person other than a 1988 agreement operator shall not be liable for any unpaid premium under section 9712(d) of the Internal Revenue Code of 1986 as of such date if liability for such premium had not been assessed or was being contested on such date.

TITLE II—FINANCING PROVISIONS

Subtitle A—Premiums

SEC. 201. REDUCTION IN ANNUAL PREMIUMS TO COAL MINERS COMBINED FUND IF SURPLUS EXISTS.

(a) IN GENERAL.—Part II of subchapter B of chapter 99 (relating to financing of Combined Benefit Fund) is amended by inserting after section 9704 the following new section:

''SEC. 9704A. REDUCTIONS IN HEALTH BENEFIT PREMIUM IF SURPLUS EXISTS.

''(a) GENERAL RULE.—If this section applies to any plan year, the per beneficiary premium used for purposes of computing the health benefit premium under section 9704(b) for the plan year shall be the reduced per beneficiary premium determined under subsection (c).

''(b) YEARS TO WHICH SECTION APPLIES.—

''(1) IN GENERAL.—This section applies to any plan year beginning after September 30, 2000, if the trustees determine that the Combined Fund has an excess reserve for the plan year.

''(2) EXCESS RESERVE.—For purposes of this section—

''(A) IN GENERAL.—The term 'excess reserve' means, with respect to any plan year, the excess (if any) of—

''(i) the projected net assets as of the close of the test period for the plan year, over

''(ii) the projected 3-month asset reserve as of such time.

''(B) PROJECTED NET ASSETS.—For purposes of subparagraph (A)(i), the projected net assets shall be the amount of the net assets which the trustees determine will be available at the end of the test period for projected fund benefits. Such determination shall be made in the same manner used by the Combined Fund to calculate net assets available for projected fund benefits in the Statement of Net Assets (Deficits) Available for Fund Benefits for purposes of the monthly financial statements of the Combined Fund for the plan year beginning October 1, 1999.

''(C) PROJECTED 3-MONTH ASSET RESERVE.—For purposes of subparagraph (A)(ii), the projected 3-month asset reserve is an amount equal to 25 percent of the projected expenses (including administrative expenses) from the health benefit premium account and unassigned beneficiaries premium account for the plan year immediately following the test period. The determination of such amount shall be based on the 10-year forecast of the projected net assets and cash balance of the Combined Fund prepared annually by an actuary retained by the Combined Fund.

''(D) TEST PERIOD.—For purposes of this section, the term 'test period' means, with respect to any plan year, the plan year and the following plan year.

''(c) REDUCED PER BENEFICIARY PREMIUM.—For purposes of this section, the reduced per beneficiary premium for any plan year to which this section applies is the per beneficiary premium determined under section 9704(b)(2) without regard to this section, reduced (but not below zero) by—

''(1) the excess reserve for the plan year, divided by

''(2) the total number of eligible beneficiaries which are assigned to assigned operators under section 9706 as of the close of the preceding plan year.

''(d) TERMINATION OF PREMIUM REDUCTION.—If, on any day during a plan year to which this section applies, the Combined Fund has net assets available for projected fund benefits (determined in the same manner as projected net assets under subsection (b)(2)(B)) in an amount less than the projected 3-month asset reserve determined under subsection (b)(2)(C) for the plan year—

''(1) this section shall not apply to months in the plan year beginning after such day, and

''(2) the monthly installment under section 9704(g)(1) for such months shall be equal to the amount which would have been determined if the health benefits premium under section 9704(b) had not been reduced under this section for the plan year.''

(b) CONFORMING AMENDMENTS.—

(1) Section 9704(a) (relating to annual premiums) is amended by striking ''Each'' and inserting ''Subject to section 9704A, each''.

(2) The table of sections for part II of subchapter B of chapter 99 is amended by inserting after the item relating to section 9704 the following new item:

''Sec. 9704A. Reductions in health benefit premium if surplus exists.''

(c) EFFECTIVE DATE.—The amendments made by this subsection shall apply to plan years of the Combined Fund beginning after September 30, 2000.

SEC. 202. ELECTION TO PREFUND REQUIRED CONTRIBUTIONS.

(a) COMBINED FUND.—Section 9704(g) (relating to payment of premiums) is amended by redesignating paragraph (2) as paragraph (3) and by inserting after paragraph (1) the following:

''(2) ELECTION TO PREFUND.—

''(A) IN GENERAL.—An assigned operator shall be entitled to prefund its obligations to the Combined Fund by depositing into an irrevocable trust dedicated solely to the payment of such obligations an amount which the board of trustees determines, on the basis of reasonable actuarial assumptions, to be equal to the present value of the operator's present and future obligations to the Combined Fund.

''(B) EFFECTS ON LIABILITY.—If an assigned operator prefunds its obligations under this paragraph—

''(i) the assigned operator (and any successor) shall continue to remain liable for such obligations if the amount deposited is insufficient, but

''(ii) any related person to such operator (or successor) shall be relieved of any liability for such obligations.''

(b) 1992 FUND.—Section 9712(d) (relating to guarantee of benefits), as amended by section 101, is amended by adding at the end the following:

''(6) ELECTION TO PREFUND.—

''(A) IN GENERAL.—A 1988 last signatory operator shall be entitled to prefund its obligations to the 1992 UMWA Benefit Plan by depositing into an irrevocable trust dedicated solely to the payment of such obligations an amount which the board of trustees determines, on the basis of reasonable actuarial assumptions, to be equal to the present value of the operator's present and future obligations to such plan.

''(B) EFFECTS ON LIABILITY.—If a 1988 last signatory operator prefunds its obligations under this paragraph—

''(i) the operator (and any successor) shall continue to remain liable for such obligations if the amount deposited is insufficient, but

''(ii) any related person to such operator (or successor) shall be relieved of any liability for such obligations.''

SEC. 203. FIRST YEAR PAYMENTS OF 1988 OPERATORS.

So much of section 9704(i)(1)(D) as precedes clause (ii) is amended to read as follows:

''(D) PREMIUM REDUCTIONS AND REFUNDS.—

''(i) 1st YEAR PAYMENTS.—In the case of a 1988 agreement operator making payments under subparagraph (A)—

''(I) the premium of such operator under subsection (a) shall be reduced by the amount paid under subparagraph (A) by such operator for the plan year beginning February 1, 1993, or

''(II) if the amount so paid exceeds the operator's liability under subsection (a), the excess shall be refunded to the operator.''

Subtitle B—Transfers From Abandoned Mine Reclamation Fund

SEC. 211. TRANSFER OF INTEREST FROM ABANDONED MINE RECLAMATION FUND TO COMBINED FUND.

(a) IN GENERAL.—Section 402(h)(2) of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1232(h)(2)) is amended to read as follows:

''(2)(A) Except as provided in subparagraph (B), the Secretary shall transfer from the fund to the United Mine Workers of America Combined Benefit Fund established under section 9702 of the Internal Revenue Code of 1986 for any fiscal year the amount of interest which the Secretary estimates will be earned and paid to the fund during the fiscal year.

''(B) The Secretary shall increase the amount transferred under subparagraph (A) for fiscal year 2001 by the excess of—

''(i) the total amount of interest earned and paid to the fund after September 30, 1992, and before October 1, 2000, over

''(ii) the total amount transferred to the Combined Fund under this subsection for fiscal years beginning before October 1, 2000.''

(b) CONFORMING AMENDMENTS.—Section 204(h) of such Act (30 U.S.C. 1232(h)) is amended by striking paragraph (3) and by redesignating paragraph (4) as paragraph (3).

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to fiscal years beginning after September 30, 2000.

SEC. 212. MODIFICATIONS OF ABANDONED MINE RECLAMATION FEE PROGRAM.

(a) REDUCTIONS IN RECLAMATION FEES.—Section 402(a) of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1232(a)) is amended—

(1) by striking ''35 cents'' and inserting ''20 cents'',

(2) by striking ''15 cents'' and inserting ''5 cents'', and

(3) by striking ''10 cents'' and inserting ''5 cents''.

(b) EXTENSION OF FEE PROGRAM.—Section 402(b) of such Act (30 U.S.C. 1232(b)) is amended by striking ''2004'' and inserting ''2010''.

(c) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply to fiscal years beginning after September 30, 2000.

SEC. 213. USE OF FUNDS TRANSFERRED FROM ABANDONED MINE RECLAMATION FUND.

(a) IN GENERAL.—Section 9705(b)(2) of the Internal Revenue Code of 1986 (relating to use of funds) is amended to read as follows:

''(2) USE OF FUNDS.—The amount transferred under paragraph (1) for any fiscal year shall be used—

''(A) first, to refund to an assigned operator (and any related person to such operator) an amount equal to the sum of—

''(i) any amount paid by such operator or person to the Combined Fund (and not previously refunded) solely by reason of the operator having been a signatory to a pre-1974 coal wage agreement, plus

''(ii) interest on the amount under clause (i) at the overpayment rate established under section 6621 for the period from the payment of such amount to the refund under this subparagraph,

''(B) second, to make any refund required under section 9704(i)(1)(D)(i)(II),

''(C) third, to proportionately reduce the unassigned beneficiary premium under section 9704(a)(3) of each assigned operator for the plan year in which transferred, and

''(D) last, to pay the amount of any other obligation occurring in the Combined Fund.''

(b) EFFECTIVE DATE.—The amendment made by this subsection shall apply to fiscal years beginning after September 30, 2000.

Subtitle C—Authorization

SEC. 221. AUTHORIZATION OF TRANSFER OF FUNDS TO COMBINED BENEFIT FUND.

Section 9705 (relating to transfers to the Combined Benefit Fund) is amended by adding at the end the following:

''(c) AUTHORIZATION OF APPROPRIATIONS.—

''(1) IN GENERAL.—There is authorized to be appropriated $38,000,000 for each fiscal year beginning after September 30, 2000.

''(2) USE OF FUNDS.—Any amounts transferred to the Combined Fund under paragraph (1) shall be available, without fiscal year limitation, to cover any shortfall in any premium account established under section 9704(e).

''(3) TRANSFERS.—

''(A) IN GENERAL.—The Secretary shall transfer amounts appropriated under paragraph (1) on October 1 of each fiscal year.

''(B) EXCESS AMOUNTS.—If the Secretary, after examining the audit of the Combined Fund by the Comptroller General of the United States, determines that the amount transferred for any fiscal year exceeds the amount required to cover shortfalls for that year, the Secretary shall notify the Committees on Appropriations of the House of Representatives and the Senate and the authorization of appropriations for the first fiscal year after the determination shall be reduced by the amount of the excess.''

SEC. 222. ANNUAL AUDIT.

Section 9702 (relating to establishment of the Combined Fund) is amended by adding at the end the following:

''(d) ANNUAL AUDIT.—

''(1) AUDIT.—The Comptroller General of the United States shall conduct an annual audit of the Combined Fund. Such audit shall include—

''(A) a review of the progress the Combined Fund is making toward a managed care system as required under this subchapter, and

''(B) a review of the use of, and necessity for, amounts transferred to the Combined Fund under section 9705(c).

''(2) REPORT.—The Comptroller General shall report the results of any audit under paragraph (1) to the Secretary of the Treasury and to the appropriate committees of Congress, including its recommendations (if any) as to any administrative savings which may be achieved without reducing the effective level of benefits under section 9703.''

By Mr. FRIST for himself and Mr. KENNEDY):

S. 2731. A bill to amend title III of the Public Health Service Act to enhance the Nation's capacity to address public health threats and emergencies; to the Committee on Health, Education and Pensions.

PUBLIC HEALTH THREATS AND EMERGENCIES ACT OF 2000

Mr. FRIST. Mr. President. I am pleased today to introduce the ''Public

Health Threats and Emergencies Act of 2000'' with my colleague, Senator, KENNEDY, to improve our public health infrastructure and to address the growing threats of antimicrobial resistance and bioterrorism.

Over the last two years, we have held three hearings and forums on these topics, and I also commissioned a GAO report on antimicrobial resistance. The outcome of all this research is clear; we need to improve our public health infrastructure to be able to respond in a timely and effective manner to these and other threats.

For too long, we have not provided adequate funding to maintain and improve the core capacities of our nation's public health infrastructure. As the GAO report found, many State and local public health agencies lack even the most basic equipment such as FAX machines or answering machines to assist their workload and improve communications.

We face a myriad of public health threats everyday, and besides improving our core public health capacity, this act aim addresses two problems in particular: antimicrobial resistance and bioterrorism.

Antimicrobial resistance is a pressing pubic health problem. As a heart and lung transplant surgeon, I know all too well that the most common cause of death after transplantation of a heart or lung is not rejection, but infection. One hundred percent of transplantation patients contract infections following surgery. Infection is the most common complication following surgery, the leading cause for rehospitalization, and the most expensive aspect of treatment post-transplantation. Antibiotics are a mainstay of treatment, yet we are increasingly seeing resistant bacteria which are not killed by most first-line antimicrobials.

In fact, the New England Journal of Medicine has reported that certain Staphylocci, which are a common cause of post-surgical and hospital acquired infections, are showing intermediate resistance to vancomycin, an antibiotic of the last resort. Just recently in mid-April, the FDA approved the first entirely new type antibiotic in 35 years.

How did we reach this point? For most of human history, infections were the scourge of man's existence causing debilitating disease and often death. Antibiotics, when initially discovered more than 50 years ago, were heralded as miracle drugs and quickly became our most lethal weapon in the crusade against disease-causing bacteria. Antibiotics were widely dispensed and, in the 1970's premature optimism lead us to declare the war on infections won.

Unfortunately, we discovered that bacteria are cagey, tenacious organisms that swiftly developed resistance to antibiotics and adapted to drug-rich environments. In addition, the art of medicine evolved, creating new opportunities for bacteria to cause infection from invasive procedures using catheters to organ transplant recipients who are treated with immunosuppressive agents to prevent rejection. As a result, we are both seeing more invasive, life-threatening infections that require concurrent treatment with several antibiotics to control and infections that were on the decline, such as Tuberculosis, re-emerging in an antimicrobial resistant form.

While infections have plagued man's existence for most of human history, throughout civilization, bioweapons have been strategically deployed during critical military battles. For example, in 1344, the Mongols hurled corpses infected with bubonic plague over the city walls of Caffa (now Feodossia, Ukraine). During World War I, the Germans hoped to gain an advantage by infecting their enemies horses and livestock with anthrax.

Bioterrorism is a significant threat to our country. As a nation we are presently more vulnerable to bioweapons than other more traditional means of warfare. Bioweapons pose considerable challenges that are different from those of standard terrorist devices, including chemical weapons.

The mere term ''bioweapon'' invokes visions of immense human pain and suffering and mass casualties. Pound for pound, ounce for ounce, bioagents represent one of the most lethal weapons of mass destruction known. Moreover, victims of a covert bioterrorist attack do not necessarily develop symptoms upon exposure to the bioagent. Development of symptoms may be delayed days long after the bioweapon is dispersed.

As a result, exposed individuals will most likely show up in emergency rooms, physician offices, or clinics, with nondescript symptoms or ones that mimic the common cold or flu. In all likelihood, physicians and other health care providers will not attribute these symptoms to a bioweapon. If the bioagent is communicable, such as small pox, many more people may be infected in the interim, including our health care workers. As Stephanie Bailey, the Director of Health for Metropolitan Nashville and Davidson County pointed out in our hearing on bioterrorism, ''many localities are on their own for the first 24 to 48 hours after an attack before Federal assistance can arrive and be operational. This is the critical time for preventing mass casualties.''

If experts are correct in their belief that a major bioterrorist attack is a virtual certainty, that it is no longer a question of ''if'' but rather ''when.'' In fact, my home town of Nashville last year joined an ever-increasing number of cities to receive and respond to a package that was suspected of containing anthrax. Thankfully, this was a hoax.

To address these concerns about our public health infrastructure and improve our preparedness for the threats of antimicrobial resistance and bioterrorism, I have joined with Senator KENNEDY to provide greater resources and coordination to address these issues.

The Public Health Threats and Emergencies Act, which we introduce today, will provide needed guidance, resources, and coordination to increase the core capacities of the nation's public health infrastructure. This Act will also improve the coordination and increase the resources available to address the threats of bioterrorism and antimicrobial resistance.

Strengthening capacities to ensure that the public health infrastructure is adequate to respond to carry out core functions and respond to emerging threats and emergencies, the Public Health Threats and Emergencies Act authorizes: the establishment of voluntary performance goals for public health systems; grants to public health agencies to conduct assessments and build core capacities to achieve these goals; and funding to rebuild and remodel the facilities of the Center for Disease Control and Prevention.

To strengthen public health capacities to combat antimicrobial resistance, the Act authorizes: a task force to coordinate Federal programs related to antimicrobial resistance and to improve public education on antimicrobial resistance; the National Institutes of Health (NIH) to support research into the development of new therapeutics against and improved diagnostics for resistant pathogens; and grants for activities to improve specific capacities to detect, monitor, and combat antimicrobial resistance.

To strengthen public health capacities to prevent and respond to bioterrorism, the Act authorizes: two interdepartmental task forces to address joint issues of research needs and the public health and medical consequences of bioterrorism; NIH and CDC research on the epidemiology of bioweapons and the development of new vaccines or therapeutics for bioweapons; and grants to public health agencies and hospitals and care facilities to detect, diagnose, and respond to bioterrorism.

Mr. President, this Act is necessary. We must take steps now to improve our basic capacities to address all public health threats, including antimicrobial resistance and bioterrorism. I am hopeful this legislation provides State and local public health agencies the resources to improve their abilities so that we better protect the health and well-being of our Nation's citizens.

I want to thank Senator KENNEDY for joining me in this effort and for the work of his staff. I would also like to thank Dr. Stephanie Bailey, the Director of Health for Metropolitan Nashville and Davidson County for her assistance and input on this important piece of legislation.

Mr. KENNEDY. Mr. President, several months ago, my distinguished colleague, Senator BILL FRIST, and I began to develop legislation needed to enhance the nation's protections

against the triple threat to health posed by new and resurgent infectious diseases, by ''superbugs'' resistant to antibiotics, and by terrorist attacks with biological weapons. Today, Senator FRIST and I are introducing the Public Health Threats and Emergencies Act of 2000. I commend Senator FRIST for his leadership and commitment on this important legislation.

The bill that we are introducing today will provide the nation with additional weapons to win the battle against the deadly perils of infectious disease, antimicrobial resistance and bioterrorism. The Public Health Threats and Emergencies Act of 2000 will revitalize the nation's ability to monitor and fight outbreaks of infectious disease, control the spread of germs resistant to antibiotics, and protect the nation more effectively against bioterrorism.

Today we face a world where deadly contagious diseases that erupt in one part of the world can be transported across the globe with the speed of a jet aircraft. The recent outbreak of West Nile Fever in the New York area is an ominous warning of future dangers. Diseases such as cholera, typhoid and pneumonia that we have fought for generations still claim millions of lives across the world and will pose increasing dangers to this country in years to come. New plagues like Ebola virus, Lassa Fever and others now unknown to science may one day invade our shores.

Less exotic, but also deadly, are the simpler infections that for almost a century we have been able to treat with antibiotics, but that are now becoming resistant even to our most advanced medicines. Drugs that once had the power to cure dangerous infections are now often useless—because ''superbugs'' have now become resistant to all but the most powerful and expensive medications. Strains of tuberculosis that are resistant to antimicrobial drugs are prevalent around the world, and are a growing danger in our inner cities and among the homeless. If action is not urgently taken, we may soon return to the days when a simple case of food poisoning could prove deadly and a mere cut could become severely infected and cost a limb.

The growing financial burden of antimicrobial resistance on the health care system is staggering. Treating a patient with TB usually costs $12,000. But when a patient has drug-resistant TB, that figure soars to $180,000. The National Foundation for Infectious Diseases estimates that the total cost of antimicrobial resistance to the U.S. health care system is as high as $4 billion every year—and this figure will only rise as resistant infections become more common.

But the most potentially deadly of these threats is bioterrorism. We are a nation at risk. Biological weapons are the massive new threats of the twenty-first century. The Office of Emergency Preparedness estimates that 40 million Americans could die if a terrorist released smallpox into the American population. Anthrax could kill 10 million. Other deadly pathogens known to have been developed in biological warfare labs around the world could kill millions.

Our proposal will strengthen the nation's public health agencies, which provide the first line of defense against bioterrorism and many other threats to the public health. Our legislation authorizes the Secretary of Health and Human Services to respond swiftly and effectively to a public health emergency, and provides the Secretary with needed resources to mount a strong defense against whatever danger imperils the nation's health.

The bill calls upon the Secretary of Health and Human Services to establish a national monitoring plan for dangerous infections resistant to antibiotics, and to work closely with state and local public health agencies to ensure that this peril is contained.

It is also essential to educate patients and medical providers in the appropriate use of antibiotics. Too often, patients demand antibiotics and doctors provide them for illnesses which do not require and do not respond to these drugs. Our legislation calls upon the federal government to lead a national campaign to educate patients and health providers in the appropriate use of antibiotics.

The threat of bioterrorism demands particular attention, because of its potential for massive death and destruction. Currently, dozens of federal agencies share responsibility for domestic preparedness against bioterrorist attacks. This bill will enhance the nation's preparedness by improving coordination among federal agencies responsible for all aspects of a bioterrorist attack. Better coordination will allow us to develop the public health countermeasures needed to defend against bioterrorism, such as stockpiles of essential supplies and effective disaster planning.

Since the infectious organisms likely to be used in a bioterrorist attack are rarely encountered in normal medical practice, many doctors or laboratory specialists are likely to be unable to diagnose persons with these diseases rapidly and accurately. Recognizing a bioterrorist attack quickly is a major part of containing it. This bill will improve the preparedness of public health institutions, health providers, and emergency personnel to detect, diagnose, and respond to bioterrorist attacks through improved training and public education.

One of the highest duties of Congress is to protect the nation against all threats, foreign and domestic. Deadly infectious diseases, new ''superbugs'' resistant to antibiotics, and bioterrorism clearly menace the nation. We must resist these threats as vigorously as we would fight an invading army. the Frist-Kennedy bill is intended to provide the weapons we need to win this battle.

ADDITIONAL COSPONSORS

S. 663

At the request of Mr. SPECTER, the name of the Senator from Virginia (Mr. WARNER) was added as a cosponsor of S. 663, a bill to impose certain limitations on the receipt of out-of-State municipal solid waste, to authorize State and local controls over the flow of municipal solid waste, and for other purposes.

S. 872

At the request of Mr. VOINOVICH, the name of the Senator from Virginia (Mr. WARNER) was added as a cosponsor of S. 872, a bill to impose certain limits on the receipt of out-of-State municipal solid waste, to authorize State and local controls over the flow of municipal solid waste , and for other purposes.

S. 901

At the request of Mr. BINGAMAN, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 901, a bill to provide disadvantaged children with access to dental services.

S. 1128

At the request of Mrs. MURRAY, her name was added as a cosponsor of S. 1128, a bill to amend the Internal Revenue Code of 1986 to repeal the Federal estate and gift taxes and the tax on generation-skipping transfers, to provide for a carryover basis at death, and to establish a partial capital gains exclusion for inherited assets.

At the request of Mr. KYL, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 1128, supra.

S. 1487

At the request of Mr. AKAKA, the name of the Senator from Nebraska (Mr. HAGEL) was added as a cosponsor of S. 1487, a bill to provide for excellence in economic education, and for other purposes.

S. 1522

At the request of Mr. AKAKA, the name of the Senator from New Hampshire (Mr. SMITH) was added as a cosponsor of S. 1522, a bill to amend the Animal Welfare Act to ensure that all dogs and cats used by research facilities are obtained legally.

S. 2084

At the request of Mr. LUGAR, the name of the Senator from Michigan (Mr. ABRAHAM) was added as a cosponsor of S. 2084, a bill to amend the Internal Revenue Code of 1986 to increase the amount of the charitable deduction allowable for contributions of food inventory, and for other purposes.

S. 2123

At the request of Ms. LANDRIEU, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of S. 2123, a bill to provide Outer Continental Shelf Impact assistance to State and local governments, to amend the Land and Water Conservation Fund Act of 1965, the Urban Park and Recreation Recovery Act of 1978, and the

Federal Aid in Wildlife Restoration Act (commonly referred to as the Pittman-Robertson Act) to establish a fund to meet the outdoor conservation and recreation needs of the American people, and for other purposes.

S. 2247

At the request of Mr. BYRD, the name of the Senator from West Virginia (Mr. ROCKEFELLER) was added as a cosponsor of S. 2247, a bill to establish the Wheeling National Heritage Area in the State of West Virginia, and for other purposes.

S. 2274

At the request of Mr. GRASSLEY, the names of the Senator from South Dakota (Mr. JOHNSON) and the Senator from Nebraska (Mr. HAGEL) were added as cosponsors 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. 2308

At the request of Mr. MOYNIHAN, the name of the Senator from Georgia (Mr. CLELAND) 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. 2321

At the request of Mr. ROCKEFELLER, the name of the Senator from North Dakota (Mr. CONRAD) was added as a cosponsor of S. 2321, a bill to amend the Internal Revenue Code of 1986 to allow a tax credit for development costs of telecommunications facilities in rural areas.

S. 2330

At the request of Mr. ROTH, the name of the Senator from Montana (Mr. BURNS) 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. 2386

At the request of Mr. ROBB, his name was added as a cosponsor of S . 2386, a bill to extend the Stamp Out Breast Cancer Act.

S. 2394

At the request of Mr. MOYNIHAN, the name of the Senator from Texas (Mrs. HUTCHISON) was added as a cosponsor of S. 2394, a bill to amend title XVIII of the Social Security Act to stabilize indirect graduate medical education payments.

S. 2423

At the request of Mr. DURBIN, the name of the Senator from Hawaii (Mr. INOUYE) was added as a cosponsor of S. 2423, a bill to provide Federal Perkins Loan cancellation for public defenders.

S. 2435

At the request of Ms. SNOWE, the name of the Senator from Vermont (Mr. JEFFORDS) was added as a cosponsor of S. 2435, a bill to amend part B of title IV of the Social Security Act to create a grant program to promote joint activities among Federal, State, and local public child welfare and alcohol and drug abuse prevention and treatment agencies.

S. 2477

At the request of Mr. GRASSLEY, the name of the Senator from Georgia (Mr. CLELAND) was added as a cosponsor of S. 2477, a bill to amend the Social Security Act to provide additional safeguards for beneficiaries with representative payees under the Old-Age, Survivors, and Disability Insurance program or the Supplemental Security Income program.

S. 2508

At the request of Mr. CAMPBELL, the name of the Senator from New Mexico (Mr. DOMENICI) was added as a cosponsor of S. 2508, a bill 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, and for other purposes.

S. 2588

At the request of Mr. BENNETT, the name of the Senator from Hawaii (Mr. INOUYE) was added as a cosponsor of S. 2588, a bill to assist the economic development of the Ute Indian Tribe by authorizing the transfer to the Tribe of Oil Shale Reserve Numbered 2, to protect the Colorado River by providing for the removal of the tailings from the Atlas uranium milling site near Moab, Utah, and for other purposes.

S. 2630

At the request of Mr. FEINGOLD, the names of the Senator from Colorado (Mr. CAMPBELL) and the Senator from Vermont (Mr. LEAHY) were added as cosponsors of S. 2630, a bill to prohibit products that contain dry ultra-filtered milk products or casein from being labeled as domestic natural cheese, and for other purposes.

S. 2696

At the request of Mr. CONRAD, the name of the Senator from Vermont (Mr. JEFFORDS) was added as a cosponsor of S. 2696, a bill to prevent evasion of United States excise taxes on cigarettes, and for other purposes.

S. 2698

At the request of Mr. MOYNIHAN, the names of the Senator from Wyoming (Mr. THOMAS), the Senator from Georgia (Mr. CLELAND), and the Senator from Maryland (Mr. SARBANES) were added as cosponsors of S . 2698, a bill to amend the Internal Revenue Code of 1986 to provide an incentive to ensure that all Americans gain timely and equitable access to the Internet over current and future generations of broadband capability.

S. 2725

At the request of Mr. SMITH of New Hampshire, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 2725, a bill to provide for a system of sanctuaries for chimpanzees that have been designated as being no longer needed in research conducted or supported by the Public Health Service, and for other purposes.

S.RES. 132

At the request of Mrs. FEINSTEIN, the names of the Senator from Washington (Mrs. MURRAY) and the Senator from Washington (Mr. GORTON) were added as cosponsors of S. Res. 132, a resolution designating the week beginning January 21, 2001, as ''Zinfandel Grape Appreciation Week.''

S. RES. 268

At the request of Mr. EDWARDS, the names of the Senator from Kansas (Mr. BROWNBACK), the Senator from Hawaii (Mr. INOUYE), the Senator from Alaska (Mr. MURKOWSKI), the Senator from Washington (Mrs. MURRAY), the Senator from New York (Mr. SCHUMER), and the Senator from Alaska (Mr. STEVENS) were added as cosponsors of S. Res. 268, a resolution designating July 17 through July 23 as ''National Fragile X Awareness Week''.

S. RES. 277

At the request of Mr. CAMPBELL, the names of the Senator from New Mexico (Mr. DOMENICI), the Senator from Minnesota (Mr. WELLSTONE), the Senator from Oklahoma (Mr. INHOFE), and the Senator from North Dakota (Mr. DORGAN) were added as cosponsors of S. Res. 277, a resolution commemorating the 30th anniversary of the policy of Indian self-determination.

AMENDMENT NO. 3202

At the request of Mr. DODD, the names of the Senator from Pennsylvania (Mr. SANTORUM), the Senator from North Dakota (Mr. CONRAD), the Senator from Vermont (Mr. LEAHY), the Senator from Wisconsin (Mr. KOHL), the Senator from Wisconsin (Mr. FEINGOLD), the Senator from Connecticut (Mr. LIEBERMAN), and the Senator from West Virginia (Mr. BYRD) were added as cosponsors of amendment No. 3202 intended to be proposed to S. 2549, an original bill 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.

AMENDMENT NO. 3213

At the request of Mr. BENNETT, the name of the Senator from Hawaii (Mr. INOUYE) was added as a cosponsor of amendment No. 3213 intended to be proposed to S. 2549, an original bill 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.

AMENDMENT NO. 3267

At the request of Mrs. LINCOLN, her name was added as a cosponsor of amendment No. 3267 proposed to S. 2549, an original bill 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.

SENATE CONCURRENT RESOLUTION 122—RECOGNIZING THE 60TH ANNIVERSARY OF THE UNITED STATES NONRECOGNITION POLICY OF THE SOVIET TAKEOVER OF ESTONIA, LATVIA, AND LITHUANIA, AND CALLING FOR POSITIVE STEPS TO PROMOTE A PEACEFUL AND DEMOCRATIC FUTURE FOR THE BALTIC REGION

Mr. DURBIN (for himself, Mr. GORTON, Mr. ROBB, Mr. GRAMS, and Mr. VOINOVICH) submitted the following concurrent resolution; which was considered and agreed to:

S. CON. RES. 122

Whereas in June 1940, the Soviet Union occupied the Baltic countries of Estonia, Latvia, and Lithuania and forcibly incorporated them into the Union of Soviet Socialist Republics;

Whereas throughout the occupation, the United States maintained that the acquisition of Baltic territory by force was not permissible under international law and refused to recognize Soviet sovereignty over these lands;

Whereas on July 15, 1940, President Franklin D. Roosevelt issued Executive Order No. 8484, which froze Baltic assets in the United States to prevent them from falling into Soviet hands;

Whereas on July 23, 1940, Acting Secretary of State Sumner Welles issued the first public statement of United States policy of nonrecognition of the Soviet takeover of the Baltic countries, condemning that act in the strongest terms;

Whereas the United States took steps to allow the diplomatic representatives of Estonia, Latvia, and Lithuania in Washington to continue to represent their nations throughout the Soviet occupation;

Whereas Congress on a bipartisan basis strongly and consistently supported the policy of nonrecognition of the Soviet takeover of the Baltic countries during the 50 years of occupation;

Whereas in 1959, Congress designated the third week in July as ''Captive Nations Week'', and authorized the President to issue a proclamation declaring June 14 as ''Baltic Freedom Day'';

Whereas in December 1975, the House of Representatives and the Senate adopted resolutions declaring that the Final Act of the Commission for Security and Cooperation in Europe, which accepted the inviolability of borders in Europe, did not alter the United States nonrecognition policy;

Whereas during the struggle of the Baltic countries for the restoration of their independence in 1990 and 1991, Congress passed a number of resolutions that underscored its continued support for the nonrecognition policy and for Baltic self-determination;

Whereas since then the Baltic states have successfully built democracy, ensured the rule of law, developed free market economies, and consistently pursued a course of integration into the community of free and democratic nations by seeking membership in the European Union and the North Atlantic Treaty Organization;

Whereas the Russian Federation has extended formal recognition to Estonia, Latvia, and Lithuania as independent and sovereign states; and

Whereas the United States, the European Union, and the countries of Northern Europe have supported regional cooperation in Northern Europe among the Baltic and Nordic states and the Russian Federation in addressing common environmental, law enforcement, and public health problems, and in promoting civil society and business and trade development: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That Congress—

(1) recognizes the 60th anniversary of the United States nonrecognition policy of the Soviet takeover of the Baltic states and the contribution that policy made in supporting the aspirations of the people of Estonia, Latvia, and Lithuania to reassert their freedom and independence;

(2) commends Estonia, Latvia, and Lithuania for the reestablishment of their independence and the role they played in the disintegration of the former Soviet Union in 1990 and 1991;

(3) commends Estonia, Latvia, and Lithuania for their success in implementing political and economic reforms, which may further speed the process of their entry into European and Western institutions; and

(4) supports regional cooperation in Northern Europe among the Baltic and Nordic states and the Russian Federation and calls for further cooperation in addressing common environmental, law enforcement, and public health problems, and in promoting civil society and business and trade development, and similar efforts that promote a peaceful, democratic, prosperous, and secure future for Europe, Russia and the Nordic-Baltic region.

SENATE RESOLUTION 323—DESIGNATING MONDAY, JUNE 19, 2000, AS NATIONAL EAT-DINNER-WITH-YOUR-CHILDREN DAY

Mr. BIDEN (for himself, Mr. GRASSLEY, Mr. JEFFORDS, Mr. LEVIN, Mr. BRYAN, Mr. KENNEDY, Mrs. MURRAY, Mr. MOYNIHAN, Mr. SESSIONS, Mr. DEWINE, Mr. HELMS, Mr. THURMOND, Mr. SCHUMER, and Mr. INOUYE) submited the following resolution; which was considered and agreed to:

S. RES. 323

Whereas the use of illegal drugs and the abuse of substances such as alcohol and nicotine constitute the single greatest threat to the health and well-being of American children;

Whereas surveys conducted by the National Center on Addiction and Substance Abuse at Columbia University have found for each of the past 4 years that children and teenagers who routinely eat dinner with their families are far less likely to use illegal drugs, cigarettes, and alcohol;

Whereas teenagers from families that seldom eat dinner together are 72 percent more likely than the average teenager to use illegal drugs, cigarettes, and alcohol;

Whereas teenagers from families that eat dinner together are 31 percent less likely than the average teenager to use illegal drugs, cigarettes, and alcohol;

Whereas the correlation between the frequency of family dinners and the decrease in substance abuse risk is well documented;

Whereas parental influence is known to be one of the most crucial factors in determining the likelihood of teenage substance abuse; and

Whereas family dinners have long constituted a substantial pillar of American family life: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes that eating dinner as a family is a critical step toward raising healthy, drug-free children; and

(2) designates Monday, June 19, 2000, as National Eat-Dinner-With-Your-Children Day.

AMENDMENTS SUBMITTED

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2001

LOTT AMENDMENT NO. 3382

Mr. WARNER (for Mr. LOTT) 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 353, between lines 15 and 16, insert the following:

SEC. 914. MANAGEMENT OF NAVY RESEARCH FUNDS BY CHIEF OF NAVAL RESEARCH.

(a) CLARIFICATION OF DUTIES.—Section 5022 of title 10, United States Code, is amended—

(1) by redesignating subsections (c) and (d) as subsections (d) and (e), respectively;

(2) by inserting after paragraph (1) of subsection (a) the following:

''(b)(1) The Chief of Naval Research is the head of the Office of Naval Research.''; and

(3) by inserting after subsection (b) the following new subsection (c):

''(c) CHIEF AS MANAGER OF RESEARCH FUNDS.—The Chief of Naval Research shall manage the Navy's basic, applied, and advanced research funds to foster transition from science and technology to higher levels of research, development, test, and evaluation.''.

(b) CONFORMING AMENDMENT.—Subsection (a) of such section is amended by striking ''(a)(1)'' and inserting ''(a)''.

KENNEDY AMENDMENT NO. 3383

Mr. LEVIN (for Mr. KENNEDY) proposed an amendment to the bill, S. 2549, supra; as follows:

On page 48, between lines 20 and 21, insert the following:

SEC. 222. TECHNOLOGIES FOR DETECTION AND TRANSPORT OF POLLUTANTS ATTRIBUTABLE TO LIVE-FIRE ACTIVITIES.

(a) INCREASE IN AMOUNT.—The amount authorized to be appropriated by section 201(4) for research, development, test, and evaluation Defense-wide is hereby increased by $5,000,000.

(b) AVAILABILITY OF AMOUNT.—Of the amount authorized to be appropriated by section 201(4), as increased by subsection (a), the amount available for the Strategic Environmental Research and Development Program (PE6034716D) is hereby increased by $5,000,000, with the amount of such increase available for the development and test of technologies to detect, analyze, and map the presence of, and transport of, pollutants and contaminants at sites undergoing the detection and remediation of constituents attributable to live-fire activities in a variety of hydrogeological scenarios.

(c) ADDITIONAL REQUIREMENT.—Performance measures shall be established for the technologies described in subsection (b) for purposes of facilitating the implementation and utilization of such technologies by the Department of Defense.

(d) OFFSET.—The amount authorized to be appropriated by section 201(1) for research, development, test, and evaluation for the Army is hereby decreased by $5,000,000, with the amount of such decrease applied to Combat Vehicle and Automotive Advanced Technology (PE603005A).

STEVENS (AND OTHERS) AMENDMENT NO. 3384

Mr. WARNER (for Mr. STEVENS (for himself, Mr. DEWINE, and Mr. VOINOVICH)) proposed an amendment to the bill, S. 2549, supra; as follows:

On page 55, strike lines 13 and 14, and insert the following:

(18) For Environmental Restoration, Formerly Used Defense Sites, $231,499,000.

On page 54, line 16, strike ''$11,973,569,000'' and insert ''$11,928,569,000''.

LOTT AMENDMENT NO. 3385

Mr. WARNER (for Mr. LOTT) proposed an amendment to the bill. S. 2549, 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 weather-proofing of facilities at Keesler Air Force Base, Mississippi.

HARKIN (AND OTHERS) AMENDMENT NO. 3386

Mr. LEVIN (for Mr. HARKIN (FOR HIMSELF, MR. LUGAR, and Mr. LEAHY)) proposed an amendment to the bill, S. 2549, supra; as follows:

On page 239, after line 22, insert the following:

SEC. 656. DETERMINATIONS OF INCOME ELIGIBILITY FOR SPECIAL SUPPLEMENTAL FOOD PROGRAM.

Section 1060a(c)(1)(B) of title 10, United States Code, is amended by striking the second sentence and inserting the following: ''In the application of such criterion, the Secretary shall exclude from income any basic allowance for housing as permitted under section 17(d)(2)(B) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(d)(2)(B)).

HUTCHISON AMENDMENT NO. 3387

Mr. WARNER (for Mrs. HUTCHISON) proposed an amendment to the bill. S. 2549, supra; as follows:

On page 251, between lines 6 and 7, insert the following:

SEC. 714. IMPROVEMENT OF ACCESS TO HEALTH CARE UNDER THE TRICARE PROGRAM.

(a) WAIVER OF NONAVAILABILITY STATEMENT OR PREAUTHORIZATION.—In the case of a covered beneficiary under chapter 55 of title 10, United States Code, who is enrolled in TRICARE Standard, the Secretary of Defense may not require with regard to authorized health care services (other than mental health services) under any new contract for the provision of health care services under such chapter that the beneficiary—

(1) obtain a nonavailability statement or preauthorization from a military medical treatment facility in order to receive the services from a civilian provider; or

(2) obtain a nonavailability statement for care in specialized treatment facilities outside the 200-mile radius of a military medical treatment facility.

(b) NOTICE.—The Secretary may require that the covered beneficiary inform the primary care manager of the beneficiary of any health care received from a civilian provider or in a specialized treatment facility.

(c) EXCEPTIONS.—Subsection (a) shall not apply if—

(1) the Secretary demonstrates significant cost avoidance for specific procedures at the affected military medical treatment facilities;

(2) the Secretary determines that a specific procedure must be maintained at the affected military medical treatment facility to ensure the proficiency levels of the practitioners at the facility; or

(3) the lack of nonavailability statement data would significantly interfere with TRICARE contract administration.

(d) EFFECTIVE DATE.—This section shall take effect on October 1, 2001.

JEFFORDS (AND OTHERS) AMENDMENT NO. 3388

Mr. WARNER (for Mr. JEFFORDS (for himself, Mr. ALLARD, Mr. BINGAMAN, Mr. KENNEDY, and Mr. LEAHY)) proposed an amendment 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)''.

STEVENS AMENDMENT NO. 3389

Mr. WARNER (for Mr. STEVENS) proposed an amendment 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.

FEINGOLD AMENDMENT NO. 3390

Mr. LEVIN (for Mr. FEINGOLD) proposed an amendment to the bill, S. 2549, supra; as follows:

On page 220, between lines 13 and 14, insert the following:

SEC. 622. ENTITLEMENT OF MEMBERS OF THE NATIONAL GUARD AND OTHER RESERVES NOT ON ACTIVE DUTY TO RECEIVE SPECIAL DUTY ASSIGNMENT PAY.

(a) AUTHORITY.—Section 307(a) of title 37, United States Code, is amended by inserting after ''is entitled to basic pay'' in the first sentence the following: '', or is entitled to compensation under section 206 of this title in the case of a member of a reserve component not on active duty,''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on the first day of the first month that begins on or after the date of the enactment of this Act.

HUTCHISON AMENDMENT NO. 3391

Mr. WARNER (for Mrs. HUTCHISON) proposed an amendment to the bill, S. 2549, supra; as follows:

On page 270, between lines 16 and 17, insert the following:

SEC. 744. SERVICE AREAS OF TRANSFEREES OF FORMER UNIFORMED SERVICES TREATMENT FACILITIES THAT ARE INCLUDED IN THE UNIFORMED SERVICES HEALTH CARE DELIVERY SYSTEM.

Section 722(e) of the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104–201; 10 U.S.C. 1073 note) is amended—

(1) by inserting ''(1)'' after ''(e) SERVICE AREA.—''; and

(2) by adding at the end the following:

''(2) The Secretary may, with the agreement of a designated provider, expand the service area of the designated provider as the Secretary determines necessary to permit covered beneficiaries to enroll in the designated provider's managed care plan. The expanded service area may include one or more noncontiguous areas.''.

THOMPSON (AND OTHERS) AMENDMENT NO. 3392

Mr. WARNER (for Mr. THOMPSON (for himself, Mr. LIEBERMAN, Mr. WARNER, and Mr. LEVIN)) proposed an amendment to the bill, S. 2549, supra; as follows:

In section 801(a), strike ''The Secretary of Defense shall ensure that, not later than 180 days after the date of the enactment of this Act, the Department of Defense Supplement to the Federal Acquisition Regulation is revised'' and insert ''Not later than 180 days after the date of the enactment of this Act, the Federal Acquisition Regulation issued in accordance with sections 6 and 25 of the Office of Federal Procurement Policy Act (41 U.S.C. 405 and 421) shall be revised''.

At the end of title VIII, add the following:

SEC. 814. REVISION OF THE ORGANIZATION AND AUTHORITY OF THE COST ACCOUNTING STANDARDS BOARD.

(a) ESTABLISHMENT WITHIN OMB.—Paragraph (1) of subsection (a) of section 26 of the Office of Federal Procurement Policy Act (41 U.S.C. 422) is amended by striking ''Office of Federal Procurement Policy'' in the first sentence and inserting ''Office of Management and Budget''.

(b) COMPOSITION OF BOARD.—Subsection (a) of such section is further amended—

(1) by striking the second sentence of paragraph (1);

(2) by redesignating paragraph (2) as paragraph (3); and

(3) by inserting after paragraph (1) the following new paragraph (2):

''(2) The Board shall consist of five members appointed as follows:

''(A) A Chairman, appointed by the Director of the Office of Management and Budget, from among persons who are knowledgeable in cost accounting matters for Federal Government contracts.

''(B) One member, appointed by the Secretary of Defense, from among Department of Defense personnel.

''(C) One member, appointed by the Administrator, from among employees of executive agencies other than the Department of Defense, with the concurrence of the head of the executive agency concerned.

''(D) One member, appointed by the Chairman from among persons (other than officers and employees of the United States) who are in the accounting or accounting education profession.

''(E) One member, appointed by the Chairman from among persons in industry.''.

(c) TERM OF OFFICE.—Paragraph (3) of such subsection, as redesignated by subsection (b)(2), is amended—

(1) in subparagraph (A)—

(A) by striking '', other than the Administrator for Federal Procurement Policy,'';

(B) by striking clause (i);

(C) by redesignating clauses (ii) and (iii) as clauses (i) and (ii), respectively; and

(D) in clause (ii), as so redesignated, by striking ''individual who is appointed under paragraph (1)(A)'' and inserting ''officer or employee of the Federal Government who is appointed as a member under paragraph (2)''; and

(2) by striking subparagraph (C).

(d) OTHER BOARD PERSONNEL.—(1) Subsection (b) of such section is amended to read as follows:

''(b) SENIOR STAFF.—The Chairman, after consultation with the Board, may appoint an executive secretary and two additional staff members without regard to the provisions of title 5, United States Code, governing appointments in the competitive service and in senior-level positions. The Chairman may pay such employees without regard to the provisions of chapter 51 (relating to classification of positions), and subchapter III of chapter 53 of such title and section 5376 of such title (relating to the rates of basic pay under the General Schedule and for senior-level positions, respectively), except that no individual so appointed may receive pay in excess of the maximum rate of basic pay payable for a senior-level position under such section 5376.''.

(2) Subsections (c) and (d)(2), and the third sentence of subsection (e), of such section are amended by striking ''Administrator'' and inserting ''Chairman''.

(e) COST ACCOUNTING STANDARDS AUTHORITY.—(1) Paragraph (1) of subsection (f) of such section is amended by inserting '', subject to direction of the Director of the Office of Management and Budget,'' after ''exclusive authority''.

(2) Paragraph (2)(B)(iv) of such subsection is amended by striking ''more than $7,500,000'' and inserting ''$7,500,000 or more''.

(3) Paragraph (3) of such subsection is amended, in the first sentence—

(A) by striking ''Administrator, after consultation with the Board'' and inserting ''Chairman, with the concurrence of a majority of the members of the Board''; and

(B) by inserting before the period at the end the following: '', including rules and procedures for the public conduct of meetings of the Board''.

(4) Paragraph (5)(C) of such subsection is amended to read as follows:

''(C) The head of an executive agency may not delegate the authority under subparagraph (A) or (B) to any official in the executive agency below a level in the executive agency as follows:

''(i) The senior policymaking level, except as provided in clause (ii).

''(ii) The head of a procuring activity, in the case of a firm, fixed price contract or subcontract for which the requirement to obtain cost or pricing data under subsection (a) of section 2306a of title 10, United States Code, or subsection (a) of section 304A of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 254b) is waived under subsection (b)(1)(C) of such section, respectively.''.

(5) Paragraph (5)(E) of such subsection is amended by inserting before the period at the end the following: ''in accordance with requirements prescribed by the Board''.

(f) REQUIREMENTS FOR STANDARDS.—(1) Subsection (g)(1)(B) of section 26 of the Office of Federal Procurement Policy Act is amended by inserting before the semicolon at the end the following: '', together with a solicitation of comments on those issues''.

(g) INTEREST RATE APPLICABLE TO CONTRACT PRICE ADJUSTMENTS.—Subsection (h)(4) of such section is amended by inserting ''(a)(2)'' after ''6621'' both places that it appears.

(h) REPEAL OF REQUIREMENT FOR ANNUAL REPORT.—Such section is further amended by striking subsection (i).

(i) EFFECTS OF BOARD INTERPRETATIONS AND REGULATIONS.—Subsection (j) of such section is amended—

(1) in paragraph (1), by striking ''promulgated by the Cost Accounting Standards Board under section 719 of the Defense Production Act of 1950 (50 U.S.C. App. 2168)'' and inserting ''that are in effect on the date of the enactment of the National Defense Authorization Act for Fiscal Year 2001''; and

(2) in paragraph (3), by striking ''under the authority set forth in section 6 of this Act'' and inserting ''exercising the authority provided in section 6 of this Act in consultation with the Chairman''.

(j) RATE OF PAY FOR CHAIRMAN.—Section 5315 of title 5, United States Code, is amended by adding at the end the following:

''Chairman, Cost Accounting Standards Board.''.

(k) TRANSITION PROVISION FOR MEMBERS.—Each member of the Cost Accounting Standards Board who serves on the Board under paragraph (1) of section 26(a) of the Office of Federal Procurement Policy Act, as in effect on the day before the date of the enactment of this Act, shall continue to serve as a member of the Board until the earlier of—

(1) the expiration of the term for which the member was so appointed; or

(2) the date on which a successor to such member is appointed under paragraph (2) of such section 26(a), as amended by subsection (b) of this section.

SEC. 815. REVISION OF AUTHORITY FOR SOLUTIONS-BASED CONTRACTING PILOT PROGRAM.

(a) PILOT PROJECTS UNDER THE PROGRAM.—Section 5312 of the Clinger-Cohen Act of 1996 (40 U.S.C. 1492) is amended—

(1) in subsection (a), by striking ''subsection (d)(2)'' and inserting ''subsection (d)''; and

(2) by striking subsection (d) and inserting the following:

''(d) PILOT PROGRAM PROJECTS.—The Administrator shall authorize to be carried out under the pilot program—

''(1) not more than 10 projects, each of which has an estimated cost of at least $25,000,000 and not more than $100,000,000; and

''(2) not more than 10 projects for small business concerns, each of which has an estimated cost of at least $1,000,000 and not more than $5,000,000.''.

(b) ELIMINATION OF REQUIREMENT FOR FEDERAL FUNDING OF PROGRAM DEFINITION PHASE.—Subsection (c)(9)(B) of such section is amended by striking ''program definition phase (funded, in the case of the source ultimately awarded the contract, by the Federal Government)—'' and inserting ''program definition phase—''.

SEC. 816. APPROPRIATE USE OF PERSONNEL EXPERIENCE AND EDUCATIONAL REQUIREMENTS IN THE PROCUREMENT OF INFORMATION TECHNOLOGY SERVICES.

(a) AMENDMENT OF THE FEDERAL ACQUISITION REGULATION.—Not later than 180 days after the date of the enactment of this Act, the Federal Acquisition Regulation issued in accordance with sections 6 and 25 of the Office of Federal Procurement Policy Act (41 U.S.C. 405 and 421) shall be amended to address the use of personnel experience and educational requirements in the procurement of information technology services.

(b) CONTENT OF AMENDMENT.—The amendment issued pursuant to subsection (a) shall—

(1) provide that a solicitation of bids on a performance-based contract for the procurement of information technology services may not set forth any minimum experience or educational requirement for contractor personnel that a bidder must satisfy in order to be eligible for award of the contract; and

(2) specify—

(A) the circumstances under which a solicitation of bids for other contracts for the procurement of information technology services may set forth any such minimum requirement for that purpose; and

(B) the circumstances under which a solicitation of bids for other contracts for the procurement of information technology services may not set forth any such minimum requirement for that purpose.

(c) CONSTRUCTION OF REGULATION.—The amendment issued pursuant to subsection (a) shall include a rule of construction that a prohibition included in the amendment under paragraph (1) or (2)(B) does not prohibit the consideration of the experience and educational levels of the personnel of bidders in the selection of a bidder to be awarded a contract.

(d) GAO REPORT.—Not later than 1 year after the date on which the regulations required by subsection (a) are published in the Federal Register, the Comptroller General shall submit to Congress an evaluation of—

(1) executive agency compliance with the regulations; and

(2) conformity of the regulations with existing law, together with any recommendations that the Comptroller General considers appropriate.

(e) DEFINITIONS.—In this section:

(1) The term ''executive agency'' has the meaning given that term in section 4 of the Office of Federal Procurement Policy Act (41 U.S.C. 403).

(2) The term ''performance-based contract'' means a contract that includes performance work statements setting forth contract requirements in clear, specific, and objective terms with measurable outcomes.

(3) The term ''information technology'' has the meaning given that term in section 5002 of the Clinger-Cohen Act of 1996 (40 U.S.C. 1401).

At the end of subtitle A of title X, insert the following:

SEC. 1010. TREATMENT OF PARTIAL PAYMENTS UNDER SERVICE CONTRACTS.

For the purposes of the regulations prescribed under section 3903(a)(5) of title 31, United States Code, partial payments, other than progress payments, that are made on a contract for the procurement of services shall be treated as being periodic payments.

WARNER AMENDMENT NO. 3393

Mr. WARNER proposed an amendment to the bill, S. 2549, supra; as follows:

On page 54, line 11, strike ''$19,028,531,000'' and insert ''$19,031,031,000''.

On page 54, line 11, strike ''$11,973,569,000'' and insert ''$11,971,069,000''.

LIEBERMAN AMENDMENT NO. 3394

Mr. LEVIN (for Mr. LIEBERMAN) proposed an amendment to the bill, S. 2549, supra; as follows:

On page 462, between lines 2 and 3, insert the following:

SEC. 1210. SUPPORT OF CONSULTATIONS ON ARAB AND ISRAELI ARMS CONTROL AND REGIONAL SECURITY ISSUES.

Of the amount authorized to be appropriated by section 301(5), up to $1,000,000 is available for the support of programs to promote informal region-wide consultations among Arab, Israeli, and United States officials and experts on arms control and security issues concerning the Middle East region.

DEWINE AMENDMENT NO. 3395

Mr. WARNER (for Mr. DEWINE) proposed an amendment to the bill, S. 2549, supra; as follows:

On page 353, between lines 15 and 16, insert the following:

SEC. 914. UNITED STATES AIR FORCE INSTITUTE OF TECHNOLOGY

(a) AUTHORITY.—(1) Part III of subtitle D of title 10, United States Code, is amended by inserting after chapter 903 the following:

''CHAPTER 904—UNITED STATES AIR FORCE INSTITUTE OF TECHNOLOGY

''Sec.
''9321. Establishment; purposes.
''9322. Sense of the Senate.

''SEC. 9321. ESTABLISHMENT; PURPOSES.

''(a) ESTABLISHMENT.—There is a United States Air Force Institute of Technology in the Department of the Air Force.

''(b) PURPOSES.—The purposes of the Institute are as follows:

''(1) To perform research.

''(2) To provide advanced instruction and technical education for employees of the Department of Air Force and members of the Air Force (including the reserve components) in their practical and theoretical duties.

''SEC. 9322. SENSE OF THE SENATE REGARDING THE UTILIZATION OF THE AIR FORCE INSTITUTE OF TECHNOLOGY.

''(a) It is the sense of the Senate that in order to insure full and continued utilization of the Air Force Institute of Technology, the Secretary of the Air Force should, in consult with the Chief of Staff of the Air Force and the Commander of the Air Force Materiel Command, review the following areas of organized structure and operations at the Institute:

''(1) The grade of the Commandant.

''(2) The chain of command of the Commandant of the Institute within the Air Force.

''(3) The employment and compensation of civilian professors at the Institute.

''(4) The processes for the identification of requirements for advanced degrees within the Air Force, identification for annual enrollment quotas and selection of candidates.

''(5) Post graduation opportunities for graduates of the Institute.

''(6) The policies and practices regarding the admission of—

''(A) officers of the Army, Navy, Marine Corps, and Coast Guard;

''(B) employees of the Department of the Army, Department of the Navy, and Department of Transportation;

''(C) personnel of the armed forces of foreign countries;

''(D) enlisted members of the Armed Forces of the United States; and

''(E) others eligible for admission.''

ROBERTS AMENDMENT NO. 3396

Mr. WARNER (for Mr. ROBERTS) proposed an amendment to amendment No. 3237 proposed by Mr. WARNER (for Mr. ROBERTS) to the bill, S. 2549, supra; as follows:

On page 2, line 15, strike ''$1,5000,000'' and insert ''$1,500,000''.

MURKOWSKI (AND OTHERS) AMENDMENT NO. 3397

Mr. WARNER (for Mr. MURKOWSKI (for himself, Mr. CRAIG, Mr. BINGAMAN, Mr. ENZI, Mr. BAUCUS, Mr. REID, Mr. STEVENS, Mr. CRAPO, Mr. HUTCHINSON, and Mr. THOMAS)) proposed an amendment to the bill, S. 2549, supra; as follows:

On page 251, between lines 6 and 7, insert the following:

SEC. 714. ENHANCEMENT OF ACCESS TO TRICARE IN RURAL STATES.

(a) HIGHER MAXIMUM ALLOWABLE CHARGE.—Section 1079(h) of title 10, United States Code, is amended—

(1) in paragraph (1), by striking ''paragraphs (2) and (3)'' in the first sentence and inserting ''paragraphs (2), (3), and (4)'';

(2) by redesignating paragraph (4) as paragraph (5);

(3) by inserting after paragraph (3) the following new paragraph (4):

''(4)(A) The amount payable for a charge for a service provided by an individual health care professional or other noninstitutional health care provider in a rural State for which a claim is submitted under a plan contracted for under subsection (a) shall be equal to 80 percent of the customary and reasonable charge for services of that type when provided by such a professional or other provider, as the case may be, in that State.

''(B) A customary and reasonable charge shall be determined for the purposes of subparagraph (A) under regulations prescribed by the Secretary of Defense in consultation with the other administering Secretaries. In prescribing the regulations, the Secretary may also consult with the Administrator of the Health Care Financing Administration of the Department of Health and Human Services.''; and

(4) by adding at the end the following:

''(6) In this subsection the term 'rural State' means a State that has, on average, as determined by the Bureau of the Census in the latest decennial census—

''(A) less than 76 residents per square mile; and

''(B) less than 211 actively practicing physicians (not counting physicians employed by the United States) per 100,000 residents.''.

(b) REPORT.—(1) Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the extent to which physicians are choosing not to participate in contracts for the furnishing of health care in rural States under chapter 55 of title 10, United States Code.

(2) The report shall include the following:

(A) The number of physicians in rural States who are withdrawing from participation, or otherwise refusing to participate, in the health care contracts.

(B) The reasons for the withdrawals and refusals.

(C) The actions that the Secretary of Defense can take to encourage more physicians to participate in the health care contracts.

(D) Any recommendations for legislation that the Secretary considers necessary to encourage more physicians to participate in the health care contracts.

(3) In this subsection, the term ''rural State'' has the meaning given that term in section 1079(h)(6) of title 10, United States Code (as added by subsection (a)).

FEINGOLD (AND THOMPSON) AMENDMENT NO. 3398

Mr. LEVIN (for Mr. FEINGOLD (for himself and Mr. THOMPSON)) proposed an amendment to the bill, S. 2549, supra; as follows:

At the appropriate place, insert the following:

SEC. ___. IMPROVING PROPERTY MANAGEMENT.

(a) IN GENERAL.—Section 203(p)(1)(B)(ii) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 484(p)(1)(B)(ii)) is amended by striking ''July 31, 2000'' and inserting ''December 31, 2002''.

(b) CONFORMING AMENDMENT.—Section 233 of Appendix E of Public Law 106–113 (113 Stat. 1501A–301) is repealed.

WARNER AMENDMENT NO. 3399

Mr. WARNER proposed an amendment to the bill, S. 2549, supra; as follows:

On page 378, between lines 19 and 20, insert the following:

SEC. 1027. REPORT ON THE STATUS OF DOMESTIC PREPAREDNESS AGAINST THE THREAT OF BIOLOGICAL TERRORISM.

(a) REPORT REQUIRED.—Not later than March 31, 2001, the President shall submit to the Speaker of the House of Representatives and the President Pro Tempore of the Senate a report on domestic preparedness against the threat of biological terrorism.

(b) REPORT ELEMENTS.—The report shall address the following:

(1) The current state of United States preparedness to defend against a biologic attack.

(2) The roles that various Federal agencies currently play, and should play, in preparing for, and defending against, such an attack.

(3) The roles that State and local agencies and public health facilities currently play, and should play, in preparing for, and defending against, such an attack.

(4) The advisability of establishing an intergovernmental task force to assist in preparations for such an attack.

(5) The potential role of advanced communications systems in aiding domestic preparedness against such an attack.

(6) The potential for additional research and development in biotechnology to aid domestic preparedness against such an attack.

(7) Other measures that should be taken to aid domestic preparedness against such an attack.

(8) The financial resources necessary to support efforts for domestic preparedness against such an attack.

(9) The beneficial consequences of such efforts on—

(A) the treatment of naturally occurring infectious disease;

(B) the efficiency of the United States health care system;

(C) the maintenance in the United States of a competitive edge in biotechnology; and

(D) the United States economy.

ROBB (AND WARNER) AMENDMENT NO. 3400

Mr. LEVIN (for Mr. ROBB (for himself and Mr. WARNER)) proposed an amendment to the bill, S. 2549, supra; as follows:

On page 545, following line 22, add the following:

PART IV—OTHER CONVEYANCES

SEC. 2876. LAND CONVEYANCE, FORMER NATIONAL GROUND INTELLIGENCE CENTER, CHARLOTTESVILLE, VIRGINIA.

(a) CONVEYANCE AUTHORIZED.—The Administrator of General Services may convey, without consideration, to the City of Charlottesville, Virginia (in this section referred to as the ''City''), all right, title, and interest of the United States in and to a parcel of real property, including any improvements thereon, formerly occupied by the National Ground Intelligence Center and known as the Jefferson Street Property.

(b) AUTHORITY TO CONVEY WITHOUT CONSIDERATION.—The conveyance authorized by subsection (a) may be made without consideration if the Administrator determines that the conveyance on that basis would be in the best interests of the United States.

(c) PURPOSE OF CONVEYANCE.—The conveyance authorized by subsection (a) shall be for the purpose of permitting the City to use the parcel, directly or through an agreement with a public or private entity, for economic development purposes.

(d) REVERSIONARY INTEREST.—If, during the 5-year period beginning on the date the Administrator makes the conveyance authorized by subsection (a), the Administrator determines that the conveyed real property is not being used for a purpose specified in subsection (c), all right, title, and interest in and to the property, including any improvements thereon, may upon the election of the Administrator revert to the United States, and upon such reversion the United States shall have the right of immediate entry onto the property.

(e) INAPPLICABILITY OF CERTAIN PROPERTY MANAGEMENT LAWS.—The conveyance authorized by subsection (a) shall not be subject to the following:

(1) Sections 2667 and 2696 of title 10, United States Code.

(2) Section 501 of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11411).

(3) Sections 202 and 203 of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 483, 484).

(f) LIMITATION ON CERTAIN SUBSEQUENT CONVEYANCES.—(1) Subject to paragraph (2), if at any time after the Administrator makes the conveyance authorized by subsection (a) the City conveys any portion of the parcel conveyed under that subsection to a private entity, the City shall pay to the United States an amount equal to the fair market value (as determined by the Administrator) of the portion conveyed at the time of its conveyance under this subsection.

(2) Paragraph (1) applies to a conveyance described in that paragraph only if the Administrator makes the conveyance authorized by subsection (a) without consideration.

(3) The Administrator shall deposit any amounts paid the United States under this subsection into the fund established by section 210(f) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 490(f)). Any amounts so deposited shall be available to the Administrator for real property management and related activities as provided for under paragraph (2) of that section.

(g) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Administrator. The cost of the survey shall be borne by the City.

(h) ADDITIONAL TERMS AND CONDITIONS.—The Administrator may require such additional terms and conditions in connection with the conveyance as the Administrator considers appropriate to protect the interests of the United States.

GRAMS AMENDMENT NO. 3401

Mr. WARNER (for Mr. GRAMS) proposed an amendment to the bill, S. 2549, supra; as follows:

On page 539, between lines 7 and 8, insert the following:

SEC. 2836. LAND CONVEYANCE, ARMY RESERVE CENTER, WINONA, MINNESOTA.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Army may convey, without consideration, to the Winona State University Foundation of Winona, Minnesota (in this section referred to as the ''Foundation''), all right, title, and interest of the United States in and to a parcel of real property, including improvements thereon, in Winona, Minnesota, containing an Army Reserve Center for the purpose of permitting the Foundation to use the parcel for educational purposes.

(b) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary. The cost of the survey shall be borne by the Foundation.

(c) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

EDWARDS AMENDMENT NO. 3402

Mr. LEVIN (for Mr. EDWARDS) proposed an amendment to the bill, S. 2549, supra; as follows:

At the appropriate place, insert the following:

SEC. . SENSE OF THE SENATE REGARDING TAX TREATMENT OF MEMBERS RECEIVING SPECIAL PAY.

It is the sense of the Senate that members of the Armed Forces who received special pay for duty subject to hostile fire or imminent danger (37 U.S.C. 310) should receive the same tax treatment as members serving in combat zones.

HUTCHINSON (AND CLELAND) AMENDMENT NO. 3403

Mr. WARNER (for Mr. CLELAND) proposed an amendment to the bill, S. 2549, supra; as follows:

On page 206, between lines 15 and 16, insert the following:

SEC. 610. BASIC ALLOWANCE FOR HOUSING.

(a) APPLICABILITY OF LOW-COST AND NO-COST REASSIGNMENTS TO MEMBERS WITH DEPENDENTS.—Subsection (b)(7) of section 403 of title 37, United States Code, is amended by striking ''without dependents''.

(b) ALLOWANCE WHEN DEPENDENTS ARE UNABLE TO ACCOMPANY MEMBERS.—Subsection (d) of such section is amended by striking paragraph (3) and inserting the following:

''(3) In the case of a member with dependents who is assigned to duty in an area that is different from the area in which the member's dependents reside—

''(A) the member shall receive a basic allowance for housing as provided in subsection (b) or (c), as appropriate;

''(B) if the member is assigned to duty in an area or under circumstances that, as determined by the Secretary concerned, require the member's dependents to reside in a different area, the member shall receive a basic allowance for housing as if the member were assigned to duty in the area in which the dependents reside or at the member's last duty station, whichever the Secretary concerned determines to be equitable; or

''(C) if the member is assigned to duty in that area under the conditions of low-cost or no-cost permanent change of station or permanent change of assignment and the Secretary concerned determines that it would be inequitable to base the member's entitlement to, and amount of, a basic allowance for housing on the cost of housing in the area to which the member is reassigned, the member shall receive a basic allowance for housing as if the member were assigned to duty at the member's last duty station.''.

(c) EFFECTIVE DATE.—The amendments made by subsections (a) and (b) shall take effect on October 1, 2000, and shall apply with respect to pay periods beginning on and after that date.

DEWINE AMENDMENT NO. 3404

Mr. WARNER (for Mr. DEWINE) proposed an amendment to the bill, S. 2549, supra; as follows:

On page 546, after line 13, add the following:

SEC. 2882. ACCEPTANCE AND USE OF GIFTS FOR CONSTRUCTION OF THIRD BUILDING AT UNITED STATES AIR FORCE MUSEUM, WRIGHT-PATTERSON AIR FORCE BASE, OHIO.

(a) ACCEPTANCE AUTHORIZED.—(1) The Secretary of the Air Force may accept from the Air Force Museum Foundation, a private non-profit foundation, gifts in the form of cash, Treasury instruments, or comparable United States Government securities for the purpose of paying the costs of design and construction of a third building for the United States Air Force Museum at Wright-Patterson Air Force Base, Ohio. The building is listed as an unfunded military construction requirement for the Air Force in the fiscal year 2002 military construction program of the Air Force.

(2) A gift accepted under paragraph (1) may specify that all or part of the amount of the gift be utilized solely for purposes of the design and construction of a particular portion of the building described in that paragraph.

(b) DEPOSIT IN ESCROW ACCOUNT.—The Secretary, acting through the Comptroller of the Air Force Materiel Command, shall deposit the amount of any cash, instruments, or securities accepted as a gift under subsection (a) in an escrow account established for that purpose.

(c) INVESTMENT.—Amounts in the escrow account under subsection (b) not required to meet current requirements of the account shall be invested in public debt securities with maturities suitable to the needs of the account, as determined by the Comptroller of the Air Force Materiel Command, and bearing interest at rates that take into consideration current market yields on outstanding marketable obligations of the United States of comparable maturities. The income on such investments shall be credited to and form a part of the account.

(d) UTILIZATION.—(1) Amounts in the escrow account under subsection (b), including any income on investments of such amounts under subsection (c), that are attributable to a particular portion of the building described in subsection (a) shall be utilized by the Comptroller of the Air Force Materiel Command to pay the costs of the design and construction of such portion of the building, including progress payments for such design and construction.

(2) Subject to paragraph (3), amounts shall be payable under paragraph (1) upon receipt by the Comptroller of the Air Force Materiel Command of a notification from an appropriate officer or employee of the Corps of Engineers that such amounts are required for the timely payment of an invoice or claim for the performance of design or construction activities for which such amounts are payable under paragraph (1).

(3) The Comptroller of the Air Force Materiel Command shall, to the maximum extent practicable consistent with good business practice, limit payment of amounts from the account in order to maximize the return on investment of amounts in the account.

(e) LIMITATION ON CONTRACTS.—The Corps of Engineers may not enter into a contract for the design or construction of a particular portion of the building described in subsection (a) until amounts in the escrow account under subsection (b), including any income on investments of such amounts under subsection (c), that are attributable to such portion of the building are sufficient to cover the amount of such contract.

(f) LIQUIDATION OF ESCROW ACCOUNT.—(1) Upon final payment of all invoices and claims associated with the design and construction of the building described in subsection (a), the Secretary of the Air Force shall terminate the escrow account under subsection (b).

(2) Any amounts in the account upon final payment of invoices and claims as described in paragraph (1) shall be available to the Secretary for such purposes as the Secretary considers appropriate.

INHOFE (AND ROBB) AMENDMENT NO. 3405

Mr. WARNER (for Mr. INHOFE (for himself and Mr. ROBB)) proposed an amendment to the bill, S. 2549, supra; as follows:

On page 123, between lines 12 and 13, insert the following:

SEC. 377. REVIEW OF AH–64 AIRCRAFT PROGRAM.

(a) REQUIREMENT FOR REVIEW.—The Comptroller General shall conduct a review of the Army's AH–64 aircraft program to determine the following:

(1) Whether any of the following conditions exist under the program:

(A) Obsolete spare parts, rather than spare parts for the latest aircraft configuration, are being procured.

(B) There is insufficient sustaining system technical support.

(C) The technical data packages and manuals are obsolete.

(D) There are unfunded requirements for airframe and component upgrades.

(2) Whether the readiness of the aircraft is impaired by conditions described in paragraph (1) that are determined to exist.

(b) REPORT.—Not later than March 1, 2001, the Comptroller General shall submit to the congressional defense committees a report on the results of the review under subsection (a).

LOTT AMENDMENT NO. 3406

Mr. WARNER (for Mr. LOTT) proposed an amendment to the bill, S. 2549, supra; as follows:

On page 48, between lines 20 and 21, insert the following:

SEC. 222. ACOUSTIC MINE DETECTION.

(a) INCREASE IN AMOUNT.—(1) The amount authorized to be appropriated by section 201(1) for research, development, test, and evaluation for the Army is hereby increased by $2,500,000.

(2) Of the amount authorized to be appropriated by section 201(1), as increased by paragraph (1), the amount available for Countermine Systems (PE602712A) is hereby increased by $2,500,000, with the amount of such increase available for research in acoustic mine detection.

(b) OFFSET.—The amount authorized to be appropriated by section 201(4) for research, development, test, and evaluation Defense-wide is hereby decreased by $2,500,000, with the amount of such decrease to be applied to Sensor Guidance Technology (PE603762E).

SNOWE AMENDMENT NO. 3407

Mr. WARNER (for Ms. SNOWE) proposed an amendment to the bill, S. 2549, supra; as follows:

On page 543, between lines 19 and 20, insert the following:

(e) LEASE OF PROPERTY PENDING CONVEYANCE.—(1) Pending the conveyance by deed of the property authorized to be conveyed by subsection (a), the Secretary may enter into one or more leases of the property.

(2) The Secretary shall deposit any amounts paid under a lease under paragraph (1) in the appropriation or account providing funds for the protection, maintenance, or repair of the property, or for the provision of utility services for the property. Amounts so deposited shall be merged with funds in the appropriation or account in which deposited, and shall be available for the same purposes, and subject to the same conditions and limitations, as the funds with which merged.

DASCHLE AMENDMENT NO. 3408

Mr. LEVIN (for Mr. DASCHLE) proposed an amendment to the bill, S. 2549, supra; as follows:

On page 543, strike line 20 and insert the following:

PART III—AIR FORCE CONVEYANCES

SEC. 2861. MODIFICATION OF LAND CONVEYANCE, ELLSWORTH AIR FORCE BASE, SOUTH DAKOTA.

(a) MODIFICATION OF CONVEYEE.—Subsection (a) of section 2863 of the Military Construction Authorization Act for Fiscal Year 1998 (division B of Public Law 105–85; 111 Stat. 2010) is amended by striking ''Greater Box Elder Area Economic Development Corporation, Box Elder, South Dakota (in this section referred to as the 'Corporation')'' and inserting ''West River Foundation for Economic and Community Development, Sturgis, South Dakota (in this section referred to as the 'Foundation')''.

(b) CONFORMING AMENDMENTS.—That section is further amended by striking ''Corporation'' each place it appears in subsections (c) and (e) and inserting ''Foundation''.

PART IV—DEFENSE AGENCIES CONVEYANCES

GRAMM AMENDMENT NO. 3409

Mr. WARNER (for Mr. GRAMM) proposed an amendment to the bill, S. 2549, supra; as follows:

At the end of title XII, add the following:

SEC. ___. AUTHORITY TO CONSENT TO RETRANSFER OF ALTERNATIVE FORMER NAVAL VESSEL BY GOVERNMENT OF GREECE.

Section 1012 of the National Defense Authorization Act for Fiscal Year 2000 (Public Law 106–65; 113 Stat. 740) is amended—

(1) in subsection (a), by inserting after ''HS Rodos (ex-USS BOWMAN COUNTY (LST 391))'' the following: '', LST 325, or any other former United States LST that is excess to the needs of that government''; and

(2) in subsection (b)(1), by inserting ''retransferred under subsection (a)'' after ''the vessel''.

CONRAD AMENDMENT NO. 3410

Mr. LEVIN (for Mr. CONRAD) proposed an amendment to the bill, S. 2549, supra; as follows:

On page 378, between lines 19 and 20, insert the following:

SEC. 1027. REPORT ON GLOBAL MISSILE LAUNCH EARLY WARNING CENTER.

Not later than March 15, 2001, the Secretary of Defense shall submit to the congressional defense committees a report on the feasibility and advisability of establishing a center at which missile launch early warning data from the United States and other nations would be made available to representatives of nations concerned with the launch of ballistic missiles. The report shall include the Secretary's assessment of the advantages and disadvantages of such a center and any other matters regarding such a center that the Secretary considers appropriate.

WARNER AMENDMENT NO. 3411

Mr. WARNER proposed an amendment to the bill, S. 2549, supra; as follows:

On page 378, between lines 19 and 20, insert the following:

SEC. 1027. MANAGEMENT REVIEW OF WORKING-CAPITAL FUND ACTIVITIES.

(a) COMPTROLLER GENERAL REVIEW REQUIRED.—The Comptroller General shall conduct a review of the working-capital fund activities of the Department of Defense to identify any potential changes in current management processes or policies that, if made, would result in a more efficient and economical operation of those activities.

(b) REVIEW TO INCLUDE CARRYOVER POLICY.—The review shall include a review of practices under the Department of Defense policy that authorizes funds available for working-capital fund activities for one fiscal year to be obligated for work to be performed at such activities within the first 90 days of the next fiscal year (known as ''carryover''). On the basis of the review, the Comptroller General shall determine the following:

(1) The extent to which the working-capital fund activities of the Department of Defense have complied with the 90-day carryover policy.

(2) The reasons for the carryover authority under the policy to apply to as much as a 90-day quantity of work.

(3) Whether applying the carryover authority to not more than a 30-day quantity of work would be sufficient to ensure uninterrupted operations at the working-capital fund activities early in a fiscal year.

(4) What, if any, savings could be achieved by restricting the carryover authority so as to apply to a 30-day quantity of work.

SNOWE (AND ROBB) AMENDMENT NO. 3412

Mr. WARNER (for Ms. SNOWE (for herself and Mr. ROBB)) proposed an amendment to the bill, S. 2549, supra; as follows:

Beginning on page 295, after line 22, insert the following:

(e) PHASED IMPLEMENTATION TO COMMENCE DURING FISCAL YEAR 2001—The Secretary of the Navy shall commence a phased implementation of the Navy-Marine Corps Intranet during fiscal year 2001. For the implementation in that fiscal year—

(1) not more than fifteen percent of the total number of work stations to be provided under the Navy-Marine Corps Intranet program may be provided in the first quarter of such fiscal year; and

(2) no additional work stations may be provided until—

(A) the Secretary has conducted operational testing of the Intranet; and

(B) the Chief Information Officer of the Department of Defense has certified to the Secretary that the results of the operational testing of the Intranet are acceptable.

(f) IMPACT ON FEDERAL EMPLOYEES.—The Secretary shall mitigate any adverse impact of the implementation of the Navy-Marine Corps Intranet on civilian employees of the Department of the Navy who, as of the date of the enactment of this Act, are performing functions that are included in the scope of the Navy-Marine Corps Intranet program by—

(1) developing a comprehensive plan for the transition of such employees to the performance of other functions within the Department of the Navy;

(2) taking full advantage of transition authorities available for the benefit of employees;

(3) encouraging the retraining of employees who express a desire to qualify for reassignment to the performance of other functions within the Department of the Navy; and

(4) including a provision in the Navy-Marine Corps Intranet contract that requires the contractor to provide a preference for hiring employees of the Department of the Navy who, as of the date of the enactment of this Act, are performing functions that are included in the scope of the contract.

BINGAMAN AMENDMENT NO. 3413

Mr. LEVIN (for Mr. BINGAMAN) proposed an amendment to the bill, S. 2549, supra; as follows:

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).''.

WARNER AMENDMENT NO. 3414

Mr. WARNER proposed an amendment to the bill, S. 2549, supra; as follows:

On page 48, between lines 20 and 21, insert the following:

SEC. 222. OPERATIONAL TECHNOLOGIES FOR MOUNTED MANEUVER FORCES.

(a) INCREASE IN AMOUNT.—(1) The amount authorized to be appropriated by section 201(1) for research, development, test, and evaluation for the Army is hereby increased by $5,000,000.

(2) Of the amount authorized to be appropriated by section 201(1), as increased by paragraph (1), the amount available for Concepts Experimentation Program (PE605326A) is hereby increased by $5,000,000, with the amount of such increase available for test and evaluation of future operational technologies for use by mounted maneuver forces.

(b) OFFSET.—The amount authorized to be appropriated by section 201(4) for research, development, test, and evaluation Defense-wide is hereby decreased by $5,000,000, with the amount of such decrease to be applied to Computing Systems and Communications Technology (PE602301E).

WARNER (AND ROBB) AMENDMENT NO. 3415

Mr. WARNER (for himself and Mr. ROBB) proposed an amendment to the bill, S. 2549, supra; as follows:

On page 546, following line 13, add the following:

SEC. 2882. DEVELOPMENT OF MARINE CORPS HERITAGE CENTER AT MARINE CORPS BASE, QUANTICO, VIRGINIA.

(a) AUTHORITY TO ENTER INTO JOINT VENTURE FOR DEVELOPMENT.—The Secretary of the Navy may enter into a joint venture with the Marine Corps Heritage Foundation, a not-for-profit entity, for the design and construction of a multipurpose facility to be used for historical displays for public viewing, curation, and storage of artifacts, research facilities, classrooms, offices, and associated activities consistent with the mission of the Marine Corps University. The facility shall be known as the Marine Corps Heritage Center.

(b) AUTHORITY TO ACCEPT CERTAIN LAND.—(1) The Secretary may, if the Secretary determines it to be necessary for the facility described in subsection (a), accept without compensation any portion of the land known as Locust Shade Park which is now offered by the Park Authority of the County of Prince William, Virginia, as a potential site for the facility.

(2) The Park Authority may convey the land described in paragraph (1) to the Secretary under this section without regard to any limitation on its use, or requirement for its replacement upon conveyance, under section 6(f)(3) of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460*l*–8(f)(3)) or under any other provision of law.

(c) DESIGN AND CONSTRUCTION.—For each phase of development of the facility described in subsection (a), the Secretary may—

(1) permit the Marine Corps Heritage Foundation to contract for the design, construction, or both of such phase of development; or

(2) accept funds from the Marine Corps Heritage Foundation for the design, construction, or both of such phase of development.

(d) ACCEPTANCE AUTHORITY.—Upon completion of construction of any phase of development of the facility described in subsection (a) by the Marine Corps Heritage Foundation to the satisfaction of the Secretary, and the satisfaction of any financial obligations incident thereto by the Marine Corps Heritage Foundation, the facility shall become the property of the Department of the Navy with all right, title, and interest in and to facility being in the United States.

(e) LEASE OF FACILITY.—(1) The Secretary may lease, under such terms and conditions as the Secretary considers appropriate for the joint venture authorized by subsection (a), portions of the facility developed under that subsection to the Marine Corps Heritage Foundation for use in generating revenue for activities of the facility and for such administrative purposes as may be necessary for support of the facility.

(2) The amount of consideration paid the Secretary by the Marine Corps Heritage Foundation for the lease under paragraph (1) may not exceed an amount equal to the actual cost (as determined by the Secretary) of the operation of the facility.

(3) Notwithstanding any other provision of law, the Secretary shall use amounts paid under paragraph (2) to cover the costs of operation of the facility.

(f) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the joint venture authorized by subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

MURRAY AMENDMENT NO. 3416

Mr. LEVIN (for Mrs. MURRAY) proposed an amendment to the bill, S. 2549, supra; as follows:

On page 58, between lines 7 and 8, insert the following:

SEC. 313. DEMONSTRATION PROJECT FOR INTERNET ACCESS AND SERVICES IN RURAL COMMUNITIES.

(a) IN GENERAL.—The Secretary of the Army, acting through the Chief of the National Guard Bureau, shall carry out a demonstration project to provide Internet access and services to rural communities that are unserved or underserved by the Internet.

(b) PROJECT ELEMENTS.—In carrying out the demonstration project, the Secretary shall—

(1) establish and operate distance learning classrooms in communities described in subsection (a), including any support systems required for such classrooms; and

(2) subject to subsection (c), provide Internet access and services in such classrooms through GuardNet, the telecommunications infrastructure of the National Guard.

(c) AVAILABILITY OF ACCESS AND SERVICES.—Under the demonstration project, Internet access and services shall be available to the following:

(1) Personnel and elements of governmental emergency management and response entities located in communities served by the demonstration project.

(2) Members and units of the Army National Guard located in such communities.

(3) Businesses located in such communities.

(4) Personnel and elements of local governments in such communities.

(5) Other appropriate individuals and entities located in such communities.

(d) REPORT.—Not later than _____, the Secretary shall submit to Congress a report on the demonstration project. The report shall describe the activities under the demonstration project and include any recommendations for the improvement or expansion of the demonstration project that the Secretary considers appropriate.

(e) FUNDING.—(1) The amount authorized to be appropriated by section 301(10) for operation and maintenance of the Army National Guard is hereby increased by $15,000,000.

(2) Of the amount authorized to be appropriated by section 301(10), as increased by paragraph (1), $15,000,000 shall be available for the demonstration project required by this section.

(3) It is the sense of Congress that requests of the President for funds for the National Guard for fiscal years after fiscal year 2001 should provide for sufficient funds for the continuation of the demonstration project required by this section.

INHOFE AMENDMENT NO. 3417

Mr. WARNER (for Mr. INHOFE) proposed an amendment to the bill, S. 2549, supra; as follows:

On page 48, between lines 20 and 21, insert the following:

SEC. 222. AIR LOGISTICS TECHNOLOGY.

(a) AVAILABILITY OF AMOUNT.—Of the amount authorized to be appropriated by section 201(4) for research, development, test, and evaluation Defense-wide, the amount available for Generic Logistics Research and Development Technology Demonstrations (PE603712S) is hereby increased by $300,000, with the amount of such increase available for air logistics technology.

(b) OFFSET.—Of the amount authorized to be appropriated by section 201(4), the amount available for Computing Systems and Communications Technology (PE602301E) is hereby decreased by $300,000.

CLELAND AMENDMENT NO. 3418

Mr. LEVIN (for Mr. CLELAND) proposed an amendment to the bill, S. 2549, supra; as follows:

On page 415, between lines 2 and 3, insert the following:

SEC. 1061. AWARD OF CONGRESSIONAL GOLD MEDAL TO GENERAL WESLEY K. CLARK.

(a) FINDINGS.—Congress makes the following findings:

(1) While serving as Supreme Allied Commander in Europe, General Wesley K. Clark demonstrated the highest degree of professionalism in leading over 75,000 troops from 37 countries in military operations against the Federal Republic of Yugoslavia (Serbia and Montenegro).

(2) General Clark's 34 years of outstanding service as an Army officer gave him the ability to effectively mobilize and command multinational air and ground forces in the Balkans.

(3) The forces led by General Clark succeeded in halting the Serbian government's human rights abuses in Kosovo and permitted a safe return of refugees to their homes.

(4) Under the leadership of General Clark, NATO forces launched successful air and ground attacks against Serbian military forces with a minimum of losses.

(5) As the Supreme Allied Commander in Europe, General Clark continued the history of the American military of defending the rights of all people to live their lives in peace and freedom, and he should be recognized for his tremendous achievements by the award of a Congressional Gold Medal.

(b) CONGRESSIONAL GOLD MEDAL.—

(1) PRESENTATION AUTHORIZED.—The President is authorized to present, on behalf of the Congress, a gold medal of appropriate design to General Wesley K. Clark, in recognition of his outstanding leadership and service as Supreme Allied Commander in Europe during the military operations against the Federal Republic of Yugoslavia (Serbia and Montenegro).

(2) DESIGN AND STRIKING.—For the purpose of the presentation referred to in paragraph (1), the Secretary of the Treasury (hereafter in this section referred to as the ''Secretary'') shall strike a gold medal with suitable emblems, devices, and inscriptions, to be determined by the Secretary.

(c) DUPLICATE MEDALS.—The Secretary may strike and sell duplicates in bronze of the gold medal struck pursuant to subsection (b) under such regulations as the Secretary may prescribe, and at a price sufficient to cover the costs thereof, including labor, materials, dies, use of machinery, overhead expenses, and the cost of the gold medal.

(d) NATIONAL MEDALS.—The medals struck pursuant to this section are national medals for purposes of chapter 51 of title 31, United States Code.

(e) AUTHORIZATION OF APPROPRIATIONS; PROCEEDS OF SALE.—

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

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

WARNER AMENDMENT NO. 3419

Mr. WARNER proposed an amendment to the bill, S. 2549, supra; as follows:

On page 200, after line 23, insert the following:

SEC. 566. VERBATIM RECORDS IN SPECIAL COURTS-MARTIAL.

(a) WHEN REQUIRED.—Subsection (c)(1)(B) of section 854 of title 10, United States Code (article 54 of the Uniform Code of Military Justice), is amended by inserting after ''bad-conduct discharge'' the following: '', confinement for more than six months, or forfeiture of pay for more than six months''.

(b) RETROACTIVE EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect as of April 1, 2000, and shall apply with respect to charges referred on or after that date to trial by special courts-martial.

INHOFE AMENDMENT NO. 3420

Mr. WARNER (for Mr. INHOFE) proposed an amendment to the bill, S. 2549, supra; as follows:

On page 415, between lines 2 and 3, insert the following:

SEC. 1061. DEPARTMENT OF DEFENSE PROCESS FOR DECISIONMAKING IN CASES OF FALSE CLAIMS.

(a) POLICIES AND PROCEDURES.—Not later than 30 days after the date of the enactment of this Act, the Secretary of Defense shall prescribe policies and procedures for Department of Defense decisionmaking on issues arising under sections 3729 through 3733 of title 31, United States Code, in cases of claims submitted to the Department of Defense that are suspected or alleged to be false.

(b) REFERRAL AND INTERVENTION DECISIONS.—The policies and procedures shall specifically require that—

(1) an official at an appropriately high level in the Department of Defense make the decision on whether to refer to the Attorney General a case involving a claim submitted to the Department of Defense or to recommend that the Attorney General intervene in, or seek dismissal of, a qui tam action involving such a claim; and

(2) before making any such decision, the official determined appropriate under the policies and procedures take into consideration the applicable laws, regulations, and agency guidance implementing the laws and regulations, and an examination of all of the available alternative remedies.

(c) REPORT.—(1) Not later than February 1, 2001, the Secretary of Defense shall submit to Congress a report on the Qui Tam Review Panel, including its status.

(2) For the purposes of paragraph (1), the Qui Tam Review Panel is the panel that was established by the Secretary of Defense for an 18-month trial period to review extraordinary cases of qui tam actions involving false contract claims submitted to the Department of Defense.

EDWARDS (AND TORRICELLI) AMENDMENT NO. 3421

Mr. LEVIN (for Mr. EDWARDS (for himself and Mr. TORRICELLI)) proposed an amendment to the bill, S. 2549, supra; as follows:

At the appropriate place, insert the following:

SEC. . SENSE OF THE SENATE.

(a) FINDINGS.—The Senate finds that—

(1) during September 1999, Hurricane Floyd ran a path of destruction along the entire eastern seaboard from Florida to Maine;

(2) Hurricane Floyd was the most destructive natural disaster in the history of the State of North Carolina and most costly natural disaster in the history of the State of New Jersey;

(3) the Federal Emergency Management Agency declared Hurricane Floyd the eighth worst natural disaster of the past decade;

(4) although the Federal Emergency Management Agency coordinates the Federal response to natural disasters that exceed the capabilities of State and local governments and assists communities to recover from those disasters, the Federal Emergency Management Agency is not equipped to provide long-term economic recovery assistance;

(5) it has been 9 months since Hurricane Floyd and the Nation has hundreds of communities that have yet to recover from the devastation caused by that disaster;

(6) in the past, Congress has responded to natural disasters by providing additional economic community development assistance to communities recovering from those

disasters, including $250,000,000 for Hurricane Georges in 1998, $552,000,000 for Red River Valley Floods in North Dakota in 1997, $25,000,000 for Hurricanes Fran and Hortense in 1996, and $725,000,000 for the Northridge Earthquake in California in 1994;

(7) additional assistance provided by Congress to communities recovering from natural disasters has been in the form of community development block grants administered by the Department of Housing and Urban Development Administration;

(8) communities affected by Hurricane Floyd are facing similar recovery needs as have victims of other natural disasters and will need long-term economic recovery plans to make them strong again; and

(9) on April 7, 2000, the Senate passed amendment number 3001 to S. Con. Res. 101, which amendment would allocate $250,000,000 in long-term economic development aid to assist communities rebuilding from Hurricane Floyd, including $150,000,000 in community development block grant funding and $50,000,000 in rural facilities grant funding.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that—

(1) communities devastated by Hurricane Floyd should know that, in the past, Congress has responded to natural disasters by demonstrating a commitment to helping affected States and communities to recover;

(2) the Federal response to natural disasters has traditionally been quick, supportive, and appropriate;

(3) recognizing that communities devastated by Hurricane Floyd are facing tremendous challenges as they begin their recovery, the Federal agencies that administer community and regional development programs should expect an increase in applications and other requests from these communities;

(4) community development block grants administered by the Department of Housing and Urban Development, grant programs administered by the Economic Development Administration, and the Community Facilities Grant Program administered by the Department of Agriculture are resources that communities have used to accomplish revitalization and economic development following natural disasters; and

(5) additional community and regional development funding, as provided for in amendment number 3001 to S. Con. Res. 101, as passed by the Senate on April 7, 2000, should be appropriated to assist communities in need of long-term economic development aid as a result of damage suffered by Hurricane Floyd.

FITZGERALD (AND OTHERS) AMENDMENT NO. 3422

Mr. WARNER (for Mr. FITZGERALD (for himself, Mr. SCHUMER, Mr. GRASSLEY, Mrs. LINCOLN, Mr. HUTCHINSON, Mr. DURBIN, Mr. MOYNIHAN, and Mr. HARKIN)) proposed an amendment to the bill, S. 2549, supra; as follows:

At the end of title III, subtitle D insert the following:

SEC. . UNUTILIZED AND UNDERUTILIZED PLANT-CAPACITY COSTS OF UNITED STATES ARSENALS.

(a) UNUTILIZED AND UNDERUTILIZED PLANT CAPACITY AT UNITED STATES ARSENALS.—

S. 2549 is amended by adding the following:

(c) UNUTILIZED AND UNDERUTILIZED PLANT CAPACITY AT UNITED STATES ARSENALS.—

(1) The Secretary shall submit to Congress each year, together with the President's budget for the fiscal year beginning in such year under section 1105(a) of title 31, an estimate of the funds to be required in the fiscal year in order to cover the costs of operating and maintaining unutilized and underutilized plant capacity at United States arsenals.

(2) Funds appropriated to the Secretary for a fiscal year for costs described in paragraph (1) shall be utilized by the Secretary in such fiscal year only to cover such costs.

(3) Notwithstanding any other provision of law, the Secretary shall not include unutilized or underutilized plant-capacity costs when evaluating an arsenal's bid for purposes of the arsenal's contracting to provide a good or service to a United States government organization. When an arsenal is subcontracting to a private-sector entity on a good or service to be provided to a United States government organization, the cost charged by the arsenal shall not include unutilized or underutilized plant-capacity costs that are funded by a direct appropriation.

(c) DEFINITION OF UNUTILIZED AND UNDERUTILIZED PLANT-CAPACITY COST.—For purposes of this section, the term ''unutilized and underutilized plant-capacity cost'' shall mean the cost associated with operating and maintaining arsenal facilities and equipment that the Secretary of the Army determines are required to be kept for mobilization needs, in those months in which the facilities and equipment are not used or are used only 20% or less of available work days.

EDWARDS (AND HELMS) AMENDMENT NO. 3423

Mr. LEVIN (for Mr. EDWARDS (for himself and Mr. HELMS)) proposed an amendment to the bill, S. 2549, supra; as follows:

At the appropriate place, insert the following:

SEC. . REGARDING LAND CONVEYANCE, MARINE CORPS BASE, CAMP LEJEUNE, NORTH CAROLINA.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Navy may convey, to the city of Jacksonville, North Carolina (City), all right, title and interest of the United States in and to real property, including improvements thereon, and currently leased to Norfolk Southern Corporation (NSC), consisting of approximately 50 acres, known as the railroad right-of-way, lying within the City between Highway 24 and Highway 17, at the Marine Corps Base, Camp Lejeune, North Carolina, for the purpose of permitting the City to develop the parcel for initial use as a bike/green way trail.

(b) CONSIDERATION.—As consideration for the conveyance under subsection (a), the City shall reimburse the Secretary such amounts (as determined by the Secretary) equal to the costs incurred by the Secretary in carrying out the provisions of this section, including, but not limited to, planning, design, surveys, environmental assessment and compliance, supervision and inspection of construction, severing and realigning utility systems, and other prudent and necessary actions, prior to the conveyance authorized by subsection (a). Amounts collected under this subsection shall be credited to the account(s) from which the expenses were paid. Amounts so credited shall be merged with funds in such account(s) and shall be available for the same purposes and subject to the same limitations as the funds with which merged.

(c) CONDITION OF CONVEYANCE.—The right of the Secretary of the Navy to retain such easements, rights of way, and other interests in the property conveyed and to impose such restrictions on the property conveyed as are necessary to ensure the effective security, maintenance, and operations of the Marine Corps Base, Camp Lejeune, North Carolina, and to protect human health and the environment.

(d) DESCRIPTION OF THE PROPERTY.—The exact acreage and legal description of the real property authorized to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary of the Navy.

(e) ADDITIONAL TERMS AND CONDITIONS.—The Secretary of the Navy may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

ENZI AMENDMENT NO. 3424

Mr. WARNER (for Mr. ENZI (for himself and Mr. THOMAS)) proposed an amendment to the bill, S. 2549, supra; as follows:

On page 503, between lines 5 and 6, insert the following:

SEC. 2602. AUTHORIZATION FOR CONTRIBUTION TO CONSTRUCTION OF AIRPORT TOWER, CHEYENNE AIRPORT, CHEYENNE, WYOMING.

(a) INCREASE IN AMOUNT AUTHORIZED FOR AIR NATIONAL GUARD.—The amount authorized to be appropriated by section 2601(3)(A) is hereby increased by $1,450,000.

(b) OFFSET.—The amounts authorized to be appropriated by section 2403(a), and by paragraph (2) of that section, are each hereby reduced by $1,450,000. The amount of the reduction shall be allocated to the project authorized in section 2401(b) for the Tri-Care Management Agency for the Naval Support Activity, Naples, Italy.

(c) AVAILABILITY OF FUNDS FOR CONTRIBUTION TO TOWER.—Of the amounts authorized to be appropriated by section 2601(3)(A), as increased by subsection (a), $1,450,000 shall be available to the Secretary of the Air Force for a contribution to the costs of construction of a new airport tower at Cheyenne Airport, Cheyenne, Wyoming.

(d) AUTHORITY TO MAKE CONTRIBUTION.—The Secretary may, using funds available under subsection (c), make a contribution, in an amount considered appropriate by the Secretary and consistent with applicable agreements, to the costs of construction of a new airport tower at Cheyenne Airport, Cheyenne, Wyoming.

FITZGERALD (AND OTHERS) AMENDMENT NO. 3425

(Ordered to lie on the table.)

Mr. FITZGERALD (for himself, Mr. SCHUMER, Mr. GRASSLEY, Mrs. LINCOLN, Mr. DURBIN, Mr. HUTCHINSON, Mr. MOYNIHAN, and Mr. HARKIN) submitted an amendment intended to be proposed by them to the bill, S. 2549, supra; as follows:

At the end of title III, subtitle D insert the following:

SEC. . UNUTILIZED AND UNDERUTILIZED PLANT-CAPACITY COSTS OF UNITED STATES ARSENALS.

(a) UNUTILIZED AND UNDERUTILIZED PLANT CAPACITY AT UNITED STATES ARSENALS.—

S. 2549 is amended by adding the following:

(b) UNUTILIZED AND UNDERUTILIZED PLANT CAPACITY AT UNITED STATES ARSENALS.—

(1) The Secretary shall submit to Congress each year, together with the President's budget for the fiscal year beginning in such year under section 1105(a) of title 31, an estimate of the funds to be required in the fiscal year in order to cover the costs of operating and maintaining unutilized and underutilized plant capacity at United States arsenals.

(2) Funds appropriated to the Secretary for a fiscal year for costs described in paragraph

(1) shall be utilized by the Secretary in such fiscal year only to cover such costs.

(3) Notwithstanding any other provision of law, the Secretary shall not include unutilized or underutilized plant-capacity costs when evaluating an arsenal's bids for purposes of the arsenal's contracting to provide a good or service to a United States government organization. When an arsenal is subcontracting to a private-sector entity on a good or service to be provided to a United States government organization, the cost charged by the arsenal shall not include unutilized or underutilized plant-capacity costs that are funded by a direct appropriation.

(c) DEFINITION OF UNUTILIZED AND UNDERUTILIZED PLANT-CAPACITY COST.—

For purposes of this section, the term ''unutilized and underutilized plant-capacity cost'' shall mean the cost associated with operating and maintaining arsenal facilities and equipment that the Secretary of the Army determines are required to be kept for mobilization needs, in those months in which the facilities and equipment are not used or are used only 20% or less of available work days.

DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES APPROPRIATIONS ACT, 2001

SHELBY (AND LAUTENBERG) AMENDMENT NO. 3426

Mr. SHELBY (for himself and Mr. LAUTENBERG) proposed an amendment to the bill (H.R. 4475) making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2001, and for other purposes; as follows:

Strike all after the enacting clause and insert the following: That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Department of Transportation and related agencies for the fiscal year ending September 30, 2001, and for other purposes, namely:

TITLE I

DEPARTMENT OF TRANSPORTATION

OFFICE OF THE SECRETARY

IMMEDIATE OFFICE OF THE SECRETARY

For necessary expenses of the Immediate Office of the Secretary, $1,800,000.

IMMEDIATE OFFICE OF THE DEPUTY SECRETARY

For necessary expenses of the Immediate Office of the Deputy Secretary, $500,000.

OFFICE OF THE GENERAL COUNSEL

For necessary expenses of the Office of the General Counsel, $9,000,000.

OFFICE OF THE ASSISTANT SECRETARY FOR POLICY

For necessary expenses of the Office of the Assistant Secretary for Policy, $2,500,000.

OFFICE OF THE ASSISTANT SECRETARY FOR AVIATION AND INTERNATIONAL AFFAIRS

For necessary expenses of the Office of the Assistant Secretary for Aviation and International Affairs, $7,000,000: *Provided*, That notwithstanding any other provision of law, there may be credited to this appropriation up to $1,250,000 in funds received in user fees.

OFFICE OF THE ASSISTANT SECRETARY FOR BUDGET AND PROGRAMS

For necessary expenses of the Office of the Assistant Secretary for Budget and Programs, $6,500,000, including not to exceed $60,000 for allocation within the Department for official reception and representation expenses as the Secretary may determine: *Provided*, That not more than $15,000 of the official reception and representation funds shall be available for obligation prior to January 20, 2001.

OFFICE OF THE ASSISTANT SECRETARY FOR GOVERNMENTAL AFFAIRS

For necessary expenses of the Office of the Assistant Secretary for Governmental Affairs, $2,000,000.

OFFICE OF THE ASSISTANT SECRETARY FOR ADMINISTRATION

For necessary expenses of the Office of the Assistant Secretary for Administration, $17,800,000.

OFFICE OF PUBLIC AFFAIRS

For necessary expenses of the Office of Public Affairs, $1,500,000.

EXECUTIVE SECRETARIAT

For necessary expenses of the Executive Secretariat, $1,181,000.

BOARD OF CONTRACT APPEALS

For necessary expenses of the Board of Contract Appeals, $496,000.

OFFICE OF SMALL AND DISADVANTAGED BUSINESS UTILIZATION

For necessary expenses of the Office of Small and Disadvantaged Business Utilization, $1,192,000.

OFFICE OF THE CHIEF INFORMATION OFFICER

For necessary expenses of the Office of the Chief Information Officer, $6,000,000.

OFFICE OF CIVIL RIGHTS

For necessary expenses of the Office of Civil Rights, $8,000,000.

TRANSPORTATION PLANNING, RESEARCH, AND DEVELOPMENT

For necessary expenses for conducting transportation planning, research, systems development, development activities, and making grants, to remain available until expended, $5,300,000, of which $1,400,000 shall only be available for planning for the 2001 Special Winter Olympics; and $2,000,000 shall only be available for the purpose of section 228 of Public Law 106–181.

TRANSPORTATION ADMINISTRATIVE SERVICE CENTER

Necessary expenses for operating costs and capital outlays of the Transportation Administrative Service Center, not to exceed $173,278,000, shall be paid from appropriations made available to the Department of Transportation: *Provided*, That such services shall be provided on a competitive basis to entities within the Department of Transportation: *Provided further*, That the above limitation on operating expenses shall not apply to non-DOT entities: *Provided further*, That no funds appropriated in this Act to an agency of the Department shall be transferred to the Transportation Administrative Service Center without the approval of the agency modal administrator: *Provided further*, That no assessments may be levied against any program, budget activity, subactivity or project funded by this Act unless notice of such assessments and the basis therefor are presented to the House and Senate Committees on Appropriations and are approved by such Committees.

MINORITY BUSINESS RESOURCE CENTER PROGRAM

For the cost of direct loans, $1,500,000, as authorized by 49 U.S.C. 332: *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 $13,775,000. In addition, for administrative expenses to carry out the direct loan program, $400,000.

MINORITY BUSINESS OUTREACH

For necessary expenses of Minority Business Resource Center outreach activities, $3,000,000, of which $2,635,000 shall remain available until September 30, 2002: *Provided*, That notwithstanding 49 U.S.C. 332, these funds may be used for business opportunities related to any mode of transportation.

COAST GUARD

OPERATING EXPENSES

For necessary expenses for the operation and maintenance of the Coast Guard, not otherwise provided for; purchase of not to exceed five passenger motor vehicles for replacement only; payments pursuant to section 156 of Public Law 97–377, as amended (42 U.S.C. 402 note), and section 229(b) of the Social Security Act (42 U.S.C. 429(b)); and recreation and welfare; $3,039,460,000, of which $641,000,000 shall be available only for defense-related activities; and of which $25,000,000 shall be derived from the Oil Spill Liability Trust Fund: *Provided*, That none of the funds appropriated in this or any other Act shall be available for pay for administrative expenses in connection with shipping commissioners in the United States: *Provided further*, That none of the funds provided in this Act shall be available for expenses incurred for yacht documentation under 46 U.S.C. 12109, except to the extent fees are collected from yacht owners and credited to this appropriation: *Provided further*, That the Commandant shall reduce both military and civilian employment levels for the purpose of complying with Executive Order No. 12839: *Provided further*, That up to $615,000 in user fees collected pursuant to section 1111 of Public Law 104–324 shall be credited to this appropriation as offsetting collections in fiscal year 2001: *Provided further*, That none of the funds in this Act shall be available for the Coast Guard to plan, finalize, or implement any regulation that would promulgate new maritime user fees not specifically authorized by law after the date of the enactment of this Act: *Provided further*, That the Secretary may transfer funds to this account, from Federal Aviation Administration ''Operations'', not to exceed $100,000,000 in total for the fiscal year, fifteen days after written notification to the House and Senate Committees on Appropriations, for the purpose of providing additional funds for drug interdiction activities and/or the Office of Intelligence and Security activities: *Provided further*, That the United States Coast Guard will reimburse the Department of Transportation Inspector General $5,000,000 for costs associated with audits and investigations of all Coast Guard-related issues and systems.

ACQUISITION, CONSTRUCTION, AND IMPROVEMENTS

For necessary expenses of acquisition, construction, renovation, and improvement of aids to navigation, shore facilities, vessels, and aircraft, including equipment related thereto, $407,747,660, of which $20,000,000 shall be derived from the Oil Spill Liability Trust Fund; of which $145,936,660 shall be available to acquire, repair, renovate or improve vessels, small boats and related equipment, to remain available until September 30, 2005; $41,650,000 shall be available to acquire new aircraft and increase aviation capability, to remain available until September 30, 2003; $54,304,000 shall be available for other equipment, to remain available until September 30, 2003; $68,406,000 shall be available for shore facilities and aids to navigation facilities, to remain available until September 30,

2003; $55,151,000 shall be available for personnel compensation and benefits and related costs, to remain available until September 30, 2002; and $42,300,000 for the Integrated Deepwater Systems program, to remain available until September 30, 2003: *Provided,* That the Commandant may dispose of surplus real property by sale or lease and the proceeds shall be credited to this appropriation and remain available until expended, but shall not be available for obligation until October 1, 2001: *Provided further,* That none of the funds provided for the Integrated Deepwater Systems program shall be available for obligation until the submission of a comprehensive capital investment plan for the United States Coast Guard as required by Public Law 106–69: *Provided further,* That the Commandant shall transfer $5,800,000 to the City of Homer, Alaska, for the construction of a municipal pier and other harbor improvements: *Provided further,* That the City of Homer enters into an agreement with the United States to accommodate Coast Guard vessels and to support Coast Guard operations at Homer, Alaska: *Provided further,* That the Commandant is hereby granted the authority to enter into a contract for the Great Lakes Icebreaker (GLIB) Replacement which shall be funded on an incremental basis: *Provided further*, That upon initial submission to the Congress of the fiscal year 2002 President's budget, the Secretary of Transportation shall transmit to the Congress a comprehensive capital investment plan for the United States Coast Guard which includes funding for each budget line item for fiscal years 2002 through 2006, with total funding for each year of the plan constrained to the funding targets for those years as estimated and approved by the Office of Management and Budget.

ENVIRONMENTAL COMPLIANCE AND RESTORATION

For necessary expenses to carry out the Coast Guard's environmental compliance and restoration functions under chapter 19 of title 14, United States Code, $16,700,000, to remain available until expended.

ALTERATION OF BRIDGES

(HIGHWAY TRUST FUND)

For necessary expenses for alteration or removal of obstructive bridges, $15,500,000, to remain available until expended.

RETIRED PAY

For retired pay, including the payment of obligations therefor otherwise chargeable to lapsed appropriations for this purpose, and payments under the Retired Serviceman's Family Protection and Survivor Benefits Plans, and for payments for medical care of retired personnel and their dependents under the Dependents Medical Care Act (10 U.S.C. ch. 55), $778,000,000.

RESERVE TRAINING

(INCLUDING TRANSFER OF FUNDS)

For all necessary expenses of the Coast Guard Reserve, as authorized by law; maintenance and operation of facilities; and supplies, equipment, and services; $80,371,000: *Provided*, That no more than $22,000,000 of funds made available under this heading may be transferred to Coast Guard ''Operating expenses'' or otherwise made available to reimburse the Coast Guard for financial support of the Coast Guard Reserve: *Provided further*, That none of the funds in this Act may be used by the Coast Guard to assess direct charges on the Coast Guard Reserves for items or activities which were not so charged during fiscal year 1997.

RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

For necessary expenses, not otherwise provided for, for applied scientific research, development, test, and evaluation; maintenance, rehabilitation, lease and operation of facilities and equipment, as authorized by law, $21,320,000, to remain available until expended, of which $3,500,000 shall be derived from the Oil Spill Liability Trust Fund: *Provided*, That there may be credited to and used for the purposes of this appropriation funds received from State and local governments, other public authorities, private sources, and foreign countries, for expenses incurred for research, development, testing, and evaluation.

FEDERAL AVIATION ADMINISTRATION

OPERATIONS

For necessary expenses of the Federal Aviation Administration, not otherwise provided for, including operations and research activities related to commercial space transportation, administrative expenses for research and development, establishment of air navigation facilities, the operation (including leasing) and maintenance of aircraft, subsidizing the cost of aeronautical charts and maps sold to the public, and carrying out the provisions of subchapter I of chapter 471 of title 49, United States Code, or other provisions of law authorizing the obligation of funds for similar programs of airport and airway development or improvement, lease or purchase of passenger motor vehicles for replacement only, in addition to amounts made available by Public Law 104–264, $6,350,250,000, of which $4,414,869,000 shall be derived from the Airport and Airway Trust Fund, of which $5,039,391,000 shall be available for air traffic services program activities; $691,979,000 shall be available for aviation regulation and certification program activities; $138,462,000 shall be available for civil aviation security program activities; $182,401,000 shall be available for research and acquisition program activities; $10,000,000 shall be available for commercial space transportation program activities; $43,000,000 shall be available for Financial Services program activities; $49,906,000 shall be available for Human Resources program activities; $99,347,000 shall be available for Regional Coordination program activities; and $95,764,000 shall be available for Staff Offices program activities: *Provided*, That none of the funds in this Act shall be available for the Federal Aviation Administration to plan, finalize, or implement any regulation that would promulgate new aviation user fees not specifically authorized by law after the date of the enactment of this Act: *Provided further*, That there may be credited to this appropriation funds received from States, counties, municipalities, foreign authorities, other public authorities, and private sources, for expenses incurred in the provision of agency services, including receipts for the maintenance and operation of air navigation facilities, and for issuance, renewal or modification of certificates, including airman, aircraft, and repair station certificates, or for tests related thereto, or for processing major repair or alteration forms: *Provided further*, That of the funds appropriated under this heading, not less than $5,000,000 shall be for the contract tower cost-sharing program and not less than $55,300,000 shall be for the contract tower program within the air traffic services program activities: *Provided further*, That funds may be used to enter into a grant agreement with a nonprofit standard-setting organization to assist in the development of aviation safety standards: *Provided further*, That none of the funds in this Act shall be available for new applicants for the second career training program: *Provided further*, That none of the funds in this Act shall be available for paying premium pay under 5 U.S.C. 5546(a) to any Federal Aviation Administration employee unless such employee actually performed work during the time corresponding to such premium pay: *Provided further*, That none of the funds in this Act may be obligated or expended to operate a manned auxiliary flight service station in the contiguous United States: *Provided further*, That none of the funds in this Act may be used for the Federal Aviation Administration to enter into a multiyear lease greater than 5 years in length or greater than $100,000,000 in value unless such lease is specifically authorized by the Congress and appropriations have been provided to fully cover the Federal Government's contingent liabilities: *Provided further*, That none of the funds in this Act may be used for the Federal Aviation Administration (FAA) to sign a lease for satellite services related to the global positioning system (GPS) wide area augmentation system until the administrator of FAA certifies in writing to the House and Senate Committees on Appropriations that FAA has conducted a lease versus buy analysis which indicates that such lease will result in the lowest overall cost to the agency: *Provided further,* That notwithstanding any other provision of law, the FAA Administrator may contract out the entire function of Oceanic flight services: *Provided further,* That the Secretary may transfer funds to this account, from Coast Guard ''Operating expenses'', not to exceed $100,000,000 in total for the fiscal year, fifteen days after written notification to the House and Senate Committees on Appropriations, solely for the purpose of providing additional funds for air traffic control operations and maintenance to enhance aviation safety and security, and/or the Office of Intelligence and Security activities: *Provided further,* That the Federal Aviation Administration will reimburse the Department of Transportation Inspector General $19,000,000 for costs associated with audits and investigations of all aviation-related issues and systems.

FACILITIES AND EQUIPMENT

(AIRPORT AND AIRWAY TRUST FUND)

For necessary expenses, not otherwise provided for, for acquisition, establishment, and improvement by contract or purchase, and hire of air navigation and experimental facilities and equipment as authorized under part A of subtitle VII of title 49, United States Code, including initial acquisition of necessary sites by lease or grant; engineering and service testing, including construction of test facilities and acquisition of necessary sites by lease or grant; and construction and furnishing of quarters and related accommodations for officers and employees of the Federal Aviation Administration stationed at remote localities where such accommodations are not available; and the purchase, lease, or transfer of aircraft from funds available under this head; to be derived from the Airport and Airway Trust Fund, $2,656,765,000, of which $2,334,112,400 shall remain available until September 30, 2003, and of which $322,652,600 shall remain available until September 30, 2001: *Provided*, That there may be credited to this appropriation funds received from States, counties, municipalities, other public authorities, and private sources, for expenses incurred in the establishment and modernization of air navigation facilities: *Provided further*, That upon initial submission to the Congress of the fiscal year 2002 President's budget, the Secretary of Transportation shall transmit to the Congress a comprehensive capital investment plan for the Federal Aviation Administration which includes funding for each budget line item for fiscal years 2002 through 2006, with total funding for each year of the plan constrained to the funding targets for those years as estimated and approved by the Office of Management and Budget: *Provided further*, That none of the funds in this

Act may be used for the Federal Aviation Administration to enter into a capital lease agreement unless appropriations have been provided to fully cover the Federal Government's contingent liabilities at the time the lease agreement is signed.

RESEARCH, ENGINEERING, AND DEVELOPMENT

(AIRPORT AND AIRWAY TRUST FUND)

For necessary expenses, not otherwise provided for, for research, engineering, and development, as authorized under part A of subtitle VII of title 49, United States Code, including construction of experimental facilities and acquisition of necessary sites by lease or grant, $183,343,000, to be derived from the Airport and Airway Trust Fund and to remain available until September 30, 2003: *Provided*, That there may be credited to this appropriation funds received from States, counties, municipalities, other public authorities, and private sources, for expenses incurred for research, engineering, and development.

GRANTS-IN-AID FOR AIRPORTS

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(LIMITATION ON OBLIGATIONS)

(AIRPORT AND AIRWAY TRUST FUND)

For liquidation of obligations incurred for grants-in-aid for airport planning and development, and noise compatibility planning and programs as authorized under subchapter I of chapter 471 and subchapter I of chapter 475 of title 49, United States Code, and under other law authorizing such obligations; for administration of such programs and air traffic services program activities; for administration of programs under section 40117; and for inspection activities and administration of airport safety programs, including those related to airport operating certificates under section 44706 of title 49, United States Code, $3,200,000,000, to be derived from the Airport and Airway Trust Fund and to remain available until expended: *Provided*, That none of the funds under this heading shall be available for the planning or execution of programs the obligations for which are in excess of $3,200,000,000 in fiscal year 2001, notwithstanding section 47117(h) of title 49, United States Code: *Provided further*, That notwithstanding any other provision of law, not more than $173,000,000 of funds limited under this heading shall be obligated for administration and air traffic services program activities if such funds are necessary to maintain aviation safety.

GRANTS-IN-AID FOR AIRPORTS

(AIRPORT AND AIRWAY TRUST FUND)

(RESCISSION OF CONTRACT AUTHORIZATION)

Of the unobligated balances authorized under 49 U.S.C. 48103, as amended, $579,000,000 are rescinded.

AVIATION INSURANCE REVOLVING FUND

The Secretary of Transportation is hereby authorized to make such expenditures and investments, within the limits of funds available pursuant to 49 U.S.C. 44307, and in accordance with section 104 of the Government Corporation Control Act, as amended (31 U.S.C. 9104), as may be necessary in carrying out the program for aviation insurance activities under chapter 443 of title 49, United States Code.

FEDERAL HIGHWAY ADMINISTRATION

LIMITATION ON ADMINISTRATIVE EXPENSES

Necessary expenses for administration and operation of the Federal Highway Administration not to exceed $386,657,840 shall be paid in accordance with law from appropriations made available by this Act to the Federal Highway Administration together with advances and reimbursements received by the Federal Highway Administration: *Provided*, That $10,000,000 shall be available for National Historic Covered Bridge Preservation Program under section 1224 of Public Law 105–178, as amended, $33,588,500 shall be available for the Indian Reservation Roads Program under section 204 of title 23, $30,046,440 shall be available for the Public Lands Highway Program under section 204 of title 23, $20,153,100 shall be available for the Park Roads and Parkways Program under section 204 of title 23, and $2,442,800 shall be available for the Refuge Roads program under section 204 of title 23: *Provided further*, That the Federal Highway Administration will reimburse the Department of Transportation Inspector General $10,000,000 from funds available within this limitation for costs associated with audits and investigations of all highway-related issues and systems.

FEDERAL-AID HIGHWAYS

(LIMITATION ON OBLIGATIONS)

(HIGHWAY TRUST FUND)

None of the funds in this Act shall be available for the implementation or execution of programs, the obligations for which are in excess of $29,661,806,000 for Federal-aid highways and highway safety construction programs for fiscal year 2001: *Provided*, That within the $29,661,806,000 obligation limitation on Federal-aid highways and highway safety construction programs, not more than $437,250,000 shall be available for the implementation or execution of programs for transportation research (sections 502, 503, 504, 506, 507, and 508 of title 23, United States Code, as amended; section 5505 of title 49, United States Code, as amended; and sections 5112 and 5204–5209 of Public Law 105–178) for fiscal year 2000; not more than $25,000,000 shall be available for the implementation or execution of programs for the Magnetic Levitation Transportation Technology Deployment Program (section 1218 of Public Law 105–178) for fiscal year 2001, of which not to exceed $1,000,000 shall be available to the Federal Railroad Administration for administrative expenses and technical assistance in connection with such program; not more than $31,000,000 shall be available for the implementation or execution of programs for the Bureau of Transportation Statistics (section 111 of title 49, United States Code) for fiscal year 2001: *Provided further*, That within the $218,000,000 obligation limitation on Intelligent Transportation Systems, the following sums shall be made available for Intelligent Transportation System projects in the following specified areas:

Calhoun County, MI	$500,000
Wayne County, MI	1,500,000
Southeast Michigan	1,000,000
Indiana Statewide (SAFE–T)	1,500,000
Salt Lake City (Olympic Games)	2,000,000
State of New Mexico	1,500,000
Santa Teresa, NM	1,000,000
State of Missouri (Rural)	1,000,000
Springfield-Branson, MO	1,500,000
Kansas City, MO	2,500,000
Inglewood, CA	1,200,000
Lewis & Clark trail, MT	1,250,000
State of Montana	1,500,000
Fort Collins, CO	2,000,000
Arapahoe County, CO	1,000,000
I–70 West project, CO	1,000,000
I–81 Safety Corridor, VA	1,000,000
Aquidneck Island, RI	750,000
Hattiesburg, MS	1,000,000
Jackson, MS	1,000,000
Fargo, ND	1,000,000
Moscow, ID	1,750,000
State of Ohio	2,500,000
State of Connecticut	3,000,000
Illinois Statewide	2,000,000
Charlotte, NC	1,250,000
Nashville, TN	1,000,000
State of Tennessee	2,600,000
Spokane, WA	1,000,000
Bellingham, WA	700,000
Puget Sound Regional Fare Coordination	2,000,000
Bay County, FL	1,000,000
Iowa statewide (traffic enforcement)	3,000,000
State of Nebraska	2,600,000
State of North Carolina	3,000,000
South Carolina statewide	2,000,000
San Antonio, TX	200,000
Beaumont, TX	300,000
Corpus Christi, TX (vehicle dispatching)	1,500,000
Williamson County/Round Rock, TX	500,000
Austin, TX	500,000
Texas Border Phase I Houston, TX	1,000,000
Oklahoma statewide	2,000,000
Vermont statewide	1,000,000
Vermont rural ITS	1,500,000
State of Wisconsin	3,600,000
Tucson, AZ	2,500,000
Cargo Mate, NJ	1,000,000
New Jersey regional integration/TRANSCOM	4,000,000
State of Kentucky	2,000,000
State of Maryland	4,000,000
Sacramento to Reno, I–80 corridor	200,000
Washoe County, NV	200,000
North Las Vegas, NV	1,800,000
Delaware statewide	1,000,000
North Central Pennsylvania	1,500,000
Delaware River Port Authority	3,500,000
Pennsylvania Turnpike Commission	3,000,000
Huntsville, AL	2,000,000
Tuscaloosa/Muscle Shoals Automated crash notification system, UAB	2,000,000
Oregon statewide	1,500,000
Alaska statewide	4,200,000
South Dakota commercial vehicle ITS	1,500,000:

Provided further, That, notwithstanding Public Law 105–178 as amended, funds authorized under section 110 of title 23, United States Code, for fiscal year 2001 shall be apportioned based on each State's percentage share of funding provided for under section 105 of title 23, United States Code, for fiscal year 2001. Of the funds to be apportioned under section 110 for fiscal year 2001, the Secretary shall ensure that such funds are apportioned for the Interstate Maintenance program, the National Highway system program, the bridge program, the surface transportation program, and the congestion mitigation and air quality program in the same ratio that each State is apportioned funds for such program in fiscal year 2001 but for this section.

FEDERAL-AID HIGHWAYS

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(HIGHWAY TRUST FUND)

For carrying out the provisions of title 23, United States Code, that are attributable to Federal-aid highways, including the National Scenic and Recreational Highway as authorized by 23 U.S.C. 148, not otherwise provided, including reimbursement for sums expended pursuant to the provisions of 23 U.S.C. 308, $28,000,000,000 or so much thereof as may be available in and derived from the Highway Trust Fund, to remain available until expended.

FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION

MOTOR CARRIER SAFETY

LIMITATION ON ADMINISTRATIVE EXPENSES

For necessary expenses for administration of motor carrier safety programs and motor

carrier safety research, pursuant to section 104(a) of title 23, United States Code, not to exceed $92,194,000 shall be paid in accordance with law from appropriations made available by this Act to the Federal Motor Carrier Safety Administration, together with advances and reimbursements received by the Federal Motor Carrier Safety Administration: *Provided*, That such amounts shall be available to carry out the functions and operations of the Federal Motor Carrier Safety Administration.

NATIONAL MOTOR CARRIER SAFETY PROGRAM

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(LIMITATION ON OBLIGATIONS)

(HIGHWAY TRUST FUND)

For payment of obligations incurred in carrying out 49 U.S.C. 31102, $177,000,000, to be derived from the Highway Trust Fund and to remain available until expended: *Provided*, That none of the funds in this Act shall be available for the implementation or execution of programs the obligations for which are in excess of $177,000,000 for ''Motor Carrier Safety Grants''.

NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION

OPERATIONS AND RESEARCH

(HIGHWAY TRUST FUND)

For expenses necessary to discharge the functions of the Secretary, with respect to traffic and highway safety under chapter 301 of title 49, United States Code, and part C of subtitle VI of title 49, United States Code, $107,876,000 of which $77,670,000 shall remain available until September 30, 2003: *Provided*, That none of the funds appropriated by this Act may be obligated or expended to plan, finalize, or implement any rulemaking to add to section 575.104 of title 49 of the Code of Federal Regulations any requirement pertaining to a grading standard that is different from the three grading standards (treadwear, traction, and temperature resistance) already in effect: *Provided further*, That none of the funds appropriated in this Act may be obligated or expended to purchase a vehicle to conduct New Car Assessment Program crash testing at a price that exceeds the manufacturer's suggested retail price: *Provided further*, That none of the funds appropriated in this Act may be obligated or expended to plan, finalize, or implement regulations that would add the static stability factor to the New Car Assessment Program until the National Academy of Sciences reports to the House and Senate Committees on Appropriations not later than nine months after the date of enactment of this Act that the static stability factor is a scientifically valid measurement and presents practical, useful information to the public; a comparison of the static stability factor test versus a test with rollover metrics based on dynamic driving conditions that induce rollover events; and the validity of the NHTSA proposed system for placing its rollover rating information on the web compared to making rollover information available at the point of sale.

OPERATIONS AND RESEARCH

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(LIMITATION ON OBLIGATIONS)

(HIGHWAY TRUST FUND)

For payment of obligations incurred in carrying out the provisions of 23 U.S.C. 403, to remain available until expended, $72,000,000, to be derived from the Highway Trust Fund: *Provided*, That none of the funds in this Act shall be available for the planning or execution of programs the total obligations for which, in fiscal year 2001 are in excess of $72,000,000 for programs authorized under 23 U.S.C. 403.

NATIONAL DRIVER REGISTER

(HIGHWAY TRUST FUND)

For expenses necessary to discharge the functions of the Secretary with respect to the National Driver Register under chapter 303 of title 49, United States Code, $2,000,000, to be derived from the Highway Trust Fund and to remain available until expended.

HIGHWAY TRAFFIC SAFETY GRANTS

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(LIMITATION ON OBLIGATIONS)

(HIGHWAY TRUST FUND)

Notwithstanding any other provision of law, for payment of obligations incurred in carrying out the provisions of 23 U.S.C. 402, 405, 410, and 411 to remain available until expended, $213,000,000, to be derived from the Highway Trust Fund: *Provided*, That none of the funds in this Act shall be available for the planning or execution of programs the total obligations for which, in fiscal year 2001, are in excess of $213,000,000 for programs authorized under 23 U.S.C. 402, 405, 410, and 411 of which $155,000,000 shall be for ''Highway Safety Programs'' under 23 U.S.C. 402, $13,000,000 shall be for ''Occupant Protection Incentive Grants'' under 23 U.S.C. 405, $36,000,000 shall be for ''Alcohol-Impaired Driving Countermeasures Grants'' under 23 U.S.C. 410, $9,000,000 shall be for the ''State Highway Safety Data Grants'' under 23 U.S.C. 411: *Provided further*, That none of these funds shall be used for construction, rehabilitation, or remodeling costs, or for office furnishings and fixtures for State, local, or private buildings or structures: *Provided further*, That not to exceed $7,750,000 of the funds made available for section 402, not to exceed $650,000 of the funds made available for section 405, not to exceed $1,800,000 of the funds made available for section 410, and not to exceed $450,000 of the funds made available for section 411 shall be available to NHTSA for administering highway safety grants under chapter 4 of title 23, United States Code: *Provided further*, That not to exceed $500,000 of the funds made available for section 410 ''Alcohol-Impaired Driving Countermeasures Grants'' shall be available for technical assistance to the States.

FEDERAL RAILROAD ADMINISTRATION

SAFETY AND OPERATIONS

For necessary expenses of the Federal Railroad Administration, not otherwise provided for, $99,390,000, of which $4,957,000 shall remain available until expended: *Provided*, That, as part of the Washington Union Station transaction in which the Secretary assumed the first deed of trust on the property and, where the Union Station Redevelopment Corporation or any successor is obligated to make payments on such deed of trust on the Secretary's behalf, including payments on and after September 30, 1988, the Secretary is authorized to receive such payments directly from the Union Station Redevelopment Corporation, credit them to the appropriation charged for the first deed of trust, and make payments on the first deed of trust with those funds: *Provided further*, That such additional sums as may be necessary for payment on the first deed of trust may be advanced by the Administrator from unobligated balances available to the Federal Railroad Administration, to be reimbursed from payments received from the Union Station Redevelopment Corporation: *Provided further*, That the Federal Railroad Administration will reimburse the Department of Transportation Inspector General $1,500,000 for costs associated with audits and investigations of all rail-related issues and systems.

RAILROAD RESEARCH AND DEVELOPMENT

For necessary expenses for railroad research and development, $24,725,000, to remain available until expended.

RAILROAD REHABILITATION AND IMPROVEMENT PROGRAM

The Secretary of Transportation is authorized to issue to the Secretary of the Treasury notes or other obligations pursuant to section 512 of the Railroad Revitalization and Regulatory Reform Act of 1976 (Public Law 94–210), as amended, in such amounts and at such times as may be necessary to pay any amounts required pursuant to the guarantee of the principal amount of obligations under sections 511 through 513 of such Act, such authority to exist as long as any such guaranteed obligation is outstanding: *Provided*, That pursuant to section 502 of such Act, as amended, no new direct loans or loan guarantee commitments shall be made using Federal funds for the credit risk premium during fiscal year 2001.

NEXT GENERATION HIGH-SPEED RAIL

For necessary expenses for the Next Generation High-Speed Rail program as authorized under 49 U.S.C. 26101 and 26102, $24,900,000, to remain available until expended.

ALASKA RAILROAD REHABILITATION

To enable the Secretary of Transportation to make grants to the Alaska Railroad, $20,000,000 shall be for capital rehabilitation and improvements benefiting its passenger operations, to remain available until expended.

WEST VIRGINIA RAIL DEVELOPMENT

For capital costs associated with track, signal, and crossover rehabilitation and improvements on the MARC Brunswick line in West Virginia, $15,000,000, to remain available until expended.

CAPITAL GRANTS TO THE NATIONAL RAILROAD PASSENGER CORPORATION

For necessary expenses of capital improvements of the National Railroad Passenger Corporation as authorized by 49 U.S.C. 24104(a), $521,000,000 to remain available until expended: *Provided*, That the Secretary shall not obligate more than $208,400,000 prior to September 30, 2001.

FEDERAL TRANSIT ADMINISTRATION

ADMINISTRATIVE EXPENSES

For necessary administrative expenses of the Federal Transit Administration's programs authorized by chapter 53 of title 49, United States Code, $12,800,000: *Provided*, That no more than $64,000,000 of budget authority shall be available for these purposes: *Provided further*, That the Federal Transit Administration will reimburse the Department of Transportation Inspector General $3,000,000 for costs associated with audits and investigations of all transit-related issues and systems

FORMULA GRANTS

For necessary expenses to carry out 49 U.S.C. 5307, 5308, 5310, 5311, 5327, and section 3038 of Public Law 105–178, $669,000,000, to remain available until expended: *Provided*, That no more than $3,345,000,000 of budget authority shall be available for these purposes.

UNIVERSITY TRANSPORTATION RESEARCH

For necessary expenses to carry out 49 U.S.C. 5505, $1,200,000, to remain available until expended: *Provided*, That no more than $6,000,000 of budget authority shall be available for these purposes.

TRANSIT PLANNING AND RESEARCH

For necessary expenses to carry out 49 U.S.C. 5303, 5304, 5305, 5311(b)(2), 5312, 5313(a), 5314, 5315, and 5322, $22,200,000, to remain available until expended: *Provided*, That no more than $110,000,000 of budget authority shall be available for these purposes: *Provided further*, That $5,250,000 is available to

provide rural transportation assistance (49 U.S.C. 5311(b)(2)); $4,000,000 is available to carry out programs under the National Transit Institute (49 U.S.C. 5315); $8,250,000 is available to carry out transit cooperative research programs (49 U.S.C. 5313(a)), of which $3,000,000 is available for transit-related research conducted by the Great Cities Universities research consortia; $52,113,600 is available for metropolitan planning (49 U.S.C. 5303, 5304, and 5305); $10,886,400 is available for State planning (49 U.S.C. 5313(b)); and $29,500,000 is available for the national planning and research program (49 U.S.C. 5314): *Provided further*, That of the total budget authority made available for the national planning and research program, the Federal Transit Administration shall provide the following amounts for the projects and activities listed below:

Mid-America Regional Council coordinated transit planning, Kansas City metro area	$750,000
Sacramento Area Council of Governments regional air quality planning and coordination study	250,000
Salt Lake Olympics Committee multimodal transportation planning	1,200,000
West Virginia University fuel cell technology institute propulsion and ITS testing	1,000,000
University of Rhode Island, Kingston traffic congestion study	150,000
Georgia Regional Transportation Authority regional transit study	350,000
Trans-lake Washington land use effectiveness and enhancement review	450,000
State of Vermont electric vehicle transit demonstration	500,000
Acadia Island, Maine explorer transit system experimental pilot program	150,000
Center for Composites Manufacturing	950,000
Southern Nevada air quality study	800,000
Southeastern Pennsylvania Transit Authority advanced propulsion control system	3,000,000
Fairbanks extreme temperature clean fuels research	800,000
National Transit Database	2,500,000
Safety and Security	6,100,000
National Rural Transit Assistance Program	750,000
Mississippi State University bus service expansion plan	100,000
Bus Rapid Transit administration, data collection and analysis	1,000,000
Project ACTION	3,000,000

TRUST FUND SHARE OF EXPENSES

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(HIGHWAY TRUST FUND)

Notwithstanding any other provision of law, for payment of obligations incurred in carrying out 49 U.S.C. 5303–5308, 5310–5315, 5317(b), 5322, 5327, 5334, 5505, and sections 3037 and 3038 of Public Law 105–178, $5,016,600,000, to remain available until expended, and to be derived from the Mass Transit Account of the Highway Trust Fund: *Provided*, That $2,676,000,000 shall be paid to the Federal Transit Administration's formula grants account: *Provided further*, That $87,800,000 shall be paid to the Federal Transit Administration's transit planning and research account: *Provided further*, That $51,200,000 shall be paid to the Federal Transit Administration's administrative expenses account: *Provided further*, That $4,800,000 shall be paid to the Federal Transit Administration's university transportation research account: *Provided further*, That $80,000,000 shall be paid to the Federal Transit Administration's job access and reverse commute grants program: *Provided further*, That $2,116,800,000 shall be paid to the Federal Transit Administration's capital investment grants account.

CAPITAL INVESTMENT GRANTS

For necessary expenses to carry out 49 U.S.C. 5308, 5309, 5318, and 5327, $529,200,000, to remain available until expended: *Provided*, That no more than $2,646,000,000 of budget authority shall be available for these purposes: *Provided further*, That notwithstanding any other provision of law, there shall be available for fixed guideway modernization, $1,058,400,000; there shall be available for the replacement, rehabilitation, and purchase of buses and related equipment and the construction of bus-related facilities, $529,200,000; and there shall be available for new fixed guideway systems $1,058,400,000: *Provided further*, That, within the total funds provided for buses and bus-related facilities to carry out 49 U.S.C. section 5309, the following projects shall be considered eligible for these funds: *Provided further*, That the Administrator of the Federal Transit Administration shall, not later than February 1, 2001, individually submit to the House and Senate Committees on Appropriations the recommended grant funding levels for the respective projects, from the bus and bus-related facilities projects listed in the accompanying Senate report: *Provided further*, That within the total funds provided for new fixed guideway systems to carry out 49 U.S.C. section 5309, the following projects shall be considered eligible for these funds: *Provided further*, That the Administrator of the Federal Transit Administration shall, not later than February 1, 2001, individually submit to the House and Senate Committees on Appropriations the recommended grant funding levels for the respective projects.

The following new fixed guideway systems and extensions to existing systems are eligible to receive funding for final design and construction:

2002 Winter Olympics spectator transportation systems and facilities;

Alaska or Hawaii ferry projects;

Atlanta-MARTA North Line extension completion;

Austin Capital Metro Light Rail;

Baltimore Central Light Rail double tracking;

Boston North-South Rail Link;

Boston-South Boston Piers Transitway;

Canton-Akron-Cleveland commuter rail line;

Charlotte North-South Transitway project;

Chicago METRA commuter rail consolidated request;

Chicago Transit Authority Ravenswood Brown Line capacity expansion;

Chicago Transit Authority Douglas Blue Line;

Clark County, Nevada RTC fixed guideway project;

Cleveland Euclid Corridor improvement project;

Dallas Area Rapid Transit North Central light rail;

Denver Southeast corridor project;

Denver Southwest corridor project;

Fort Lauderdale Tri-County commuter rail project;

Fort Worth Railtran corridor commuter rail project;

Galveston Rail Trolley extension;

Girdwood to Wasilla, Alaska commuter rail project;

Houston Metro Regional Bus Plan;

Kansas City Southtown corridor;

Little Rock, Arkansas River Rail project;

Long Island Rail Road East Side access project;

Los Angeles Mid-city and Eastside corridors;

Los Angeles North Hollywood extension;

MARC expansion projects—Penn-Camden lines connector and midday storage facility;

MARC-Brunswick line in West Virginia, signal and crossover improvements;

Memphis Medical Center extension project;

Minneapolis-Twin Cities Transitways corridor projects;

Nashua, New Hampshire to Lowell, Massachusetts commuter rail;

Nashville regional commuter rail;

New Jersey Hudson-Bergen Light Rail;

New Orleans Canal Street Streetcar corridor project;

New Orleans Desire Street corridor project;

Newark-Elizabeth rail link;

Oceanside-Escondido, California light rail;

Orange County, California transitway project;

Philadelphia-Reading SEPTA Schuylkill Valley metro project;

Phoenix metropolitan area transit project;

Pittsburgh North Shore-central business district corridor project;

Pittsburgh Stage II Light Rail transit;

Portland Interstate MAX light rail transit;

Raleigh, Durham and Chapel Hill regional rail service;

Rhode Island-Pawtucket and T.F. Green commuter rail and maintenance facility;

Sacramento south corridor light rail extension;

Salt Lake City-University light rail line;

Salt Lake City North/South light rail project;

Salt Lake-Ogden-Provo regional commuter rail;

San Bernardino MetroLink;

San Diego Mission Valley East light rail;

San Francisco BART extension to the airport project;

San Jose Tasman West light rail project;

San Juan-Tren Urbano;

Seattle-Sound Transit Central Link light rail project;

Seattle-Puget Sound RTA Sounder commuter rail project;

Spokane-South Valley Corridor light rail project;

St. Louis Metrolink Cross County connector;

St. Louis/St. Clair County Metrolink light rail extension;

Stamford Urban Transitway, Connecticut;

Tampa Bay regional rail project;

Washington Metro Blue Line-Largo extension;

West Trenton, New Jersey rail project.

The following new fixed guideway systems and extensions to existing systems are eligible to receive funding for alternatives analysis and preliminary engineering:

Albuquerque/Greater Albuquerque mass transit project;

Atlanta-MARTA West Line extension study;

Ballston, Virginia Metro access improvements;

Baltimore regional rail transit system;

Birmingham, Alabama transit corridor;

Boston Urban Ring;

Burlington-Bennington, Vermont commuter rail project;

Calais, Maine Branch Line regional transit program;

Colorado/Eagle Airport to Avon light rail system;

Colorado/Roaring Fork Valley rail project;

Columbus-Central Ohio Transit Authority north corridor;
Dallas Area Rapid Transit Southeast Corridor Light Rail;
Des Moines commuter rail;
Detroit Metropolitan Airport light rail project;
Draper, West Jordan, West Valley City and Sandy City, Utah light rail extensions;
Dulles Corridor, Virginia innovative intermodal system;
El Paso/Juarez People mover system;
Fort Worth trolley system;
Harrisburg-Lancaster capital area transit corridor 1 regional light rail;
Hollister/Gilroy Branch Line extension;
Honolulu bus rapid transit;
Houston advanced transit program;
Indianapolis Northeast-Downtown corridor project;
Johnson County, Kansas I–35 Commuter Rail Project;
Kenosha-Racine-Milwaukee commuter rail extension;
Los Angeles San Fernando Valley Corridor;
Los Angeles San Diego LOSSAN corridor project;
Massachusetts North Shore Corridor project;
Miami south busway extension;
New Orleans commuter rail from Airport to downtown;
New York City 2nd Avenue Subway study;
Northern Indiana south shore commuter rail;
Northwest New Jersey-Northeast Pennsylvania passenger rail project;
Potomac Yards, Virginia transit study;
Philadelphia SEPTA Cross County Metro;
Portland, Maine marine highway program;
San Francisco BART to Livermore extension;
San Francisco MUNI 3rd Street light rail extension;
Santa Fe-Eldorado rail link project;
Stockton, California Altamont commuter rail project;
Vasona light rail corridor;
Virginia Railway Express commuter rail;
Whitehall ferry terminal project;
Wilmington, Delaware downtown transit connector; and
Wilsonville to Beaverton commuter rail:

Provided further, That funds made available under the heading ''Capital Investment Grants'' in Division A, Section 101(g) of Public Law 105–277 for the ''Colorado-North Front Range corridor feasibility study'' are to be made available for ''Colorado-Eagle Airport to Avon light rail system feasibility study''; and that funds made available in Public Law 106–69 under ''Capital Investment Grants'' for buses and bus-related facilities that were designated for projects numbered 14 and 20 shall be made available to the State of Alabama for buses and bus-related facilities.

DISCRETIONARY GRANTS

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(HIGHWAY TRUST FUND)

Notwithstanding any other provision of law, for payment of previous obligations incurred in carrying out 49 U.S.C. 5338(b), $350,000,000, to remain available until expended and to be derived from the Mass Transit Account of the Highway Trust Fund.

JOB ACCESS AND REVERSE COMMUTE GRANTS

For necessary expenses to carry out section 3037 of the Federal Transit Act of 1998, $20,000,000, to remain available until expended: *Provided*, That no more than $100,000,000 of budget authority shall be available for these purposes.

SAINT LAWRENCE SEAWAY DEVELOPMENT CORPORATION

SAINT LAWRENCE SEAWAY DEVELOPMENT CORPORATION

The Saint Lawrence Seaway Development Corporation is hereby authorized to make such expenditures, within the limits of funds and borrowing authority available to the Corporation, and in accord with law, and to make such contracts and commitments without regard to fiscal year limitations as provided by section 104 of the Government Corporation Control Act, as amended, as may be necessary in carrying out the programs set forth in the Corporation's budget for the current fiscal year.

OPERATIONS AND MAINTENANCE

(HARBOR MAINTENANCE TRUST FUND)

For necessary expenses for operations and maintenance of those portions of the Saint Lawrence Seaway operated and maintained by the Saint Lawrence Seaway Development Corporation, $12,400,000, to be derived from the Harbor Maintenance Trust Fund, pursuant to Public Law 99–662.

RESEARCH AND SPECIAL PROGRAMS ADMINISTRATION

RESEARCH AND SPECIAL PROGRAMS

For expenses necessary to discharge the functions of the Research and Special Programs Administration, $34,370,000, of which $645,000 shall be derived from the Pipeline Safety Fund, and of which $4,201,000 shall remain available until September 30, 2003: *Provided*, That up to $1,200,000 in fees collected under 49 U.S.C. 5108(g) shall be deposited in the general fund of the Treasury as offsetting receipts: *Provided further*, That there may be credited to this appropriation, to be available until expended, funds received from States, counties, municipalities, other public authorities, and private sources for expenses incurred for training, for reports publication and dissemination, and for travel expenses incurred in performance of hazardous materials exemptions and approvals functions.

PIPELINE SAFETY

(PIPELINE SAFETY FUND)

(OIL SPILL LIABILITY TRUST FUND)

For expenses necessary to conduct the functions of the pipeline safety program, for grants-in-aid to carry out a pipeline safety program, as authorized by 49 U.S.C. 60107, and to discharge the pipeline program responsibilities of the Oil Pollution Act of 1990, $43,144,000, of which $8,750,000 shall be derived from the Oil Spill Liability Trust Fund and shall remain available until September 30, 2003; of which $31,894,000 shall be derived from the Pipeline Safety Fund, of which $24,432,000 shall remain available until September 30, 2003; and of which $2,500,000 shall be derived from amounts previously collected under 49 U.S.C. 60301: *Provided*, That amounts previously collected under 49 U.S.C. 60301 shall be available for damage prevention grants to States.

EMERGENCY PREPAREDNESS GRANTS

(EMERGENCY PREPAREDNESS FUND)

For necessary expenses to carry out 49 U.S.C. 5127(c), $200,000, to be derived from the Emergency Preparedness Fund, to remain available until September 30, 2003: *Provided*, That not more than $13,227,000 shall be made available for obligation in fiscal year 2001 from amounts made available by 49 U.S.C. 5116(i) and 5127(d): *Provided further*, That none of the funds made available by 49 U.S.C. 5116(i) and 5127(d) shall be made available for obligation by individuals other than the Secretary of Transportation, or his designee: *Provided further*, That the deadline for the submission of registration statements and the accompanying registration and processing fees for the July 1, 2000 to June 30, 2001 registration year described under sections 107.608, 107.612, and 107.616 of the Department of Transportation's final rule docket number RSPA–99–5137 is amended to not later than September 30.

OFFICE OF INSPECTOR GENERAL

SALARIES AND EXPENSES

For necessary expenses of the Office of Inspector General to carry out the provisions of the Inspector General Act of 1978, as amended, $49,000,000 of which $38,500,000 shall be derived from transfers of funds from the United States Coast Guard, the Federal Aviation Administration, the Federal Highway Administration, the Federal Railroad Administration, and the Federal Transit Administration.

SURFACE TRANSPORTATION BOARD

SALARIES AND EXPENSES

For necessary expenses of the Surface Transportation Board, including services authorized by 5 U.S.C. 3109, $17,000,000: *Provided*, That notwithstanding any other provision of law, not to exceed $954,000 from fees established by the Chairman of the Surface Transportation Board shall be credited to this appropriation as offsetting collections and used for necessary and authorized expenses under this heading.

TITLE II

RELATED AGENCIES

ARCHITECTURAL AND TRANSPORTATION BARRIERS COMPLIANCE BOARD

SALARIES AND EXPENSES

For expenses necessary for the Architectural and Transportation Barriers Compliance Board, as authorized by section 502 of the Rehabilitation Act of 1973, as amended, $4,795,000: *Provided*, That, notwithstanding any other provision of law, there may be credited to this appropriation funds received for publications and training expenses.

NATIONAL TRANSPORTATION SAFETY BOARD

SALARIES AND EXPENSES

For necessary expenses of the National Transportation Safety Board, including hire of passenger motor vehicles and aircraft; services as authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the rate for a GS–15; uniforms, or allowances therefor, as authorized by law (5 U.S.C. 5901–5902) $59,000,000, of which not to exceed $2,000 may be used for official reception and representation expenses.

TITLE III

GENERAL PROVISIONS

(INCLUDING TRANSFERS OF FUNDS)

SEC. 301. During the current fiscal year applicable appropriations to the Department of Transportation shall be available for maintenance and operation of aircraft; hire of passenger motor vehicles and aircraft; purchase of liability insurance for motor vehicles operating in foreign countries on official department business; and uniforms, or allowances therefor, as authorized by law (5 U.S.C. 5901–5902).

SEC. 302. Such sums as may be necessary for fiscal year 2001 pay raises for programs funded in this Act shall be absorbed within the levels appropriated in this Act or previous appropriations Acts.

SEC. 303. Funds appropriated under this Act for expenditures by the Federal Aviation Administration shall be available: (1) except as otherwise authorized by title VIII of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7701 et seq.), for expenses of primary and secondary schooling for dependents of Federal Aviation Administration personnel stationed outside the continental

United States at costs for any given area not in excess of those of the Department of Defense for the same area, when it is determined by the Secretary that the schools, if any, available in the locality are unable to provide adequately for the education of such dependents; and (2) for transportation of said dependents between schools serving the area that they attend and their places of residence when the Secretary, under such regulations as may be prescribed, determines that such schools are not accessible by public means of transportation on a regular basis.

SEC. 304. Appropriations contained in this Act for the Department of Transportation shall be available for services as authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the rate for an Executive Level IV.

SEC. 305. None of the funds in this Act shall be available for salaries and expenses of more than 104 political and Presidential appointees in the Department of Transportation: *Provided*, That none of the personnel covered by this provision or political and Presidential appointees in an independent agency funded in this Act may be assigned on temporary detail outside the Department of Transportation or such independent agency.

SEC. 306. None of the funds in this Act shall be used for the planning or execution of any program to pay the expenses of, or otherwise compensate, non-Federal parties intervening in regulatory or adjudicatory proceedings funded in this Act.

SEC. 307. None of the funds appropriated in this Act shall remain available for obligation beyond the current fiscal year, nor may any be transferred to other appropriations, unless expressly so provided herein.

SEC. 308. The expenditure of any appropriation under this Act for any consulting service through procurement contract pursuant to section 3109 of title 5, United States Code, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive order issued pursuant to existing law.

SEC. 309. (a) No recipient of funds made available in this Act shall disseminate driver's license personal information as defined in 18 U.S.C. 2725(3) except as provided in subsection (b) of this section or motor vehicle records as defined in 18 U.S.C. 2725(1) for any use not permitted under 18 U.S.C. 2721.

(b) No recipient of funds made available in this Act shall disseminate a person's driver's license photograph, social security number, and medical or disability information from a motor vehicle record as defined in 18 U.S.C. 2725(1) without the express consent of the person to whom such information pertains, except for uses permitted under 18 U.S.C. 2721(1), 2721(4), 2721(6), and 2721(9): *Provided*, That subsection (b) shall not in any way affect the use of organ donation information on an individual's driver's license or affect the administration of organ donation initiatives in the States.

SEC. 310. (a) For fiscal year 2001, the Secretary of Transportation shall—

(1) not distribute from the obligation limitation for Federal-aid Highways amounts authorized for administrative expenses and programs funded from the administrative takedown authorized by section 104(a) of title 23, United States Code, for the highway use tax evasion program, and amounts provided under section 110 of title 23, United States Code, excluding $128,752,000 pursuant to subsection (e) of section 110 of title 23, as amended, and for the Bureau of Transportation Statistics;

(2) not distribute an amount from the obligation limitation for Federal-aid Highways that is equal to the unobligated balance of amounts made available from the Highway Trust Fund (other than the Mass Transit Account) for Federal-aid highways and highway safety programs for the previous fiscal year the funds for which are allocated by the Secretary;

(3) determine the ratio that—

(A) the obligation limitation for Federal-aid Highways less the aggregate of amounts not distributed under paragraphs (1) and (2), bears to

(B) the total of the sums authorized to be appropriated for Federal-aid highways and highway safety construction programs (other than sums authorized to be appropriated for sections set forth in paragraphs (1) through (7) of subsection (b) and sums authorized to be appropriated for section 105 of title 23, United States Code, equal to the amount referred to in subsection (b)(8)) for such fiscal year less the aggregate of the amounts not distributed under paragraph (1) of this subsection;

(4) distribute the obligation limitation for Federal-aid Highways less the aggregate amounts not distributed under paragraphs (1) and (2) of section 117 of title 23, United States Code (relating to high priority projects program), section 201 of the Appalachian Regional Development Act of 1965, the Woodrow Wilson Memorial Bridge Authority Act of 1995, and $2,000,000,000 for such fiscal year under section 105 of title 23, United States Code (relating to minimum guarantee) so that the amount of obligation authority available for each of such sections is equal to the amount determined by multiplying the ratio determined under paragraph (3) by the sums authorized to be appropriated for such section (except in the case of section 105, $2,000,000,000) for such fiscal year;

(5) distribute the obligation limitation provided for Federal-aid Highways less the aggregate amounts not distributed under paragraphs (1) and (2) and amounts distributed under paragraph (4) for each of the programs that are allocated by the Secretary under title 23, United States Code (other than activities to which paragraph (1) applies and programs to which paragraph (4) applies) by multiplying the ratio determined under paragraph (3) by the sums authorized to be appropriated for such program for such fiscal year; and

(6) distribute the obligation limitation provided for Federal-aid Highways less the aggregate amounts not distributed under paragraphs (1) and (2) and amounts distributed under paragraphs (4) and (5) for Federal-aid highways and highway safety construction programs (other than the minimum guarantee program, but only to the extent that amounts apportioned for the minimum guarantee program for such fiscal year exceed $2,639,000,000, and the Appalachian development highway system program) that are apportioned by the Secretary under title 23, United States Code, in the ratio that—

(A) sums authorized to be appropriated for such programs that are apportioned to each State for such fiscal year, bear to

(B) the total of the sums authorized to be appropriated for such programs that are apportioned to all States for such fiscal year.

(b) EXCEPTIONS FROM OBLIGATION LIMITATION.—The obligation limitation for Federal-aid Highways shall not apply to obligations: (1) under section 125 of title 23, United States Code; (2) under section 147 of the Surface Transportation Assistance Act of 1978; (3) under section 9 of the Federal-Aid Highway Act of 1981; (4) under sections 131(b) and 131(j) of the Surface Transportation Assistance Act of 1982; (5) under sections 149(b) and 149(c) of the Surface Transportation and Uniform Relocation Assistance Act of 1987; (6) under sections 1103 through 1108 of the Intermodal Surface Transportation Efficiency Act of 1991; (7) under section 157 of title 23, United States Code, as in effect on the day before the date of the enactment of the Transportation Equity Act for the 21st Century; and (8) under section 105 of title 23, United States Code (but, only in an amount equal to $639,000,000 for such fiscal year).

(c) REDISTRIBUTION OF UNUSED OBLIGATION AUTHORITY.—Notwithstanding subsection (a), the Secretary shall after August 1 for such fiscal year revise a distribution of the obligation limitation made available under subsection (a) if a State will not obligate the amount distributed during that fiscal year and redistribute sufficient amounts to those States able to obligate amounts in addition to those previously distributed during that fiscal year giving priority to those States having large unobligated balances of funds apportioned under sections 104 and 144 of title 23, United States Code, section 160 (as in effect on the day before the enactment of the Transportation Equity Act for the 21st Century) of title 23, United States Code, and under section 1015 of the Intermodal Surface Transportation Act of 1991 (105 Stat. 1943–1945).

(d) APPLICABILITY OF OBLIGATION LIMITATIONS TO TRANSPORTATION RESEARCH PROGRAMS.—The obligation limitation shall apply to transportation research programs carried out under chapter 5 of title 23, United States Code, except that obligation authority made available for such programs under such limitation shall remain available for a period of 3 fiscal years.

(e) REDISTRIBUTION OF CERTAIN AUTHORIZED FUNDS.—Not later than 30 days after the date of the distribution of obligation limitation under subsection (a), the Secretary shall distribute to the States any funds: (1) that are authorized to be appropriated for such fiscal year for Federal-aid highways programs (other than the program under section 160 of title 23, United States Code) and for carrying out subchapter I of chapter 311 of title 49, United States Code, and highway-related programs under chapter 4 of title 23, United States Code; and (2) that the Secretary determines will not be allocated to the States, and will not be available for obligation, in such fiscal year due to the imposition of any obligation limitation for such fiscal year. Such distribution to the States shall be made in the same ratio as the distribution of obligation authority under subsection (a)(6). The funds so distributed shall be available for any purposes described in section 133(b) of title 23, United States Code.

(f) SPECIAL RULE.—Obligation limitation distributed for a fiscal year under subsection (a)(4) of this section for a section set forth in subsection (a)(4) shall remain available until used and shall be in addition to the amount of any limitation imposed on obligations for Federal-aid highway and highway safety construction programs for future fiscal years.

SEC. 311. The limitations on obligations for the programs of the Federal Transit Administration shall not apply to any authority under 49 U.S.C. 5338, previously made available for obligation, or to any other authority previously made available for obligation.

SEC. 312. None of the funds in this Act shall be used to implement section 404 of title 23, United States Code.

SEC. 313. None of the funds in this Act shall be available to plan, finalize, or implement regulations that would establish a vessel traffic safety fairway less than five miles wide between the Santa Barbara Traffic Separation Scheme and the San Francisco Traffic Separation Scheme.

SEC. 314. Notwithstanding any other provision of law, airports may transfer, without consideration, to the Federal Aviation Administration (FAA) instrument landing systems (along with associated approach lighting equipment and runway visual range

equipment) which conform to FAA design and performance specifications, the purchase of which was assisted by a Federal airport-aid program, airport development aid program or airport improvement program grant. The Federal Aviation Administration shall accept such equipment, which shall thereafter be operated and maintained by FAA in accordance with agency criteria.

SEC. 315. None of the funds in this Act shall be available to award a multiyear contract for production end items that: (1) includes economic order quantity or long lead time material procurement in excess of $10,000,000 in any 1 year of the contract; (2) includes a cancellation charge greater than $10,000,000 which at the time of obligation has not been appropriated to the limits of the Government's liability; or (3) includes a requirement that permits performance under the contract during the second and subsequent years of the contract without conditioning such performance upon the appropriation of funds: *Provided*, That this limitation does not apply to a contract in which the Federal Government incurs no financial liability from not buying additional systems, subsystems, or components beyond the basic contract requirements.

SEC. 316. Notwithstanding any other provision of law, and except for fixed guideway modernization projects, funds made available by this Act under ''Federal Transit Administration, Capital investment grants'' for projects specified in this Act or identified in reports accompanying this Act not obligated by September 30, 2003, and other recoveries, shall be made available for other projects under 49 U.S.C. 5309.

SEC. 317. Notwithstanding any other provision of law, any funds appropriated before October 1, 2000, under any section of chapter 53 of title 49, United States Code, that remain available for expenditure may be transferred to and administered under the most recent appropriation heading for any such section.

SEC. 318. None of the funds in this Act may be used to compensate in excess of 320 technical staff-years under the federally funded research and development center contract between the Federal Aviation Administration and the Center for Advanced Aviation Systems Development during fiscal year 2001.

SEC. 319. Funds provided in this Act for the Transportation Administrative Service Center (TASC) shall be reduced by $53,430,000, which limits fiscal year 2001 TASC obligational authority for elements of the Department of Transportation funded in this Act to no more than $119,848,000: *Provided*, That such reductions from the budget request shall be allocated by the Department of Transportation to each appropriations account in proportion to the amount included in each account for the Transportation Administrative Service Center. In addition to the funds limited in this Act, $54,963,000 shall be available for section 1069(y) of Public Law 102–240.

SEC. 320. Funds received by the Federal Highway Administration, Federal Transit Administration, and Federal Railroad Administration from States, counties, municipalities, other public authorities, and private sources for expenses incurred for training may be credited respectively to the Federal Highway Administration's ''Federal-Aid Highways'' account, the Federal Transit Administration's ''Transit Planning and Research'' account, and to the Federal Railroad Administration's ''Safety and Operations'' account, except for State rail safety inspectors participating in training pursuant to 49 U.S.C. 20105.

SEC. 321. Funds made available for Alaska or Hawaii ferry boats or ferry terminal facilities pursuant to 49 U.S.C. 5309(m)(2)(B) may be used to construct new vessels and facilities, to provide passenger ferryboat service, or to improve existing vessels and facilities, including both the passenger and vehicle-related elements of such vessels and facilities, and for repair facilities.

SEC. 322. Notwithstanding 31 U.S.C. 3302, funds received by the Bureau of Transportation Statistics from the sale of data products, for necessary expenses incurred pursuant to 49 U.S.C. 111 may be credited to the Federal-aid highways account for the purpose of reimbursing the Bureau for such expenses: *Provided*, That such funds shall be subject to the obligation limitation for Federal-aid highways and highway safety construction.

SEC. 323. None of the funds in this Act shall, in the absence of express authorization by Congress, be used directly or indirectly to pay for any personal service, advertisement, telegraph, telephone, letter, printed or written material, radio, television, video presentation, electronic communications, or other device, intended or designed to influence in any manner a Member of Congress or of a State legislature to favor or oppose by vote or otherwise, any legislation or appropriation by Congress or a State legislature after the introduction of any bill or resolution in Congress proposing such legislation or appropriation, or after the introduction of any bill or resolution in a State legislature proposing such legislation or appropriation: *Provided*, That this shall not prevent officers or employees of the Department of Transportation or related agencies funded in this Act from communicating to Members of Congress or to Congress, on the request of any Member, or to members of State legislature, or to a State legislature, through the proper official channels, requests for legislation or appropriations which they deem necessary for the efficient conduct of business.

SEC. 324. (a) IN GENERAL.—None of the funds made available in this Act may be expended by an entity unless the entity agrees that in expending the funds the entity will comply with the Buy American Act (41 U.S.C. 10a–10c).

(b) SENSE OF THE CONGRESS; REQUIREMENT REGARDING NOTICE.—

(1) PURCHASE OF AMERICAN-MADE EQUIPMENT AND PRODUCTS.—In the case of any equipment or product that may be authorized to be purchased with financial assistance provided using funds made available in this Act, it is the sense of the Congress that entities receiving the assistance should, in expending the assistance, purchase only American-made equipment and products to the greatest extent practicable.

(2) NOTICE TO RECIPIENTS OF ASSISTANCE.—In providing financial assistance using funds made available in this Act, the head of each Federal agency shall provide to each recipient of the assistance a notice describing the statement made in paragraph (1) by the Congress.

(c) PROHIBITION OF CONTRACTS WITH PERSONS FALSELY LABELING PRODUCTS AS MADE IN AMERICA.—If it has been finally determined by a court or Federal agency that any person intentionally affixed a label bearing a ''Made in America'' inscription, or any inscription with the same meaning, to any product sold in or shipped to the United States that is not made in the United States, the person shall be ineligible to receive any contract or subcontract made with funds made available in this Act, pursuant to the debarment, suspension, and ineligibility procedures described in sections 9.400 through 9.409 of title 48, Code of Federal Regulations.

SEC. 325. Not to exceed $1,500,000 of the funds provided in this Act for the Department of Transportation shall be available for the necessary expenses of advisory committees: *Provided*, That this limitation shall not apply to advisory committees established for the purpose of conducting negotiated rulemaking in accordance with the Negotiated Rulemaking Act, 5 U.S.C. 561–570a, or the Coast Guard's advisory council on roles and missions.

SEC. 326. Rebates, refunds, incentive payments, minor fees and other funds received by the Department from travel management centers, charge card programs, the subleasing of building space, and miscellaneous sources are to be credited to appropriations of the Department and allocated to elements of the Department using fair and equitable criteria and such funds shall be available until December 31, 2001.

SEC. 327. Notwithstanding any other provision of law, rule or regulation, the Secretary of Transportation is authorized to allow the issuer of any preferred stock heretofore sold to the Department to redeem or repurchase such stock upon the payment to the Department of an amount determined by the Secretary.

SEC. 328. For necessary expenses of the Amtrak Reform Council authorized under section 203 of Public Law 105–134, $495,000, to remain available until September 30, 2002: *Provided*, That the duties of the Amtrak Reform Council described in section 203(g)(1) of Public Law 105–134 shall include the identification of Amtrak routes which are candidates for closure or realignment, based on performance rankings developed by Amtrak which incorporate information on each route's fully allocated costs and ridership on core intercity passenger service, and which assume, for purposes of closure or realignment candidate identification, that Federal subsidies for Amtrak will decline over the 4-year period from fiscal year 1999 to fiscal year 2002: *Provided further*, That these closure or realignment recommendations shall be included in the Amtrak Reform Council's annual report to the Congress required by section 203(h) of Public Law 105–134.

SEC. 329. The Secretary of Transportation is authorized to transfer funds appropriated for any office of the Office of the Secretary to any other office of the Office of the Secretary: *Provided*, That no appropriation shall be increased or decreased by more than 12 percent by all such transfers: *Provided further*, That any such transfer shall be submitted for approval to the House and Senate Committees on Appropriations.

SEC. 330. None of the funds in this Act shall be available for activities under the Aircraft Purchase Loan Guarantee Program during fiscal year 2001.

SEC. 331. Section 3038(e) of Public Law 105–178 is amended by striking ''50'' and inserting ''90''.

SEC. 332. The Secretary of Transportation shall execute a demonstration program, to be conducted for a period not to exceed eighteen months, of the ''fractional ownership'' concept in performing administrative support flight missions, the purpose of which would be to determine whether cost savings, as well as increased operational flexibility and aircraft availability, can be realized through the use by the government of the commercial fractional ownership concept or report to the Committee the reason for not conducting such an evaluation: *Provided*, That the Secretary shall ensure the competitive selection for this demonstration of a fractional ownership concept which provides a suite of aircraft capable of meeting the Department's varied needs, and that the Secretary shall ensure the demonstration program encompasses a significant and representative portion of the Department's administrative support missions (to include those performed by the Coast Guard, the

Federal Aviation Administration, and the National Aeronautics and Space Administration, whose aircraft are currently operated by the FAA): *Provided further*, That the Secretary shall report to the House and Senate Committees on Appropriations on results of this evaluation of the fractional ownership concept in the performance of the administrative support mission no later than twelve months after final passage of this Act or within 60 days of enactment of this Act if the Secretary decides not to conduct such a demonstration for evaluation including an explanation for such a decision and proposed statutory language to exempt the Department of Transportation from Office of Management and Budget guidelines regarding the use of aircraft.

SEC. 333. None of the funds in this Act may be used to make a grant unless the Secretary of Transportation notifies the House and Senate Committees on Appropriations not less than three full business days before any discretionary grant award, letter of intent, or full funding grant agreement totaling $1,000,000 or more is announced by the department or its modal administrations from: (1) any discretionary grant program of the Federal Highway Administration other than the emergency relief program; (2) the airport improvement program of the Federal Aviation Administration; or (3) any program of the Federal Transit Administration other than the formula grants and fixed guideway modernization programs: *Provided,* That no notification shall involve funds that are not available for obligation.

SEC. 334. Section 3030(b) of the Transportation Equity Act for the 21st Century (Public Law 105–178) is amended by adding at the end the following:

''(72) Wilmington Downtown transit corridor.

''(73) Honolulu Bus Rapid Transit project.''.

SEC. 335. None of the funds appropriated or made available by this Act or any other Act or hereafter shall be used (1) to consider or adopt any proposed rule or proposed amendment to a rule contained in the Notice of Proposed Rulemaking issued on April 24, 2000 (Docket No. FMCSA–97–2350–953), (2) to consider or adopt any rule or amendment to a rule similar in substance to a proposed rule or proposed amendment to a rule contained in such Notice, or (3) if any such proposed rule or proposed amendment to a rule has been adopted prior to enactment of this Section, to enforce such rule or amendment to a rule.

SEC. 336. Section 1023(h) of the Intermodal Surface Transportation Efficiency Act of 1991 (23 U.S.C. 127 note) is amended—

(1) in the subsection heading, by inserting ''OVER-THE-ROAD BUSES AND'' before ''PUBLIC'';

(2) in paragraph (1), by striking ''to any vehicle which'' and inserting the following: ''to—

''(A) any over-the-road bus; or

''(B) any vehicle that''; and

(3) by striking paragraphs (2) and (3) and inserting the following:

''(2) STUDY AND REPORT CONCERNING APPLICABILITY OF MAXIMUM AXLE WEIGHT LIMITATIONS TO OVER-THE-ROAD BUSES AND PUBLIC TRANSIT VEHICLES.—

''(A) STUDY AND REPORT.—Not later than July 31, 2002, the Secretary shall conduct a study of, and submit to Congress a report on, the maximum axle weight limitations applicable to vehicles using the Dwight D. Eisenhower National System of Interstate and Defense Highways established under section 127 of title 23, United States Code, or under State law, as the limitations apply to over-the-road buses and public transit vehicles.

''(B) DETERMINATION OF APPLICABILITY OF VEHICLE WEIGHT LIMITATIONS.—

''(i) IN GENERAL.—The report shall include—

''(I) a determination concerning how the requirements of section 127 of that title should be applied to over-the-road buses and public transit vehicles; and

''(II) short-term and long-term recommendations concerning the applicability of those requirements.

''(ii) CONSIDERATIONS.—In making the determination described in clause (i)(I), the Secretary shall consider—

''(I) vehicle design standards;

''(II) statutory and regulatory requirements, including—

''(aa) the Clean Air Act (42 U.S.C. 7401 et seq.);

''(bb) the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.); and

''(cc) motor vehicle safety standards prescribed under chapter 301 of title 49, United States Code; and

''(III)(aa) the availability of lightweight materials suitable for use in the manufacture of over-the-road buses;

''(bb) the cost of those lightweight materials relative to the cost of heavier materials in use as of the date of the determination; and

''(cc) any safety or design considerations relating to the use of those materials.

''(C) ANALYSIS OF MEANS OF ENCOURAGING DEVELOPMENT AND MANUFACTURE OF LIGHTWEIGHT BUSES.—The report shall include an analysis of, and recommendations concerning, means to be considered to encourage the development and manufacture of lightweight buses, including an analysis of—

''(i) potential procurement incentives for public transit authorities to encourage the purchase of lightweight public transit vehicles using grants from the Federal Transit Administration; and

''(ii) potential tax incentives for manufacturers and private operators to encourage the purchase of lightweight over-the-road buses.

''(D) ANALYSIS OF CONSIDERATION IN RULEMAKINGS OF ADDITIONAL VEHICLE WEIGHT.—The report shall include an analysis of, and recommendations concerning, whether Congress should require that each rulemaking by an agency of the Federal Government that affects the design or manufacture of motor vehicles consider—

''(i) the weight that would be added to the vehicle by implementation of the proposed rule;

''(ii) the effect that the added weight would have on pavement wear; and

''(iii) the resulting cost to the Federal Government and State and local governments.

''(E) COST-BENEFIT ANALYSIS.—The report shall include an analysis relating to the axle weight of over-the-road buses that compares—

''(i) the costs of the pavement wear caused by over-the-road buses; with

''(ii) the benefits of the over-the-road bus industry to the environment, the economy, and the transportation system of the United States.

''(3) DEFINITIONS.—In this subsection:

''(A) OVER-THE-ROAD BUS.—The term 'over-the-road bus' has the meaning given the term in section 301 of the Americans with Disabilities Act of 1990 (42 U.S.C. 12181).

''(B) PUBLIC TRANSIT VEHICLE.—The term 'public transit vehicle' means a vehicle described in paragraph (1)(B).''.

SEC. 337. None of the funds appropriated by this Act shall be used to propose or issue rules, regulations, decrees, or orders for the purpose of implementation, or in preparation for implementation, of the Kyoto Protocol which was adopted on December 11, 1997, in Kyoto, Japan at the Third Conference of the Parties to the United Nations Framework Convention on Climate Change, which has not been submitted to the Senate for advice and consent to ratification pursuant to article II, section 2, clause 2, of the United States Constitution, and which has not entered into force pursuant to article 25 of the Protocol.

SEC. 338. None of the funds appropriated by this Act or any other Act shall be used to pay the salaries and expenses of personnel who prepare or submit appropriations language as part of the President's Budget submission to the Congress of the United States for programs under the jurisdiction of the Appropriations Subcommittees on Department of Transportation and Related Agencies that assumes revenues or reflects a reduction from the previous year due to user fees proposals that have not been enacted into law prior to the submission of the Budget unless such Budget submission identifies which additional spending reductions should occur in the event the users fees proposals are not enacted prior to the date of the convening of a committee of conference for the fiscal year 2001 appropriations Act.

SEC. 339. In addition to the authority provided in section 636 of the Treasury, Postal Service, and General Government Appropriations Act, 1997, as included in Public Law 104–208, title I, section 101(f), as amended, beginning in fiscal year 2001 and thereafter, amounts appropriated for salaries and expenses for the Department of Transportation may be used to reimburse an employee whose position is that of safety inspector for not to exceed one-half the costs incurred by such employee for professional liability insurance. Any payment under this section shall be contingent upon the submission of such information or documentation as the Department may require.

SEC. 340. None of the funds in this Act shall be used to pursue or adopt guidelines or regulations requiring airport sponsors to provide to the Federal Aviation Administration without cost building construction, maintenance, utilities and expenses, or space in airport sponsor-owned buildings for services relating to air traffic control, air navigation or weather reporting. The prohibition of funds in this section does not apply to negotiations between the Agency and airport sponsors to achieve agreement on ''below-market'' rates for these items or to grant assurances that require airport sponsors to provide land without cost to the FAA for ATC facilities.

SEC. 341. None of the funds provided in this Act or prior Appropriations Acts for Coast Guard Acquisition, Construction, and Improvements shall be available after the fifteenth day of any quarter of any fiscal year beginning after December 31, 1999, unless the Commandant of the Coast Guard first submits a quarterly report to the House and Senate Committees on Appropriations on all major Coast Guard acquisition projects including projects executed for the Coast Guard by the United States Navy and vessel traffic service projects: *Provided,* That such reports shall include an acquisition schedule, estimated current and year funding requirements, and a schedule of anticipated obligations and outlays for each major acquisition project: *Provided further,* That such reports shall rate on a relative scale the cost risk, schedule risk, and technical risk associated with each acquisition project and include a table detailing unobligated balances to date and anticipated unobligated balances at the close of the fiscal year and the close of the following fiscal year should the Administration's pending budget request for the acquisition, construction, and improvements account be fully funded: *Provided further,* That such reports shall also provide abbreviated information on the status of shore facility construction and renovation projects: *Provided further,* That all information submitted

in such reports shall be current as of the last day of the preceding quarter.

SEC. 342. Notwithstanding any other provision of law, beginning in fiscal year 2004, the Secretary shall withhold 5 percent of the amount required to be apportioned for Federal-aid highways to any State under each of paragraphs (1), (3), and (4) of section 104(b) of title 23, United States Code, if a State is not eligible for assistance under section 163(a) of chapter 1 of title 23, United States Code, and beginning in fiscal year 2005, and in each fiscal year thereafter, the Secretary shall withhold 10 percent of the amount required to be apportioned for Federal-aid highways to any State under each of paragraphs (1), (3), and (4) of section 104(b) of title 23, United States Code, if a State is not eligible for assistance under section 163(a) of title 23, United States Code. If within three years from the date that the apportionment for any State is reduced in accordance with this subsection the Secretary determines that such State is eligible for assistance under section 163(a) of chapter 1 of title 23, United States Code, the apportionment of such State shall be increased by an amount equal to such reduction. If at the end of such three-year period, any State remains ineligible for assistance under section 163(a) of title 23, United States Code, any amounts so withheld shall lapse.

SEC. 343. CONVEYANCE OF AIRPORT PROPERTY TO AN INSTITUTION OF HIGHER EDUCATION IN OKLAHOMA. (a) IN GENERAL.—Notwithstanding any other provision of law, including the Surplus Property Act of 1944 (58 Stat. 765, chapter 479; 50 U.S.C. App. 1622 et seq.), and subject to the requirements of this section, the Secretary (or the appropriate Federal officer) may waive, without charge, any of the terms contained in any deed of conveyance described in subsection (b) that restrict the use of any land described in such a deed that, as of the date of enactment of this Act, is not being used for the operation of an airport or for air traffic. A waiver made under the preceding sentence shall be deemed to be consistent with the requirements of section 47153 of title 49, United States Code.

(b) DEED OF CONVEYANCE.—A deed of conveyance referred to in subsection (a) is a deed of conveyance issued by the United States before the date of enactment of this Act for the conveyance of lands to a public institution of higher education in Oklahoma.

(c) USE OF LANDS SUBJECT TO WAIVER.—

(1) IN GENERAL.—Notwithstanding any other provision of law, the lands subject to a waiver under subsection (a) shall not be subject to any term, condition, reservation, or restriction that would otherwise apply to that land as a result of the conveyance of that land by the United States to the institution of higher education.

(2) USE OF REVENUES.—An institution of higher education that is issued a waiver under subsection (a) shall use revenues derived from the use, operation, or disposal of that land—

(A) for the airport; and

(B) to the extent that funds remain available, for weather-related and educational purposes that primarily benefit aviation.

(d) CONDITION.—An institution of higher education that is issued a waiver under subsection (a), shall agree that, in leasing or conveying any interest in land to which the deed of conveyance described in subsection (b) relates, the institution will receive an amount that is equal to the fair lease value or the fair market value, as the case may be, as determined pursuant to regulations issued by the Secretary.

(e) GRANTS.—

(1) IN GENERAL.—Notwithstanding any other provision of law, if an institution of higher education that is subject to a waiver under subsection (a) received financial assistance in the form of a grant from the Federal Aviation Administration or a predecessor agency before the date of enactment of this Act, then the Secretary may waive the repayment of the outstanding amount of any grant that the institution of higher education would otherwise be required to pay.

(2) ELIGIBILITY TO RECEIVE SUBSEQUENT GRANTS.—Nothing in paragraph (1) shall affect the eligibility of an institution of higher education that is subject to that paragraph from receiving grants from the Secretary under chapter 471 of title 49, United States Code, or under any other provision of law relating to financial assistance provided through the Federal Aviation Administration.

SEC. 344. Section 1105(c) of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 2032–2033) is amended by striking paragraph (38) and replacing it with the following—

''(38) The Ports-to-Plains Corridor from Laredo, Texas to Denver, Colorado as follows:

''(A) In the State of Texas the Ports-to-Plains Corridor shall generally follow—

''(i) I–35 from Laredo to United States Route 83 at Exit 18;

''(ii) United States Route 83 from Exit 18 to Carrizo Springs;

''(iii) United States Route 277 from Carrizo Springs to San Angelo;

''(iv) United States Route 87 from San Angelo to Sterling City;

''(v) From Sterling City to Lamesa, the Corridor shall follow United States Route 87 and, the corridor shall also follow Texas Route 158 from Sterling City to I–20, then via I–20 West to Texas Route 349 and, Texas Route 349 from Midland to Lamesa;

''(vi) United States Route 87 from Lamesa to Lubbock;

''(vii) I–27 from Lubbock to Amarillo; and

''(viii) United States Route 287 from Amarillo to the Oklahoma border.

''(B) In the State of Oklahoma, the Ports-to-Plains Corridor shall generally follow United States Route 287 from the Texas border to the Colorado border. The Corridor shall then proceed into Colorado.''.

This Act may be cited as the ''Department of Transportation and Related Agencies Appropriations Act, 2001''.

DORGAN (AND ASHCROFT) AMENDMENT NO. 3427

Mr. DORGAN proposed an amendment to amendment No. 3426 proposed by Mr. SHELBY to the bill, H.R. 4475, supra; as follows:

At the appropriate place, insert the following:

SEC. ___. INTERSTATE TRANSPORTATION OF DANGEROUS CRIMINALS.

(a) SHORT TITLE.—This section may be cited as the ''Interstate Transportation of Dangerous Criminals Act of 1999'' or ''Jeanna's Act''.

(b) FINDINGS.—Congress finds that—

(1) increasingly, States are turning to private prisoner transport companies as an alternative to their own personnel or the United States Marshals Service when transporting violent prisoners;

(2) often times, these trips can last for days if not weeks, as violent prisoners are dropped off and picked up at a network of hubs across the country;

(3) escapes by violent prisoners during transport by private prisoner transport companies have not been uncommon; and

(4) oversight by the Attorney General is required to address these problems.

(c) DEFINITIONS.—In this section:

(1) CRIME OF VIOLENCE.—The term ''crime of violence'' has the same meaning as provided in section 924(c)(3) of title 18, United States Code.

(2) DRUG TRAFFICKING CRIME.—The term ''drug trafficking crime'' has the same meaning as provided in section 924(c)(2) of title 18, United States Code.

(3) PRIVATE PRISONER TRANSPORT COMPANY.—The term ''private prisoner transport company'' means any entity other than the United States, a State or the inferior political subdivisions of a State which engages in the business of the transporting for compensation, individuals committed to the custody of any State or of the inferior political subdivisions of a State, or any attempt thereof.

(4) VIOLENT PRISONER.—The term ''violent prisoner'' means any individual in the custody of a State or the inferior political subdivisions of a State who has previously been convicted of or is currently charged with a crime of violence, a drug trafficking crime, or a violation of the Gun Control Act of 1968, or any similar statute of a State or the inferior political subdivisions of a State, or any attempt thereof.

(d) FEDERAL REGULATION OF PRISONER TRANSPORT COMPANIES.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Attorney General shall promulgate regulations relating to the transportation of violent prisoners in or affecting interstate commerce.

(2) STANDARDS AND REQUIREMENTS.—The regulations shall include, at a minimum—

(A) minimum standards for background checks and preemployment drug testing for potential employees;

(B) minimum standards for factors that disqualify employees or potential employees similar to standards required of Federal correction officers;

(C) minimum standards for the length and type of training that employees must undergo before they can perform this service;

(D) restrictions on the number of hours that employees can be on duty during a given time period;

(E) minimum standards for the number of personnel that must supervise violent prisoners;

(F) minimum standards for employee uniforms and identification, when appropriate;

(G) standards requiring that violent prisoners wear brightly colored clothing clearly identifying them as prisoners, when appropriate;

(H) minimum requirements for the restraints that must be used when transporting violent prisoners, to include leg shackles and double-locked handcuffs, when appropriate;

(I) a requirement that when transporting violent prisoners, private prisoner transport companies notify local law enforcement officials 24 hours in advance of any scheduled stops in their jurisdiction and that if unscheduled stops are made, local law enforcement should be notified in a timely manner, when appropriate;

(J) minimum standards for the markings on conveyance vehicles, when appropriate;

(K) a requirement that in the event of an escape by a violent prisoner, private prisoner transport company officials shall immediately notify appropriate law enforcement officials in the jurisdiction where the escape occurs, and the governmental entity that contracted with the private prisoner transport company for the transport of the escaped violent prisoner;

(L) minimum standards for the safety of violent prisoners; and

(M) any other requirement the Attorney General deems to be necessary to prevent escape of violent prisoners and ensure public safety.

(3) FEDERAL STANDARDS.—Except for the requirements of paragraph (2)(G), the regulations promulgated under this section shall not provide stricter standards with respect to private prisoner transport companies than are applicable to Federal prisoner transport entities.

(e) ENFORCEMENT.—Any person who is found in violation of the regulations established by this section shall be liable to the United States for a civil penalty in an amount not to exceed $10,000 for each violation and, in addition, to the United States for the costs of prosecution. In addition, such person shall make restitution to any entity of the United States, of a State, or of an inferior political subdivision of a State, which expends funds for the purpose of apprehending any violent prisoner who escapes from a prisoner transport company as the result, in whole or in part, of a violation of regulations promulgated pursuant to subsection (d)(1).

HARKIN (AND GRASSLEY) AMENDMENT NO. 3428

Mr. SHELBY (for Mr. HARKIN (for himself and Mr. GRASSLEY)) proposed an amendment to amendment No. 3426 proposed by Mr. SHELBY to the bill, H.R. 4475, supra; as follows:

At the appropriate place in title III, insert the following:

SEC. 3___. MODIFICATION OF HIGHWAY PROJECT IN POLK COUNTY, IOWA.

The table contained in section 1602 of the Transportation Equity Act for the 21st Century is amended in item 1006 (112 Stat. 294) by striking ''Extend NW 86th Street from NW 70th Street'' and inserting ''Construct a road from State Highway 141''.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2001

BINGAMAN AMENDMENT NO. 3429

(Ordered to lie on the table)

Mr. BINGAMAN submitted an amendment intended to be proposed by him to the bill, S. 2549, supra; as follows:

On page 25, between lines 13 and 14, insert the following:

SEC. 113. NATIONAL HOMELAND SECURITY TECHNOLOGY AND TRAINING CENTER.

(a) ESTABLISHMENT.—The Secretary of the Army, acting through the Chief of the National Guard Bureau, shall establish a center to be known as the ''National Homeland Security Technology and Training Center'' (in this section referred to as the ''Center''). The Center shall have the functions set forth in subsection (d).

(b) LOCATION.—The Center shall be located at Kirtland Air Force Base, New Mexico.

(c) ADMINISTRATION.—(1) The Center shall be administered by Sandia National Laboratories, New Mexico.

(2) In administering the Center, Sandia National Laboratories may utilize the capabilities, expertise, and other resources of other appropriate entities in the State of New Mexico, including Los Alamos National Laboratory, the University of New Mexico School of Medicine, and the Lovelace Respiratory Research Center.

(3) In planning activities for the Center, Sandia National Laboratories shall consult with the Federal Bureau of Investigation, the Federal Emergency Management Agency, and other Federal agencies with responsibilities for responding to domestic emergencies relating to weapons of mass destruction.

(d) FUNCTIONS.—The functions of the Center shall be as follows:

(1) To provide technology and training support to Weapons of Mass Destruction Civil Support Teams (WMD–CSTs) and to Federal agencies with responsibilities for responding to domestic emergencies relating to weapons of mass destruction.

(2) To provide such other support for such teams and agencies as the Secretary considers appropriate.

(e) COMMENCEMENT OF OPERATIONS.—The Center shall commence the provision of training support for Weapons of Mass Destruction Civil Support Teams not later than October 1, 2001.

(f) FUNDING.—Of the amounts authorized to be appropriated by section 101(5), $3,500,000 shall be available for the establishment and activities of the Center, including activities relating to the establishment of detailed plans for future activities of the Center.

DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES APPROPRIATIONS ACT, 2001

(Ordered to lie on the table.)

Mr. ALLARD (for himself, Mr. VOINOVICH, Mr. GRAMS, and Mr. ENZI) submitted an amendment intended to be proposed by them to the bill, H.R. 4475, supra; as follows:

On page _____, after line _____, insert the following:

DEPARTMENT OF THE TREASURY

BUREAU OF THE PUBLIC DEBT

SUPPLEMENTAL APPROPRIATION FOR FISCAL YEAR 2000

GIFTS TO THE UNITED STATES FOR REDUCTION OF THE PUBLIC DEBT

For deposit of an additional amount for fiscal year 2000 into the account established under section 3113(d) of title 31, United States Code, to reduce the public debt, $12,200,000,000.

CERTIFIED DEVELOPMENT COMPANY PROGRAM IMPROVEMENTS ACT OF 2000

BOND AMENDMENT NO. 3431

Mr. ALLARD (for Mr. BOND) proposed an amendment to the bill (H.R. 2614) to amend the Small Business Investment Act to make improvements to the certified development company program, and for other purposes; as follows:

At the end of the bill, add the following:

SEC. 9. TIMELY ACTION ON APPLICATIONS.

(a) AUTOMATIC APPROVAL OF PENDING APPLICATIONS.—An application by a State or local development company to expand its operations under title V of the Small Business Investment Act of 1958 into another territory, county, or State that is pending on the date of enactment of this Act and that was submitted to the Administration 12 months or more before that date of enactment shall be deemed to be approved beginning 21 days after that date of enactment, unless the Administration has taken final action to approve or deny the application before the end of that 21-day period.

(b) DEFINITIONS.—In this section—

(1) the term ''Administration'' means the headquarters of the Small Business Administration; and

(2) the term ''development company'' has the same meaning as in section 103 of the Small Business Investment Act of 1958 (15 U.S.C. 662).

SEC. 10. USE OF CERTAIN UNOBLIGATED AND UNEXPENDED FUNDS.

(a) TRANSFER OF FUNDS.—Notwithstanding any other provision of law, unobligated and unexpended balances of the funds described in subsection (b) are transferred to and made available to the Small Business Administration to fund the costs of guaranteed loans under section 7(a) of the Small Business Act.

(b) SOURCES.—Funds described in this subsection are—

(1) funds transferred to the Business Loan Program Account of the Small Business Administration from the Department of Defense under the Department of Defense Appropriations Act, 1995 (Public Law 103-335) and section 507(g) of the Small Business Reauthorization Act of 1997 (15 U.S.C. 636 note) for the DELTA Program under that section 507; and

(2) funds previously made available under the Omnibus Consolidated Rescissions and Appropriations Act of 1996 (110 Stat. 1321 et seq.) and the Omnibus Consolidated Appropriations Act, 1997 (110 Stat. 3009 et seq.) for the microloan guarantee program under section 7(m) of the Small Business Act.

SEC. 11. HUBZONE REDESIGNATED AREAS.

Section 3(p) of the Small Business Act (15 U.S.C. 632(p)) is amended—

(1) in paragraph (1)—

(A) in subparagraph (B), by striking ''or'' at the end;

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

(C) by adding at the end the following:

''(D) redesignated areas.''; and

(2) in paragraph (4), by adding at the end the following:

''(C) REDESIGNATED AREA.—The term 'redesignated area' means any census tract that ceases to be qualified under subparagraph (A) and any nonmetropolitan county that ceases to be qualified under subparagraph (B), except that a census tract or a nonmetropolitan county may be a 'redesignated area' only for the 3-year period following the date on which the census tract or nonmetropolitan county ceased to be so qualified.''.

DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES APPROPRIATIONS ACT, 2001

DOMENICI AMENDMENT NO. 3432

(Ordered to lie on the table.)

Mr. DOMENICI submitted an amendment intended to be proposed by them to the bill, H.R. 4475, supra; as follows:

Page 16, under the heading ''FACILITIES AND EQUIPMENT (AIRPORT AND AIRWAY TRUST FUND)'' after ''under this head;'' add ''and to make grants to carry out the Small Community Air Service Development Pilot program under Sec. 41743 in title 49, U.S.C.;''

Page 16, after the last proviso under the heading ''FACILITIES AND EQUIPMENT (AIRPORT AND AIRWAY TRUST FUND)'' and before the heading ''RESEARCH, ENGINEERING, AND DEVELOPMENT (AIRPORT AND AIRWAY TRUST FUND)'' add

''*Provided further*, That notwithstanding any other provision of law, not more than $20,000,000 of funds made available under this heading in fiscal year 2001 may be obligated for grants under the Small Community Air Service Development Pilot Program under section 41743 of title 49, U.S.C.''

NOTICE OF HEARINGS

SUBCOMMITTEE ON NATIONAL PARKS, HISTORIC PRESERVATION, AND RECREATION

Mr. THOMAS. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Subcommittee on National Parks, Historic Preservation, and Recreation of the Committee on Energy and Natural Resources. The purpose of this hearing is to receive testimony on S. 1643, a bill to authorize the addition of certain parcels to the Effigy Mounds National Monument, Iowa; S. 2547, a bill to provide for the establishment of the Great Sand Dunes National Park and the Great Sand Dunes National Preserve in the State of Colorado, and for other purposes.

The hearing will take place on Thursday, June 22, 2000 at 2:30 p.m. in Room SD–366 of the Dirksen Senate Office Building in Washington, DC.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send two copies of their testimony to the Committee on Energy and Natural Resources, United States Senate, SD–364 Dirksen Senate Office Building, Washington, DC 20510–6150.

For further information, please contact Jim O'Toole or Kevin Clark of the Committee staff at (202) 224–6969.

SUBCOMMITTEE ON NATURAL PARKS, HISTORIC PRESERVATION, AND RECREATION

Mr. THOMAS. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Subcommittee on National Parks, Historic Preservation, and Recreation of the Committee on Energy and Natural Resources. The purpose of this hearing is to receive testimony on S. 134, a bill to direct the Secretary of the Interior to study whether the Apostle Islands National Lakeshore should be protected as wilderness area; S. 2051, a bill to revise the boundaries of the Golden Gate National Recreation Area, and for other purposes; S. 2279, a bill to authorize the addition of land to Sequoia National Park, and for other purposes; S. 2512, a bill to convey certain Federal properties on Governors Island, New York.

The hearing will take place on Thursday, June 29, 2000 at 2:30 p.m. in room SD–366 of the Dirksen Senate Office Building in Washington, DC.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send two copies of their testimony to the Committee on Energy and Natural Resources, United States Senate, SD–364 Dirksen Senate Office Building, Washington, DC 20510–6150.

For further information, please contact Jim O'Toole or Kevin Clark of the Committee staff at (202) 224–6969.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. WARNER. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on Wednesday, June 14, 2000, to conduct a roundtable discussion on ''Accounting for Goodwill.''

The PRESIDING OFFICER. Without objection it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES AND THE SELECT COMMITTEE ON INTELLIGENCE

Mr. WARNER. Mr. President, I ask unanimous consent that the Select Committee on Intelligence and the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on Wednesday, June 14 at 10:15 a.m. to conduct a joint oversight hearing. The Committees will receive testimony on the Loss of National Security Information at the Los Alamos National Laboratory.

The PRESIDING OFFICER. Without objection it is so ordered.

COMMITTEE ON FINANCE

Mr. WARNER. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on Wednesday, June 14, 2000, for an Open Executive Session to mark up H.R. 3916 (Repeal of the Federal Communications Excise Tax); S. 662, the Breast and Cervical Cancer Treatment Act; and, S. Res , expressing the sense of the Senate that the President should initiate negotiations with the members of the European Union to resolve the current dispute regarding the foreign sales corporation provisions of the Internal Revenue Code and to modify World Trade Organization rules governing the border adjustability of taxes to ensure that such rules do not place United States exporters at a competitive disadvantage.

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 14, 2000 at 10 a.m. and 3:30 p.m. to hold two hearings (agenda attached).

The PRESIDING OFFICER. Without objection it is so ordered.

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. WARNER. Mr. President, I ask unanimous consent that the Committee on Governmental Affairs be authorized to meet on Wednesday, June 14, 2000 at 10 a.m. for a business meeting to consider pending Committee business.

The PRESIDING OFFICER. Without objection it is so ordered.

COMMITTEE ON INDIAN AFFAIRS

Mr. WARNER. Mr. President, I ask unanimous consent that the Committee on Indian Affairs be authorized to meet on Wednesday, June 14, 2000 at 2:30 p.m. in room 485 of the Russell Senate Building to mark up the following: S. 1586, Indian Land Consolidation Act Amendments; S. 2351, Shivwits Band of the Paiute Indian Tribe of Utah Water Rights Settlement Act; S. Res. 277, Commemorating the 30th Anniversary of the Policy of Indian Self-Determination; S. 2508, the Colorado Ute Indian Water Settlement Act Amendments of 2000; and H.R. 3051, Jicarilla Water Feasibility Study, to be followed by a hearing, on S. 2282, to encourage the efficient use of existing resources and assets related to Indian agricultural research, development and exports within the Department of Agriculture.

The PRESIDING OFFICER. Without objection it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. WARNER. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Wednesday, June 14, 2000 at 10:15 a.m. to hold an open hearing on intelligence matters.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. WARNER. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Wednesday, June 14, 2000 at 2:30 p.m. to hold a closed hearing on intelligence matters.

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 Subcommittee on Antitrust, Business Rights and Competition be authorized to meet to conduct a hearing on Wednesday, June 14, 2000, at 10 a.m., in SD226.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON CLEAN AIR, WETLANDS, PRIVATE PROPERTY, AND NUCLEAR SAFETY

Mr. WARNER. Mr. President, I ask unanimous consent that the Subcommittee on Clean Air, Wetlands, Private Property, and Nuclear Safety be authorized to meet during the session of the Senate on Wednesday, June 14, at 9:30 a.m., to conduct a hearing to receive testimony on the environmental benefits and impacts of ethanol under the Clean Air Act.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON COMMUNICATIONS

Mr. WARNER. Mr. President, I ask unanimous consent that the Subcommittee on Communications be authorized to meet on Wednesday, June 14, 2000, at 9:30 a.m. on wireless high speed Internet access for rural areas.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGES OF THE FLOOR

Mr. WARNER. Mr. President, I ask unanimous consent that Mandy Sams of Senator Hutchinson's staff be granted floor privileges for the duration of today's debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LAUTENBERG. Mr. President, I ask unanimous consent that Denise Matthews, a fellow on the staff of the Appropriations Committee, be granted the privilege of the floor during debate on the Fiscal Year 2001 Transportation Appropriations bill and the conference report thereon.

DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 2001

On June 13, the Senate amended and passed H.R. 4576, as follows:

Resolved, That the bill from the House of Representatives (H.R. 4576) entitled ''An Act making appropriations for the Department of Defense for the fiscal year ending September 30, 2001, and for other purposes.'', do pass with the following amendment:

Strike out all after the enacting clause and insert:

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, $22,173,929,000.

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, $17,877,215,000.

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, $6,831,373,000.

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, $18,110,764,000.

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, $2,458,961,000.

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, $1,539,490,000.

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, $446,586,000.

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, $963,752,000.

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, $3,781,236,000.

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, $1,634,181,000.

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, $19,049,881,000 and, in addition, $50,000,000 shall be derived by transfer from the National Defense Stockpile Transaction Fund: Provided, 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, $23,398,254,000 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, $2,729,758,000.

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, $22,268,977,000 and, in addition, $50,000,000, shall be derived by transfer from the National Defense Stockpile Transaction Fund.

OPERATION AND MAINTENANCE, DEFENSE-WIDE

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, $11,991,688,000, of which not to exceed $25,000,000 may be available for the CINC initiative fund account; and of which not to exceed $30,000,000 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.

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, $1,529,418,000.

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, $968,946,000.

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, $141,159,000.

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, $1,893,859,000.

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), $3,330,535,000.

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, $3,481,775,000.

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, 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 COURTS 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, $21,412,000, 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, $231,499,000, 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), $55,900,000, 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, $458,400,000, to remain available until September 30, 2003: Provided, That of the amounts provided under this heading, $25,000,000 shall be available only to support the dismantling and disposal of nuclear submarines and submarine reactor components in the Russian Far East.

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, $1,532,862,000, to remain available for obligation until September 30, 2003.

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, $1,329,781,000, 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, $2,166,574,000, 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, $1,212,149,000, 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, $4,060,728,000, 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, $8,426,499,000, 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, $1,571,650,000, 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, $471,749,000, 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, as follows:

Carrier Replacement Program, $4,053,653,000;
Carrier Replacement Program (AP), $21,869,000;
NSSN, $1,203,012,000;
NSSM (AP), $508,222,000;
CVN Refuelings, $703,441,000;
CVN Refuelings (AP), $25,000,000;
Submarine Refuelings, $210,414,000;
Submarine Refuelings (AP), $72,277,000;
DDG–51 destroyer program, $2,713,559,000;
DDG–51 destroyer program (AP), $500,000,000;
LPD–17 Program Cost Growth, $285,000,000;
LPD–17 (AP), $200,000,000;
LHD–8 (AP), $460,000,000;
ADC(X), $338,951,000;
LCAC landing craft air cushion program, $15,615,000; and

For craft, outfitting, post delivery, conversions, and first destination transformation transportation, $301,077,000;

In all: $11,612,090,000, 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: Provided further, That the Secretary of the Navy is hereby granted the authority to enter into contracts for an LHD–1 Amphibious Assault Ship and two LPD–17 Class Ships which shall be funded on an incremental basis.

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, $3,400,180,000, 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, $1,196,368,000, 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, $7,289,934,000, to remain available for obligation until September 30, 2003.

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, $2,920,815,000, 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, $654,808,000, 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 $200,000; 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, $7,605,027,000, to remain available for obligation until September 30, 2003.

PROCUREMENT, DEFENSE-WIDE

(INCLUDING TRANSFER OF FUNDS)

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, $2,294,908,000, to remain available for obligation until September 30, 2003.

NATIONAL GUARD AND RESERVE EQUIPMENT

For procurement of aircraft, missiles, tracked combat vehicles, ammunition, other weapons, and other procurement for the reserve components of the Armed Forces, $150,000,000, to remain available for obligation until September 30, 2003: Provided, That the Chiefs of the Reserve and National Guard components shall, not later than 30 days after the enactment of this Act, individually submit to the congressional defense committees the modernization priority assessment for their respective Reserve or National Guard component.

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, $5,683,675,000, 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, $8,812,070,000, 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, $13,931,145,000, to remain available for obligation until September 30, 2002.

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, $10,952,039,000, to remain available for obligation until September 30, 2002.

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; and administrative expenses in connection therewith, $218,560,000, 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), $388,158,000, 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.

NATIONAL DEFENSE AIRLIFT FUND

For National Defense Airlift Fund programs, projects, and activities, $2,890,923,000, to remain available until expended: Provided, That these funds shall only be available for transfer to the appropriate C–17 program P–1 line items of Titles III of this Act for the purposes specified in this section: Provided further, That the funds transferred under the authority provided within 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 the transfer authority provided in this section is in addition to any other transfer authority contained elsewhere in this Act.

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, $12,130,179,000, of which $11,437,293,000 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 $402,880,000, 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, DEFENSE

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, $979,400,000, of which $600,000,000 shall be for Operation and maintenance to remain available until September 30, 2002, $105,000,000 shall be for Procurement to remain available until September 30, 2003, and $274,400,000 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: Provided further, That the amount available under Operation and maintenance shall also be available for the conveyance, without consideration, of the Emergency One Cyclone II Custom Pumper truck subject to Army Loan DAAMO1–98–L–0001 to the Umatilla Indian Tribe, the current lessee.

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, $933,700,000: 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 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

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

INTELLIGENCE COMMUNITY MANAGEMENT ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Intelligence Community Management Account, $177,331,000, of which $22,557,000 for the Advanced Research and Development Committee shall remain available until September 30, 2002: Provided, That of the funds appropriated under this heading, $27,000,000 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, 2002, and $1,000,000 for Research, development, test and evaluation shall remain available until September 30, 2002.

PAYMENT TO KAHO'OLAWE

For payment to Kaho'olawe Island Conveyance, Remediation, and Environmental Restoration Fund, as authorized by law, $60,000,000, 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—DEPARTMENT OF DEFENSE

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 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; C–17; 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 ownership by an Indian tribe, as defined in section 450b(e) of title 25, United States Code, or a Native Hawaiian organization, as defined in section 637(a)(15) of title 15, United States Code.

(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. Of the funds made available in this Act, not less than $21,417,000 shall be available for the Civil Air Patrol Corporation, of which $19,417,000 shall be available for Civil Air Patrol Corporation operation and maintenance to support readiness activities which includes $2,000,000 for the Civil Air Patrol counterdrug program: Provided, That funds identified for ''Civil Air Patrol'' under this section are intended for and shall be for the exclusive use of the Civil Air Patrol Corporation and not for the Air Force or any unit thereof.

SEC. 8032. (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. 8033. 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. 8034. 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. 8035. 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. 8036. (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. 8037. 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. 8038. 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. 8039. 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. 8040. Notwithstanding any other provision of law, funds available for ''Drug Interdiction and Counter-Drug Activities, Defense'' may be obligated for the Young Marines program.

SEC. 8041. 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. 8042. 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. 8043. 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. 8044. (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 2000 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. 8045. 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. 8046. 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. 8047. Of the funds appropriated by the Department of Defense under the heading ''Operation and Maintenance, Defense-Wide'', not less than $10,000,000 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. 8048. 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. 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, or made available by the transfer of funds in this Act 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 Acts, the following funds are hereby rescinded as of the date of the enactment of this Act or October 1, 2000, whichever is later, from the following accounts and programs in the specified amounts:

''Weapons and Tracked Combat Vehicles, 2000/2002'', $59,000,000;

''Aircraft Procurement, Air Force, 2000/2002'', $24,000,000;

''Other Procurement, Army, 2000/2002'', $29,300,000;

''Missile Procurement, Air Force, 2000/2002'', $30,000,000; and

''Research, Development, Test and Evaluation, Army, 2000/2001'', $27,000,000.

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, Unified and Specified 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 Unified and Specified 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.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8059. 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. 8060. (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. 8061. 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. 8062. 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. 8063. 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. 8064. 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. 8065. 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. 8066. 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. 8067. 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. 8068. (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. 8069. 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. 8070. 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. 8071. (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. 8072. 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. 8073. During the current fiscal year, no more than $30,000,000 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 Increase Use/Reserve support to the Operational Commander-in-Chiefs and 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. 8074. 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. 8075. 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.

(TRANSFER OF FUNDS)

SEC. 8076. Upon the enactment of this Act, the Secretary of Defense shall make the following transfers of funds: Provided, That the amounts transferred shall be available for the same purposes as the appropriations to which transferred, and for the same time period as the appropriation from which transferred: Provided further, That the amounts shall be transferred between the following appropriations in the amount specified:

From:

Under the heading, ''Shipbuilding and Conversion, Navy, 1998/2002'':

SSN–21 attack submarine program, $74,000,000;

To:

Under the heading, ''Research, Development, Test and Evaluation, Navy, 2001/2002'':

For SSN–21 development, $74,000,000.

SEC. 8077. 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. 8078. 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. 8079. 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 subsection shall be paid from appropriations available for the Asia-Pacific Center.

SEC. 8080. (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. 8081. 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. 8082. 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.

(RESCISSIONS)

SEC. 8083. Of the funds provided in the Department of Defense Appropriations Act, 2000 (Public Law 106–79), $319,688,000, to reflect savings from revised economic assumptions, is hereby rescinded as of the date of the enactment of this Act, or October 1, 2000, whichever is later, from the following accounts in the specified amounts:

''Aircraft Procurement, Army'', $7,000,000;

''Missile Procurement, Army'', $6,000,000;

''Procurement of Weapons and Tracked Combat Vehicles, Army'', $7,000,000;

''Procurement of Ammunition, Army'', $5,000,000;

''Other Procurement, Army'', $16,000,000;

''Aircraft Procurement, Navy'', $24,125,000;

''Weapons Procurement, Navy'', $3,853,000;

''Procurement of Ammunition, Navy and Marine Corps'', $1,463,000;

''Shipbuilding and Conversion, Navy'', $19,644,000;

''Other Procurement, Navy'', $12,032,000;

''Procurement, Marine Corps'', $3,623,000;

''Aircraft Procurement, Air Force'', $32,743,000;

''Missile Procurement, Air Force'', $5,500,000;

''Procurement of Ammunition, Air Force'', $1,232,000;

''Other Procurement, Air Force'', $19,902,000;

''Procurement, Defense-Wide'', $6,683,000;

''Chemical Agents and Munitions Destruction, Army'', $1,103,000;

''Defense Health Program'', $808,000;

''Research, Development, Test and Evaluation, Army'', $20,592,000;

''Research, Development, Test and Evaluation, Navy'', $35,621,000;

''Research, Development, Test and Evaluation, Air Force'', $53,467,000; and

''Research, Development, Test and Evaluation, Defense-Wide'', $36,297,000:

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.

SEC. 8084. The budget of the President for fiscal year 2002 submitted to the Congress pursuant to section 1105 of title 31, United States Code, and each annual budget request thereafter, shall include budget activity groups (known as ''subactivities'') in all appropriations accounts provided in this Act, as may be necessary, to separately identify all costs incurred by the Department of Defense to support the North Atlantic Treaty Organization and all Partnership For Peace programs and initiatives. The budget justification materials submitted to the Congress in support of the budget of the Department of Defense for fiscal year 2002, and subsequent fiscal years, shall provide complete, detailed estimates for all such costs.

SEC. 8085. (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.

SEC. 8086. 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 the Department of the Air Force should waive reimbursement from the Federal, State, and local government agencies for the use of these funds.

SEC. 8087. 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 2 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. 8088. (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. 8089. The Secretary of Defense, in coordination with the Secretary of Health and Human Services, may carry out a program to distribute surplus dental equipment of the Department of Defense, at no cost to the Department of Defense, to Indian health service facilities and to federally-qualified health centers (within the meaning of section 1905(l)(2)(B) of the Social Security Act (42 U.S.C. 1396d(l)(2)(B))).

SEC. 8090. Notwithstanding any other provision in this Act, the total amount appropriated in this Act is hereby reduced by $56,200,000 to reflect savings from the pay of civilian personnel, to be distributed as follows:

''Operation and Maintenance, Army'', $4,600,000;

''Operation and Maintenance, Navy'', $49,600,000; and

''Operation and Maintenance, Defense-Wide'', $2,000,000.

SEC. 8091. Notwithstanding any other provision in this Act, the total amount appropriated in this Act is hereby reduced by $789,700,000 to reflect savings from favorable foreign currency fluctuations, and stabilization of the balance available within the ''Foreign Currency Fluctuation, Defense'', account.

SEC. 8092. 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. 8093. Of the funds made available in this Act, not less than $65,200,000 shall be available to maintain an attrition reserve force of 18 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 18 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. 8094. The budget of the President for fiscal year 2001 submitted to the Congress pursuant to section 1105 of title 31, United States Code, and each annual budget request thereafter, shall include separate budget justification documents for costs of United States Armed Forces' participation in contingency operations for the Military Personnel accounts, the Overseas Contingency Operations Transfer Fund, the Operation and Maintenance accounts, and the Procurement accounts: Provided, That these budget justification documents shall include a description of the funding requested for each anticipated contingency operation, for each military service, to include active duty and Guard and Reserve components, and for each appropriation account: Provided further, That these documents shall include estimated costs for each element of expense or object class, a reconciliation of increases and decreases for ongoing contingency operations, and programmatic data including, but not limited to troop strength for each active duty and Guard and Reserve component, and estimates of the major weapons systems deployed in support of each contingency.

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, 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. 8097. 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. 8098. 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. 8099. 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 center-fire 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. 8100. 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. 8101. Notwithstanding any other provision of law, that not more than 35 percent of funds provided in this Act, may be obligated for environmental remediation under indefinite delivery/indefinite quantity contracts with a total contract value of $130,000,000 or higher.

SEC. 8102. Of the funds made available under the heading ''Operation and Maintenance, Air Force'', $10,000,000 shall be transferred to the Department of Transportation to enable the Secretary of Transportation to realign railroad track on Elmendorf Air Force Base and Fort Richardson.

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. During the current fiscal year, under regulations prescribed by the Secretary of Defense, the Center of Excellence for Disaster Management and Humanitarian Assistance may also pay, or authorize payment for, the expenses of providing or facilitating education and training for appropriate military and civilian personnel of foreign countries in disaster management, peace operations, and humanitarian assistance: Provided, That not later than April 1, 2001, the Secretary of Defense shall submit to the congressional defense committees a report regarding the training of foreign personnel conducted under this authority during the preceding fiscal year for which expenses were paid under the section: Provided further, That the report shall specify the countries in which the training was conducted, the type of training conducted, and the foreign personnel trained.

SEC. 8105. (a) The Department of Defense is authorized to enter into agreements with the Veterans Administration and federally-funded health agencies providing services to Native Hawaiians for the purpose of establishing a partnership similar to the Alaska Federal Health Care Partnership, in order to maximize Federal resources in the provision of health care services by federally-funded health agencies, applying telemedicine technologies. For the purpose of this partnership, Native Hawaiians shall have the same status as other Native Americans who are eligible for the health care services provided by the Indian Health Service.

(b) The Department of Defense is authorized to develop a consultation policy, consistent with Executive Order No. 13084 (issued May 14, 1998), with Native Hawaiians for the purpose of assuring maximum Native Hawaiian participation in

the direction and administration of governmental services so as to render those services more responsive to the needs of the Native Hawaiian community.

(c) For purposes of this section, the term ''Native Hawaiian'' means any individual who is a descendant of the aboriginal people who, prior to 1778, occupied and exercised sovereignty in the area that now comprises the State of Hawaii.

SEC. 8106. None of the funds appropriated or otherwise made available by this Act or any other Act may be made available for reconstruction activities in the Republic of Serbia (excluding the province of Kosovo) as long as Slobodan Milosevic remains the President of the Federal Republic of Yugoslavia (Serbia and Montenegro).

SEC. 8107. In addition to the amounts provided elsewhere in this Act, the amount of $10,000,000 is hereby appropriated for ''Operation and Maintenance, Defense-Wide'', to be available, notwithstanding any other provision of law, only for a grant to the United Service Organizations Incorporated, a federally chartered corporation under chapter 2201 of title 36, United States Code. The grant provided for by this section is in addition to any grant provided for under any other provision of law.

SEC. 8108. Of the funds made available in this Act under the heading ''Operation and Maintenance, Defense-Wide'', up to $5,000,000 shall be available to provide assistance, by grant or otherwise, to public school systems that have unusually high concentrations of special needs military dependents enrolled: Provided, That in selecting school systems to receive such assistance, special consideration shall be given to school systems in States that are considered overseas assignments.

SEC. 8109. (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 request 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. 8110. Of the amounts appropriated in the Act under the heading ''Research, Development, Test and Evaluation, Defense-Wide'', $85,849,000 shall be available for the purpose of adjusting the cost-share of the parties under the Agreement between the Department of Defense and the Ministry of Defence of Israel for the Arrow Deployability Program.

SEC. 8111. The Secretary of Defense shall fully identify and determine the validity of healthcare contract additional liabilities, requests for equitable adjustment, and claims for unanticipated healthcare contract costs: Provided, 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 not later than March 1, 2001, the Secretary of Defense shall submit a report to the congressional defense committees on the scope and extent of healthcare contract claims, and on the action taken to implement the provisions of this section: 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. 8112. 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.

SEC. 8113. 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. 8114. OPERATIONAL SUPPORT AIRCRAFT LEASING AUTHORITY. (a) The Secretary of the Army and the Secretary of the Navy may establish a multi-year pilot program for leasing aircraft for utility and operational support airlift purposes on such terms and conditions as the respective Secretaries may deem appropriate, consistent with this section.

(b) Sections 2401 and 2401a of title 10, United States Code, shall not apply to any aircraft lease authorized by this section.

(c) Under the aircraft lease program authorized by this section:

(1) The Secretary of the Army and the Secretary of the Navy may include terms and conditions in lease agreements that are customary in aircraft leases by a non-Government lessor to a non-Government lessee.

(2) The term of any individual lease agreement into which a service Secretary enters under this section shall not exceed 10 years.

(3) The Secretary of the Army and the Secretary of the Navy may provide for special payments to a lessor if either the respective Secretary terminates or cancels the lease prior to the expiration of its term or aircraft are damaged or destroyed prior to the expiration of the term of the lease. Such special payments shall not exceed an amount equal to the value of one year's lease payment under the lease. The amount of special payments shall be subject to negotiation between the Army or Navy and lessors.

(4) Notwithstanding any other provision of law, any payments required under a lease under this section, and any payments made pursuant to subsection (3) above may be made from:

(A) appropriations available for the performance of the lease at the time the lease takes effect;

(B) appropriations for the operation and maintenance available at the time which the payment is due; and

(C) funds appropriated for those payments.

(5) The Secretary of the Army and the Secretary of the Navy may lease aircraft, on such terms and conditions as they may deem appropriate, consistent with this section, through an operating lease consistent with OMB Circular A–11.

(6) The Secretary of the Army and the Secretary of the Navy may exchange or sell existing aircraft and apply the exchange allowance or sale proceeds in whole or in part toward the cost of leasing replacement aircraft under this section.

(7) No lease of operational support aircraft may be entered into under this section after September 30, 2004.

(d) The authority granted to the Secretary of the Army and the Secretary of the Navy by this section is separate from and in addition to, and shall not be construed to impair or otherwise affect, the authority of the respective Secretaries to procure transportation or enter into leases under a provision of law other than this section.

(e) The authority provided under this section may be used to lease not more than a total of three (3) Army aircraft, three (3) Navy aircraft, and three (3) Marine Corps aircraft for the purposes of providing operational support.

SEC. 8115. Notwithstanding any other provision in this Act, the total amount appropriated in this Act under Title IV for the Ballistic Missile Defense Organization (BMDO) is hereby reduced by $26,154,000 to reflect a reduction in system engineering, program management, and other support costs.

SEC. 8116. The Ballistic Missile Defense Organization and its subordinate offices and associated contractors, including the Lead Systems Integrator, shall notify the congressional defense committees 30 days prior to issuing any type of information or proposal solicitation under the NMD program.

SEC. 8117. Up to $3,000,000 of the funds appropriated under the heading, ''Operation and Maintenance, Navy'' in this Act for the Pacific Missile Range Facility may be made available to contract for the repair, maintenance, and operation of adjacent off-base water, drainage, and flood control systems critical to base operations.

SEC. 8118. In addition to amounts appropriated elsewhere in the Act, $20,000,000 is hereby appropriated to the Department of Defense: Provided, That the Secretary of Defense shall make a grant in the amount of $20,000,000 to the National Center for the Preservation of Democracy.

SEC. 8119. Of the funds made available under the heading ''Operation and Maintenance, Air Force'', not less than $7,000,000 shall be made available by grant or otherwise, to the North Slope Borough, to provide assistance for health care, monitoring and related issues associated with research conducted from 1955 to 1957 by the former Arctic Aeromedical Laboratory.

SEC. 8120. None of the funds appropriated in this Act under the heading ''Overseas Contingency Operations Transfer Fund'' may be transferred or obligated for expenses not directly related to the conduct of overseas contingencies: Provided, That the Secretary of Defense shall submit a report no later than thirty days after the end of each fiscal quarter to the Committees on Appropriations of the Senate and House of Representatives that details any transfer of funds from the ''Overseas Contingency Operations Transfer Fund'': Provided further, That the report shall explain any transfer for the maintenance of real property, pay of civilian personnel, base operations support, and weapon, vehicle or equipment maintenance.

SEC. 8121. In addition to amounts made available elsewhere in this Act, $1,000,000 is hereby appropriated to the Department of Defense to be available for payment to members of the uniformed services for reimbursement for mandatory pet quarantines as authorized by law.

SEC. 8122. The Secretary of the Navy may transfer from any available Department of the Navy appropriation to any available Navy ship construction appropriation for the purpose of liquidating necessary ship cost changes for previous ship construction programs appropriated in law: Provided, That the Secretary may transfer no more than $300,000,000 under the authority provided within this section: Provided further, That the funding transferred shall be available for the same time period as the appropriation from which transferred: Provided further, That the Secretary may not transfer any funding until 30 days after the proposed transfer has been reported to the House and Senate Committees on Appropriations: Provided further, That the transfer authority provided within this section is in addition to any other transfer authority contained elsewhere in this Act.

SEC. 8123. In addition to amounts appropriated elsewhere in the Act, $2,100,000 is hereby appropriated to the Department of Defense: Provided, That the Secretary of Defense shall make

a grant in the amount of $2,100,000 to the National D-Day Museum.

SEC. 8124. In addition to amounts appropriated elsewhere in this Act, $5,000,000 is hereby appropriated to the Department of Defense: Provided, That the Secretary of the Army shall make available a grant of $5,000,000 only to the Chicago Public Schools for conversion and expansion of the former Eighth Regiment National Guard Armory (Bronzeville).

SEC. 8125. In addition to the amounts provided elsewhere in this Act, the amount of $10,000,000 is hereby appropriated for ''Operation and Maintenance, Navy'', to accelerate the disposal and scrapping of ships of the Navy Inactive Fleet and Maritime Administration National Defense Reserve Fleet: Provided, That the Secretary of the Navy and the Secretary of Transportation shall develop criteria for selecting ships for scrapping or disposal based on their potential for causing pollution, creating an environmental hazard and cost of storage: Provided further, That the Secretary of the Navy and the Secretary of Transportation shall report to the congressional defense committees no later than June 1, 2001 regarding the total number of vessels currently designated for scrapping, and the schedule and costs for scrapping these vessels.

SEC. 8126. Section 8106 of the Department of Defense Appropriations Act, 1997 (titles I through VIII of the matter under subsection 101(b) of Public Law 104–208; 110 Stat. 3009–111, 10 U.S.C. 113 note) shall continue in effect to apply to disbursements that are made by the Department of Defense in fiscal year 2001.

SEC. 8127. SENSE OF THE SENATE ON BRINGING PEACE TO CHECHNYA. (a) FINDINGS.—The Senate finds that—

(1) the Senate of the United States unanimously passed Senate Resolution 262 on February 24, 2000, which condemned the indiscriminate use of force by the Government of the Russian Federation against the people of Chechnya and called for peace negotiations between the Government of the Russian Federation and the democratically elected Government of Chechnya led by President Aslan Maskhadov;

(2) the Committee on Foreign Relations of the Senate received credible evidence reporting that Russian forces in Chechnya caused the deaths of innocent civilians and the displacement of well over 250,000 other residents of Chechnya and committed widespread atrocities, including summary executions, torture, and rape;

(3) the Government of the Russian Federation continues its military campaign in Chechnya, including using indiscriminate force, causing further dislocation of people from their homes, the deaths of noncombatants, and widespread suffering;

(4) the Government of the Russian Federation refuses to participate in peace negotiations with the democratically elected Government of Chechnya;

(5) the war in Chechnya contributes to ethnic hatred and religious intolerance within the Russian Federation, jeopardizes prospects for the establishment of democracy in the Russian Federation, and is a threat to the peace in the region; and

(6) it is in the interests of the United States to promote a cease-fire in Chechnya and negotiations between the Government of the Russian Federation and the democratically elected Government of Chechnya that result in a just and lasting peace;

(7) representatives of the democratically elected President of Chechnya, including his foreign minister, have traveled to the United States to facilitate an immediate cease-fire to the conflict in Chechnya and the initiation of peace negotiations between Russian and Chechen forces;

(8) the Secretary of State and other senior United States Government officials have refused to meet with representatives of the democratically elected President of Chechnya to discuss proposals for an immediate cease-fire between Chechen and Russian forces and for peace negotiations; and

(9) the Senate expresses its concern over the war and the humanitarian tragedy in Chechnya and its desire for a peaceful and durable settlement to the conflict.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that—

(1) the Government of the Russian Federation should immediately—

(A) cease its military operations in Chechnya and participate in negotiations toward a just peace with the leadership of the Chechen Government led by President Aslan Maskhadov;

(B) allow into and around Chechnya international missions to monitor and report on the situation there and to investigate alleged atrocities and war crimes; and

(C) grant international humanitarian agencies full and unimpeded access to Chechen civilians, including those in refugee, detention, and so-called ''filtration camps'', or any other facility where citizens of Chechnya are detained;

(2) the Secretary of State should meet with representatives of the Government of Chechnya led by President Aslan Maskhadov to discuss its proposals to initiate a cease-fire in the war in Chechnya and to facilitate the provision of humanitarian assistance to the victims of this tragic conflict; and

(3) the President of the United States, in structuring United States policy toward the Russian Federation, should take into consideration the refusal of the Government of the Russian Federation to cease its military operations in Chechnya and to participate in peace negotiations with the Government of Chechnya.

SEC. 8128. In addition to funds made available in title IV of this Act under the heading ''RESEARCH, DEVELOPMENT, TEST AND EVALUATION, DEFENSE-WIDE'', $20,000,000 is hereby appropriated for Information Technology Center.

SEC. 8129. PRIVACY OF INDIVIDUAL MEDICAL RECORDS. None of the funds provided in this Act shall be used to transfer, release, disclose, or otherwise make available to any individual or entity outside the Department of Defense for any non-national security or non-law enforcement purposes an individual's medical records without the consent of the individual.

SEC. 8130. Of the total amount appropriated by this Act for the Air Force for research, development, test and evaluation, up to $43,000,000 may be made available for the extended range conventional air-launched cruise missile program of the Air Force.

SEC. 8131. Of the funds made available in title IV of this Act under the heading ''RESEARCH, DEVELOPMENT, TEST AND EVALUATION, NAVY'', up to $2,000,000 may be made available for continued design and analysis under the reentry systems applications program for the advanced technology vehicle.

SEC. 8132. Of the funds made available in title III of this Act under the heading ''MISSILE PROCUREMENT, AIR FORCE'', up to $5,000,000 may be made available for the conversion of Maverick missiles in the AGM–65B and AGM–65G configurations to Maverick missiles in the AGM–65H and AGM–65K configurations.

SEC. 8133. Of the funds available under the heading ''WEAPONS AND TRACKED COMBAT VEHICLES, ARMY'' in title III of this Act, up to $10,000,000 may be made available for Carrier Modifications.

SEC. 8134. Of the funds available under the heading ''RESEARCH, DEVELOPMENT, TEST AND EVALUATION, ARMY'' in title IV of this Act, under ''End Item Industrial Preparedness'' up to $5,000,000 may be made available for the Printed Wiring Board Manufacturing Technology Center.

SEC. 8135. Of the funds made available in title IV of this Act under the heading ''RESEARCH, DEVELOPMENT, TEST AND EVALUATION, ARMY'', up to $3,000,000 may be made available for the Display Performance and Environmental Evaluation Laboratory Project of the Army Research Laboratory.

SEC. 8136. Of the funds made available in title IV of this Act under the heading ''RESEARCH, DEVELOPMENT, TEST AND EVALUATION, NAVY'', up to $4,500,000 may be made available for the Innovative Stand-Off Door Breaching Munition.

SEC. 8137. Of the amount appropriated under title II under the heading ''OPERATION AND MAINTENANCE, NAVY'', up to $3,000,000 may be available for high-performance, non-toxic, inturnescent fire protective coatings aboard Navy vessels. The coating shall meet the specifications for Type II fire protectives as stated in Mil–Spec DoD–C–24596.

SEC. 8138. Of the amount appropriated under title II under the heading ''OPERATION AND MAINTENANCE, AIR FORCE'', up to $2,000,000 may be available for advanced three-dimensional visualization software with the currently-deployed, personal computer-based Portable Flight Planning Software (PFPS).

SEC. 8139. Of the funds appropriated in title IV under the heading ''RESEARCH, DEVELOPMENT, TEST AND EVALUATION, ARMY'', up to $15,000,000 may be made available to continue research and development on Silicon carbide research (PE 63005A).

SEC. 8140. Of the amount appropriated under title III under the heading ''OTHER PROCUREMENT, ARMY'', $5,000,000 shall be available for the development of the Abrams Full-Crew Interactive Skills Trainer.

SEC. 8141. Of the amount appropriated under title IV under the heading ''RESEARCH, DEVELOPMENT, TEST AND EVALUATION, DEFENSE-WIDE'', up to $5,000,000 may be available for the Environmental Security Technical Certification Program (PE 603851D) to develop and test technologies to detect unexploded ordinance at sites where the detection and possible remediation of unexploded ordinance from live-fire activities is underway.

SEC. 8142. Of the amount appropriated under title IV under the heading ''RESEARCH, DEVELOPMENT, TEST AND EVALUATION, DEFENSE-WIDE'', up to $5,000,000 may be available for the Strategic Environmental Research and Development Program (PE 6034716D) for the development and test of technologies to detect, analyze, and map the presence of, and to transport, pollutants and contaminants at sites undergoing the detection and possible remediation of constituents attributable to live-fire activities in a variety of hydrogeological scenarios.

SEC. 8143. Of the amount appropriated under title IV under the heading ''RESEARCH, DEVELOPMENT, TEST AND EVALUATION, NAVY'', up to $5,000,000 may be available for Surface Ship & Submarine HM&E Advanced Technology (PE 603508N) for continuing development by the Navy of the AC synchronous high-temperature superconductor electric motor.

SEC. 8144. Of the funds provided in title II under the heading ''OPERATION AND MAINTENANCE, NAVY'', up to $1,000,000 may be available to continue the Public Service Initiative.

SEC. 8145. Of the funds made available in title IV of this Act under the heading ''RESEARCH, DEVELOPMENT, TEST AND EVALUATION, DEFENSE-WIDE'', up to $3,500,000 may be made available for Chem-Bio Advanced Materials Research.

SEC. 8146. Of the total amount appropriated by title II under the heading ''OPERATION AND MAINTENANCE, NAVY'', up to $3,000,000 may be available only for a Navy benefits center.

SEC. 8147. Of the funds available in title IV under the heading ''RESEARCH, DEVELOPMENT, TEST AND EVALUATION, NAVY'', up to $8,000,000 may be made available for the Navy Information Technology Center.

SEC. 8148. Of the funds made available in title IV of this Act under the heading ''RESEARCH, DEVELOPMENT, TEST AND EVALUATION, DEFENSE-WIDE'', up to $7,000,000 may be made available for the Solid State Dye Laser project.

SEC. 8149. Of the amount available under title II under the heading ''OPERATION AND MAINTENANCE, DEFENSE-WIDE'', $1,000,000 shall be

available for Middle East Regional Security Issues.

SEC. 8150. Of the amount available under title IV under the heading ''RESEARCH, DEVELOPMENT, TEST AND EVALUATION, NAVY'', up to $5,000,000 may be available for the continuation of the Compatible Processor Upgrade Program (CPUP).

SEC. 8151. (a) ADDITIONAL FUNDS FOR WEAPONS OF MASS DESTRUCTION CIVIL SUPPORT TEAMS.—The amount appropriated under title II under the heading ''OPERATION AND MAINTENANCE, ARMY'' is hereby increased by $3,700,000, with the amount of the increase available for the activities of five additional Weapons of Mass Destruction Civil Support Teams (WMD–CST).

(b) ADDITIONAL FUNDS FOR EQUIPMENT FOR WEAPONS OF MASS DESTRUCTION CIVIL SUPPORT TEAM PROGRAM.—(1) The amount appropriated under title III under the heading ''OTHER PROCUREMENT, ARMY'' is hereby increased by $11,300,000, with the amount of the increase available for Special Purpose Vehicles.

(2) The amount appropriated under title III under the heading ''PROCUREMENT, DEFENSE-WIDE'' is hereby increased by $1,800,000, with the amount of the increase available for the Chemical Biological Defense Program, for Contamination Avoidance.

(3) Amounts made available by reason of paragraphs (1) and (2) shall be available for the procurement of additional equipment for the Weapons of Mass Destruction Civil Support Team (WMD–CST) program.

(c) OFFSET.—The amount appropriated under title II under the heading ''OPERATION AND MAINTENANCE, DEFENSE-WIDE'' for the Defense Finance and Accounting Service is hereby reduced by $16,800,000, with the amount of the reduction applied to the Defense Joint Accounting System (DJAS) for fielding and operations.

SEC. 8152. Of the funds available in title II under the heading ''OPERATION AND MAINTENANCE, DEFENSE-WIDE'', $30,000,000 may be available for information security initiatives: Provided, That, of such amount, $10,000,000 is available for the Institute for Defense Computer Security and Information Protection of the Department of Defense, and $20,000,000 is available for the Information Security Scholarship Program of the Department of Defense.

SEC. 8153. Of the funds provided in title IV of this Act under the heading ''RESEARCH, DEVELOPMENT, TEST AND EVALUATION, ARMY'', up to $12,000,000 may be made available to commence a live-fire, side-by-side operational test of the air-to-air Starstreak and air-to-air Stinger missiles from the AH64D Longbow helicopter, as previously specified in section 8138 of Public Law 106–79.

SEC. 8154. Of the funds appropriated in the Act under the heading ''OPERATION AND MAINTENANCE, DEFENSE-WIDE'', up to $5,000,000 may be made available to the American Red Cross for Armed Forces Emergency Services.

SEC. 8155. Of the amount appropriated by title IV under the heading ''RESEARCH, DEVELOPMENT, TEST AND EVALUATION, AIR FORCE'', up to $12,000,000 is available for the XSS–10 micro-missile technology program.

SEC. 8156. Of the funds made available in title IV of this Act under the heading ''RESEARCH, DEVELOPMENT, TEST AND EVALUATION, NAVY'', up to $3,000,000 may be made available for the development of a chemical agent warning network to benefit the chemical incident response force of the Marine Corps.

SEC. 8157. Of the amounts appropriated under title II under the heading ''OPERATION AND MAINTENANCE, DEFENSE-WIDE'', $2,000,000 may be made available for the Bosque Redondo Memorial as authorized under the provisions of the bill S. 964 of the 106th Congress, as adopted by the Senate.

SEC. 8158. (a) INCREASE IN AMOUNT.—Of the amount appropriated under title IV under the heading ''RESEARCH, DEVELOPMENT, TEST AND EVALUATION, DEFENSE-WIDE'', $300,000 shall be available for Generic Logistics Research and Development Technology Demonstrations (PE 603712S) for air logistics technology.

(b) OFFSET.—Of the amount appropriated under title IV under the heading referred to in subsection (a), the amount available for Computing Systems and Communications Technology (PE 602301E) is hereby decreased by $300,000.

SEC. 8159. (a) INCREASE IN AMOUNT.—Of the amount appropriated under title IV under the heading ''RESEARCH, DEVELOPMENT, TEST AND EVALUATION, DEFENSE-WIDE'', $5,000,000 shall be available for Explosives Demilitarization Technology (PE 603104D) for research into ammunition risk analysis capabilities.

(b) OFFSET.—Of the amount appropriated under title IV under the heading referred to in subsection (a), the amount available for Computing Systems and Communications Technology (PE 602301E) is hereby decreased by $5,000,000.

SEC. 8160. Of the amount appropriated under title IV under the heading ''RESEARCH, DEVELOPMENT, TEST AND EVALUATION, AIR FORCE'', $92,530,000 may be available for C–5 aircraft modernization, including for the C–5 Reliability Enhancement and Reengining Program.

SEC. 8161. Of the total amount appropriated by title IV under the heading ''RESEARCH, DEVELOPMENT, TEST AND EVALUATION, DEFENSE-WIDE'', up to $4,000,000 may be made available for Military Personnel Research.

SEC. 8162. Of the amounts appropriated under title II under the heading ''OPERATION AND MAINTENANCE, NAVY'', up to $7,000,000 may be available for the Information Technology Center.

SEC. 8163. Of the amount appropriated under title IV under the heading ''RESEARCH, DEVELOPMENT, TEST AND EVALUATION, DEFENSE-WIDE'', up to $6,000,000 may be made available for the Ballistic Missile Defense Organization International Cooperative Programs for the Arrow Missile Defense System in order to enhance the interoperability of the system between the United States and Israel.

SEC. 8164. PROHIBITION ON USE OF FUNDS FOR PREVENTATIVE APPLICATION OF PESTICIDES IN DEPARTMENT OF DEFENSE AREAS THAT MAY BE USED BY CHILDREN. (a) DEFINITION OF PESTICIDE.—In this section, the term ''pesticide'' has the meaning given the term in section 2 of the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136).

(b) PROHIBITION ON USE OF FUNDS.—None of the funds appropriated under this Act may be used for the preventative application of a pesticide containing a known or probable carcinogen or a category I or II acute nerve toxin, or a pesticide of the organophosphate, carbamate, or organochlorine class, in any area owned or managed by the Department of Defense that may be used by children, including a park, base housing, a recreation center, a playground, or a daycare facility.

SEC. 8165. Of the funds appropriated in title III under the heading ''PROCUREMENT, DEFENSE-WIDE'', up to $7,000,000 may be made available for the procurement of the integrated bridge system for special warfare rigid inflatable boats under the Special Operations Forces Combatant Craft Systems program.

SEC. 8166. Of the amount appropriated under title IV under the heading ''RESEARCH, DEVELOPMENT, TEST AND EVALUATION, AIR FORCE'', up to $5,000,000 may be made available under Advanced Technology for the LaserSpark countermeasures program.

SEC. 8167. Of the amount appropriated under title IV under the heading ''RESEARCH, DEVELOPMENT, TEST AND EVALUATION, DEFENSE-WIDE'' for Logistics Research and Development Technology Demonstration, up to $2,000,000 may be made available for a Silicon-Based Nanostructures Program.

SEC. 8168. (a) Congress makes the following findings:

(1) Failure to operate and standardize the current Tethered Aerostat Radar System (TARS) sites along the Southwest border of the United States and the Gulf of Mexico will result in a degradation of the counterdrug capability of the United States.

(2) Most of the illicit drugs consumed in the United States enter the United States through the Southwest border, the Gulf of Mexico, and Florida.

(3) The Tethered Aerostat Radar System is a critical component of the counterdrug mission of the United States relating to the detection and apprehension of drug traffickers.

(4) Preservation of the current Tethered Aerostat Radar System network compels drug traffickers to transport illicit narcotics into the United States by more risky and hazardous routes.

(b) Of the funds appropriated in title VI under the heading ''DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES, DEFENSE'', up to $23,000,000 may be made available to Drug Enforcement Policy Support (DEP&S) for purposes of maintaining operations of the 11 current Tethered Aerostat Radar System (TARS) sites and completing the standardization of such sites located along the Southwest border of the United States and in the States bordering the Gulf of Mexico.

SEC. 8169. Of the funds appropriated in title VI under the heading ''COUNTER-DRUG ACTIVITIES, DEFENSE'', up to $5,000,000 may be made available for a ground processing station to support a tropical remote sensing radar.

SEC. 8170. Of the funds provided within title I of this Act, such funds as may be necessary shall be available for a special subsistence allowance for members eligible to receive food stamp assistance, as authorized by law.

SEC. 8171. Of the amounts appropriated in title III under the heading ''OTHER PROCUREMENT, AIR FORCE'', $3,000,000 shall be made available for an analysis of the costs associated with and the activities necessary in order to reestablish the production line for the U–2 aircraft, at the rate of two aircraft per year, as quickly as is feasible.

SEC. 8172. (a) SENSE OF SENATE.—It is the sense of the Senate that the Secretary of the Air Force should, using funds specified in subsection (b), pay the New Jersey Forest Fire Service the sum of $92,974.86 to reimburse the New Jersey Forest Fire Service for costs incurred in containing and extinguishing a fire in the Bass River State Forest and Wharton State Forest, New Jersey, in May 1999, which fire was caused by an errant bomb from an Air National Guard unit during a training exercise at Warren Grove Testing Range, New Jersey.

(b) SOURCE OF FUNDS.—Funds for the payment referred to in subsection (a) should be derived from amounts appropriated by title II of this Act under the heading ''OPERATION AND MAINTENANCE, AIR NATIONAL GUARD''.

SEC. 8173. Of the funds appropriated in title IV under the heading ''RESEARCH, DEVELOPMENT, TEST AND EVALUATION, DEFENSE-WIDE'', up to $6,000,000 may be made available to support spatio-temporal database research, visualization and user interaction testing, enhanced image processing, automated feature extraction research, and development of field-sensing devices, all of which are critical technology issues for smart maps and other intelligent spatial technologies.

SEC. 8174. (a) PROHIBITION.—No funds made available under this Act may be used to 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.

SEC. 8175. Of the total amount appropriated by title IV under the heading ''RESEARCH, DEVELOPMENT, TEST AND EVALUATION, NAVY'' for the Navy technical information presentation system, $5,200,000 may be available for the digitization of FA–18 aircraft technical manuals.

SEC. 8176. Of the amount appropriated under title II under the heading ''OPERATION AND MAINTENANCE, ARMY'' for Industrial Mobilization Capacity, $56,500,000 plus in addition $11,500,000 may be made available to address unutilized plant capacity in order to offset the effects of low utilization of plant capacity on overhead charges at the Arsenals.

SEC. 8177. Of the amount appropriated by title II under the heading ''OPERATION AND MAINTENANCE, ARMY'', up to $3,800,000 may be available for defraying the costs of maintaining the industrial mobilization capacity at the McAlester Army Ammunition Activity, Oklahoma.

SEC. 8178. Section 8093 of the Department of Defense Appropriations Act, 2000 (Public Law 106–79; 113 Stat. 1253) is amended by striking subsection (d), relating to a prohibition on the use of Department of Defense funds to procure a nuclear-capable shipyard crane from a foreign source.

SEC. 8179. Of the funds appropriated in title III under the heading ''PROCUREMENT, DEFENSE-WIDE'', up to $18,900,000 may be made available for MH–60 aircraft for the United States Special Operations Command as follows: up to $12,900,000 for the procurement of probes for aerial refueling of 22 MH–60L aircraft, and up to $6,000,000 for the procurement and integration of internal auxiliary fuel tanks for 50 MH–60 aircraft.

SEC. 8180. Of the amount appropriated under title IV under the heading ''RESEARCH, DEVELOPMENT, TEST AND EVALUATION, DEFENSE-WIDE'', up to $50,000,000 may be made available for High Energy Laser research, development, test and evaluation (PE 0602605F, PE 0603605F, PE 0601108D, PE 0602890D, and PE 0603921D). Release of funds is contingent on site selection for the Joint Technology Office referenced in the Defense Department's High Energy Laser Master Plan.

SEC. 8181. Of the funds available in title II under the heading ''RESEARCH, DEVELOPMENT, TEST AND EVALUATION, DEFENSE-WIDE'', up to $2,000,000 may be made available to the Special Reconnaissance Capabilities (SRC) Program for the Virtual Worlds Initiative in PE 0304210BB.

SEC. 8182. Of the funds available in title III under the heading ''PROCUREMENT OF AMMUNITION, NAVY AND MARINE CORPS'', up to $5,000,000 may be made available for ROCKETS, ALL TYPE, 83mm HEDP.

SEC. 8183. Of the amounts appropriated in title IV under the heading ''RESEARCH, DEVELOPMENT, TEST AND EVALUATION, DEFENSE-WIDE'', up to $6,000,000 may be made available for the initial production of units of the ALGL/STRIKER to facilitate early fielding of the ALGL/STRIKER to special operations forces.

TITLE IX

DEPARTMENT OF THE TREASURY

BUREAU OF THE PUBLIC DEBT

GIFTS TO THE UNITED STATES FOR REDUCTION OF THE PUBLIC DEBT

For deposit of an additional amount into the account established under section 3113(d) of title 31, United States Code, to reduce the public debt, $12,200,000,000.

This Act may be cited as the ''Department of Defense Appropriations Act, 2001''.

UNANIMOUS-CONSENT AGREEMENT—H.R. 4475

Mr. ALLARD. Mr. President, I ask unanimous consent that all first-degree amendments contained on the list submitted earlier must be filed at the desk by 11:30 a.m. on Thursday.

The PRESIDING OFFICER. Without objection, it is so ordered.

MEASURE INDEFINITELY POSTPONED—S. 2593

Mr. ALLARD. Mr. President, I ask unanimous consent that Calendar No. 563, S. 2593, be indefinitely postponed.

The PRESIDING OFFICER. Without objection, it is so ordered.

CERTIFIED DEVELOPMENT COMPANY PROGRAM IMPROVEMENTS ACT OF 1999

Mr. ALLARD. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of Calendar No. 531, H.R. 2614.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 2614) to amend the small business investment act to make improvements to the Certified Development Company Program, and for other purposes.

There being no objection, the Senate proceeded to consider the bill which had been considered from the Committee on Small Business, with an amendment to strike all after the enacting clause and insert in lieu thereof the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Certified Development Company Program Improvements Act of 2000''.

SEC. 2. WOMEN-OWNED BUSINESSES.

Section 501(d)(3)(C) of the Small Business Investment Act of 1958 (15 U.S.C. 695(d)(3)(C)) is amended by inserting before the comma ''or women-owned business development''.

SEC. 3. MAXIMUM DEBENTURE SIZE.

Section 502(2) of the Small Business Investment Act of 1958 (15 U.S.C. 696(2)) is amended to read as follows:

''(2) LOAN LIMITS.—Loans made by the Administration under this section shall be limited to $1,000,000 for each such identifiable small business concern, other than loans meeting the criteria specified in section 501(d)(3), which shall be limited to $1,300,000 for each such identifiable small business concern.''.

SEC. 4. FEES.

Section 503(f) of the Small Business Investment Act of 1958 (15 U.S.C. 697(f)) is amended to read as follows:

''(f) EFFECTIVE DATE.—The fees authorized by subsections (b) and (d) shall apply to any financing approved by the Administration during the period beginning on October 1, 1996 and ending on September 30, 2003.''.

SEC. 5. PREMIER CERTIFIED LENDERS PROGRAM.

Section 217(b) of the Small Business Administration Reauthorization and Amendments Act of 1994 (15 U.S.C. 697e note) is repealed.

SEC. 6. SALE OF CERTAIN DEFAULTED LOANS.

Section 508 of the Small Business Investment Act of 1958 (15 U.S.C. 697e) is amended—

(1) in subsection (a), by striking ''On a pilot program basis, the'' and inserting ''The'';

(2) by redesignating subsections (d) though (i) as subsections (e) though (j), respectively;

(3) in subsection (f) (as redesignated by paragraph (2)), by striking ''subsection (f)'' and inserting ''subsection (g)'';

(4) in subsection (h) (as redesignated by paragraph (2)), by striking ''subsection (f)'' and inserting ''subsection (g)''; and

(5) by inserting after subsection (c) the following:

''(d) SALE OF CERTAIN DEFAULTED LOANS.—

''(1) NOTICE.—

''(A) IN GENERAL.—If, upon default in repayment, the Administration acquires a loan guaranteed under this section and identifies such loan for inclusion in a bulk asset sale of defaulted or repurchased loans or other financings, the Administration shall give prior notice thereof to any certified development company that has a contingent liability under this section.

''(B) TIMING.—The notice required by subparagraph (A) shall be given to the certified development company as soon as possible after the financing is identified, but not later than 90 days before the date on which the Administration first makes any record on such financing available for examination by prospective purchasers prior to its offering in a package of loans for bulk sale.

''(2) LIMITATIONS.—The Administration may not offer any loan described in paragraph (1)(A) as part of a bulk sale, unless the Administration—

''(A) provides prospective purchasers with the opportunity to examine the records of the Administration with respect to such loan; and

''(B) provides the notice required by paragraph (1).''.

SEC. 7. LOAN LIQUIDATION.

(a) LIQUIDATION AND FORECLOSURE.—Title V of the Small Business Investment Act of 1958 (15 U.S.C. 695 et seq.) is amended by adding at the end the following:

''SEC. 510. FORECLOSURE AND LIQUIDATION OF LOANS.

''(a) DELEGATION OF AUTHORITY.—In accordance with this section, the Administration shall delegate to any qualified State or local development company (as defined in section 503(e)) that meets the eligibility requirements of subsection (b)(1) of this section the authority to foreclose and liquidate, or to otherwise treat in accordance with this section, defaulted loans in its portfolio that are funded with the proceeds of debentures guaranteed by the Administration under section 503.

''(b) ELIGIBILITY FOR DELEGATION.—

''(1) REQUIREMENTS.—A qualified State or local development company shall be eligible for a delegation of authority under subsection (a) if—

''(A) the company—

''(i) has participated in the loan liquidation pilot program established by the Small Business Programs Improvement Act of 1996 (15 U.S.C. 695 note), as in effect on the day before the date of issuance of final regulations by the Administration implementing this section;

''(ii) is participating in the Premier Certified Lenders Program under section 508; or

''(iii) during the 3 fiscal years immediately prior to seeking such a delegation, has made an average of not fewer than 10 loans per year that are funded with the proceeds of debentures guaranteed under section 503; and

''(B) the company—

''(i) has 1 or more employees—

''(I) with not less than 2 years of substantive, decision-making experience in administering the liquidation and workout of problem loans secured in a manner substantially similar to loans funded with the proceeds of debentures guaranteed under section 503; and

''(II) who have completed a training program on loan liquidation developed by the Administration in conjunction with qualified State and local development companies that meet the requirements of this paragraph; or

''(ii) submits to the Administration documentation demonstrating that the company has contracted with a qualified third-party to perform any liquidation activities and secures the approval of the contract by the Administration with respect to the qualifications of the contractor and the terms and conditions of liquidation activities.

''(2) CONFIRMATION.—On request, the Administration shall examine the qualifications of any company described in subsection (a) to determine if such company is eligible for the delegation of authority under this section. If the Administration determines that a company is not eligible, the Administration shall provide the company with the reasons for such ineligibility.

''(c) SCOPE OF DELEGATED AUTHORITY.—

''(1) IN GENERAL.—Each qualified State or local development company to which the Administration delegates authority under subsection (a) may, with respect to any loan described in subsection (a)—

''(A) perform all liquidation and foreclosure functions, including the purchase in accordance with this subsection of any other indebtedness secured by the property securing the loan, in a reasonable and sound manner, according to commercially accepted practices, pursuant to a liquidation plan approved in advance by the Administration under paragraph (2)(A);

''(B) litigate any matter relating to the performance of the functions described in subparagraph (A), except that the Administration may—

''(i) defend or bring any claim if—

''(I) the outcome of the litigation may adversely affect management by the Administration of the loan program established under section 502; or

''(II) the Administration is entitled to legal remedies not available to a qualified State or local development company, and such remedies will benefit either the Administration or the qualified State or local development company; or

''(ii) oversee the conduct of any such litigation; and

''(C) take other appropriate actions to mitigate loan losses in lieu of total liquidation or foreclosure, including the restructuring of a loan in accordance with prudent loan servicing practices and pursuant to a workout plan approved in advance by the Administration under paragraph (2)(C).

''(2) ADMINISTRATION APPROVAL.—

''(A) LIQUIDATION PLAN.—

''(i) IN GENERAL.—Before carrying out functions described in paragraph (1)(A), a qualified State or local development company shall submit to the Administration a proposed liquidation plan.

''(ii) ADMINISTRATION ACTION ON PLAN.—

''(I) TIMING.—Not later than 15 business days after a liquidation plan is received by the Administration under clause (i), the Administration shall approve or reject the plan.

''(II) NOTICE OF NO DECISION.—With respect to any liquidation plan that cannot be approved or denied within the 15-day period required by subclause (I), the Administration shall, during such period, provide notice in accordance with subparagraph (E) to the company that submitted the plan.

''(iii) ROUTINE ACTIONS.—In carrying out functions described in paragraph (1)(A), a qualified State or local development company may undertake any routine action not addressed in a liquidation plan without obtaining additional approval from the Administration.

''(B) PURCHASE OF INDEBTEDNESS.—

''(i) IN GENERAL.—In carrying out functions described in paragraph (1)(A), a qualified State or local development company shall submit to the Administration a request for written approval before committing the Administration to the purchase of any other indebtedness secured by the property securing a defaulted loan.

''(ii) ADMINISTRATION ACTION ON REQUEST.—

''(I) TIMING.—Not later than 15 business days after receiving a request under clause (i), the Administration shall approve or deny the request.

''(II) NOTICE OF NO DECISION.—With respect to any request that cannot be approved or denied within the 15-day period required by subclause (I), the Administration shall, during such period, provide notice in accordance with subparagraph (E) to the company that submitted the request.

''(C) WORKOUT PLAN.—

''(i) IN GENERAL.—In carrying out functions described in paragraph (1)(C), a qualified State or local development company shall submit to the Administration a proposed workout plan.

''(ii) ADMINISTRATION ACTION ON PLAN.—

''(I) TIMING.—Not later than 15 business days after a workout plan is received by the Administration under clause (i), the Administration shall approve or reject the plan.

''(II) NOTICE OF NO DECISION.—With respect to any workout plan that cannot be approved or denied within the 15-day period required by subclause (I), the Administration shall, during such period, provide notice in accordance with subparagraph (E) to the company that submitted the plan.

''(D) COMPROMISE OF INDEBTEDNESS.—In carrying out functions described in paragraph (1)(A), a qualified State or local development company may—

''(i) consider an offer made by an obligor to compromise the debt for less than the full amount owing; and

''(ii) pursuant to such an offer, release any obligor or other party contingently liable, if the company secures the written approval of the Administration.

''(E) CONTENTS OF NOTICE OF NO DECISION.—Any notice provided by the Administration under subparagraph (A)(ii)(II), (B)(ii)(II), or (C)(ii)(II)—

''(i) shall be in writing;

''(ii) shall state the specific reason for the inability of the Administration to act on the subject plan or request;

''(iii) shall include an estimate of the additional time required by the Administration to act on the plan or request; and

''(iv) if the Administration cannot act because insufficient information or documentation was provided by the company submitting the plan or request, shall specify the nature of such additional information or documentation.

''(3) CONFLICT OF INTEREST.—In carrying out functions described in paragraph (1), a qualified State or local development company shall take no action that would result in an actual or apparent conflict of interest between the company (or any employee of the company) and any third party lender (or any associate of a third party lender) or any other person participating in a liquidation, foreclosure, or loss mitigation action.

''(d) SUSPENSION OR REVOCATION OF AUTHORITY.—The Administration may revoke or suspend a delegation of authority under this section to any qualified State or local development company, if the Administration determines that the company—

''(1) does not meet the requirements of subsection (b)(1);

''(2) has violated any applicable rule or regulation of the Administration or any other applicable provision of law; or

''(3) has failed to comply with any reporting requirement that may be established by the Administration relating to carrying out functions described in subsection (c)(1).

''(e) REPORT.—

''(1) IN GENERAL.—Based on information provided by qualified State and local development companies and the Administration, the Administration shall annually submit to the Committees on Small Business of the House of Representatives and the Senate a report on the results of delegation of authority under this section.

''(2) CONTENTS.—Each report submitted under paragraph (1) shall include—

''(A) with respect to each loan foreclosed or liquidated by a qualified State or local development company under this section, or for which losses were otherwise mitigated by the company pursuant to a workout plan under this section—

''(i) the total cost of the project financed with the loan;

''(ii) the total original dollar amount guaranteed by the Administration;

''(iii) the total dollar amount of the loan at the time of liquidation, foreclosure, or mitigation of loss;

''(iv) the total dollar losses resulting from the liquidation, foreclosure, or mitigation of loss; and

''(v) the total recoveries resulting from the liquidation, foreclosure, or mitigation of loss, both as a percentage of the amount guaranteed and the total cost of the project financed;

''(B) with respect to each qualified State or local development company to which authority is delegated under this section, the totals of each of the amounts described in clauses (i) through (v) of subparagraph (A);

''(C) with respect to all loans subject to foreclosure, liquidation, or mitigation under this section, the totals of each of the amounts described in clauses (i) through (v) of subparagraph (A);

''(D) a comparison between—

''(i) the information provided under subparagraph (C) with respect to the 12-month period preceding the date on which the report is submitted; and

''(ii) the same information with respect to loans foreclosed and liquidated, or otherwise treated, by the Administration during the same period; and

''(E) the number of times that the Administration has failed to approve or reject a liquidation plan in accordance with subsection (c)(2)(A) or a workout plan in accordance with subsection (c)(2)(C), or to approve or deny a request for purchase of indebtedness under subsection (c)(2)(B), including specific information regarding the reasons for the failure of the Administration and any delay that resulted.''.

(b) REGULATIONS.—

(1) IN GENERAL.—Not later than 150 days after the date of enactment of this Act, the Administrator shall issue such regulations as may be necessary to carry out section 510 of the Small Business Investment Act of 1958, as added by subsection (a) of this section.

(2) TERMINATION OF PILOT PROGRAM.—Effective on the date on which final regulations are issued under paragraph (1), section 204 of the Small Business Programs Improvement Act of 1996 (15 U.S.C. 695 note) is repealed.

SEC. 8. FUNDING LEVELS FOR CERTAIN FINANCINGS UNDER THE SMALL BUSINESS INVESTMENT ACT OF 1958.

Section 20 of the Small Business Act (15 U.S.C. 631 note) is amended by adding at the end the following:

''(g) PROGRAM LEVELS FOR CERTAIN SMALL BUSINESS INVESTMENT ACT OF 1958 FINANCINGS.—The following program levels are authorized for financings under section 504 of the Small Business Investment Act of 1958:

''(1) $4,000,000,000 for fiscal year 2001.

''(2) $5,000,000,000 for fiscal year 2002.

''(3) $6,000,000,000 for fiscal year 2003.''.

AMENDMENT NO. 3431

(Purpose: To make an amendment with respect to timely Administration action on geographic expansion applications, use of unobligated funds, and the HUBZone program, and for other purposes)

Mr. ALLARD. Mr. President, Senator BOND has an amendment at the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Colorado [Mr. ALLARD] for Mr. BOND, proposes an amendment numbered 3431.

The amendment is as follows:

At the end of the bill, add the following:

SEC. 9. TIMELY ACTION ON APPLICATIONS.

(a) AUTOMATIC APPROVAL OF PENDING APPLICATIONS.—An application by a State or local development company to expand its operations under title V of the Small Business Investment Act of 1958 into another territory, county, or State that is pending on the date of enactment of this Act and that was submitted to the Administration 12 months or more before that date of enactment shall be deemed to be approved beginning 21 days after that date of enactment, unless the Administration has taken final action to approve or deny the application before the end of that 21-day period.

(b) DEFINITIONS.—In this section—

(1) the term ''Administration'' means the headquarters of the Small Business Administration; and

(2) the term ''development company'' has the same meaning as in section 103 of the Small Business Investment Act of 1958 (15 U.S.C. 662).

SEC. 10. USE OF CERTAIN UNOBLIGATED AND UNEXPENDED FUNDS.

(a) TRANSFER OF FUNDS.—Notwithstanding any other provision of law, unobligated and unexpended balances of the funds described in subsection (b) are transferred to and made available to the Small Business Administration to fund the costs of guaranteed loans under section 7(a) of the Small Business Act.

(b) SOURCES.—Funds described in this subsection are—

(1) funds transferred to the Business Loan Program Account of the Small Business Administration from the Department of Defense under the Department of Defense Appropriations Act, 1995 (Public Law 103-335) and section 507(g) of the Small Business Reauthorization Act of 1997 (15 U.S.C. 636 note) for the DELTA Program under that section 507; and

(2) funds previously made available under the Omnibus Consolidated Rescissions and Appropriations Act of 1996 (110 Stat. 1321 et seq.) and the Omnibus Consolidated Appropriations Act, 1997 (110 Stat. 3009 et seq.) for the microloan guarantee program under section 7(m) of the Small Business Act.

SEC. 11. HUBZONE REDESIGNATED AREAS.

Section 3(p) of the Small Business Act (15 U.S.C. 632(p)) is amended—

(1) in paragraph (1)—

(A) in subparagraph (B), by striking ''or'' at the end;

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

(C) by adding at the end the following:

''(D) redesignated areas.''; and

(2) in paragraph (4), by adding at the end the following:

''(C) REDESIGNATED AREA.—The term 'redesignated area' means any census tract that ceases to be qualified under subparagraph (A) and any nonmetropolitan county that ceases to be qualified under subparagraph (B), except that a census tract or a nonmetropolitan county may be a 'redesignated area' only for the 3-year period following the date on which the census tract or nonmetropolitan county ceased to be so qualified.''.

Mr. ALLARD. Mr. President, I ask unanimous consent the amendment be agreed to.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 3431) was agreed to.

Mr. BOND. Mr. President, I rise today to speak in support of H.R. 2614, the Certified Development Company Program Improvements Act of 2000. This important legislation was recently considered by the Committee on Small Business and approved by an 18–0 vote. I am also offering a ''Managers' Amendment,'' which has been approved on both sides of the aisle.

The purpose of H.R. 2614 is to make the 504 Certified Development Company program a more effective and more efficient program. The 504 Program is a key credit program run by the Small Business Administration to provide access to capital to small business owners. It was enacted to leverage private sector resources to fund larger projects for small businesses to acquire, construct or expand their facilities. Specifically, it was designed to create job opportunities and improve the economic health of both rural and inner city communities.

Unlike most government-guaranteed loan programs, the 504 loan is subordinate to a loan made by a private lender. SBA guarantees 10- or 20-year debentures issued by Certified Development Companies (CDC), and the proceeds from the sales of these debentures to investors are used to fund the 504 loans. Usually, the conventional loan will finance 50 percent of the project's cost, and the SBA-guaranteed 504 loan cannot exceed 40 percent of the project cost. In the event of a default of the 504 small business borrower, the bank's loan is senior to the SBA-guaranteed 504 loan.

504 LOAN DEFAULTS AND RECOVERIES

Over the past 5 years, the Committee on Small Business has devoted considerable attention to the 504 program. The committee has been particularly concerned about reports and testimony from the SBA and the Office of Management and Budget (OMB) about loan recoveries following a default by a borrowers on a loan made under the program. Historically, in nearly all cases when a 504 program borrower defaults, it is the SBA, not the CDC, that take the required liquidation and foreclosure actions. The failure of the SBA to take aggressive actions to recover the value of collateral held following a default significantly increases the costs to borrowers to obtain a loan under the 504 program.

In response to the continuing problem of low recoveries under the 504 program, the committee, in 1996, approved legislation establishing a pilot program that allowed approximately 20 CDCs to liquidate loan that they originate. Results from the pilot have been encouraging, and the committee concluded that it is in the best interest of the 504 program to allow additional CDC's to conduct their own liquidation and foreclosure activities. Section 7 of H.R. 2614, as reported by the Committee on Small Business, makes the pilot liquidation program permanent and requires SBA to permit certain CDC's to foreclose and liquidate defaulted loans that they have originated under the 504 loan program.

PREMIER CERTIFIED LENDERS PROGRAM

In October 1994, the Congress first enacted the Premier Certified Lenders Program (PCLP) on a pilot basis. The program was expanded by Congress in 1997, and the limitation on the number CDC's that could participate in the program was removed. The Committee has noted the success of the PCLP and has agreed with the House of Representatives to make it a permanent part of the 504 program. In doing so, the committee expects the SBA to continue its efforts to work with the CDC's to take advantage of the strengths of the most successful and well-run CDC's.

504 PROGRAM COSTS

In 1995, the SBA and the National Association of Development Companies (NADCO) strongly urged the Congress to adopt legislation mandating that the 504 program be supported entirely by fees paid by the private sector. Since the new fees took effect at the beginning of 1996, the fees increased from 0.125 percent to 0.875 percent in FY 1997. The fees rise or fall based primarily on two key factors: the rate of defaults and the recovery rates. Since FY 1997, the committee is pleased to note that estimates for defaults and recoveries has improved dramatically, and the borrower fee for FY 2001 will be 0.472 percent, a significant drop in four years from its peak in FY 1997. H.R. 2614 authorizes SBA to collect these fees to offset the credit subsidy rate through FY 2003.

The bill adds 504 loans to women-owned small businesses to the current list of public policy goals specified under the Small Business Investment Act of 1958. Currently, loans for public policy goals can be guaranteed up to $1,000,000. Other 504 loans can be guaranteed up to $750,000. As approved by the committee, H.R. 2614 will increase the guarantee ceiling for regular 504 loans to $1,000,000, and the ceiling for public policy loans will become $1,300,000.

During the committee's consideration of H.R. 2614, the committee members voted unanimously to establish the authorization levels for the 504 program. The levels approved are $4 billion in FY 2001, $5 billion in FY 2002, and $6 billion in FY 2003. These are the same levels that the committee also approved in the Small Business Reauthorization Act of 2000.

ASSET SALES

During the past four years, the committee has urged SBA to undertake the

sale of assets held by the Agency; however, the committee does not believe this step forward should necessarily harm its lending partners, such as the CDC's. SBA has announced it will undertake two sales during calendar year 2000; consequently, the committee approved a provision that requires the SBA to notify CDC's prior to including a 504 loan in an asset sale. The committee adopted this section in order to insure there is an open dialogue and full cooperation between the SBA and the relevant CDCs.

AMENDMENTS

Mr. President, the Manager's Amendment includes three provisions. The first provision, which has the strong support of the majority leader, Senator LOTT, and Senator COCHRAN, is designed to expedite SBA consideration of several applications for multi-state operating authority for CDC's that have been pending at the 504 program office at the SBA headquarters for at least one year.

The second provision addresses the pending shortfall in the 7(a) guaranteed business loan program. SBA is now projecting that the 7(a) program will run out of money on or about September 1, 2000. In order to ensure that sufficient funds are available to fund this important small business credit program until September 30, 2000, when FY 2000 concludes, the Amendment authorizes SBA to reprogram funds appropriated but not spent in prior years for the DELTA loan program and the Microloan guarantee loan program. The total amount that SBA would need to reprogram would not exceed $6.5 million.

The third provision addresses an unforeseen event under the HUBZone program, which was authorized by Congress in 1997. The HUBZone program provides a valuable Federal contracting incentive for small businesses that are located in economically distressed inner cities and poor rural counties and that employ residents from these distressed areas. It is my understanding that new unemployment data will be released soon by the Bureau of Labor Statistics, which could result in the sudden disqualification on many recently certified HUBZone small businesses. The amendment will ensure that HUBZone areas remain qualified for a fixed period of at least 3 years by giving them a 3-year period to wrap up their HUBZone activities once an area has ceased to qualify on the basis of income or unemployment data. This change in the law will counter an unintended consequence and bring some needed stability to program.

Mr. President, the Certified Development Company Program Improvements Act of 2000 is an important credit program providing small businesses with credit opportunities that would not otherwise be available. I urge my colleagues to support that bill and the manager's amendment.

Mr. LEVIN. Mr. President, I am pleased the Senate will shortly pass H.R. 2614, the Certified Development Company Program Improvements Act of 1999. This bill was passed by the House on August 2, 1999.

The Small Business Administration's 504 loan program provides 20- and 10-year fixed-rate loans to small businesses through Certified Development Companies to be used for the acquisition or renovation of plant and equipment. SBA's 504 program loans are funded through the sale of pooled debentures on the bond market which gives small businesses access to interest rates that are close to those offered to large corporations.

SBA's 504 loan program is a net plus to our economy because it requires that small businesses receiving loans must create jobs or retain jobs that otherwise would be lost and/or meet certain national public policy goals. The 504 loan program's job creation track record has been excellent, with at least 3 jobs being created for every $35,000 in 504 lending provided.

This legislation is most urgently needed because the 504 program needs to be reauthorized. Even though the program costs the Government nothing and no appropriations are made to fund it because the program pays for itself through fees collected from borrowers, it cannot continue to operate without an authorization. We cannot allow this to happen. The 504 loan program is too important to small businesses who wish to expand because it provides affordable financing for growth with low down payments which is often difficult or impossible for small businesses to obtain from traditional lenders.

This bill improves on the 504 loan program and increases the maximum amount of a regular SBA guaranteed debenture, long term bond, from $750,000 to $1 million. The maximum amount for loans with specific public policy purposes, low-income, rural and minority-owned businesses, is increased to $1,300,000. There has not been an adjustment to the maximum loan level in 10 years and this change allows the program to keep up with inflation that has occurred over that time period. It also adds women-owned businesses to the category of public policy goals that the program aims to achieve, making women-owned businesses eligible for the higher levels of financing. This is an important addition due to the significant role women-owned businesses play in contributing to job growth in our economy. The bill also reauthorizes the program for 3 more years and makes two pilot programs permanent.

The State of Michigan has many active CDCs which keep in close touch with my office to report on their activities and the small businesses they have helped. On their behalf and on behalf of all the small businesses assisted by the 504 loan program and those that will be assisted in the future, I commend my colleagues for passing this legislation which improves on an already outstanding program.

Mr. KERRY. Mr. President, the availability of capital and credit still remains one of the most significant impediments to small business creation and growth, and it is the Small Business Administration (SBA) that continues to effectively serve as the principal ''gap'' lender to our nation's 24 million small businesses.

SBA's loan and investment programs are a bargain. For very little, taxpayers leverage their money to fuel the economy and help thousands of small businesses every year. In the 7(a) program, taxpayers spend $1.24 for every $100 loaned to small business owners. Well-known successes like Winnebago and Ben & Jerry's are examples of the program's effectiveness. In the 504 program, taxpayers don't spend a penny to lend or leverage investments because they are self-funded.

Today we will vote on H.R. 2614, the Certified Development Company Program Improvements Act of 2000. This bill makes changes to the 504 Certified Development Company (CDC or 504 program) loan program that will greatly increase the opportunity for small businesses to build a facility, buy more equipment, or acquire a new building. These loans create a ripple effect that enables small business owners to expand their companies, hire more workers and ultimately improve the local economy.

This bill also includes a manager's amendment with three provisions. One, it addresses prompt approval of applications from certified development companies (CDCs) to operate in multiple states. Two, it restores much of the shortfall in 7(a) funding for FY2000 by giving SBA the authority to reprogram unused funds. Three, it maintains continuity in the HUBZone program by grandfathering in existing HUBZone companies as zones are redefined when the Bureau of Labor Statistics releases its new data.

Before I get into the details of this bill, I would like to spend a minute describing the 504 Certified Development Company (CDC) loan program. This program is mission-driven, designed to provide capital to growing small businesses and create jobs. The professionals who work at CDCs do much more than make loans—they better communities. They usually have a mixture of expertise, part economic development specialist and part lender. They know their communities, and they know how to package loans and help prospective borrowers get financing. In fact, if you were to talk to them, you would learn that many are former lenders from commercial banks who wanted to get out from behind a desk and get involved in their communities. Instead of turning away meritorious projects because they didn't fit the profile of a traditional borrower, using the 504 program they could put together a loan that spreads the risk among commercial lenders, CDCs, the state or local governments, and the small business owners. These loans

jumpstart or complement the economic development in CDCs' communities.

Specifically, the 504 program provides businesses with long-term, fixed-rated financing for major fixed assets, such as buildings and equipment. CDCs work with the SBA and private-sector lenders to provide financing to small businesses and ultimately contribute to the economic development of their communities or the regions they serve. There are about 290 CDCs nationwide, and each CDC covers a specific area. Each CDC's portfolio must create or retain one job for every $35,000 provided by the SBA.

As I mentioned earlier, but will expand on here, proceeds from 504 loans must be used for fixed-asset projects. Projects range from land purchases and improvements—including existing buildings, grading, street improvements, utilities, parking lots and landscaping—to the construction of new facilities, or modernization, renovation or conversion of existing facilities, to the purchase of long-term machinery and equipment. The 504 Program cannot be used for working capital or inventory, consolidating or repaying debt, or refinancing.

I strongly support SBA's 504 loan program. Since 1980, more than 25,000 businesses have received more than $20 billion in fixed-asset financing through the 504 program. In Massachusetts, over the last decade, small businesses got $318 million in 504 loans that created more than 10,000 jobs. The stories behind those numbers say a lot about how SBA's 504 loans help business owners and communities. In Fall River, owners Patricia Ladino and Russell Young developed a custom packing plans for scallops and shrimp that has grown from ten to 30 employees in just two short years and is in the process of another expansion that will add as many as 25 new jobs. In Danvers, there's the car dealership that used a 504 loan to grow a company over 15 years from 25 to 395 employees. In Berkshire County, the 504 program has helped support the growth of the plastics mold and tool industry. One good example of success in this area is the development of Starbase Technologies in Pittsfield which now employs 65 people.

H.R. 2614 would build on that success by implementing the following. First, it will increase the maximum debenture size for Section 504 loans from $750,000 to $1 million, and the size of debentures for loans that meet special public policy goals from $1 million to $1,300,000. It has been 10 years since the Committee acted to increase the maximum guarantee amount in the 504 program. To keep pace with inflation, the maximum guarantee amount should be increased to approximately $1.25 million. However, consistent with my colleagues on the House Small Business Committee, I believe that a simple increase to $1 million is probably sufficient.

H.R. 2614 also adds women-owned businesses to the current list of businesses eligible for the larger public policy loans with guarantees of up to $1.3 million. Currently, the higher guaranty is available for business district revitalization; expansion of exports; expansion of minority business development; rural development; enhanced economic competition; and, added just last year, veteran-owned businesses, with an emphasis on service-disabled veterans.

This small legislative change was significant and long overdue. Throughout America's history, countless men and women have served our country and fought for its ideals as members of our armed services. However, when they return to civilian life, veterans have often encountered barriers to starting or expanding a business. Although there are a number of programs at the SBA to provide assistance, many of these are not specifically targeted at veterans. Making them eligible for the higher debenture should help to remedy some of the inequalities that our service men and women face upon their return to civilian life and provide greater opportunity for the 5.5 million businesses owned or operated by veterans. That change also should help the 104,000 service-disabled veterans within the business community.

I originally introduced the provision to add women-owned businesses to the list of public policy goals in the 105th Congress as part of S. 2448, the Small Business Loan Enhancement Act. Though it eventually was included in and passed by the Senate as part of H.R. 3412, a comprehensive small business bill, it was never enacted. Unfortunately, the House received the bill too late to act before the 105th Congress adjourned. I am very pleased that the Committee continues to recognize the important role women-owned businesses play in the economy and is making this change to facilitate the expansion of this sector of our economy.

Women-owned businesses are increasing in number, range, diversity and earning power. They constitute one-third of the 24 million small businesses in the United States, generate $3.6 trillion annually in revenues to the economy and range in industry from advertising agencies to manufacturing. Addressing the special needs of women-owned businesses serves not only these entrepreneurs, but also the economic strength of this nation as a whole. Since 1992, SBA has managed to increase access to capital for women and has worked in earnest to move women entrepreneurs away from expensive credit card financing to more affordable loans for financing their business ventures. While the percentage of 504 loans to women-owned businesses has increased nationwide from 4.2 percent in 1987 to 13 percent in 1999, and I applaud that, we need to increase lending opportunities to better reflect that 38 percent of all businesses are owned by women.

By expanding the public policy goals of the 504 loan program to include women-owned businesses, we are ensuring that loans to eligible women business owners aren't capped at $1 million but are now available for as much as $1.3 million. According to Certified Development Company professionals, loan underwriters are conservative when it comes to approving loans for more than $750,000 and this directive would undoubtedly help eligible women business owners get the financing they need to expand their facilities and buy equipment as their businesses grow.

H.R. 2614 also reauthorizes the fees currently levied on the borrower, the Certified Development Company, and the participating bank. The fees in the 504 program cover all its costs, resulting in a program that operates at no cost to the taxpayer. Without this legislation, the fees sunset on October 1, 2000. H.R. 2614 will continue them through October 1, 2003.

Additionally, H.R. 2614 will grant permanent status to the Preferred Certified Lender Program before it sunsets at the end of fiscal year 2000. This program enables experienced CDCs to use streamlined procedures for loan making and liquidation, resulting in improved service to the small business borrower and reduced losses and liquidation costs.

H.R. 2614 also makes the Loan Liquidation Pilot Program a permanent program. This gives qualified and experienced CDCs the ability to handle the liquidation of loans with only minimal involvement of the SBA. It is the goal of this liquidation program to increase the recovery rates of the 504 loan program, and to bring about a corresponding reduction in the fees charged to the borrowers and the lenders.

Importantly, this bill includes Senator WELLSTONE's provision to authorize the program for three more years, making it a complete package. I believe it is better to act now on a bill that already has the House's blessing than to wait for the comprehensive reauthorization bill, H.R. 3843, to make its way to the President's desk. Taking this action now will enable the CDCs to plan for the year ahead, because they know that the program levels for fiscal years 2001 through 2003 are $4 billion, $5 billion and $6 billion.

In addition to these changes, and as I mentioned earlier, this bill includes a manager's amendment. The first provision deals with long-pending applications from CDCs that are seeking to expand into multiple states. To address the problem, this provision establishes a one-time automatic approval of applications for multi-state operation that have been pending at SBA headquarters for 12 months or more. Unless SBA acts to approve or disapprove the applications, automatic approval would go into effect 21 days after the bill is signed by the President.

While I urge the SBA to process applications in a timely manner, and while I understand the frustration of the applicants who have been waiting,

I believe, in general, that it is in the best interest of the taxpayers for applicants and their proposals to be thoroughly screened, rather than blindly approved. This program, above all else, was designed to help small businesses, and I believe we should carefully review policy changes that are intended to expand a CDC's territory to make sure that the real goal—increasing access to the program for small businesses—is achieved.

The second provision gives the SBA the authority to reprogram unused funds to make up for the significant shortfall of appropriations for the 7(a) loan program. In its budget request for FY 2000, and again recently, the SBA estimated that the demand in this popular lending program would grow to a program level of $10.5 billion. Unfortunately, it was only appropriated enough to support a level of close to $9.8 billion. The Administration's estimate has proven to be more accurate than Congress anticipated, and the SBA needs additional funds to keep the program running throughout this fiscal year. This bill restores $500 million of the $700 million shortfall. I strongly support this provision and worked with Senator BOND to draft this legislation. I appreciate his cooperation and respectfully urge the appropriators in both the Senate and House to work with us.

Lastly, Mr. President, this bill also includes a technical change to the Historically Underutilized Business Zone small business contracting program (HUBZone program) administered by the SBA. The HUBZone program is designed to provide contracting opportunities in economically distressed areas of this country. One of the criteria for this program is that a small business must be located in a qualified census tract or nonmetropolitan county based on unemployment statistics from the Department of Labor and the Department of the Census.

As new data becomes available, there is a possibility that HUBZone firms would lose their eligibility, because the data could reflect that the census tract the firm is located in is technically no longer considered an economically depressed area. As ranking member of the Committee on Small Business and as a cosponsor of the original HUBZone law passed in 1997, I am concerned that when a particular area is no longer deemed HUBZone-eligible, small business owners in that area will lose the ability to bid on contracting opportunities under the program with little or no warning. This will be disruptive to the program and could discourage participation by qualified small businesses.

Because it is better policy to provide both small firms and the SBA with some sort of warning before a firm is deemed ineligible, this amendment is intended to allow a HUBZone firm located in an economically depressed area that has been redesignated by either Bureau of Labor Statistics (BLS) or Census data, to remain eligible under the program for three additional years. Thus the firm is put on notice that contracting opportunities under the program may not be available in the future, and the business is given time to plan for this change.

While I understand only a handful of firms were affected by a change in designated areas when new BLS data was released last year, I support the chairman's effort to ensure that no firm is taken by surprise this year. I am pleased that Senator BYRD and his staff worked together with my staff to come up with appropriate language for this amendment.

In closing, I want to thank my colleagues for supporting this bill. If, as expected, it is enacted, they will have improved the business climate and taken a few more steps to ensure that small businesses have access to capital and expanded procurement opportunities.

Mr. ALLARD. I ask unanimous consent the committee amendment be agreed to, the bill be read a third time and passed, the motion to reconsider be laid upon the table, and any statement relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The committee amendment, as amended, was agreed to.

The bill (H.R. 2614), as amended, was read the third time and passed.

SCHOOL GOVERNANCE CHARTER AMENDMENT ACT OF 2000

Mr. ALLARD. Mr. President I ask unanimous consent the Senate now proceed to the consideration of H.R. 4387, 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. 4387) to provide that the School Governance Charter Amendment Act of 2000 shall take effect upon the date such Act is ratified by the voters of the District of Columbia.

There being no objection, the Senate proceeded to consider the bill.

Mr. ALLARD. I ask unanimous consent the bill be read the third time and passed, the motion to reconsider be laid upon the table, and any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 4387) was read the third time and passed.

THE SMITHSONIAN ASTROPHYSICAL OBSERVATORY SUBMILLIMETER ARRAY ON MAUNA KEA AT HILO, HAWAII

Mr. ALLARD. Mr. President, I ask unanimous consent that the Rules Committee be discharged from further consideration of S. 2498, 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. 2498) to authorize the Smithsonian Institutions to plan, design, construct and equip laboratory, administrative, and support space to house base operations for the Smithsonian Astrophysical Observatory Submillimeter Array located on Mauna Kea at Hilo, Hawaii.

There being no objection, the Senate proceeded to consider the bill.

Mr. ALLARD. I ask unanimous consent the bill be read a third time and passed, the motion to reconsider be laid upon the table, and any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 2498) was read the third time and passed, as follows:

S. 2498

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

SECTION 1. FACILITY AUTHORIZED.

The Board of Regents of the Smithsonian Institution is authorized to plan, design, construct, and equip laboratory, administrative, and support space to house base operations for the Smithsonian Astrophysical Observatory Submillimeter Array located on Mauna Kea at Hilo, Hawaii.

SEC. 2. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Board of Regents of the Smithsonian Institution to carry out this Act, $2,000,000 for fiscal year 2001, and $2,500,000 for fiscal year 2002, which shall remain available until expended.

MAKING TECHNICAL CORRECTIONS TO THE STATUS OF CERTAIN LAND HELD IN TRUST FOR THE MISSISSIPPI BAND OF CHOCTAW INDIANS

Mr. ALLARD. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of Calendar No. 595, S. 1967.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 1967) to make technical corrections to the status of certain land held in trust for the Mississippi Band of Choctaw Indians, to take certain land into trust for that Band, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. ALLARD. I ask unanimous consent the bill be read a third time and passed, the motion to reconsider be laid upon the table, and any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 1967) was read the third time and passed, as follows:

S. 1967

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

SECTION 1. STATUS OF CERTAIN INDIAN LANDS.

(a) IN GENERAL.—Notwithstanding any other provision of law—

(1) all land taken in trust by the United States for the benefit of the Mississippi Band of Choctaw Indians on or after December 23, 1944, shall be part of the Mississippi Choctaw Indian Reservation;

(2) all land held in fee by the Mississippi Band of Choctaw Indians located within the boundaries of the State of Mississippi, as shown in the report entitled ''Report of Fee Lands owned by the Mississippi Band of Choctaw Indians'', dated September 28, 1999, on file in the Office of the Superintendent, Choctaw Agency, Bureau of Indian Affairs, Department of the Interior, is hereby declared to be held by the United States in trust for the benefit of the Mississippi Band of Choctaw Indians; and

(3) land made part of the Mississippi Choctaw Indian Reservation after December 23, 1944, shall not be considered to be part of the ''initial reservation'' of the tribe for the purposes of section 20(b)(1)(B)(ii) of the Indian Gaming Regulatory Act (25 U.S.C. 2719(b)(1)(B)(ii)).

(b) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to alter the application or the requirements of the Indian Gaming Regulatory Act (25 U.S.C. 2701 et seq.) with respect to any lands held by or for the benefit of the Mississippi Band of Choctaw Indians regardless of when such lands were acquired.

DESIGNATING MONDAY, JUNE 19, 2000, AS NATIONAL EAT DINNER WITH YOUR CHILDREN DAY

Mr. ALLARD. Mr. President, I ask unanimous consent that the Senate proceed to immediate consideration of S. Res. 323, which is at the desk.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 323) designating Monday, June 19, 2000, as ''National Eat Dinner with Your Children Day.''

There being no objection, the Senate proceeded to consider the Senate resolution.

Mr. BIDEN. Mr. President, I rise today in support of this resolution to designate Monday, June 19, 2000 as ''National Eat Dinner with Your Children Day,'' cosponsored by Senators GRASSLEY, LEVIN, JEFFORDS, BRYAN, KENNEDY, MURRAY, MOYNIHAN, SESSIONS, DEWINE, HELMS, THURMOND, SCHUMER and INOUYE. A similar resolution has been introduced in the House of Representatives by Representatives RANGEL and MCCOLLUM.

In addition to designating June 19—the day after Father's Day—as National Eat Dinner with Your Children Day, the resolution also recognizes that eating dinner as a family is a critical step toward raising healthy, drug-free children and it encourages families to eat together as often as possible.

The idea for this resolution grew out of research by The National Center on Addiction and Substance Abuse at Columbia University, CASA, on teen attitudes about drug use. For four years running, the CASA teen survey has highlighted the power that parents have over their children's decisions regarding drug use, showing that children and teens who routinely eat dinner with their families are far less likely to use illegal drugs, cigarettes or alcohol:

Teens who rarely eat dinner with their parents are 72 percent more likely than the average teen to use drugs, cigarettes and alcohol.

Teens that almost always eat with their families are 31 percent less likely to smoke, drink or do drugs than the average teen.

Of course, having dinner as a family is a proxy for spending time with kids. It is not the meat, potatoes and vegetables that alter a child's likelihood to use drugs, it is the everyday time spent with mom and dad—the two most important role models in most kids lives.

I do not believe that this resolution will be the silver bullet to solving this nation's drug problem. But I do feel these statistics are telling. CASA President Joe Califano talks about ''Parent Power.'' It is important that parents know the power they have over their children's decisions and the power that they have to deter kids from drinking, smoking or using drugs. For example, nearly half of teens who have never used marijuana say that it was lessons learned from their parents that helped them to say no.

Unfortunately, many parents are pessimistic about their ability to keep their kids drug-free; 45 percent say that they believe their child will use an illegal drug in the future.

This pessimism is often reinforced by news reports that indicate that while most parents say that they have talked to their kids about the dangers of drugs, only a minority of teens say that they have learned a lot from their family about the dangers of drugs. Rather than be discouraged by this apparent disconnect, I think it should teach us an important lesson: that talking to kids about drugs ought not just be a one-time conversation. It should be an ongoing discussion that includes asking children where they are going, who they are going out with, whether there will be adult supervision, etc. These lessons can also grow out of spending time with a child, helping that child to learn how to work through problems or rise above peer pressure, and parents setting a good example for kids.

Keeping up on children's lives—including knowing who their friends are and what they are doing after school—is critical. The experts tell us that some of the tell-tale signs that a child is drinking or using illicit drugs are behavior changes, change in social circle, lack of interest in hobbies and isolation from family. These changes can be subtle; picking up on them can require a watchful eye.

Eating dinner as a family will not guarantee that a child will remain drug-free. But family dinners are an important way for parents to instill their values in their children as well as remain connected with the challenges that children face and help them learn how to cope with problems without resorting to smoking, drinking or using drugs.

I sincerely hope that each one of my colleagues join me to support this resolution to send a message to parents that they can play a powerful role in shaping the decisions their kids make regarding drinking, smoking and drug use.

Mr. GRASSLEY. Mr. President, I am submitting, along with Senators BIDEN, THURMOND, BRYAN, JEFFORDS, MOYNIHAN, HELMS, LEVIN, DEWINE, KENNEDY, SESSIONS, MURRAY, SCHUMER, and INOUYE, a bi-partisan resolution designating Monday, June 19, 2000 as ''Eat Dinner with your Children Day.'' We also join with our House colleagues Congressmen RANGEL and MCCOLLUM as they take the lead on this bipartisan issue in the House of Representatives. This resolution recognizes the benefits of eating dinner as a family, especially as a way to keep children from using illegal drugs, tobacco, and alcohol.

Last October I came to the floor seeking to increase awareness of the important roles parents play in their children's lives. A recent study by the National Center on Addiction and Substance Abuse, or CASA reinforced our understanding of the importance of this role. CASA is a national resource that monitors and reports on drug abuse trends, risks, and solutions affecting all Americans. Last September they released their annual back to school survey on the attitudes of teens and parents regarding substance abuse. The survey stressed how essential it is for parents to get involved in their children's lives. The survey indicates that kids actually do listen to their parents. In fact, 42 percent of the teenagers who have never used marijuana credit their parents with the decision. Unfortunately, too many parents—45 percent—believe their teenagers' use of drugs is inevitable. In addition, 25 percent of the parents said they have little influence over their teen's substance abuse.

But the kids have got it right. Parents are critical. So are families. That is why the sponsors of this bill are happy to work with Joe Califano, the head of CASA, to help remind all of us of this simple fact.

The family unit is the backbone of this country. Solutions to our drug problems involve all of us working together. Parents and communities must be engaged and I am committed to help making that happen. Parents need to provide a strong moral context to help our young people know how to make the right choices. They need to know how to say ''no,'' that saying no is okay, that saying no to drugs is the right thing to do—not just the safe or healthier thing, but the right thing. I urge our colleagues to join us.

Mr. ALLARD. Mr. President, I ask unanimous consent the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon

the table, and any statements relating to the resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 323) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 323

Whereas the use of illegal drugs and the abuse of substances such as alcohol and nicotine constitute the single greatest threat to the health and well-being of American children;

Whereas surveys conducted by the National Center on Addiction and Substance Abuse at Columbia University have found for each of the past 4 years that children and teenagers who routinely eat dinner with their families are far less likely to use illegal drugs, cigarettes, and alcohol;

Whereas teenagers from families that seldom eat dinner together are 72 percent more likely than the average teenager to use illegal drugs, cigarettes, and alcohol;

Whereas teenagers from families that eat dinner together are 31 percent less likely than the average teenager to use illegal drugs, cigarettes, and alcohol;

Whereas the correlation between the frequency of family dinners and the decrease in substance abuse risk is well documented;

Whereas parental influence is known to be one of the most crucial factors in determining the likelihood of teenage substance abuse; and

Whereas family dinners have long constituted a substantial pillar of American family life: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes that eating dinner as a family is a critical step toward raising healthy, drug-free children; and

(2) designates Monday, June 19, 2000, as National Eat-Dinner-With-Your-Children Day.

ORDERS FOR THURSDAY, JUNE 15, 2000

Mr. ALLARD. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 9:45 a.m. on Thursday, June 15. I further ask unanimous consent that on Thursday, immediately following the prayer, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and the Senate then resume consideration of H.R. 4475, the Department of Transportation appropriations bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. ALLARD. Mr. President, for the information of all Senators, the Senate will convene at 9:45 a.m. tomorrow and will resume debate of the Transportation appropriations legislation. Under the order, Senator VOINOVICH will be recognized immediately to offer his amendment regarding passenger rail flexibility. A vote on the amendment is expected to occur tomorrow morning at a time to be determined. Further amendments will be offered and voted on during tomorrow morning's session with the hope of final passage early in the day. As usual, Senators will be notified as votes are scheduled.

ADJOURNMENT UNTIL 9:45 A.M. TOMORROW

Mr. ALLARD. Mr. President, if there is no further business to come before the Senate, I now ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 6:47 p.m., adjourned until Thursday, June 15, 2000, at 9:45 a.m.

NOMINATIONS

Executive nominations received by the Senate June 14, 2000:

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

LT. GEN. ROBERT H. FOGLESONG, 0000

THE FOLLOWING NAMED OFFICERS FOR REGULAR APPOINTMENT IN THE GRADES INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 531:

To be lieutenant colonel

RONALD A. GREGORY, 0000
PATRICK L. NICHOLSON, 0000

To be major

MELODY A. WARREN, 0000

IN THE ARMY

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

RICHARD A. GAYDO, 0000
JAMES E. HOLLOWAY, 0000
JOHN E. ZYDRON, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT AS A PERMANENT PROFESSOR OF THE UNITED STATES MILITARY ACADEMY IN THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 4333(B):

To be lieutenant colonel

THOMAS A. KOLDITZ, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY UNDER TITLE 10, U.S.C., SECTIONS 531 AND 624:

To be lieutenant colonel

KAREN A. DIXON, 0000
FORREST POULSON, 0000
JESSE J. ROSE, 0000

IN THE MARINE CORPS

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES MARINE CORPS UNDER TITLE 10, U.S.C., SECTION 624:

To be colonel

JOHN M. DUNN, 0000

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant commander

JEFFREY M. ARMSTRONG, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant commander

BILLY J. PRICE, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be commander

AURORA S. ABALOS, 0000
LEONARD M. ABBATIELLO, 0000
FREDERICK J. ADAMS III, 0000
ROBERT J. AGRICOLA, 0000
JOHN W.V. AILES, 0000
JAMES A. ALEXANDER, 0000
RAYMOND M. ALFARO, 0000
EDGAR M. ALHAMBRA, 0000
MARK J. ALLBRITTON, 0000
JAMES H. ALLEN, 0000
JOYCE A. ALLENKENDRICK, 0000
ERIK M. ANDERSON, 0000
IAN C. ANDERSON, 0000
JOSEPH I. ANTHONY, 0000
CAROLYN L. APPLEGATE, 0000
FRANK A. ARATA, 0000
RUSSEL J. ARIZA, 0000
JOSEPH E. ARLETH, 0000
ALLAN J. ASSEL, JR., 0000
PURVIS ATKINSON, JR., 0000
JEFFREY C. BABOS, 0000
JON L. BACA, 0000
LEON R. BACON, 0000
RHETTA R. BAILEY, 0000
CHARLES E. BAKER, JR., 0000
MATTHEW E. BAKER, 0000
JOHN D. BAMONTE, 0000
JAMES N. BARATTA, 0000
LISA C. BARFIELD, 0000
CARL A. BARKSDALE, 0000
JAMES F. BARNES, 0000
ROBYN D. BARNES, 0000
SCOTT L. BARNES, 0000
JON T. BARNHILL, 0000
EDWARD J. BARON II, 0000
DARRYL L. BARRICKMAN, 0000
ROBERT C. BARWIS, 0000
VIRGINIA C. BAYER, 0000
JOSEPH W. BEADLES, 0000
JAMES R. BEAMISH, JR, 0000
MICHAEL E. BELCHER, 0000
STEVEN M. BENNER, 0000
JAMES BERDEGUEZ, 0000
DON E. BERRY, JR, 0000
KEVIN A. BIANCHI, 0000
ARTHUR B.J. BILLINGSLEY, 0000
ERICA T. BIRON, 0000
STEVEN B. BISHOP, 0000
EUGENE B. BLACK III, 0000
JAMES T. BLACK, 0000
MARK E. BLACK, 0000
CHERYL D. BLAKE, 0000
GARY M.B. BOARDMAN, 0000
JEFFREY M. BOCCHICCHIO, 0000
RICHARD P. BODZIAK, 0000
LAURA A. BOEHM, 0000
PATRICK J. BOHAN, 0000
JEFFREY A. BOHLER, 0000
CRAIG R. BOMBEN, 0000
LOUIS M. BORNO III, 0000
MICHAEL A. BORROSH, 0000
BRIAN E. BOWDEN, 0000
STEPHEN G. BOWEN, 0000
ELLIS W. BOWLER, 0000
PATRICK J. BOWMAN, 0000
ALAN D. BOYD, 0000
MARK D. BRACCO, 0000
PAUL J. BRADFIELD, 0000
BRUNHILDE K. BRADLEY, 0000
WENDY R. BRANSOM, 0000
DONALD H.B. BRASWELL, 0000
LAURELL A. BRAULT, 0000
JOHN J. BRAUNSCHWEIG, 0000
GERALD H. BRIGGS, JR, 0000
STEVEN G. BRISTOW, 0000
DAVID L. BRODEUR, 0000
JAMES E. BROKAW, 0000
JEFFREY F. BROWN, 0000
RICHARD A. BROWN, 0000
JAMES F. BUCKLEY II, 0000
JAMES F. BUCKLEY, 0000
ROGER BUDD III, 0000
THOM W. BURKE, 0000
BABETTE B. BUSH, 0000
ANDREW A. BUTTERFIELD, 0000
JULIUS H. BYRD, JR., 0000
PATRICK G. BYRNE, 0000
ROBERT M. BYRON, 0000
STEVEN C. CADE, 0000
EUGENIA L. CAIRNSMCFEETERS, 0000
SHAWN M. CALLAHAN, 0000
EDUARDO P. CALLAO, 0000
TAMMY P. CAMPBELL, 0000
SEAN C. CANNON, 0000
SCOTT M. CARLSON, 0000
REGGIE P. CARPENTER, 0000
STEVEN R. CARROLL, 0000
DOUGLAS D. CARSTEN, 0000
MATTHEW J. CARTER, 0000
JAMES R. CASTLETON, 0000
FRANK CATTANI, 0000
DARYL L. CAUDLE, 0000
PAUL R. CAVANAUGH, 0000
RONALD E. CENTER, 0000
KATRINA O. CHANCELLOR, 0000
JOSEPH R. CHIARAVALLOTTI, 0000
JOHN L. CHOYCE, 0000
CONRAD C. CHUN, 0000
JOHN E. CLARK, 0000
BRENT R. CLARKE, 0000
JAMES P. CLAUGHERTY, 0000
ROBERT V. COATS, 0000
JAMES COBELL III, 0000
TIMOTHY J. COCHRAN, 0000
MICHAEL K. COCKEY, 0000
WILLIAM F. COLEMAN, 0000
JAY W. COLUCCI, 0000
ROSEMARIE J. CONN, 0000
SCOTT D. CONN, 0000

JEFFREY W. CONNOR, 0000
ROBERT E. CONWAY, 0000
JAMES M. COONEY, 0000
ANTHONY COOPER, 0000
GRANT A. COOPER IV, 0000
JEFFREY S. CORAN, 0000
DANIEL P. CORBIN, 0000
BRIAN K. COREY, 0000
RICHARD A. CORRELL, 0000
KEVIN J. COUCH, 0000
ELLEN COYNE, 0000
RAY A. CROSS, 0000
CRAIG A. CROWE, 0000
DONALD R. CUDDINGTON, JR., 0000
DANIEL J. CUFF, 0000
SCOTT D. CULL, 0000
ANDREW F. CULLY, 0000
JAMES J. CUNHA, 0000
DANIEL J. CUNNINGHAM II, 0000
GREGORY P. CURTH, 0000
STEFANI G. CUTHBERT, 0000
ANGELA W. CYRUS, 0000
LOUIS H. DAMPIER, 0000
SANDRA L. DAVIDSON, 0000
CATHERINE A. DAVIS, 0000
DAVID E. DAVIS, 0000
JEFFREY A. DAVIS, 0000
MARK E. DAVIS, 0000
MARK J. DAVIS, 0000
MAXIE Y. DAVIS, 0000
JOHN S. DAY, 0000
MARK J. DECLUE, 0000
JOHN D. DEEHR, 0000
CARL J. DENI, 0000
CHARLES C. DENMANII, 0000
MARTIN W. DEPPE, 0000
ROBERT M. DEPRIZIO, 0000
CARL W. DEPUTY, 0000
ANTHONY R. DEROSSETT, 0000
DOMINIC DESCISCIOLO, 0000
THOMAS G. DESROSIER, 0000
DAVID J. DESTITO, 0000
MICHAEL E. DEVINE, 0000
GREGORY F. DEVOGEL, 0000
VITOR J. S. DIAS, 0000
STANTON W. DIETRICH, 0000
DONNA E. DISMUKES, 0000
JOHN R. DIXON, 0000
WILLIAM R. DOAN II, 0000
JON A. DOLLAN, 0000
EDWARD M. DONOHOE, 0000
DANIEL M. DONOVAN, 0000
WILLIAM H. DONVAN, JR., 0000
FRANCIS W. DORIS, 0000
MARK T. DOUGLASS, 0000
DOUGLAS D. DRAKE, 0000
DANIEL M. DRISCOLL, 0000
HAROLD S. DUNBRACK, 0000
MICHELE A DUNCAN, 0000
DELORES A. DUNCANWHITE, 0000
GARY H. DUNLAP, 0000
PATRICK DUNN, 0000
ERNEST L. DUPLESSIS, 0000
MARK W. EAKES, 0000
CRAIG L. EATON, 0000
EDWIN J. EBINGER, 0000
DEBORA EDGINGTON, 0000
KAREN J. EDWARDS, 0000
LARRY M. EGBERT, 0000
PHILLIP C. EHR, 0000
DWAYNE L. ELDRIDGE, 0000
LESLIE R. ELKIN, 0000
STEWART G. ELLIOTT, 0000
RAYMOND H. EMMERSON, JR., 0000
PHILIP B. ENKEMA, JR., 0000
WILLIAM K. ERHARDT, 0000
DANIEL C. ESPINOSA, 0000
PAUL T. ESSIG, JR., 0000
TRACY A. ETHERIDGEBROWN, 0000
MOSES D. EVERETT, JR., 0000
JON R. FAHS, JR., 0000
PHILLIP H. FARNUM, 0000
NANCY D. FECHTIG, 0000
GREGORY J. FENTON, 0000
JOHN R. FIELDER III, 0000
JOHN M. FIGUERRES, 0000
ROBERT K. FINDLEY, 0000
HAROLD T. FINK, 0000
SUSAN D. FINK, 0000
ROBERT S. FINLEY, 0000
JOSEPH T. FINNEGAN, JR., 0000
TIMOTHY A. FISHER, 0000
RICHARD T. FITE, 0000
THOMAS J. FITZGERALD IV, 0000
AARON C. FLANNERY, 0000
LARRY N. FLINT, 0000
PAUL E. FLOOD, 0000
THOMAS V. FONTANA, 0000
DANIEL J. FORD, 0000
GARY H. FOSTER, 0000
DAVID M. FOX, 0000
RICHARD N. FOX, 0000
LISA M. FRANCHETTI, 0000
RODERICK J. FRASER, JR., 0000
JEFFERY A. FREEMAN, 0000
RONNIE L. FRETWELL, 0000
STEPHEN N. FRICK, 0000
FRANKLIN P. FRIES, 0000
CONNIE L. FRIZZELL, 0000
DALE G. FULLER, 0000
LUTHER B. FULLER III, 0000
WAYNE A. FULLER, 0000
SHANE G. GAHAGAN, 0000
AMOS M. GALLAGHER, 0000
AASGEIR GANGSAAS, 0000
DENNIS M. GANNON, 0000
PAUL A. GARDNER, 0000
RUSSELL J. GATES, 0000
SEAN P. GEANEY, 0000
RONALD M. GERO, JR., 0000
MICHAEL A. GIARDINO, 0000
LAURIE J. GIBB, 0000
RODERICK J. GIBBONS, 0000
CHARLES M. GIBSON III, 0000
DAVID E. GILBERT, 0000
MICHAEL E. GILMORE, 0000
KERRY GILPIN, 0000
DANIEL E. GLYNN, 0000
PHILIP A. GONDA, 0000
BAXTER A. GOODLY, 0000
MICHAEL R. GRAHAM, 0000
ROY D. GRAVES, 0000
JOHN W. GRAY, 0000
KEVIN F. GREENE, 0000
MICHAEL D. GREENWOOD, 0000
SUSAN N. GREER, 0000
BRENT J. GRIFFIN, 0000
JEFFREY T. GRIFFIN, 0000
JOHN P. GRIFFIN, 0000
TIMOTHY C. GROELINGER, 0000
DIANE K. GRONEWOLD, 0000
STEVEN M. GUILIANI, 0000
FRANK L. GUNSALLUS III, 0000
WILLIAM S. GURECK, 0000
JOSE A. GUTIERREZ, 0000
ANDREW GUYAN, JR, 0000
ADAM J. GUZIEWICZ, 0000
HERBERT M. HADLEY, 0000
SANDRA K. HAIDVOGEL, 0000
JEFFREY A. HAILEY, 0000
JAMES M. HALE, 0000
MICHAEL A. HALL, 0000
PETER HALL, 0000
THOMAS V. HALLEY, JR., 0000
JEROME J. HAMILL, 0000
CHARLES H. HAMILTON II, 0000
CATHERINE T. HANFT, 0000
KEVIN L. HANNES, 0000
GARY R. HANSEN, 0000
WILLIAM K. HARRIS, 0000
WAYNE J. HARRISON, 0000
JAMES B. HART, 0000
JOSEPH M. HART III, 0000
ANDREW G. HARTIGAN, 0000
RICHARD M. HARTMAN, 0000
JAMES D. HAUGEN, 0000
GREGORY J. HAWS, 0000
WARDEN G. HEFT, 0000
JOHN A. HEFTI, 0000
MARK B. HEGARTY, 0000
MICHAEL A. HEGARTY, 0000
JUDIE A. HEINEMAN, 0000
KATHRYN M.K. HELMS, 0000
KIP L. HENDERSON, 0000
WILLIAM K. HENDERSON, 0000
MARK A. HENNING, 0000
PHILIP M. HENRY, 0000
GRETCHEN S. HERBERT, 0000
DAVID J. HERMAN, 0000
SELENA A. HERNANDEZHAINES, 0000
DANIEL S. HIATT, 0000
GREGORY S. HIGGINS, 0000
JAMES H. HINELINE III, 0000
LORENZO S. HIPONIA, 0000
EDWARD T. HOBBS, 0000
DONALD D. HODGE, 0000
CRAIG M. HOEFER, 0000
ROSS D. HOLCOMB, 0000
CHARLES T. HOLLINGSWORTH, 0000
JOHN F. HOLMES, 0000
STEVEN W. HOLMES, 0000
CLOYES R. HOOVER, JR., 0000
MICHAEL J. HORSEFIELD, 0000
ALFRED L. HORTON, 0000
MARGARET M. HOSKINS, 0000
MICHAEL J. HOTCHKISS, 0000
TRACY L. HOWARD, 0000
BRIAN T. HOWES, 0000
TIMOTHY M. HOWLIN, 0000
ERNEST E. HUGH, 0000
RONALD W. HUGHES, 0000
JAMES C. HUMMEL, 0000
WILLIAM T. HUTTO, 0000
DAVID A HUTTON, 0000
JOSEPH M. IACOVETTA, 0000
KRISTIN C. IAQUINTO, 0000
KIM D. INGRAM, 0000
ERIC S. IRWIN, 0000
JEFFREY S. JACKSON, 0000
AARON C. JACOBS, 0000
JERRY L. JACOBSON, 0000
STEVEN M. JAEGER, 0000
ROBERT V. JAMES III, 0000
WANDA S. JANUS, 0000
SUZANNE K. JAROSZ, 0000
PETER H. JEFFERSON, 0000
JOHN C. JENISTA, 0000
NEIL P. JENNINGS, 0000
WILLIAM J. JENSEN, 0000
GEORGE W. JOHNSON, 0000
GREGORY L. JOHNSON, 0000
KEVIN R. JOHNSON, 0000
SHARON E. JOHNSON, 0000
STEPHEN E. JOHNSON, 0000
TERRY W. JOHNSON, 0000
GREGORY J. JOHNSTON, 0000
CHRISTOPHER P. JONES, 0000
DEAN S. JONES, 0000
MORGAN B. JONES, 0000
THOMAS L. JONES, 0000
VORESA E. JONES, 0000
DAVID E. JOSHUA, 0000
BERNARD W. KASUPSKI, 0000
WEYMAN E. KEMP, JR., 0000
JON T. KENNEDY, 0000
STEVEN L. KENNEDY, 0000
THOMAS A. KENNEDY, 0000
ROBERT P. KENNETT, 0000
KENT W. KETTELL, 0000
MARTIN P. KEUTEL, 0000
WILLIAM C. KIESTLER, 0000
HONG C. KIM, 0000
JOSEPH J. KINDER, 0000
JESSE B. KINGG, 0000
MICHAEL S. KINSEY, 0000
JEFFREY L. KIRBY, 0000
JOHN F. KIRBY, 0000
DAVID W. KIRK, 0000
JON M. KLING, 0000
TODD P. KLIPP, 0000
KENNETH C. KLOTHE, 0000
JAMES R. KNAPP, 0000
MICHAEL T. KNAPP, 0000
PAUL A. KOCH, 0000
BRIAN M. KOCHER, 0000
MARK T. KOHLHEIM, 0000
WILLIAM E. KORDYJAK, 0000
WILLIAM C. KOTHEIMER, JR., 0000
STEPHEN J. KOZLOSKI, 0000
THOMAS D. KRAEMER, 0000
ANTON J. KRAFT, 0000
JAMES K. KRESGE, 0000
DEAN M. KRESTOS, 0000
ERIC V. KRISTIN, 0000
KENNETH A. KROGMAN, 0000
JOHN G. KUSTERS, JR., 0000
TODD A. LAESSIG, 0000
THOMAS J. LAFFERTY, 0000
MICHAEL R. LAJEUNESSE, 0000
ALAN D. LAMBERT, 0000
EDWARD D. LANGFORD, 0000
CHRIS F. LAPACIK, 0000
PHILIP G. LAQUINTA, 0000
MARK D. LARABEE, 0000
CHARLES S. LASOTA, 0000
GUIDO J. LASTRA, 0000
JOHN T. LAUER III, 0000
TODD W. LEAVITT, 0000
PHILLIP J. LEBAS, 0000
JEFFREY D. LEE, 0000
MELVIN E. LEE, 0000
MICHAEL S. LEE, 0000
THOMAS M. LEECH, JR., 0000
MICHAEL F. LEENEY, 0000
GERALD R. LEFLER, 0000
DAVID A. LESKO, 0000
STEPHANIE S. K. LEUNG, 0000
RAYMOND J. LEWIS, 0000
ROBERT G. LINEBERRY, JR., 0000
JEFFREY P. LINK, 0000
GLEN M. LITTLE, JR., 0000
RICHARD W. LOAN, 0000
RENA M. LOESCH, 0000
DEBORAH A. LOFTUS, 0000
ROBERT E. LOKEN, 0000
JOHN P. LOONEY, 0000
KELLY R. LOONEY, 0000
LEONARD R. LOUGHRAN, 0000
WILLIE LOVELACE, JR., 0000
WARREN P. LUNDBLAD, 0000
MARK C. LYSAGHT, 0000
JEFFREY D. MACLAY, 0000
DONALD P. MACNEIL, 0000
DOUGLASL MADDOX, 0000
GUY MAIDEN, 0000
DAVID R. MAIER, 0000
VICTOR S. MALONE, 0000
JAMES MARION, 0000
ROBERT L. MARLETT, 0000
ROBERT W. MARSHALL, 0000
RICHARD R. MARTEL, 0000
ANTHONY E. MARTIN, 0000
CYNTHIA A. MARTIN, 0000
DELANO P. MARTINS II, 0000
DAWN M. MASKELL, 0000
ROBERT L. MASON, 0000
MARY P. MATTINGLY, 0000
GARY L. MAY, 0000
RICK A. MAY, 0000
DAVID A. MAYO, 0000
MICHAEL T. MC ALPIN, 0000
AARON M. MC ATEE, 0000
GARY F. MC CLELLAND, 0000
JACQUELINE R. D. MC CLUSKY, 0000
THOMAS R. MC COOK, 0000
DAVID M. MC DUFFIE, 0000
BRYANGERARD MC GRATH, 0000
MICHAEL R. MC GUIRE, 0000
TREVOR A. MC INTYRE, 0000
BRADLEY R. MC KINNEY, 0000
GREGORY D. MC LAUGHLIN, 0000
PHILIP G. MC LAUGHLIN, 0000
TIMOTHY R. MC MAHON, 0000
JOSEPH F. MC NAMARA, 0000
JEFFREY S. MC PHERSON, 0000
PETER E. MC VETY, 0000
THERESA O. MELCHER, 0000
ERIC G. MERRILL, 0000
GRETCHEN O. MERRYMAN, 0000
WILLIAM R. MERZ, 0000
WILLIE L. METTS, 0000
ALAN J. MICKLEWRIGHT, 0000
DOUGLAS W. MIKATARIAN, 0000
PETER W. MILLER, 0000
EDWARD E. MILLS, 0000
DERRICK A. MITCHELL, 0000
MARQUITA A. MITCHELL, 0000
MARK E. MLIKAN, 0000
PATRICK A. MOLENDA, 0000
THOMAS A. MONROE, 0000
KEVIN G. MOONEY, 0000

PATRICK H. MOONEY, 0000
PATRICIA B. MOORE, 0000
WILL M. MOORE, JR., 0000
JOHN R. MOORMAN, 0000
DAVID A. MORRIS, 0000
WILLIAM S. MOYER, 0000
PATRICIA MUNOZ, 0000
THOMAS G. MUNSON, 0000
CARL S. MURPHY, 0000
ROBERT A. MURPHY, 0000
WILLIAM C. MURPHY, 0000
NANCY A. MURRAY, 0000
ROBERT A. MUXLOW, 0000
ANDREA G. NASHOLD, 0000
JEANNE M. NAZIMEK, 0000
KERRIN S. NEACE, 0000
GREGORY M. NEAL, 0000
THOMAS M. NEGUS, 0000
ROBERT T. NELSON, 0000
DONALD E. NEUBERT, JR., 0000
ERIC J. NEWHOUSE, 0000
HARRY S. NEWTON, 0000
BRIAN D. NICHOLSON, 0000
BRIAN C. NICKERSON, 0000
ROBERT L. NIELSEN, 0000
JACK S. NOEL II, 0000
LISA M. NOWAK, 0000
PAUL L. NYERGES, 0000
JAMES R. OAKES, 0000
STEPHEN O BLACK, 0000
THOMAS J. O DAY, 0000
GLENN J. O LARTE, 0000
BRENT D. OLDLAND, 0000
CAROLINE M. OLINGER, 0000
MARK C. OLIPHANT, 0000
FRANK J. OLMO, 0000
JACK R. O ROURKE, 0000
BRIAN A. OSBORN, 0000
PATRICK J. OSHEA, 0000
GREGORY M. OTT, 0000
MICHAEL A. OVERSON, 0000
PAUL J. OVERSTREET, 0000
PETER PAGANO, 0000
JOHN L. PAGONA, JR., 0000
WILLIAM T. PALLEN, 0000
STEPHEN L. PANICO, 0000
LOUIS M. PAPET, JR., 0000
ROBERT E. PARKER, JR., 0000
STEVEN L. PARODE, 0000
MARK S. PATRICK, 0000
ERIC A. PATTEN, 0000
THOMAS M. PATTULLO, 0000
ANDREW T. PAUL, 0000
BARBARA N. PAUL, 0000
WILLIAM R. PAULETTE, 0000
DAVID A. PAULK, 0000
BRIAN D. PEARSON, 0000
FRANK W. PEARSON, 0000
TIMOTHY C. PEDERSEN, 0000
RICHARD P. PERRI, 0000
GORDON D. PETERS, 0000
BRIAN D. PETERSEN, 0000
EMIL T. PETRUNCIO, 0000
JAMES C. PETTIGREW, 0000
STEVEN L. PETTIT, 0000
ROY S. PETTY, 0000
GERALD K. PFEIFER, 0000
CURTIS G. PHILLIPS, 0000
MICHAEL D. PHILLIPS, 0000
RANDOLPH F. PIERSON, 0000
EVAN B. PIRITZ, 0000
MATTHEW J. PITTNER, 0000
JAMES E. PITTS, 0000
CHRISTOPHER W. PLUMMER, 0000
ALAN G. POINDEXTER, 0000
EUGENE P. POTENTE, 0000
RICHARD A. POWERS, 0000
CLARK T. PRICE, JR., 0000
PATRICK D. PRICE, 0000
LESLEY S. PRIEST, 0000
ROBERT J. PROANO, 0000
LARRY A. PUGH, 0000
HUMBERTO L. QUINTANILLA, 0000
PAUL A. RANDALL, 0000
ROBERT D. RANDALL, JR., 0000
DAVID J. RANDLE, 0000
MICHAEL C. RANDOLPH, 0000
DANIEL F. REDMOND, 0000
BUDDY V.W. REED, 0000
JOANNE REESE, 0000
DANIEL C. REILLY, 0000
MICHAEL S. REILLY, 0000
STEPHEN P. REIMERS, 0000
SCOTT L. RETTIE, 0000
MICHAEL L. REYNOLDS, 0000
CRAIG A. RICHEY, 0000
DANIEL G. RIECK, 0000
STEPHEN R. RIORDAN, 0000
GEORGE J. RISSKY, 0000
FRANK L. ROBERTO, JR., 0000
JOHN R. RODRIGUEZ, 0000
RICHARD A. ROGERS, 0000
ROBERT S. ROOF, 0000
ROBERT E. ROSE, 0000
S.R. ROTH, 0000
DANIEL R. ROZELLE, 0000
EDWIN J. RUFF, JR., 0000
JOHN K. RUSS, 0000
NOEL R. RUSSNOGLE, 0000
DAVID M. RUST, 0000
JEFFREY S. RUTH, 0000
STEVEN J. RUTHERFORD, 0000
CLARK D. SANDERS, 0000
JOSE F. SANTANA, 0000
LANCE S. SAPERA, 0000
MICHAEL R. SAUNDERS, 0000
SAMUEL D. SCHICK, 0000
ROBERT A. SCHLEGEL, 0000
JAMES E. SCHMIDT, 0000
MARK R. SCHMITT, 0000
JOHN J. SCHNEIDER, 0000
GARY R. SCHRAM, 0000
CHARLES J. SCHUG, 0000
WILLIAM J. SCHULZ, JR., 0000
PETER E. SCHUPP, 0000
THOMAS F. SCHWARZ, 0000
DAVID D. SCHWEIZER, 0000
EVA L. SCOFIELD, 0000
MARK H. SCOVILL, 0000
VICKY D. SEALEY, 0000
GREGG S. SEARS, 0000
DANIEL M. SEIGENTHALER, 0000
MICHAEL W. SELBY, 0000
ALAN B. SHAFFER, 0000
JAY D. SHAFFER, 0000
DAN F. SHANOWER, 0000
JOHN C. SHAUB, 0000
CHRISTOPHER L. SHAY, 0000
JAMES A. SHEA, 0000
DAVID J. SHERIDAN, 0000
MARTIN R. SHERMAN, 0000
GEORGE J. SHERWOOD, 0000
JAMES J. SHIRLEY, 0000
CAROL E. SHIVERS, 0000
JAMES R. SHOAF, 0000
ANDREW E. SHUMA III, 0000
WILLIAM R. SILKMAN, JR., 0000
HENRY R. SILVA, 0000
MARK S. SIMPSON, 0000
PAUL A. SKARPNESS, 0000
ISAAC N. SKELTON, 0000
BRADLEY D. SKINNER, 0000
PAUL E. SKOGERBOE, 0000
GERARD A. SLEVIN, 0000
ERIC S. SLEZAK, 0000
MICHAEL J. SLOTSKY, 0000
SONYA R. SMITH, 0000
TEDDIANN S. SMITH, 0000
MICHAEL D. SNODERLY, 0000
PAUL A. SOHL, 0000
ONA C. SOLBERG, 0000
BRIAN A. SOLO, 0000
TIMOTHY J. SORBER, 0000
MARY K. SPER, 0000
THOMAS R. SPIERTO, 0000
TIMOTHY B. SPRATTO, 0000
CORY A. SPRINGER, 0000
MARK T. STANKO, 0000
THOMAS P. STANLEY, 0000
ROBERT S. STEADLEY, 0000
HEIDEMARI STEFANYSHYNPIPER, 0000
FREDRIC C. STEIN, 0000
JOHN P. STEINER, 0000
ARTHUR M. STERRETT, JR., 0000
JEFFREY W. STETTLER, 0000
ROBERT M. STEWART, 0000
TERRYL K. STEWART, 0000
WILLIAM B. STEWART, 0000
SUSAN L. STILL, 0000
REBECCA E. STONE, 0000
TROY A. STONER, 0000
MICHAEL T. STOREY, 0000
ROBERT A. STOUFER, 0000
JON E. STRAUSBAUGH, 0000
SCOTT T. STROBLE, 0000
JOHN B. STUBBS, 0000
MILTON O. STUBBS, 0000
CHARLES L. STUPPARD, 0000
KEVIN J. STUDBECK, 0000
JAMES A. SULLIVAN, 0000
JOSEPH K. SULLIVAN, 0000
TOMMY L. SUMMERS, 0000
TINA V.H. SWALLOW, 0000
DAVID L. SWEDENSKY, 0000
KEVIN G. SWITICK, 0000
STEVEN A. SWITTEL, 0000
RONDA J. SYRING, 0000
JAMES M. SYVERTSEN, 0000
KENNETH J. SZCZUBLEWSKI, 0000
KENNETH A. SZMED, JR., 0000
RICHARD M. TATE, 0000
MICHAEL P. TAYLOR, 0000
TIMOTHY J. TAYLOR, 0000
KEVIN B. TERRY, 0000
DEBORAH O. TESKE, 0000
RICHARD J. TESTYON, 0000
KARL O. THOMAS, 0000
THOMAS J. THOMPSON, 0000
CARL T. TISKA, 0000
ROBERT B. TOBIN, 0000
JOHN P. TODD, JR., 0000
PETER A. TOMCZAK, 0000
WILLIAM M. TOOKER, 0000
NORBERT W. TORNES, JR., 0000
KEVIN A. TORSIELLO, 0000
ROBERT T. TRAFTON, JR., 0000
EARL K. TRAXLER, 0000
JEFFREY L. TRENT, 0000
PAUL J. TREUTEL, 0000
JEFFREY E. TRUSSLER, 0000
REX F. TULLOS, 0000
ALBERT L. TULLUS, 0000
JOHN M. UHL, 0000
VALERIE A. ULATOWSKI, 0000
RODNEY M. URBANO, 0000
JOHN D. VANBRABANT, 0000
PHILIP W. VANCE, 0000
DENNIS J. VANDENBERG, 0000
MARTHA M. VANDERKAMP, 0000
GUY E. VANMETER, 0000
JONATHAN E. VANSCOY, 0000
ACE E. VANWAGONER, 0000
TODD G. VEAZIE, 0000
RICHARD E. VERBEKE, 0000
TIMOTHY L. VESCHIO, 0000
CHARLES W. VICTORY, 0000
KAREN J. VIGNERON, 0000
JAMES P. VITHA, 0000
BRADLEY D. VOIGT, 0000
WILLIAM T. WAGNER, 0000
BILLIE S. WALDEN, 0000
CLEON A. WALDEN, JR., 0000
JOHN A. WALKER III, 0000
ALAN R. WALL, 0000
WILLIAM R. WARREN, 0000
JASON WASHABAUGH, 0000
BRUCE E. WATKINS, 0000
OAKLEY K. WATKINS III, 0000
RICHARD W. WEATHERS, 0000
JEFFREY M. WEAVER, 0000
JAMES D. WEBB, 0000
MARK E. WEBER, 0000
ERIN K. WEGZNEK, 0000
SCOTT A. WEIDIE, 0000
DAVID E. WELLS, 0000
ERIC L. WESTREICH, 0000
WILLIAM WHEATLEY, 0000
MICHAEL B. WHETSTONE, 0000
GORDON O. WHITE, 0000
MICHAEL L. WHITE, 0000
MICHAEL J. WIEGAND, 0000
MARK A. WILCOX, 0000
RINEHART M. WILKE IV, 0000
KENNETH L. WILLIAMS, 0000
RICKY L. WILLIAMSON, 0000
THOMAS J. WILLIAMSON, 0000
ALVIN C. WILSON III, 0000
GARY M. WILSON, 0000
ROBERT C. WILSON, 0000
WILLIAM W. WILSON, 0000
KRIS WINTER, 0000
BRETT W. WISEMAN, 0000
CHARLES T. WOLF, 0000
JAMES C. WONG, 0000
MARTHA A. WOOLSON, 0000
WILLIAM T. WORTH, 0000
LEWIN C. WRIGHT, 0000
CHARLES W. WYDLER, 0000
VANESSA WYNDHAM, 0000
JOSEPH YUSICIAN, 0000
ALAN N. ZELIFF, 0000
RYAN K. ZINKE, 0000
JERRY L. ZUMBRO, 0000

CONFIRMATION

Executive nomination confirmed by the Senate June 14, 2000:

DEPARTMENT OF ENERGY

GENERAL JOHN A. GORDON, UNITED STATES AIR FORCE, TO BE UNDER SECRETARY FOR NUCLEAR SECURITY, DEPARTMENT OF ENERGY.

EXTENSIONS OF REMARKS

HONORING RACHAEL JANKOWSKI, LEGRAND SMITH SCHOLARSHIP WINNER OF DEERFIELD, MICHIGAN

HON. NICK SMITH

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 14, 2000

Mr. SMITH of Michigan. Mr. Speaker, let it be known, that it is with great respect for the outstanding record of excellence she has compiled in academics, leadership and community service, that I am proud to salute Rachael Jankowski, winner of the 2000 LeGrand Smith Scholarship. This award is made to young adults who have demonstrated that they are truly committed to playing important roles in our Nation's future.

As a winner of the LeGrand Smith Scholarship, Rachael is being honored for demonstrating that same generosity of spirit, intelligence, responsible citizenship, and capacity for human service that distinguished the late LeGrand Smith of Somerset, Michigan.

Rachael is an exceptional student at Deerfield High School and possesses an impressive high school record.

Rachael has received numerous awards for her excellence in academics and has held many leadership positions throughout her high school career. Outside of school, she is an active member of her community's church.

Therefore, I am proud to join with her many admirers in extending my highest praise and congratulations to Rachael Jankowski for her selection as a winner of a LeGrand Smith Scholarship. This honor is also a testament to the parents, teachers, and others whose personal interest, strong support and active participation contributed to her success. To this remarkable young woman, I extend my most heartfelt good wishes for all her future endeavors.

HONORING MARSHALL FLOYD AND THE HONOREES OF THE MARSHALL FLOYD AWARDS

HON. HEATHER WILSON

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 14, 2000

Mrs. WILSON. Mr. Speaker, today I would like to share with you the story of Marshall Floyd, a man who has taught at Highland High School in Albuquerque New Mexico for 47 years. His dedication has earned him a unique honor: the Marshall Floyd Award is given to outstanding teachers every year. The classroom teachers who receive this honor must have a minimum of ten years experience and excellence in teaching.

Mr. Floyd is the kind of teacher who defines teaching and education for his students and colleagues. He does far more than teach; he inspires many that share his classroom, as have the recipients of the Marshall Floyd Award.

The teachers from my home of Albuquerque, New Mexico who received the Award this year are:

Ms. Carol Hoffman, an English and humanities teacher at Sandia High School, a teacher of 37 years.

Ms. Barbara Langner, chair of the English Department at Highland High School, has taught for 28 years.

Mr. Chris Montano, a fifth grade teacher at Duranes Elementary School, who has taught for 15 years.

Ms. Sharon Swallows, a second grade teacher at Bandelier Elementary School, has been a teacher for 34 years.

Mr. Speaker, please join me in honoring the dedication of Mr. Marshall Floyd and the teachers honored with the Marshall Floyd Award for their contributions to their students and our community of Albuquerque, New Mexico.

EXPRESSING THE SENSE OF THE CONGRESS REGARDING BENEFITS OF MUSIC EDUCATION

SPEECH OF

HON. ROSA L. DeLAURO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 13, 2000

Ms. DELAURO. Mr. Speaker, I rise in strong support of H. Con. Res. 266, recognizing the benefits of music education. This is an important expression of our Nation's support for the arts and the tangible benefits the arts, and particularly music, provide for our children and for all Americans.

Music education not only opens a door for a new way of self-expression for young students, but it also trains the brain to organize information in a way that improves abilities in math and science. In fact, studies show that students with music training perform an average of almost 100 points higher on the SAT college entrance examination.

According to the National Association for Music Education, skills learned through the discipline of music transfer to study skills, communication skills, and cognitive skills useful in every part of the curriculum. Students who play in a band or orchestra more effectively learn to work with their teachers and classmates in the school environment without resorting to violent or inappropriate behavior.

I've heard from the music teachers in my district and my State—they are experiencing a teacher shortage that is serious. In some cases, they are forced to conduct the high school band in an old locker room or teach the violin in a broom closet. These are talented and dedicated professionals who just want to share the joy of music with their students, and we must show them that Congress supports them in their goal.

I am pleased that today we can stand united in our recognition and commendation of music education, the benefits it provides students—from their knowledge of other subject areas and to their overall self-esteem, and to the talented music teachers who often work without the resources their curriculum deserves.

Let's continue this spirit of support. When it comes time to put our money and our laws where our priorities are, let's make sure music education—and all arts education—remains an essential part of our public education system.

DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2001

SPEECH OF

HON. CAROLYN McCARTHY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 13, 2000

The House in Committee of the Whole House on the State of the Union had under consideration the bill. (H.R. 4577) making appropriations for the Department of Labor, Health and Human Service, and Education, and related agencies for the fiscal year ending September 30, 2001, and for other purposes:

Mrs. MCCARTHY of New York. Mr. Chairman, I rise today to oppose the Ryan Amendment.

21st Century Community Learning Centers in New York State alone would lose over $10 million dollars if this amendment is accepted—the children of New York need this program, their parents want this program, and their schools are begging for this program. We should do the right thing and invest in this program.

Throughout the country, over 5 million school-age children are left unsupervised in the afternoon leaving them at great risk of being involved in crime or drug and alcohol abuse.

Research shows that by providing engaging, academically rich activities, after-school programs help students to attain higher levels of achievement.

After-school programs ensure higher interest in learning, lower drop-out rates and less involvement in crime.

Mr. Chairman, that is why I rise in strong opposition to the Ryan Amendment because this amendment would deny nearly 2.4 million at risk children an opportunity to get a better start in life.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

A RESOLUTION HONORING ABBY WALTER, LEGRAND SMITH SCHOLARSHIP WINNER OF GRASS LAKE, MI

HON. NICK SMITH

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 14, 2000

Mr. SMITH of Michigan. Mr. Speaker, let it be known, that it is with great respect for the outstanding record of excellence she has compiled in academics, leadership and community service, that I am proud to salute Abby Walter, winner of the 2000 LeGrand Smith Scholarship. This award is made to young adults who have demonstrated that they are truly committed to playing important roles in our Nation's future.

As a winner of the LeGrand Smith Scholarship, Abby is being honored for demonstrating that same generosity of spirit, intelligence, responsible citizenship, and capacity for human service that distinguished the late LeGrand Smith of Somerset, Michigan.

Abby is an exceptional student at Grass Lake High School and possesses an impressive high school record.

Abby has received numerous awards for her excellence in academics as well as her involvement in band. Outside of school, she has received many awards for her involvement in 4–H.

Therefore, I am proud to join with her many admirers in extending my highest praise and congratulations to Abby Walter for her selection as a winner of a LeGrand Smith Scholarship. This honor is also a testament to the parents, teachers, and others whose personal interest, strong support and active participation contributed to her success. To this remarkable young woman, I extend my most heartfelt good wishes for all her future endeavors.

HONORING ERICA VASQUEZ

HON. HEATHER WILSON

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 14, 2000

Mrs. WILSON. Mr. Speaker, today I rise to support the efforts of Erica Vasquez to raise funds for the Leukemia Society of America by running a marathon in Walt Disney World. She represented a 7-year-old boy, Adam Valencia, who has acute lymphoblastic leukemia. Erica was the youngest runner on the Team in Training Desert Mountain States Chapter, training for five months and raising money to compete. She even created her own donation forms and sent them out to businesses, doctors, lawyers, friends, and family members. Though they could not run with her, she gave them an important opportunity to do their part.

Sadly, Erica was inspired to help others because of a personal loss: in one year, she lost two cousins and an aunt to cancer. This tragedy inspired her to fight the disease any way she could. Her immediate goal is to increase awareness about Leukemia. Until a cure is found, people like Erica will continue to fight in whatever way they can, including increasing education about cancer and fundraising for treatment.

Please join me in celebrating the generous heart of Erica Vasquez, a young woman who fights to bring awareness about a disheartening disease to the world. May her resilient spirit of giving encourage to us all to give of ourselves to save lives.

ESTONIAN PRESIDENT LENNART MERI HONORED BY THE CONGRESS

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 14, 2000

Mr. LANTOS. Mr. Speaker, today the Congress of the United States is honoring President Lennart Meri of the Republic of Estonia at a special reception here in the Capitol Building paying tribute to the contribution of the United States to the freedom of the Baltic states. Sixty years ago, in 1940 as World War II raged in Europe, the Baltic nations—Estonia, Latvia and Lithuania—lost their freedom, first falling under Soviet control, then Nazi German occupation, and then again under Soviet dominance.

For half a century—from 1940 until 1990 when the Baltic states regained their independence—the United States government refused to recognize the occupation of the Baltic states. This policy of non-recognition was a public affirmation of the right of these three nations to their independence. When the Soviet Union collapsed ten years ago, the American people joined in the celebration as Lithuania, Latvia and Estonia once again emerged as independent and democratic states.

It is appropriate, Mr. Speaker, that we mark today the six decades of American support for the independence of the Baltic States. It is particularly noteworthy that President Lennart Meri is here in the United States to join us in celebrating a decade of renewed independence for Estonia.

Mr. Speaker, President Lennart Meri's life mirrors the tragedy and pathos of the Estonian and Baltic struggle for national independence and democracy. As a young man, President Meri and his family were deported to Siberia along with thousands of other Estonians, Latvians and Lithuanians. It is particularly noteworthy that we are holding this celebration today, because today is the anniversary of the date that Lennart Meri and his family were expelled from Estonia and forcibly taken to Siberia—June 14, 1941.

Later, after returning to Estonia, President Meri graduated cum laude from Tartu University. Unable to practice his profession as a historian, he traveled to the most remote areas of the Soviet Union, where he wrote and produced films on the cultures of small ethnic groups. Meri's literary works, films and translations contributed significantly to the preservation of the Estonian national identity.

Lennart Meri's shift of focus from literary to political activities took place in 1988 when he established the non-governmental Estonian Institute to establish cultural contacts with the countries of the West. These Estonian cultural missions, established under his auspices, became embassies of Estonia when the country formally regained its independence in 1991.

Lennart Meri was appointed Minister of Foreign Affairs on April 12, 1990, following Estonia's first non-communist elections in over fifty years. He established formal diplomatic contacts with countries of Europe, the United States, and other nations, and he represented Estonia at a number of international conferences. He also served briefly as Estonia's ambassador to Finland. On October 6, 1992, Lennart Meri was elected President of the Republic of Estonia, and in September 1996 he was reelected to this position.

Mr. Speaker, I invite my colleagues to join me in extending a special warm welcome to President Lennart Meri of Estonia.

TRIBUTE TO ETHEL MCCANN

HON. FLOYD SPENCE

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 14, 2000

Mr. SPENCE. Mr. Speaker, I rise today, as we celebrate the 225th Birthday of the United States Army, to recognize Ethel McCann, who dedicated 38 years of service to the Department of the Army. Although, Mrs. McCann retired on December 29, 1999, she remains a part of the Army family.

For the last 26 years of her employment, Mrs. McCann served in the Army House of Representatives Liaison Office. In that capacity, Mrs. McCann was a dedicated and reliable resource person for Members of Congress and their staff. At the time of her retirement, it was estimated that she had responded to more than 125,000 inquiries from Congressional Offices.

Mrs. McCann touched the lives of thousands of service members and their families during the 38 years that she was a civilian employee with the Department of the Army. She can be justifiably proud of her many achievements. On this day of celebration for the Army, I would like to take this opportunity to commend Ethel McCann on her service to our Country and to extend to her best wishes in her retirement in Florida.

HONORING THE INTERNATIONAL BROTHERHOOD OF ELECTRICAL WORKERS LOCAL 90 ON THEIR 100TH ANNIVERSARY

HON. ROSA L. DeLAURO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 14, 2000

Ms. DELAURO. Mr. Speaker, it is with great pleasure that I rise today to extend my sincere congratulations to the members of the International Brotherhood of Electrical Workers Local 90 of New Haven, Connecticut as they celebrate their 100th Anniversary.

Chartered January 1, 1900, fifteen electrical tradesmen established what has since become one of the most respected union organizations across the State of Connecticut. Historically, union members have been challenged by communities to prove that, as tradesman, they deserved respect and a better quality of life for their labor and skills. Throughout its century of history, Local 90 has expanded its jurisdiction—reaching out to other communities, protecting the interests of electrical tradesman through much of Central and Southern Connecticut.

I have often said that we are fortunate to live in a country that allows its workers to engage in efforts to better employee standards

and benefits. Local 90 has fought hard for better wages, more comprehensive health benefits for their members and their families, and safer working environments—ensuring that corporations throughout Connecticut listen to their employees and afford them these basic rights. Local 90 has been a true leader for our working families, giving them a voice during the hardest of economic times.

In addition to their professional contributions, the members of Local 90 are dedicated to our community. For the past several years, Local 90 members have used their expertise to create what has become a highlight of the Christmas season—the Fantasy of Lights exhibition at Lighthouse Point in New Haven. The exhibition and their work benefits the New Haven Rehabilitation Center. The tremendous work that goes into this project is truly remarkable—bringing the spirit and joy of the holiday season for all of our children and families to enjoy.

For the many contributions they have made to the working families of Southern and Central Connecticut, I am proud to stand today to pay tribute to former and present members of Local 90—they have made a real difference in the lives of many. I am honored to extend my sincere congratulations to them as they celebrate their 100th Anniversary and my best wishes for another century of success.

FLAG DAY

HON. CAROLYN McCARTHY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 14, 2000

Mrs. MCCARTHY of New York. Mr. Speaker, I rise in recognition of a day that would not exist without the sacrifices endured by brave men and women throughout our country's distinguished history. Although today is known as Flag Day, it symbolizes much more.

When describing the American flag, George Washington once said, ''We take the stars from heaven, the red from our mother country, separate it by white in stripes, thus showing that we have separated from her . . .''.

Well, over 200 years later, our flag continues to symbolize the independence fought for by Washington as well as countless others.

From the Revolutionary War to the Gulf War, our men and women in uniform risked—and lost—their lives to promote democracy, and defend the liberties we cherish. These brave men and women defended the most basic belief which our flag symbolizes—that freedom is worth putting our lives in harm's way to preserve.

These were real people, not simply statistics in a history book or names chiseled in stone. They were young men and women with mothers, fathers, dreams and fears just like the rest of us.

When I visit schools back home, and children ask me questions about the American flag or Pledge of Allegiance, I tell them there is more to the flag than pretty colors. If you look behind those stars and stripes you unveil a story of determination and sacrifice.

As we take time out of our lives to honor those who fought to protect our flag, we must never forget that we stand together as a great, proud, and free Nation because of their sacrifices.

The American flag is a fitting reminder of their devotion.

A RESOLUTION HONORING ANDREW POENICKE, LEGRAND SMITH SCHOLARSHIP WINNER OF ADRIAN, MI

HON. NICK SMITH

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 14, 2000

Mr. SMITH of Michigan. Mr. Speaker, let it be known, that it is with great respect for the outstanding record of excellence he has compiled in academics, leadership and community service, that I am proud to salute Andrew Poenicke, winner of the 2000 LeGrand Smith Scholarship. This award is made to young adults who have demonstrated that they are truly committed to playing important roles in our Nation's future.

As a winner of the LeGrand Smith Scholarship, Andrew is being honored for demonstrating that same generosity of spirit, intelligence, responsible citizenship, and capacity for human service that distinguished the late LeGrand Smith of Somerset, Michigan.

Andrew is an exceptional student at Lenawee Christian High school and possesses an impressive high school record.

Andrew has received numerous awards for his excellence in academics as well as his involvement in soccer. Outside of school, he has been active in many volunteer programs such as Meals on Wheels for Lenawee County.

Therefore, I am proud to join with his many admirers in extending my highest praise and congratulations to Andrew Poenicke for his selection as a winner of a LeGrand Smith Scholarship. This honor is also a testament to the parents, teachers, and others whose personal interest, strong support and active participation contributed to his success. To this remarkable young man, I extend my most heartfelt good wishes for all his future endeavors.

HONORING ELWAR ''RUBEN'' LACOUR

HON. HEATHER WILSON

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 14, 2000

Mrs. WILSON. Mr. Speaker, today I would like to bring to your attention Elwar ''Ruben'' LaCour, Jr., a student in my district. As a middle schooler, he was awarded the U.S. National Award in mathematics. His commitment to learning is an indication of great future success.

Ruben's recognition from the U.S. Achievement Academy is a great honor. We all know of the studies and reports that say that students in the United States are falling behind in math performance. Ruben's skills, abilities, and success provides evidence of students excelling in math.

Mr. Speaker, please join me in congratulating Elwar ''Ruben'' LaCour on his achievement in and dedication to mathematics. We must celebrate achievements and encourage our children to do their very best.

PERSONAL EXPLANATION

HON. SUE WILKINS MYRICK

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 14, 2000

Mrs. MYRICK. Mr. Speaker, I was not present for the following vote. If I had been present, I would have voted as follows: June 8, 2000, rollcall vote 247, on agreeing to the rule H. Res. 518, providing consideration of H.R. 4577, the FY2000 Labor, Health & Human Services and Education bill, I would have voted ''yea.''

TRIBUTE TO GENERAL JOHN RUSSELL BLANDFORD

HON. FLOYD SPENCE

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 14, 2000

Mr. SPENCE. Mr. Speaker, I was saddened to learn recently of the death of Major General John Russell Blandford, who was an outstanding American. General Blandford joined the staff of the Committee on Armed Services in the House of Representatives upon its formation in January 1947. He was appointed the Chief Counsel of the Committee in December 1963, and he served in that position until his retirement from the House in 1972.

On behalf of the Members and the staff of the Committee on Armed Services, I would like to extend our deepest sympathy to his wife, Betty, and to the other members of his family. I submit for the CONGRESSIONAL RECORD the obituary of this remarkable man.

[From the State, Columbia, SC, May 18, 2000]

CAROLINA OBITUARIES

JOHN BLANDFORD

CHARLESTON.—Memorial services for John Russell Blandford, 82, will be held at 11 a.m. Saturday at Johns Island Presbyterian Church. Burial services will be conducted 11 a.m. Wednesday, May 24, 2000 in Arlington National Cemetery with full military honors. In lieu of flowers memorials may be made to the First Marine Division Association Scholarship Fund, 14325 Willard Road, Ste. 107, Chantilly, VA 20151–2110 and/or Johns Island Presbyterian Church, 2550 Bohickett Road, Johns Island, SC 29455. J. Henry Stuhr, Downtown Funeral Chapel is in charge.

Mr. Blandford was born in Buffalo, N.Y., Feb. 20, 1918, a son of the late Raymond and Mary Blandford. He graduated from Lafayette High School of Buffalo and was awarded a scholarship to Hobart College of Geneva, N.Y. While in college, he enlisted in the P.L.C. Program in the U.S. Marine Corps in 1937. He graduated cum laude, Phi Beta Kappa, Tau Kappa Alpha in 1939. He was commissioned a 2nd Lt. in the marine corps reserve until graduation. He was admitted to Yale Law School in Sept. 1939 (the first Hobart College graduate to ever be admitted to the law school). He was ordered to active duty in the marine corps in Sept. 1941 and attended marine corps schools at Quantico, Va. and in April 1942 reported for duty as an Artillery Officer in the First Marine Division. He participated in the Guadalcanal Campaign Aug. 7, 1942 to Dec. 1942 and there after was with that division in New Guinea, Cape Glocester, Willimez Peninsula and the Russell Islands. He served as a Forward Observer, Artillery Liaison Officer Provost Marshall and Regimental Judge Advocate.

Mr. Blandford was released from active duty in March 1946 and returned to Yale Law School graduating with Primis Honoris in Nov. 1946. He was with the law firm of Hodgson, Russ, Andrews, Woods and Goodyear in Buffalo. In January he was appointed counsel to the newly created House Armed Services Committee where he served becoming Chief Council Dec. 1, 1963 and served in this capacity for 25 years. He was promoted successively from 2nd Lt. to Major General in the marine corps finally retiring in 1976. He retired from the congress on July 1, 1972. He received numerous awards including Legion of Merit Medals from the marine corps and the army, the navy Distinguished Public Service Award, the air force Exceptional Civilian Award, and the prestigious Rockefeller Public Award in 1966. Following his retirement from congress in 1972, he became a legal consultant with an office in Virginia. He was admitted to practice in New York, the District of Columbia, Virginia, the U.S. Supreme Court and the Court of Military Appeals. He was a former member of the Washington Golf and Country Club, the Burning Tree Club of Bethesda, Md., the Carlton Club and the Capitol Hill Club. He was a member of Who's Who and was a pioneer of Seabrook Island and a board member where he served in many capacities.

Surviving are his wife, Betty Blakely Blandford of Seabrook Island; daughter, Marcia Ann Hoener of Norcross, Ga.; brother, Clinton P. Blandford of Clinton, Iowa; 11 grandchildren; a great-grandchild.

HONORING THE 10TH ANNIVERSARY OF THE AMERICANS WITH DISABILITIES ACT

HON. CAROLYN McCARTHY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 14, 2000

Mrs. MCCARTHY of New York. Mr. Speaker, today I express my heartfelt congratulations for a historic landmark and historic event. This Friday, citizens from throughout Long Island and New York Metropolitan and Tri-State area will gather to celebrate the 10th anniversary of the signing of the Americans with Disabilities Act. The most significant civil rights legislation ever enacted on behalf of citizens with disabilities.

This event, ''A Decade of Progress—the Americans with Disabilities Act in the New Millennium'' is a kickoff event for a series of nationwide activities highlighting the Spirit of ADA Torch Relay, which will arrive in Washington, DC on July 26, 2000.

During the past ten years, we have seen dramatic changes throughout the country in equal opportunity, public accommodations such as businesses and commercial establishments, state and local government services and activities, transportation and telecommunications in advancing the age of information technology. As with most issues, Long Islanders have been in the forefront of this issue. That is why I want to especially thank Bruce Blower, Director of Suffolk County Office of Handicapped Services, James Weisman, Associate Director, Eastern Paralyzed Veteran's Association, and Don Dreyer, Director of the Nassau County Office for the Physically Challenged for their outstanding leadership and dedication. You have made us proud to be Long Islanders.

It is through their leadership that Nassau and Suffolk Counties have developed local initiatives to work together with the private sector in removing barriers to consumerism and the workplace.

And while more remains to be done to increase accessible environments and employment opportunities for persons with disabilities, New Yorkers can be justifiably proud of the energies expended and results achieved in Nassau County, Suffolk County and the surrounding region.

A RESOLUTION HONORING BETH ANN JOHNSTON, LEGRAND SMITH SCHOLARSHIP WINNER OF JACKSON, MI

HON. NICK SMITH

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 14, 2000

Mr. SMITH of Michigan. Mr. Speaker, let it be known, that it is with great respect for the outstanding record of excellence she has compiled in academics, leadership, and community service, that I am proud to salute Beth Ann Johnston, winner of the 2000 LeGrand Smith Scholarship. This award is made to young adults who have demonstrated that they are truly committed to playing important roles in our Nation's future.

As a winner of the LeGrand Smith Scholarship, Beth Ann is being honored for demonstrating that same generosity of spirit, intelligence, responsible citizenship, and capacity for human service that distinguished the late LeGrand Smith of Somerset, Michigan.

Beth Ann is an exceptional student at Vandercook Lake High School and possesses an impressive high school record.

Beth Ann has received numerous awards for her excellence in academics as well as her involvement in band. Outside of school, she is an active member of her church community and a conscientious volunteer.

Therefore, I am proud to join with her many admirers in extending my highest praise and congratulations to Beth Ann Johnston for her selection as a winner of a LeGrand Smith Scholarship. This honor is also a testament to the parents, teachers, and others whose personal interest, strong support and active participation contributed to her success. To this remarkable young woman, I extend my most heartfelt good wishes for all her future endeavors.

HONORING DR. ANDREW HSI

HON. HEATHER WILSON

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 14, 2000

Mrs. WILSON. Mr. Speaker, today I would like to bring to your attention Dr. Andrew Hsi, a pediatrician at the University of New Mexico in Albuquerque. He was honored as the first recipient of the Humanism in Medicine Award because of his many strengths, focusing on community service, ethics in medicine, and treating people with dignity. He understands the importance of respect for colleges and patients as well as showing compassion and consideration to others.

Dr. Hsi has found purpose and fulfillment in serving the public. He is nonjudgmental of the pregnant women who come to him for help—despite the fact that many of them abuse illegal substances. Thomas Weiser, a medical student at UNM, nominated Dr. Hsi because ''[h]is fairness, sensitivity, and nonjudgmental attitude have inspired students and faculty to be more compassionate to their own patients. And, most importantly, it has provided an impetus to many of his patients to change their own lives.''

Mr. Speaker, please join me in honoring the compassion and team skills of Dr. Andrew Hsi. He exemplifies patience, acceptance, and the courage to help his community. The help he offers to those in need does not just come in the form of medicine: he encourages and inspires people to take charge and change their lives. He is a hero in our community.

EXPRESSING THE SENSE OF CONGRESS REGARDING BENEFITS OF MUSIC EDUCATION

SPEECH OF

HON. STEPHANIE TUBBS JONES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 13, 2000

Mrs. JONES of Ohio. Mr. Speaker, I rise today in support of music education. Recently, I had an opportunity to speak at the commencement exercises of the Cleveland School of the Arts in the Eleventh Congressional District of Ohio. Those graduates were a wonderful example of the beneficial effects of music education and of the arts in general.

The arts are inseparable from education throughout a young person's life. Brain research is now showing that stimuli provided by music—song, movement, play acting—are essential for the young child to develop to the fullest potential. These activities are the ''languages'' of children, which help them to understand and interpret the world. Active use of music also paves the way for children to use verbal language, to read and to write.

Quantifiable research has also shown the value of arts education for older children. The University of California at Los Angeles has analyzed the school records of 25,000 students as they moved from grades 8 to 10. Students who studied the arts had higher grades, scored better on standardized tests, had better attendance records and were more involved in community affairs than other students. Students from low-income families who studied the arts improved their school performance more rapidly than all other students.

The U.S. Department of Education in its YouthARTS study has also found that the arts improve academic performance, reduce delinquency, and increase the skills of communication, conflict resolution, completion of challenging tasks, and teamwork.

The College Board, which administers the SAT, has reported that college-bound students who have had arts education have higher SAT scores than other students.

In closing, I would add that the discipline and human connection of music can remind us that there is a form of human achievement that is unarguably and profoundly true. Music requires collaboration in which diverse groups of people can come together to create an entity in which they all care deeply. This builds bridges of understanding and communication.

So let us support music education because music is essential. And let us commend music teachers across the country for the key roles they play in helping our children succeed in school and throughout life.

A TRIBUTE TO THE LATE EARL T. SHINHOSTER

HON. JOHN LEWIS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 14, 2000

Mr. LEWIS of Georgia. Mr. Speaker, I rise today to salute and pay tribute to a great American, Earl T. Shinhoster. A 35 year veteran leader of the NAACP, a devoted husband and father, Earl Shinhoster was my friend and my brother. He had a distinguished career of service to the public and to the community which I serve in particular. Indeed, it is as a result of his tireless work for voter education and to ensure voter participation that many of us are here today.

Earl cared. He really cared. He cared about voter education and voter participation. He cared about human rights and civil rights. He cared about Africa and Africans. He cared about being empowered and empowering others. He cared about equal access and equal opportunity.

He just wanted things to be fair. And, he was always looking for creative ways to break down the barriers that separate us, to make things fair.

Earl Shinhoster was Southeast Regional Director of the NAACP for 17 years and served as Acting Executive Director and CEO of the organization from 1995 to 1996.

Earl was so energetic, so engaging, so dedicated and so committed. His eyes were always on the prize. He will be sorely missed.

HONORING THE AMERICAN FLAG ON FLAG DAY

HON. JOHN E. SWEENEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 14, 2000

Mr. SWEENEY. Mr. Speaker, I rise today, on Flag Day, to pay tribute to the American flag, our most cherished symbol of freedom and democracy.

''Old Glory'' has stood as a symbol of our patriotic resolve through times of peace and war. The earliest version of the American flag was carried at the battle of Saratoga in my district, which was the turning point of the Revolutionary War. The flag has symbolized our democratic ideals on hundreds of battlefields since Saratoga. It inspired great Americans in places like Gettysburg, San Juan Hill, Iwo Jima, Inchon, Saigon, Kuwait City, and countless other sites around the globe. Thousands of Americans paid the ultimate sacrifice to defend the ideals symbolized by this great flag. Let us pause for a moment to recognize their sacrifice and the flag they successfully defended.

Today, our distinguished flag acts as an ambassador of liberty and opportunity to those who suffer under oppressive regimes in far away places. For those whose freedom has been stripped away, the flag stands as a reminder of a compassionate ally. Our flag undeniably represents the supremacy of freedom and democracy over oppression and tyranny.

The stars and stripes are the pre-eminent symbol of the broad freedoms established by our Constitution. It is yours and mind, and all American's to guard and protect . . . and to respect.

Mr. Speaker, please join me in saluting our glorious flag on Flag Day. God bless our flag and this great Nation.

A RESOLUTION HONORING MATTHEW VANWORMER, LEGRAND SMITH SCHOLARSHIP WINNER OF HILLSDALE, MI

HON. NICK SMITH

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 14, 2000

Mr. SMITH of Michigan. Mr. Speaker, let it be known, that it is with great respect for the outstanding record of excellence he has compiled in academics, leadership and community service, that I am proud to salute Matthew VanWormer, winner of the 2000 LeGrand Smith Scholarship. This award is made to young adults who have demonstrated that they are truly committed to playing important roles in our Nation's future.

As a winner of the LeGrand Smith Scholarship, Matthew is being honored for demonstrating that same generosity of spirit, intelligence, responsible citizenship, and capacity for human service that distinguished the late LeGrand Smith of Somerset, Michigan.

Matthew is an exceptional student at Hillsdale High School and possesses and impressive high school record.

Matthew has received numerous awards for his excellence in academics as well as his involvement in the tennis team. Outside of school, he is an active member of his church community and a conscientious volunteer.

Therefore, I am proud to join with his many admirers in extending my highest praise and congratulations to Matthew VanWormer for his selection as a winner of a LeGrand Smith Scholarship. This honor is also a testament to the parents, teachers, and others whose personal interest, strong support and active participation contributed to his success. To this remarkable young man, I extend my most heartfelt good wishes for all his future endeavors.

HONORING JAMIE RENEE HAMILTON

HON. HEATHER WILSON

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 14, 2000

Mrs. WILSON. Mr. Speaker, today I would like to bring to your attention Jamie Renee Hamilton, an eighth grader at Madison Middle School in Albuquerque, New Mexico. Jamie Renee designed a poster for our local Campus Crime Stoppers. She is helping to stop crime in our schools. I have the Campus Crime Stoppers poster hanging in my Albuquerque office.

So often, the power of young people to change our world is overlooked. Jamie Renee stood up to make a change for the better in schools and our community.

Mr. Speaker, the Congress is working hard on school safety. Jamie Renee Hamilton is working hard in my home of Albuquerque on this very issue also. Please join me in honoring the contributions by Jamie Renee Hamilton to safety in our schools and in our community.

APPALACHIAN HUNGER TOUR

HON. TONY P. HALL

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 14, 2000

Mr. HALL of Ohio. Mr. Speaker, every day, we are inundated by stories of how well the United States' economy is doing. We are told that we have the lowest unemployment in decades, the longest-sustained growth in generations and record-breaking stock markets. But our economy is hollow. There are many people it is leaving behind; there are many pockets of poverty and neglect. Our foundation is not as complete and secure as we might think. If we scratch the surface, we find people who are truly hurting.

Last year the U.S. Department of Agriculture released shocking statistics that showed 31 million Americans hungry or at risk of hunger—one out of every nine people in this richly blessed nation. That number has not diminished since 1995, despite our booming economy and the chimera of success many interpret from the decreasing welfare rolls. This sad state of affairs has been confirmed by research of the U.S. Conference of Mayors, America's Second Harvest, Catholic Charities, Tufts University and my own investigations. More and more Americans are turning to emergency food providers to stretch their fixed incomes, meager salaries or ever-declining public assistance benefits.

From June 1 to 3, I conducted my third domestic fact-finding visit to communities plagued by hunger in the past three years. I focused on hunger in the Appalachian region by returning to sites in southern Ohio I visited in 1998 and then venturing into eastern Kentucky and West Virginia at the invitation of constituents whose roots are there. I was joined for portions of the trip by my colleagues Rep. TED STRICKLAND (OH–6th), Rep. BOB WISE (WV–3rd), Ms. Joy Padgett, Director of Ohio Governor Bob Taft's Office of Appalachia, Ohio State Representative Joe Sulzer, and other state and local officials.

Our work was assisted by the Dayton-based Our Common Heritage, the Ohio Association of Second Harvest Food Banks, the Ohio Food Policy & Anti-Poverty Action Center, Southeastern Ohio Regional Food Center. Senior citizen centers and other community groups in Logan and McArthur, Ohio; Ashland and Louisa, Kentucky; and Huntington, West Virginia also lent us their help.

FINDINGS

EMERGENCY FOOD ASSISTANCE

The data on who is hungry in America were confirmed by people who shared their stories with me throughout the tour. The Southeastern Ohio Regional Food Center in Logan, Ohio and the Congressional Hunger Center's Mickey Leland Hunger Fellows recently conducted

a needs-assessment survey of the emergency food assistance network to document the increased demand for food over the past three years. They found four primary barriers to escaping poverty are: high regional unemployment, a very limited number of high-paying jobs, physical disabilities and low levels of education.

The three primary groups served by the network of food pantries are families with children, senior citizens and the disabled.

Families with children make up 55 percent of individuals seeking food assistance, despite income from work and public assistance programs, such as food stamps and the Temporary Assistance for Needy Families program (TANF replaced the former Aid to Families with Dependent Children program, commonly known as welfare). One quarter of these families will lose eligibility for TANF benefits within the next six months because of strict time limits, imposed by the Personal Responsibility and Work Opportunity Act of 1996.

Senior citizens comprise approximately twenty percent of the people served. Most face the catch-22 choice of paying for prescription drugs, rent, utilities, medical bills or food because their Social Security benefits and other income does not permit them to cover the cost of these necessities.

Households with disabled individuals represent two-thirds of food recipients, despite the face that more than half receive food stamps.

Social Security, food stamps, TANF, Supplemental Security Income and unemployment insurance are the federal programs that were designed to keep their recipients from falling through the cracks. Unfortunately, people who are playing by the rules now still are not able to make ends meet. I heard from some of them at an emotional community roundtable.

Darryl and Martha Wagner are two ordinary people who find themselves requiring assistance from the CHAPS food pantry in Logan. Darryl just turned 70 and receives about $1,000 each month for his retirement. They spend around $900 each month on rent, utilities and a car payment, and as Darryl said, ''the bills are piling up every day.'' Martha has cancer and lost her parents and her brothers to the disease. She had surgery eight times in the past 10 years and currently sees four different doctors.

In order to get to her medical appointments, Darryl and Martha must drive eighty miles round-trip. Even with Medicaid, their gas and $10 co-payments add up, so they swallowed their pride and applied for food stamps. After filling out an application that asked 700 questions, Darryl and Martha were congratulated on being entitled to $10 in monthly benefits!

When an outreach worker spoke with Darryl and Martha, neither of them had eaten for three days. There was not a single can or box of food in their cupboards, after months of trying to stretch everything they had. Martha had watered down a can of tomato juice to last two weeks. She had added extra water to cans of soup to try and make it last a second day. They once had chicken noodle soup with no chicken and noodles made from one egg and a little flour. Martha would often lie to her husband and say that she wasn't hungry so that he could eat. ''We never asked for help,'' they said, until the doctor gave her two days to live if she did not start eating again. The food pantry helped them with a few bags of groceries, and for now, they say, ''we don't have to add water to everything because we can eat again.''

Priscilla Stevens is someone else who told me why she relies on the CHAPS food pantry. She has been diagnosed with the debilitating condition of lupus since 1984, and after a period of remission, experienced a relapse in 1997. In addition to lupus, she also has multiple sclerosis and Cushing's Disease, which require her to take 26 different medications every day. After receiving some state disability assistance, she has now been denied three times for federal Social Security Disability Insurance and is appealing in court, although she was on a ventilator when she was first denied. She survives on a measly $258 per month—$115 in disability assistance, $127 in Food Stamps and $16 for a utility allowance. Her disability is so severe that she requires a home health aide eight hours a day and she cannot even sign her own name. Instead, she has a rubber stamp of her signature to affix to necessary documents. Fortunately, Medicaid covers her medical bills that run in the thousands of dollars every month. ''It's been really hard and it's getting harder every day,'' she told me. ''They say I'm a miracle and I want to tell people about my story.''

I am sorry to say that they are not alone. I also heard from Mike Miller who was doing all he could to get a job and earn his living. But when his car got a flat tire, he was fired from his temporary job at the mushroom plant. And then when he went to his sister-in-law's funeral to pay his last respects, he was fired from his next job. He is willing to work, but he said, ''you get to a point where you give up hope.'' Reverend Mel Franklin of the CARE Outreach food pantry in McArthur has been doing all that he can to assist Mike, including paying for new tires out of his own pocket.

Little Cantrell Roberts was there at the same food pantry. He was eight weeks old, being cared for by his great grandmother, because his mother, a U.S. Marine, had been shipped off to Okinawa and his grandmother was busy working at WalMart. Norma Miller was thrilled to get off welfare when she got a job. But when she took her child out of day care because of child abuse by the staff, she lost her job and was sanctioned by the human services office. ''Just because folks are off welfare doesn't mean they're making it,'' she explained to me, as a counter to those who would interpret declining participation as success. Speaking at initial registration for the Commodity Supplemental Feeding Program at CARE Outreach, she said, ''we appreciate the food—it's just like Christmas.''

The Spradlin family depends on the Ashland Community Kitchen lunch program to supplement Jeff's $6 an hour job and help to feed their two children. Although their children have health insurance, they have no coverage whatsoever and pray that they don't get sick. Their four year-old son Andrew did not utter a single word throughout our breakfast together, probably because the chronic poor nutrition has taken a deeper toll on him beyond just an empty stomach. When school ends later this week, his seven year-old sister Britney will no longer be able to enjoy school lunch and breakfast, so she will join her family at the kitchen.

The Penningtons are trying to make ends meet but Charley's job with the Census Bureau ends next month. He's not sure how he will be able to care for his 83 year-old mother with no income, other than $800 a month in Social Security, state retirement and food stamps. Charley needs new eyeglasses but does not have any money to spare. Imogene has cut back on her medications already ''we could not do without the kitchen.'' If we did not come here, we would not be able to afford car insurance.'' Some months, the family doesn't pay their insurance premium so that they can pay their rent instead. One of their fellow diners is homeless and about to turn 60. He is a Navy veteran who has no income whatsoever, besides the few dollars he is able to earn doing odd jobs. ''This is the only food I get,'' he said matter-of-factly, ''Weekends, I don't eat.'' He was quick to point out, ''I'm not the only one like this, there are plenty more.''

ELDERLY NUTRITION PROGRAMS

In addition to the individuals who need emergency food assistance, I met with dozens of senior citizens who depend on the elderly nutrition programs for survival. Most make tough decisions every week: do I pay for food or medicine? Through the expired Older Americans Act and USDA's Food and Nutrition Service, the federal government provides crucial funding for Meals-on-Wheels and congregate meals. In addition to this funding, local senior citizen centers also get state appropriations and raise private donations to provide their constituents with necessary services. But their reimbursement rates have been declining steadily for the past decade. They are having to do more with less, just like the older Americans they serve.

Representative STRICKLAND and I delivered lunch to Ray Wallace in his tiny ramshackle apartment, provided by the Southeastern Ohio Regional Food Center Meals-on-Wheels program. He is in his 80s after working as a truck driver for 40 years. ''The meals help out quite a bit,'' Mr. Wallace told us. He has difficulty getting around and, after falling in his home, he spent hours on the floor until he was able to pick himself back up. His top concern is the growing cost of his prescriptions; he knows that he will not be able to afford all of them and is preoccupied trying to decide which one he can risk skipping.

Bernice Miller, who is 87, does not get out of her subsidized apartment very much. She suffers from asthma, severe allergies and has been recovering slowly from a recent stroke. Fortunately her nephew, who works at the food bank in Logan, takes care of her as best he can. Even with his help, she has just $800 each month to spend and almost half of that goes for medication. Even with her housing subsidy, she pays more than 25 percent of her income for rent and utilities. ''The meals are good and good for you,'' she said in a voice that was weak, but determined. When we thanked her for allowing us into her living room, she echoed the common Appalachian courtesy, saying, ''my father taught me not to close the door on anyone.''

I never got a chance to meet Tom Nelson. He is one of the tens of millions of poor Americans we don't see. He was an older man who worked at a food bank in Huntington, West Virginia, handing out one grocery sack of canned food to people who can't feed their families on what they earn. He worked at the Huntington Area Food Bank out of the goodness of his heart, but also because the job paid him a little extra a month so that he could feed his own family.

A few months ago, the food bank wasn't able to pay Mr. Nelson any longer—primarily because it has not received funding promised by West Virginia for nearly a year. To stretch his Social Security check to cover groceries, Mr. Nelson tried to stretch his blood pressure medicine. The cause of his death was listed as heart attack, but the truth is he died trying to feed this family.

These are among the fortunate seniors. Hundreds more don't get home-delivered meals because they live in isolated places that are hard to reach. Others still wait on long lists; many die before they ever get a home-delivered meal. The SE Ohio Regional Food Center has already cut its costs and improved its efficiency as much as it can; it simply does not receive enough money to provide meals for everyone who is eligible. Outreach workers know of senior citizens who go days without food, because they just do not have enough money to pay for everything. Food insecurity is characterized by the tough choices between buying food or paying all of the other bills. Hunger is the result of choosing food as the item to cut from the family's budget.

CONCLUSIONS

Welfare as we knew it has ended. The Personal Responsibility and Work Opportunity Act of 1996 is the law of the land, but it is implemented differently in every state. That means that Ohio Works First, the state TANF program, has 88 different manifestations for each county's department of human services. While I support the principle that every person who can work, should work, we have gone too far and not far enough. The drive to cut the welfare rolls has produced an atmosphere where the poor are treated as criminals. One county director of human services was ashamed at the way the state is demonizing the poor, punishing them simply for asking for assistance. He was not surprised that people were unwilling to return to government offices for demeaning treatment and instead turning to food pantries.

I was disappointed in the private sector to hear that a company would fire an employee for attending a family member's funeral. But, I was outraged to hear that public assistance would be denied for such a cause. Another family lost its benefits because the father quit his job following the tragic death of their son in a school accident. In order to keep his family together in a time of overwhelming grief, he was cut off and now they have no income. While they are appealing the decision, their children suffer as they try to put food on the table.

I was appalled when Darryl and Martha Wagner told me that they only qualify for $10 per month in foods stamps. They were required to fill out a 700-question application, document everything, and return every three months to do it all over again. I heard other stories of those who were denied food stamps because their car's value was more than $4,650 and a car loan wasn't considered in discounting its value. In a rural area like Appalachia, workers need reliable transportation to get anywhere—to work, to day care, to the store. It was sad to learn that federal programs established to help people in need are too often failing to accomplish their purpose.

The limited number of people we met and places we visited does not paint a complete picture. It is a telling indicator of the nature of hunger in our country. Hunger is a hidden plague, but a real one. Those who are hungry rarely lobby for help or speak about their plight, too often they are ashamed and don't have the wherewithal to speak out. Hunger is hidden because the majority of Americans are comfortable and do not want to know about those in need. Policy makers and journalists, those who could make the biggest difference, are guilty of ignoring Americans who most need our attention.

RECOMMENDATIONS

(1) Food banks and the front-line emergency food-providing agencies who are feeding hungry and poor people should be given the food and resources they need to address the increasing needs. With all the discussions of congregations and faith-based organizations caring for those in need, federal and state governments have failed to recognize and expand the support they provide to these charities. The Emergency Food Assistance Program (TEFAP) provides government commodities for food banks to distribute through their networks; it should be immediately expanded. ''Bonus commodities'' should be increased to benefit farmers while also helping hungry Americans. Funds for administrative costs should be increased to cover the high distribution, storage and transportation costs. Additionally, the Commodity Supplemental Feeding Program (CSFP) desperately needs to be expanded to include more individuals and more states. It took Ohio more than ten years to gain admission into the program. Many more women, children and senior citizens would benefit tremendously from receiving a supplement to their monthly groceries.

(2) The federal elderly nutrition programs are in sore need of attention. The Older Americans Act, which authorizes the Meals-on-Wheels and Congregate Meals programs, has not been reauthorized in more than seven years. We need to put these essential programs back on solid ground. Congress also needs to increase the meal reimbursement rate immediately. Despite a slight increase in funding over the past couple of years, the steep rise in demand for meals and their increasing cost of providing these services has hurt senior nutrition sponsors in their quest to provide nutritious meals to senior citizens. The current rate of USDA reimbursement is a shameful $.54 per meal, a drop of 35 percent in real value since 1993. This puts the organizations dedicated to serving our seniors in a precarious position and is an immoral policy toward ''the Greatest Generation.'' Seniors can only hold so many bake sales to pay for these costs. These meals ultimately reduce the overall federal expenditures required for long-term nursing home care by helping our seniors to maintain independent living situations. As we know, nutrition is the cheapest form of medicine.

(3) The food stamp program, America's first line of defense against widespread hunger, requires some essential changes. Some of these adjustments must be made on the federal level, but states already have the authority to make some of these improvements on their own.

First, the vehicle allowance needs to be updated. Currently, if a food stamp recipient owns a car worth more than $4,650, his or her benefits will be slashed or revoked. In rural and suburban areas, reliable transportation is essential for people to get to work—a requirement under welfare reform. The federal government should exempt the value of one vehicle from a family's asset limits.

Second, the shelter cap deduction should be increased to permit food stamp recipients who spend more than 50 percent of their limited income on housing to deduct excessive costs when determining food stamp benefits.

Third, Congress must adjust the food stamp level from the Thrifty Meal Plan, which pays just $.71 per meal on average, to the Moderate Meal Plan. This no longer reflects the true cost of feeding a family.

Fourth, we need to guarantee a reasonable level of food stamp benefits, especially for the elderly and disabled. The minimum benefit level should be closer to $75 per person per month, not the current $10. It is ridiculous to put applicants through enormous hassle in exchange for only pennies a day.

Fifth, the recertification process should be required once a year for those who are elderly or disabled living on fixed incomes. Working families should be recertified no more frequently than every six months, not every quarter. It is an extreme hardship for people who are working, disabled or elderly to go to an office every three months to provide additional documentation. The paperwork should be reduced and simplified to conform with other federal assistance programs. Ohio would greatly benefit from a universal application form, instead of the current 34-page, 700-question application.

Sixth, food stamp benefits should be restored for all 18–50 year old unemployed adults without dependents, especially in regions of high unemployment. In this area of Appalachia where laborers have lost their lucrative jobs in coal mines or factories, they are now unable to access food stamp benefits.

Finally, states need to do a much better job in assisting those who are eligible for food stamps to participate. During my visits, it was clear that states are not insuring those who are eligible are able to apply and participate in the program. While recognizing the need to reduce waste, fraud and abuse, those who apply for food stamps should not be made to feel like criminals or treated as less than human. These are people in need and should be treated with compassion and dignity. Office hours and procedures should be expanded to accommodate those who are working full-time or more than one job. It is apparent that states are overly focused on quality control compliance, instead of serving those who are categorically eligible for food stamps.

SUMMATION

It is unconscionable that the richest country in the world's history cannot find the resources to feed its most vulnerable citizens. We find the money we need to pay for new weapons systems, tax cuts for those who are already wealthy, and everything else that we think is important.

Congress has an obligation to include those in need in its focus. And all Americans have a responsibility to do what they can in the struggle to end hunger.

I wish that I did not take this trip because there was no hunger in Appalachia or anywhere else in America. I wish that I did not have to focus so much of my time and energy on these humanitarian issues because there weren't any problems. I wish that we could declare hunger solved and move on to something else. But these are only wishes because hunger still stalks our proud land. Our economy and our promises are hollow. We must

do better to care for the least of these among us.

EXPRESSING THE SENSE OF CONGRESS REGARDING BENEFITS OF MUSIC EDUCATION

SPEECH OF

HON. KAREN McCARTHY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 13, 2000

Ms. McCARTHY of Missouri. Mr. Speaker, I rise today to voice my strong support of H. Con. Res. 266, expressing the sense of the Congress regarding the benefits of music education.

Music education has a long history, dating back to Ancient Greece. As part of a standard education, music was used to teach math and deemed equally important to forming a balanced individual. As a former educator, I know that an important component to youth development and a key solution to youth violence is access to art and music education in our schools. College Board studies have shown that students who play an instrument score significantly higher on their Scholastic Aptitude Tests than those who do not. High risk elementary students who participated in an arts program for one year gained eight percentile points on standardized language arts tests. Those who have exposure to music and art are less likely to have discipline problems. If we are serious about improving student achievement and curtailing youth violence in our schools, we must find adequate funding to bring music and art education to our children.

Missouri's fifth district has taken major steps toward integrating arts education into the daily routine in schools. Magnet schools such as the Paseo Academy of Visual and Performing Arts and the Kansas City Middle School of the Arts teach children more than just reading, writing, and arithmetic. Students also learn how to create and appreciate music, painting, and dancing through hands-on experience. The Kansas City Symphony established an orchestral residency at the Paseo Academy to provide professional mentors to aspiring musicians. The results of programs like this are astounding. These schools have improved student test scores well above the district average and greatly increased parental satisfaction. Students enjoy attending school more than ever because of personal interest with the subject matter. I urge my distinguished colleagues to support this measure.

Because of the vast amount of research proving the benefits of music education, we need to invest in more programs which will spark student interest in music such as the National Endowment for the Arts (NEA) sponsored ''Challenge America'' initiative which would provide $50 million to more than 1,100 communities, bringing the arts and music to regions previously underserved by cultural programming.

Music and art education remains important in the lives of children. From infants listening to classical music to facilitate brain development, to elementary students learning about music related careers from their favorite musicians, to high school instrument students who achieve above average SAT scores, the importance of music education cannot be denied. I urge my distinguished colleagues to continue to support music and art education programs such as ''Challenge America'' which contribute to the success of students as they become members of our democracy.

IN TRIBUTE TO EARL T. SHINHOSTER

HON. EVA M. CLAYTON

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 14, 2000

Mrs. CLAYTON. Mr. Speaker, it is with great sadness that I rise to express my condolences to the family of Mr. Earl T. Shinhoster, whose tragic and untimely passing we mourn. His wife, Ruby, and his son, Michael Omar, should know, that while their grief is heavy, comfort may be found in those close to them, friends and family, who will gather on Friday morning, June 16th, to acclaim his life. This husband and father was indeed an American hero, the Wind beneath the Wings of a reborn and revitalized NAACP.

For more than 30 years, Earl T. Shinhoster gave of himself to the NAACP, serving in a range of roles and assuming the highest staff position when that organization was at its lowest. With the same dedication and determination that typified his tenure, in 1996, he grabbed the reins of the NAACP and, as Executive Director, brought it from the brink of bankruptcy to a bastion of brightness. Whether in Africa, his birth state of Georgia or across the Nation, he reminded us that voting is the most important because all other rights grow from that right.

Earl has now been called to rest and to reside in a place of total peace. God's finger has gently touched him and he now sleeps. I am confident that he has left a lasting impression on those who came to know him, and the principles that guided him will now serve as guideposts for those he leaves behind. I am also certain that throughout his life, he remained a caring friend, a devoted and loving family member, and a committed and dedicated father and husband. He shall surely be missed. I feel certain, however, that he would want all of us to rejoice in his life and the time he spent on this earth.

The passing of a loved one is always very hard to understand, but God has the situation in-hand. Ecclesiastes, Chapter 3, Verses 1 through 8 is instructive. It reads in part, ''To every thing there is a season, and a time to every purpose under the heaven. . . . A time to be born, and a time to die.'' And while his friends and family will greatly miss Earl, I want to remind them that strength can be found in their continued support of one another. That is what he worked for all of his life. That is what he would want.

And, a special word for Ruby and Michael Omar. It is my hope that your family will be comforted by the fact that God in His infinite wisdom does not make mistakes. Your husband and father will live on forever in your hearts and minds through your cherished memories of his life and the time you had with him. Please continue to support one another, and I will pray for God's rich blessings on each of you. May God comfort and help your family and friends and help all of you to hold on to treasured yesterdays; and reach out with courage and hope to tomorrow, knowing that your beloved is with God. Death is not the end of life. It is the beginning of an eternal sleep. Earl T. Shinhoster lived his life in sacrifice so that millions of us could live our lives in pride. He has labored long. He now rests.

A RESOLUTION HONORING CHRISTOPHER AEMISEGGER, LeGRAND SMITH SCHOLARSHIP WINNER OF HILLSDALE, MI

HON. NICK SMITH

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 14, 2000

Mr. SMITH of Michigan. Mr. Speaker, let it be known, that it is with great respect for the outstanding record of excellence he has compiled in academics, leadership and community service, that I am proud to salute Christopher Aemisegger, winner of the 2000 LeGrand Smith Scholarship. This award is made to young adults who have demonstrated that they are truly committed to playing important roles in our Nation's future.

As a winner of the LeGrand Smith Scholarship, Christopher is being honored for demonstrating that same generosity of spirit, intelligence, responsible citizenship, and capacity for human service that distinguished the late LeGrand Smith of Somerset, Michigan.

Christopher is an exceptional student at Hillsdale High School and possesses an impressive high school record.

Christopher has received numerous awards for his excellence in academics as well as his participation in school sports. Outside of school, he is an active member of his church community.

Therefore, I am proud to join with his many admirers in extending my highest praise and congratulations to Christopher Aemisegger for his selection as a winner of a LeGrand Smith Scholarship. This honor is also a testament to the parents, teachers, and others whose personal interest, strong support and active participation contributed to his success. To this remarkable young man, I extend my most heartfelt good wishes for all his endeavors.

HONORING CLAUDIA SCHROTH

HON. HEATHER WILSON

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 14, 2000

Mrs. WILSON. Mr. Speaker, today I would like to bring your attention to Claudia Schroth, a 12-year-old student at Wilson Middle School in Albuquerque, New Mexico. Claudia created a slogan for our local Campus Crime Stoppers: ''See Something Out of Line? Take the Time . . . Call Campus Crime Stoppers!!!'' This slogan, though short and simple, will help direct young children to report a crime if they see one. I have the Campus Crime Stoppers poster with the slogan hanging in my Albuquerque office.

Claudia proves that people of all ages can make a difference in their community, changing things for the better. It is because of Claudia and people like her that schools can be made safer.

Mr. Speaker, the Congress is working hard on school safety. Claudia Schroth is working hard in my home of Albuquerque in this very issue also. Please join me in honoring the commitment to a safer world displayed by Claudia Schroth.

TRIBUTE TO THE ROUND TOP, TEXAS, INDEPENDENCE DAY PARADE

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 14, 2000

Mr. PAUL. Mr. Speaker, I rise today to pay tribute to the citizens of Round Top, Texas. The bark of the old cannon on the town square in Round Top, Texas, on July 4, 2000, will announce the city's famous Independence Day Parade. Each year, the small town of Round Top, deep in the heart of Fayette County in Texas' Congressional District 14, swells to accommodate a crowd of 8,000 Fourth of July visitors that come to celebrate our nation's freedom.

In 1851, on the occasion of the 75th Anniversary of the Declaration of Independence of United States, Round Top celebrated its first Fourth of July. The celebration of this most important date in United States history continues to be the longest held observance of Independence Day west of the Mississippi.

According to historical accounts, early stagecoach lines operating along the Old Bahia Road between Houston and Austin traveled near the center of today's town. When the drivers crossed Rocky Creek along the route and spotted the octagonal-shaped roof of the stage stand, they called out ''Round Top!''

Things are slow to change in Round Top. Its citizens appreciate their traditions and have adopted ordinances that are designed to project, enrich and promote the old historic landmarks for the enjoyment and edification of future generations.

On the occasion of over 150 years of celebrations, I ask my colleagues to join me in congratulating the people of Round Top, Texas, who, on Independence Day, proudly proclaim, ''God Bless America!''

CELEBRATING MEN'S HEALTH WEEK

HON. RANDY "DUKE" CUNNINGHAM

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 14, 2000

Mr. CUNNINGHAM. Mr. Speaker, over the past 20 years Congress has devoted a great deal of time and money toward addressing the important issues facing women's health. We created an Office of Women's Health at the NIH and we have taken great strides to increase the number of women included in health studies. We have undoubtedly saved hundreds of thousands of women's lives, improved the quality of many millions more, and we have every reason to be proud.

However, we must now begin to focus on the crisis in men's health too. The simple fact is that every year hundreds of men suffer and die needless—and entirely preventable—deaths.

In 1994, Congress established National Men's Health Week, the week leading up to and including Father's Day. Unfortunately, men's health is not getting any better.

I believe it is time for us to establish an Office of Men's Health. For that reason, I am introducing legislation today that will establish an Office of Men's Health at the Department of Health and Human Services to monitor, coordinate and improve men's health in America.

America needs a concerted effort to combat the problems facing men's health. This year, almost 200,000 men will be diagnosed with prostate cancer and almost 32,000 of these men will die. Of course, we cannot save all these men. Nevertheless, we could save a lot of them. While mammograms and Pap smears have dramatically reduced the death rate from breast and cervical cancers, the death rate from prostate cancer could be reduced by widespread use of a simple test called the PSA, which most of us have never heard of.

I am one of the thousands of men who have been saved by a simple PSA test. Just a little over a year ago, I was diagnosed with prostate cancer. During my annual examination, my doctor noticed a slight elevation in the readings of a Prostate Specific Antigen (PSA) test. However, it was only after a prostate biopsy that it was determined that I had cancer. Following the diagnosis, with my family, we decided that I should go ahead and have surgery. I am fortunate that my cancer was detected early, that I had a doctor who was familiar with PSA test results, and that I had healthcare coverage for my treatments. In my case, and in the cases of thousands of men, early detection and treatment have meant the difference between life and death.

However, prostate cancer is only a small component of the men's health crisis: men have a higher death rate than women do for every single one of the ten leading causes of death in this country. We're twice as likely to die of heart disease—the number one killer—40% more likely to die of cancer, and 20% more likely to die of a stroke. At the turn of the last century, men and women had equal life expectancies. At the turn of this one, women outlive men by 7 years.

Admittedly, the largest part of the problem is that men do not take particularly good care of themselves. Only about half as many men as women have a regular physician, for example, and overall, men make about a 30% fewer doctor visits every year than women—and that's even factoring out women's prenatal visits.

So if we got men to start going to the doctor will men start living longer? Well, it could not hurt. However, in a study published earlier this year by the Commonwealth Fund, nearly 70% of men over 40 who visited the doctor were not even asked whether they had a family history of prostate cancer. Men making less than $50,000 a year were even less likely to be asked. And 40% of men over 50—who should be getting a prostate exam every single year—were not even screened by their doctors. And going to the doctor won't do anything about the fact that four times as many men commit suicide as women, that the victims of violent crime are 75% male, that 98% of the people who work in the most dangerous jobs in this country are men, and that 94% of people who die in the workplace are men.

What can we do about this? First, we can make men's health a public priority. Just as we support public service announcements aimed at getting women to get regular mammograms and do routine self exams, we must support the same kind of campaign to get men to get regular health checkups and do routine self exams. Testicular cancer, which is the most common cancer in men under 35, is curable if caught early enough. In addition, one of the best ways to do that is to teach boys and young men to check themselves at least once a month.

As precious as life is, men—just like women—should have the benefit of as much of it as they possibly can. And because they live so much longer, women are in the unenviable position of seeing their husbands, fathers, and even their sons suffer and die prematurely.

So this year, as we approach Father's Day, let's spend some time figuring out what we can do to help men be better healthcare consumers and what we can do to give men the support and encouragement and resources they need to be the kind of fathers their kids need them to be and that they truly want to be.

Congress is taking the lead in this endeavor. Over 50 members of Congress have joined with me to cosponsor the annual Men's Health Screenings being conducted this week by the Men's Health Network. Informational brochures are provided by Pfizer Inc, American Cancer Society, and the Centers for Disease Control and Prevention. Screenings are available in the Rayburn First Aid station Tuesday and Wednesday and on Thursday in the Hart First Aid station. I encourage my colleagues to take this opportunity to be screened for prostate and colorectal cancer, diabetes, cholesterol, and other significant health indicators.

I also hope that all my colleagues will help me by supporting my legislation to establish an Office of Men's Health.

HONORING DEBI BARRETT-HAYES, EDUCATOR FROM FLORIDA

HON. ALLEN BOYD

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 14, 2000

Mr. BOYD. Mr. Speaker, today I pay tribute to the dedicated work of my constituents and one of Florida's finest educators. Debi Barrett-Hayes, has spent the past twenty years of her life working to enrich the minds of our youth by teaching Art to students from Kindergarten through 12th grade. Today, June 14, 2000, Debi Barrett-Hayes will be inducted into the National Teachers Hall of Fame. It is her invaluable commitment and dedication that we honor today.

Ms. Barrett-Hayes is currently the Chair of the Visual Arts Department K–12 and a teacher of Visual Arts grades 9–12 with Florida State University School in Tallahassee, Florida. She has spent her entire career committed to the arts. Debi began as a graphic designer and freelance artist, then moved into the education field where she has stayed for the past twenty years. She has been teaching art to students of all levels, including the Primary, Secondary and University levels. Throughout her career, Ms. Barrett-Hayes has

been honored with a variety of awards. Just this past year, he was given the Christa McAuliffe Fellowship Award. In 1996 she was named Florida Art Educator of the Year, and the year before Florida State University School also named her Teacher of the Year.

Debi is also the National Art Education Association Secondary Division Director and was one of the first art teachers to obtain the status of National Board Certified Teacher. Her commitment to advocating the importance of art on the national level has been impressive throughout her career. She has successfully written numerous grant requests, and has brought in over $400,000 in additional funds for her school district. Conducting over 300 workshops and being invited to speak on the state, national and international level certainly distinguishes her remarkable career.

The greatest reflection of an educator's career is when they are recognized by their peers and students. Countless colleagues, parents and students have eagerly stepped forward to praise the work of Debi Barrett-Hayes. They are impressed with her rapport with students and with her ability to integrate art into the lives of those she teaches. She uses history, science and culture to bring about a greater understanding of the visual arts. Other impressive attributes to her career are the successes her students experience through the awards and scholarships they have received for their talents. The need for caring and effective educators in today's society is extremely important, and honoring those who have dedicated their lives to reinforcing a system of quality education is why we honor them.

Therefore, Mr. Speaker, we join Debi Barrett-Hayes' family, colleagues, students and friends in honoring her as she is inducted into the National Teachers Hall of Fame.

RECOGNIZING REVEREND MICHEAL ELLIOTT

HON. JACK KINGSTON

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 14, 2000

Mr. KINGSTON. Mr. Speaker, today I rise to recognize Reverend Micheal Elliott, President of Union Mission, Inc. and a recipient of this year's Robert Wood Johnson Foundation's Community Health Leadership Program award. The Robert Wood Johnson Foundation ranks as one of the largest philanthropies in the country and their mission is devoted to improving the health and health care of all Americans. Let me take a moment to applaud the Robert Wood Johnson Foundation's efforts to fund projects that seek diversified solutions to the challenges of health care. This national foundation invests in our futures by supporting training, education, research and projects that demonstrate the effective delivery of health care services. All of us benefit from their commitment to improving health and health care. The Robert Wood Johnson Foundation honors ten individuals each year who have found creative solutions to bring health care to communities whose needs have been ignored or unmet. This award is considered the nation's highest honor for community health leadership and includes a $100,000 program grant. I am pleased that they have recognized Reverend Micheal Elliott.

Recognizing that poor health care prolongs homelessness, Reverend Elliott developed partnerships among the diverse private and public organizations serving the homeless to create a shelter based clinic. Reverend Elliott established the J.C. Lewis Health Center of Union Mission, a 32-bed respite center which provides care to the homeless who are too sick to recover in shelters, but not sick enough to remain in hospitals. This well-conceived project provides much needed care to the homeless as well as saves the country's three major hospitals millions of dollars annually in the costs of unnecessary hospitalizations. By integrating services for this vulnerable population, Reverend Elliott and his organization bridged the gap in service and helped to reduce homelessness in Savannah.

Reverend Elliott's efforts confirm that innovative approaches and collaborative efforts are very effective tools in resolving the health care challenges that many communities face. Finally, the real strength of these creative programs is the compassion of Reverend Elliott. I've known Mike for years—he is energetic, dedicated and bold. He mixes idealism with practicality, and assembles a group of personalities and talents together to make things happen. I believe it is his ''outside of the box'' thinking that makes the difference.

A RESOLUTION HONORING COURTNAY McFETERS, LeGRAND SMITH SCHOLARSHIP WINNER OF HORTON, MI

HON. NICK SMITH

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 14, 2000

Mr. SMITH of Michigan. Mr. Speaker, let it be known, that it is with great respect for the outstanding record of excellence she has compiled in academics, leadership and community service, that I am proud to salute Courtnay McFeters, winner of the 2000 LeGrand Smith Scholarship. This award is made to young adults who have demonstrated that they are truly committed to playing important roles in our Nation's future.

As a winner of the LeGrand Smith Scholarship, Courtnay is being honored for demonstrating that same generosity of spirit, intelligence, responsible citizenship, and capacity for human service that distinguished the late LeGrand Smith of Somerset, Michigan.

Courtnay is an exceptional student at Hanover-Horton High School and possesses an impressive high school record.

Courtnay has received numerous awards for her excellence in academics as well as her involvement in band. Outside of school, she is an active member of her church community.

Therefore, I am proud to join with her many admirers in extending my highest praise and congratulations to Courtnay McFeters for her selection as a winner of a LeGrand Smith Scholarship. This honor is also a testament to the parents, teachers, and others whose personal interest, strong support and active participation contributed to her success. To this remarkable young woman, I extend my most heartfelt good wishes for all her endeavors.

TRIBUTE TO DR. JOAN A. GOREE OF DECATUR, ALABAMA

HON. ROBERT E. "BUD" CRAMER, JR.

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 14, 2000

Mr. CRAMER. Mr. Speaker, I rise today to pay tribute to Dr. Joan A. Goree of Calhoun Community College. Dr. Goree, known throughout my home state of Alabama as ''the lady with the golden voice'', is retiring after thirty years of dedicated instruction. I wish to join her many grateful students, faculty colleagues, family and friends in honoring her for sharing her talents and skills with our community.

Dr. Goree also graces Decatur and the entire state with her frequent performances as a soloist, recitalist and numerous musical theatre performances. Dr. Goree's love of music is evident as she spreads her love of melody and harmony to her students. Several of them have achieved fame crediting their knowledge and skills to their beloved teacher.

At Calhoun Community College, Dr. Goree wore many hats including professor of voice, theory, piano, Director of the College Chorus, Assistant Director of The Madrigal Singers and the Chorale and Editor of the first newsletter for Alabama Junior and Community College Association. But her talents have traveled beyond Alabama. She has toured Central America three times as a concert artist and has established schools of music there as well. She authored the book ''Basic Theory'' in Spanish and English and then set up a corresponding video course also.

For her extraordinary service to the musical students of Calhoun and the arts community in Alabama at large, I feel that this is an apt honor. Her love of learning is infectious, a scholarship has been established in her honor. On behalf of the United States Congress, I pay homage to Dr. Goree and thank her for a job well done. I congratulate her on her retirement and wish her happiness in her future endeavors.

GUN SAFETY LEGISLATION

HON. SHEILA JACKSON-LEE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 14, 2000

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise today to speak about the need for common-sense gun safety legislation.

Today, Democrats and local million mom marchers and other representatives from organizations like Handgun Control Inc. will convene a vigil for the victims of gun violence as we call upon this Congress to take up reasonable gun safety legislation. The Houston Chronicle reported that a Houston police officer's 3-year-old son accidentally shot himself in the leg on June 12th. The boy is OK, however, investigators say the boy found the loaded gun in a linen closet. June 8, a 12-year-old middle school student here in Chesapeake, Virginia was charged after he brought a gun to school.

The overall rate of firearm-related deaths for children younger than 15 years of age is nearly 12 times greater than that found for 25

other industrialized nations. The United States has the highest rates of firearm-related deaths among industrialized countries. Between 1980 and 1997 three out of four murdered juveniles ages 12 or older were killed with a firearm. The American Academy of Pediatrics even predicts that by the year 2003, firearm-related deaths may become the leading cause of injury-related death.

It is imperative that we act now and not allow Republican leaders to dismantle the vital gun safety provisions contained within the current juvenile justice bill. Simply passing a bill without any gun safety provisions would be irresponsible and a terrible mistake on the part of this Congress. We must let the American people know that we are not afraid to take the steps necessary to enact responsible legislation. We cannot allow the NRA to determine how this Congress acts at the expense of our children. We are holding this vigil to continue the push for this Congress to pass gun safety legislation that would close the gun show loophole and include common-sense gun safety measures that prevent felons, fugitives and stalkers from obtaining fire arms and children from getting access to guns. The American people have waited long enough for us to act on this legislation. We can no longer delay and wait for the next tragedy in order to take action.

CURRENT HEADLINES

Sunday, June 11, in Harris County, a 14-year-old girl shot and killed another teen, James Stampfli. Evidently, the two teens were arguing over a motorcycle and the girl took a semi-automatic .22 rifle and shot the other teen.

A TRIBUTE TO THE LATE RAY JENNINGS KEMPFER

HON. DAVE WELDON

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 14, 2000

Mr. WELDON of Florida. Mr. Speaker, the Kempfer family lives and works on the lands of Deer Park Ranch, which has belonged to the family since 1889.

Today I salute Ray Jennings Kempfer and honor the life of this young man who was born January 15, 1974, and died in the early hours of April 3, 2000. The cause of his unexpected and untimely death is still unknown.

Ray is the son of Reed and Charlene Kempfer. Reed and his brother Billy are the great-grandsons of William Hopkins who pioneered the ranch. Ray recently completed his Masters in Reproductive Physiology and graduated with honors from the University of Florida, and following the family tradition took his place on the ranch.

My condolences go out to the family, local ranchers, and the community that were shocked by his untimely death.

A RESOLUTION HONORING JOSEPH NORTHRUP, LEGRAND SMITH SCHOLARSHIP WINNER OF TECUMSEH, MI

HON. NICK SMITH

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 14, 2000

Mr. SMITH of Michigan. Mr. Speaker, let it be known, that it is with great respect for the outstanding record of excellence he has compiled in academics, leadership and community service, that I am proud to salute Joseph Northrup, winner of the 2000 LeGrand Smith Scholarship. This award is made to young adults who have demonstrated that they are truly committed to playing important roles in our Nation's future.

As a winner of the LeGrand Smith Scholarship, Joseph is being honored for demonstrating that same generosity of spirit, intelligence, responsible citizenship, and capacity for human service that distinguished the late LeGrand Smith of Somerset, Michigan.

Joseph is an exceptional student at Tecumseh High School and possesses an impressive high school record.

Joseph has received numerous awards for his excellence in academics as well as his involvement in band. Outside of school, he has been involved in Tecumseh Youth Theater and the community chorus and orchestra.

Therefore, I am proud to join with his many admirers in extending my highest praise and congratulations to Joseph Northrup for his selection as a winner of a LeGrand Smith Scholarship. This honor is also a testament to the parents, teachers, and others whose personal interest, strong support and active participation contributed to his success. To this remarkable young man, I extend my most heartfelt good wishes for all his future endeavors.

TRIBUTE TO DR. JAMES PERINO, SUPERINTENDENT, ACALANES UNION HIGH SCHOOL DISTRICT

HON. ELLEN O. TAUSCHER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 14, 2000

Mrs. TAUSCHER. Mr. Speaker, today I honor a very special leader in my district. Dr. James Perino has served as the Acalanes Union School District Superintendent for over a decade. As Superintendent, Dr. Perino has successfully worked for the betterment of the entire school community.

Dr. James Perino emphasized challenging academic programs and electives, established benchmarks and standards, stressed professional development programs, increased the use of technology as a learning tool, campaigned for modernization and new construction funds, worked for win-win employee relationships, implemented the strategic planning process, and developed strong business and community partnerships.

I take great pride in honoring Dr. James Perino's dedication and leadership. His hard work has created high standards, rigorous curricula and excellent teachers throughout the District. Under his direction, Acalanes Union School District has served as a model for schools in Contra Costa County and throughout the State of California. I believe that school districts across the country should follow Dr. Perino's example and take the opportunity to learn from his successful and innovative ways.

THE ELDERLY HOUSING + HEALTH SUPPORT DEMONSTRATION ACT

HON. GREGORY W. MEEKS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 14, 2000

Mr. MEEKS of New York. Mr. Speaker, elderly and disabled Americans in the United States currently face a dire problem—inadequate public housing. Approximately 40% of HUD's 1.3 million public housing units are occupied by the Elderly and the Disabled who are paying in excess of half their income towards rent. Public housing apartment buildings have amassed a back-log of $5.7 billion in needed repairs. Nearly two-thirds of the buildings were constructed prior to 1970 and have frequently been passed over for modernization due to inadequate appropriations. Many of these public housing units need significant upgrading to meet basic safety and comfort standards in order to comply with the Americans with Disabilities Act. Upgrading these units creates opportunities to bring supportive health and other services to help residents age with mobility and avoid costly and depressitig institutionalization.

The Elderly Housing + Health Support Demonstration Act seeks to meet these aims by providing competitive awards to Public Housing Agencies (PHAS) for the most innovative proposals to address the soaring needs of the Elderly and Disabled to have access to health-related supportive and congregate housing services. Specifically, the bill provides: (a) $250 million of capital funding for physical rehabilitation of the building and installation of facilities for health-related services; (b) a pool of up to $10 million (maximum grant to a selected PHA is $400,000) for service coordinator funds; and (c) $15 million (maximum grant to a selected PHA is $750,000) for congregate housing services. The total cost of this demonstration grant program is $275 million.

Please join me in co-sponsoring The Elderly Housing + Health Support Demonstration Act. Upgrading public housing and providing a continuum of care will enable Elderly and Disabled public housing residents to have a quality assisted-living environment, a viable health care system, and an independent life. This program has the additional benefit of providing much needed cost savings and preventing premature institutionalization of one of our most vulnerable populations.

TRIBUTE TO SUSIE HAAS—2000 NATIONAL TEACHER'S HALL OF FAME INDUCTEE

HON. KEN CALVERT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 14, 2000

Mr. CALVERT. Mr. Speaker, today I commend Kindergarten Teacher Susie Haas, one

of only five, who will be inducted into the National Teachers Hall of Fame in 2000. I am particularly proud, because Susie teaches at one of my own hometown elementary schools in Corona, California—the John Adams Elementary School. In fact, I went to school with Susie. Susie, I promise not to tell any stories if you'll do the same for me!

Susie says, and I quote, that her ''philosophical beliefs concerning how children make sense of the world around them are the foundation of the instructional program I have created for my students. I believe all children deserve to be taught in an environment that will promote, value, and nurture their natural desire to learn.''

Susie's own teaching philosophy seems like common sense—straightforward and easy. However, it is the hands-on practice of her philosophy that has made such an incredible impact on all of the children and parents with whom she has come into contact. As a result, Susie has been recognized numerous times by her students, colleagues, community, state and nation. In 1999 alone, Susie was a Disney American Teacher of the Year Honoree, California Teacher of the Year, one of the Inland Empire Magazine's ''Teachers Making a Difference,'' Walmart Teacher of the Year, Riverside County Teacher of the Year and Corona-Norco Unified School District Teacher of the Year.

And Susie has not stopped her work at the door of her own classroom. She has written a variety of documents and books and given seminars across the United States to share her expertise in teaching, most significantly in literacy instruction. The Lap-Reading program created by Susie has educated thousands of parents across the nation on how they can boost their own child's school performance by offering monthly ideas on how parents can increase reading at home. For her students, she has created Spot, a stuffed classroom mascot, who travels home with each child two nights each year. Spot has done almost everything from birthday parties to dentist visits. All of the adventures have been recounted in drawings and writings by each child into Spot's personal journal.

Mr. Speaker, as we debate the need to reform our education system this year and years to come, I ask my colleagues to look in their own backyard for advice from teachers, parents and students. They are living and breathing the adventures of literacy, the key to success for all future generations. To Susie Haas, I offer my deepest appreciation. Her passion and commitment to teaching America's next generation is truly awesome and inspiring.

A RESOLUTION HONORING SARAH ZIEGLER, LeGRAND SMITH SCHOLARSHIP WINNER

HON. NICK SMITH

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 14, 2000

Mr. SMITH of Michigan. Mr. Speaker, let it be known, that it is with great respect for the outstanding record of excellence she has compiled in academics, leadership and community service, that I am proud to salute Sarah Ziegler, winner of the 2000 LeGrand Smith Scholarship. This award is made to young adults who have demonstrated that they are truly committed to playing important roles in our Nation's future.

As a winner of the LeGrand Smith Scholarship, Sarah is being honored for demonstrating that same generosity of spirit, intelligence, responsible citizenship, and capacity for human service that distinguished the late LeGrand Smith of Somerset, Michigan.

Sarah is an exceptional student at Litchfield High School and possesses an impressive high school record.

Sarah has received numerous awards for her achievements in academics as well as her involvement in athletics. Outside of school, she is an active member of the Hillsdale County Community Foundation as well as her community church.

Therefore, I am proud to join with her many admirers in extending my highest praise and congratulations to Sarah Ziegler for her selection as a winner of a LeGrand Smith Scholarship. This honor is also a testament to the parents, teachers, and others whose personal interest, strong support and active participation contributed to her success. To this remarkable young woman, I extend my most heartfelt good wishes for all her future endeavors.

RECOGNIZING 225TH BIRTHDAY OF THE UNITED STATES ARMY

SPEECH OF

HON. RODNEY P. FRELINGHUYSEN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 13, 2000

Mr. FRELINGHUYSEN. Mr. Speaker, I rise today in support of H.J. Res. 101, commemorating the 225th birthday of the United States Army.

As a proud supporter of the Army, of its men and women in uniform as well as the many civilian employees who work alongside them, I am pleased that we are taking time today to recognize their contributions to our national security.

Since the War of Independence was fought to first gain our nation's liberty, the Army has been there to protect and defend that freedom, and to fight to extend that right to other nations as well. The Army reinforced our fledgling country's freedom during the War of 1812, fought with valor in the Civil War, and charged up San Juan Hill with Teddy Roosevelt and his Rough Riders. The Army fought in the trenches of Europe in the ''War to End All Wars,'' then returned to storm the beaches of Normandy a generation later. The Army fought the ''Cold Wars'' of Korea and Vietnam, and the conflicts and insurgencies that followed, and stormed the deserts of Kuwait. And, every day, our Army guards our borders and keeps our nation strong and secure.

Only recently have we begun to learn some of the stories of the brave men and women who defended our nation's freedom during World War II because of movies like ''Saving Private Ryan,'' books such as ''Citizen Soldier,'' and the recent opening of the D-Day Museum in New Orleans, Louisiana. They are the stories of the soldiers who watched the shrapnel ''come down like rain'' in the Hurtgen Forest in Germany, and who ''grew up overnight'' on the beaches of Normandy.

But we should not forget the stories of the other men and women who served in the Army, including the estimated 480,000 who wear the uniform today. Every day these men and women put their lives on the line for us, asking little in return. It is because of these men and women, and the countless ones who served before them, that we enjoy the many benefits of freedom and liberty today. And we should take the opportunity to thank them for their service and dedication to our nation.

But I also want to take time today to recognize the contributions of one Army base in my district, Picatinny Arsenal, which pre-dates our Army! The ''Middle Forge'' that was established at the base of Picatinny Peak in 1749 evolved into an iron works which provided cannon shot, bar iron, shovels and axes for General George Washington's Revolutionary Army.

Designated as the Picatinny Powder Depot in 1880 by the War Department, the installation began producing explosives. During World War I, Picatinny produced everything from rifle ammunition to large caliber Navy projectiles.

The ''modern'' facility dates back to a massive explosion at Picatinny in 1926, after which the arsenal was rebuilt and expanded. As a result, during World War II, the government turned to Picatinny and its nearly 20,000 military and civilian employees to produce bombs, explosives, fuzes, artillery ammunition and other critical ordinance needed to support our forces who were fighting for freedom around the world. And, ultimately, the Army consolidated all weapons system research at Picatinny in 1977.

Today, Picatinny is a premier research and development facility which has produced the Crusader Self-Propelled Howitzer, the Lightweight 155mm Towed Howitzer, the Objective Individual Combat and Crew Served Weapons, the Precision Guided Mortar Munition and the Wide Area Munition. In addition, Picatinny's researchers have developed fuzes, pyrotechnics and non-lethal systems in use by the Army and other services as well.

Despite reductions in personnel, and funding, to Army R&D installations across the country, Picatinny Arsenal continues to excel and exceed all expectations. Last month, I was honored to attend a ceremony at the Pentagon where Picatinny Arsenal was presented with this year's Commander in Chief's Award for Installation Excellence. This is an elite honor, bestowed upon the top Army, Navy, Air Force and Marine installations in the nation, and Picatinny Arsenal just received that award for the second time in five years!

The men and women of Picatinny Arsenal are a unique and special group, military and civilians alike. Year after year, as we have seen overall defense spending decrease, they have been asked to do more with less, and have risen to the challenge by continuing to excel at their missions. The ammunition and weapons systems developed at Picatinny Arsenal are used by every soldier in the Army, every day. Many of the new technologies engineered at Picatinny have no equal in the world.

By winning this award, Picatinny has proven to all what I have long known—that they are the best of the best in the Army. And today, I pay tribute to those men and women, and to all they have accomplished behind the scenes to secure our nation's liberty.

Again, Mr. Speaker, I am pleased to offer my support to H.J. Res. 101, and urge all my colleagues to do the same.

TRIBUTE TO THE LATE EARL T. SHINHOSTER—FREEDOM FIGHTER, HUMAN AND CIVIL RIGHTS ACTIVIST, GREAT AMERICAN

HON. CARRIE P. MEEK

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 14, 2000

Mrs. MEEK of Florida. Mr. Speaker, I rise to pay tribute to one of our nation's unsung heroes, the late Earl T. Shinhoster, one of the noblest among the NAACP's indefatigable leaders. His untimely demise in a car accident suffered some 25 miles away from historic Montgomery, AL on Sunday, June 11, 2000 leaves a gaping void in our nation's quest for simple justice and equality of opportunity.

My State of Florida and most specifically, Miami-Dade County, will surely miss him for the longevity of his genuine commitment to our well-being under the aegis of the NAACP. When I think of Mr. Shinhoster's work in Florida, it is clear that it parallels much of our State's history as it struggled through the countless challenges of racial equality.

I first came to know him during the beginning of the 1980's when Liberty City was the scene of an unprecedented police brutality as it went up in flames in the aftermath of the killing of an innocent insurance executive, Arthur McDuffie, at the hands of the police. In his role as Southeast Regional Director of the NAACP, Mr. Shinhoster helped to restore calm and sanity to what was then a thoroughly besieged community.

Prior to this heartrending episode that gripped my community, this young crusader came in our midst to give hope and courage to countless parents from the innercity, challenging them to be involved with their children's schools and urging them to keep the faith toward helping them achieve mastery of the basic skills and academic excellence. He managed to return again and again, espousing the same message upon which the success of minority schoolchildren could be forged.

Then in 1983, when Miami was yet again embroiled for 3 days in racial disturbance in the Overtown area, it was Mr. Shinhoster who brought calm by urging the immediate suspension and investigation of two Miami police officers accused of killing two Overtown residents.

When 34 Haitian bodies washed ashore in Miami, this young leader came back to commiserate with our Haitian community, helping to bury the dead and calling for the authorities to investigate the circumstances surrounding the tragedy. Given the magnitude of our community's trauma from multiple sources, it was Mr. Shinhoster's creative genius and utmost understanding that gave rise to the creation of the NAACP's Office of Urban Affairs to support the healing of a community torn asunder by severe urban turbulence.

And when in the mid 80's tensions came to rip apart relations between the Black and Jewish communities, it was again Earl Shinhoster who came to the rescue, urging and facilitating a dialogue between the groups.

The decade of the 80's marked Mr. Shinhoster's defining moment as he unabashedly spoke out at meetings, radio talk shows, TV programs and countless forums and conferences, espousing the NAACP's stance on a myriad of issues verging on school busing and fair housing. He was forthright in putting banks and insurance companies on notice for covertly and overtly resorting to redlining and mortgage discrimination practices, and questioning the use of deadly force by the police under the guise of maintaining law and order. He was brutally frank in assessing the unfairness of the death penalty and decrying the rise of youth crime among Blacks on one hand, while applauding the merits of minority set asides, affirmative action and a fair immigration policy for all on the other.

When in 1992 Hurricane Andrew unleashed its awesome destructive power upon our community, making it the nation's costliest natural disaster, once again Mr. Shinhoster came to our rescue by orchestrating the NAACP's response to those whose lives and spirits were drastically dislocated.

Under Earl Shinhoster's leadership, Florida's barriers to Black access to political representation and voter participation were removed. And for the first time in the 20th century, African-Americans were able to run and serve on elected boards, city councils, school boards, county commissions, the State Legislature. Finally, in the 1990's as a result of his indefatigable leadership, I along with my colleagues ALCEE HASTINGS and CORRINE BROWN became the first African-Americans from Florida to be elected to the U.S. Congress since the Reconstruction Period almost a century ago.

Blessed with a lucid common sense and quick grasp of the issues at hand, Mr. Shinhoster was also imbued with the rare wisdom of recognizing both the strengths and limitations of those who have been empowered to govern. The acumen of his intelligence and the timeliness of his vision were felt at a time when my community and this nation needed someone to put in perspectives the simmering agony of disenfranchised African-Americans and other minorities yearning to belong.

I vividly recall that when government and community leaders met to douse the still-burning embers of the Liberty City and Overtown racial disturbances, his was the firm voice of reason and conscience, wisely articulating his credo that we have got to learn to live and understand each other, or we run the risk of shamefully reaping the grapes of wrath from those who have been left out.

Mr. Earl T. Shinhoster truly exemplified a calm but reasoned leadership whose courage and wisdom appealed to our noblest character as a nation. While he will be missed by all of us, we will celebrate the gift of his life and thank God for sending him to grace our paths at a time when we most needed him.

My pride in sharing his friendship is only exceeded by my eternal gratitude for all that he has sacrificed on our behalf. This is the magnificent legacy by which we will honor his memory.

RECOGNIZING 225TH BIRTHDAY OF THE UNITED STATES ARMY

SPEECH OF

HON. SILVESTRE REYES

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 13, 2000

Mr. REYES. Mr. Speaker, it is with a tremendous sense of pride that I rise to congratulate the United States Army on its 225th Birthday. For 225 years, our men and women have answered the call and served this Nation, where they were needed and when they were needed. For over two centuries members of the Army have fought and died on distant shores to ensure that not only Americans remain free, but more importantly, to also protect the freedoms of other people.

I've felt the camaraderie, been part of the tradition, and felt the hardship of service in the Army. There is no more noble profession, and there are no words that can suitably honor the men and women of the Army who served in the past and continue to serve today. Today members of the Army serve in Europe, Korea, Bosnia, Kosovo and a hundred other locations far away from their homes, friends and families.

However distant, whatever the challenge, for 225 years, the United States Army has fought the Nation's wars and served its country honorably in peace. I commend the men and women of the Army, and again, congratulate them on this very special birthday.

GRAPHIC INTERNATIONAL COMMUNICATIONS

HON. E. CLAY SHAW, JR.

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 14, 2000

Mr. SHAW. Mr. Speaker, on Sunday, June 23, 2000 the Graphic International Communications 2000 meeting will commence in Orlando, Florida. Graphic International Communications is an international marketing organization representing pioneering companies in seventeen nations around the world.

Mr. Speaker, as chairman of the Florida Congressional Delegation, it is my honor to welcome those participating in the Graphic International Communications annual conference to Florida.

Serving as the host of this event is Merchandising & Marketing Corporation. As a corporation located in my Congressional District, I am proud that they have been chosen to host this important conference. In fact, this is the second time that the Merchandising & Marketing Corporation has been chosen to host this event.

I congratulate them on their selection, and I am sure that the Graphic International Communications annual meeting will be a major success.

DEBT REDUCTION ACT

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 14, 2000

Mr. CRANE. Mr. Speaker, deficit spending has run rampant for too long. The federal debt has ballooned to nearly $6 trillion. With this legislation for the first time since 1917 we are reversing this trend.

Uncle Sam will actually begin to pay off our $6 trillion credit card bill. Paying off our huge debt should be a top priority, not an afterthought.

Under current law, any money left over at the end of the year is used to reduce the debt.

This bill makes debt reduction a priority by setting aside the money up front.

Reducing the public debt is good for the country. It increases national saving and makes it more likely that the economy will continue growing strong. American families benefit through lower interest rates on mortgages and other loans, more jobs, better wages, and ultimately higher living standards.

Reducing the public debt strengthens the government's fiscal position by reducing interest costs and promoting economic growth. This makes it easier for the government to afford its future budget obligations.

DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2001

SPEECH OF

HON. ROBIN HAYES

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 13, 2000

The House in Committee of the Whole House on the State of the Union had under consideration 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;

Mr. HAYES. Mr. Chairman, I cannot support any amendment to FY 2001 Labor-Health and Human Services–Education bill that will cut funding to Impact Aid. Impact Aid is a crucial element of the basic financial support for schools that support our military and Native American children. In some cases, Impact Aid supplies a critical portion of school districts' operating budgets. In Cumberland County Schools in North Carolina, Impact Aid represents more than $2 million of their school budget. Mr. Chairman, we have a responsibility to assist those school districts impacted by a Federal presence. I encourage my colleagues to join me in voting against any amendments that would threaten the Impact Aid Program.

HONORING THE HISTORY OF O'FALLON, ILLINOIS

HON. JERRY F. COSTELLO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 14, 2000

Mr. COSTELLO. Mr. Speaker, today I'd like my colleagues to join me in honoring the history of one of the oldest communities in my congressional district.

The City of O'Fallon, Illinois was named in honor of Colonel John O'Fallon. He was a soldier, a businessman, a real estate owner and a public minded citizen. His father, James O'Fallon was a physician who came to this country shortly before the Revolutionary War and served as a surgeon in George Washington's Army. After the war, he went to Louisville, Kentucky where he met and married Frances Clark, a sister of George Rogers Clark and William Clark, army officers, who became famous in the development of the Mississippi Valley.

John's father died when he was a child and he was reared and educated by his mother and uncles. With his army background, he became a soldier. He fought in the War of 1812 where he rose to the rank of Captain. After the war ended, O'Fallon became assistant Indian Agent to his Uncle William Clark of the Lewis and Clark expedition. Later he became a contractor, buying and selling Army supplies. He invested his money and became involved with the expanding railroad industry across the nation. He promoted the Missouri Pacific railroad, as well as the Wabash and the B&O railroads. His involvement with railroads and the purchase of lands lead him to become the namesake of both O'Fallon, Illinois and O'Fallon, Missouri. His purchase of lands in an area north of St. Louis also lead to the development of the community of O'Fallon Park. He gave generously to St. Louis University and Washington University. He also formed an institute which became the forerunner of today's St. Louis High Schools and the City's public library.

O'Fallon, Illinois was formed around the depot and a water tank for the B&O railroad. A newly replicated depot stands near the site of the beginnings of this community. O'Fallon was incorporated as a village in 1874 and in 1905 became a town. O'Fallon's early growth was due to the large coal mining industry in the region. O'Fallon was also home to major businesses like Willard Stove, Tiedeman Milling and the Independent Engineering Company. O'Fallon also had abundant agricultural land which supported large farming operations.

Today, O'Fallon is a community of 20,000 people. It continues to grow because of it's proximity to Scott Air Force Base and St. Louis. It sits astride 1–64 and boasts three interchange exits where large commercial and retail developments are clustered. O'Fallon also is home to the O'Fallon Township High School, which is recognized as one of the top high schools in the region. The high school is also home to the Marching Panthers Band, which has won several national awards and is a regular participant in the Macy's Thanksgiving Day parade in New York City.

The City of O'Fallon continues the growth and development envisioned by Captain O'Fallon. The rail line he developed, continues to run through the community delivering vital commerce and supplies to areas to the west.

Mr. Speaker, I ask my colleagues to join me in honoring the community and the people of the City of O'Fallon.

DEATH TAX ELIMINATION ACT OF 2000

SPEECH OF

HON. HELEN CHENOWETH-HAGE

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Friday, June 9, 2000

Mrs. CHENOWETH-HAGE. Mr. Speaker, I rise today to address the fundamental unfairness of the Death Tax. This is a tax that preys upon small business owners, farmers, women, minorities, and families in mourning. There is no question. Our current system of death taxation is simply inexcusable. No family or child should be forced to pay for the death of a loved one. Yet, this is precisely what happens.

One of the founding principles that our forefathers invoked when founding our nation was that of ''No taxation without representation.'' In a perverse way, the Death Tax is quite possibly the clearest violation of this principle that has ever been passed into law. For, if you are dead, who can possibly represent you?

This is a tax that attacks the very foundation of small business. There are some in this body from the other party who often claim that this tax only affects the rich. Well, that is simply untrue. I wonder how many Democrats actually believe that small family farms are rich? How many cattlemen are rich? How many restaurant owners are rich? These are the people who this ghoulish tax affects.

These are our brothers, sisters, sons, daughters, and parents. These people are our neighbors. These people are ordinary American citizens. The truth is, those who actually have the money can actually afford to find ways to circumvent this tax. Those small businessmen who live on the financial margins cannot.

Furthermore, the Death Tax acts as a disincentive to saving. Who would want to save for their children their whole life only to have up to forty percent of their savings confiscated at death? Under the current policy, vacations and fungible assets actually provide a higher return than saving your money for your children. This is outrageous.

Some on the other side of the aisle cry, ''The sky is falling!'' when the elimination of this onerous tax is mentioned. Who are they kidding? The sky is nowhere close to falling. Since 1940, inflation adjusted tax revenues of the United States government have risen by 2000%!

The fact remains, eliminating the Death Tax will actually help families, small businessmen, and the economy. For instance, according to a WEFA Group U.S. Macroeconomic Model and the Washington University Macro Model, the U.S. economy would have increased its output by another eleven billion dollars a year had we eliminated the Death Tax in 1996. Furthermore, America could well have seen increases of an average of eight billion dollars in personal income levels if we had done this.

Mr. Speaker, it's time to end the Death Tax. Let's give it a wake and bury it this year. The fetid stink of this tax is simply too much to put up with any longer.

HIGHER EDUCATION TECHNICAL AMENDMENTS OF 2000

SPEECH OF

HON. ROBERT E. ANDREWS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, June 12, 2000

Mr. ANDREWS. Mr. Speaker, the following message is from Steve Nisenfeld, father of Bryan Nisenfeld for whom Bryan's law is named and which was incorporated into H.R. 4504.

The family and friends of Bryan Nisenfeld wish to express their extreme gratitude to all the advocates, aides, Congressmen and staffers who worked diligently on Bryan's Law. We firmly believe this bill is very important. Its passage will provide increased protection for

missing students who might otherwise be overlooked by the university's staff, faculty or security force. In the case of Bryan Nisenfeld, there was a breach of security wherein Bryan Nisenfeld went unreported as missing by Roger Williams University for six agonizing days though administrators at the university were aware of threats made against his life.

University administrators, by their own admission, overlooked the threatening phone calls Bryan received prior to his disappearance. This response by Roger Williams University denied Bryan's family an opportunity to intervene on Bryan's behalf and maybe save his life. At the very least, Roger Williams University, by its failure to report Bryan missing on a timely basis denied trained professionals time to immediately launch a search for him. We know that time is an essential ingredient used by law enforcement in locating a person. The actions of Roger Williams University officials delayed this important process.

The Nisenfelds hope that Bryan's Law will prevent other parents from experiencing the pain and anguish the Nisenfelds suffered. This law requires all universities and colleges implement policies that protect missing students. It also provides information to parents and students searching for a safe college to attend. The Nisenfelds hope and pray the law continues through the legislative channels and wins approval in the Senate. Bryan Nisenfeld was a caring, giving individual who rallied behind social causes. The Nisenfelds believe passage of this bill speaks for Bryan's character. We thank you all. Bryan Nisenfeld's memory will forever live on. Thank you all.

FLAG DAY

HON. GERALD D. KLECZKA

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 14, 2000

Mr. KLECZKA. Mr. Speaker, I rise today, on Flag Day, to remind all Americans to pause and pay their respects to the banner that has come to symbolize the freedom and liberty that we hold so dear.

June 14, 2000, marks the 223rd birthday of the U.S. Flag. In 1777, less than a year after the signing of the Declaration of Independence, and more than a decade before the Constitution was finalized, the Continental Congress adopted the Stars and Stripes pattern for the national flag. Flag Day was first celebrated in the year of the flag's centennial, 1877. After that, many citizens and organizations advocated the adoption of a national day of commemoration for the U.S. Flag. However, it was not until 1949 that President Harry Truman signed legislation officially making Flag Day a day for us to remember what the Stars and Stripes stand for, and honor those who gave their lives for them.

The brother of one such brave soldier from my district contacted me recently to relate to me the great patriotism and love for his country of his fallen family member, Joseph G. Serketich, who was killed in a World War II battle in Metz, France, on November 17, 1944. During his basic training at Camp Swift, TX, he sent a letter to the Father of his church back home in Wisconsin that exemplifies how those soldiers felt about their flag, and reminds all of us of its true meaning.

On July 31, 1942, Pvt. Serketich wrote of what he felt was the army's most moving ceremony, the end of the day retreat. His words ring as true today as they did when they were written:

> There the men all stand in formation, facing the flag of our country. While the colors are being lowered the men stand at attention and present arms. . . The thrill comes when one stares at the flag there high in the sky, he wonders what is it there for. What does it mean? Liberty, freedom, happiness and freedom of religion. . . I will fight to defend it whenever an enemy tries to take it from us. I will die for it as Christ died for me. . . . All America should be proud of its flag, not of its material beauty, but for what it stands—life, liberty and happiness—to be also proud of its soldiers who fought to make it, and who fight to preserve it.

The Serketich family also sent me a poem entitled ''I Am Your Flag''. These excerpts eloquently remind us all of what this hallowed national symbol really stands for:

I was born on June 14, 1777.
I am more than just a cloth shaped into a design.
I have led your sons into battle from Valley Forge to the bloody jungles in Vietnam. I walk in silence with each of your honored dead to their resting place
My red stripes symbolize the blood spilled in defense of this glorious nation. My White stripes signify the burning tears shed by Americans who lost their sons. My blue field is indicative of God's heaven under which I fly.
My stars are clustered together, unifying 50 states as one, for God and country.
Keep alight the fires of patriotism, strive earnestly for the spirit of democracy.
Worship eternal God and keep His commandments,
And I shall remain the bulwark of peace and freedom for all mankind.

—*Author Unknown.*

I would like to thank Paul Serketich for bringing these tributes to my attention. Each day as the flag is raised in front of our government buildings, schools, and businesses, and as we put our right hands over our hearts and pledge our allegiance, we will be reminded not only of those who fought and died for all that our flag represents, but of the freedom that they bought with their lives.

DEATH TAX ELIMINATION ACT OF 2000

SPEECH OF

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 9, 2000

Mr. STARK. Mr. Speaker, I have a rather personal interest in this legislation, and I have heard a lot from the chairman of the Committee on Ways and Means about what we owe our children, so I have come to the well this morning and apologize to my children, I have 5, and 10 grandchildren.

I am probably one of the few Members of the House who started out poor. I used to say I was so poor as a kid I never slept alone until I was married. But through good luck and the action of commerce, I was able to amass what most of the people in my district would call a fortune. And I have not paid much tax on that. I pay income tax each year. I pay more income tax than you pay me salary, but most of what I have was accumulated through capital gains, and I have not sold it. I do not intend to.

My kids will get it pretty much free. So I apologize because I am going to vote against this. Kids, to Jeff and Bea and Thekla and Sarah, Fortney and the 10 grandkids, you are going to have to pay some tax. This is a little family business, it might be 7 figures, but you are going to get a down payment on that from your mother and me of $1,350,000 free. You have not worked a day in your life for that.

You have a college education, down payment on your homes, cars, but you have not worked worth squat. First you are going to get a million to a million and a half bucks. Then you are going to get half of the business free. You may have to pay 50 to 55 percent tax on the balance. Next you are going to get 10 years to pay off that balance at a below prime interest rate. And, kids, if you are so dumb that you cannot run that business with over a 50 percent down payment given to you and 10 years to pay off the balance at a low rate, you do not deserve it

You ought to have been trained in this country to earn your own way and pay your taxes every day so that Dad can have a prescription drug benefit and a decent nursing home so you do not have to worry about taking care of me in my dotage.

There are not very many Members of Congress that are going to pay any inheritance tax. This is a gift to the rich not for independent, smart kids as I have raised.

EXPRESSING THE SENSE OF CONGRESS REGARDING BENEFITS OF MUSIC EDUCATION

SPEECH OF

HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 13, 2000

Mr. HOYER. Mr. Speaker, I rise today in support of H. Con. Res. 266 to recognize the great benefits of music education. Americans are known around the world for our unique contributions to modem music. But we are far behind many other industrialized Nations in recognizing the educational benefits of teaching music to our children. In Japan, it is mandated by the Ministry of Education that every child, grades one through nine, receive two hours a week of music instruction. In Germany students must take two, 45-minute classes of music education a week.

Unfortunately, in America, the trend over the last several years has been to cut back on music education programs. This is occurring despite mounting evidence that music education can actually alter brain development in children and improve their reasoning skills. A study from the University of California at Irvine found that elementary school students in Los Angeles who took piano lessons boosted their math performance. From the body of data available, researchers have concluded that there are genuine long-term changes in the wiring of the brain that enhance children's abilities to understand how patterns work in time and space.

The educational benefits are clear and according to a recent Gallup poll, nine in ten

Americans believe that music education should be a part of every student's day.

Mr. Speaker, I have had the privilege of working with the GRAMMY Foundation, the non-profit arm of the National Academy of Recording Arts and Sciences. The GRAMMY Foundation is dedicated to advancing music education in schools. We recently held an event here on Capitol Hill to announce that the New American schools, a non-profit corporation established by President Bush to identify new ways of teaching, has welcomed the GRAMMY Foundation's Leonard Bernstein centers for artful learning into their portfolio of cutting-edge educational models.

The GRAMMY Foundation brings music to thousands of children through their ''GRAMMY in The Schools'' program which exposes high schools students to careers in the music industry.

And the Foundation created Smart Symphonies, a classical music CD based on brain research to benefit the development of infants. I applaud the efforts of the GRAMMY Foundation to make music and art education available for all children.

Mr. Speaker, I support this Resolution in the hope that children of all ages across this nation will have access to quality music education programs. If we foster the creative impulses of our children, the possibilities of their success in life will be boundless.

TRIBUTE TO GEN. ANTHONY C. ZINNI

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 14, 2000

Mr. SKELTON. Mr. Speaker, I rise today to congratulate and pay tribute to Gen. Anthony C. Zinni, who will retire from the U.S. Marine Corps on August 11, 2000, after more than 35 years of devoted service to the nation.

General Zinni was commissioned a second lieutenant upon graduation from Villanova University in 1965. After completion of The Basic School, he was assigned to the 2d Marine Division. In 1967, General Zinni served in Vietnam as an Infantry Battalion Advisor to the Vietnamese Marine Corps. Following his tour in Vietnam, he was ordered to The Basic School as a Tactics Instructor and Platoon Commander. In 1970, he returned to Vietnam where he was wounded and subsequently assigned to the 3d Force Service Regiment on Okinawa. One year later, General Zinni was again assigned to the 2d Marine Division as a Company Commander. In 1974, he was assigned to the Manpower Department at Headquarters, Marine Corps.

Following the Vietnam war, General Zinni served in succession of influential staff and command positions, including: Commanding Officer of the 2d Battalion, 8th Marines; Operations and Tactics Instructor at the Marine Corps Command and Staff College; Head of the Special Operations and Terrorism Counteraction Section; Chief of Naval Operations Strategic Studies Group fellow; Regimental Commander of the 9th Marines; Commanding Officer of the 35th Marine Expeditionary Unit; and Chief of Staff of the Marine Air-Ground Training and Education Center.

Upon promotion to flag rank in 1991, General Zinni was named the Deputy Director of Operations at the United States European Command. In 1991, he served as the Chief of Staff and Deputy Commanding General during the Kurdish relief effort in Turkey and Iraq and also acted as the Military Coordinator for the relief effort for the former Soviet Union. From 1992 to 1993, he served as the Director for Operations for the Unified Task Force Somalia and as the Assistant to the Special Envoy to Somalia. His next assignment was as the Deputy Commanding General, United States Marine Corps Combat Development Command. After that, he assumed command of the I Marine Expeditionary Force, during which he served as Commander of the Combined Task Force responsible for protecting the withdrawal of United Nations forces from Somalia.

In September 1996, General Zinni was assigned to the United States Central Command and subsequently assumed command in 1997. In addition to continuing no-fly and maritime interdiction operations over Iraq, General Zinni conducted humanitarian operations in response to flooding in Kenya and demining efforts in Ethiopia, Eritrea, Yemen and Jordan.

The continued intransigence over United Nations weapons inspections resulted in General Zinni leading several military operations against Iraq. Operation DESERT FOX set Iraq's ballistic missile program back several years by destroying key facilities and specialized equipment during several days of combat operations. General Zinni activated a joint task force in Kenya to assist in recovery support after the 1998 terrorist bombing of the embassies in Nairobi and Dar es Salaam, Tanzania, while also taking military action against the terrorist infrastructure in Sudan and Afghanistan.

During his command, General Zinni participated in numerous diplomatic efforts within the Central Command area of responsibility. In the fall of 1998, he worked directly with the National Security Advisor to prevent Ethiopia and Eritrea from resorting to armed conflict over a border dispute. He also was instrumental in efforts to engage the Pakistani government after its nuclear tests. His two trips to Pakistan reinforced objections to Pakistan's nuclear tests and stressed the importance of avoiding a nuclear arms race between Pakistan and India.

Additionally, General Zinni orchestrated the command's large-scale overseas exercise. Conducted in Egypt, this exercise involved not only United States forces but also eleven participating countries, 33 observer nations, and 70,000 troops. This field training exercise emphasized coalition operations, interoperability, and computer simulation of exercise events. It also exhibited regional stability and cultural interaction.

General Zinni's decorations include: the Defense Distinguished Service Medal; the Defense Superior Service Medal with two oak leaf clusters; the Bronze Star Medal with Combat ''V'' and gold star; the Purple Heart; the Meritorious Service Medal with gold star; the Navy Commendation Medal with Combat ''V'' and gold star; the Navy Achievement Medal with gold star; the Combat Action Ribbon; the Vietnamese Honor Medal; the French National Order of Merit, and the Order of Merit of the Italian Republic.

Mr. Speaker, I want to recognize General Zinni for serving the Marine Corps with honor and distinction for 35 years. He has provided a significant and lasting contribution to the Nation's security. I want to wish him and his wife, Debbie, best wishes in the days ahead. The Marine Corps will lose not one, but two exceptional people upon General Zinni's retirement. I know the Members of the House will join me in expressing our appreciation for their distinguished and faithful service to the country.

HONORING THE STUDENT ENVIRONMENTAL CONGRESS OF GREATER CLEVELAND

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 14, 2000

Mr. KUCINICH. Mr. Speaker, I rise today in honor of the Student Environmental Congress of Greater Cleveland, who held their fourth annual Earth Day Coalition Student Environmental Congress Day on March 22, 2000.

The Student Environmental Congress brings together students from the Greater Cleveland area who are dedicated to working towards a cleaner and healthier environment. The Congress develops environmentally-aware students throughout northeast Ohio, encouraging them to take action within their communities to form eco-groups committed to the conservation and preservation of the environment.

This program empowers high school students to be a voice in their community, to grow into environmentally literate citizens, and to network with environmentally conscious students from other schools.

The Student Environmental Congress Program assists high school students in the design and implementation of community-based, environmental service-learning projects. Students from Cleveland public schools unite with students from suburban schools to educate one another at an all-day, student-led conference. These students work together towards creating a more sustainable environment.

The accomplishments of this program are important for the future preservation of our environment. I take pride in recognizing the environmental leaders of northeast Ohio, and congratulate the Congress on another successful Conference Day in March.

My fellow colleagues, please join with me in honoring the Student Environmental Congress for their important and note-worthy goals and achievements.

A RESOLUTION HONORING AARON BAKER, LEGRAND SMITH SCHOLARSHIP WINNER OF HUDSON, MICHIGAN

HON. NICK SMITH

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 14, 2000

Mr. SMITH of Michigan. Mr. Speaker, let it be known, that it is with great respect for the outstanding record of excellence he has compiled in academics, leadership and community service, that I am proud to salute Aaron Baker, winner of the 2000 LeGrand Smith Scholarship. This award is made to young adults who have demonstrated that they are truly committed to playing important roles in our Nation's future.

As a winner of the LeGrand Smith Scholarship, Aaron is being honored for demonstrating that same generosity of spirit, intelligence, responsible citizenship, and capacity for human service that distinguished the late LeGrand Smith of Somerset, Michigan.

Aaron is an exceptional student at Hudson High School and possesses an impressive high school record.

Aaron has received numerous awards for his excellence in academics. Outside of school, he has received many awards for his involvement in the Jackson, Hillsdale, and Adrian Youth Symphony Orchestras.

Therefore, I am proud to join with his many admirers in extending my highest praise and congratulations to Aaron Baker for his selection as a winner of a LeGrand Smith Scholarship. This honor is also a testament to the parents, teachers, and others whose personal interest, strong support and active participation contributed to his success. To this remarkable young man, I extend my most heartfelt good wishes for all of his future endeavors.

HONORING GOVERNOR BENT ELEMENTARY SCHOOL

HON. HEATHER WILSON

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 14, 2000

Mrs. WILSON. Mr. Speaker, today I would like to bring to your attention the national recognition received by Governor Bent Elementary School in Albuquerque, New Mexico. The team at Governor Bent Elementary is highlighted in a report by the Fordham Foundation for their effective teaching techniques.

Governor Bent is known for expecting a lot from all their students. There are no excuses, all students can do quality work. Creativity is fostered for the success of the students, parents, teachers and all staff. The results are high student test scores and student enrollment from outside their attendance area.

Mr. Speaker, please join me in honoring the Principal Marilyn Davenport and the team at Governor Bent Elementary School for their contributions to students and to the future of our community.

CONSERVATION TRUST FUND OF PUERTO RICO

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 14, 2000

Mr. CRANE. Mr. Speaker, I would like to address an issue that we have been working on for almost five years. I am speaking about the funding question for the Conservation Trust Fund of Puerto Rico. As my colleagues may recall, in last year's Ticket to Work and Work Improvement Act tax bill, we included language that increased the amount of excise tax on rum covered over to Puerto Rico and the Virgin Islands from $10.50 to $13.25. We have written statutory language that mandated one-sixth of the increase would be directed toward the endowment fund of the Conservation Trust. During the negotiations on the bill it was decided that this language would not be included when the government of Puerto Rico committed to transfer these funds to the Conservation Trust. I am pleased to say that the first payment has in fact been transferred to the Trust. This extension of the rum tax increase will last for thirty months. At that time we will have to revisit the question whether we have fulfilled our commitment to fully endow the Trust Fund.

Recently we passed the Africa-CBI Trade bill and inserted language that will accelerate the payments of the rum tax cover over to Puerto Rico and the Virgin Islands. I want to make sure that everyone clearly understands that this new legislation does not in any way undermine the intent of Congress in the previous tax bill. We expect the Conservation Trust Fund of Puerto Rico to continue getting one-sixth of the increase at the same time the government of Puerto Rico receives its payments and that those funds be segregated by the Trust into an account that is solely for the purpose of building up the endowment fund. These amounts are not to be used for normal operational expenses or for expenditures for new projects or acquisitions.

I know that the Secretary of the Interior has prepared a Memorandum of Understanding to be signed by himself and the Governor of Puerto Rico memorializing the commitments made to Congress in this matter. To my knowledge this document has not been signed at this date, and I urge the governor and the Secretary of the Interior to do so at their earliest opportunity.

RECOGNIZING 225TH BIRTHDAY OF UNITED STATES ARMY

SPEECH OF

HON. SHEILA JACKSON-LEE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 13, 2000

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise to offer my best wishes, while conveying the warm regards of the residents of the 8th Congressional District for the men and women of the United States Army on the occasion of the 225th Anniversary of the United States Army's service to our nation.

From the battlefield of Breed's Hill, most commonly known as the Battle of Bunker Hill, to the war torn former provinces of Yugoslavia the army has repeatedly proven its ability to meet the challenges offered by this nation's leadership. Any time the nation called the men and women of the United States Army has answered in the affirmative and successfully met the challenges of their mission on the behalf of a free and independent United States of America. Therefore, it is proper that this historic milestone for the United States Army should occur on this our Nation's Flag Day.

I am happy to join millions of Americans in thanking the men and women of the United States Army for their vigilance in protecting this nation from its enemies both foreign and domestic for the last 225 years. Although most Americans cannot recount each individual act of bravery or heroism, which comprises the long history of this much-lauded branch of our nation's armed forces, they are told in the sustained unbroken history of this great nation.

The sacrifices of the men and women who are the United States Army have for over two centuries put the country's best interest ahead of their own for the benefit of all of our freedom.

Today, we celebrate their sacrifice to this nation, because they have made the world a safer place for democracy and freedom. May they continue in the fine tradition established by the last two-and-a-quarter centuries of the existence of the United States Army well into this new millennium.

Mr. Speaker today is indeed a day for celebration. Therefore, I would like to ask my fellow members of the House to join me in applauding the United States Army.

RECOGNIZING 225TH BIRTHDAY OF UNITED STATES ARMY

SPEECH OF

HON. ROBERT B. ADERHOLT

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 13, 2000

Mr. ADERHOLT. Mr. Speaker, on June 14, 1775, the Continental Congress adopted a resolution which authorized the enlistment of ten companies of riflemen to serve the United Colonies for a period of one year. This marked the birth of the Army and was the prelude to the birth of our Nation the following year on July 4, 1776.

For the past 225 years, the Army's central mission has been to fight and win the Nation's wars. As General McArthur said, in a 1962 address at the United States Military Academy: ''Yours is the profession of arms, the will to win, the sure knowledge that in war there is no substitute for victory—and that if we fail, the Nation will be destroyed.'' Whatever the mission, the Nation has turned to its Army for victory.

Throughout this Nation's history the soldiers of the Army have risked their lives to protect others. With patriotism, valor and sheer selflessness, from the Revolutionary War to the Gulf War, they have fought to protect our freedoms here and those abroad. In light of this, it is appropriate and fitting that the Army Recruiting Station, Jasper, Alabama, has organized a celebration of the Army's 225 years of dedicated service. I want to commend the soldiers of the Army Recruiting Station, Jasper, Alabama who are doing their part to ensure that this historic day is not forgotten.

I want to publically say, not only to the soldiers currently serving in the Army, but to all soldiers who have served in wars to protect the interests and national security of the United States—thank you for protecting us. Thank you for your courage which has inspired generations on this shore and beyond. May God bless you, and may God bless America.

TRIBUTE TO NELSON DeOLIVEIRA

HON. EDWARD J. MARKEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 14, 2000

Mr. MARKEY. Mr. Speaker, I rise to pay tribute to Nelson DeOliveira. Nelson was a positive, outgoing young man who lost his life too soon to an epidemic sweeping our nation—the epidemic of gun violence.

Nelson was born and raised in Medford, Massachusetts. He was known for his boundless energy and for enjoying life to the fullest. Whether hard at work, participating in one of his many favorite sports, or having fun with family and friends, Nelson was always giving his all.

With his ever-present smile and positive personality, Nelson endeared himself to all. Like most young men at 23, Nelson had dreams. He wanted something better out of life. He decided to return to school, and to prepare himself for a solid future. He looked forward to spending time as a loving uncle to his sister's child, and to one day enjoying a family of his own. Nelson always regarded family and friends as the most important aspect of his life.

On the night of February 12, 1995, Nelson was visiting the home of a new girlfriend when suddenly the girl's ex-boyfriend arrived angry, jealous and ready to assault the couple. The police were called, and upon their arrival the man was taken to jail. Believing the situation was safe, Nelson continued his visit unaware the ex-boyfriend would be freed that very night. Once out of jail, the man armed himself with a 38 caliber handgun. He then proceeded to smash his way into the girl's basement apartment with the intent to murder everyone inside. And murder he did—killing the girl's brother, Nelson, and firing two shots into the girl, who has since survived.

Since that moment, the family and friends of Nelson have focused their love, emotions, and sense of loss through the creation of the Nelson Foundation. The mission of the Foundation is to provide public awareness on the true costs of gun violence. The Nelson Foundation raises funds for organizations that fight gun and domestic violence through positive community programs. In addition, it has developed a scholarship program for students who are dedicated to the message of peace and nonviolent conflict resolution.

I commend the family and friends of Nelson DeOliveira in their efforts to honor the spirit of this exceptional young man by working to put an end to the epidemic of gun violence.

And I urge Congress to do its part by passing meaningful gun safety legislation. We can not afford to lose one more life to one more bullet. We can not afford to lose the promise and the hope of young people like Nelson DeOliveira.

TRIBUTE TO DEBI BARRETT-HAYES

HON. ALLEN BOYD

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 14, 2000

Mr. BOYD. Mr. Speaker, I rise today to pay tribute to the dedicated work of my constituent and one of Florida's finest educators. Debi Barrett-Hayes, has spent the past twenty years of her life working to enrich the minds of our youth by teaching Art to students from Kindergarten through 12th grade. Today, June 14, 2000, Debi Barrett-Hayes will be inducted into the National Teachers Hall of Fame. It is her invaluable commitment and dedication that we honor today.

Ms. Barrett-Hayes is currently the Chair of the Visual Arts Department K–12 and a teacher of Visual Arts grades 9-12 with Florida State University School in Tallahassee, Florida. She has spent her entire career committed to the arts. Debi began as a graphic designer and freelance artist, then moved into the education field where she has stayed for the past twenty years. She has been teaching art to students of all levels, including the Primary, Secondary and University levels. Throughout her career, Ms. Barrett-Hayes has been honored with a variety of awards. Just this past year, she was given the Christa McAuliffe Fellowship Award. In 1996 she was named Florida Art Educator of the Year, and the year before Florida State University School also named her Teacher of the Year.

Debi is also the National Art Education Association Secondary Division Director and was one of the first art teachers to obtain the status of National Board Certified Teacher. Her commitment to advocating the importance of art on the national level has been impressive throughout her career. She has successfully written numerous grant requests, and has brought in over $400,000 in additional funds for her school district. Conducting over 300 workshops and being invited to speak on the state, national and international level certainly distinguishes her remarkable career.

The greatest reflection of an educator's career is when they are recognized by their peers and students. Countless colleagues, parents and students have eagerly stepped forward to praise the work of Debi Barrett-Hayes. They are impressed with her rapport with students and with her ability to integrate art into the lives of those she teaches. She uses history, science and culture to bring about a greater understanding of the visual arts. Other impressive attributes to her career are the successes her students experience through the awards and scholarships they have received for their talents. The need for caring and effective educators in today's society is extremely important, and honoring those who have dedicated their lives to reinforcing a system of quality education is why I rise today.

Therefore, Mr. Speaker, we join Debi Barrett-Hayes' family, colleagues, students and friends in honoring her as she is inducted into the National Teachers Hall of Fame.

IN HONOR OF CORNUCOPIA, INC. AND NATURE'S BIN

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 14, 2000

Mr. KUCINICH. Mr. Speaker, I rise today to honor Cornucopia and Nature's Bin on the occasion of their 25th anniversary.

Cornucopia, a nonprofit organization, helps people with disabilities achieve successful integration into the workplace. Since 1975, this organization has devoted its time on training programs in their natural food store, Nature's Bin. Originally known as ''The Bin,'' this shop started as a humble little storefront on Madison Avenue in a section of Lakewood known as ''Birdtown.'' At the time, The Bin only sold produce. Since then, Nature's Bin has become the training site for Cornucopia's vocational programs for people with disabilities. Through encouragement and direction, Nature's Bin has helped bring many disabled persons into the workplace. It is an important task that they have undertaken. Upon graduation from one of Cornucopia's training programs, a person can enter the workforce as a skilled and confident individual.

It is evident that Cornucopia and Nature's Bin has, over the years, played a crucial role in the community, and that its many years of service have been an invaluable contribution.

Cornucopia and Nature's Bin will be celebrating its 25th anniversary June 23rd through June 25th. The celebration will include several speakers throughout the weekend and will be capped with a late afternoon of jazz.

My fellow colleagues, please join me in honoring Cornucopia and Nature's Bin for the service they have provided to those with disabilities for 25 years.

OUR CONSTITUTION PROTECTS ITS DEFENDERS

HON. TOM DeLAY

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 14, 2000

Mr. DELAY. Mr. Speaker, I am proud to be introducing today the ''American Servicemembers Protection Act of 2000''. This legislation will protect our Armed Services from being prosecuted by the ill-conceived International Criminal Court which the United States has refused to join.

In some parts of America, national sovereignty is still taken seriously. Today, we take a strong step to protect the men and women who protect U.S. from an extra-constitutional monster that could very easily be abused.

The International Criminal Court is a threat to our national interests. Under this system, American servicemembers could become pawns for hostile powers seeking revenge against U.S. policymakers.

We must not allow the International Criminal Court to exert authority over our fighting forces. Administration officials admit that our armed forces could be subjected to the ICC's jurisdiction through peacekeeping, humanitarian and other missions. That means Americans could be prosecuted or imprisoned by the court even though we never signed the treaty. This we cannot allow.

The administration refused to sign this treaty because of the threat it poses to our military personnel. This bill is a reasonable measure that gives the President the necessary tools to protect U.S. from a deeply flawed proposal.

If the President ever signed and the Senate ever ratified this treaty, then this bill will become null and void. In the meantime, we must meet our responsibility to protect our armed services from the whims of a new international bureaucracy.

American men and women in uniform take an oath to defend our Constitution from all threats, foreign and domestic. At a minimum, our soldiers, sailors, and airmen deserve all of the protections granted to them by the great document they swear to preserve.

What if we do nothing?

Under its terms, Americans could be brought before the ICC's court and tried without important rights. They could be denied a trial by jury. The court could compel Americans to provide self-incriminating testimony. And it could deny them the right to confront

and cross-examine any witnesses that testify against them.

If we don't act to protect Americans, this court will assume unto itself powers over our citizens that the Constitution forbids. Our first duty as Members of Congress is to protect our Constitution.

Turning a blind eye to the threat posed by this International Court could constrain the options available to American officials. We have no idea what threats the future holds. Can we risk allowing the threat of actions by this court to water down our nation's response to acts of terrorism, the proliferation of weapons of mass destruction, and aggression against our vital interests and allies?

Under this treaty, an American President could be tried before an international court if the prosecutor decided that an American foreign policy decision was unjustified.

This bill protects Americans in several important ways. First, it stops federal, state, and local governments from assisting the ICC. It stops U.S. officials from arresting or extraditing suspects for the ICC. It also prevents U.S. entities from performing searches and seizures. In short, this bill protects Americans from all the ways the ICC could intrude into their lives.

The bill also stops U.S. forces from taking part in missions that would expose them to the reach of this court. U.S. forces could still be deployed if the President certifies to Congress that exemptions to prosecution are in place to protect our forces. The bill also safeguards our national interests by denying classified data to the ICC.

Finally, this bill authorizes the President to use whatever means necessary to rescue Americans who are detained under the authority of the ICC.

The Clinton administration is continuing to seek revisions to the ICC treaty to protect our armed forces from the court's jurisdiction. This legislation should reinforce the administration's efforts by making clear to those countries that support the ICC what the future will hold if American concerns about the court are not satisfactorily addressed.

Mr. Speaker, America is not ready to timidly cede her sovereignty to an unaccountable, international entity that is not bound to respect our Constitution, and that we have refused to join. Members should support this bill and defend our first principles.

INTRODUCTION OF H. CON. RES. 352

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 14, 2000

Mr. GILMAN. Mr. Speaker, I submit for the Record the text of House Concurrent Resolution 352, a resolution I am today introducing to express the concern of the Congress of the United States with regard to the increasing intimidation and manipulation of the Russian media by the Russian government, its officials and agencies.

Mr. Speaker, this resolution makes it clear that the Congress is very concerned over a number of things that the Russian government has done—or, at times, failed to do—with regard to freedom of the press in Russia. Very little privatization has been carried out when it comes to major sectors of the media in Russia. Enterprises such as large printing and publishing houses, newspaper distribution companies, and nationwide television frequencies and broadcasting facilities have been only partially privatized, if they have been privatized at all. In the context of the extensive privatization of state-owned enterprises that has taken place in recent years in Russia, the failure to more extensively privatize key segments of the media is inexplicable. That failure, however, has allowed the Russian government to continue to exert an immense influence over the media at all levels, an influence that we have seen employed, blatantly and cynically, for political ends in the recent parliamentary and presidential elections in Russia.

Beyond the manipulation of the media that took place in the context of the recent Russian elections, this resolution points out that the Russian government and its officials and agencies have taken steps intended to simply intimidate those in the media that it could not manipulate. A new Russian Ministry for the Press was created last July. In one of his earliest statements, the Minister in charge of that agency stated that its job was to address the ''aggression'' of the Russian press. As leading Russian editors said in an open letter to former Russian President Boris Yeltsin last August, high-ranking government officials have put pressure on the mass media, particularly through unwarranted raids by tax police. In fact, Mr. Speaker, as recently as May 11th, masked officers of the Russian Federal Security Service mounted an armed raid on the headquarters of ''Media-Most,'' which operates ''NTV,'' the largest independent national television station in Russia, and then, just this week, arrested the owner of Media-Most, Vladimir Gusinsky, on what I understand to be rather vague charges.

Mr. Speaker, Russian reporters have been beaten and murdered, and police investigations tend to fail, more often than not, to identify the perpetrators, much less bring them to justice. Andrei Babitsky, a Russian reporter working for Radio Free Europe/Radio Liberty and covering the war in Chechnya, was arrested by the Russian military and then exchanged to unidentified Chechens for Russian POWs, a blatant violation of his rights as a Russian citizen. His prosecution by the Russian government since his return to Moscow has also involved reported abuses of his rights under Russian law. Aleksandr Khinshtein, a reporter for ''Moskovsky Komsomolets,'' was ordered by the Federal Security Service in January to enter a psychiatric clinic far from Moscow for an examination after he wrote critical articles concerning illegal activities by Russian officials, a disturbing return to Soviet-era practices of repression. Thankfully, Mr. Khinshtein's lawyer appeared in time to prevent that order from being carried out, but, who can say what faces such courageous Russian reporters tomorrow?

Indeed, who can be sure what will face the Russian people tomorrow? This resolution points out a very disturbing fact. Russian intelligence agencies are right now moving to ensure total surveillance over the Internet in Russia. Under a so-called technical regulation, known by its acronym as ''SORM–2,'' the Federal Security Service is installing a system by which all transmissions and e-mails within Russia and all such transmissions to parties in Russia can be read in real time by that agency. At the same time that the manipulation and intimidation of the Russian media is taking place, a new structure of surveillance over all of Russia's citizens is being created.

Mr. Speaker, with regard to the abuse of freedom of the press now underway in Russia, Thomas Dine, President of Radio Free Europe/Radio Liberty, has to date been the only American official who has clearly and strongly identified that distressing trend. He has stated publicly that the Russian government's efforts to intimidate the mass media in that country threaten the chances for democracy and rule of law there. I believe that this resolution makes that fact clear, but also makes it clear that the freedom of expression of Russians in general is under attack by the current Russian government and its agencies.

This resolution makes it clear that the United States continues to support freedom of speech and freedom of the press in Russia. By its passage, the President of the United States will be requested to make that quite clear to the President of Russia and to emphasize the fact that such intimidation and manipulation of the media in Russia is incompatible with true democracy.

Mr. Speaker, I ask my colleagues to join me in supporting passage of this important resolution.

H. CON. RES. 352

Whereas almost all of the large printing plants, publishing houses, and newspaper distribution companies, several leading news agencies, and almost all of the nationwide television frequencies and broadcasting facilities in the Russian Federation remain under government control, despite the extensive privatization of state-owned enterprises in other sectors of the Russian economy;

Whereas the ''Press Freedom Survey 2000'' reported by ''Freedom House'' of Washington, DC, stated that the approximately 2,500 regional and rural newspapers in Russia outside of Moscow are almost completely owned by local or provincial governments;

Whereas the Government of Russia is able to suspend or revoke broadcast and publishing licenses and apply exorbitant taxes and fees on the independent media;

Whereas, in 1999, a major television network controlled by the Russian Government canceled the program ''Top Secret'' after it reported on alleged corruption at high levels of the government;

Whereas, in July 1999, the Government of Russia created a new Ministry for Press, Television and Radio Broadcasting, and Mass Communications;

Whereas, in August 1999, the editors of fourteen of Russia's leading news publications sent an open letter to then Russian President Boris Yeltsin stating that high-ranking officials of the government were putting pressure on the mass media, particularly through unwarranted raids by tax police;

Whereas Mikhail Lesin, Minister for Press, Television and Radio Broadcasting, and Mass Communications, stated in October 1999 that the Russian Government would change its policies towards the mass media so as to address ''aggression'' by the Russian press;

Whereas the Russian Federal Security Service or ''FSB'' is reportedly implementing a technical regulation known as ''SORM–2'' by which it could reroute, in real time, all electronic transmissions over the Internet through FSB offices for purposes of surveillance, a likely violation of the Russian constitution's provisions concerning the right to privacy of private communications,

according to Aleksei Simonov, President of the Russian ''Glasnost Defense Foundation,'' a nongovernmental human rights organization;

Whereas such surveillance under SORM–2 would allow the Russian Federal Security Service access to passwords, financial transactions, and confidential company information, among other transmissions;

Whereas it is reported that over one hundred Russian journalists have been killed over the past decade, with few if any of the government investigations into those murders resulting in arrests, prosecutions, or convictions;

Whereas numerous observers of Russian politics have noted the blatant misuse of the leading Russian television channels, controlled by the Russian Government, to undermine popular support for political rivals of those supporting the government in the run-up to parliamentary elections held in December 1999;

Whereas it has been reported that Russian television stations controlled by the Russian Government were used to disparage opponents of Vladimir Putin during the campaign for the presidency in the beginning of this year, and whereas it has been reported that political advertisements by those candidates were routinely relegated by those stations to slots outside of prime time coverage;

Whereas manipulation of the media by the Russian Government appeared intent on portraying the Russian military attack on the separatist Republic of Chechnya to the maximum political advantage of the Russian Government;

Whereas in December 1999 two correspondents for ''Reuters News Agency'' and the ''Associated Press'' were reportedly accused of being foreign spies after reporting high Russian casualty figures in the war in Chechnya;

Whereas the arrest in January 2000, subsequent treatment by the Russian military, and prosecution by the Russian Government of Andrei Babitsky, a correspondent for Radio Free Europe/Radio Liberty covering the war in Chechnya, have constituted a violation of commitments made by the Russian Government to foster freedom of speech and of the press, and have reportedly constituted a violation of the Criminal Code of the Russian Federation;

Whereas in January 2000 Aleksandr Khinshtein, a reporter for the newspaper ''Moskovsky Komosomlets'', was ordered by the Russian Federal Security Service to enter a clinic over 100 miles from his home for a psychiatric examination after he accused top Russian officials of illegal activities, and such detainment in psychiatric wards was previously employed by the former Soviet regime to stifle dissent;

Whereas the Russian newspaper ''Novaya Gazeta'' was officially warned by the Russian Ministry of the Press for its printing of an interview with Aslan Maskhadov, the elected President of the Republic of Chechnya; an entire issue of ''Novaya Gazeta'', including several articles alleging massive campaign finance violations by the presidential campaign of Vladimir Putin, was lost to unidentified computer ''hackers''; and a journalist for ''Novaya Gazeta'' was savagely beaten in May of this year;

Whereas President Thomas Dine of Radio Free Europe/Radio Liberty on March 14th, 2000, condemned the Russian Government's expanding efforts to intimidate the mass media, stating that those actions threaten the chances for democracy and rule of law in Russia;

Whereas ''NTV'', the only national independent television station, which reaches half of Russia and is credited with professional and balanced news programs, has frequently broadcast news stories critical of Russian Government policies;

Whereas on May 11, 2000, masked officers of the Russian Federal Security Service carrying assault weapons raided the offices of ''Media-Most'', the corporate owner of NTV and other independent media;

Whereas the May 11th raid on Media-Most represented a failure of recourse to normal legal mechanisms and conveyed the appearance of a politically-motivated attack on Russian independent media;

Whereas the raid on Media-Most was carried out under the authority of President Putin and Russian Government ministers who have not criticized or repudiated that action;

Whereas on June 12, 2000, Vladimir Gusinsky, owner of NTV and other leading independent media was suddenly arrested;

Whereas President Putin claimed not to have known of the planned arrest of Vladimir Gusinsky,

Whereas the continued functioning of an independent media is a vital attribute of Russian democracy and an important obstacle to the return of authoritarian or totalitarian dictatorship in Russia; and

Whereas a free news media can exist only in an environment that is free of state control of the news media, that is free of any form of state censorship or official coercion of any kind, and that is protected and guaranteed by the rule of law: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That the Congress—

(1) expresses its continuing, strong support for freedom of speech and the independent media in the Russian Federation;

(2) expresses its strong concern over the failure of the government of the Russian Federation to privatize major segments of the Russian media, thus retaining the ability of Russian officials to manipulate the media for political or corrupt ends;

(3) expresses its strong concern over the pattern of Russian officials' surveillance and physical, economic, legal, and political intimidation of Russian citizens and of the Russian media that has now become apparent in Russia;

(4) expresses its strong concern over the pattern of manipulation of the Russian media by Russian Government officials for political and possibly corrupt purposes that has now become apparent;

(5) expresses profound regret and dismay at the detention and continued prosecution of Radio Free Europe/Radio Liberty journalist Andrei Babitsky and condemns those breaches of Russian legal procedure and of Russian Government commitments to the rights of Russian citizens that have reportedly occurred in his detention and prosecution;

(6) expresses strong concern over the breaches of Russian legal procedure that have reportedly occurred in the course of the May 11th raid by the Russian Federal Security Service on Media-Most and the June 12th arrest of Vladimir Gusinsky;

(7) calls on the President of the United States to express to the President of the Russian Federation his strong concern for freedom of speech and the independent media in the Russian Federation and to emphasize the concern of the United States that official pressures against the independent media and the political manipulation of the state-owned media in Russia are incompatible with democratic norms; and

SEC. 2. TRANSMITTAL TO SECRETARY OF STATE.

The Clerk of the House of Representatives shall transmit a copy of this resolution to the Secretary of State with the request that it be forwarded to the President of the Russian Federation.

CITIZENS DESERVE MORE INFORMATION ABOUT 527 CAMPAIGN ATTACK ADS

HON. RUSH D. HOLT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 14, 2000

Mr. HOLT. Mr. Speaker, today, I am proud to join many of my Democratic colleagues in signing a discharge petition to bring legislation to the floor of the House of Representatives to require full disclosure of so-called 527 ads—the political attack ads that are becoming a disturbing way of life in politics today. These ads are the latest scheme to get around campaign finance laws. The undermine our democracy.

I speak from experience about 527's. As a freshman Member of Congress, I have had these anonymous attack ads running in my central New jersey district—both against me and against the loser of the primary election in my district.

527 ads are the political equivalent of a drive-by shooting. They are deceptive—they are anonymous—and they keep citizens in the dark about who is trying to influence their elections.

Citizens deserve the right to know who is contributing money to elections. Full disclosure allows citizens to make more informed judgments about issues and elections.

I urge my colleagues to join me in signing the discharge petition.

TRIBUTE TO DEPUTY MAYOR MATHEW WITECKI FROM LITTLE FALLS, NEW JERSEY

HON. BILL PASCRELL, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 14, 2000

Mr. PASCRELL. Mr. Speaker, I would like to call to your attention to the life of a man I am proud to call my friend, Mathew Witecki of Little Falls, New Jersey, who passed from this Earth on Sunday, May 29, 2000. It is only fitting that Mayor Witecki be honored, for he has a long history of caring, generosity and commitment to others. Due to his leadership and dedicated service, I am honored to submit these words to be immortalized in the annals of this greatest of all freely elected bodies.

Fifteen years ago, Mathew Witecki made his political debut by wearing a gas mask and pushing a baby carriage during a protest to stop the construction of a landfill on part of the Montclair State University Campus. Mathew, the former mayor and deputy mayor of Little Falls, joined the picket line and helped fight plans to dump garbage from New York on a site near the border of Montclair and the township where he lived for 43 years.

Since his political debut, Mayor Witecki, 76, a retired engineer, served on the Little Falls Township Council and was an active member of numerous community organizations until he died on this past Sunday. Mathew was the son of Polish immigrants who grew up during the depression. He is remembered as a man who never wasted time or resources. Mathew was a graduate of Newark College of Engineering and retired in 1986 as a senior engineer for Bendix Corp. after 45 years of service. He then worked as a consultant for Allied

Signal. Known for his honest approach to life, Mathew took a firm stand on community issues. Most recently, he was the founder and chairman of STOP, an organization created to block plans to run a natural gas pipeline underneath 33 North Jersey communities, including Little Falls and the 20 other towns in my Congressional District in New Jersey. I was proud to work along side of Mathew during these months fighting the pipeline. Even though we were from opposite sides of the aisle, Mathew never let politics get in the way of a cause in which he believed. We worked together in a bipartisan way to accomplish a goal on an issue we both were passionate about He was a tireless advocate of the families in the area. Along with his help, we fought the battle against the pipeline, and I pledge to continue to fight in his honor.

Mathew Witecki was a member of the Knights of Columbus Council 3835, the past president of the Passaic County Historical Society, trustee of the New Jersey Intergovernmental Insurance Fund and treasurer of Passaic County Vision 20/20 Inc. He was also a member of the Little Falls Planning Board, former chairman and trustee of Passaic County Solid Waste Authority and a member of the Little Falls Garden Club.

The father of four, grandfather of 11, and great-grandfather of two, mayor Mathew Witecki is survived by his wife, the former Helen T. Stolarz; two sons, Mathew and John; two daughters, Patricia Murphy and Marybeth Witecki.

Mr. Speaker, I ask you to join me, the family of Mayor Mathew Witecki, the residents of Little Falls and Passaic County, his friends and co-workers in honoring the life of a great man.

RECOGNIZING 225TH BIRTHDAY OF THE UNITED STATES ARMY

SPEECH OF

HON. ROBERT W. NEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 13, 2000

Mr. NEY. Mr. Speaker, Whereas, The United States Army was established by the First Continental Congress on the 14th day of June, 1775; and

Whereas, The United States Army exists to defend the freedom of our citizens and our nation's security interests; and

Whereas, Many citizens of the Ohio Valley have served their nation and given the ultimate sacrifice in defense of our freedoms; and

Whereas, The United States Army is to be commended for 225 years of dedicated service; and

Therefore, I join with all residents of Ohio in recognizing the United States Army as it celebrates its 225th Birthday this June 14, 2000.

Furthermore, I declare the period from June 12 through June 18, 2000, as United States Army Week.

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 15, 2000 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

JUNE 20

9:30 a.m.
Energy and Natural Resources
Business meeting to consider pending calendar business.
SD–366
Health, Education, Labor, and Pensions
To hold hearings on the overview of Federal service programs.
SD–430

10 a.m.
Foreign Relations
East Asian and Pacific Affairs Subcommittee
To hold hearings to examine issues dealing with the Philippines.
SD–419

JUNE 21

9:30 a.m.
Indian Affairs
To hold hearings on certain Indian Trust Corporation activities.
SH–216
Armed Services
To hold hearings to examine security failures at Los Alamos National Laboratory; to be followed by a closed hearing (SR–222).
Room to be announced
Energy and Natural Resources
Business meeting to consider pending calendar business.
SD–366
Commerce, Science, and Transportation
To hold hearings to examine the proposed United-US Airways merger, focusing on its effect on competition in the industry, and the likelihood it would trigger further industry consolidation.
SR–253

10 a.m.
Judiciary
To hold hearings on improving the National Instant Criminal Background Check System.
SD–226
Environment and Public Works
Fisheries, Wildlife, and Drinking Water Subcommittee
To hold hearings on S. 1787, to amend the Federal Water Pollution Control Act to improve water quality on abandoned or inactive mined land.
SD–406

11 a.m.
Foreign Relations
Business meeting to consider pending calendar business.
SD–419

2 p.m.
Judiciary
Administrative Oversight and the Courts Subcommittee
To resume oversight hearings to examine the 1996 campaign finance investigations.
SD–226

2:30 p.m.
Energy and Natural Resources
Water and Power Subcommittee
To hold hearings on S. 1848, to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize the Secretary of the Interior to participate in the design, planing, and construction of the Denver Water Reuse project; S. 1761, to direct the Secretary of the Interior, through the Bureau of Reclamation, to conserve and enhance the water supplies of the Lower Rio Grande Valley; S. 2301, to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize the Secretary of the Interior to participate in the design, planning, and construction of the Lakehaven water reclamation project for the reclamation and reuse of water; S. 2400, to direct the Secretary of the Interior to convey certain water distribution facilities to the Northern Colorado Water Conservancy District; S. 2499, to extend the deadline for commencement of construction of a hydroelectric project in the State of Pennsylvania; and S. 2594, to authorize the Secretary of the Interior to contract with the Mancos Water Conservancy District to use the Mancos Project facilities for impounding, storage, diverting, and carriage of nonproject water for the purpose of irrigation, domestic, municipal, industrial, and any other beneficial purposes.
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 deivice reuse.
SD–430

2:30 p.m.
Energy and Natural Resources
National Parks, Historic Preservation, and Recreation Subcommittee
To hold hearings on S. 1643, to authorize the addition of certain parcels to the Effigy Mounds National Monument, Iowa; and S. 2547, to provide for the establishment of the Great Sand Dunes National Park and the Great Sand Dunes National Preserve in the State of Colorado.
SD–366

JUNE 27

9:30 a.m.
Energy and Natural Resources
Business meeting to consider pending calendar business.
SD–366

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

2:30 p.m.
Energy and Natural Resources
Energy Research, Development, Production and Regulation Subcommittee
To hold hearings on the April 2000 GAO report entitled ''Nuclear Waste Cleanup—DOE's Paducah Plan Faces Uncertainties and Excludes Costly Cleanup Activities''.
SD–366

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
Energy and Natural Resources
Business meeting to consider pending calendar business.
SD–366

2 p.m.
Judiciary
Technology, Terrorism, and Government Information Subcommittee
To hold hearings on countering the changing threat of international terrorism.
SD–226

JUNE 29

2:30 p.m.
Energy and Natural Resources
National Parks, Historic Preservation, and Recreation Subcommittee
To hold hearings on S. 134, to direct the Secretary of the Interior to study whether the Apostle Islands National Lakeshore should be protected as a wilderness area; S. 2051, to revise the boundaries of the Golden Gate National Recreation Area; S. 2279, to authorize the addition if land to Sequoia National Park; and S. 2512, to convey certain Federal properties on Governors Island, New York.
SD–366

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

Daily Digest

HIGHLIGHTS

House Committee ordered reported the Commerce, Justice, State, and Judiciary appropriations for fiscal year 2001.

The House passed H.R. 4577, Labor, HHS, and Education Appropriations.

The House agreed to the conference report on S. 761, Electronic Signatures in Global and National Commerce.

Senate

Chamber Action

Routine Proceedings, pages S5059–S5163

Measures Introduced: Six bills and two resolutions were introduced, as follows: S. 2726–2731, S. Res. 323, and S. Con. Res. 122. **Pages S5106–07**

Measures Reported: Reports were made as follows:

Special Report entitled "Further Revised Allocation to Subcommittees of Budget Totals. (S. Rept. No. 106–308)

Report to accompany S. 2720, an original bill making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2001. (S. Rept. No. 106–309)

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 in the nature of a substitute. **Page S5106**

Measures Passed:

Certified Development Company Program Improvements Act: Senate passed H.R. 2614, to amend the Small Business Investment Act to make improvements to the certified development company program, after agreeing to a committee amendment in the nature of a substitute, and the following amendment proposed thereto: **Pages S5154–59**

Allard (for Bond) Amendment No. 3431, providing for timely Administration action on geographic expansion applications, use of unobligated funds, and the HUBZone program. **Page S5156**

School Governance Charter Amendment Act: Senate passed H.R. 4387, to provide that the School Governance Charter Amendment Act of 2000 shall take effect upon the date such Act is ratified by the voters of the District of Columbia, clearing the measure for the President. **Page S5159**

Smithsonian Astrophysical Observatory Submillimeter Array Operations: Committee on Rules and Administration was discharged from further consideration of S. 2498, to authorize the Smithsonian Institution to plan, design, construct, and equip laboratory, administrative, and support space to house base operations for the Smithsonian Astrophysical Observatory Submillimeter Array located on Mauna Kea at Hilo, Hawaii, and the bill was then passed. **Page S5159**

Mississippi Band of Choctaw Indians Land Trust: Senate passed S. 1967, to make technical corrections to the status of certain land held in trust for the Mississippi Band of Choctaw Indians, to take certain land into trust for that Band. **Pages S5159–60**

National Eat Dinner With Your Children Day: Senate agreed to S. Res. 323, designating Monday, June 19, 2000, as "National Eat-Dinner-With-Your-Children Day". **Pages S5160–61**

Measure Indefinitely Postponed:

Department of Defense Appropriations Act: S. 2593, making appropriations for the Department of Defense for the fiscal year ending September 30, 2001. **Page S5154**

National Defense Authorization: Senate resumed 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 S5059–60, S5071–83

Adopted:

Warner (for Lott) Amendment No. 3382, to clarify the duties of the Chief of Naval Research as the Navy's manager of research funds. **Pages S5071–83**

Levin (for Kennedy) Amendment No. 3383, to provide, with an offset, $5,000,000 for research, development, test, and evaluation Defense-wide for the Strategic Environmental Research and Development Program for technologies for the detection and transport of pollutants resulting from live-fire activities. **Pages S5071–83**

Warner (for Stevens) Amendment No. 3384, to increase by $45,000,000 the amount authorized to be appropriated for environmental restoration of formerly used defense sites and reduce defense-wide operations and maintenance accounts by $45,000,000 for mobility enhancements. **Pages S5071–83**

Warner (for Lott) Amendment No. 3385, to set aside for weatherproofing of facilities at Keesler Air Force Base, Mississippi, $2,800,000 of the amount authorized to be appropriated for the Air Force for operation and maintenance. **Pages S5071–83**

Levin (for Harkin) Amendment No. 3386, to remove the inclusion of housing in the determining of income eligibility for WIC support for members of the Armed Forces overseas. **Pages S5071–83**

Warner (for Hutchison) Amendment No. 3387, to improve access to health care under the TRICARE program by prohibiting a requirement for statements of nonavailability or preauthorization for certain services under that program. **Pages S5071–83**

Warner (for Jeffords) Amendment No. 3388, to modify the time for use by members of the Selected Reserve of entitlement to certain educational assistance. **Pages S5071–83**

Warner (for Stevens) Amendment No. 3389, to treat as veterans individuals who served in the Alaska Territorial Guard during World War II. **Pages S5071–83**

Levin (for Feingold) Amendment No. 3390, to extend to members of the National Guard and other reserve components not on active duty the entitlement to receive special duty assignment pay. **Pages S5071–83**

Warner (for Hutchison) Amendment No. 3391, to authorize the expansion of service areas for transferees of former uniformed services treatment facilities that are included in the uniformed services health care delivery system. **Pages S5071–83**

Warner (for Thompson) Amendment No. 3392, to refine and advance Federal acquisition streamlining. **Pages S5071–83**

Warner Amendment No. 3393, to increase by $2,500,000 the amount provided for the Army for operation and maintenance for the ceremonial rifle program; and to offset that increase by reducing by $2,500,000 the amount provided for operation and maintenance, Defense-wide, for spectrum database upgrades. **Pages S5071–83**

Levin (for Lieberman) Amendment No. 3394, to set aside up to $1,000,000 for the support of programs to promote informal region-wide dialogues on arms control and regional security issues for Arab, Israeli, and United States officials and experts. **Pages S5071–83**

Warner (for DeWine) Amendment No. 3395, to amend title 10, United States Code, to authorize the United States Air Force Institute of Technology. **Pages S5071–83**

Warner (for Roberts) Amendment No. 3396 (to Amendment No. 3237—agreed to in Senate on June 8, 2000), to make a technical correction. **Pages S5071–83**

Warner (for Murkowski) Amendment No. 3397, to increase the TRICARE maximum allowable charge for physicians in rural States, and to require a report on nonparticipation of physicians in TRICARE in rural States. **Pages S5071–83**

Levin (for Feingold/Thompson) Amendment No. 3398, to extend the authority of the Federal Government to conduct public interest law enforcement conveyances of surplus property. **Pages S5071–83**

Warner Amendment No. 3399, to require a report on the status of domestic preparedness against the threat of biological terrorism. **Pages S5071–83**

Levin (for Robb/Warner) Amendment No. 3400, to authorize a land conveyance, former National Ground Intelligence Center, Charlottesville, Virginia. **Pages S5071–83**

Warner (for Grams) Amendment No. 3401, to authorize a land conveyance, Army Reserve Center, Winona, Minnesota. **Pages S5071–83**

Levin (for Edwards) Amendment No. 3402, to express the sense of the Senate that members of the Armed Forces who receive special pay for duty subject to hostile fire or imminent danger should receive the same tax treatment as members serving in combat zones. **Pages S5071–83**

Warner (for Hutchinson/Cleland) Amendment No. 3403, to modify the basic allowance for housing. **Pages S5071–83**

Warner (for DeWine) Amendment No. 3404, to authorize the acceptance and use of gifts from the Air Force Museum Foundation for the construction of a third building for the United States Air Force Museum at Wright-Patterson Air Force Base, Ohio. **Pages S5071–83**

Warner (for Inhofe/Robb) Amendment No. 3405, to require a General Accounting Office review of the AH–64 aircraft program of the Army. **Pages S5071–83**

Warner (for Lott) Amendment No. 3406, to make available, with an offset, an additional $2,500,000 for research, development, test, and evaluation for the Army for Countermine Systems for research in acoustic mine detection. **Pages S5071–83**

Warner (for Snowe) Amendment No. 3407, to permit the lease of the Naval Computer Telecommunications Center, Cutler, Maine, pending its conveyance. **Pages S5071–83**

Levin (for Daschle) Amendment No. 3408, to modify the authorized conveyee of certain land at Ellsworth Air Force Base, South Dakota. **Pages S5071–83**

Warner (for Gramm) Amendment No. 3409, to consent to the retransfer by the Government of Greece to USS LST Ship Memorial, Inc., of an alternative LST excess to the needs of the Government of Greece. **Pages S5071–83**

Levin (for Conrad) Amendment No. 3410, to require a report on the establishment of a global missile launch early warning center. **Pages S5071–83**

Warner Amendment No. 3411, to require a General Accounting Office review of the working-capital fund activities of the Department of Defense, including the use of carryover authority between fiscal years. **Pages S5071–83**

Warner (for Snowe/Robb) Amendment No. 3412, to impose requirements for the implementation of the Navy-Marine Corps Intranet. **Pages S5071–83**

Levin (for Bingaman) Amendment No. 3413, to enhance authorities relating to education partnerships to encourage scientific study. **Pages S5071–83**

Warner Amendment No. 3414, to make available, with an offset, an additional $5,000,000 for research, development, test, and evaluation for the Army for Concepts Experimentation Program for test and evaluation of future operational technologies for use by mounted maneuver forces. **Pages S5071–83**

Warner/Robb Amendment No. 3415, to provide for the development of a Marine Corps Heritage Center at Marine Corps Base, Quantico, Virginia. **Pages S5071–83**

Levin (for Murray) Amendment No. 3416, to require the Army National Guard to carry out a demonstration project to provide Internet access and services to rural communities that are unserved or underserved by the Internet. **Pages S5071–83**

Warner (for Inhofe) Amendment No. 3417, to authorize, with an offset, $300,000 for research, development, test, and evaluation Defense-wide for Generic Logistics Research and Development Technology Demonstrations for air logistics technology. **Pages S5071–83**

Levin (for Cleland) Amendment No. 3418, to authorize the President to award a gold medal on behalf of Congress to General Wesley K. Clark, United States Army, in recognition of his outstanding leadership and service during the military operations against the Federal Republic of Yugoslavia (Serbia and Montenegro). **Pages S5071–83**

Warner Amendment No. 3419, to conform the requirement for verbatim records of the proceedings of special courts-martial to the increased punishment authority of special courts-martial. **Pages S5071–83**

Warner (for Inhofe) Amendment No. 3420, to require the Secretary of Defense to prescribe policies and procedures for Department of Defense decision-making on actions to be taken in cases of false claims submitted to the Department of Defense. **Pages S5071–83**

Levin (for Edwards/Torricelli) Amendment No. 3421, expressing the sense of the Senate that long-term economic development aid should be immediately provided to assist communities rebuilding from Hurricane Floyd. **Pages S5071–83**

Warner (for Fitzgerald) Amendment No. 3422, to provide for the coverage and treatment of unutilized and underutilized plant-capacity costs of United States arsenals when making supplies and providing services for the United States Armed Forces. **Pages S5071–83**

Levin (for Edwards/Helms) Amendment No. 3423, to authorize the Secretary of the Navy to convey, to the city of Jacksonville, North Carolina, certain land for the purpose of permitting the City to develop the parcel for initial use as a bike/green way trail. **Pages S5071–83**

Warner (for Enzi/Thomas) Amendment No. 3424, to authorize, with an offset, $1,450,000 for a contribution by the Air National Guard to construction of a new airport tower at Cheyenne Airport, Cheyenne, Wyoming. **Pages S5071–83**

Pending:

Smith (of NH) Amendment No. 3210, to prohibit granting security clearances to felons. **Page S5059**

McCain Amendment No. 3214, (to Amendment No. 3210), to require the disclosure of expenditures and contributions by certain political organizations.

Transportation Appropriations: Senate began consideration of H.R. 4475, making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2001, taking action on the following amendments proposed thereto: **Pages S5088–99**

Adopted:

By a unanimous vote of 97 yeas (Vote No. 129) Shelby (for Harkin/Grassley) Amendment No. 3428, to modify a highway project in the State of Iowa. **Pages S5098–99**

Shelby/Lautenberg Amendment No. 3426, in the nature of a substitute. **Pages S5088–99**

During consideration of this measure today, the Senate also took the following action:

Senate sustained a point of order against Dorgan/Ashcroft Amendment No. 3427, to provide protection against the risks to the public that are inherent in the interstate transportation of violent prisoners, as being in violation of Rule XVI of the Standing Rules of the Senate, and the amendment thus fell. **Pages S5094–96**

A unanimous-consent agreement was reached providing for certain amendments to be proposed to the bill. **Pages S5097–98**

A unanimous-consent agreement was reached providing for further consideration of the bill, on Thursday, June 15, 2000. **Page S5161**

A unanimous-consent agreement was reached providing that all first degree amendments be filed by 11:30 a.m., on Thursday, June 15, 2000. **Page S5154**

Nomination—Agreement: A unanimous-consent-time agreement was reached providing for consideration of the nomination of Madelyn R. Creedon, of Indiana, to be Deputy Administrator for Defense Programs, National Nuclear Security Administration, with a vote to occur thereon, no later than July 12, 2000. **Pages S5064–65**

Messages From the President: Senate received the following messages from the President of the United States:

Transmitting, pursuant to law, a report on Executive Order 12938 relative to the proliferation of nuclear, biological, and chemical weapons; to the Committee on Banking, Housing, and Urban Affairs. (PM–114) **Page S5105**

Transmitting, pursuant to law, the President's periodic report on the national emergency caused by the lapse of the Export Administration Act of 1979 for the period August 19, 1999 through February 19, 2000; to the Committee on Banking, Housing, and Urban Affairs. (PM–115) **Page S5105**

Nominations Confirmed: Senate confirmed the following nomination:

By a unanimous vote of 97 yeas (Vote No. 128), Gen. John A. Gordon, USAF, to be Under Secretary for Nuclear Security, Department of Energy. **Pages S5067–69, S5163**

Nominations Received: Senate received the following nominations:

1 Air Force nomination in the rank of general.

Routine lists in the Air Force, Army, Marine Corps, Navy. **Pages S5161–63**

Messages From the President: **Page S5105**

Messages From the House: **Page S5106**

Measures Referred: **Page S5106**

Communications: **Page S5106**

Statements on Introduced Bills: **Pages S5107–17**

Additional Cosponsors: **Pages S5117–19**

Amendments Submitted: **Pages S5119–38**

Notices of Hearings: **Page S5139**

Authority for Committees: **Page S5139**

Additional Statements: **Pages S5103–05**

Text of H.R. 4576, as previously passed: **Pages S5140–54**

Privileges of the Floor: **Page S5140**

Record Votes: Two record votes were taken today. (Total—129) **Pages S5069, S5099**

Adjournment: Senate convened at 9:30 p.m., and adjourned at 6:47 p.m., until 9:45 a.m., on Thursday, June 15, 2000. (For Senate's program, see the remarks of the Acting Majority Leader in today's Record on page S5161.)

Committee Meetings

(Committees not listed did not meet)

RURAL AREA INTERNET ACCESS

Committee on Commerce, Science, and Transportation: Subcommittee on Communications concluded hearings on S. 2454, to amend the Communications Act of 1934 to authorize low-power television stations to provide digital data services to subscribers, focusing on wireless high speed Internet access for rural areas, after receiving testimony from Roy J. Stewart, Chief, Mass Media Bureau, Federal Communications Commission; Larry Morton, Equity Broadcasting Corporation, Little Rock, Arkansas, on behalf of the Community Broadcasters Association; James J. Popham, Association of Local Television Stations, Inc., Washington, D.C.; and Dean M. Mosely, U.S. Interactive/AccelerNet, Houston, Texas.

ETHANOL

Committee on Environment and Public Works: Subcommittee on Clean Air, Wetlands, Private Property, and Nuclear Safety concluded hearings on the environmental benefits and impacts of ethanol under the Clean Air Act, after receiving testimony from Senators Grassley, Harkin, and Durbin; Gordon Proctor, Ohio Department of Transportation, Columbus; Daniel S. Greenbaum, Health Effects Institute, Cambridge Massachusetts; A. Blakeman Early, on behalf of the American Lung Association, and Bob Slaughter, on behalf of the National Petrochemical and Refiners Association, both of Washington, D.C.; Michael S. Graboski, Colorado Institute for Fuels

and High Altitude Engine Research, Colorado School of Mines, Lakewood, on behalf of the National Corn Grower's Association; Jack Huggins, Williams Bio-Energy, The Williams Companies, Pekin, Illinois; Jason S. Grumet, Northeast States for Coordinated Air Use Management, Boston, Massachusetts; and Stephen Gatto, BC International Corporation, Dedham, Massachusetts.

BUSINESS MEETING

Committee on Finance: Committee ordered favorably reported the following business items:

S. 662, to amend title XIX of the Social Security Act to provide medical assistance for certain women screened and found to have breast or cervical cancer under a federally funded screening program, with an amendment in the nature of a substitute; and

H.R. 3916, to amend the Internal Revenue Code of 1986 to repeal the excise tax on telephone and other communication services, with an amendment in the nature of a substitute.

LEBANON

Committee on Foreign Relations: Subcommittee on Near Eastern and South Asian Affairs concluded hearings to examine issues relating to the future of democracy for the people of Lebanon, including the country's continued occupation by Syria, the recent Israeli withdrawal, and efforts toward disarmament of terrorist groups like Hezbollah, after receiving testimony from Edward S. Walker, Assistant Secretary of State for Near Eastern Affairs; Daniel Pipes, Middle East Quarterly, Philadelphia, Pennsylvania; and Col. Charbel Barakat, South Lebanon Army, Ain Ebel, Lebanon.

AMERICAN INTERNATIONAL PROSECUTION PROTECTION

Committee on Foreign Relations: Committee concluded hearings to examine issues relating to the need for protection of American servicemen and officials from the threat of international prosecution by the International Criminal Court, and a related measure, S. 2726, to protect United States military personnel and other elected and appointed officials of the United States Government against criminal prosecution by an international criminal court to which the United States is not a party, after receiving testimony from Caspar W. Weinberger, Forbes, Inc., Washington, D.C., former Secretary of Defense; Jeremy Rabkin, Cornell University Department of Government, Ithaca, New York; and Ruth Wedgwood, Yale University, New Haven, Connecticut, on behalf of the Project on International Organizations and Law.

BUSINESS MEETING

Committee on Governmental Affairs: Committee ordered favorably reported the following business items:

S. 2705, to provide for the training of individuals, during a Presidential transition, who the President intends to appoint to certain key positions, to provide for a study and report on improving the financial disclosure process for certain Presidential nominees;

S. 2712, to amend chapter 35 of title 31, United States Code, to authorize the consolidation of certain financial and performance management reports required of Federal agencies;

S. 2420, to amend title 5, United States Code, to provide for the establishment of a program under which long-term care insurance is made available to Federal employees, members of the uniformed services, and civilian and military retirees, with an amendment;

H.R. 208, to amend title 5, United States Code, to allow for the contribution of certain rollover distributions to accounts in the Thrift Savings Plan, to eliminate certain waiting-period requirements for participating in the Thrift Savings Plan, with an amendment;

S. 2386, to extend the Stamp Out Breast Cancer Act;

S. 1564, to protect the budget of the Federal courts, with an amendment in the nature of a substitute;

S. 1846, to redesignate the Federal building located at 10301 South Compton Avenue, in Los Angeles, California, and known as the Watts Finance Office, as the "Augustus F. Hawkins Post Office Building";

S. 1847, to redesignate the Federal building located at 701 South Santa Fe Avenue in Compton, California, and known as the Compton Main Post Office, as the "Mervyn Malcolm Dymally Post Office Building";

S. 1884, to designate the building of the United States Postal Service located at 5 Cedar Street in Hopkinton, Massachusetts, as the "Thomas J. Brown Post Office Building";

S. 2043, to designate the United States Post Office building located at 3101 West Sunflower Avenue in Santa Ana, California, as the "Hector G. Godinez Post Office Building";

S. 2234, to designate certain facilities of the United States Postal Service;

H.R. 642, to redesignate the Federal building located at 701 South Santa Fe Avenue in Compton, California, and known as the Compton Main Post Office, as the "Mervyn Malcolm Dymally Post Office Building";

H.R. 643, to redesignate the Federal building located at 10301 South Compton Avenue, in Los Angeles, California, and known as the Watts Finance Office, as the "Augustus F. Hawkins Post Office Building";

H.R. 1666, to designate the facility of the United States Postal Service at 200 East Pinckney Street in Madison, Florida, as the "Captain Colin P. Kelly, Jr. Post Office";

H.R. 2307, to designate the building of the United States Postal Service located at 5 Cedar Street in Hopkinton, Massachusetts, as the "Thomas J. Brown Post Office Building";

H.R. 2357, to designate the United States Post Office located at 3675 Warrensville Center Road in Shaker Heights, Ohio, as the "Louise Stokes Post Office";

H.R. 2460, to designate the United States Post Office located at 125 Border Avenue West in Wiggins, Mississippi, as the "Jay Hanna 'Dizzy' Dean Post Office";

H.R. 2591, to designate the United States Post Office located at 713 Elm Street in Wakefield, Kansas, as the "William H. Avery Post Office";

H.R. 2952, to redesignate the facility of the United States Postal Service located at 100 Orchard Park Drive in Greenville, South Carolina, as the "Keith D. Oglesby Station";

H.R. 3018, to designate certain facilities of the United States Postal Service in South Carolina;

H.R. 3699, to designate the facility of the United States Postal Service located at 8409 Lee Highway in Merrifield, Virginia, as the "Joel T. Broyhill Postal Building";

H.R. 3701, to designate the facility of the United States Postal Service located at 3118 Washington Boulevard in Arlington, Virginia, as the "Joseph L. Fisher Post Office Building";

H.R. 4241, 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"; and

The nominations of Amy L. Comstock, of Maryland, to be Director of the Office of Government Ethics; Alan Craig Kessler, of Pennsylvania, to be a Governor of the United States Postal Service; Carol Waller Pope, of the District of Columbia, to be a Member of the Federal Labor Relations Authority; and Anna Blackburne-Rigsby, Thomas J. Motley, and John McAdam Mott, of the District of Columbia, each to be an Associate Judge of the Superior Court of the District of Columbia.

US AIRWAYS/UNITED MERGER

Committee on the Judiciary: Subcommittee on Antitrust, Business Rights, and Competition concluded hearings to examine the proposed United Airlines and US Airways merger and the impact it may have on the airline industry, after receiving testimony from Senators Helms, Wellstone, Santorum, and Edwards; James E. Goodwin, United Airlines, Chicago, Illinois; Stephen M. Wolf, US Airways Group, Inc., Arlington, Virginia; Robert L. Johnson, DC Air, and Mark N. Cooper, Consumer Federation of America, both of Washington, D.C.; David Neeleman, JetBlue Airways Corporation, Kew Gardens, New York; and Alfred Kahn, Cornell University Department of Economics, Ithaca, New York.

BUSINESS MEETING

Committee on Indian Affairs: Committee ordered favorably reported the following business items:

S.1586, to reduce the fractionated ownership of Indian Lands, with an amendment in the nature of a substitute;

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;

S. 2351, to provide for the settlement of the water rights claims of the Shivwits Band of the Paiute Indian tribe of Utah, with an amendment in the nature of a substitute;

S. Res. 277, commemorating the 30th anniversary of the policy of Indian self-determination; and

H.R. 3051, to direct the Secretary of the Interior, the Bureau of Reclamation, to conduct a feasibility study on the Jicarilla Apache Reservation in the State of New Mexico.

NATIVE AMERICAN AGRICULTURE RESEARCH, DEVELOPMENT, AND EXPORT ENHANCEMENT ACT

Committee on Indian Affairs: Committee concluded 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, after receiving testimony from Richard Rominger, Deputy Secretary of Agriculture; Malcolm B. Bowekaty, Pueblo of Zuni, New Mexico; Ardell Ruiz, Gila River Indian Community, Sacaton, Arizona; and Fred Small, Lame Deer, Montana, on behalf of the Montana Wyoming Indian Agriculture Council.

LOS ALAMOS NATIONAL LABORATORY

Select Committee on Intelligence: Committee concluded joint hearings with the Committee on Energy and Natural Resources to examine the loss of national security information at the Los Alamos National Laboratory, after receiving testimony from T.J. Glauthier, Deputy Secretary, John Browne, Director, Los Alamos National Laboratory, Edward Curran,

Director, Office of Counterintelligence, and Eugene Habiger, Director, Office of Security and Emergency Operations, all of the Department of Energy.

INTELLIGENCE

Select Committee on Intelligence: Committee held closed hearings on intelligence matters, receiving testimony from officials of the intelligence community.

Committee recessed subject to call.

House of Representatives

Chamber Action

Bills Introduced: 17 public bills, H.R. 4652–4668; and 4 resolutions, H.J. Res. 102, H. Con. Res. 352–353, and H. Res. 526, were introduced. **Page H4484**

Reports Filed: Reports were filed today as follows:

H.R. 809, to amend the Act of June 1, 1948, to provide for reform of the Federal Protective Service, amended (H. Rept. 106–676). **Page H4484**

Speaker Pro Tempore: Read a letter from the Speaker wherein he designated Representative Gibbons to act as Speaker pro tempore for today. **Page H4341**

Journal: Agreed to the Speaker's approval of the Journal of Monday, June 12 by a yea and nay vote of 352 yeas to 59 nays with one voting "present", Roll No. 270. **Page H4341–42**

Recess: the House recessed at 12:30 p.m. and reconvened at 3:31 p.m. **Page H4366**

Electronic Signatures in Global and National Commerce: The House agreed to the conference report on S. 761, to regulate interstate commerce by electronic means by permitting and encouraging the continued expansion of electronic commerce through the operation of free market forces by a yea and nay vote of 426 yeas to 4 nays, Roll No. 271. **Pages H4351–66**

Earlier, agreed to H. Res. 523, the rule that waived points of order against consideration of the conference report by a voice vote. **Pages H4346–51**

Labor, HHS, and Education Appropriations: The House passed 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 by a yea and nay vote of 217 yeas to 214 nays, Roll No. 273 (the bill was also considered on June 8, 12, 13). **Pages H4367–H4436**

By a recorded vote of 212 ayes to 219 noes, Roll No. 272, rejected the Obey motion to recommit the bill to the Committee on Appropriations with instructions to report it back with an amendment that strikes section 518 dealing with a potential rescission from the Child Care and development Block Grant if the total level of discretionary advance appropriations exceeds the budget cap. **Page H4435**

Presidential Messages: Read the following messages from the President:

Executive Order 12938: Message wherein he transmitted his report on Executive Order 12938 as required by the International Emergency Economic Powers Act—referred to the Committee on International Relations and ordered printed (H. Doc. 106–255); and **Page H4436**

Lapse of the Export Administration Act: Message wherein he transmitted his report on the national emergency declared to deal with the threat to national security caused by the lapse of the Export Administration Act—referred to the Committee on International Relations and ordered printed (H. Doc. 106–256). **Page H4436**

Interior and Related Agencies Appropriations: The House considered amendments to H.R. 4578, making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2001. The House previously considered the bill on June 13. **Pages H4437–80**

Agreed To:

Sununu amendment No. 30 printed in the Congressional Record that eliminates Department of Energy funding of $126.5 million for the Partnership for a New Generation of Vehicles program and applies $86 million to debt reduction and $40 million to Payment in Lieu of Taxes, Land and Water Conservation, and Forest Service and National Park Service maintenance programs (agreed to by a recorded vote of 214 ayes to 211 noes, Roll No. 274); **Pages H4437–42, H4445**

Hefley amendment No. 37 printed in the Congressional Record that increases Forest Service wildland fire management funding by $4 million and decreases the wild horse and burro program accordingly (agreed to by a recorded vote of 364 ayes to 55 noes, Roll No. 275); **Pages H4442, H4446**

Regula amendment that eliminates $3 million for Montana land acquisition and applies $2 million to the Idaho Snake river project and $1 million to the West Eugene, Oregon wetlands project; **Page H4445**

Regula amendment that increases National Park Service backlog maintenance funding by $66.5 million; **Page H4452**

Maloney of New York amendment No. 44 printed in the Congressional Record that revises Mineral Management Service royalty-in-kind procedures and allows payment for the transportation to wholesale market centers and processing of royalty production taken in kind; **Pages H4454–55**

Regula amendment that increases National Park Service land acquisition funding by $20 million; **Page H4455**

Regula amendment that decreases construction funding for the Escalante Science Center by $1 million and applies it to the National Trail Center in Casper, Wyoming; **Page H4459**

Ose amendment that strikes section 122 which prohibited funding to establish a National Wildlife Refuge in the Yolo Bypass of California; **Pages H4460–61**

Hinchey amendment that increases funding for land acquisition for the Everglades National Park by $9 million; **Pages H4161–62**

Hill amendment that makes available $500,000 for the acquisition of the Traveler's Rest campsite in Montana; **Page H4466**

Regula amendment that allows the Bureau of Land Management to reissue grazing permits when it is unable to process expiring permits because of funding shortfalls;

Taylor of Mississippi amendment that makes available $2 million for the acquisition of Cat Island, Mississippi with offsets from the Energy Information Administration activities; **Pages H4478–79**

Rejected:

DeFazio amendment No. 35 printed in the Congressional Record that sought to increase funding for Forest Service recreation programs by $26 million and decrease Department of Energy petroleum technology programs by $53 million (rejected by a recorded vote of 167 ayes to 254 noes, Roll No. 276); and **Pages H4462–66, H4477**

Wu amendment No. 31 printed in the Congressional Record that sought to increase funding for Fish and Wildlife habitat management programs by $14.7 million and decrease timber sales management funding accordingly (rejected by a recorded vote of 173 ayes to 249 noes, Roll No. 277). **Pages H4467–75, H4478**

Withdrawn:

Kucinich amendment No. 41 was offered and subsequently withdrawn that sought to require a report by the Fish and Wildlife Service on genetically engineered fish; **Page H4448**

Inslee amendment was offered and subsequently withdrawn that sought to strike section 116, that provides for the processing of expiring grazing permits; and **Page H4459**

Dicks amendment was offered and subsequently withdrawn that sought to exempt authorized activities related to national monuments and the Columbia Basin Ecosystem from limitations imposed under the Act (Subsequently agreed by unanimous consent to consider an amendment offered by Representative Dicks in the Committee of the Whole with debate times specified and allocated). **Page H4462**

Point of Order Sustained:

Language on page 18 dealing with the allocation of water from central and southern Florida to the Everglades; **Pages H4452–54**

The House agreed to H. Res. 524, the rule that is providing for consideration of the bill on June 13.

Meeting Hour—Thursday, June 15: Agreed that when the House adjourns today, it adjourn to meet at 9 a.m. on Thursday, June 15. **Page H4480**

Senate Messages: Message received from the Senate today appears on page H4342.

Referrals: S. 1507 was referred to the Committees on Resources and Commerce. **Page H4482**

Amendments: Amendments ordered printed pursuant to the rule appear on page H4485.

Quorum Calls—Votes: Three yea and nay votes and five recorded votes developed during the proceedings of the House today and appear on pages H4341, H4366, H4435, H4436, H4445, H4446, H4477, and H4478. There were no quorum calls.

Adjournment: The House met at 10 a.m. and adjourned at 11:10 p.m.

Committee Meetings

COMMODITY FUTURES MODERNIZATION ACT

Committee on Agriculture: Subcommittee on Risk Management, Research, and Specialty Crops held a hearing on H.R. 4541, Commodity Futures Modernization Act of 2000. Testimony was heard from C. Robert Paul, General Counsel, Commodity Futures Trading Commission; Lewis A. Sachs, Assistant Secretary, Financial Markets, Department of the Treasury; Patrick M. Parkinson, Associate Director, Division of Research and Statistics, Board of Governors, Federal Reserve System; and Annette L. Nazareth, Director, Division of Market Regulation, SEC.

COMMERCE, JUSTICE, STATE, AND JUDICIARY APPROPRIATIONS

Committee on Appropriations: Ordered reported the Commerce, Justice, State, and Judiciary appropriations for fiscal year 2001.

LOS ALAMOS NATIONAL LABORATORY—SECURITY FAILURES

Committee on Armed Services: Held a hearing on security failures at the Lost Alamos National Laboratory. Testimony was heard from the following officials of the Department of Energy: T.J. Glauthier, Deputy Secretary; Gen. Eugene Habiger, USAF (Ret.), Director, Office of Security and Emergency Operations; Edward J. Curran, Director, Office of Counterintelligence; Brig. Gen. Thomas F. Gioconda, USAF, Acting Deputy Administrator, Defense Programs, National Nuclear Security Administration; and John C. Browne, Director, Los Alamos National Laboratory.

MEDICAL FINANCIAL PRIVACY PROTECTION ACT

Committee on Banking and Financial Services: Held a hearing on H.R. 4585, Medical Financial Privacy Protection Act. Testimony was heard from Gary Gensler, Under Secretary, Domestic Finance, Department of the Treasury; and public witnesses.

SMOTHERING EDUCATION REFORM

Committee on the Budget: Education Task Force held a hearing on Smothering Education Reform, How Washington Stifles Innovation. Testimony was heard from Senator Hutchinson, State of Arkansas; Eugene Hickok, Secretary of Education, State of Pennsylvania; and a public witness.

MEDICARE'S REGULATORY BURDEN ON PROVIDERS

Committee on the Budget: Health Task Force held a hearing on Medicare's Regulatory Burden on Providers. Testimony was heard from Robert Berenson, Director, Center for Health Plans and Providers, Health Care Financing Administration, Department of Health and Human Services; and Robert Charrow, former Principal Deputy General Counsel, Department of Health and Human Services.

UNSOLICITED ELECTRONIC MAIL ACT

Committee on Commerce: Ordered reported, as amended, H.R. 3113, Unsolicited Electronic Mail Act of 1999.

PRESCRIPTION DRUGS: MODERNIZING MEDICARE

Committee on Commerce: Subcommittee on Health and Environment held a hearing entitled: "Prescription Drugs: Modernizing Medicare for the 21st Century." Testimony was heard from Nancy-Ann Min DeParle, Administrator, Health Care Financing Administration, Department of Health and Human Services; and public witnesses.

ELECTRONIC FREEDOM OF INFORMATION ACT—AGENCY RESPONSE

Committee on Government Reform: Subcommittee on Government Management, Information, and Technology held a hearing entitled: "Agency Response to the Electronic Freedom of Information Act." Testimony was heard from Joshua Gotbaum, Executive Associate Director and Controller, OMB; Ethan Posner, Deputy Associate Attorney General, Department of Justice; Henry J. McIntyre, Director, Directorate for the Freedom of Information Security and Review, Department of Defense; and public witnesses.

PRIVACY COMMISSION ACT

Committee on Government Reform: Subcommittee on Government Management, Information, and Technology approved for full Committee action, as amended, H.R. 4049, Privacy Commission Act.

DOES CONGRESS DELEGATE TOO MUCH POWER TO AGENCIES

Committee on Government Reform: Subcommittee on National Economic Growth, Natural Resources, and Regulatory Affairs held a hearing on "Does Congress Delegate Too Much Power to Agencies and What Should be Done About It?" Testimony was heard from Senator Brownback; Representative Hayworth; John Spotila, Administrator, Office of Information and Regulatory Affairs, OMB; and public witnesses.

WESTERN EUROPE—TREATMENT OF RELIGIOUS MINORITIES

Committee on International Relations: Held a hearing on the Treatment of Religious Minorities in Western Europe. Testimony was heard from Robert A. Seiple, Ambassador-at-Large, International Religious Freedom, Department of State; T. Jeremy Gunn, Guest Scholar, U.S. Institute of Peace; and public witnesses.

SAFETY OF CITIZENS TRAVELING IN MEXICO; CHALLENGES TO HEMISPHERIC DEMOCRACY

Committee on International Relations: Subcommittee on Western Hemisphere approved for full Committee action, as amended, H. Con. Res. 232, expressing the sense of Congress concerning the safety and well-being of United States citizens injured while traveling in Mexico.

The Committee also held a hearing on Challenges to Hemispheric Democracy: Elections, Coups, and

Instability. Testimony was heard from Representative Conyers; and Ambassador Lino Gutierrez, Principle Deputy Assistant Secretary, Bureau of Western Hemisphere Affairs, Department of State.

OVERSIGHT—AIRLINE INDUSTRY—STATE OF COMPETITION

Committee on the Judiciary: Held an oversight hearing on the State of Competition in the Airline Industry. Testimony was heard from Senator Fitzgerald; Representatives Jackson of Illinois and Slaughter; John Nannes, Deputy Assistant Attorney General, Antitrust Division, Department of Justice; the following officials of the Department of Transportation: Nancy McFadden, General Counsel; and Paul Galis, Deputy Associate Administrator, Airports, FAA; Mike Gordon, Mayor, El Segundo, California; and public witnesses.

ALASKA NATIVE CLAIMS TECHNICAL AMENDMENTS ACT

Committee on Resources: Held a hearing on H.R. 4345, Alaska Native Claims Technical Amendments Act of 2000. Testimony was heard from John Berry, Assistant Secretary, Policy, Management and Budget, Department of the Interior; and pubic witnesses.

RURAL HEALTH CARE SERVICES

Committee on Small Business: Held a hearing on Rural Health Care Services: Has Medicare Reform Killed Small Business Providers? Testimony was heard from Cathy Buro, Deputy Director, Health Plans and Providers, Health Care Financing Administration, Department of Health and Human Services; and public witnesses.

SSA—PROCESSING OF ATTORNEY FEES

Committee on Ways and Means: Subcommittee on Social Security held a hearing on the processing of attorney fees by the SSA. Testimony was heard from William C. Taylor, Deputy Associate Commissioner, Hearings and Appeals, SSA; Barbara D. Bovbjerg, Associate Director, Education, Workforce and Income Security Issues, GAO; and public witnesses.

Joint Meetings

BOSNIA

Commission on Security and Cooperation in Europe: On Tuesday, June 13, Commission concluded hearings to examine the situation five years after the Dayton Agreement which ended the war in Bosnia, focusing on whether the Dayton Agreement has encouraged the restoration of multi-ethnic Bosnian state, or perpetuated the ethnic divisions created by aggression and ethnic cleansing, after receiving testimony from Gen. Wesley K. Clark, U.S. Army, former Supreme Allied Commander Europe; James Pardew, Principal Deputy Special Advisor to the President and Secretary of State for Kosovo and Dayton Implementation; Robert Barry, Head of Mission, OSCE Mission to Bosnia-Herzegovina; Haris Silajdzic, Member, Bosnian Parliament, and former Prime Minister of Bosnia-Herzegovina; Selim Beslagic, Mayor of the municipality of Tuzla; and Milan Trbojevic, Republika Srpska.

COMMITTEE MEETINGS FOR THURSDAY, JUNE 15, 2000

(Committee meetings are open unless otherwise indicated)

Senate

Committee on Commerce, Science, and Transportation: business meeting to consider pending calendar business, 9:30 a.m., SR–253.

Committee on 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, 9:30 a.m., SD–366.

Subcommittee on National Parks, Historic Preservation, and Recreation, to hold hearings on the United States General Accounting Office March 2000 report entitled "Need to Address Management Problems that Plague the Concessions Program", 2:30 p.m., SD–366.

Committee on Environment and Public Works: Subcommittee on Clean Air, Wetlands, Private Property, and Nuclear Safety, to hold hearings on the Environmental Protection Agency's proposed highway diesel fuel sulfur regulations, 9:30 a.m., SD–406.

Committee on Foreign Relations: to hold hearings to examine issues dealing with the changing threat of international terrorism, focusing on the report of the National Commission on Terrorism, 10:30 a.m., SD–419.

Committee on the Judiciary: business meeting to consider pending calendar business, 10 a.m., SD–226.

Full Committee, to hold hearings on the nomination of Paul C. Huck, of Florida, to be United States District Judge for the Southern District of Florida; the nomination of Joan Humphrey Lefkow, of Illinois, to be United States District Judge for the Northern District of Illinois; the nomination of George Z. Singal, of Maine, to be United States District Judge for the District of Maine; the nomination of John W. Darrah, of Illinois, to be United States District Judge for the Northern District of Illinois; and the nomination of Johnnie B. Rawlinson, of Nevada, to be United States Circuit Judge for the Ninth Circuit, 5 p.m., SD–226.

House

Committee on Appropriations, Subcommittee on Foreign Operations, Export Financing and Related Program, to mark up appropriations for fiscal year 2001, 9 a.m., H–140 Capitol.

Committee on Banking and Financial Services, Subcommittee on Capital Markets, Securities and Government Sponsored Enterprises, to continue hearings on improving regulation of housing Government Sponsored Enterprises, Housing, focusing on H.R. 3703, Housing Finance Regulatory Improvement Act, 10 a.m., 2128 Rayburn.

Committee on Commerce, Subcommittee on Telecommunications, Trade, and Consumer Protection, hearing on H.R. 3125, Internet Gambling Prohibition Act of 1999, 11 a.m., 2123 Rayburn.

Committee on Government Reform, hearing entitled: "FACA: Conflicts of Interest and Vaccine Development-Preserving the Integrity of the Process," 1 p.m., 2154 Rayburn.

Subcommittee on National Security, Veterans Affairs, and International Relations, hearing on "F–22 Cost Controls: Will Production Cost Savings Materialize?" 10 a.m., 2154 Rayburn.

Committee on International Relations, to mark up the following measures: a concurrent resolution expressing the sense of the Congress regarding manipulation of the mass media and intimidation of the independent press in the Russian Federation, expressing support for freedom of speech and the independent media in the Russian Federation, and calling on the President of the United States to express his strong concern for freedom of speech and the independent media in the Russian Federation; H. Con. Res. 297, congratulating the Republic of Hungary on the millennium of its foundation as a state; H. Res. 500, expressing the sense of the House of Representatives concerning the violence, breakdown of rule of law, and troubled pre-election period in the Republic of Zimbabwe; H. Con. Res. 275, expressing the sense of the Congress with regard to Iraq's failure to release prisoners of war from Kuwait and nine other nations in violation of international agreements; and H. Res. 259, supporting the goals and ideals of the Olympics; followed by a hearing on Implementing Overseas Presence Advisory Panel Recommendations, 10 a.m., 2172 Rayburn.

Committee on the Judiciary, Subcommittee on Courts and Intellectual Property, oversight hearing on Copyrighted Webcast Programming on the Internet, 9 a.m., 2141 Rayburn.

Subcommittee on Crime, to mark up the following bills: 4033, Bulletproof Vest Partnership Grant Act of 2000; and H.R. 4640, DNA Analysis Backlog Elimination Act of 2000; followed by an oversight hearing on "The Threat Posed by the Illegal Importation, Trafficking, and Use of Ecstasy and Other 'Club' Drugs," 9:30 a.m., 2237 Rayburn.

Subcommittee on Immigration and Claims, hearing on H.R. 4548, Agricultural Opportunities Act, 11 a.m., 2226 Rayburn.

Committee on Resources, Subcommittee on Energy and Mineral Resources, to mark up H.R. 3432, to direct the Minerals Management Service to grant the State of Louisiana and its lessees a credit in the payment of Federal offshore royalties to satisfy the authorization for compensation contained in the Oil Pollution Act of 1990 for oil and gas drainage in the West Delta Field; followed by a hearing on the following bills: S. 1030, to provide that the conveyance by the Bureau of Land Management of the surface estate to certain land in the State of Wyoming in exchange for certain private land will not result in the removal of the land from operation of the mining laws; and H.R. 4340, Mineral Revenue Payments Clarification Act of 2000, 2 p.m., 1334 Longworth.

Subcommittee on Fisheries Conservation, Wildlife and Oceans, hearing on H.R. 4442, National Wildlife Refuge System Centennial Act, 10 a.m., 1334 Longworth.

Subcommittee on Water and Power, to mark up the following bills: S. 1275, Hoover Dam Miscellaneous Sales Act; H.R. 2984, to direct the Secretary of the Interior, through the Bureau of Reclamation, to convey to the Loup Basin Reclamation District, the Sargent River Irrigation District, and the Farwell Irrigation District, Nebraska, property comprising the assets of the Middle Loup Division of the Missouri River Basin Project, Nebraska; H.R. 3595, to increase the authorization of appropriations for the Reclamation Safety of Dams Act of 1978; H.R. 2674, Palmetto Bend Conveyance Act; H.R. 3112, Colorado Ute Settlement Act Amendments of 1999; S. 986, Griffin Project Prepayment and Conveyance Act; H.R. 1787, Deschutes Resources Conservancy Reauthorization Act of 1999; H.R. 4389, to direct the Secretary of the Interior to convey certain water distribution facilities to the Northern Colorado Water Conservancy District; H.R. 1113, Colusa Basin Watershed Integrated Resources Management Act; and H.R. 2348, to authorize the Bureau of Reclamation to provide cost sharing for the endangered fish recovery implementation programs for the Upper Colorado and San Juan River Basins, 2 p.m., 1324 Longworth.

Committee on Small Business, Subcommittee on Regulatory Reform and Paperwork Reduction, hearing on the Small Business Ombudsman and the Regulatory Fairness Program, 10 a.m., 2360 Rayburn.

Committee on Transportation and Infrastructure, to continue hearings on the Proposed United-US Airways Merger, 10 a.m., 2167 Rayburn.

Committee on Ways and Means, Subcommittee on Trade, hearing on United States-Vietnam Relations, including the renewal of Vietnam's waiver under the Jackson-Vanik amendment to the Trade Act of 1974, 10 a.m., 1100 Longworth.

Next Meeting of the **SENATE**

9:45 a.m., Thursday, June 15

Senate Chamber

Program for Thursday: Senate will continue consideration of H.R. 4475, Department of Transportation Appropriations, with Senator Voinovich being recognized to offer an amendment.

Next Meeting of the **HOUSE OF REPRESENTATIVES**

9 a.m., Thursday, June 15

House Chamber

Program for Thursday: Consideration of H.R. 4578, Interior and Related Agencies Appropriations Act, 2001 (complete consideration).

Extensions of Remarks, as inserted in this issue

HOUSE

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DeLauro, Rosa L., Conn., E995, E996
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Hoyer, Steny H., Md., E1009
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Stark, Fortney Pete, Calif., E1009
Sweeney, John E., N.Y., E999
Tauscher, Ellen O., Calif., E1005
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