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House of Representatives

The House met at 12:30 p.m. and was called to order by the Speaker pro tempore (Mrs. BIGGERT).

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DESIGNATION OF SPEAKER PRO TEMPORE

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

WASHINGTON, DC,
June 19, 2000.

I hereby appoint the Honorable JUDY BIGGERT to act as Speaker pro tempore on this day.

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

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MORNING HOUR DEBATES

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

The Chair recognizes the gentleman from North Carolina (Mr. COBLE) for 5 minutes.

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LOS ALAMOS SECURITY PROBLEM

Mr. COBLE. Madam Speaker, the Los Alamos security problem is not a trivial matter. An official familiar with the investigation was quoted last weekend as having said hopefully the drives never left the secured area; if we believe this version, we will then be convinced that Santa Claus is a viable being and, finally, to complete the hat trick, the Tooth Fairy will trot across the stage.

If, after this, we remain skeptical, we would be well advised, Madam Speaker, to apply the admonishing lyrics of an old Lester Flatt and Earl Scruggs bluegrass tune entitled, ''I am going to sleep with one eye open from now on.''

Obviously, those charged with guarding the hen house at Los Alamos kept no eyes open, and the fox was free to roam at will. Corrective action must be forthcoming to resolve this inexcusable breach of security.

The potential detriment imposed upon our country may be irreparable. I sit as a Member of no House committee with direct jurisdiction over the Department of Energy; however, I have been more than a casual observer of the shoddy security measures at our Nation's nuclear lab.

I have previously crossed swords with the Department of Energy. Some recent years ago that Department was directed by a Secretary who enjoyed taking frequent trips, international and domestic, subsidized, of course, by taxpayers.

She insisted as well that she be surrounded by attendants who made up her road show entourage who traveled as well at taxpayers expense. I took her to task for this excessive travel, and several DOE employees and officials expressed thanks for my concern because their Department was being embarrassed.

Embarrassment is being felt yet again, but I distinguish the abusive travel practices with the present Los Alamos problem. The former involved a Secretary whose attitude was one of indifferent disregard to prudent management practices. The Los Alamos exposure involves national security.

Madam Speaker, even though there is no Cold War, many Americans, some who sat in this very Chamber, believe that since there is no Cold War, there is therefore no threat. There are, indeed, threats, Madam Speaker; and the Los Alamos problem could very well be nurturing a significant one. Let us clean up this mess before it is too late.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the Chair declares the House in recess until 2 p.m.

Accordingly (at 12 o'clock and 35 minutes p.m.), the House stood in recess until 2 p.m.

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AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mrs. BIGGERT) at 2 p.m.

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PRAYER

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

In recent days, we have honored fatherhood in this Nation, O God. In celebrating Fathers' Day, we have asked You to bless all fathers.

With their spouses, may they earn the love and respect of their children and be true guides of moral living and witness noble patriotism to another generation.

With faith in You as the source of life and all true authority in Heaven and on Earth, we dare to call You: ''Abba,'' ''Father.'' Shower upon us all Your loving care and understanding forgiveness.

In a special way we pray for all the Members of this House who are fathers. Bind their families in love. Protect them wherever they may be. Grant that peace and prosperity in this Nation may provide security to all who seek to be fathers in the future. Born of fathers, we give You thanks and praise for the life we have received by these men. All of us are Your children now and forever. Amen.

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THE JOURNAL

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

Printed on recycled paper.

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

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PLEDGE OF ALLEGIANCE

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

Mr. BROWN of Ohio 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.

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WASTE, FRAUD AND ABUSE AT DEPARTMENT OF EDUCATION

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

Mr. PITTS. Madam Speaker, in poll after poll, the American people have made it clear that the number one issue on their minds is education.

Americans want to make sure their children are well prepared for tomorrow. Americans want to know that their education tax dollars are being spent on their children, not on bureaucracies or needless studies.

Why is it, then, that this administration's Education Department got a D-minus from Ernst and Young, a private auditing firm? If a private company had gotten that rating, the Securities and Exchange Commission would suspend their stock from trading.

Why is it that the Department of Education's own employees are bilking the Department and sticking the taxpayers with the tab?

Madam Speaker, we need to reform the Federal education bureaucracy. We need to make sure our tax dollars are being spent in classrooms, not in Washington. We need to prepare our children to be tomorrow's leaders.

We need to pass the Republican Dollars to the Classroom Act.

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READ FINE PRINT ON GOP MEDICARE PRESCRIPTION DRUG PLAN

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

Mr. BROWN of Ohio. Madam Speaker, in a ''Dear Colleague'' he circulated today, the gentleman from California (Mr. THOMAS) shared some exciting news about the GOP Medicare prescription drug plan. If only it were true.

He asserts that the Republican plan, which relies on private insurers to offer individual prescription drug coverage, would cut prices twice as much as the Democrat's Medicare-based plan. That is a strong selling point. It is also complete rubbish.

The Congressional Budget Office says the GOP drug plan may cut costs by 25 percent, not through lower prices, but by restricting access to medically necessary drugs.

It is an important distinction. I will say it again. The Republican plan saves money, not by miraculously convincing the drug makers to lower their prices, but by limiting access to medically necessary prescription drugs.

It cuts costs by decreasing the value of the drug benefit. The insurers win, the government wins, senior citizens lose.

The Republican plan gives insurance companies carte blanche to do what they are doing today; that is, put price tags on treatment decisions and then deny coverage for medically necessary treatments. Sound familiar?

The President's plan is explicit in requiring coverage for any medically necessary drug prescribed by a doctor, which makes sense since it is the doctor, not the insurer, who is actually treating the patient.

I ask my colleagues to read the fine print of the Thomas proposal.

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SECURITY FAILURE AT LOS ALAMOS

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

Mr. GIBBONS. Madam Speaker, once again, our national security has been endangered by the incompetence of the Department of Energy. It seems that the DOE cannot keep track of our Nation's most sensitive and top-secret information.

After nuclear weapons information was stolen last year from the Los Alamos lab, the American people were promised, they were promised that the lab security would be enhanced and such a security breach would never again occur.

Well that was 1999, Madam Speaker. So much for the Clinton-Gore administration promises.

It seems that the enhanced security did not take into consideration the human element. The human element is not one's pet dog.

Perhaps the DOE thought that the potential threat aliens from Mars posed to our national security needed to be addressed before ensuring that our top-secret information was secure from real-life human beings.

It is time that this administration wake up and make our national security a top priority.

I yield back the administration's so-called security policies which fail to protect our Nation's secrets.

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TIME TO PASS SIMPLE 15 PERCENT FLAT TAX; ABOLISH IRS

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

Mr. TRAFICANT. Madam Speaker, the Lord's prayer is 66 words; the 10 Commandments, 179 words; the Gettysburg Address, 286 words; the Declaration of Independence, 1,322 words; the United States Tax Code, 2 million 8 hundred thousand plus words. It is out of control.

In America, if a dog urinates in a parking lot, the EPA deems it a wetland. What is even worse, the IRS slaps on a hazardous waste tax. Beam me up here.

It is time to pass the simple flat 15 percent national sales tax and abolish the IRS.

I yield back all elements of the ''Internal Rectal Service''.

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FLOYD D. SPENCE NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2001

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

Mr. SKELTON. Madam Speaker, each year, the legislative process consistently yields a particularly important authorization bill, and each and every year that authorization bill is signed into law by the President. I am speaking of the annual Defense authorization bill.

A month ago on May 18, the Floyd D. Spence National Defense Authorization Act for fiscal year 2001, aptly named for our distinguished chairman in his last year at the helm of the committee, passed the House by a strong bipartisan margin of 353 to 63.

The $310 billion that this bill would authorize in the coming fiscal year represents the blueprint for defense policy and spending priorities as it does every year. Not only does it set the troop strength levels and extend expiring authorities, it goes to the heart of what our troops need to do the job. This bill will directly improve their quality of life, their readiness to fight, and the pace of the modernization of their equipment.

I am especially pleased that this bill contains several important new initiatives, including a comprehensive package of military health care reforms that would significantly improve access to quality health care for all military beneficiaries, particularly for over-65 military retirees.

But, Mr. Speaker, I am sorry to note that progress on the Defense Authorization bill, after passage in the House, has come to a sudden standstill in the other body. As I look about the legislative landscape, I see no other issue that I believe should take precedence over the authorization of the funds that our troops need. I hope that this situation can be dealt with quickly, and that we can get about the business of going to conference on a Senate bill and a House bill in the very near future.

The Congress needs this bill. The troops need this bill. The country needs this bill.

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APOLOGY FOR SLAVERY

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

Mr. HALL of Ohio. Madam Speaker, today, on a date African Americans celebrate as their second Independence Day, I am introducing a resolution.

This bill would put Congress on record as apologizing for all of our country and this institution and what they did to promote and sustain slavery and its terrible legacy.

This building we work in and revere as one of the world's monuments to freedom and democracy, it is a place where much good has been done, but it is also one of the sites of one of the history's great wrongs, and that is slavery.

Mr. Speaker, this building we revere was partly built by slaves, people who suffered terrible wrongs, people I believe our Nation owes an apology.

I was surprised to learn that, despite the Civil War and despite the landmark civil rights legislation, despite all that has happened in the 135 years since the last slaves learned they were free, our Nation has never apologized for the savage institution of slavery.

I urge all of our colleagues to look in their hearts and support this bill.

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COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

HOUSE OF REPRESENTATIVES,
Washington, DC, June 16, 2000.

Hon. J. DENNIS HASTERT,
The Speaker, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted to Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on June 16, 2000 at 9:12 a.m.

That the Senate passed without amendment H.J. Res. 101.

With best wishes, I am
Sincerely,

JEFF TRANDAHL,
Clerk of the House.

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COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

HOUSE OF REPRESENTATIVES,
Washington, DC, June 16, 2000.

Hon. J. DENNIS HASTERT,
The Speaker, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted to Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on June 16, 2000 at 1:45 p.m.

That the Senate agreed to Conference Report S. 761.

With best wishes, I am
Sincerely,

JEFF TRANDAHL,
Clerk of the House.

APOLOGY FOR UNWARRANTED TERM USED IN COMMITTEE HEARING LAST THURSDAY CONCERNING MERGER OF UNITED AND US AIRWAYS

(Mr. OBERSTAR asked and was given permission to address the House for 5 minutes and to revise and extend his remarks.)

Mr. OBERSTAR. Madam Speaker, last Thursday, the Committee on Transportation and Infrastructure held a hearing on the proposed merger of United Airlines and US Airways. In the course of that hearing, I used an inappropriate and unwarranted term to describe the status of the spin-off carrier DC Air that would be created if the merger were to be approved.

Mr. Robert Johnson, CEO of Black Entertainment Television and proposed owner of DC Air, took justifiable exception of that characterization of the proposed new carrier. In a letter to me late Friday, Mr. Johnson said he is personally hurt and offended and called upon me to change my attitude.

I take the well today to apologize to Mr. Johnson and to the Committee on Transportation and Infrastructure for my careless, inappropriate, and offensive remark.

Madam Speaker, in my years of Congress, I have staunchly maintained an attitude of support for civil rights in the United States and human rights abroad. I will not detail that history today except to say that, in the most recent civil rights issue before my committee, TEA 21, I championed the inclusion of language to give a fair share of Federal transportation accounts to disadvantaged businesses. Before coming to Washington, I spent 3½ years working in Haiti. During my time of Congress, I worked to bring economic and political stability to that first black republic in the world.

I cannot let that record of 40 years be tarnished by one ill-chosen, inappropriate, offensive word.

In the spirit of Psalm 51, verse 19, ''My sacrifice, O God, is a contrite heart. A heart contrite and humbled, O God, you will not spurn.''

Madam Speaker, it is further my responsibility and that of my colleagues in Congress to stay focused on the main issue here, the effects of this proposed merger of United Airlines and US Airways on air service in Washington and throughout the country.

I have reviewed DC Air's business plan and am concerned it would be tied too closely to the newly merged United and not be an effective competitor. The concern is not based on Mr. Johnson's ownership of the airline, for I have great respect and appreciation for Mr. Johnson's abilities as a businessman and his success as an entrepreneur, but on the new carrier's dependence on its much larger partner. If the Justice Department sees fit to approve this deal, I would hope that it would require the merging airlines to divest additional assets to DC Air to make the start-up carrier a stronger, more viable competitor.

I am opposed to the United-US Airways merger on its merits. I believe it will diminish competition, spur additional consolidation in the airline industry, and result in fewer choices and poorer service to the flying public. It is a bad deal for aviation and for the consumer.

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ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

Any record votes on postponed questions will be taken after debate has concluded on all motions to suspend the rules, but not before 6 p.m. today.

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ABRAHAM LINCOLN INTERPRETATIVE CENTER

Mr. SOUDER. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 3084) to authorize the Secretary of the Interior to contribute funds for the establishment of an interpretative center on the life and contributions of President Abraham Lincoln, as amended.

The Clerk read as follows:

H.R. 3084

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

SECTION 1. CONTRIBUTIONS TOWARD ESTABLISHMENT OF ABRAHAM LINCOLN INTERPRETIVE CENTER.

(a) GRANTS AUTHORIZED.—Subject to subsections (b) and (c), the Secretary of the Interior shall make grants to contribute funds for the establishment in Springfield, Illinois, of an interpretive center to preserve and make available to the public materials related to the life of President Abraham Lincoln and to provide interpretive and educational services which communicate the meaning of the life of Abraham Lincoln.

(b) PLAN AND DESIGN.—

(1) SUBMISSION.—Not later than 18 months after the date of enactment of this Act, the entity selected by the Secretary of the Interior to receive grants under subsection (a) shall submit to the Secretary a plan and design for the interpretive center, including a description of the following:

(A) The design of the facility and site.

(B) The method of acquisition.

(C) The estimated cost of acquisition, construction, operation, and maintenance.

(D) The manner and extent to which non-Federal entities will participate in the acquisition, construction, operation, and maintenance of the center.

(2) CONSULTATION AND COOPERATION.—The plan and design for the interpretive center shall be prepared in consultation with the Secretary of the Interior and the Governor of Illinois and in cooperation with such other public, municipal, and private entities as the Secretary considers appropriate.

(c) CONDITIONS ON GRANT.—

(1) MATCHING REQUIREMENT.—A grant under subsection (a) may not be made until such time as the entity selected to receive the grant certifies to the Secretary of the Interior that funds

have been contributed by the State of Illinois or raised from non-Federal sources for use to establish the interpretive center in an amount equal to at least double the amount of that grant.

(2) RELATION TO OTHER LINCOLN-RELATED SITES AND MUSEUMS.—The Secretary of the Interior shall further condition the grant under subsection (a) on the agreement of the grant recipient to operate the resulting interpretive center in cooperation with other Federal and non-Federal historic sites, parks, and museums that represent significant locations or events in the life of Abraham Lincoln. Cooperative efforts to promote and interpret the life of Abraham Lincoln may include the use of cooperative agreements, cross references, cross promotion, and shared exhibits.

(d) PROHIBITION ON CONTRIBUTION OF OPERATING FUNDS.—Grant amounts may not be used for the maintenance or operation of the interpretive center.

(e) NON-FEDERAL OPERATION.—The Secretary of Interior shall have no involvement in the actual operation of the interpretive center, except at the request of the non-Federal entity responsible for the operation of the center.

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of the Interior a total of $50,000,000 to make grants under subsection (a). Amounts so appropriated shall remain available for expenditure through fiscal year 2006.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Indiana (Mr. SOUDER) and the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN) each will control 20 minutes.

The Chair recognizes the gentleman from Indiana (Mr. SOUDER).

GENERAL LEAVE

Mr. SOUDER. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 3084.

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

There was no objection.

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

Madam Speaker, I rise in support of H.R. 3084, as amended, introduced by the gentleman from Illinois (Mr. SHIMKUS). This bill authorizes the Secretary of Interior to contribute up to $50 million in matching funds for the construction of an Abraham Lincoln Interpretative Center. H.R. 3084 assures that every dollar of Federal contribution must be matched by at least $2 from the non-Federal side.

The center would consist of a museum and an archive library which would house the world's largest collection of Lincoln material. H.R. 3084 allows 18 months from the time of enactment for the entity selected by the Secretary of Interior to submit the design, method of acquisition, and estimated cost of the center.

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The selected entity is also responsible for describing the manner and role that non-Federal entities will participate for this center.

Madam Speaker, I urge all my colleagues to support H.R. 3084, as amended.

Madam Speaker, I reserve the balance of my time.

Mrs. CHRISTENSEN. Madam Speaker, I yield myself such time as I may consume.

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

Mrs. CHRISTENSEN. Madam Speaker, H.R. 3084 authorizes the Secretary of the Interior to make available $50 million in grants as a contribution of funds for the establishment of an interpretive center on the life and contributions of President Abraham Lincoln.

The center is to be operated by a non-Federal entity, which would have to submit to the Secretary a plan and design for the interpretive center within 18 months of enactment. The legislation specifies that Federal funds would have to be matched on the basis of at least double the amount of any grant made by the Secretary. The bill also specifies that no grant funds may be used for maintenance or operation of the interpretive center, and that the Secretary would have no involvement in the operation of the center except at the request of the non-Federal entity.

We are all aware of the important role President Lincoln has had in American history. That role has been honored in five national park system units alone. H.R. 3084 would expand on that recognition by making funds available for a new interpretive center to be built by State and local entities in Springfield, Illinois.

There appears to be significant interest in such an interpretive center, and we have no objection to the legislation.

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

Mr. SOUDER. Madam Speaker, I yield 6 minutes to the gentleman from Illinois (Mr. SHIMKUS), who has been a tireless leader in this effort; along with the gentleman from Illinois (Mr. LAHOOD); our speaker in the chair today, the gentlewoman from Illinois (Mrs. BIGGERT); and the Speaker of the House, the gentleman from Illinois (Mr. HASTERT). And many of us from Kentucky are also happy to support the efforts of those from Illinois, but I thank this gentleman for his leadership.

Mr. SHIMKUS. Madam Speaker, I thank my colleague, the gentleman from Indiana (Mr. SOUDER), for yielding me this time, and I too am excited about this opportunity.

Madam Speaker, I rise today in support of H.R. 3084, legislation that would authorize the establishment of an interpretive center on the life and contributions of President Abraham Lincoln. This is a project I have been working on, with my colleagues from Illinois, for the last 2 years. And I want to particularly also thank all my colleagues on the committee, along with my colleague who shares the City of Springfield, the gentleman from Illinois (Mr. LAHOOD); and the Speaker of the House, the gentleman from Illinois (Mr. HASTERT), who have been very helpful in pushing this forward.

As my colleagues know, the entire Illinois delegation is also as supportive of H.R. 3084. In the House, my legislation has all 19 Members of the Illinois delegation as cosponsors. The companion legislation in the Senate has the solid support of both our Senators, Senator DICK DURBIN and Senator PETER FITZGERALD. Back home in Springfield, this legislation has the full support of both the City of Springfield, in which this project will be located, and that of the governor of the State of Illinois, George Ryan.

In fact, the State of Illinois has already appropriated $10 million and in the very near future will appropriate an additional $40 million for the project. In addition, the City of Springfield has committed $10 million for this project through local tax incentives.

With an eye towards fiscal integrity, we have placed a matching requirement in this legislation, which ensures that the Federal Government is only responsible for funding one-third of the entire project's cost. The remaining two-thirds is required to come from State, local, and private organizations.

We have also clearly stated in the legislation that Federal funds may not be used to operate this facility. We view this project as a one-time expenditure to the Federal Government, not a long-term funding initiative that needs continual funding year after year. Mr. Speaker, the bill authorizes $50 million for the project and makes these funds available for expenditure through 2006.

Abraham Lincoln's name is familiar to people all over the world. More than 100 nations have honored him through the issuance of stamps, bringing his name to millions of people and keeping his memory and message alive.

It is very common for many of us, especially in the State of Illinois and the surrounding States, to attend annual Lincoln Day dinners, whether they are dinners or lunches. In fact, I counted 15 that I had celebrating the birth of Abraham Lincoln from January through April. And many times, when we get a chance to reminisce on President Abraham Lincoln, we almost raise him up to a deity status, and we do that in an attempt not to forget history. It is very important to remember history.

I did that in my last year's worth of speeches, talking about Abraham Lincoln and how he secured America's future by preserving the union and by freeing the slaves. But I want to focus on a column written by Clarence Page from the Chicago Tribune, and I will be submitting this for the RECORD.

In his column Mr. Page mentions that there are still naysayers. Lerone Bennett, Jr., is one, in his book ''Forced Into Glory: Abraham Lincoln's White Dream.'' At the end of the column, however, Clarence Page writes, ''Like Thomas Jefferson and other heroic figures in American history, Lincoln set a higher standard for human brotherhood and sisterhood than even he was able to meet. Still, we can admire Lincoln, as I still do, inasmuch as

he set that high standard during his better moments and acted on it. Lincoln is important, not only to Americans, but around the world, as a symbol of how an ordinary man from very humble beginnings can rise to high office and lead his country through its worst crisis and all-out war against itself. If he was 'forced into glory' against his will or not, he has worn the glory remarkably well.''

Mr. Page's column really emphasizes why we need the Lincoln Library. We need it to remember the past. And we need to remember that Abraham Lincoln was not a God, but he was an average person called upon at a very historical time in our history. We need to focus on the fact that with all his foibles, he rose to the challenge.

And not only in remembering Abraham Lincoln, but we need the Library to bring our documents together so that future scholars and, more importantly, the children, who are trying to get a grasp of this history, the Abraham Lincolns of the future, the Thomas Jeffersons of the future, the Douglas MacArthurs of the future, that they can see how America becomes great. America becomes great because the average men and women of this Nation, the average Joes on the battlefield who win the wars, those who wax philosophically and win the debates on the floor, who pass monumental legislation, that all these people come from the homes of the average citizens of this country. We need to continue to inspire our children so that they too can rise up and be the great leaders of this Nation.

Madam Speaker, I applaud the chairman of the committee, the gentleman from Alaska (Mr. YOUNG), for allowing this legislation to move forward. I think it is in the best interest of our Nation and our children.

Madam Speaker, I submit the article referred to above hereafter:

[From the Chicago Tribune, May 31, 2000]

WAS HE OR WASN'T HE?—DEFLATING LINCOLN TO A HUMAN SCALE

WASHINGTON.—Abraham Lincoln was the humbly born, self-educated ''Honest Abe,'' the Great Emancipator who freed the slaves in America.

Abraham Lincoln was a white supremacist, who said whatever the crowd wanted to hear, freed hardly any slaves, used the ''N-word'' frequently and, if he had his druthers, would have sent all blacks back to Africa.

Pick the history you prefer. Lerone Bennett Jr., prefers the second interpretation of Lincoln and elaborates on it in a 652-page assault, ''Forced Into Glory: Abraham Lincoln's White Dream.''

With the Confederate battle flag re-emerging these days as a lightning rod of controversy across the South (Is it a symbol of racism or a benign tribute to southern heritage?), Bennett, author, editor and acclaimed historian at Ebony magazine, could hardly have picked a better time to question another enduring symbol of the Civil War, Lincoln.

Bennett is not quite successful in his effort to convince us that Lincoln was an unrepentant white supremacist or that the Emancipation Proclamation was a ''ploy'' designed to perpetuate slavery rather than extinguish it.

But Bennett effectively instructs a broader audience in what Lincoln scholars have known all along, that Lincoln did not really free the slaves as commonly believed. He also was a more complicated man than the catchy slogans like Honest Abe and the Great Emancipator adequately describe.

The Emancipation Proclamation, Bennett pints out, did not free any slaves because it applied only to areas outside Union control. As an Illinois legislator and congressman before the Civil War, legislator and congressman before the Civil War, Lincoln actually opposed abolitionists. He supported the Fugitive Slave Act and supported Illinois' laws barring blacks from voting, serving on juries, holding office and intermarrying with whites.

Lincoln refused to free and arm slaves. He delivered anti-slavery speeches in northern Illinois and pro-slavery speeches in southern Illinois. Those who knew him well said he enjoyed minstrel shows, used the N-word in private conversations and sometimes in speeches.

Bennett's been here before. His 1968 Ebony article ''Was Abe Lincoln a white supremacist?'' sent ripples across the academic and cultural world of that politically volatile era. Much of this has been written about by other scholars. Bennett is not an academic historian. Yet his article, like his classic work ''Before the Mayflower,'' brought scholarly research to a broad audience and changed the national conversation about the early history of African-Americans, even among scholars.

As a descendant of African-American slaves, I appreciate Bennett's critique, for the insights it offers—not just on Lincoln but on those of us who admire and respect the impact he had on my family and millions of others of all races.

Since I don't know what was in Lincoln's heart, I have to judge him by his actions. Whether he intended to free the slaves or not, his actions served to have that effect over time.

He may not have been the Great Emancipator but he helped to emancipate.

Yes, as Bennett describes, Lincoln did allow the four slave states that remained in the Union to dictate his policy toward slavery. But, can anyone familiar with geography blame Lincoln for wanting to avoid secession by Maryland and Delaware? It would have left the District of Columbia surrounded by hostile states, which would not have been a happy situation.

The Emancipation Proclamation did not free many slaves, but it gave the Civil War a moral purpose that fended off potential foreign allies to the South and set a new course for American history.

Lincoln may have supported ''colonization'' of black slaves to Africa, but he was hardly alone, either among white or black leaders of the time. Yet, the proclamation repudiated colonization, in so many words and enabled the first large-scale enlistment of black soldiers in the Union army.

Once he issued the proclamation. Lincoln no longer could waffle on the slavery issue. His role as ''emancipator'' was assured and he did nothing to discourage it.

Lincoln held off radical Republicans who wanted him to further, but he also fended off reactionaries who wanted him to move backward, to modify his proclamation or abandon it altogether.

If Bennett overdoes his assault on Lincoln, it hardly matches the overzealous ways in which ol' Abe has been almost canonized over the years.

Like Thomas Jefferson and other heroic figures of American history, Lincoln set a higher standard for human brotherhood and sisterhood than even he was able to meet.

Still, we can admire Lincoln, as I still do, inasmuch as he set that high standard during his better moments and acted on it.

Lincoln is important, not only to Americans but around the world, as a symbol of how an ordinary man from very humble beginnings can rise to high office and lead his country through its worst crisis, an all-out war against itself.

If he was ''forced into glory'' against his will or not, he has worn the glory remarkably well.

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

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

I said earlier that I was very excited to see this bill move forward, but there were a number of questions that I had as we first brought this up in the Subcommittee on National Parks and Public Lands and the Committee on Resources, which I believe have been very adequately addressed.

Any American who follows Abraham Lincoln realizes that he is a legend not only to Illinois but to many other States, and he has historic sites around the country. I do not think there is a young boy in America or a young girl in America who has not heard the story of Abraham Lincoln reading by the firelight and being told by our parents that we should be very appreciative of our life-styles, and how hard he worked, and worked all day, and then read by the light of his fire. Presumably he had very thick glasses, if they had been there at the time, because he was so committed to that. It inspired many young people, including myself. I have been a Lincoln fan most of my life, have 15 to 20 books of Lincoln that I have read; and I think many Americans have taken that inspiration.

When we walk through our capitol building or around the Nation's capital, we see many Lincoln sites. The Gettysburg address is arguably, along with the Declaration of Independence, is the most known and most moving document. This book by Gary Wills is a tremendous book, talking about, for example, the fact that it is amazing that an address this important, referring to the Gettysburg address, and one that most of us know and is so concise, at the same time the Gettysburg address does not mention Gettysburg, it does not mention slavery, it does not mention the union, and it does not mention the South. Yet he managed to communicate his points in a moving way that still moves Americans today.

He was a tremendous writer, in addition to being a person who could unify and keep our country together. This capitol building would be rent apart if we had not had a mild mannered man from the Midwest who listened to the people, and spent much of his life listening, to try to somehow keep a very divided North together, let alone manage his way through the Civil War.

I say all that because this site could have been in Kentucky, a national

presidential library. That is where he was born. It could have been in Indiana. We have a national Lincoln boyhood site in southern Indiana. We in Indiana like to say that Indiana made Lincoln and Lincoln made Illinois. It also could be at Gettysburg, where he delivered this address and where we have just taken sites into Federal possession, in the Wills House, the cemetery where he gave the address. We have Ford Theater as a national site.

But the fact is the first question is why Springfield. There are many more Lincoln sites in Springfield than anywhere else in the country, and I want to make sure the RECORD notes these. They have the Lincoln Home National Historic Site, where he and Mary Todd Lincoln lived. The Lincoln-Herndon Law Offices. They have the Lincoln tomb. The Lincoln Depot, where he left Springfield for Washington, D.C., which is still preserved. They have the Lincoln log cabin, where his father and stepmother lived. They have the Lincoln ledger, his financial records. The old State capitol where he served as a State legislator and delivered his famous house divided speech. They also have outside of Springfield and New Salem a recreation of a village of his time period.

There is no question that Springfield has more historic sites related to Lincoln than anywhere else in the country. They also, through the Henry Horner Collection that was given to the Illinois State Historical Society, have 1,500 documents that were either handwritten by Lincoln or were signed by Lincoln, in addition to all sorts of broadsides, prints and photographs, including the earliest known photo of Lincoln, taken in 1846, and the only known photo lying in state.

So, clearly, they have more documents, more photos, more actual buildings related to Lincoln than anywhere else in the country. They have Edward Everett's copy of his manuscript, handwritten out for him. They have the handwritten speech of the second inaugural address with the famous ''with malice toward none, with charity for all.''

I think there is a compelling case that, a, we need a national Lincoln museum and library, and that Springfield should be the center. One amendment that we had in committee, and I think is important as we work with the National Park Service on things like the Lewis and Clark trip to the West where we have many historic sites and where we have other underground railroad sites; as we work together it is important that a national museum, while it will focus on his Illinois years, because that is where most of the documents are, that it will also interrelate with the other Lincoln sites around the country. So as we see this boom in heritage tourism, as many young Americans and adult Americans try to learn more about their history, that they can go to one site and at that site be referred to other sites around the country that also bring out that heritage.

□ 1430

I am excited about the efforts of the gentleman from Illinois (Mr. SHIMKUS). I hope this also will continue to be funded through the appropriations process, and I am glad that we can move this bill forth.

Mr. LAHOOD. Mr. Speaker, and the members of the House of Representatives, I want to thank you for giving me the opportunity to submit my testimony on an issue that is very important to me, and to the 18th District of Illinois—authorization of the Abraham Lincoln Presidential Library.

A panel of world-famous historians recently voted Abraham Lincoln as the greatest American President. This comes as no surprise to those of us from the Land of Lincoln. For decades, people from all over the world have come to Illinois to learn about our 16th President, and to be inspired by his life and words. Lincoln's story is the quintessential American success story. In Lincoln, we have a man born into the most humble of circumstances overcoming hardship and repeated failures, through his own hard work and dedication, to emerge as one of the three most written about individuals in human history.

But even though Lincoln is considered by the world to be one of the nation's greatest leaders, there is no single location where the Lincoln story can be told. There are sites that interpret his pioneer days, has legal and political careers, his home life, and even his death. But there is not a facility dedicated to interpreting Abraham Lincoln's legacy and relevance to contemporary generations.

Arthur Schlesinger, Jr., one of the nation's most respected historians, recently termed it a ''tragedy'' that Abraham Lincoln does not have a Presidential Library.

The State of Illinois has the world's largest Lincoln collection—some 46,000 items so rare and valuable that the collection exceeds the combined Lincoln holdings of the National Park Service, the National Archives, and the Smithsonian Institution. Some of our nation's most significant artifacts are a part of that collection: five copies of The Gettysburg Address, which sets the stage for our nation's history after Civil War; the only signed copy of The Emancipation Proclamation, which echoed Lincoln's strong feelings against human bondage; and the only copy of Lincoln's Second Inaugural Address, which, while advocating malice toward none and charity for all, predicted benevolent policies for post war recovery. The Illinois collection also includes such diverse artifacts as Tad Lincoln's toy cannon, Mary Lincoln's wedding skirt, and the nameplate from the front door of Lincoln's Springfield house—treasures that belong to all Americans.

But, few of you have ever seen these items, and there is a reason for that. The State of Illinois has no adequate facilities to appropriately display and interpret these items. They are kept locked in a vault beneath the old State Capitol in downtown Springfield, to be brought out only for important research or the occasional exhibit at another location.

Abraham Lincoln's example of sacrifice for his ideals should not be kept locked behind a vault door. Lincoln's message of freedom and democracy should not be kept in obscurity in the basement of a building. The life of America's greatest President should not be hidden away from all but a select few.

The proposed Abraham Lincoln Presidential Library will be a beacon of freedom for the entire world. Anyone enjoying the benefits of democracy, and those who yearn to enjoy those benefits, will want to come to this new facility. The world looks to Abraham Lincoln as the highest example of freedom in a nation founded on that concept, and the Abraham Lincoln Presidential Library will give the world a place to learn about, and be inspired by, that example.

Abraham Lincoln's message is especially relevant today, as the world's changing political situation has people searching for a champion of freedom and equality. We have that champion. He is an American who kept the United States united and demonstrated to the world that democratic ideals were not a mere abstraction, but a living reality. He is a human being who brought dignity to all human beings.

He is a martyr who died for his beliefs. He makes us proud to be Americans. Now, it's time to return the favor.

Abraham Lincoln's legacy belongs to all generations. His appeal transcends age, race, gender, class and partisan boundaries. He is one of our greatest Presidents and deserves this long overdue facility in his honor. It will be located in Springfield, Illinois, but it will be open to the world. Let's keep Lincoln's torch of freedom burning for all people. Let's help fund the Abraham Lincoln Presidential Library.

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

The SPEAKER pro tempore (Mrs. BIGGERT). The question is on the motion offered by the gentleman from Indiana (Mr. SOUDER) that the House suspend the rules and pass the bill, H.R. 3084, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

□

TAUNTON RIVER WILD AND SCENIC RIVER STUDY ACT OF 2000

Mr. SOUDER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2778) to amend the Wild and Scenic Rivers Act to designate segments of the Taunton River in the Commonwealth of Massachusetts for study for potential addition to the National Wild and Scenic Rivers System, and for other purposes, as amended.

The Clerk read as follows:

H.R. 2778

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 ''Taunton River Wild and Scenic River Study Act of 2000''.

SEC. 2. FINDINGS.

Congress finds that—

(1) the Taunton River in the State of Massachusetts possesses important resource values (including wildlife, ecological, and scenic values), historic sites, and a cultural past important to the heritage of the United States;

(2) there is strong support among State and local officials, area residents, and river users for a cooperative wild and scenic river study of the area; and

(3) there is a longstanding interest among State and local officials, area residents, and river users in undertaking a concerted cooperative effort to manage the river in a productive and meaningful way.

SEC. 3. DESIGNATION FOR STUDY.

Section 5(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1276(a)) is amended—

(1) by designating the undesignated paragraph following (135) as paragraph (136); and

(2) by adding at the end the following:

''(137) TAUNTON RIVER, MASSACHUSETTS.—The segment downstream from the headwaters, from the confluence of the Town River and the Matfield River in Bridgewater to the confluence with the Forge River in Raynham, Massachusetts.''.

SEC. 4. STUDY AND REPORT.

Section 5(b) of the Wild and Scenic Rivers Act (16 U.S.C. 1276(b)) is amended—

(1) by redesignating the second paragraph (8) as paragraph (10);

(2) by redesignating the second paragraph (11) as paragraph (12);

(3) by redesignating the third paragraph (11) as paragraph (13);

(4) by redesignating the fourth paragraph (11) as paragraph (14);

(5) by redesignating the first undesignated paragraph as paragraph (15);

(6) by redesignating the second undesignated paragraph as paragraph (16);

(7) in paragraph (16), as so redesignated by paragraph (6) of this subsection, by striking ''paragraph ( )'' and inserting ''paragraph (136)''; and

(8) by adding at the end the following:

''(17) TAUNTON RIVER, MASSACHUSETTS.—Not later than 3 years after the date of enactment of this paragraph, the Secretary of the Interior—

''(A) shall complete the study of the Taunton River, Massachusetts; and

''(B) shall submit to Congress a report describing the results of the study.''.

SEC. 5. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Indiana (Mr. SOUDER) and the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN) each will control 20 minutes.

The Chair recognizes the gentleman from Indiana (Mr. SOUDER).

GENERAL LEAVE

Mr. SOUDER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and to include extraneous material on H.R. 2778.

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

There was no objection.

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

Madam Speaker, I rise in support of H.R. 2778, as amended, and introduced by the gentleman from Massachusetts (Mr. MOAKLEY). This bill authorizes a study of the Taunton River for inclusion into the National Wild and Scenic Rivers System.

The Taunton River contains a variety of natural and cultural resources important to America's heritage. H.R. 2778 will assess these resources and determine whether the river meets the requirements for inclusion into the Wild and Scenic Rivers Act. The study authorized by H.R. 2778 has strong public support from State and local officials, residents, and river users.

I urge my colleagues to support H.R. 2778, as amended.

Madam Speaker, I reserve the balance of my time.

Mrs. CHRISTENSEN. Madam Speaker, I yield myself such time as I may consume.

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

Mrs. CHRISTENSEN. Madam Speaker, H.R. 2778, introduced by our colleague, the gentleman from Massachusetts (Mr. MOAKLEY), amends the Wild and Scenic Rivers Act to provide for a study of the Taunton River in the Commonwealth of Massachusetts for potential addition to the National Wild and Scenic Rivers System.

The Taunton River is located in southeastern Massachusetts, about 30 miles from Boston. The Taunton and its tributaries form the second largest watershed in the Commonwealth. Much of the river corridor is forested or in agricultural use.

H.R. 2778 is a noncontroversial bill. The administration has testified in support of the study. Further, it is our understanding that there is strong local support for this initiative.

During consideration of the bill by the Committee on Resources, an amendment was adopted that made a number of technical corrections to the bill and the underlying Wild and Scenic Rivers Act. These changes improve the legislation, and we support the bill as amended.

Madam Speaker, I also have a statement from the gentleman from Massachusetts (Mr. MOAKLEY), the sponsor of H.R. 2778, who is unavoidably unable to be here during the consideration of this bill; and I include his statement for the CONGRESSIONAL RECORD during consideration of this bill.

Mr. MOAKLEY. Madam Speaker, I would like to thank my colleagues, Representative GEORGE MILLER, Repesentative DON YOUNG, Representative CARLOS ROMERO-BARCELO, and Representative JAMES HANSEN for bringing this important bill to the floor.

H.R. 2778 would direct the National Park Service to study the Taunton River in Massachusetts to determine if it should be added to the Wild and Scenic Rivers System. The 70-mile river is threatened by an alarming rate of residential and commercial development. If the river meets the necessary federal requirements and is added to the system, then its flow could not be hindered or diverted and local regional planners would be able to receive federal assistance to help manage the river.

The Taunton River is of tremendous historical and ecological value to the Commonwealth of Massachusetts and also the nation. In the early 1600's, the Taunton River was the first river the Pilgrims encountered as they moved inland, and they used the river as a meeting spot with the Native Americans. Chief Massasoit of the Wompanoag tribe befriended the Pilgrims, who were ill-prepared for New England's harsh winters. Without the help of the Native Americans, the early settlers would have perished. As a result of the goodwill of the local Native Americans, the Pilgrims dedicated a day in celebration of the harvest and their good fortune. This day is celebrated throughout the country today and is better known as our national holiday of Thanksgiving.

From an ecological standpoint, the Taunton River is a tremendous resource because of its improved water quality and the various species of marine life that thrive there. There have been numerous sightings of the American Bald Eagle. The improved water quality of the river has resulted in the river becoming a tremendous recreational resource for thousands of Southeastern Massachusetts residents. The river is part of a river water trail called the Wampanoag Commemorative canoe passage. The course, which was the main travel route for the Wampanoag Native Americans, is now used by scouting groups, conservation leaders, and recreational enthusiasts.

The river is of tremendous historical and scenic value to the Commonwealth of Massachusetts. I strongly support H.R. 2778 and thank my colleagues for bringing the measure to the House floor.

Mrs. CHRISTENSEN. Madam Speaker, I yield back the balance of my time.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Indiana (Mr. SOUDER) that the House suspend the rules and pass the bill, H.R. 2778, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

□

CAT ISLAND NATIONAL WILDLIFE REFUGE ESTABLISHMENT ACT

Mr. SAXTON. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 3292) to provide for the establishment of the Cat Island National Wildlife Refuge in West Feliciana Parish, Louisiana, as amended.

The Clerk read as follows:

H.R. 3292

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 ''Cat Island National Wildlife Refuge Establishment Act''.

SEC. 2. FINDINGS.

The Congress finds that—

(1) as the southernmost unleveed portion of the Mississippi River, Cat Island, Louisiana, is one of the last remaining tracts in the lower Mississippi Valley that is still influenced by the natural dynamics of the river;

(2) Cat Island supports one of the highest densities of virgin bald cypress trees in the entire Mississippi River Valley, including the Nation's champion cypress tree which is 17 feet wide and has a circumference of 53 feet;

(3) Cat Island is important habitat for several declining species of forest songbirds and supports thousands of wintering waterfowl;

(4) Cat Island supports high populations of deer, turkey, and furbearers, such as mink and bobcats;

(5) conservation and enhancement of this area through inclusion in the National Wildlife Refuge System would help meet the

habitat conservation goals of the North American Waterfowl Management Plan;

(6) these forested wetlands represent one of the most valuable and productive wildlife habitat types in the United States, and have extremely high recreational value for hunters, anglers, birdwatchers, nature photographers, and others; and

(7) the Cat Island area is deserving of inclusion in the National Wildlife Refuge System.

SEC. 3. DEFINITIONS:

For purposes of this Act—

(1) the term ''Refuge'' means the Cat Island National Wildlife Refuge; and

(2) the term ''Secretary'' means the Secretary of the Interior.

SEC. 4. PURPOSES.

The purposes for which the Refuge is established and shall be managed are—

(1) to conserve, restore, and manage habitats as necessary to contribute to the migratory bird population goals and habitat objective as established through the Lower Mississippi Valley Joint Venture;

(2) to conserve, restore, and manage the significant aquatic resource values associated with the area's forested wetlands and to achieve the habitat objectives of the ''Mississippi River Aquatic Resources Management Plan'';

(3) to conserve, enhance, and restore the historic native bottomland community characteristics of the lower Mississippi alluvial valley and its associated fish, wildlife, and plant species;

(4) to conserve, enhance, and restore habitat to maintain and assist in the recovery of endangered, and threatened plants and animals;

(5) to provide opportunities for priority public wildlife dependent uses for compatible hunting, fishing, trapping, wildlife observation and photography, and environmental education and interpretation; and

(6) to encourage the use of volunteers and facilitate partnerships among the United States Fish and Wildlife Service, local communities, conservation organizations, and other non-Federal entities to promote public awareness of the resources of the Refuge and the National Wildlife Refuge System and public participation in the conservation of those resources.

SEC. 5. ESTABLISHMENT OF REFUGE.

(a) ACQUISITION BOUNDARY.—The Secretary is authorized to establish the Cat Island National Wildlife Refuge, consisting of approximately 36,500 acres of land and water, as depicted upon a map entitled ''Cat Island National Wildlife Refuge–Proposed'', dated February 8, 2000, and available for inspection in appropriate offices of the United States Fish and Wildlife Service.

(b) BOUNDARY REVISIONS.—The Secretary may make such minor revisions of the boundary designated under this section as may be appropriate to carry out the purposes of the Refuge or to facilitate the acquisition of property within the Refuge.

(c) ACQUISITION.—The Secretary is authorized to acquire the lands and waters, or interests therein, within the acquisition boundary described in subsection (a) of this section.

(d) ESTABLISHMENT.—The Secretary shall establish the Refuge by publication of a notice to that effect in the Federal Register and publications of local circulation whenever sufficient property has been acquired to constitute an area that can be efficiently managed as a National Wildlife Refuge.

SEC. 6. ADMINISTRATION.

The Secretary shall administer all lands, waters, and interests therein acquired under this Act in accordance with the National Wildlife Refuge System Administration Act (16 U.S.C. 668dd et seq.). The Secretary may use such additional statutory authority as may be available for the conservation of fish and wildlife, and the provision of fish- and wildlife-oriented recreational opportunities as the Secretary considers appropriate to carry out the purposes of this Act.

SEC. 7. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Department of the Interior—

(1) such funds as may be necessary for the acquisition of lands and waters designated in section 5(c); and

(2) such funds as may be necessary for the development, operation, and maintenance of the Refuge.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Jersey (Mr. SAXTON) and the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN) each will control 20 minutes.

The Chair recognizes the gentleman from New Jersey (Mr. SAXTON).

GENERAL LEAVE

Mr. SAXTON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and to include extraneous material on H.R. 3292, as amended.

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

There was no objection.

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

Madam Speaker, H.R. 3292 was introduced by our distinguished colleague the gentleman from Louisiana (Mr. BAKER). This measure would establish the Cat Island National Wildlife Refuge in Louisiana.

Cat Island is a unique habitat of bottomland hardwoods that has never been leveed, and it is one of the few natural resources along the Mississippi River that still experiences seasonal overflows. It is an area that is teeming with wildlife, and it contains prime habitat for many species of shorebirds, 1,000-year-old bald cypress trees, and millions of migratory ducks.

According to testimony received, the forested wetlands typical of Cat Island represent one of the most valuable and productive wildlife habitat types in the United States.

Under the terms of H.R. 3292, the Secretary of the Interior would be directed to acquire by purchase or donated property that would form the basis of the proposed Cat Island National Wildlife Refuge.

At the subcommittee markup, I offered an amendment in the nature of a substitute that expanded the size of Cat Island Refuge from 9,477 acres to 36,500 acres and clarified the purposes for establishing the refuge. This amendment was supported by both the sponsor and by the U.S. Fish and Wildlife Service. Once established, this would become the 21st National Wildlife Refuge in the State of Louisiana.

I want to compliment the gentleman from Louisiana (Mr. BAKER) for his outstanding leadership in this matter. I know that he has spent an extraordinary amount of time working with both local and State officials, industry representatives, and conservation groups to develop this refuge. This is how the process should work, and I remain convinced that local support for a proposed refuge is absolutely essential.

Madam Speaker, I urge an aye vote on H.R. 3292.

Madam Speaker, I reserve the balance of my time.

Mrs. CHRISTENSEN. Madam Speaker, I yield myself such time as I may consume.

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

Mrs. CHRISTENSEN. Madam Speaker, I rise in support of H.R. 3292, a bill which would establish the Cat Island National Wildlife Refuge in the State of Louisiana.

The biological diversity and ecological significance of Cat Island is most impressive. It would appear by all measures that this habitat in the bayou of southern Louisiana would be a handsome addition to the National Wildlife Refuge System.

I believe that the bill was greatly improved by the Committee on Resources when the total authorization for land acquisition was, by unanimous vote, increased from 9,400 acres to 36,500 acres. It makes sense since the land is presently available and because the entire tract is ecologically significant to ensure the protection of the core 9,400 acres. I want to thank the sponsor of the bill, the gentleman from Louisiana (Mr. BAKER), for agreeing to add these additional lands.

It is also my understanding that the administration fully supports H.R. 3292. The Fish and Wildlife Service has asked for $4.1 million in their fiscal year 2001 budget request to begin the acquisition process for this new refuge. Hopefully, with the passage of this legislation, the Fish and Wildlife Service can get started on this process very soon.

The House should pass H.R. 3292 today. I urge all Members to support this legislation.

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

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey (Mr. SAXTON) that the House suspend the rules and pass the bill, H.R. 3292, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

□

TAKING CERTAIN LAND INTO TRUST FOR MISSISSIPPI BAND OF CHOCTAW INDIANS

Mr. SAXTON. Mr. Speaker, I move to suspend the rules and pass the Senate

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.

The Clerk read 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.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Jersey (Mr. SAXTON) and the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN) each will control 20 minutes.

The Chair recognizes the gentleman from New Jersey (Mr. SAXTON).

GENERAL LEAVE

Mr. SAXTON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and to include extraneous material on S. 1967.

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

There was no objection.

Mr. SAXTON. Madam Speaker, I ask unanimous consent to yield the balance of my time to the gentleman from Mississippi (Mr. WICKER) for the purposes of controlling the time.

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

There was no objection.

Mr. WICKER. Madam Speaker, I yield myself such time as I may consume, and I thank my friend from New Jersey for allowing me to control the balance of the time.

Madam Speaker, this is a simple bill which was approved in the Senate last week by unanimous consent. The bill does three things. First, it moves all trust land taken for the benefit of the Mississippi Band of Choctaw Indians since December 23, 1944, and makes it part of the Mississippi Choctaw Indian Reservation.

Second, the bill takes all land owned in fee by the Mississippi Band of Choctaw Indians and incorporates it into trust land. And third, the bill makes these two provisions without affecting the statutes of the Indian Gaming Regulatory Act.

All lands affected by this legislation are owned by the Mississippi Band of Choctaw Indians, with some parcels dating back many decades. During the past 20 years, Madam Speaker, the tribe has attempted time and time again to transfer the land through the regular process established by the United States Department of Interior and the Bureau of Indian Affairs. Unfortunately, the Department has failed to act on these applications in an efficient and prompt manner.

The applications filed by the Mississippi Band of Choctaw Indians are supported by the State of Mississippi and the county and municipal governments in the vicinity of the property.

What is at stake here are critically needed services for the tribe. A new school, housing, and a medical clinic are among the projects which have been delayed because of inaction by the Department of the Interior and the Bureau of Indian Affairs. The existing school has had dozens of safety violations issued by the BIA, and the medical clinic will not pass its next inspection. Just as important, thousands of Mississippi Choctaws are living in unacceptable conditions due to the lack of available housing.

Madam Speaker, the tribe has followed the regular process and lived up to its obligations. But, for whatever reasons, perhaps a lack of resources, the Department of the Interior and the Bureau of Indian Affairs have failed to meet the Government's duty. That is why we need to provide this legislative remedy and allow the tribe to move forward with building a new school, a medical clinic, and housing for its members.

Led by their capable Chief, Phillip Martin, the Mississippi Band of Choctaw Indians is making great strides in education, job creation, and the preservation of their cultural heritage. The Government should not be standing in the way of their continued progress.

Madam Speaker, I urge my colleagues to join me in supporting the bill and sending it on to the President.

Madam Speaker, I reserve the balance of my time.

Mrs. CHRISTENSEN. Madam Speaker, I yield myself such time as I may consume.

(Mrs. CHRISTENSEN asked and was given permission to revise and extend his remarks.)

Mrs. CHRISTENSEN. Madam Speaker, this legislation would bring some 8,700 acres of land into Federal trust status for the Mississippi Band of Choctaw Indians outside of the regulatory framework established for bringing Indian land into trust. It is important for the tribe to have this land put into trust status in order to continue their economic development plans.

The Bureau of Indian affairs has indicated that it will take at least a year for them to process the land in accordance with the land-into-trust regulations. As we hear from numerous tribes, this would have a detrimental effect on the tribe's current and future economic development and expansion.

□ 1445

The administration supports this legislation. I urge my colleagues to support it as well.

Mrs. CHRISTENSEN. Madam Speaker, I yield back the balance of my time.

Mr. WICKER. Madam Speaker, I appreciate the gentlewoman's kind remarks in support of this legislation.

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

The SPEAKER pro tempore (Mrs. BIGGERT). The question is on the motion offered by the gentleman from New Jersey (Mr. SAXTON) that the House suspend the rules and pass the Senate bill, S. 1967.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate bill was passed.

A motion to reconsider was laid on the table.

□

GRATON RANCHERIA RESTORATION ACT

Mr. SAXTON. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 946) to restore Federal recognition to the Indians of the Graton Rancheria of California.

The Clerk read as follows:

H.R. 946

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 ''Graton Rancheria Restoration Act''.

SEC. 2. FINDINGS.

The Congress finds the following:

(1) In their 1997 Report to Congress, the Advisory Council on California Indian Policy specifically recommended the immediate legislative restoration of the Graton Rancheria.

(2) The Federated Indians of Graton Rancheria Tribal Council has made the express decision to restrict gaming consistent with the provisions of this Act.

SEC. 3. DEFINITIONS.

For purposes of this Act:

(1) The term ''Tribe'' means the Indians of the Graton Rancheria of California.

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

(3) The term ''Interim Tribal Council'' means the governing body of the Tribe specified in section 7.

(4) The term ''member'' means an individual who meets the membership criteria under section 6(b).

(5) The term ''State'' means the State of California.

(6) The term ''reservation'' means those lands acquired and held in trust by the Secretary for the benefit of the Tribe.

(7) The term ''service area'' means the counties of Marin and Sonoma, in the State of California.

SEC. 4. RESTORATION OF FEDERAL RECOGNITION, RIGHTS, AND PRIVILEGES.

(a) FEDERAL RECOGNITION.—Federal recognition is hereby restored to the Tribe. Except as otherwise provided in this Act, all laws and regulations of general application to Indians and nations, tribes, or bands of Indians that are not inconsistent with any specific provision of this Act shall be applicable to the Tribe and its members.

(b) RESTORATION OF RIGHTS AND PRIVILEGES.—Except as provided in subsection (d), all rights and privileges of the Tribe and its members under any Federal treaty, Executive order, agreement, or statute, or under any other authority which were diminished or lost under the Act of August 18, 1958 (Public Law 85–671; 72 Stat. 619), are hereby restored, and the provisions of such Act shall be inapplicable to the Tribe and its members after the date of the enactment of this Act.

(c) FEDERAL SERVICES AND BENEFITS.—

(1) IN GENERAL.—Without regard to the existence of a reservation, the Tribe and its members shall be eligible, on and after the date of enactment of this Act for all Federal services and benefits furnished to federally recognized Indian tribes or their members. For the purposes of Federal services and benefits available to members of federally recognized Indian tribes residing on a reservation, members of the Tribe residing in the Tribe's service area shall be deemed to be residing on a reservation.

(2) RELATION TO OTHER LAWS.—The eligibility for or receipt of services and benefits under paragraph (1) by a tribe or individual shall not be considered as income, resources, or otherwise when determining the eligibility for or computation of any payment or other benefit to such tribe, individual, or household under—

(A) any financial aid program of the United States, including grants and contracts subject to the Indian Self-Determination Act; or

(B) any other benefit to which such tribe, household, or individual would otherwise be entitled under any Federal or federally assisted program.

(d) HUNTING, FISHING, TRAPPING, GATHERING, AND WATER RIGHTS.—Nothing in this Act shall expand, reduce, or affect in any manner any hunting, fishing, trapping, gathering, or water rights of the Tribe and its members.

(e) CERTAIN RIGHTS NOT ALTERED.—Except as specifically provided in this Act, nothing in this Act shall alter any property right or obligation, any contractual right or obligation, or any obligation for taxes levied.

SEC. 5. TRANSFER OF LAND TO BE HELD IN TRUST.

(a) LANDS TO BE TAKEN IN TRUST.—Upon application by the Tribe, the Secretary shall accept into trust for the benefit of the Tribe any real property located in Marin or Sonoma County, California, for the benefit of the Tribe after the property is conveyed or otherwise transferred to the Secretary and if, at the time of such conveyance or transfer, there are no adverse legal claims to such property, including outstanding liens, mortgages, or taxes.

(b) FORMER TRUST LANDS OF THE GRATON RANCHERIA.—Subject to the conditions specified in this section, real property eligible for trust status under this section shall include Indian owned fee land held by persons listed as distributees or dependent members in the distribution plan approved by the Secretary on September 17, 1959, or such distributees' or dependent members' Indian heirs or successors in interest.

(c) LANDS TO BE PART OF RESERVATION.—Any real property taken into trust for the benefit of the Tribe pursuant to this Act shall be part of the Tribe's reservation.

(d) GAMING RESTRICTED.—Notwithstanding subsection (c), real property taken into trust for the benefit of the Tribe pursuant to this Act shall not be exempt under section 20(b) of the Indian Gaming Regulatory Act (25 U.S.C. 2719(b)).

(e) LANDS TO BE NONTAXABLE.—Any real property taken into trust for the benefit of the Tribe pursuant to this section shall be exempt from all local, State, and Federal taxation as of the date that such land is transferred to the Secretary.

SEC. 6. MEMBERSHIP ROLLS.

(a) COMPILATION OF TRIBAL MEMBERSHIP ROLL.—Not later than 1 year after the date of the enactment of this Act, the Secretary shall, after consultation with the Tribe, compile a membership roll of the Tribe.

(b) CRITERIA FOR MEMBERSHIP.—

(1) Until a tribal constitution is adopted under section 8, an individual shall be placed on the Graton membership roll if such individual is living, is not an enrolled member of another federally recognized Indian tribe, and if—

(A) such individual's name was listed on the Graton Indian Rancheria distribution list compiled by the Bureau of Indian Affairs and approved by the Secretary of the Interior on September 17, 1959, under Public Law 85–671;

(B) such individual was not listed on the Graton Indian Rancheria distribution list, but met the requirements that had to be met to be listed on the Graton Indian Rancheria distribution list;

(C) such individual is identified as an Indian from the Graton, Marshall, Bodega, Tomales, or Sebastopol, California, vicinities, in documents prepared by or at the direction of the Bureau of Indian Affairs, or in any other public or California mission records; or

(D) such individual is a lineal descendant of an individual, living or dead, identified in subparagraph (A), (B), or (C).

(2) After adoption of a tribal constitution under section 8, such tribal constitution shall govern membership in the Tribe.

(c) CONCLUSIVE PROOF OF GRATON INDIAN ANCESTRY.—For the purpose of subsection (b), the Secretary shall accept any available evidence establishing Graton Indian ancestry. The Secretary shall accept as conclusive evidence of Graton Indian ancestry information contained in the census of the Indians from the Graton, Marshall, Bodega, Tomales, or Sebastopol, California, vicinities, prepared by or at the direction of Special Indian Agent John J. Terrell in any other roll or census of Graton Indians prepared by or at the direction of the Bureau of Indian Affairs and in the Graton Indian Rancheria distribution list compiled by the Bureau of Indian Affairs and approved by the Secretary on September 17, 1959.

SEC. 7. INTERIM GOVERNMENT.

Until the Tribe ratifies a final constitution consistent with section 8, the Tribe's governing body shall be an Interim Tribal Council. The initial membership of the Interim Tribal Council shall consist of the members serving on the date of enactment of this Act, who have been elected under the tribal constitution adopted May 3, 1997. The Interim Tribal Council shall continue to operate in the manner prescribed under such tribal constitution. Any vacancy on the Interim Tribal Council shall be filled by individuals who meet the membership criteria set forth in section 6(b) and who are elected in the same manner as are Tribal Council members under the tribal constitution adopted May 3, 1997.

SEC. 8. TRIBAL CONSTITUTION.

(a) ELECTION; TIME; PROCEDURE.—After the compilation of the tribal membership roll under section 6(a), upon the written request of the Interim Council, the Secretary shall conduct, by secret ballot, an election for the purpose of ratifying a final constitution for the Tribe. The election shall be held consistent with sections 16(c)(1) and 16(c)(2)(A) of the Act of June 18, 1934 (commonly known as the Indian Reorganization Act; 25 U.S.C. 476(c)(1) and 476(c)(2)(A), respectively). Absentee voting shall be permitted regardless of voter residence.

(b) ELECTION OF TRIBAL OFFICIALS; PROCEDURES.—Not later than 120 days after the Tribe ratifies a final constitution under subsection (a), the Secretary shall conduct an election by secret ballot for the purpose of electing tribal officials as provided in such tribal constitution. Such election shall be conducted consistent with the procedures specified in subsection (a) except to the extent that such procedures conflict with the tribal constitution.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Jersey (Mr. SAXTON) and the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN) each will control 20 minutes.

The Chair recognizes the gentleman from New Jersey (Mr. SAXTON).

GENERAL LEAVE

Mr. SAXTON. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 946.

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

There was no objection.

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

Madam Speaker, H.R. 946 would restore Federal recognition to the Indians of the Graton Rancheria of California. The Graton Rancheria is one of over 40 Indian tribes which were terminated in 1958 by Public Law 85–671. Today there are approximately 355 members of the Federated Indians of Graton Rancheria living in the general vicinity of Santa Rosa, California.

H.R. 946 provides that the service area for the tribe shall be Marin and Sonoma Counties, that nothing in the legislation shall expand, reduce or affect any hunting, fishing, trapping, gathering or water rights of the tribe, that real property eligible for trust status shall include certain Indian-owned land, and that the Secretary of the Interior shall compile a membership roll of the tribe. This bill also provides for an interim tribal council, the election of tribal officials, and the ratification of a constitution for the tribe.

Section 5(d) of H.R. 946 provides that real property taken into trust for the benefit of the tribe pursuant to the bill shall not have been taken into trust for gaming purposes pursuant to section 20(b) of the Indian Gaming Regulatory Act.

Madam Speaker, I reserve the balance of my time.

Mrs. CHRISTENSEN. Madam Speaker, I yield such time as she may consume to the gentlewoman from California (Ms. WOOLSEY), the sponsor of H.R. 946.

(Ms. WOOLSEY asked and was given permission to revise and extend her remarks.)

Ms. WOOLSEY. Madam Speaker, I am pleased to rise in support of my bill, H.R. 946, the Graton Rancheria Restoration Act. I would like to thank the gentleman from Alaska (Mr. YOUNG), the gentleman from California (Mr. GEORGE MILLER), and their staffs for the work that they have put into bringing this bill to the floor today. I appreciate that the full Committee on Resources unanimously voted this bill out of committee on May 16, and I thank them all for the earlier hearing where the Bureau of Indian Affairs testified in support of the bill. Today I am appreciative that H.R. 946 is on this floor.

The bill before us today seeks to correct a decades-old wrong by restoring Federal recognition for the Federated Indians of Graton Rancheria. This rancheria is composed primarily of the California Coast Miwok and Southern Pomo Indian tribes in my congressional district. My district is located north of San Francisco across the Golden Gate Bridge, and it consists of Marin and Sonoma Counties.

Joe Saulque, who chaired the advisory council on California Indians in the 1980s, stated that luck often determined whether a tribe got recognized. I am glad that today the House is taking luck out of the equation and voting on restoring the tribe's status, because it is the right thing to do.

The tribes of the Graton Rancheria are a rich part of the San Francisco Bay area's cultural heritage. The earliest historical account of the Coast Miwok peoples, whose traditional homelands include the California communities of Bodega, Tomales, Marshall, and Sebastopol, located along the west coast of my district, dates back to 1579. Today, there are almost 400 members of the Federated Indians of Graton Rancheria.

In 1966, the United States Government terminated the tribe's status along with numerous other tribes. This was under the California Rancheria Act of 1958. Almost 2 decades later, the advisory council on California Indian policy was established to study the report and to come up with special circumstances facing California tribes whose status had been terminated. The council's final report, which was submitted to Congress in September 1997, specifically recommended the immediate restoration of the Federated Indians of Graton Rancheria.

Following the report's recommendation, the tribes promptly decided on a course of action for their restoration. Since then, I have been working with them on the bill that is before us today. This consensus bill restores Federal rights and privileges to the tribes and its members and makes them eligible for benefits, such as Native American health, education, and housing services that are available to federally recognized tribes.

Madam Speaker, it has been a long journey for the Federated Indians of Graton Rancheria. On behalf of their hard work and the support they have received from the local community, I ask that the House restore the recognition they deserve.

Mrs. CHRISTENSEN. Madam Speaker, I yield myself such time as I may consume.

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

Mrs. CHRISTENSEN. Madam Speaker, first I would like to thank the gentleman from Alaska (Mr. YOUNG) for his efforts in support of this bill and just to say briefly that it is important that we move swiftly to restore the rights wrongfully taken from the Federated Indians of Graton Rancheria in 1958. I urge my colleagues to vote aye on this bill.

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

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey (Mr. SAXTON) that the House suspend the rules and pass the bill, H.R. 946.

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

A motion to reconsider was laid on the table.

□

SENSE OF THE HOUSE REGARDING RESPONSIBLE FATHERHOOD

Mr. SOUDER. Madam Speaker, I move to suspend the rules and agree to the resolution (H. Res. 522) expressing the sense of the House of Representatives regarding the importance of responsible fatherhood.

The Clerk read as follows:

H. RES. 522

Whereas studies reveal that even in high-crime, inner-city neighborhoods, well over 90 percent of children from safe, stable, two-parent homes do not become delinquents;

Whereas in 1998, 1.2 million babies, or 33 percent of all newborns, were born out of wedlock;

Whereas children with fathers at home tend to do better in school, are less prone to depression, and have more successful relationships;

Whereas premature infants whose fathers spend ample time playing with them have better cognitive outcomes and children who have higher-than-average self-esteem and lower-than-average depression report having a close relationship with their father;

Whereas both boys and girls demonstrate a greater ability to take initiative and evidence self-control when they are reared with fathers who are actively involved in their upbringing;

Whereas although mothers often work tremendously hard to rear their children in a nurturing environment, a mother can benefit from the positive support of a father for her children;

Whereas it is recognized that to promote responsible fatherhood is in no way meant to denigrate the standing or parenting of single mothers, but rather to increase the chances that children will have two caring parents to help them grow up healthy and secure;

Whereas a broad array of America's leading family and child development experts agree that it is in the best interests of children and the nation as a whole to encourage more two-parent, father involved families;

Whereas, according to a 1996 Gallup Poll, 79.1 percent of Americans believe the most significant family or social problem facing America is the physical absence of the father from the home and the resulting lack of involvement of fathers in the rearing and development of their children;

Whereas, according to the Bureau of the Census, in 1996, 16,993,000 children in the United States (one-fourth of all children in the United States) lived in families in which a father was absent;

Whereas, according to a 1996 Gallup Poll, 90.9 percent of Americans believe ''it is important for children to live in a home with both their mother and their father'';

Whereas it is estimated that half of all United States children born today will spend at least half their childhood in a family in which a father figure is absent;

Whereas the United States is now the world's leader in fatherless families, according to the United States Bureau of the Census;

Whereas estimates of the likelihood that marriages will end in divorce range from 40 percent to 50 percent, and approximately 3 out of every 5 divorcing couples have at least one child;

Whereas almost half of all 11- through 16-year-old children who live in mother-headed homes have not seen their father in the last 12 months;

Whereas the likelihood that a young male will engage in criminal activity doubles if he is reared without a father and triples if he lives in a neighborhood with a high concentration of single-parent families;

Whereas a study of juveniles in state reform institutions found that 70 percent grew up in single or no parent situations;

Whereas children of single-parents are less likely to complete high school and more likely to have low earnings and low employment stability as adults than children reared in two-parent families;

Whereas a 1990 Los Angeles Times poll found that 57 percent of all fathers and 55 percent of all mothers feel guilty about not spending enough time with their children;

Whereas almost 20 percent of 6th through 12th graders report that they have not had a good conversation lasting for at least 10 minutes with at least one of their parents in more than a month;

Whereas, according to a Gallup poll, over 50 percent of all adults agreed that fathers today spend less time with their children than their fathers spent with them;

Whereas President Clinton has stated that ''the single biggest social problem in our society may be the growing absence of fathers from their children's homes because it contributes to so many other social problems'' and that ''the real source of the [welfare] problem is the inordinate number of out of wedlock births in this country'';

Whereas the Congressional Task Force on Fatherhood Promotion and the Senate Task Force on Fatherhood Promotion were both formed in 1997, and the Governors Fatherhood Task Force was formed in February 1998, and the Mayors Task Force was formed in June 1999;

Whereas a growing number of community-based organizations are implementing outreach support and skills building programs for fathers;

Whereas a disproportionate amount of Federal dollars are spent on crime, a social symptom, as compared to addressing the principal underlying cause of crime: an increasing absence of fathers from the home;

Whereas the Congressional Task Force on Fatherhood Promotion is exploring the social changes that are required to ensure that every child is reared with a father who is committed to being actively involved in the rearing and development of his children;

Whereas the National Fatherhood Initiative holds an annual National Summit on Fatherhood in Washington, D.C., with the purpose of mobilizing a response to father absence in several of the most powerful sectors of society, including public policy, public and private social services, education, religion, entertainment, the media, and the civic community; and

Whereas the promotion of fatherhood is a bipartisan issue: Now, therefore, be it

Resolved, That the House of Representatives—

(1) recognizes that the creation of a better America depends in large part on the active involvement of fathers in the rearing and development of their children;

(2) urges each father in America to accept his full share of responsibility for the lives of his children, to be actively involved in rearing his children, and to encourage the academic, moral, and spiritual development of his children;

(3) urges governments and institutions at every level to remove barriers to father involvement and enact public policies that encourage and support the efforts of fathers who want to become more engaged in the lives of their children;

(4) encourages each father to devote time, energy, and resources to his children, recognizing that children need not only material support, but more importantly a secure, nurturing, family environment; and

(5) expresses its support for the National Fatherhood Initiative, and its work to inspire and equip fathers to be positively involved in the raising and development of their children.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Indiana (Mr. SOUDER) and the gentleman from Oregon (Mr. WU) each will control 20 minutes.

The Chair recognizes the gentleman from Indiana (Mr. SOUDER).

GENERAL LEAVE

Mr. SOUDER. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H. Res. 522.

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

There was no objection.

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

Madam Speaker, first I want to thank the gentleman from Pennsylvania (Mr. PITTS) for his leadership on this issue. It is no secret that children who have fathers in the home tend to do better in school, have more success in relationships, and get into less trouble. I would like also to publicly thank for making our country more aware of this Dr. Wade Horn of the National Fatherhood Institute as well as Dr. David Blankenhorn for their years of leadership on this issue.

Although mothers often work tremendously hard to rear their children in a nurturing environment, a mother can benefit from the positive support of the father of her children. A broad array of America's leading family and child development experts agree that it is in the best interests of children and the Nation as a whole to encourage more two-parent, father-involved families.

According to a 1996 Gallup Poll, 79.1 percent of Americans believed that the most significant family or social problem facing America is the physical absence of the father in the home and the resulting lack of involvement of fathers in the rearing and development of their children. According to the Bureau of the Census in 1996, 16,993,000 children in the United States, one-fourth of all the children in the United States, lived in families in which a father was absent.

The United States is now the world's leader in fatherless families according to the U.S. Census Bureau, and the likelihood that a young male will engage in criminal activity doubles if he is reared without a father and triples if he lives in a neighborhood with a high concentration of single-parent families.

According to a Gallup Poll, over 50 percent of all adults agreed that fathers today spend less time with their children than their fathers spent with them. It is not just a problem of fathers who are not ever there but fathers who nominally live in the home and do not spend time with their children.

President Clinton has stated that ''the single biggest social problem in our society may be the growing absence of fathers from their children's homes because it contributes to so many other social problems.'' President Clinton continued, ''The real source of the welfare problem is the inordinate number of out-of-wedlock births in this country.''

A growing number of community-based organizations are implementing outreach support and skills-building programs for fathers. I have personally worked with many of these. We recognize that the creation of a better America depends in large part on the active involvement of fathers in the rearing and development of their children.

As supporters of this resolution, we urge each father in America to accept his full share of responsibility for the lives of his children, to be actively involved in the rearing of his children, and to encourage the academic, moral and spiritual development of those children.

Some argue that nothing can be done, but Governor Frank Keating in Oklahoma has an excellent plan through his human services division leader, Jerry Regire, that illustrates exactly what can be done at the State level and some at the Federal level.

Madam Speaker, at the end of my remarks I will include for the RECORD an article that appeared in yesterday's Washington Post by Barbara Dafoe Whitehead.

I would like to just quote at this time a few things from this excellent article. Barbara Dafoe Whitehead has been a leader in efforts to encourage father involvement for at least 15 years. When I first was Republican staff director at the Children Family Committee here in Congress, she worked with us as we tried to raise this issue as we saw the problem exploding in our country.

Her column starts:

A couple of months ago, amid the Elian Gonzalez controversy, U.S. Attorney General Janet Reno issued a remarkable statement on the nature of fatherhood. The United States, she told a news conference, is a Nation, quote, ''whose law and whose very moral foundation recognize that there is a bond, a special, wonderful, sacred bond between father and son.''

She continued in her column:

Take a look at the Father's Day cards in any neighborhood drug store. There alongside the classic greetings for fathers and stepfathers are cards aimed at the alternative dads. For the last few years there have been cards for children to send to their fathers who don't live with them. They carry sentiments like this one: ''I miss you more than ever, Daddy, now that it's Father's Day and even though I'm too far away to hug you with my arms, I just want you to know I'll be hugging you in my heart.''

''This year at my CVS,'' Barbara Dafoe Whitehead continued,

There are two new sections of Father's Day cards. One is under a sign reading ''Like a Father.'' The cards feature such messages as: ''Just wanted to thank you for all the ways you've been a daddy.'' The second section, poignantly labeled ''Anybody,'' contains greetings aimed at a generic good guy, including one Father's Day message for the Good Man who spreads happiness everywhere he goes. These cards suggest that Father's Day might be morphing into Positive Male Role Model Day. There's even a positive male role model card for Mom, a woman who's done all the things that a father usually does.

You don't find a parallel range in Mother's Day cards.

She concludes this excellent article by saying:

As marriage has faded, fatherhood has split along the seam between biology and sociology. But more than anything else,

She concludes:

This project of trying to cobble together one father from several kinds of daddies is contrary to what kids want and need. Anyone who raises children knows that they are natural social conservatives. They like order, except perhaps in their bedrooms, stability, constancy, permanence and the security of having fathers worry about them rather than having the reverse responsibility of worrying about their father. And as much as they may benefit from and enjoy their relationships with other male role models, they aren't likely to confuse coaches or mentors with the real dad. Retrograde as it may sound, most kids still want one father who fulfills multiple roles all the time rather than several fathers who fulfill a few of the

roles some of the time. But today too many kids have to content themselves with the kind of fatherhood that is as paper thin as a sentiment on a Father's Day greeting card.

[From the Washington Post, June 18, 2000]

CLOSE, BUT NO CIGAR

(By Barbara Dafoe Whitehead)

A couple of months ago, amid the Elian Gonzalez controversy, U.S. Attorney General Janet Reno issued a remarkable statement on the nature of fatherhood. The United States, she told a news conference, is a nation ''whose law and whose very moral foundation recognize that there is a bond, a special, wonderful sacred bond between father and son. . . .''

A tender sentiment? Sure. A true description? Hardly. Reno's statement is remarkable chiefly because of how thoroughly at odds it is with fatherhood as we now know it.

America no longer has a ''special'' model of fatherhood—let alone one buttressed by legal, moral and religious opinion. In a well-intentioned effort to make up for vanishing fathers and disintegrating families, and to give support to the legions of foster fathers and stepfathers and mentors and Big Brothers and role models out there. American law and civil society have diluted the concept of fatherhood until it is almost unrecognizable. What began as a conscientious response to a crisis is hardening into something like the new status quo. We once saw sometime, part-time or once-upon-a-time fathers as inadequate substitutes for a full-fledged father; now we are selling ourselves on the idea that they are all kids really want or need.

Unfortunately, while fatherhood has changed, childhood has not. Children still need love, protection, security and, perhaps most of all, stability in their lives. Many of the new varieties of fatherhood don't give that to kids. They're too geographically remote, too emotionally distant, too legally fuzzy or circumscribed, or too fleeting to do so.

No one would dream of trying to convince children that their mother could be replaced by several different kinds of mothers, all playing different roles at different times in their lives. But that is exactly what we are communicating to the many children whose fathers are absent, distant or unknown.

Take a look at the Father's Day cards in any neighborhood drugstore. There, alongside the classic greetings for fathers and stepfathers, are cards aimed at the alternative dads. For the last few years there have been cards for children to send to fathers who don't live with them. They carry sentiments like this one: I miss you more than ever Daddy, now that it's Father's Day/ and even though I'm too far away to hug you with my arms, I just want you to know I'll be hugging you in my heart.

This year, at my local CVS, there are two new sections of Father's Day cards. One is under a sign reading ''Like a Father.'' The cards feather such messages as: Just want to thank you for all the ways you've been a daddy. The second section, poignantly labeled ''Anybody,'' contains greetings aimed at a generic good guy, including one Father's Day message for the Good Man who spreads happiness everywhere he goes. These cards suggest that Father's Day might be morphing into Positive Male Role Model Day. There's even a Positive Male Role Model card for Mom, A woman who's done all the things a father usually does.

You don't find a parallel range of Mother's Day greetings. Despite all the dramatic changes in women's lives over recent decades, little has occurred to shake what Janet Reno might call the moral and legal foundations of motherhood.

Consider how different the Elian case would have been if it had been the boy's father who had died, and his mother who wanted him back. Few would have questioned the mother's right to her shipwrecked son. To state what is painfully apparent to many children today, the bond to a mother is rock solid, but the bond to a father isn't.

Although both motherhood and fatherhood have both biological and sociological dimensions, these dimensions are virtually fused in motherhood, especially during a child's early years. To an infant, a mother's body is both life and food, nature and nurture. This isn't true of fatherhood. Biologically, a father is a one-minute parent. (Consider sperm donors.) Indeed, a man can become a father and be the last to know, sometimes years after the fact.

What's more, his biological contribution does not naturally dictate his sociological role. Sociological fatherhood is a lot like being a designated driver. Men can choose to take on the role and the effort it involves, either through the institution of marriage or through other kinds of ties to the mother and her family—and they can also choose not to. Because of this more tenuous connection, fatherhood is universally problematic. All societies face the challenge of connecting biological and sociological fatherhood in some fashion in order to make sure children are protected and supported over time.

Within living memory, of course, there was a single prevailing model of fatherhood in America. In it, a father was connected to his children by three ties. The first was blood, or its legal equivalent, adoption. The second was a shared household with the mother of his biological or adopted children. The third was marriage to the mother of these children. In this model, marriage was the most important of the three because it bound the other two ties together.

With the new dads, one or more—or even all—of these ties may be missing. For example, some men have a blood tie to their children but have never had a residential, marital, or any other meaningful tie to them. Others have a blood tie to their children but are divorced from the mother and no longer share the children's primary residence. Still others are married stepfathers who live with their wife and her biological children, voluntarily contribute to supporting and raising the children but have no blood tie to them. A fast-growing father group includes cohabiting men who live with the children but are not married to their mother; some have blood ties to the kids but others are ''stepfathers'' who are unrelated. And then there are the exes—ex-stepfathers, ex-foster dads or ex-boyfriends—who have no biological or legal tie to the children but once played some kind of father role in their lives. There are also the father figures—mentors, Big Brothers, coaches, clergy—who have no biological, legal, marital or residential tie to the children.

This tangle of father types creates all kinds of problems over nomenclature—what do you call the man who lived with your mother for a while and still comes by now and then to take you to ballgames?—which probably explains why ''Anybody'' is a growing niche is greeting card market.

As marriage has faded, fatherhood has split along the seam between biology and sociology. For example, the state defines the biological male parent as the father, and if paternity is established—either voluntarily by signing a birth certificate or involuntarily with a DNA test—he can be compelled to support his child. Other forms of paternal support and contact may be desirable, even encouraged, but nowhere does the state require a biological father to do anything more than enter into a financial arrangement. This is an essential but breathtakingly minimalist model of fatherhood. It defines daddy down to a name on a birth certificate and a signature on a child-support check.

Other segments of the society, from families to churches to child advocates, define fatherhood functionally as the provision of constancy, caring and affection. Men other than a biological father—stepfathers, cohabiting fathers, unrelated cohabiting partners, neighbors and male relatives and friends—can play the role of the social father. So can male mentors who are not romantically involved with the child's mother but volunteer for the role of social father out of the goodness of their hearts.

In a best-case scenario, you can patch together both kinds of father and come close to meeting the requirements of full-fledged fatherhood. A biological father contributes money and perhaps some time; a sociological father or two picks up the slack. And, indeed, for some fortunate children, a combination of fathers adds up to more paternal time, money, and attention, not less.

But face it—in many more cases, these attempts to attach children to a variety of fathers aren't panning out. Fathers are now increasingly less likely to live with their biological children—35 percent of children today live apart from their biological fathers. And when they live apart, the father's involvement tends to diminish over time. As for the idea that we can replace biological fathers with father-surrogates, it's a comforting notion but recent experience suggests just how hard it is to pull off. Mentoring programs are particularly struggling to keep pace with growing caseloads of fatherless boys, a task requiring endless recruitment campaigns, background checks and training sessions and still falling short.

As it turns out, finding and keeping a father for every child who lacks one is a tall order. It takes money and lavish amounts of effort and invention—not to mention DNA tests, hospital birth registration programs, child support orders, visitation agreements, public service announcements and community fatherhood campaigns—to scrape together what are still more term-limited and fleeting forms of fatherhood.

As marriage has faded, fatherhood has split along the seam between biology and sociology.

But more than anything else, this project of trying to cobble together one father from several kinds of daddies is contrary to what kids want and need. Anyone who raises children knows that they are natural social conservatives. They like order (except perhaps in their bedrooms), stability, constancy, permanence and security of having fathers worry about them rather than having the reverse responsibility of worrying about their father. And as much as they may benefit from and enjoy their relationships with other male role models, they aren't likely to confuse coaches or mentors with a ''real dad.'' Retrograde as it may sound, most kids still want one father who fulfills multiple roles all of the time rather than several fathers who fulfill a few roles some of the time. But today, too many kids have to content themselves with a kind of fatherhood that is as paper-thin as the sentiment on a Father's Day greeting card.

Madam Speaker, I reserve the balance of my time.

□ 1500

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

Madam Speaker, today, one day after Father's Day, we stand before the House to encourage the participation

of fathers in the growth and development of their children. In this bipartisan effort, we note that the role of fathers in today's families has always been a prominent issue, but much more so in recent years, because too many of our children are growing up in homes without the benefit of a father.

The percentage of children growing up in a home without their father nearly tripled between 1960 and the early 1999s. Depending on estimates, today, somewhere between the cited figure of 16 million to 24 million American children are living without their biological fathers, and it is a shock to me that fully one-third of children today are born out of wedlock.

Most importantly, fatherless homes have a devastating impact on our children. It is both common sense, and research indicates, that without a father, children are four times as likely to be poor and twice as likely to drop out of school.

Fatherless children also have a higher risk of suicide, teen pregnancy, drug and alcohol abuse and delinquency. Clearly, the important role that fathers play in the development of their children cannot go unnoticed. Unfortunately, the challenges of fatherhood are not restricted to those who do not pay child support or so-called deadbeat dads.

Many fathers are caught between their duties at their work and the responsibilities to their families. The problems encountered by today's families are not limited to deadbeat dads. There are our families who are also hampered by deadbeat dads, who want to be there for their children, but for one reason or another, cannot.

As the father of a 3-year-old boy, Matthew, and a 9-month-old girl, Sarah Elizabeth, I realize the importance of spending time with my children and the pain it seems of always being short on that time. We spend a lot of time doing the Nation's business paddling in this rather large pond and yet sometimes it does feel to me that once we withdraw from this arena, that we will leave behind perhaps what one would leave behind if we pulled our hand out of a bucket of water, the Nation's business will continue, but I am absolutely confident that I will be the only father for my children, and I, like many others, struggle constantly with the needs of the Nation, the needs of our family, and the needs of providing for both.

Madam Speaker, I am encouraged by the work of the Congressional Fatherhood Promotion Task Force. Their efforts, throughout this resolution and other activities have begun to focus attention on the very important issues of complete families, fatherhood and parental participation. I believe this resolution sends a very strong signal to America, and it is a bipartisan resolution that all Members should support.

Madam Speaker, I reserve the balance of my time.

Mr. SOUDER. Madam Speaker, I yield such time as he may consume to my friend, the gentleman from Pennsylvania (Mr. PITTS), who has been a tireless leader since he came to Congress. Many Americans may not realize what a driving force he has been, not only on the issue of fatherhood, but in family values in general, and I am proud to consider him my friend and thank him again for his leadership on this resolution.

Mr. PITTS. Madam Speaker, as a co-chairman of the Congressional Task Force on Fatherhood Promotion, I am very pleased to rise to speak in favor of this resolution.

First of all, I want to thank the gentleman from Indiana (Mr. SOUDER) for his leadership in putting together this bipartisan effort to move the resolution. Statistics show that the American family is under siege as an institution.

Divorce rates are very high. Single parenthood is becoming more and more common in communities all across the Nation.

About one-third of all babies in this country born are born out of wedlock today. For some demographic groups, that rate is as high as 70 percent. Tonight, one in four American children that go to bed will go to bed in a home in which their father does not reside.

Times have certainly changed. In 1960, more than 80 percent of America's children lived with both of their parents in a home where both parents were married.

In the last census, that number dropped to 57.7 percent. When a family breaks apart in divorce, children most often live with their mother. The effects of growing up without a father are becoming clear.

According to the 1996 Gallup poll, 79.1 percent of Americans feel, and I quote, ''the most significant family or social problem facing America is the physical absence of the father from the home.''

I will never forget hearing the famous psychiatrist Dr. Armond Nicoli speak about fathers and the importance of spending time with their children. He had done a study of the fathers in the 128 corridor around Boston and, actually, calculated the amount of time in minutes that a father spent with his children today and compared that with fathers in Russia, and he made this point. He said some people say, well, I do not spend a lot of time with my children, but the time I spend is quality time. And then he said, you know, quality of time, like the quality of air and oxygen is very important, but the lack of it will kill you.

It is important that we spend time and spend a good amount of time with our children. What role does a father play in a home? Well, I am sure we all have our own stories and mine is not necessarily right, but some of the things I used to try to do is I spent 3 days a week in the State Capitol away from my children, and every night I would get them on the phone and talk to each one of them on the phone.

I would schedule breakfast every quarter, every third month with each of them individually out in a restaurant with them, to listen to them, to talk to them. It was a wonderful time, and my kids are all grown, they still like to have breakfast with me.

I still send them each a letter every month. There are lots of different kinds of things that we can do. As families we can read to them every evening. There are so many times and things that we can do to express our love and spend our time with our children. Some men perhaps make better fathers than others, I suppose, but clearly, overall, children with two parents are greatly benefitted by it.

Thank God for our single parents and our single moms, but they need help, and studies show that even in a high crime or an inner-city neighborhood, well over 90 percent of children from safe, stable two parent homes do not become delinquents. Children with fathers at home tend to do better in school. They are less prone to depression, and they have more successful relationships.

The National Fatherhood Initiative founded by Dr. Wade Horn and Don Eberly from my district have helped to stem the tide of children being raised in homes without fathers.

Dr. Horn tells us that when the National Fatherhood Initiative was founded, the topic of fatherhood was still not considered an issue of national significance. The first and the most important task that NFI set out to accomplish was to stimulate a broad-based societywide social movement on behalf of involved, committed, responsible fatherhood.

The National Fatherhood Initiative is doing a very effective job, I think, and celebrities like Tom Selleck, James Earl Jones, Tiger Woods and his father Earl, General Colin Powell, Coach Joe Paterno have all lent their names and efforts to this cause.

I, along with several other Members in Congress, have come together to form this task force on fatherhood promotion trying to raise the profile of the issue by legislative have means, and the NFI has been very successful.

Thousands of community-based grassroots programs designed to provide support, skills, encouragement to fathers have sprung up all over the country. Dozens of governors have held fatherhood conferences. Fatherlessness is getting the attention that it finally deserves.

According to the 1996 Gallup poll, 90.9 percent of parents believe it is important for children to live in a home with both father and mother.

This resolution recognizes that the creation of a better country depends in large part on the active involvement of both parents, fathers in helping, rearing and developing their children.

This resolution urges each father in America to accept his full share of responsibility for the lives of his children, to be actively involved in rearing his children, to encourage the academic moral, spiritual development of his children.

This resolution urges governments and institutions at every level to remove barriers to father involvement, to enact public policies that are father friendly, that encourage and support the efforts of fathers who want to become more engaged in the lives of their children.

It encourages each father to devote time, energy and resources to his children, recognizing that children need not only material support, but also, more importantly, a secure, and nurturing, family environment.

Finally, this resolution expresses our support for the National Fatherhood Initiative, its work to inspire and equip fathers to be positively involved in raising and developing their children.

Madam Speaker, the family is the core of American society. As goes the American family, so goes America. The most important thing we can do is to make sure the American family is on a strong footing, and that means restoring American fatherhood.

Madam Speaker, I urge my colleagues to vote for this resolution.

Mr. WU. Madam Speaker, I yield such time as she may consume to the gentlewoman from Indiana (Ms. CARSON).

(Ms. CARSON asked and was given permission to revise and extend her remarks.)

Ms. CARSON. Madam Speaker, I am certainly appreciative of my colleagues and the other gentlemen who have come together to form the Congressional Fatherhood Task Force and appreciative of their work.

Madam Speaker, I would like to preface my remarks by saying that I am probably one of the few Members in Congress who knows how it is to grow up in a home with a single parent, and that does not in any way distract from the good work of my dear mother, obviously, I am now in Congress. I know that she smiles upon me from heaven, and it was indeed a struggle, and I would have wanted very much to have had a father in the home. So I guess my remarks are not only those that are prepared, but ones that speaks from the heart, having lived and breathed a single parent household for all of my childhood life.

David Blankethorn published a book, Madam Speaker, and Members called Fatherless America: Confronting Our Most Urgent Social Problem, criticizing the American culture and social institutions for undermining the father's role in the family and weakening the bond between men and their children.

This book along with many other publications provides, I believe, a foundation for the fatherhood movement that has surged over the last 5 years, and I am so happy that we are now about to do the business about giving some vital and needed attention to this whole question of fatherhood and what fatherhood is and what it is not in terms of our children across the country.

Society and our many systems would have us believe that financial support from fathers is a primary need for many of our children that are currently being raised by single mothers. Unfortunately, financial support from fathers is not the only need of these children and in some instances may not be the critical need as we have been led to believe. Emotional support, love and stability is just as important for a child as financial support from a father.

Fathers are important to their children and should play an important role in their lives beyond the role of being the breadwinner. Poor children need love and support just like any other children. Fathers need to have a relationship with their children regardless of their financial status. Unfortunately, many poor fathers are viewed as deadbeat dads instead of dead broke dads. It is not that these fathers are unwillingly to financially support their children, it is that they are unable to do so due to many societal challenges, unemployment and underemployment.

I believe it is imperative to recognize the importance of the noncustodial father for their efforts instead of berating them for their inability to pay a fixed amount of child support each month. Many fathers are active in the lives of their children because they want to be very active in the lives of their children not because they have to be active in the lives of their children. Some men are silent, unfortunately, cohabitating with partners without the benefit of marriage, because the women sometimes see very limited income from welfare, and the presence of the father would jeopardize the household from getting the kind of benefits that are available for a mother and child.

Many women who are low income, underemployed would very much like for the child's father to be there and provide some of the support that they need.

We understand that a lot of the fathers, when they suffer from low literacy and poor employment history and, unfortunately, the wars in which America has been engaged has perpetuated a lot of substance abuse and a lot of fatherless children.

There is an array of issues, Madam Speaker, that we should be examining as a United States Congress to see if we can dismantle some of the obstacles that prevent fathers from being with their children and develop policy that encourages rather than discourage the fermenting of the family unit.

□ 1515

It is time for us to support responsible fatherhood. I support the amendment enthusiastically and applaud the vision and the creativity of my colleagues in this august body for bringing it before this chamber. I would encourage support.

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

Madam Speaker, I want to observe that there are as many different forms of families in America as there are families. I think that the vast majority of fathers do want to be present, but there are times when needs draw us apart.

My family history is that which just about every American family has shared at one time or another in their respective family histories. My dad came to America when I was 4 months old, and he was physically absent from my youth until I was about 7. But even though he was physically absent, he was always a presence in our family. I knew him from little blue aerograms, toys at holiday times, and chocolate bars. But to me he was always the heroic figure who was cutting the new path in America, and there was a deep purpose to his absence.

Compared to the sacrifices that my parents went through, my weekly separations from my children seem like little pikers in comparison. That is what helps me get through those periods of separation, and I guess I just want to recognize that there are common threads in all American families. We share the will to make sacrifices for a common good, for the future of the family, and we have to fight it in different ways. But if fathers are to be absent for short periods of time, or for long, let it be for purposeful activity, for truly overriding important factors in the family history and family life.

It is a pattern of sacrifice that we are called to at times, but if there is not this overriding incredible purpose, sense of history and sense of where the family must go, then I strongly encourage fathers to be with their children, to be with their families as much as possible, to not go through the travails of separation and sometimes the travails of reunion.

Madam Speaker, I urge the adoption of this bipartisan resolution.

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

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

Madam Speaker, first I want to thank my friend from Oregon on the Committee on Education and the Workforce for his moving statement and his support of this resolution, and my fellow Hoosier, the gentlewoman from Indianapolis, Indiana (Ms. CARSON), for her personal statement and general statement in support of this resolution as well.

It is kind of awkward for us in Congress. One of the things that I hear probably most frequently at the personal level from other Members is the struggle of those of us who still have kids at home and the relationship to those kids and trying to do this duty. It is very easy to feel guilty in this job, unless you are a very kind of hard-skinned person.

Many of us tend to blame any problems we have with our kids on the fact that we are separated at times, when, in fact, we might still have those problems there. But it is very easy to worry

about those, and each of us try to deal with it in different ways, whether it is bringing our families here; whether it is trying to travel with them, I use my frequent flier miles to try to bring my kids with me to different hearings and different events; trying to call home each night; trying to e-mail, when I can remember my quick-dot-name, my handle; whether is it is losing video games to your kids at home on a regular basis, I do not think I have ever won, unless I do not play fair.

It is something that they need that time, and it is something we struggle with. But it is a balance of setting an example. But then when you set the example, or when you try to inspire your kids, you also have an extra responsibility, as many of us do in this House, to reach out to our children, because if we lose our family and gain the world, we have lost everything. It is very easy to do that here, and if we are going to pass resolutions like this, we have to get our own house in order first and be an example, because the people who watch us in our home towns and the people who watch us around the country say, ''Well, look at them. They will pass a resolution in Congress, but what are they doing with their own families?''

We have tried to address some of the policy questions that were raised too, whether it is in welfare reform and the accountability of child support, because at the very minimum, the kids deserve the financial support when a dad abandons.

We also tried to address child abuse. It is so hard for me to understand any father who could physically or sexually or verbally abuse their children. You talk about an anathema, how could a dad who loves their kids beat their kids? I just do not understand that, and it is something we are wrestling with in our society.

We praise all the moms who stood in for the dads that have abandoned their kids. We praise all the coaches, all the mentors, all the volunteers in this country who stepped up and stood in the gap when the dad abandons their families.

But the purpose of this resolution is to say that the men of America, the dads in America, need to stand up. If you are not home, get home, and get involved in your kids' life. If you are there, as much as possible, do not just go off into your basketball leagues and your bowling leagues and out to golf and go out with your friends. Spend time with your kids. You will regret it the rest of your life if you do not, and the country has to pay the consequence.

Mr. GOODLING. Madam Speaker, I rise today in support of H. Res. 522 offered by my colleague, the gentleman from Pennsylvania, Mr. PITTS. House Resolution 522 expresses the importance of fathers in the rearing and development of their children. This resolution enjoys bipartisan support, including both the Republican and Democrat leadership and I am pleased to have the opportunity this afternoon to speak on behalf of it.

This resolution is timely. Yesterday, we celebrated Father's Day, a holiday that was started in 1910 in Spokane, Washington by Sonora Louise Smart Dodd. Ms. Dodd wanted to honor and thank her father for raising her and her five siblings after her mother died in childbirth.

It was recognized nationally in 1972 by President Nixon to honor the significant role fathers play in the upbringing of their children.

Although families across the country just recognized and honored fathers, we should be concerned about the fact that the United States is the world's leader in fatherless families. In fact, it is estimated that half of all United States children born today will spend at least half of their childhood in a family in which the father is absent.

Madam Speaker, every child has a father, but not every child has a dad and the consequences of not having father figures are disheartening. Studies have shown that children who are reared by a single parent are less likely to complete high school, earn less, and have lower employment stability than children reared in two-parent families.

In a study of juveniles in state reform institutions, it was found that 70 percent of such juveniles grew up in single or no parent homes. Additionally, it has been found that in high-crime, inner-city neighborhoods, well over 90 percent of children from safe, stable, two-parent homes do not become delinquent.

Madam Speaker, those examples serve to illustrate my strong belief that nothing can replace the father in a child's life. Fathers are role models and offer their children the most important ingredients that they should have throughout their childhood: love, guidance, discipline, encouragement, experience, trust and faith.

This resolution rightly recognizes that the creation of a better America depends in large part on the active involvement of fathers in the rearing and development of their children.

H. Res. 522 urges each father in America to accept his full share of responsibility for the lives of his children, to be actively involved in rearing his children, and to encourage the academic, moral and spiritual development of his children.

I commend the gentleman from Pennsylvania for his leadership in authoring this resolution and urge my colleagues to adopt this measure.

Mr. WATTS of Oklahoma. Madam Speaker, today I rise as a cosponsor and supporter of H. Res. 522. I commend the gentleman from Pennsylvania, Mr. PITTS on this fine piece of legislation.

This past weekend, I was fortunate to be recognized for my work by the most important people in America. I was not recognized by some organization for my work as a Congressman, but by my children for my work as their father. My role as a father is the most important role in my life. This past weekend families all over the country celebrated Father's Day, and recognized their fathers for all the hard work and love and encouragement they provide.

Today, we here in Washington wish to say thank you to all of the fathers who work every day to instill good values in their children. We wish to say thank you to all of the fathers who make sure their children finish their homework before they go outside to play with their friends. We wish to say thank you for making your children eat all of those green vegetables before they have those Oreo cookies. We wish to say thank you for having the patience to teach your children how to catch a baseball, ride a bicycle, say no to drugs, and drive a car responsibly. I know it is not always easy to be the guy who has to be in all of these places at once, but you all have such an important role to your children and our society.

Finally, I want to say thank you to my father. I remember growing up in Eufala, Oklahoma when my father worked three jobs to keep food on the table. He still had the time to instill in me the values that have made me the man I am today. Thank you Daddy.

Today I urge all my colleagues to support this piece legislation, and send thanks to all of our responsible fathers across this great nation.

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

The SPEAKER pro tempore (Mrs. BIGGERT). The question is on the motion offered by the gentleman from Indiana (Mr. SOUDER) that the House suspend the rules and agree to the resolution, H. Res 522.

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

A motion to reconsider was laid on the table.

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SENSE OF HOUSE REGARDING MONEY LAUNDERING

Mrs. ROUKEMA. Madam Speaker, I move to suspend the rules and agree to the resolution (H. Res. 495) expressing the sense of the House regarding support for the Financial Action Task Force on Money Laundering, and the timely and public identification of non-cooperative jurisdictions in the fight against international money laundering.

The Clerk read as follows:

H. RES. 495

Whereas the International Monetary Fund has estimated the amount of international money laundering to be at least $600,000,000,000 annually representing 2 to 5 percent of the world's gross domestic product;

Whereas money laundering is a crucial adjunct to the underlying crimes that generate money, including drug trafficking, kidnapping, murder, international terrorism, and other forms of violent crime;

Whereas money laundering and foreign corruption facilitate each other, undermining the efforts of the United States to promote democratic institutions and economic development around the world;

Whereas, in today's open and global financial markets, which are characterized by a high mobility of funds and the rapid development of new payment technologies, the tools for laundering the proceeds of serious crimes have become more sophisticated and readily available;

Whereas recent years have witnessed a sharp increase in the number of jurisdictions offering financial services without appropriate controls or regulation and which are protected by strict banking secrecy legislation which facilitates the anonymous protection for illegal assets in certain countries or territories making them even more attractive for money laundering;

Whereas the proliferation of such noncooperative countries or territories which do not, or only marginally, participate in international cooperation against financial crime, also exacerbates competition between these centers and so contributes to worsen existing practices and makes more difficult the maintenance of anti-money laundering standards in other countries;

Whereas, in order to ensure the stability of the international financial system and effective prevention of money laundering, all financial centers in the world should have comprehensive control, regulation, and supervision systems, and that all financial intermediaries and agents be subject to strict obligations, notably as regards the prevention, detection, and punishment of money laundering;

Whereas the Financial Action Task Force on Money Laundering (FATF), of which the United States is a founding member, was established for the purpose of developing and promoting policies to combat international money laundering;

Whereas the FATF, consisting of 26 jurisdictions including the United States and 2 international organizations, originally issued in 1990 and revised in 1996 40 recommendations designed for universal application that set out the basic framework for antimoney laundering efforts covering the criminal justice system and law enforcement, the financial system and its regulation, and international cooperation;

Whereas the FATF has determined the criteria for defining noncooperative countries or territories consistent with the 40 recommendations, and FATF members have agreed on a process for identifying noncooperative jurisdictions to include all countries and territories, both inside and outside FATF membership, whose detrimental practices seriously and unjustifiably hamper the fight against international money laundering;

Whereas the FATF has reported that the list of noncooperative countries or territories should include several subcategories of noncooperative countries or territories which could be as follows: clearly noncooperative with severe deficiencies in many areas, partly noncooperative with impediments in various areas, and de facto noncooperative with no significant impediments in laws and regulations but ineffective regime in practice; and

Whereas the FATF is gathering and analyzing all relevant information necessary for the publication of lists of noncooperative jurisdictions: Now, therefore, be it

Resolved, That it is the sense of the House that—

(1) the United States should continue to actively and publicly support the objectives of the FATF with regard to combating international money laundering;

(2) the FATF should identify noncooperative jurisdictions in as expeditious a manner as possible and publicly release a list directly naming those jurisdictions identified;

(3) the United States should support the public release of the list naming noncooperative jurisdictions identified by the FATF;

(4) the United States should encourage the adoption of the necessary international action to encourage compliance by the identified noncooperative jurisdictions; and

(5) the United States should take the necessary countermeasures to protect the United States economy against money of unlawful origin and encourage other nations to do the same.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from New Jersey (Mrs. ROUKEMA) and the gentleman from New York (Mr. LAFALCE) each will control 20 minutes.

The Chair recognizes the gentlewoman from New Jersey (Mrs. ROUKEMA).

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

Mrs. ROUKEMA. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, today we want to address the very serious issue of international money laundering and put the House on clear record in support of efforts by the Financial Action Task Force on Money Laundering.

Madam Speaker, money laundering is the process by which organized crime and the drug cartels take their ill-gotten gains, namely cash, and move it back into the economy under their own names. The IMF has estimated that internationally over $600 billion is laundered annually. That is a huge problem, it is an illegal problem, and one can only imagine the effect it has on the economy in various parts of the world.

The good news here is that an international organization, namely the Financial Action Task Force on Money Laundering, of which the United States is a member, has been working on this serious and growing problem for some time. In 1990, the FATF issued a list of 40 anti-money laundering standards. The 40 standards are recognized today as being the international standard which should be followed by all countries.

More recently, FATF undertook a systematic review of the compliance by jurisdiction with the FATF 40. This process is commonly named and referred to as ''name and shame,'' a process, and it is nearly complete. Later this month, FATF will identify those jurisdictions which they have determined do not comply with the FATF 40.

I believe it is extremely important that FATF proceed as planned and publicly identify those jurisdictions which are not in compliance. As many have said before, ''sunlight is the best disinfectant.'' That is exactly the procedure that we should be supporting and following here with this resolution. The prompt and public identification of non-compliant jurisdictions will put pressure on the jurisdictions to meet the international standards on anti-money laundering and to initiate retaliatory actions from other countries that are also in compliance.

I would note that the FATF ''name and shame'' process has already produced results. Austria, which is a member of FATF, just announced that it will eliminate, and by ''just renounced,'' the report was last Friday in the Wall Street Journal, that it will eliminate anonymous savings accounts. As the Journal reported, there are over 20 million anonymous accounts, more than three for each man, woman and child in Austria. These accounts hold an estimated $100 billion. The FATF and money laundering experts had identified the anonymous Austrian savings accounts as posing significant money laundering problems. Austria's action, which came only after it became clear, and I went to stress that, that action and compliance only came after it became clear that the FATF would name Austria, shows that the ''name and shame'' project can be effective. Austria will then be in compliance with the international standards.

Another benefit from the FATF announcements is that our U.S. banks and securities firms will be on notice regarding what jurisdictions should be avoided and our regulators will be focused on those jurisdictions.

Madame Chairman, this resolution represents a significant step in direction of serious action to fight money laundering crimes.

This Congress needs to do more on the subject of money laundering. This week Mr. MCCOLLUM and I will be introducing a comprehensive money laundering proposal similar to the Administration's bill from last November. This bill will address major problems such as (1) bulk cash smuggling, (2) currency couriers, and (3) sanctions against money launderers.

These, and other, money laundering issues should be addressed this Congress.

Madam Chairman, as wonderful as this particular proposal is, and I would like to reserve time at the end here to add something more, I would say that as strongly as I support this effort, and it is an essential action that this Congress must take today, there is much more to be done that must be done, and I would hope that this is the first step in a concerted, focused effort for this Congress to continue down the anti-money laundering path.

Madam Speaker, I reserve the balance of my time.

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

Madam Speaker, I rise in strong support of this resolution. Of the many public policy challenges facing lawmakers, facing the law enforcement community and facing regulators, I do not know that any represents as significant a threat to our financial system as money laundering does.

The wholesale cleansing of illegitimate profits derived from criminal activities reaches staggering proportions, by some estimates between $100 and $300 billion in the United States alone, and nearly $600 billion, that is over one-half trillion, worldwide per year.

According to the IMF, this figure represents from 2 to 5 percent of the entire world's gross domestic product. So in this context, the resolution of the gentlewoman from New Jersey (Mrs. ROUKEMA) expresses the support of the House of Representatives for the actions about to be taken by what is known as the Financial Action Task Force on Money Laundering.

That task force is composed of 26 member nations, including the United States, the European Commission, the Gulf Cooperation Council, et cetera. It was formed by the G–7 economic summit of 1989, and the task force was set up to address the global problem of money laundering. This week, on June 22, the task force will ''name and shame,'' if you will, non-compliant jurisdictions, both inside and outside the task force's membership.

□ 1530

The purpose of naming these jurisdictions is to highlight their lack of cooperation in the fight against money laundering.

The resolution follows the recent approval by the Committee on Banking of the Clinton administration antimoney laundering proposal which passed our committee on June 8 with very broad bipartisan support; in fact, almost unanimously. I am hopeful that the bill will soon come before our full House so that we can pass it and can provide the Treasury Secretary with well-targeted discretionary tools to address discrete problems in recognized money laundering offshore havens.

I should note that the identical language from today's resolution was included in the administration's legislation for which we can credit the efforts of our distinguished colleague, the gentlewoman from New Jersey (Mrs. ROUKEMA). I supported the resolution in the Committee on Banking, and I support it today on the House floor.

Madam Speaker, we must not lose sight of the continuing challenges we face in the fight against money launderers who represent a very fast-moving and remarkably adaptable class of criminals. The global gross of electronic commerce and banking and the unprecedented expansion of global commerce in general, renders our financial system more vulnerable to misuse and abuse.

I therefore urge my colleagues to join us in sending a very clear message to noncooperative offshore jurisdictions that the House is paying close attention to the task force's work and supports every effort to bring more accountability to bear on those who would facilitate money laundering.

Madam Speaker, I reserve the balance of my time.

Mrs. ROUKEMA. Madam Speaker, I yield 5 minutes to the gentleman from Nebraska (Mr. BEREUTER), a leading advocate of this legislation and a leader on all Committee on Banking and Financial Services issues.

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

Mr. BEREUTER. Madam Speaker, I rise in strong support of H. Res. 495, which is a sense of the House regarding support for the Financial Action Task Force, FATF, on money laundering, and in support of the timely and public identification of noncooperative jurisdictions in the fight against international money laundering. I thank the gentlewoman for yielding me this time, and I thank her for her initiative in introducing this resolution and for her efforts in moving the legislation.

Additional appreciation is also expressed to the distinguished gentleman from Iowa (Mr. LEACH), the chairman of the Committee on Banking and Financial Services, and the distinguished gentleman from New York (Mr. LAFALCE) for expediting consideration of the legislation.

As a member of both the House Committee on International Relations and the Committee on Banking, this Member is committed to reducing the global pervasiveness of money laundering. According to an International Monetary Fund, IMF, estimate, as already mentioned by the gentlewoman from New Jersey (Mrs. ROUKEMA), international money laundering is at least a $600 billion industry, and that represents at least 2 to 5 percent of the world's annual gross domestic product.

This Member intends to focus his remarks on H. Res. 495 in four different sections today. They are as follows: The history and impetus for H. Res. 495; second, the main provisions of H. Res. 495; third, the support for H. Res. 495; and, fourth, the exigent circumstances explaining why immediate passage of H. Res. 495 is needed.

First, to illustrate the history behind the resolution, in February of this year, three of the five committees of the NATO Parliamentary Assembly, including this Member and other Members of the House, met, as usual, at the headquarters of the Organization for Economic Cooperation and Development, OECD, and, of course, the House delegation to the NATO PA attended that meeting. A major topic of that discussion was FATF, which predominantly includes the representatives of the member States of the OECD.

As mentioned, FATF is an intergovernmental effort whose function is the development and promotion of policies to combat money laundering. The FATF currently consists of 26 countries, including the major financial center countries of Europe, North America and Asia. During the aforementioned NATO PA meeting, after the presentation of the subject of international money laundering conducted by the FATF and given by the OECD staff, and other private conversations with OECD staff and the parliamentary delegations from the other NATO countries, the U.S. House delegation became concerned whether the FATF actually would publicly name those countries which were identified in their draft report as noncooperative jurisdictions in the fight against international money laundering. There were indications that the FATF would not name names unless pressure was brought to bear in favor of the naming of noncompliant jurisdictions.

Second: provisions. As a result of that NATO PA meeting, the distinguished chairwoman, the gentlewoman from New Jersey (Mrs. ROUKEMA), a long-term and active member of the Economic Committee of the NATO PA, along with this Member and other Members of the House delegation, as original cosponsors, introduced this resolution which expresses the U.S. House's firm support for the public release of the names of noncooperative jurisdictions identified by the FATF. Because of the possible public release of these names, according to media reports, as mentioned by the chairman, Austria had already recently abolished its controversial anonymous bank accounts, and I am going to include that article from the June 16 edition of the Wall Street Journal.

Furthermore, the expression of the sense of the House in this resolution also states that the U.S. should encourage the adoption of the necessary international actions to encourage compliance by these identified jurisdictions. Plus, it specifies that the U.S. should put in place necessary countermeasures against money laundering and encourage other nations to do the same.

Three: the support for it. In addition to the distinguished chairwoman from New Jersey and this Member, there are seven additional cosponsors. Moreover, very similar language, as mentioned by the gentleman from New York, was successfully added by the gentlewoman, the chairman of the subcommittee, during the Committee on Banking and Financial Services' markup of H.R. 3886. That is a more comprehensive bill, which was advanced by the Committee on Banking and Financial Services on June 8 of this year.

Lastly, exigent circumstances. Due to the planned release by FATF of some type of report on this subject later this week, it is timely and essential that H. Res. 495, this sense of the House Resolution, be approved today and the results of our action conveyed to the FATF and to the OECD.

Madam Speaker, I include this article from the Wall Street Journal for the RECORD:

[From the Wall Street Journal, June 16, 2000]

AUSTRIA ESCAPES CENSURE BY ENDING SECRET ACCOUNTS

(By Michael Allen)

A week before a multilateral task force is scheduled to ''name and shame'' world money-laundering havens, Austria has escaped censure by agreeing to abolish its controversial anonymous bank accounts.

The 26-nation Financial Action Task Force, or FATF, the world's leading anti-money-laundering group, had warned it would expel Austria from its ranks if it didn't abolish the anonymous passbook accounts, which date to the Austro-Hungarian Empire. The accounts had become a major concern for law-enforcement authorities—and a major irritant in U.S.-Austrian relations—because they offer an impenetrable way to disguise the source and ownership of criminal proceeds.

Passbook accounts could be used by anyone who knew the coded number and possessed the book, meaning they could be opened by one person, then traded on the

Internet to someone else, who could then use them for any number of illegal purposes in complete secrecy—and even access the funds from ATMs around the world.

''Anonymous passbook savings accounts have been a major problem and a critical loophole in the international consensus to combat money-laundering,'' said Stuart Eizenstat, deputy U.S. Treasury secretary. ''This victory represents a clear demonstration of FATF resolve and credibility.''

Forcing Austria to either clean its own house or leave the FATF was viewed as an essential step before the organization releases a list next week of money-laundering havens, or offshore centers deemed to have inadequate laws and financial supervision. The composition of the list has been kept secret, but observers believe it will be heavily weighted with Caribbean and South Pacific island states.

Another possible candidate is Liechtenstein, which a French parliamentary report described as Europe's ''most dangerous money-laundering center.'' The Liechtenstein government, which has already sent some leading citizens to jail, says it is trying to clean up its banking industry.

According to U.S. Treasury officials, Austria has 24 million anonymous passbook accounts, or three for every man, woman and child in the country, signifying that many of them are in the hands of foreigners. The accounts are believed to hold about $100 billion.

The U.S. and other nations have been trying to get Austria to eliminate the accounts for a decade, but it was only in February that the threat of FATF expulsion prompted Vienna to agree to changes. Initial legislative proposals didn't appease the U.S., and the Austrian government—already under heavy diplomatic pressure because of its inclusion of the right-wing Freedom Party in the ruling coalition—quickly relented. On May 25, the financial committee of the lower house of the Austrian Parliament passed the revised bill, to go into effect this fall.

The law calls for anonymous accounts to be eliminated by June 30, 2002. In the interim, many transactions will be prohibited unless the account holder is first identified. ''Austrian books will have to make a fundamental change in the way they do business,'' said Mr. Eizenstat.

In a move parallel to the FATF initiative, the Paris-based Organization for Economic Cooperation and Development is drawing up a list of tax havens that the group believes unfairly divert tax proceeds from developed countries, through the twin lure of low taxes and strict bank secrecy. That list is expected to be released by the end of this month.

Madam Speaker, for the above stated reasons and others, this Member urges his colleagues to support H.Res. 495.

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

Mrs. ROUKEMA. Madam Speaker, I yield myself such time as I may consume.

I would like to conclude by making the following observations. It should be recognized that as the ranking member, as well as the gentleman from Nebraska (Mr. BEREUTER), has already noted, the Committee on Banking and Financial Services on June 8 did report H.R. 3886, the International Counter-Money Laundering Act; and I would hope that we would be able to take action on that and perhaps even expand on it, as a matter of fact.

I also want to point out that while this resolution is a significant step in the right direction, in addition to H.R. 3886, there is other serious action that we must take to fight money laundering crimes; and in that respect, I am fully anticipating that the gentleman from Florida (Mr. MCCOLLUM) and I will be introducing a comprehensive money laundering proposal similar to the administration's bill from last November. We have been working on this for some time, and it will supplement what H.R. 3886 does in the international arena, with a very focused effort comprehensively on domestic money laundering. Cash smuggling, currency couriers, and sanctions against the money launderers will be the major problems that we are addressing in the that bill; and it is a joint operation between the Committee on the Judiciary and members of the Committee on Banking and Financial Services. These and other money laundering issues, I hope and pray, will be addressed in this Congress; and if not completed in this Congress, and I think there is time enough to complete it in this Congress, then we will make it a top priority in the next.

However, that is for the future. For today, we are very happy to have this resolution before us, and I thank my colleagues for their cooperation and the work that we have been able to accomplish together here.

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

The SPEAKER pro tempore (Mrs. BIGGERT). The question is on the motion offered by the gentlewoman from New Jersey (Mrs. ROUKEMA) that the House suspend the rules and agree to the resolution, House Resolution 495.

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

A motion to reconsider was laid on the table.

□

RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the Chair declares the House in recess until approximately 4 p.m.

Accordingly (at 3 o'clock and 40 minutes p.m.), the House stood in recess until approximately 4 p.m.

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□ 1609

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. DREIER) at 4 o'clock and 9 minutes p.m.

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GENERAL LEAVE

Mr. WALSH. 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. 4635 and that I may include tabular and extraneous material therein.

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

There was no objection.

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DEPARTMENT OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT, AND INDEPENDENT AGENCIES APPROPRIATIONS ACT, 2001

The SPEAKER pro tempore. Pursuant to House Resolution 525 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 4635.

□ 1610

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 4635) 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, with Mr. PEASE in the chair.

The Clerk read the title of the bill.

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

Under the rule, the gentleman from New York (Mr. WALSH) and the gentleman from West Virginia (Mr. MOLLOHAN) each will control 30 minutes.

The Chair recognizes the gentleman from New York (Mr. WALSH).

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

Mr. Chairman, it is my pleasure to bring before the full House of Representatives the bill, H.R. 4635, making fiscal year 2001 appropriations for the Departments of Veterans Affairs, Housing and Urban Development and independent agencies. So that we can move quickly, I will keep my comments brief.

First, let me just thank the distinguished gentleman from West Virginia (Mr. MOLLOHAN) for his advice and counsel throughout this discussion. Even though we have different political persuasions, I think we share almost all of the same priorities in this bill, which makes it, as one might imagine, much less difficult to bring a bill to the floor.

We do not agree on everything obviously, but I think in most cases we do. So we have enjoyed the benefit of his advice and the staffs have worked very closely together. The subcommittee and the full committee worked very hard to bring this bill out.

Like most of the appropriations subcommittees, we were given a very tight 302(b) allocation. Nevertheless, we were able to make what I think are good policy and funding choices to produce a good, fair bill that deserves support.

Here are some of the highlights: this bill fully funds veterans medical care

with a $1.355 billion increase over last year's record level. Last year, we increased it $1.7 billion, $1.355 billion this year for a total of over $3 billion increase in 2 years. I think that shows how important this subcommittee, this full committee, and the House take our commitments to our veterans. It provides full funding for medical research, major construction, and cemetery administration operations.

Just as important, we have begun an effort to conduct better oversight of how much medical care funding goes for medical care, per se, and how much goes to maintaining buildings and facilities. All veterans, no matter where they are located, deserve the best facilities that we can offer.

We have also included language to make sure that veterans medical receipts stay within the VA system and do not go to the Treasury as was suggested by the Administration.

Expiring section 8 contracts at HUD are fully funded, and we have included language to push the Department to do a better, faster job of getting funds out of Washington to the people who need them most. HUD's record in this regard is not one to be proud of. We had 247,000 section 8 vouchers go begging last year because HUD did not get the job done. So we have accounted for that and still have fully funded the section 8 requirements.

We have essentially level funded the Community Development Block Grant entitlement programs, trimming them by less than 1 percent. We have level funded or only slightly reduced most other HUD programs, making sure that HUD was not using the bank to pay for other programs as it did last year.

AmeriCorps has been zeroed out. I am sure that will be a topic for discussion in conference and in consultation with the White House. In this bill, there is no funding.

EPA's operating programs have been level funded while various State grant programs, which assist the States in implementing Federal laws, have been more than fully funded. The Clean Water State Revolving Fund program, gutted in the President's budget request, has been restored to $1.2 billion. That is real commitment on the part of Congress to support cleaner water and to improve the environment of this country, an area where I think the Administration is sorely lacking, while State and local air grants from section 319 non-point source pollution grants have been increased significantly.

Perhaps most important, we have proposed $245 million, more than double last year's level and $85 million more than the Administration's request, for section 106 pollution control grants. These grants offer the States the maximum flexibility to deal with the difficult TMDL issues facing the States.

To help the States deal with the MTBE problems caused by leaking underground storage tank facilities, that is a gasoline additive that has recently been banned by the EPA, we have upped the account at EPA by $9 million over last year and $7 million over the budget request.

CDFI, one of the President's new programs, has been proposed for an increase over last year's funding level. They are doing a good job. They deserve our support; we provided it.

□ 1615

Likewise, the Neighborhood Reinvestment Corporation, perhaps the most productive and most efficient Federal organization dealing with housing, has been provided their full funding level of $90 million. Again, they have earned and deserve our support. We should reward positive performance.

The National Science Foundation has received an increase of $167 million over last year's level, putting them over $4 billion, their largest funding level ever.

Similarly, NASA received an increase over last year of $113 million, their first increase in several years.

Mr. Chairman, there is one point regarding this bill that really needs to be made. I stated at the outset that we faced a tight allocation. Nevertheless, there is some talk circulating that this bill received an allocation that is nearly $5 billion above last year. I would like to try to set the record straight. The reality is that our new allocation is $78 billion in new budget authority. The reality is that CBO's freeze level for this budget was $76.9 billion. We have, therefore, a net increase of just $1.1 billion over last year.

I hasten to add that that increase has been totally absorbed by VA medical care, $1.355 billion over last year, a Section 8 housing increase of nearly $2 billion, and increases provided for National Science Foundation and NASA over last year's level. Nearly every other program in this bill was either level funded or reduced slightly so that we could meet these necessary increases and still stay within our allocation.

I have to say that it would be very difficult to get this bill this far without the support and assistance of my ranking member, the gentleman from West Virginia (Mr. MOLLOHAN), and the rest of this hard-working subcommittee and our staffs, and we have wonderful staffs. While we do not always agree on every issue, every effort has been made on both sides to continue the subcommittee's strong history of bipartisan cooperation in the crafting of this bill. I truly appreciate the gentleman's help and close working relationship.

Mr. Chairman, in a nutshell, this is the fiscal year 2001 VA-HUD and Independent Agencies bill. It is a good fair bill, with solid policy direction, while staying completely within our budget authority and outlay allocations. I strongly encourage the support of this body in moving this measure forward.

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

Mr. MOLLOHAN. Mr. Chairman, I yield myself such times as I may consume.

Mr. Chairman, as I did during our committee markup, I want to begin by expressing my appreciation to the chairman of the subcommittee, the gentleman from New York (Mr. WALSH), and to his staff for their courtesy in dealing with our side of the aisle during this process. Although I do not think this bill is adequate in its current form, I applaud him for doing his best with the hand that he was dealt.

The chairman is to be commended for doing the right thing for veterans medical care, providing a $1.3 billion increase and for providing a $2 billion increase to fully fund renewal of Section 8 housing contracts. But beyond these two large increases in the bill, the numbers before the committee tell a story of missed opportunities.

We certainly appreciate the chairman's courtesy, we appreciate his listening to our concerns as the bill has been marked up, but because of the allocation that he has been given, he has, I think, and the bill reflects, missed a lot of opportunities.

Instead of expanding even slightly our support for public service by young people through AmeriCorps, this bill zeros that program out totally, a move that would almost certainly lead to a presidential veto.

Instead of providing the support the President requested for basic research at the National Science Foundation, the bill provides $508 million less than that requested by the President for the National Science Foundation.

Instead of providing the amount requested for NASA's science and technology, the bill falls short by $323 million. In doing so, the bill abruptly terminates research and development on the next generation of reusable launch vehicles that would replace the space shuttle and reduce the cost of access to space.

Instead of doing a bit more to help solve the crisis of affordable housing, the bill provides essentially no expansion of Federal housing assistance and actually cuts key programs like Community Development Block Grants and public housing below the current year level.

And instead of providing the amounts for FEMA that the administration calculates would be needed even for an average year of hurricanes, floods and tornadoes, the bill provides only $300 million of the $2.9 billion requested. As a result, it jeopardizes FEMA's ability to respond quickly and adequately to natural disasters.

The best that can be said is that this plan spreads the pain more or less evenly across all accounts, except of course for AmeriCorps, which this bill totally zeros. But when I examine the funding levels in the chairman's mark, I have to ask myself why are we not providing more resources for medical

research at the Veterans Administration or for construction of State-needed extended-care facilities for veterans? Why are we not doing more to expand the supply of affordable housing and helping our Nation's homeless? Why are we not doing more for environmental restoration and protection? And why are we not doing more to explore space and perform the basic scientific research that is directly responsible for our current economic boom?

We have the largest budget surplus in decades, a surplus that keeps growing with every estimate. Yet rather than using part of that surplus to better meet our national needs, the majority leadership has decided, instead, to reserve it; to reserve it for large tax cuts targeted at upper-income levels that will never be enacted. That approach was wrong last year, and it is wrong now.

Once again the Congress is being put through an exercise. The appropriation subcommittee chairmen are being given unreasonably low allocations and are being told to write bills accordingly, which they reluctantly do. By the time these bills are signed into law, however, we end up with something so markedly different that it begs the question of why we go through this exercise at all.

I want to be clear about this. I believe the gentleman from New York has done the very best job he could do with what he was given. However, I reject the notion that this is the best we as a Congress can do.

This bill, through no fault of the chairman, is a series of missed opportunities, missed opportunities to improve our Nation's water and sewer infrastructure, which virtually almost every community in this country either needs improvement in or need water and sewer infrastructure to begin with; missed opportunities to assist people of modest means to afford decent housing; missed opportunities to ensure our continued leadership in science and technology, and the list goes on and on, Mr. Chairman. If we do not take these opportunities now, at a time when we are experiencing the best economy in a generation, when will we?

During full committee markup, we on this side of the aisle offered several amendments in an attempt to add funds in a few critical areas. Unfortunately, all of those amendments were defeated, some by razor thin one-vote margins. We will attempt to do the same today and tomorrow as the full House considers this legislation.

No matter what happens, Mr. Chairman, with these amendments, I believe that this process should move forward. It is also important that Members understand that, although this bill on its face appears to meet many programmatic needs, it falls short in one very significant area: meeting the priorities of individual Members. If the chairman has been approached by as many Members as I have, it is clear that great needs are going unmet. This bill must receive additional resources before the chairman will be able to address the interests of Members.

The good news is that by the time the process is complete, I expect to see something markedly different than what we have before us today. I certainly hope so, Mr. Chairman. At that time I sincerely hope, and I hope that the chairman shares that hope, that such a bill will reflect the needs of our Nation and of our Members. This Congress has the means to provide health care to our veterans, to assist our elderly and less fortunate in securing housing, and to make the critical investments in research and technology that have fueled the largest economic expansion in history. When we do that, we will have a bill that everyone can support.

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

Mr. WALSH. Mr. Chairman, I yield 6 minutes to the gentleman from New Jersey (Mr. FRELINGHUYSEN), a member of the subcommittee.

Mr. FRELINGHUYSEN. Mr. Chairman, I thank the gentleman for yielding me this time, and I rise in support of the VA–HUD appropriations bill.

Under the leadership of the gentleman New York (Mr. WALSH), and our ranking member, the gentleman from West Virginia (Mr. MOLLOHAN), our subcommittee has produced an excellent bill. I compliment them both. I also compliment the chairman for restructuring our hearing process to maximize information gathering and to actually get answers to serious housing, environmental, scientific and medical questions that fall within the purview of HUD, the EPA, the National Science Foundation and NASA, and the Department of Veterans Affairs, among a number of Federal agencies under our committee's jurisdiction.

Our subcommittee chair has faced a difficult task in balancing so many national and regional priorities within a limited budget allocation. This bill contains $76.4 billion in discretionary funds, $4.9 billion above last year's $7.1 billion level. However, the Congressional Budget Office estimates that $76.9 billion is needed in fiscal year 2000 just to fund a freeze from last year.

That said, the chairman has done a good job of keeping our heads above water while living within our means. The Department of Housing and Urban Development, one of the largest Federal departments, with over 10,400 employees, receives an increase of $4 billion over last year. Virtually all of this increase goes to fully fund section 8 renewals and tenant protections, which are important. Level funded is section 202 housing for the elderly and section 811 housing for individuals with disabilities, public housing operating subsidies, homeless assistance grants, and Housing Opportunities for Persons with AIDS, known as HOPA.

This committee has been especially interested in acting on behalf of housing for people with disabilities. For the past 4 years, this committee has created a section 8 disabilities set-aside to earmark some of those funds to help individuals with disabilities find suitable housing. This year, for the first time, the President finally agreed with our committee on the importance of this particular disabilities set-aside. Our bill contains the $25 million to fund the President's long overdue request for this purpose.

Also, under HUD, this bill contains language mandating that 75 percent of the section 811 disabled housing program funds be spent on new construction. There is simply an insufficient supply of housing available for individuals with disabilities; therefore, we need to emphasize housing production over rental assistance. We reject the administration's proposal to drop the mix to 50–50, and this bill insists that 75 percent of the funds go towards building new housing units.

The Environmental Protection Agency is level funded at the administration's budget request of $7.2 billion. Nevertheless, the clean water State revolving funds are increased by $400 million over the President's level, for a total of $1.2 billion, because this remains a top environmental goal of many towns and cities. State air grants, safe drinking water, State revolving funds and research are all increased over last year's amounts as well. So there are increases.

□ 1630

The committee has matched the President's request of $1.2 billion for the Superfund program, an increase of $2.5 million over last year. Superfund was established in 1980 to help clean up emergency hazardous materials in many waste sites around the country that have been abandoned.

As a Member of Congress, I have the dubious distinction of having more of these sites on a national priority listed in my congressional district than any other. I am glad today that this program continues to emphasize remediation rather than litigation, cleanups instead of costly, protracted lawsuits.

The EPA section of this bill also seeks to address the serious problems which we have discussed in our public hearing caused by the use of the gasoline additive known as MTBE.

During our hearings in March with EPA Administrator Carol Browner, I raised the growing problems associated with this gasoline additive. While MTBE is used in an effort to reduce fuel emissions and meet Federal clean air standards, the EPA was well aware early on it had begun to contaminate water supplies throughout our country.

California has at least 10,000 contaminated sites, New York 1,500, New Jersey nearly 500, and many communities in my district are affected adversely.

As a result of our March hearing, Administrator Browner finally took steps to phase out the use of MTBE. This bill

builds upon that decision by providing $9 million for efforts to correct leaking underground storage tank problems associated with this additive.

Further, this bill reinforces the commitment of this committee and Congress to scientific research. I am referring particularly to the National Science Foundation, which marks our 50th anniversary this year. It is funded at a record $4.1 billion. This is an increase of $167 million, or a 4.3 percent increase, over last year.

It is also the first time funds for this agency have topped the $4-billion level, with only a small portion to Federal spending. This agency has been a powerful positive effect or change in terms of national science and engineering in every State and institution of higher learning. Every dollar invested in the NSF returns many fold its worth in economic growth.

I support this budget. I support the NSF. And I support the work of the committee.

Mr. MOLLOHAN. Mr. Chairman, I am pleased to yield 6 minutes to the gentleman from Wisconsin (Mr. OBEY), the distinguished ranking member of the Committee on Appropriations.

Mr. OBEY. Mr. Chairman, this bill is a debate or part of the debate about our national priorities and our national values and it helps decide who we are going to put first in this society.

This Congress has committed itself to pass a large number of very large tax cuts, and most of those tax cuts are aimed at the most well-off people in our society. The wealthiest 2 percent will get a huge percentage of those tax cuts. And our ability to afford those tax cuts is based on the assumption by the majority that over the next few years we will cut $125 billion below current services, below existing purchasing power levels, a whole host of programs: education programs, health programs, housing programs, land acquisition programs, science programs, all the rest.

That is really what this debate is all about. Because this is one of the appropriation bills that is cut by a large amount below the President's budget in order to pretend that we can squeeze out enough room for those huge tax cuts aimed at the most well-off people in this society. And I do not believe we ought to do that.

I think we need to look at this budget in terms of what we need 10 years from now because this is a growing society, it is a growing population. We have growing needs, we are going to have more people who need housing, we are going to have more people in high schools, we are going to have more people in college, we are going to have more needs, and these bills are not responding to them.

Some examples of that lack of response are as follows: As has been indicated, the distinguished chairman has done the best he can given the budget ceiling which was assigned to his subcommittee and this bill does contain a welcome $1.35 billion increase for veterans' medical care. It is about time that both parties get off their duff on that. But it fails to adequately provide for several other priorities for veterans.

It does freeze funds for veterans' medical and prosthetic research. It cuts grants for construction of State veterans homes one-third below current year levels and does some other things that we are not happy about. It needlessly creates a political confrontation with the President by terminating the Corporation for National and Community Service, including the AmeriCorps program. Everyone on this floor knows the President is not going to sign this bill with that provision.

For housing, it appropriates no funds for the 120,000 new housing assistance vouchers proposed by the administration. It cuts Community Development Block Grants $276 million below the current year level and $395 million below the President's request. It freezes funding for homeless assistance. It provides a number of other cuts on the environmental front and on the NASA front.

I happen to believe the most serious cut of all in terms of our long-term economic health is what this bill does to the National Science Foundation because it falls short of the President's request by $508 billion. And I think it is essential to understand that the National Science Foundation does much of the basic scientific research, upon which all our other technological and medical progress is based.

We have had economists estimate that at least half of our economic productivity in the past 50 years can be attributed to technological innovation and the science that has supported that innovation. And yet, this bill is a giant missed opportunity because it cuts the President's budget with respect to that program.

It falls $508 million below the President's request. And then, in addition, it takes actions which, in concert with other actions taken by other subcommittees, slowly but surely fences in the Justice Department so that neither they nor any other agency of Government can mount an effective lawsuit against the tobacco companies for lying through their teeth to the American people for the past 40 years about whether or not their product caused cancer. And so, the Government has shelled out billions of dollars in Medicare, in veterans' health costs to deal with health consequences of that product and the lying selling of that product to the American people. And I think that needs to be corrected.

So these are a number of reasons why, although I have profound respect for the gentleman from New York (Mr. WALSH) and consider him to be one of the finest people in this institution, I cannot support the work product that the budget resolution has forced him to come up with.

Mr. WALSH. Mr. Chairman, I yield 3 minutes to the gentleman from Michigan (Mr. KNOLLENBERG), a member of the subcommittee.

Mr. KNOLLENBERG. Mr. Chairman, I want to thank the chairman for yielding on my behalf, and I rise in strong support of this bill.

Mr. Chairman, I want to thank the gentleman from New York (Chairman WALSH) for all the great effort and the great work that he has done as chairman of this subcommittee. I want to thank, also, the ranking member, the gentleman from West Virginia (Mr. MOLLOHAN), who has teamed up with the gentleman from New York (Mr. WALSH) to make this thing work.

I want to further thank the staff, led by Frank Cushing, for all the great efforts that they have made on this legislation. It is not easy, and I know that; and most people do not know how much time staff puts into the effort that brings forth a bill.

This appropriations bill is unique in that it covers an array of diverse agencies ranging from the Veterans Administration to the EPA. And there is a lot of distance in between. It is not an easy task to bring this wide range of interest into a single bill. However, the gentleman from New York (Chairman WALSH) and the gentleman from New York (Mr. MOLLOHAN), the ranking member, have a working relationship that I think makes this all possible.

H.R. 4635 is a good bill and keeps us within the budget resolution. I would point out that the product before us contains, as undoubtedly has been commented on, no Member earmarks. In this respect, it is eminently fair because there are no winners or losers.

The fiscal year 2001 VA–HUD bill is a fair piece of legislation produced under very difficult circumstances and is within, again, the budget resolution. It responsibly provides a $1.3-billion increase for veterans' medical health care, fully funds section 8 housing, and provides sound investments in research-intensive agencies, such as NASA and, as the gentleman from New Jersey (Mr. FRELINGHUYSEN) just mentioned, the National Science Foundation.

As this process moves forward, there will be plenty of opportunities for Members to offer their suggestions and amendments before the President finally signs the bill. I would implore my colleagues not to let perfection be the enemy of good. This is a good and responsible bill, and I encourage all my colleagues to support it.

Again, the gentleman from New York (Chairman WALSH) is to be saluted for crafting this piece of legislation under these circumstances. He has worked in good faith with the ranking member on the other side in a bipartisan spirit to form a bill that the House has now before it.

My colleagues, this is a fair bill and there will be time to strengthen it further as the process moves along. So I urge its support.

Mr. MOLLOHAN. Mr. Chairman, I am pleased to yield 5 minutes to the gentleman from California (Mr. FILNER).

Mr. FILNER. Mr. Chairman, I thank the ranking member for yielding me the time.

Mr. Chairman, I speak today on one part of the bill before us, title I, the bill funding the Department of Administration, and I speak as ranking member of the Subcommittee on Benefits of the Committee on Veterans' Affairs in this House.

Now, all of us on this side of the aisle have spoken of our deep respect for the chair, the gentleman from New York (Mr. WALSH), but we also have taken issue with the sense that we are doing all we can do in this bill, in this case for our Nation's veterans.

The gentleman from New York (Mr. WALSH) talks in a passive sense that we have been allocated a number. This is an active decision by this House to allocate certain figures, and this House can do what it will with regard to the budget.

As the gentleman from Wisconsin (Mr. OBEY) has pointed out, we have spoken about our priorities. This budget ranks veterans' affairs, I am afraid, very low in the priorities.

The chair said that this is fully funded, medical care for our veterans is fully funded. I am not sure what that means, but I would challenge my colleagues to go to any town hall meeting of veterans in this Nation and tell them that their benefits and their health care is fully funded.

The gentleman from Michigan said this is a good and responsible budget. I take issue. It is not a good budget. It is an irresponsible budget. We are reneging on our commitment to our Nation's veterans, Mr. Speaker. We have asked our veterans to sacrifice in war. When we had deficits, we asked our veterans to take cuts because we had to share the sacrifice of cutting those deficits. But now that we have surpluses, it is time to make up on those commitments and start fulfilling those commitments.

Many of our national cemeteries are a national disgrace. The waiting list for our veterans to see medical specialists goes months and months and months to get adjudication. Their benefits claims may take years. This is not a good and responsible budget. We are falling behind, Mr. Speaker, on medical research for veterans. We are falling behind on our commitment to fund our State veterans' homes. We are falling behind on helping our homeless veterans. We are falling behind on providing educational benefits to those veterans.

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The Montgomery GI bill is almost worthless in terms of its spending power in today's market.

I am going to submit amendments, Mr. Chairman, to cover some of these shortcomings, but I want to speak on a couple now. We are not adequately meeting the benefit and health care needs of veterans who served in the Gulf War and who now suffer from various diagnosed and undiagnosed disabilities. It has been almost 10 years, Mr. Chairman, since the men and women of our Armed Forces were sent to the gulf, yet they do not know what caused their illness, and we have no treatment for it. We must not relax our efforts to fund necessary and appropriate research. This budget does virtually nothing for those veterans.

I speak today, Mr. Chairman, on behalf of the Independent Budget, a budget that was propounded by a coalition of all the veterans organizations in this Nation. It is a responsible, professional budget. They show that this budget falls behind on our commitment by a minimum of $1.5 billion. It points out that as our veteran population ages, the need for long-term care increases. One means of providing that is through our funding of State veterans homes. In fact, a new home just opened in my congressional district; and already there is a waiting list of hundreds and hundreds. Other areas should have the same opportunity as the veterans in my San Diego region with the opening of this new home. Yet this budget has a decrease in funding for State homes.

Mr. Chairman, our Nation's veterans require an educational benefit that will actually allow them to attend college. I will propose such an amendment when the time comes. We have fallen behind on trying to deal with our homeless veterans. Thirty to 40 percent of those on the street are veterans. This is no way to treat those who served for us. We should increase that. This budget does not.

Finally, Mr. Chairman, we have a group of people in this Nation who served during World War II and were drafted into Armed Forces, Filipino veterans who helped us win the war in the Pacific. They are in their 70s and 80s. We need to provide them the health care that was taken away by this Congress more than 50 years ago. $30 million is all that is required to provide this health care. I will submit an amendment to do just that.

Mr. Chairman, we are falling farther and farther behind with this budget. It is time to reverse our priorities. It is time to recognize the heroism and sacrifice of our Nation's veterans. Let us truly fully fund this budget. Let us truly make this a good and responsible budget. Let us do better for our Nation's veterans.

Mr. WALSH. Mr. Chairman, I yield myself such time as I may consume just to discuss some of the issues that were just raised.

I will be brief. I am not going to fight every battle and counter every argument, but I do think it needs to be said that we are not falling behind. We are not falling behind in our commitments to our veterans. In fact, the strides that this Congress has made in the last 2 years, $1.7 billion last year, almost $1.4 billion this year, that is over a $3 billion commitment in a $20 billion health care allocation. That is a profound commitment to our veterans. I do not believe any Congress in the recent or distant past has made that sort of commitment. I strongly disagree with the gentleman's statement that we are falling behind. If anything, we are quickly catching up if not pulling ahead. But to say we are falling behind, I think, gives grist for the mill for those uninformed people out there who are saying we are not keeping our commitments to the veteran. I strongly disagree.

On the issue of the G.I. Bill, those benefits are mandatory. The gentleman sits on the committee of authorization. That is where that issue belongs, not here in the committee on appropriations. Those are mandatory benefits, not within our purview to determine allocation of funds. It is mandatory.

Lastly, the GAO study says that the Veterans Administration is wasting $1 million a day through poor administration. That is over $300 million a year wasted. We cannot afford to have that waste continue. Clearly, the Congress can do better; but the administration can, too.

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

Mr. MOLLOHAN. Mr. Chairman, I yield 4 minutes to the gentlewoman from Michigan (Ms. KILPATRICK).

(Ms. KILPATRICK asked and was given permission to revise and extend her remarks.)

Ms. KILPATRICK. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman, I believe the gentleman from New York (Mr. WALSH) has done a fine job with the resources he has available and certainly the gentleman from West Virginia (Mr. MOLLOHAN) and the gentleman from Wisconsin (Mr. OBEY), our ranking member, who has done all that he can to bring this bill to the floor; but it is not a good bill. I just want to reiterate what I have said over and over again as a part of the Committee on Appropriations. The budget is woefully underfunded. At a time when America's prosperity is well, when the budget surpluses are higher than they ever have been or ever thought to be at this time in the process, we are dealing with a budget process in a very important veterans budget, housing budget and EPA budget that is going lacking.

Why is that? Well, some months ago, this Congress passed in a very partisan way 302(b) allocations which are the bottom line numbers that each of these budgets reflect. So we find ourselves fighting over very important programs that need to be funded. Veterans who have served this country and served well ought to have full coverage and ought to be able to have their medical needs met. They ought not be homeless in our country and many of them are. They ought to be able to have the drug treatment necessary that they be fine citizens, having worked and saved this

country from various battles across the history of our country. But it is not funded properly.

In this time of budget surpluses, if we cannot do it now, when will we do it? I think it is a travesty that this bill is on the floor with shortages in homelessness, medical care, and treatment for veterans in our country who have served this country well.

I am also disturbed that our housing, public housing, those in America, the least of these who find themselves living in public housing are now seeing cuts at a time when we were building on public housing, at a time when they were being renovated, revitalized, at a time when the capital count was at one time meeting those needs and now falling sorely behind. In 1995, the public housing budget was $3.7 billion. This budget today calls for $2.8 billion. From $3.7 billion to today $2.8 billion, the public housing needs are not being met.

The section 8 vouchers, there is a backlog of need in my district, and I am sure in many others who need section 8 vouchers. One of the previous speakers said that we are fully funding section 8 vouchers. We are funding those who already have it, but we are not at all addressing the need of the backlog, some hundreds in my own district who have applied for and are waiting for decent, free housing, free from crime, free from other kinds of negative things in our budget.

I commend the gentleman from New York (Mr. WALSH) for what he has done and the gentleman from West Virginia (Mr. MOLLOHAN), but it is really not enough. We have got to be realistic with these budgets. There are children, there are families who need us to stand up to our responsibility. If we look at veterans coverage, it is lacking. In public housing needs, it is lacking. We can do better in this Congress.

I would hope that as we go through the process, as we get through conference, and everybody says, Wait till we get to conference, it is going to be better, it is our responsibility today, we ought not have to wait until we get to conference. But, Mr. Chairman, as we leave and this bill is on the floor, we will be debating it much of this evening, let us remember those veterans, those poor people who need us to speak out for them.

Mr. MOLLOHAN. Mr. Chairman, I yield 4 minutes to the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON).

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Chairman, let me first appreciate the efforts of the gentleman from New York (Mr. WALSH) and the gentleman from West Virginia (Mr. MOLLOHAN) because I think they probably did a competent job with what they had to work with. But I still believe that in addition to the veterans and the housing needs, this bill also represents a lost opportunity in research. The President proposed a historic budget increase for the National Science Foundation this year. The increase was intended to bolster the activities of an agency with a critically important role in sustaining the Nation's capabilities in science and engineering research and education.

The bill cuts the amount of the request by more than $500 million. This is shortsighted and inconsistent with the previous actions of the House. It also ignores the well-known connection between research and economic development. I characterize the bill as shortsighted because it has now been shown that public support for basic research in science and engineering is an investment in the future economy and in the well-being of our citizens. Over the past 50 years, half of U.S. economic productivity can be attributed to technological innovation and the science that has supported it. The social rate of return for basic research performed at academic institutions has been found to be at least 28 percent.

Basic research discoveries launch new industries that bring returns to the economy that far exceed the public investment. The recent example of the Internet, which emerged from research projects funded by the Defense Advanced Research Projects Agency and the National Science Foundation strikingly illustrates the true investment nature of such research expenditures. What then will be the effects of the anemic increase provided for the National Science Foundation by this bill? The most important is also the least quantifiable, that is, the lost opportunities due to research ideas that are not pursued.

Last year alone, the National Science Foundation could not fund 3,800 proposals that received very good or excellent ratings by peer reviewers. The budget increase requested for fiscal year 2001 has greatly reduced the number of meritorious research ideas doomed to rejection because of inadequate budgets. Nearly half of the increase in the fiscal year 2001 National Science Foundation budget proposal was designated for the core research programs of the foundation. This new funding would increase average grant size and duration as well as increasing the number of new awards. Inflation has reduced the relative value of National Science Foundation awards, thereby adding to the overhead burden placed on the academic research community. That is, researchers must generate multiple proposals to obtain adequate funding for their research projects.

If NSF were to be allowed to reach its goal of increasing average grant size to $108,000 and grant duration to 3 years, it estimates the savings in the cost of research proposal preparation alone would be $50 million. Of course, this is only a portion of the potential savings since it does not include reductions in the time for proposal reviews and the reduced cost to universities from administering these few grants.

Overall, the cuts from proposed funding levels in the bill will result in more than 4,000 fewer awards for state-of-the-art research and education activities. This reduction will curtail investments in exciting, cutting-edge research initiatives, such as information technology, the nanoscale science and engineering, and environmental research. The effect will be to slow the development of new discoveries with immense potential to generate significant benefits to society.

The reduction in funding also translates into almost 18,000 fewer researchers, educators, and students receiving NSF support. This is a direct, and negative, effect on the shortages projected in the high-tech workforce. It will reduce the number of well-trained scientists and engineers needed for the Nation's future.

Finally, I feel I must point out the inconsistency between the funding provided by the bill for NSF and the interest expressed by many Members of this House in the development and widespread use of information technology.

In February the House passed H.R. 2086 by acclamation. This bill authorizes nearly $5 billion over four years among seven agencies for information technology research. NSF was the lead agency of the multi-agency initiative and was provided a major portion of the resources. H.R. 4635 cuts the requests for NSF's part of this initiative by over $154 million, or by more than 20 percent.

The need for the major new investment in information technology research was advocated by the President's Information Technology Advisory Committee. This committee stated that: ''Unless immediate steps are taken to reinvigorate federal research in this critical area, we believe there will be a significant reduction in the rate of economic progress over the coming decades.''

I regret that H.R. 4635 limits support for the research that will lead to breakthroughs in information technology, materials, environmental protection, and a host of technology dependent industries.

The economic growth that has been fueled by advances in basic research will be endangered because of the failure of this bill to provide adequate resources for the math, science, and engineering research and education activities of the National Science Foundation. This is shameful and irresponsible.

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

Mr. FRELINGHUYSEN. I thank the gentleman for yielding me this time.

Mr. Chairman, I think we need to point out, as the gentleman from New York (Mr. WALSH) has pointed out in previous remarks, that we have increased funding for veterans medical care by $1.3 billion. I may point out, it took the President 4 years to realize what Members of this body, both Democrats and Republicans, have realized all along, that funding for veterans medical care must be increased, and we have done it. When we combine that with last year's historic increase, this Congress will have provided $3 billion more for veterans medical care in the last 2 years. Mr. Chairman, we are keeping our promise. Unlike the President's budget, all funds that are collected by the VA from third-party insurers and copayments will stay according to our budget within the VA

system. The President's budget proposed that the first $350 million collected as a result of changes under the Veterans Millennium Health Care Act signed into law and passed last year be returned to the Treasury, not to the Veterans Administration.

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This bill requires that those outside collections be retained by the VA and to be used for improving veterans' medical care. This is a responsible budget, because it better addresses also, Mr. Chairman, the growing and serious problem of hepatitis C among veterans.

According to the Centers for Disease Control, this disease of the liver, if untreated, can lead to chronic liver disease and even liver failure. The hepatitis C virus affects a disproportionately high number of veterans compared to the general population, particularly those with the Vietnam-Era part of our history.

In the fiscal year 2000 bill, Congress provided $190 million for testing and treatment of hepatitis C in our bill; the one under discussion today would increase that amount to $340 million. However, during our committee's hearing with the VA in March, Secretary Togo West stated that the Department would be unable to spend all the fiscal year 2000 hepatitis C testing and treatment funds, because the demand was not there.

Frankly, too many of us on the committee, the committee's Secretary statement was puzzling and, in fact, contrary to a great deal of known information about this health crisis from the CDC, as well as from the VA's own data. In a 1-day random hepatitis screening done by the VA in March of 1999, it showed 6 percent of Veterans tested nationally that tested positive for hepatitis C virus compared to less than 2 percent of the general population. In my area, in New York and in New Jersey, the infection rate from that 1-day test was over 12 percent, twice the national average.

The numbers have not improved since then, but this budget increases money for hepatitis C testing. It increases money for medical care, and this is a budget that points us in the right direction.

Mr. MOLLOHAN. Mr. Chairman, I yield 4 minutes to the distinguished gentleman from California (Mr. WAXMAN).

Mr. WAXMAN. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman, we in the Congress are constantly debating what our priorities ought to be, and 2 weeks ago this House adopted legislation to eliminate the estate tax. And in doing that, we gave, in effect, $200 billion to around 400 families. That was our judgment in this House. It was not a judgment I agreed with, but it was, nevertheless, the judgment of this House.

In this bill that is before us there is a rider that we will seek to strike, and that rider would prevent use of funds to pursue litigation against the tobacco industry. Well, some people think that if we get a judgment against the tobacco industry, that could bring in $300 billion to pay back the Federal Government for expenses due to the misconduct of that industry.

Mr. Chairman, well, if that rider does not get taken out of this bill and that lawsuit is stopped, in the course of a couple of weeks we will have given $200 billion to 400 families by eliminating the estate tax, and we will refuse to bring in potentially $300 billion that can be used for veterans' health, Indian health services, prescription drug benefits for the elderly, so many things where we are always saying we do not have the money to fund it.

The amendment that we are going to be offering with a number of our colleagues would strike that rider, and so there would be no misunderstanding about it. That amendment would provide that funds that would otherwise go into the account in the veterans' health program for management and legal expenses would be used for pursuing litigation against the tobacco industry which would bring many, many, many times over that amount back to the veterans' health program.

Specifically, we do not use any funds out of the veterans' health program, but only funds allocated for legal expenses. This separate fund would be then allocated to pursue the lawsuit, and all of the veterans' groups want that lawsuit to be pursued.

They know how important it is to get funds that are not enough to meet their needs into the veterans' health priorities. We have explicit support from the Veterans of Foreign Wars, the AMVETS, the Disabled War Veterans, the Paralyzed War Veterans for our amendment; and all of the groups want this lawsuit to go forward.

Let me point out that if we strike this rider we not only have the support of the veterans' organizations, but it will have no effect at all on the Medicaid settlement with the States or on retailers in this country. The only ones who are being sued are the manufacturers of tobacco products who for decades have mislead the American people and the veterans into starting to smoke and continuing to smoke.

They not only mislead about the dangers of cigarettes, they mislead them about the nicotine addiction; and they not only did that, they manipulated the nicotine levels to keep people smoking.

I would hope that when we get into the opportunity for amendments, that Members on both sides of the aisle will join us in striking that rider that would prohibit use of funds to recover money that can be used for veterans' health care from the tobacco industry. It is only to the benefit of everyone that this amendment go forward, and we will hear more about it later.

The CHAIRMAN. The gentleman from West Virginia (Mr. MOLLOHAN) has 30 seconds remaining; the gentleman from New York (Mr. WALSH) has the right to close.

Mr. MOLLOHAN. Mr. Chairman, we have, I think, many requests that would be more than 30 seconds; and, therefore, I yield back the balance of my time.

Mr. WALSH. Mr. Chairman, I yield 1 minute to the gentleman from Michigan (Mr. SMITH).

(Mr. SMITH of Michigan asked and was given permission to revise and extend his remarks.)

Mr. SMITH of Michigan. Mr. Chairman, a couple of the Members from the other side of the aisle, the gentleman from Wisconsin (Mr. OBEY), the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON), suggested the need for more NSF funding, the National Science Foundation. I agree. Yet one of the Members from your side of the aisle is suggesting that we take money, additional money out of NSF and put it into HUD.

Hopefully in this appropriation bill, before it is finished, we can find more money to accommodate basic research. Basic research in this country has been instrumental in creating products and increasing our competitive position. As chairman of the Subcommittee on Basic Research, I introduced H.R. 4500 that authorizes a 17 percent increase in NSF funding.

Let us not shortchange basic research that has served us so well. Let us make sure we do not take more money out of the NSF funding, and let us look for additional funding to help make sure that the basic research that has helped make this country great, that has been vital to increasing our productivity, continues as one of our priorities.

Mr. WALSH. Mr. Chairman, I have no further comments to make. I think we can conclude our general debate and move into amendments.

Mr. Chairman, I submit the following tables for the RECORD.

DEPARTMENTS OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT, AND INDEPENDENT AGENCIES APPROPRIATIONS BILL, 2001 (H.R. 4635)
(Amounts in thousands)

	FY 2000 Enacted	FY 2001 Request	Bill	Bill vs. Enacted	Bill vs. Request
TITLE I					
DEPARTMENT OF VETERANS AFFAIRS					
Veterans Benefits Administration					
Compensation and pensions	21,568,364	22,766,276	22,766,276	+1,197,912	.....
Readjustment benefits	1,469,000	1,634,000	1,664,000	+195,000	+30,000
Veterans insurance and indemnities	28,670	19,850	19,850	-8,820	.....
Veterans housing benefit program fund program account (indefinite)	282,342	165,740	165,740	-116,602	.....
(Limitation on direct loans)	(300)	(300)	(300)	.....	.....
Administrative expenses	156,958	166,484	161,484	+4,526	-5,000
Education loan fund program account	1	1	1	.....	.....
(Limitation on direct loans)	(3)	(3)	(3)	.....	.....
Administrative expenses	214	220	220	+6	.....
Vocational rehabilitation loans program account	57	52	52	-5	.....
(Limitation on direct loans)	(2,531)	(2,726)	(2,726)	(+195)	.....
Administrative expenses	415	432	432	+17	.....
Native American Veteran Housing Loan Program Account	520	532	532	+12	.....
Guaranteed Transitional Housing Loans for Homeless Veterans program account	48,250	.....	.....	-48,250	.....
(Limitation on direct loans)	(100,000)	.....	.....	(-100,000)	.....
Total, Veterans Benefits Administration	23,554,791	24,753,587	24,778,587	+1,223,796	+25,000
Veterans Health Administration					
Medical care	18,106,000	19,381,587	19,354,587	+1,248,587	-27,000
Delayed equipment obligation	900,000	900,000	927,000	+27,000	+27,000
Total	19,006,000	20,281,587	20,281,587	+1,275,587	.....
Across the board rescission (0.38%)	-79,519	.....	.....	+79,519	.....
(Transfer to general operating expenses)	(-27,907)	.....	(-28,134)	(-227)	(-28,134)
Subtotal	18,926,481	20,281,587	20,281,587	+1,355,106	.....
Medical care cost recovery collections:					
Offsetting receipts	-608,000	-639,000	-639,000	-31,000	.....
Appropriations (indefinite)	608,000	639,000	639,000	+31,000	.....
Total available	(608,000)	(639,000)	(639,000)	(+31,000)	.....
Medical and prosthetic research	321,000	321,000	321,000	.....	.....
Medical administration and miscellaneous operating expenses	59,703	64,884	62,000	+2,297	-2,884
General Post Fund, National Homes:					
Loan program account (by transfer)	(7)	.....	.....	(-7)	.....
(Limitation on direct loans)	(70)	.....	.....	(-70)	.....
Administrative expenses (by transfer)	(54)	.....	.....	(-54)	.....
General post fund (transfer out)	(-61)	.....	.....	(+61)	.....
Total, Veterans Health Administration	19,307,184	20,667,471	20,664,587	+1,357,403	-2,884
Departmental Administration					
General operating expenses	912,594	1,061,854	1,006,000	+93,406	-55,854
Offsetting receipts	(36,754)	(36,754)	(36,754)	.....	.....
Total, Program Level	(949,348)	(1,098,608)	(1,042,754)	(+93,406)	(-55,854)
(Transfer from medical care)	(27,907)	.....	(28,134)	(+227)	(+28,134)
(Transfer from national cemetery)	(117)	.....	(125)	(+8)	(+125)
(Transfer from inspector general)	(30)	.....	(28)	(-2)	(+28)
National Cemetery Administration	97,256	109,889	106,889	+9,633	-3,000
(Transfer to general operating expenses)	(-117)	.....	(-125)	(-8)	(-125)
Office of Inspector General	43,200	46,464	46,464	+3,264	.....
(Transfer to general operating expenses)	(-30)	.....	(-28)	(+2)	(-28)
Construction, major projects	65,140	62,140	62,140	-3,000	.....
Construction, minor projects	160,000	162,000	100,000	-60,000	-62,000
Grants for construction of State extended care facilities	90,000	60,000	60,000	-30,000	.....
Grants for the construction of State veterans cemeteries	25,000	25,000	25,000	.....	.....
Total, Departmental Administration	1,393,190	1,527,347	1,406,493	+13,303	-120,854
Total, title I, Department of Veterans Affairs	44,255,165	46,948,405	46,849,667	+2,594,502	-98,738
Appropriations	(44,334,684)	(46,948,405)	(46,849,667)	(+2,514,983)	(-98,738)
Rescissions	(-79,519)	.....	.....	(+79,519)	.....
(By transfer)	(61)	.....	.....	(-61)	.....
(Limitation on direct loans)	(102,904)	(3,029)	(3,029)	(-99,875)	.....
Consisting of:					
Mandatory	(23,396,626)	(24,585,866)	(24,615,866)	(+1,219,240)	(+30,000)
Discretionary	(20,858,539)	(22,362,539)	(22,233,801)	(+1,375,262)	(-128,738)
TITLE II					
DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT					
Public and Indian Housing					
Housing Certificate Fund	7,176,695	9,927,824	9,075,388	+1,898,693	-852,436
(By transfer)	(183,000)	.....	.....	(-183,000)	.....
Advance appropriation, FY 2001/2002	4,200,000	4,200,000	4,200,000	.....	.....
Total funding	11,376,695	14,127,824	13,275,388	+1,898,693	-852,436

DEPARTMENTS OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT, AND INDEPENDENT AGENCIES APPROPRIATIONS BILL, 2001 (H.R. 4635)—Continued
(Amounts in thousands)

	FY 2000 Enacted	FY 2001 Request	Bill	Bill vs. Enacted	Bill vs. Request
Across the board rescission (0.38%)	-72,275			+72,275	
Housing set-asides:					
Expiring section 8 contracts	(10,834,135)	(13,221,824)	(13,275,388)	(+2,441,253)	(+53,564)
Section 8 relocation assistance	(156,000)	(79,000)		(-156,000)	(-79,000)
Contract administration		(209,000)			(-209,000)
Incremental vouchers	(346,560)	(527,000)		(-346,560)	(-527,000)
Administrative fee change		(66,000)			(-66,000)
Voucher for disabled	(40,000)	(25,000)		(-40,000)	(-25,000)
Subtotal	(11,376,695)	(14,127,824)	(13,275,388)	(+1,898,693)	(-852,436)
Rescission of unobligated balances:					
Section 8 recaptures (rescission)	-1,300,000		-275,388	+1,024,612	-275,388
Section 8 carryover and Tenant Protection (resc)	-943,000			+943,000	
Subtotal	-2,243,000		-275,388	+1,967,612	-275,388
Public housing capital fund	2,900,000	2,955,000	2,800,000	-100,000	-155,000
Public housing operating fund	3,138,000	3,192,000	3,138,000		-54,000
Subtotal	6,038,000	6,147,000	5,938,000	-100,000	-209,000
Drug elimination grants for low-income housing	310,000	345,000	300,000	-10,000	-45,000
Revitalization of severely distressed public housing (HOPE VI)	575,000	625,000	565,000	-10,000	-60,000
Native American housing block grants	620,000	650,000	620,000		-30,000
Indian housing loan guarantee fund program account	6,000	6,000	6,000		
(Limitation on guaranteed loans)	(71,956)	(71,956)	(71,956)		
Total, Public and Indian Housing	16,610,420	21,900,824	20,429,000	+3,818,580	-1,471,824
Community Planning and Development					
Housing opportunities for persons with AIDS	232,000	260,000	232,000		-28,000
Rural housing and economic development	25,000	27,000	20,000	-5,000	-7,000
America's private investment companies program:					
(Limitation on guaranteed loans)	(541,000)	(1,000,000)		(-541,000)	(-1,000,000)
Credit subsidy	20,000	37,000		-20,000	-37,000
Urban empowerment zones	55,000			-55,000	
Rural empowerment zones	15,000			-15,000	
Subtotal	70,000			-70,000	
Community development block grants	4,800,000	4,900,000	4,505,000	-295,000	-395,000
Across the board rescission (0.38%)	-18,765			+18,765	
Section 108 loan guarantees:					
(Limitation on guaranteed loans)	(1,261,000)	(1,217,000)	(1,217,000)	(-44,000)	
Credit subsidy	29,000	28,000	28,000	-1,000	
Administrative expenses	1,000	2,000	1,000		-1,000
Brownfields redevelopment	25,000	50,000	20,000	-5,000	-30,000
HOME investment partnerships program	1,600,000	1,650,000	1,585,000	-15,000	-65,000
Homeless assistance grants	1,020,000	1,200,000	1,020,000		-180,000
Communities in schools community development program	5,000	5,000		-5,000	-5,000
Total, Community planning and development	7,808,235	8,159,000	7,411,000	-397,235	-748,000
Housing Programs					
Housing for special populations	911,000	989,000	911,000		-78,000
Housing for the elderly	(710,000)	(779,000)	(710,000)		(-69,000)
Housing for the disabled	(201,000)	(210,000)	(201,000)		(-9,000)
Federal Housing Administration					
FHA - Mutual mortgage insurance program account:					
(Limitation on guaranteed loans)	(140,000,000)	(160,000,000)	(160,000,000)	(+20,000,000)	
(Limitation on direct loans)	(100,000)	(250,000)	(100,000)		(-150,000)
Administrative expenses	330,888	330,888	330,888		
Administrative contract expenses	160,000	160,000	160,000		
Additional contract expenses	4,000	4,000	4,000		
FHA - General and special risk program account:					
(Limitation on guaranteed loans)	(18,100,000)	(21,000,000)	(21,000,000)	(+2,900,000)	
(Limitation on direct loans)	(50,000)	(50,000)	(50,000)		
Administrative expenses	64,000	211,455	211,455	+147,455	
Administrative expenses (unobligated balances)	(147,000)			(-147,000)	
Negative subsidy	-75,000	-100,000	-100,000	-25,000	
Subsidy		101,000	101,000	+101,000	
Subsidy (unobligated balances)	(153,000)			(-153,000)	
Non-overhead administrative expenses	144,000	144,000	144,000		
Additional contract expenses	7,000	7,000	7,000		
Total, Federal Housing Administration	634,888	858,343	858,343	+223,455	
Government National Mortgage Association					
Guarantees of mortgage-backed securities loan guarantee program account:					
(Limitation on guaranteed loans)	(200,000,000)	(200,000,000)	(200,000,000)		
Administrative expenses	9,383	9,383	9,383		
Administrative contract expenses		40,000			-40,000
Offsetting receipts	-422,000	-347,000	-347,000	+75,000	
Policy Development and Research					
Research and technology	45,000	62,000	40,000	-5,000	-22,000
Fair Housing and Equal Opportunity					
Fair housing activities	44,000	50,000	44,000		-6,000

DEPARTMENTS OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT, AND INDEPENDENT AGENCIES APPROPRIATIONS BILL, 2001 (H.R. 4635)—Continued
(Amounts in thousands)

	FY 2000 Enacted	FY 2001 Request	Bill	Bill vs. Enacted	Bill vs. Request
Office of Lead Hazard Control					
Lead hazard reduction	80,000	120,000	80,000	.....	-40,000
Management and Administration					
Salaries and expenses	477,000	565,000	475,647	-1,353	-89,353
Transfer from:					
Limitation on FHA corporate funds	(518,000)	(518,000)	(518,000)	.....	.....
GNMA	(9,383)	(9,383)	(9,383)	.....	.....
Community Planning & Development	(1,000)	(1,000)	(1,000)	.....	.....
America's Private Investment Companies Program	.....	(1,000)	.....	.....	(-1,000)
Title VI	(150)	(150)	(150)	.....	.....
Indian Housing	(200)	(200)	(200)	.....	.....
Total, Salaries and expenses	(1,005,733)	(1,094,733)	(1,004,380)	(-1,353)	(-90,353)
Office of Inspector General	50,657	52,000	50,657	.....	-1,343
(By transfer, limitation on FHA corporate funds)	(22,343)	(22,343)	(22,343)	.....	.....
(By transfer from Drug Elimination Grants)	(10,000)	(10,000)	(10,000)	.....	.....
Total, Office of Inspector General	(83,000)	(84,343)	(83,000)	.....	(-1,343)
Office of Federal Housing Enterprise Oversight	19,493	25,800	22,000	+2,507	-3,800
Offsetting receipts	-19,493	-25,800	-22,000	-2,507	+3,800
Administrative Provisions					
Sec. 208 FHA	-319,000	.....	.....	+319,000	.....
Annual contribution (transfer out)	(-79,000)	.....	.....	(+79,000)	.....
Annual contributions (transfer out)	(-104,000)	.....	.....	(+104,000)	.....
Sec. 212 Rescissions	-74,400	.....	.....	+74,400	.....
Sec. 214 Moving to Work	5,000	.....	.....	-5,000	.....
Total, administrative provisions	-388,400	.....	.....	+388,400	.....
Total, title II, Department of Housing and Urban Development (net)	25,860,183	32,458,550	29,962,030	+4,101,847	-2,496,520
Current year, FY 2001	(21,660,183)	(28,258,550)	(25,762,030)	(+4,101,847)	(-2,496,520)
Appropriations	(24,068,623)	(28,258,550)	(26,037,418)	(+1,968,795)	(-2,221,132)
Rescissions	(-2,408,440)	.....	(-275,388)	(+2,133,052)	(-275,388)
Advance appropriation, FY 2001/2002	(4,200,000)	(4,200,000)	(4,200,000)	.....	.....
(Limitation on guaranteed loans)	(359,902,000)	(383,217,000)	(382,217,000)	(+22,315,000)	(-1,000,000)
(Limitation on corporate funds)	(561,076)	(562,076)	(561,076)	.....	(-1,000)
TITLE III					
INDEPENDENT AGENCIES					
American Battle Monuments Commission					
Salaries and expenses	28,467	26,196	28,000	-467	+1,804
Across the board rescission (0.38%)	-108	.....	.....	+108	.....
Chemical Safety and Hazard Investigation Board					
Salaries and expenses	8,000	8,000	8,000	.....	.....
Across the board rescission (0.38%)	-30	.....	.....	+30	.....
Department of the Treasury					
Community Development Financial Institutions					
Community development financial institutions fund program account	95,000	125,000	105,000	+10,000	-20,000
Consumer Product Safety Commission					
Salaries and expenses	49,000	52,500	51,000	+2,000	-1,500
Across the board rescission (0.38%)	-186	.....	.....	+186	.....
Corporation for National and Community Service					
National and community service programs operating expenses	434,500	533,700	.....	-434,500	-533,700
Rescission	-80,000	.....	.....	+80,000	.....
Across the board rescission (0.38%)	-1,347	.....	.....	+1,347	.....
Office of Inspector General	4,000	5,000	5,000	+1,000	.....
Across the board rescission (0.38%)	-15	.....	.....	+15	.....
Total	357,138	538,700	5,000	-352,138	-533,700
Court of Appeals for Veterans Claims					
Salaries and expenses	11,450	12,500	12,500	+1,050	.....
Across the board rescission (0.38%)	-42	.....	.....	+42	.....
Department of Defense - Civil					
Cemeterial Expenses, Army					
Salaries and expenses	12,473	15,949	17,949	+5,476	+2,000
Across the board rescission (0.38%)	-47	.....	.....	+47	.....
Department of Health and Human Services					
National Institute of Health					
National Institute of Environmental Health Sciences 1/	60,000	48,527	60,000	.....	+11,473
Public Health Service					
Toxic Substances and Environmental Public Health 1/	70,000	64,000	70,000	.....	+6,000

DEPARTMENTS OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT, AND INDEPENDENT AGENCIES APPROPRIATIONS BILL, 2001 (H.R. 4635)—Continued
(Amounts in thousands)

	FY 2000 Enacted	FY 2001 Request	Bill	Bill vs. Enacted	Bill vs. Request
Environmental Protection Agency					
Science and Technology	645,000	674,348	650,000	+5,000	-24,348
Transfer from Hazardous Substance Superfund	38,000	35,871	35,000	-3,000	-871
Subtotal, Science and Technology	683,000	710,219	685,000	+2,000	-25,219
Across the board rescission (0.38%)	-2,697			+2,697	
Environmental Programs and Management	1,900,000	2,099,461	1,900,000		-199,461
Across the board rescission (0.38%)	-4,733			+4,733	
Office of Inspector General	32,409	34,094	34,000	+1,591	-94
Transfer from Hazardous Substance Superfund	11,000	11,652	11,500	+500	-152
Subtotal, OIG	43,409	45,746	45,500	+2,091	-246
Across the board rescission (0.38%)	-29			+29	
Buildings and facilities	62,600	23,931	23,931	-38,669	
Across the board rescission (0.38%)	-238			+238	
Hazardous Substance Superfund 2/	1,170,000	1,337,473	1,170,000		-167,473
Delay of obligation	100,000		100,000		+100,000
Transfer to Office of Inspector General	-11,000	-11,652	-11,500	-500	+152
Transfer to Science and Technology	-38,000	-35,871	-35,000	+3,000	+871
Subtotal, Hazardous Substance Superfund	1,221,000	1,289,950	1,223,500	+2,500	-66,450
Leaking Underground Storage Tank Program	70,000	72,096	79,000	+9,000	+6,904
Across the board rescission (0.38%)	-240			+240	
Oil spill response	15,000	15,712	15,000		-712
Across the board rescission (0.38%)	-26			+26	
State and Tribal Assistance Grants	2,581,650	1,838,000	2,108,000	-473,650	+270,000
Categorical grants	885,000	1,068,957	1,068,957	+183,957	
Subtotal, STAG	3,466,650	2,906,957	3,176,957	-289,693	+270,000
Across the board rescission (0.38%)	-20,885			+20,885	
Total, EPA	7,461,659	7,164,072	7,148,888	-312,771	-15,184
Rescissions	-28,848			+28,848	
Executive Office of the President					
Office of Science and Technology Policy	5,108	5,201	5,150	+42	-51
Across the board rescission (0.38%)	-19			+19	
Council on Environmental Quality and Office of Environmental Quality	2,827	3,020	2,900	+73	-120
Across the board rescission (0.38%)	-11			+11	
Total	7,905	8,221	8,050	+145	-171
Federal Deposit Insurance Corporation					
Office of Inspector General (transfer)	(33,666)	(33,660)	(33,661)	(-5)	(+1)
Federal Emergency Management Agency					
Disaster relief	300,000	300,000		-300,000	-300,000
Emergency funding			300,000	+300,000	+300,000
(Transfer out)	(-2,900)	(-2,900)	(-35,500)	(-32,600)	(-32,600)
Across the board rescission (0.38%)	-12,416			+12,416	
Emergency funding	2,480,425	2,609,220		-2,480,425	-2,609,220
Pre-disaster mitigation		30,000			-30,000
(Transfer out)		(-2,600)			(+2,600)
Disaster assistance direct loan program account:					
State share loan	1,295	1,678	1,295		-383
(Limitation on direct loans)	(25,000)	(25,000)	(19,000)	(-6,000)	(-6,000)
Administrative expenses	420	427	420		-7
Salaries and expenses	180,000	221,024	190,000	+10,000	-31,024
Across the board rescission (0.38%)	-50			+50	
Office of Inspector General	8,015	8,476	8,015		-461
Across the board rescission (0.38%)	-50			+50	
Emergency management planning and assistance	267,000	269,652	267,000		-2,652
(By transfer)	(2,900)	(5,500)	(5,500)	(+2,600)	
Across the board rescission (0.38%)	-218			+218	
Radiological emergency preparedness fund	-1,000			+1,000	
Emergency food and shelter program	110,000	140,000	110,000		-30,000
Flood map modernization fund	5,000			-5,000	
(By transfer)			(30,000)	(+30,000)	(+30,000)
National insurance development fund	(3,730)			(-3,730)	
National Flood Insurance Fund (limitation on administrative expenses):					
Salaries and expenses	(24,333)	(25,736)	(25,736)	(+1,403)	
Flood mitigation	(78,710)	(77,307)	(77,307)	(-1,403)	
(Transfer out)	(-20,000)	(-20,000)	(-20,000)		
National flood mitigation fund (by transfer)	(20,000)	(20,000)	(20,000)		
Total, Federal Emergency Management Agency	3,338,421	3,580,477	876,730	-2,461,691	-2,703,747
Appropriations	(870,730)	(971,257)	(576,730)	(-294,000)	(-394,527)
Rescissions	(-12,734)			(+12,734)	
Emergency funding	(2,480,425)	(2,609,220)	(300,000)	(-2,180,425)	(-2,309,220)

DEPARTMENTS OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT, AND INDEPENDENT AGENCIES APPROPRIATIONS BILL, 2001 (H.R. 4635)—Continued
(Amounts in thousands)

	FY 2000 Enacted	FY 2001 Request	Bill	Bill vs. Enacted	Bill vs. Request
General Services Administration					
Federal Consumer Information Center Fund	2,622	6,822	7,122	+4,500	+300
National Aeronautics and Space Administration					
Human space flight	5,510,900	5,499,900	5,499,900	-11,000	.....
Across the board rescission (0.38%)	-23,000	.....	.....	+23,000	.....
Science, aeronautics and technology	5,606,700	5,929,400	5,606,700	.....	-322,700
Across the board rescission (0.38%)	-25,805	.....	.....	+25,805	.....
Mission support	2,515,100	2,584,000	2,584,000	+68,900	.....
Across the board rescission (0.38%)	-3,076	.....	.....	+3,076	.....
Office of Inspector General	20,000	22,000	23,000	+3,000	+1,000
Total, NASA	13,652,700	14,035,300	13,713,600	+60,900	-321,700
Rescissions	-51,881	.....	.....	+51,881	.....
National Credit Union Administration					
Central liquidity facility:					
(Limitation on direct loans)	.....	(600,000)	(3,000,000)	(+3,000,000)	(+2,400,000)
(Limitation on administrative expenses, corporate funds)	(257)	(296)	(296)	(+39)	.....
Revolving loan program	1,000	.....	1,000	.....	+1,000
Across the board rescission (0.38%)	-4	.....	.....	+4	.....
Community development credit union revolving loan fund	.....	1,000	.....	.....	-1,000
National Science Foundation					
Research and related activities	2,966,000	3,540,680	3,135,690	+169,690	-404,990
Across the board rescission (0.38%)	-7,538	.....	.....	+7,538	.....
Major research equipment	95,000	138,540	76,600	-18,400	-61,940
Across the board rescission (0.38%)	-1,500	.....	.....	+1,500	.....
Education and human resources	696,600	729,010	694,310	-2,290	-34,700
Across the board rescission (0.38%)	-5,728	.....	.....	+5,728	.....
Salaries and expenses	149,000	157,890	152,000	+3,000	-5,890
Across the board rescission (0.38%)	-100	.....	.....	+100	.....
Office of Inspector General	5,450	6,280	5,700	+250	-580
Total, NSF	3,912,050	4,572,400	4,064,300	+152,250	-508,100
Rescissions	-14,866	.....	.....	+14,866	.....
Neighborhood Reinvestment Corporation					
Payment to the Neighborhood Reinvestment Corporation	75,000	90,000	90,000	+15,000	.....
Across the board rescission (0.38%)	-285	.....	.....	+285	.....
Selective Service System					
Salaries and expenses	24,000	24,480	23,000	-1,000	-1,480
Across the board rescission (0.38%)	-91	.....	.....	+91	.....
Total, title III, Independent agencies	29,070,497	30,374,144	26,290,139	-2,780,358	-4,084,005
Appropriations	(26,590,072)	(27,764,924)	(25,990,139)	(-599,933)	(-1,774,785)
Rescissions	(-190,514)	.....	.....	(+190,514)	.....
Emergency funding	(2,480,425)	(2,609,220)	(300,000)	(-2,180,425)	(-2,309,220)
(Limitation on administrative expenses)	(103,043)	(103,043)	(103,043)	.....	.....
(Limitation on direct loans)	(25,000)	(625,000)	(3,019,000)	(+2,994,000)	(+2,394,000)
(Limitation on corporate funds)	(257)	(296)	(296)	(+39)	.....
OTHER PROVISIONS					
H.R. 202 - Preservation of Affordable Housing	-14,000	.....	.....	+14,000	.....
VA Compensation Date Shift 3/	.....	-1,574,000	-1,574,000	-1,574,000	.....
VA Pension Date Shift 3/	.....	-258,000	-258,000	-258,000	.....
Grand total (net)	99,171,845	107,949,099	101,269,836	+2,097,991	-6,679,263
Current year, FY 2001	(94,971,845)	(103,749,099)	(97,069,836)	(+2,097,991)	(-6,679,263)
Appropriations	(95,169,893)	(101,139,879)	(97,045,224)	(+1,875,331)	(-4,094,655)
Rescissions	(-2,678,473)	.....	(-275,388)	(+2,403,085)	(-275,388)
Emergency funding	(2,480,425)	(2,609,220)	(300,000)	(-2,180,425)	(-2,309,220)
Advance appropriation, FY 2001/2002	(4,200,000)	(4,200,000)	(4,200,000)	.....	.....
(By transfer)	(236,727)	(53,660)	(83,661)	(-153,066)	(+30,001)
(Transfer out)	(-203,061)	(-20,000)	(-50,000)	(+153,061)	(-30,000)
(Limitation on administrative expenses)	(103,043)	(103,043)	(103,043)	.....	.....
(Limitation on direct loans)	(349,860)	(999,985)	(3,243,985)	(+2,894,125)	(+2,244,000)
(Limitation on guaranteed loans)	(359,902,000)	(383,217,000)	(382,217,000)	(+22,315,000)	(-1,000,000)
(Limitation on corporate funds)	(561,333)	(562,372)	(561,372)	(+39)	(-1,000)
Total mandatory and discretionary	92,877,918	107,595,099	101,096,836	+8,218,918	-6,498,263
Mandatory	21,306,626	24,581,866	24,611,866	+3,305,240	+30,000
Discretionary	71,571,292	83,013,233	76,484,970	+4,913,678	-6,528,263

1/ FY 2000 & FY 2001 Request were part of Hazardous Substance Superfund account.

2/ FY 2000 & FY 2001 Request modified to reflect comparable new accounts in Dept of HH&S.

3/ CBO assigned request to authorizing committee.

Mr. SENSENBRENNER. Mr. Chairman, as the House proceeds to consider H.R. 4635, the Veterans Administration and Housing and Urban Development Appropriations Act for Fiscal Year 2001, I wish to highlight several features of this legislation that are important to our nation's science enterprise. I also will comment on EPA's reformulated gasoline mandate.

NATIONAL SCIENCE FOUNDATION

Concerning the National Science Foundation, I support funding at the requested level of $4,572 billion for fiscal year 2001. On May 17, 2000, I introduced H.R. 4485, the National Science Foundation Authorization Act of 2000. This bill authorizes programs at NSF not authorized by the Science Committee in previous legislation. Together with other authorization bills passed by the Committee—including H.R. 2086, the Networking and Information Technology Research and Development Act, and H.R. 1184, the National Earthquake Hazards Reduction Act—H.R. 4485 would boost NSF's FY 2001 authorization to about $4.6 billion, $54 million above the requested level.

While it should be recognized that, with a increase of $167 million, NSF has fared comparatively well in the appropriations process, I would have preferred to see an increase in funding closer to the level requested, especially given the large increases planned for the National Institutes of Health (NIH).

Indeed, I think it is important that the role of NSF in providing the intellectual capital needed both for economic growth and biomedical research be more widely recognized. Today, we are in the midst of one of the Nation's longest economic expansions, an expansion that owes much to technological changes driven by the basic scientific research conducted 10 to 15 years ago. Many of today's new industries, which provide good, high paying jobs, can be linked directly to research supported by NSF.

Moreover, many of the breakthroughs in biomedical research have their underpinnings in research and technologies developed by investigators under NSF grants. The development of Magnetic Resonance Imaging is just one of many examples. We often loose sight of the fact that the ongoing revolution in medicine is as much a phenomenon of the physical and computational sciences as the biological sciences.

I do not begrudge the increased funding provided for NIH, but I think we could achieve a better balance between the biomedical fields and the other fields of science that contribute to our health and well being in ways that may not be readily apparent. The case for maintaining diversity in the federal research portfolio was made in the Science Policy Study, Unlocking Our Future, which found that, ''It is important that the federal government fund basic research in a broad spectrum of scientific disciplines . . . and resist overemphasis in a particular area or areas relative to other.''

If Congress continues to concentrate scientific funding in one area, I am concerned that important research in other ares may be given short shrift. Such a result could have serious consequences for future economic growth and biomedical breakthroughs.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

While I am disappointed that H.R. 4635 does not fund the Space Launch Initiative, I am pleased to note that the bill recommends $13.714 billion for NASA, an increase of $112.8 million over this fiscal year.

I especially commend the hard work of the Subcommittee and Committee leadership, and the Chairmen, to insure that NASA's programs and policy initiatives are sound and emphasize the pursuit of a broad range of space science. Among other notable issues cited in the accompanying committee report, I support the bill's recommendations to fully fund the Space Shuttle, Earth Sciences, and Space Station; to encourage use of the Shuttle for life and microgravity research missions; and to withhold funding for the proposed ''Living With a Star'' program until some of our questions about the program are adequately and fully answered.

As Members are aware, several important NASA programs have suffered some failures this year and the agency is appropriately reexamining its implementation of the concept of ''faster, better, cheaper.'' I believe NASA must continue to pursue cost-savings measures as it designs and builds future space, but that it manage these plans with more agency oversight and with mission costs predicated on appropriate levels of risk.

Finally, I commend the Committee for insuring that NASA's aeronautics activities are properly targeted and that the agency not expend its limited budget on activities that more appropriately fall under the jurisdiction of other federal agencies.

The Space Station and the X–33 continue to drag on NASA's ability to move our space program to the next level of achievement. The Administration made fundamental management errors, in the first instance by allowing Russia to bring station construction activities to a complete halt, and in the second instance by entering into a cooperative agreement with an industry partner without appropriate safeguards to protect the federal investment.

I understand the Chairman is committed to working with the Senate to try and restore the Space Launch Initiative funds in the Conference Report. I look forward to working with the Chairman to accomplish that goal because I believe the program is important.

EPA'S REFORMULATED GASOLINE MANDATE

Under the Clean Air Act, the Environmental Protection Agency (EPA) mandated the sale of reformulated gasoline (RFG) to help reduce ozone levels in areas determined by the EPA to have high levels of ozone. At the time the original requirements were implemented in 1995, I had concerns about RFG's human and environmental health effects, cost, potential harm to engines, and about a possible drop in gas mileage. Numerous studies, including one by the EPA's own Blue Ribbon Panel, have shown my early skepticism to be well founded. The Blue Ribbon Panel recommended the phase-out of MTBE, an RFG additive, because it has been identified as a potentially dangerous drinking water contaminant. Another study, by the National Research Council, concluded that the use of commonly available additives in RFG has little, in any impact on improving air quality.

Now, following EPA's implementation of RFG Phase II requirements, gas prices in the Midwest in areas forced to comply with the new requirements are the highest in the nation. Despite the clear correlation between the areas in the Midwest forced to comply with the RFG mandate and those areas with exceptionally high gas prices, EPA has refused to accept even partial responsibility and has rejected opportunities to provide a solution to the problem. To-date, EPA has refused to grant even a temporary waiver from RFG enforcement despite repeated requests from state and federal officials gasoline consumers, and businesses in Wisconsin and Illinois. EPA has even refused to grant a waiver during the on-going FTC investigation into possible price gouging. Initial reports indicate the FTC's investigation could be lengthy, meaning a resolution to this costly ordeal may not be near.

EPA's lack of strong science to support the RFG mandate and refusal to accommodate the requests of the severely impacted communities is troubling. I continue to be extremely disappointed with EPA's actions on this issue.

Mr. LARSON. Mr. Chairman, the Fiscal Year 2001 VA–HUD Appropriations bill. H.R. 4635, which we are considering today is woefully inadequate and fails to address America's needs in housing, economic development, veterans, and science and technology programs. This is particularly distressing in these times of unprecedented prosperity and rising surpluses.

Among many unacceptable funding provisions, the bill freezes funding for veterans medical research, cuts grants for construction of state veterans homes $30 million below the current year level, and provides $56 million less than requested to improve processing of applications for benefits.

The bill appropriates no funds for the 120,000 new housing assistance vouchers proposed by the Administration. Further, it cuts the Community Development Block Grant by $275 million below the current year level.

And while it provides an increase for research at the National Science Foundation, it falls short of the President's requested increased by $508 million. The bill also fails to adequately provide for National Aeronautics and Space Administration's Science and Technology programs, which the bill underfunds by $323 million. These cuts I believe would jeopardize the future of our space research programs, including programs directed at solving problems here on earth, that are pushing forward the frontiers of knowledge about our universe.

Even more distressing, the bill only appropriates $300 million of the $2.9 billion requested by the Administration for the Federal Emergency Management Agency's Disaster Relief Fund, thereby jeopardizing FEMA's ability to respond quickly and adequately to natural disasters.

Finally, the bill once again seeks to completely eliminate the AmeriCorps National Service program. As a result a great number of important projects that foster involvement and learning in technology by children and adults and programs that bring technology to underserved populations and address weaknesses in our economy, will go unfunded. One of these is Project FIRST (Fostering Instructional Reform Through Service and Technology Initiatives), whose role it is to increase access to technology and its educational benefits in the nation's least-served schools. Another way AmeriCorps is involved with technology is through TechCorps, a national nonprofit organization that is driven and staffed primarily with technologically proficient volunteers. However, these cuts ensure that TechCorps will not receive AmeriCorps/VISTA volunteers to bring this program to underserved, low-income communities.

Mr. Chairman, I believe the cuts in this bill would move America in the wrong direction. Despite our unprecedented economic prosperity, there are significant unmet needs in our nation's communities and in our science and research programs. This bill is part of the majority's strategy of financing tax cuts targeted to the well off by cutting domestic spending. We should not be placing the burden of our prosperity on the backs of the people who will suffer most from cutting programs that meet vital housing, economic development, emergency, and research needs.

I will strongly oppose this bill because it fails to meet our responsibilities to war veterans, to provide relief and recovery after natural disasters, to provide service to the community, to protect the environment, to help meet housing needs, and to undertake the essential research and development that is fueling the magnificent growth achieved by the American economy and enjoyed by the American public in the last eight years.

We can do better, Mr. Chairman.

Mr. WATTS of Oklahoma. Mr. Chairman, I am pleased to see that the Committee's bill includes $10 million to help bridge the Digital Divide in Indian Country. This funding will encourage Native Americans to pursue degrees in information technology and other science and technology fields and will build the capacity of tribally controlled community colleges—and their K–12 feeder schools—to offer high-quality science and technology classes.

According to the National Telecommunications Information Administration (NTIA), poor rural Native Americans are being left behind when it comes to even the most basic telecommunications services. According to one NITA study, 76% of rural households with incomes of less than $5,000 have phones, but only 46% of individuals at the same income level on tribal lands have a telephone connection.

Oklahoma is home to 37 federally-recognized tribal nations and to more than 254,000 tribal members. The Cherokee Nation, located in Tahlequah, is the second largest tribe in the United States with 207,790 members.

That is why I appreciate funding of the $10 million tribal college technology program in the FY 2001 National Science Foundation budget. At this point, it is uncertain whether the Senate will also fund this critical initiative. I hope Congress will work to preserve funding for this important program as the FY 2001 VA–HUD appropriations bill moves forward so that Native Americans in Oklahoma and across America can get the education and training at tribally-controlled community colleges they need to compete and succeed in the New Economy.

Mr. KILDEE. Mr. Chairman, I rise in opposition to H.R. 4635, the FY 2001 VA–HUD appropriations bill. I want to express my concern that the bill provides zero increases for the HUD Indian housing programs. The budget provides $693 million for FY 2001, which is the same amount as the FY 2000 enacted level, and it does not provide any funding for any of the new initiatives proposed by the administration.

The President requested $730 million for Indian housing programs, and the budget we are considering today slashes the President's request by $37 million.

Mr. Chairman, Native Americans continued to have the poorest housing in this country.

The National American Indian Housing Council's fact sheet on Indian housing reveals that—

the poverty rate for rural Native Americans is 37 percent, a rate that is higher than any other racial/ethnic group,

69 percent of Native Americans in tribal areas live in overcrowded homes,

21 percent of homes in tribal areas are overcrowded as compared with the national average of 2.7 percent, and

16.5 percent of Native American households in tribal areas are without complete plumbing.

With that kind of data supporting the need for more Federal funding for Indian housing, we should not support a bill that provides zero funding for the people that need the funding most. I urge my colleagues to oppose the FY 2001 VA–HUD appropriations bill.

Mrs. MEEK of Florida. Mr. Chairman, despite the efforts of my Chairman, who did the level best he could with the subcommittee funding allocation that was given to him, there are numerous funding problems in this bill.

But I rise to express my concerns in particular about the lack of funding to help the poorest of the poor obtain decent housing.

We are living in the period of the greatest economic prosperity in our nation's history.

But even this economic boom has created a housing crisis for many Americans.

In its State of the Cities Report, HUD reported that serious housing problems are increasing at almost twice the rate of population growth. These are the people who pay more than a quarter of their incomes for housing, and the people who have no choice but to live in unsafe or substandard housing.

There are over 5 million families who pay more than 50%—half their income—on housing. This number is the highest in the nation's history, and unfortunately, the number continues to grow.

Worst-case housing needs have been three times as high for families with full-time wage earners than for other families, and particularly high for minority families.

Housing rental assistance is an important solution to the housing affordability problem. HUD's incremental vouchers help families to find homes—families that are currently homeless, living in substandard housing or paying more than half of their income in rent.

Vouchers work: the average waiting period for a Section 8 voucher is about two years. In virtually every urban area anywhere in the country, people making the minimum wage cannot afford even a medium priced apartment rental. Housing vouchers make that possible, and they do it using private sector housing.

Yet the bill does not fund the President's request for 120,000 additional incremental housing vouchers. In fact, despite its claims, it is debatable whether or not this bill will provide HUD with any new vouchers to help our families find safe, decent and affordable housing.

The bill as written claims to allow HUD to provide up to 20,000 additional vouchers.

But this is just ''funny math,'' or ''creative accounting'' because these additional vouchers are only funded in the bill through overly rosey and optimistic estimates of recaptures of unused Section 8 funds.

HUD will only have these vouchers available if the Department recaptures more funds than the amount that HUD itself says can be recaptured.

HUD does not even expect these recaptured funds to be available.

We would never treat rich people this way; you can bet they get hard cash to meet their needs. Yet poor families are shunted aside with a promise that may not even pan out.

Refusing to provide additional incremental vouchers means that families will have to continue to live in substandard housing or pay excessive portions of family income toward rent.

Mr. Chairman, I agree that HUD needs to spend the funds it has recaptured. I understand that HUD has recaptured all the funding it legally can and is taking additional steps to increase voucher utilization. For example:

HUD is instituting a Section 8 management assessment program to identify poor performers.

The Department is providing for the transfer of unused funds to a public housing agency that can use them right away.

HUD has also proposed the use of a voucher success fund in rental markets where public funding agencies are not fully using available funds.

Denying incremental vouchers denies families opportunities for safe, decent housing and affordable housing.

What this bill does is punish the majority of public housing authorities—that are providing critical assistance to families and need more vouchers—because a few public housing agencies have performed poorly.

If funding for the President's proposed additional 120,000 incremental vouchers is not provided, there is a very real danger that this funding will never be made up in subsequent appropriations.

Mr. Chairman, the only way that this bill can be repaired is for the House leadership to provide the additional needed funding.

It makes no sense to underfund such an important bill when the nation is running record budget surpluses and the needs of the poor in this country are unmet.

Mr. BEREUTER. Mr. Chairman, this Member rises today to express his support for H.R. 4635, the VA, HUD and Independent Agencies Appropriations Act for fiscal year 2001. First, this Member would like to thank the distinguished Chairman of the Appropriations Subcommittee on VA, HUD and Independent Agencies from New York (Mr. WALSH), the distinguished Ranking Member from West Virginia (Mr. MOLLOHAN) and all members of the Subcommittee for the work they did under the tight 302(b) allocation.

This Member would like to focus his remarks on the following four areas: Housing, Community Development Fun—Community Development Block Grant (CDBG), America's Private Investment Companies (APICs) and the Federal Emergency Management Agency's (FEMA) National Flood Insurance Program (NFIP) on repetitive loss.

HOUSING

First, this Member would like to comment favorably upon the treatment of the Section 8 and Section 202 programs, which were funded as adequately as we can under the budgetary restraints. The Subcommittee correctly recognizes the demographic shift to a more aging population with the funding for Section 8 contract renewals.

In addition, this Member commends the $6 million appropriation for the Section 184, American Indian Housing Loan Guarantee Program, which this Member created in consultation with a range of Indian Housing specialists. This seems to be an excellent new

program which this Member says without appropriate modesty and recognition of his colleagues support, is providing privately financed homes through a government guarantee program for Indian families who are otherwise unable to secure conventional financing due to the trust status of Indian reservation land. The above appropriation supports loan guarantees totaling $72 million which should assist an estimated 20,000 families.

Moreover, this Member would like to specifically comment the Subcommittee for reducing duplicative efforts of the Federal Government in rural housing and economic development. After a funding level of $25 million in fiscal year 2000 for rural housing and economic development efforts in HUD, the Subcommittee appropriated $20 million for fiscal year 2001 for HUD's rural housing and economic development efforts. This Member would prefer that no money is appropriated for HUD for this purpose.

In fact, this Member testified before the VA, HUD and Independent Agencies Appropriations Subcommittee in opposition to HUD's duplicative efforts in rural housing. As a long-term advocate of rural housing during his tenure in the House, this Member believes that we need to be careful of duplication in the efforts of the Federal Government in rural housing and economic development. In the past, the United States Department of Agriculture (USDA) through their Rural Development offices has successfully implemented numerous rural housing and economic development programs. As a result, this Member disagrees with HUD's efforts to duplicate USDA Rural Development staff.

COMMUNITY DEVELOPMENT FUND (CDBG)

Second, this Member would like to emphasize a concern over the VA, HUD and Independent Agencies Appropriations bill which in large part results from budgetary restraints. The Community Development Fund, which includes the CDBG program, is provided $4.5 billion, which is $295 million less than the fiscal year 2000 level. This reduction is of deep concern to this Member. The CDBG program has been a model of local-Federal partnership.

The CDBG program not only is valuable to the larger entitlement cities, it gives assistance to those communities under 50,000 through state administering agencies. It is a government program with minimal overhead and bureaucracy. Moreover, CDBG has provided invaluable dollars to cities and rural communities for such things as affordable housing, public infrastructure, and economic development.

APICs

Third, this Member does applaud the Subcommittee for providing no new budget authority to HUD for the APIC program. APICs would be companies which are licensed by the Department of Housing and Urban development (HUD) pursuant to a national competition for venture capital firms. Currently, HUD does not have the proper capability to administer APIC. To illustrate this, the Inspector General has labeled HUD a ''troubled agency.'' Rather than focusing on new initiatives like APIC, HUD should focus on its existing projects.

NFIP REPETITIVE LOSS

Lastly, this Member supports the language included in the appropriations measure which provides FEMA with up to $50 million to be obligated for pre-disaster mitigation activities and repetitive loss buyouts following disaster declarations. This Member believes that this appropriation is just a first step in eliminating repetitive loss under the National Flood Insurance Program (NFIP) administered by FEMA. In fact, this Member has introduced a measure, H.R. 2728, Two-Floods-and-You-are-Out-of-the-Taxpayer's-Pocket-Act, which authorizes FEMA to offer buy-outs to repetitive loss properties and to increase the NFIP rates to actuarial for those properties who refuse a publicly funded mitigation offer.

Because of the necessity to fund important housing and community development programs, this Member would encourage his colleagues to support H.R. 4635, the VA, HUD and Independent Agencies Appropriations Act.

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

The CHAIRMAN. All time for general debate has expired.

Pursuant to the rule, the bill shall be considered for amendment under the 5-minute rule.

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

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

The Clerk will read.

The Clerk read as follows:

H.R. 4635

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 Departments of Veteran 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, namely:

TITLE I—DEPARTMENT OF VETERANS AFFAIRS

VETERANS BENEFITS ADMINISTRATION

COMPENSATION AND PENSIONS

For the payment of compensation benefits to or on behalf of veterans and a pilot program for disability examinations as authorized by law (38 U.S.C. 107, chapters 11, 13, 18, 51, 53, 55, and 61); pension benefits to or on behalf of veterans as authorized by law (38 U.S.C. chapters 15, 51, 53, 55, and 61; 92 Stat. 2508); and burial benefits, emergency and other officers' retirement pay, adjusted-service credits and certificates, payment of premiums due on commercial life insurance policies guaranteed under the provisions of Article IV of the Soldiers' and Sailors' Civil Relief Act of 1940, as amended, and for other benefits as authorized by law (38 U.S.C. 107, 1312, 1977, and 2106, chapters 23, 51, 53, 55, and 61; 50 U.S.C. App. 540–548; 43 Stat. 122, 123; 45 Stat. 735; 76 Stat. 1198), $22,766,276,000, to remain available until expended: *Provided,* That not to exceed $17,419,000 of the amount appropriated shall be reimbursed to ''General operating expenses'' and ''Medical care'' for necessary expenses in implementing those provisions authorized in the Omnibus Budget Reconciliation Act of 1990, and in the Veterans' Benefits Act of 1992 (38 U.S.C. chapters 51, 53, and 55), the funding source for which is specifically provided as the ''Compensation and pensions'' appropriation: *Provided further,* That such sums as may be earned on an actual qualifying patient basis, shall be reimbursed to ''Medical facilities revolving fund'' to augment the funding of individual medical facilities for nursing home care provided to pensioners as authorized.

READJUSTMENT BENEFITS

For the payment of readjustment and rehabilitation benefits to or on behalf of veterans as authorized by 38 U.S.C. chapters 21, 30, 31, 34, 35, 36, 39, 51, 53, 55, and 61, $1,664,000,000, to remain available until expended: *Provided,* That funds shall be available to pay any court order, court award or any compromise settlement arising from litigation involving the vocational training program authorized by section 18 of Public Law 98–77, as amended.

AMENDMENT NO. 21 OFFERED BY MR. FILNER

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 21 offered by Mr. FILNER:

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).

Mr. WALSH. Mr. Chairman, I reserve a point of order against the gentleman's amendment.

The CHAIRMAN. The gentleman from New York (Mr. WALSH) reserves a point of order.

Mr. FILNER. Mr. Chairman, I thank the Chair for his courtesy in hearing this amendment.

I have a series of amendments, Mr. Chairman, that speak to the former statements or earlier statements of the gentleman from New York (Chairman WALSH) to the notion that we are not falling behind, the gentleman says, in our commitment to our Nation's veterans.

It is true that in the last 2 years we have upgraded our spending over the previous year, but that was after a decade or more of flatline budgets. We have not caught up. I ask the gentleman from New York (Mr. WALSH) to visit cemeteries around this country, which are deteriorating. I ask the gentleman from New York (Mr. WALSH) to sit for months and months with our veterans who must wait for doctors' appointments, who must wait for years to get their disability claims adjudicated, who are trying to go to college; and that is the nature of the amendment I have before us today.

Mr. Chairman, in 1981, the education benefit to our veterans which allowed them to go to college was $493 a month. 20 years later, with incredible soaring costs of education and associated expenses, we are paying only $20 more per month.

I ask the gentleman from New York (Mr. WALSH) is that not falling behind? Here we have an amendment to catch up, to make sure that the Montgomery GI bill named after our former Member and great chairman of the Committee on Veterans' Affairs, that the goal of the Montgomery GI bill, to provide meaningful readjustment benefits to discharged Members, while also giving military recruiters an effective tool to support the concept of an all volunteer force.

My amendment will allow us to meet these goals because today this bill is not accomplishing any one of them. We are not providing a benefit that will help our retention and recruitment. We are not providing a readjustment benefit. We are not honoring the sacrifice of our veterans.

My amendment would provide $900 million in additional funding for enhanced educational assistance. This number, Mr. Chairman, is important to explain how it was arrived at.

All the Members of the Committee on Veterans' Affairs applauded when the so-called transition commission reported its findings to our committee. That commission said that the Montgomery GI bill benefit should provide for the full costs of college education and its associated expenses for our veterans. Then we would have a recruiting tool to help our Nation's armed forces. In fact, that notion was embodied in H.R. 1071, the Evans-Dingell bill, which would pay for those full costs, in addition to a stipend of $800 a month.

The chairman of our committee, the gentleman from Arizona (Mr. STUMP), also introduced a bill, H.R. 1182, which would pay for 90 percent of those costs. When we realized that the budget could not provide for that in the short run, a coalition across this Nation of veterans' organizations and higher educational institutions came together and came up with a compromise to say, let us at least provide at the beginning for the average costs of attending a 4-year public school college as a commuter student. That number would come to $975 a month this year for full-time study.

The gentleman from Mississippi (Mr. SHOWS) introduced that bill as H.R. 4334. It has the full backing of veterans' organizations, as I said, all across this Nation, and in accord with that H.R. 4334 would provide all veterans and service members with an opportunity to get a good college education while taking into account the realistic costs of college today.

Let us not forget that it is largely thanks to our veterans that the rest of us are able to be safe and sound at home enjoying this prosperity. We ought to have the opportunity to give them the opportunity to continue their education.

Mr. Chairman, I urge the committee to accept this amendment. The committee would not put this before our Members for a vote following the tradition of many parts of this bill, which have items that are not authorized. I would ask for this committee now to accept this amendment.

Mr. Chairman, I include in the RECORD the statements of various groups across this Nation, including the Veterans of Foreign Wars, the AMVETS, the Noncommissioned Officers Association, the Blinded Veterans of America, in support of this amendment. They all have weighed in, and I include that in the RECORD.

NON COMMISSIONED OFFICERS ASSOCIATION OF THE UNITED STATES OF AMERICA,
Alexandria, VA, June 16, 2000.

Hon. BOB FILNER,
Rayburn House Office Building, House of Representatives, Washington, DC.

DEAR MR. FILNER: The Non Commissioned Officers Association of the USA (NCOA) is writing to state its strong, wholeheared support for your amendment to H.R. 4635, the Fiscal Year 2001 VA–HUD Appropriations Act, that would provide enhanced readjustment educational assistance under the Montgomery GI Bill. Although the House of Representatives recently approved a modest increase to the basic monthly stipend, even when fully implemented the increase approved will still only equate to about 60% of the cost of attending a public four-year college.

The military services are in the throes of a recruiting and retention crisis that is nearing emergency proportion. Recruiting is at its lowest since the all-volunteer force began, even though enlistment requirements have declined by thirty-three percent. Sixty-five percent of high school graduates go on to post-secondary education. Only about 16 of one hundred youth are available as military prospects.

Prospective enlistees rated assistance with education to be the number one attraction of military service for several decades. That, however, is no longer the case. Prospective enlistees and veterans observe and realize the emphasis Congress has placed on higher education by providing more attractive and richer education programs without the sacrifice and risk associated with military service. This realization inevitably results in a negative message to prospective recruits that compounds the bad image which now prevails about military service being an obstacle to a rewarding and productive life—not a means to it.

One comparison dramatically illustrates the need for your amendment. The basic benefit program of the Vietnam Era GI Bill provided $493 per month in 1981 to a veteran with a spouse and two children; however, twenty years later, a veteran with an identical circumstance receives only $43 more. One other comparison illustrates how Congress is sending precisely the wrong message on the need for high quality military members; just last year Congress approved the DC College Access Act that provides grants of up to $50,000 for DC high school graduates to pursue higher educational goals. Today, our warriors who go in harms way will receive a total benefit of $19,296 but only after paying $1200 to establish eligibility (many of who quality for food stamps because of inadequate military pay). This is morally wrong. At a time when military recruitment is difficult and retention is declining, this is also shortsighted public policy.

NCOA firmly believes it is a fundamental responsibility of any great society to honor and help those who accept the disruption and sacrifices that military service brings. The Association also believes that the programs and services, including the educational assistance programs, offered to those who defend our country must be better than the programs that are offered to those who do not. When Congress considers education policy, the starting point should be the veteran education benefit but that has not been the case. By Congress' inattention to a program that is arguably the most important recruiting and retention tool available, Congress has devalued military service and we are witnessing the consequences today. It will take a strong message to reverse course and your amendment is right on target.

An unprecedented partnership of 50 military, veterans and higher education associations endorsed H.R. 4334, The Veterans Higher Education Opportunities Act, upon which your amendment is based. That legislation and your amendment simply says: Individuals who volunteer for and honorably serve in the Nation's uniformed services shall be provided an education benefit equal to the average cost of a commuter student at a public four-year institution of higher learning. For those who have provided for our peace, security and prosperity, providing them with an ''average'' education benefit is reasonable and doable.

The Non Commissioned Officers Associations support this amendment and urge your colleagues to do likewise and help restore the veteran education benefit to the pre-eminent place it should occupy in our society.

Sincerely,

LARRY D. RHEA,
Director of Legislative Affairs.

VETERANS OF FOREIGN WARS
OF THE UNITED STATES,
Washington, DC, June 19, 2000.

Hon. BOB FILNER,
House of Representatives,
Washington, DC.

DEAR MR. FILNER: The men and women of the Veterans of Foreign Wars of the United States fully supports your amendment to H.R. 4635, the Fiscal Year 2001 VA–HUD Appropriations Act, which would provide for enhanced educational assistance benefits under the Montgomery GI Bill (MGIB). Although the House of Representatives recently passed legislation that would raise the basic monthly stipend to $600 per month, this amount is not sufficient to compensate for over a decade of underfunding.

Due to chronic underfunding, the Montgomery GI Bill has not kept pace with the rising cost of higher education and now has the distinction of having the lowest usage rate (approximately 49 percent) of any GI Bill in history. Unfortunately, many of the eligible servicemembers and veterans who have paid into the program come to realize that the MGIB monthly payout is not sufficient to meet the cost of attending school. Consequently, they must defer attending school or forego pursuing a higher education altogether.

The historical underfunding of the Montgomery GI Bill has been allowed to persist far too long and should not be deferred for another year and another Congress. The VFW applauds your effort in offering this amendment to provide for enhanced educational assistance, and urges members of the House to give it their fullest support.

Sincerely,

DENNIS M. CULLINAN,
Director, National Legislative Service.

AMVETS NATIONAL HEADQUARTERS,
Lanham, MD, June 16, 2000.

To: TODD HONCHINS.

Subject: Support for Representative Filner's Proposed Amendment to H.R. 4635

Comments: Todd, I just received your request for a letter in support of Congressman Filner's proposed amendment to H.R. 4635. In the interest of time, our comments are contained below.

''AMVETS has argued for several years that the Montgomery GI Bill in its current form no longer serves as the recruiting and retention incentive which Congress intended when it passed the original legislation in 1985. During the intervening period, tuition and other related educational costs have risen dramatically leaving the MGIB participant at a significant disadvantage in today's educational market place.

At a time in our history when Americans are enjoying unprecedented prosperity, we can ill afford to allow those men and women who serve in our Armed Forces and who, through their sacrifices, underwrite the freedoms we enjoy, to be left by the wayside. We know the GI Bill worked. All one has to do is examine its success in helping World War II veterans resume a normal life. MGIB is today's version of that success story, however for its success to be sustained, we must support it at an appropriate funding level. Today we read that DoD recruiting is down; personnel retention is down, military readiness is at an all time low and further, that many service members qualify for food stamps.

Surely ''a grateful nation'' can do better than this in providing support for our men and women in uniform. AMVETS commends Congressman Filner's efforts in championing this effort to restore the Montgomery GI Bill to an effective and responsive program.''

DAVID E. WOODBURY,
National Executive Director.

NATIONAL ASSOCIATION OF STATE APPROVING, AGENCIES, INC.,
JUNE 19, 2000.

Mr. TODD HOUCHINS,

Democratic Counsel, Subcommittee on Benefits, Committee on Veterans Affairs, House of Representatives, Cannon House Office Building, Washington, DC.

DEAR MR. HOUCHINS: This letter is written to express our complete support of the amendment that Congressman Filner is proposing to make to H.R. 4635, for the purpose of enhancing educational assistance under chapter 30 of title 38, United States Code. The amendment would change the benefits received under chapter 30 in accordance with the provisions of H.R. 4334 as introduced on April 13, 2000.

We wholeheartedly believe that members of Congress should accept Congressman Filner's amendment. Numerous studies and reports, including the one issued by the Commission on Servicemembers and Veterans Transition Assistance on January 14, 1999, speak to the need for the Nation to give immediate and serious attention to the importance of making extraordinary changes in the Montgomery GI Bill. Attached is a sheet that reflects some of the primary reasons for immediate change. The reasons were developed by members of the Partnership for Veterans Education, an informal coalition of 49 nationally based military, veterans and higher education organizations that support H.R. 4334.

We stand ready to assist Congressman Filner in helping other members of Congress to realize the importance of this issue and the magnitude of the positive impact that will be realized by the acceptance of the amendment. Please let us know what we can do to assist in the achievement of this goal.

Sincerely,

C. DONALD SWEENEY,
Legislative Director.

BLINDED VETERANS ASSOCIATION,
Washington DC, June 16, 2000.

Hon. BOB FILNER,

House of Representatives, Rayburn House Office Building, Washington, DC.

DEAR CONGRESSMAN FILNER: The Blinded Veterans Association (BVA), the only congressionally chartered veterans service organization exclusively dedicated to serving the needs of our nation's blinded veterans, is extremely supportive of your amendment to H.R. 4635, which will increase funding for the Montgomery GI Bill by $900,000,000. BVA believes educational assistance for our veterans needs to be a priority of the Congress.

An increase in the Montgomery GI Bill not only serves as an incentive for enlistment, but also assists those who might not otherwise afford an adequate higher education and to become a contributing member of this great nation.

Thank you, Mr. Filner, for your great work as a veterans' advocate. We appreciate your assistance in fulfilling the promises made to those who risk their lives to protect this great nation.

Sincerely,

THOMAS H. MILLER,
Executive Director.

POINT OF ORDER

The CHAIRMAN. Does the gentleman from New York (Mr. WALSH) insist on his point of order?

Mr. WALSH. Mr. Chairman, yes, I do.

Mr. Chairman, I make a point of order against the amendment because it clearly proposes legislating on an appropriations bill which violates clause 2 of rule XXI.

□ 1515

The CHAIRMAN. Does the gentleman from California wish to be heard on the point of order?

PARLIAMENTARY INQUIRY

Mr. FILNER. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. FILNER. Mr. Chairman, I would just ask the Chair if there are not dozens of programs in this bill that are not authorized by this House?

The CHAIRMAN. Will the gentleman repeat his request?

Mr. FILNER. Mr. Chairman, I would like to know if this bill before us, upon which a point of order has been raised because the program is not authorized, even though I see it as an emergency item for our veterans, is it not true that there are dozens of other programs in this bill that are also not authorized by this committee or this House?

The CHAIRMAN. A waiver of potential objections to other portions of the bill is not pertinent to the discussion before us.

The Chair is willing and ready to hear arguments on the pending point of order.

Mr. FILNER. I understand the Chair, but I would argue that a waiver is very pertinent. That is, this House can choose to protect certain programs from a point of order and can choose not to.

I would ask the Chairman of this committee to not raise this point of order, as he has asked the Committee on Rules to waive points of order on dozens and dozens of other programs to provide a basic level of college education to those who have sacrificed for this Nation. It seems to be worthy of a waiver in this case. I would ask the chairman to so do.

The CHAIRMAN. The Chair is prepared to rule. The amendment proposes to designate an appropriation as an emergency for purposes of budget enforcement procedures in law. As such, it constitutes legislation in violation of clause 2(c) of rule XXI.

The point of order is sustained.

Mr. FILNER. Mr. Chairman, is it in order to challenge the ruling of the Chair?

The CHAIRMAN. An appeal of the decision of the Chair is in order.

Mr. FILNER. Mr. Chairman, based on the precedent that there are dozens of other points of order waived in this rule, I move to appeal the ruling of the Chair.

The CHAIRMAN. The question is, Shall the decision of the Chair stand as the judgment of the Committee?

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

So, the decision of the Chair stood as the judgment of the Committee.

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

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

Mr. LAFALCE. Mr. Chairman, I rise in order to express my strong opposition to the very inadequate funding levels for housing and community development in this bill.

This bill continues a very regrettable practice of the majority party to underfund housing programs, with the hope that Congressional Democrats and the administration will go to conference and insist in conference on more realistic funding levels.

I do commend the work of the Subcommittee on Housing chairman, who does the best he can with clearly inadequate funding allocations dictated by the budget resolution. But, at the same time, I am very concerned by inaccurate characterizations that housing is doing well under this bill simply because budget authority is theoretically up by billions of dollars. The truth is, the overwhelming majority of this increase in budget authority does not benefit housing programs, individuals or services at all, but is simply an illusion of higher funding. I will insert into the RECORD a very detailed statement explaining this phenomenon.

Mr. Chairman, 5 years ago, the majority party's first act was to cut the housing budget by 24 percent. We have been playing catchup ever since, in spite of the efforts of Democrats to beef up funding to meet needs.

This year's House bill is no different. The bill is $2.5 billion lower than the administration's request; and, with the exception of the illusory section 8 increases, every program is flat funded or cut.

In response to the 5.3 million households with worst case housing needs, some 12.5 million Americans, including millions of seniors, this bill ignores the administration's request for 120,000 incremental vouchers. It holds out the possibility of 20,000 incrementals, but that is contingent on very unrealistic recapture levels.

In response to the 842,000 Americans who are homeless each night, with estimates of 3.5 million Americans homeless at some point during the year, the bill flat funds homeless programs, and this funding level is 21 percent lower in real terms than it was 6 years ago.

In response to a growing elderly population and escalating rents, this bill flat funds elderly housing, leaving it some 50 percent lower than funding levels 6 years ago.

In response to a multibillion dollar backlog of public housing repair and modernization needs, the bill cuts public housing funding by $120 million compared to last year's level, and this level is 27 percent lower in real terms than the level of 6 years ago.

In the wake of an historic bipartisan agreement on new markets and community renewal, the bill cuts every community development program, including a $275 million CDBG cut, a 20 percent Brownfields cut, and no funding for APIC and empowerment zones.

In a response to the growing problem of predatory lending, the bill flat funds housing counseling, a program which helps first time and existing home buyers cope with home ownership challenges.

Finally, the bill undermines the progress HUD is making in its 2020 management reform plan. Specifically, the bill requires termination of the HUD Community Builder staff, which provides outreach for HUD programs, it threatens termination of contractors hired to inspect section 8 assisted housing, and reduces HUD's staffing levels below the already reduced target levels in this plan.

Now, we can wait for a conference to fix a grossly deficient bill, but the right approach is for the House to fix it now, and, if we cannot fix it in this bill, to oppose the bill.

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

The VA–HUD bill for fiscal year 2001 produced by House Republicans continues a trend over the last few years of providing inadequate funding levels for housing and community development programs, with a wink and a nod that the shortfall will be addressed in conference.

Overall, the VA–HUD bill provides $2.5 billion less than the Administration's FY 2001 budget. With the exception of illusory increases in the Section 8 account, not a single program receives a funding increase; many receive major cuts. The bill continues to ignore critical needs in affordable housing, community development, and homelessness prevention.

For this, I do not blame the Chairman of the VA–HUD Appropriations Subcommittee, who has strived mightily to do the best he can with a clearly inadequate funding allocation. The real problem rests with the leadership of the majority party, which continues to cling to the fiction that their budget resolution provides adequate levels of discretionary spending—both overall and for housing. They know they will be bailed out in the end by Congressional Democrats and the Administration, who will insist in conference on more realistic funding levels—at least as long as we have this Administration in the White House.

What is disturbing in recent years is the tendency to underfund housing programs in the House VA–HUD bill, but to cite artificial increases in budget authority to claim publicly that no one should complain about the bill's inadequacy because, after all, funding is ''increased'' by billions of dollars for HUD programs.

The bill before us today is a good example of this. Proponents of the legislation point to the fact that budget authority for HUD programs, funded in Title 2, is $4.1 billion higher than the total approved last fiscal year. While technically true, such ''increases'' are illusory. They do not expand programs, improve services, or increase the number of people served.

The major source of this illusion of funding increases relates to the expiration of long-term Section 8 contracts. Decades ago, Congress approved rental assistance for project-based Section 8 housing under multi-decade contracts, with the estimated multi-year costs completely funded in year one. As a result, no additional budget authority has been needed in each of the years of the long-term contract to continue to pay rental subsidies to the tenants in such project-based housing.

However, when these long term contracts expire and are renewed, Congress must for the first time in decades appropriate budget authority for the first year renewal cost of these rental subsidies. The result is a significant increase in budget authority (from zero to the annual cost) for all expiring contracts in any given year. Yet, the effect on budget outlays of this expiration is zero. And, the impact on the tenant is zero. The so-called budget authority ''increase'' is simply illusory.

The majority party acknowledged this in 1997, during consideration of the 1997 bi-partisan balanced budget bill. At the time, we were just entering a period in which we anticipated an explosion of these expiring HUD contracts. As a result, budgeteers anticipated annual increases in required budget authority of several billion dollars a year. And, the majority party promised to build in these virtually automatic budget increases into their discretionary spending baseline. Moreover, when Section 8 reserves and recaptures occurred over the last few years, HUD proposed to use this excess budget authority to soften the impact of the anticipated increases caused by expirations. Instead, the majority party has repeatedly rescinded these Section 8 funds, in order to offset non-housing programs. When Democrats complained, we were assured that HUD would be made whole.

Yet, in recent years, the majority party appears to be trying to mask the inadequate funding levels for housing by citing the budget authority increases caused by the expiration of Section 8 contracts. This year is no different. Approximately $3 billion in increases in Section 8 budget authority relate to expiring contracts.

To be fair—to be consistent with what was promised in the 1997 budget bill and subsequent rescission bills—we should refrain from characterizing these as ''increases'' in housing funding.

Moreover, there are other factors that contribute to the illusion that funding for housing is going up this year. For example, in FY 2000, we had over $1 billion in one-time reductions in HUD budget authority, relating to Section 8 recaptures, rescissions, and FHA provisions which are not expected to occur in FY 2001. The effect is the same as the Section 8 contract expiration phenomenon—the appearance of an increase in funding, but no corresponding benefit to housing programs, services, or low-income individuals assisted.

Finally, we have some $300 million in ''increases'' in this year's appropriations bill which are at heart mere accounting changes for administrative expenses and costs in FHA and GNMA. In effect, the HUD target is taking a hit for allocations for costs in programs which, under the mandatory side of the budget, account for billions of dollars in profits to the federal taxpayers. In any event, this does not produce additional housing or housing services.

What is left, out of the billions in gross budget authority increases for housing in the bill before us today, is a few hundred million dollars in increased Section 8 costs for inflation adjustments for Section 8 tenants. In contrast, every other housing program is either flat funded at last year's levels or receives cuts. And, virtually every program is underfunded compared to need.

5.3 million households (12.5 million Americans, including millions of senior citizens) have ''worst case housing needs''—that is, they pay more than 50% of their income for rent or live in severely substandard housing. The average waiting period for a Section 8 voucher or public housing unit is over two years. In every urban area nationwide, a minimum wage does not provide adequate income to afford a median period apartment rental.

In response to this crisis the majority party in 1995 rescinded the 62,000 incremental Section 8 rental vouchers funded by Democrats the year before. The pattern since then is clear: the Administration proposes incremental vouchers, and the majority party ignores that request in the House VA-HUD bill. This year is no different. In response to the Administration's proposal for 120,000 incremental vouchers, the bill holds out the mere possibility of 20,000 vouchers—contingent on overly optimistic Section 8 recapture levels, and therefore unlikely to materialize.

The majority justifies this inaction by blaming HUD for what it characterizes as unacceptably low voucher utilization rates. This criticism is not valid. A major cause for less than 100% utilization rates is the normal down time for Section 8 recipients to find housing opportunities—a particularly severe problem in low vacancy areas. To the extent that some housing authorities are not doing a good job in putting vouchers out, the problem lies with them, not with HUD. Moreover, these concerns do not justify ignoring the tremendous unmet rental subsidy need.

According to the Urban Institute, on any single night, 842,000 Americans are homeless, and at some point during the year 3.5 million Americans are homeless. Many homeless are working poor. Yet, the VA-HUD bill does not increase funding for homeless prevention programs, leaving funding 21% lower in real terms than six years ago, the last time Democrats controlled Congress.

As our population ages, and as rents escalate at a faster rate than fixed incomes and inflation, the problem of housing affordability for seniors continues to grow. Yet, the VA–HUD bill flat funds elderly housing—leaving it 53% lower in real terms than the level of six years ago. When Democrats offered an amendment to increase elderly housing by $69 million up to the President's level, an amendment fully paid for by FHA program changes, the majority voted no on a party line vote.

Public housing units face a multi-billion dollar backlog of repair needs. Yet, the bill cuts public housing funding by $120 million, compared to last year's bill. The bill's proposed level is 27% lower in real terms than the level of six years ago.

The bill undercuts the President's recently announced New Markets Initiative agreement with Speaker HASTERT, by cutting every community development program, including a $275 million cut from last year's level for CDBG; a $44 million cut in CDBG Section 108 loan authority; zero funding for Empowerment Zones; zero funding for APIC loan guarantees (part of the New Markets Initiative); and a 20% cut in funding for Brownfields Redevelopment.

The bill cuts the HOME program, which funds low down payment homeownership programs and affordable housing construction. And, the bill ignores HUD's request for a $9 million increase in housing counseling, leaving funding down 70% compared to six years ago. Counseling is an important tool in fighting the growing problem of predatory lending.

Finally, the bill undermines the progress HUD is making in its 2020 Management Reform plan. Specifically, the bill requires termination of the HUD Community Builder staff which provides outreach for HUD programs, threatens termination of contractors hired to inspect Section 8 assisted housing, and reduces HUD staffing levels below the already reduced target levels in this plan.

I am particularly baffled by the majority's decision to completely eliminate the Community Builder program at HUD. This program is an important component in HUD's consolidation plan. The purpose is to have a staff of professionals whose sole job is to provide community outreach for and assistance with HUD programs. The purpose is to separate this function from program management and oversight functions.

Last year, the Appropriations Committee expressed its concern about the ''External Community Builders'' program, especially with respect to the way these personnel were hired. Last year's bill required the termination of the external community builder program, and prohibited HUD from rehiring these individuals, except through normal civil service procedures. The bill clearly did not require or even hint at the termination of the internal community builder program. In fact, there was language indicating how the program should continue to be managed.

Now, the majority is reversing itself by eliminating the community builder program entirely, and mandating the firing of all community builders—even those hired years ago and unaffected by last year's policy. There are a number of reasons why this is wrong.

First, elimination of this position means that HUD will not be able to keep open some of their smaller field offices. Without the multi-disciplinary background of community builders, the choice will in many cases be between closing a field office or bringing in a larger number of personnel to cover the various program areas—personnel which are not available in a downsized HUD. Inevitable, some smaller field offices will be closed.

Second, it is bad policy to undermine a program designed to make HUD more responsive and accountable to the public. This is a major setback to HUD's management reforms. HUD will lose its staff that is experienced in these functions, and will be forced to totally reorganize its staffing structure, to the point where individuals go back to mixing program management and outreach responsibilities.

Third, the bill before us, incorrectly in my view, implies that HUD has failed to follow last year's policy directives. In fact, all external community builders are being terminated. No one is either slotted back into HUD directly or even given a preference because of their role as external community builders. And, the GS levels of replacement hires is on average significantly below the levels of the former external community builders.

I am also baffled why funding for ''Contract Administrators'' is made contingent on achieving unrealistic levels of Section 8 recaptures. This line item pays for the hiring of independent contractors which perform physical inspections of HUD-assisted project-based housing.

Last year, the Housing Subcommittee held a hearing in which the GAO testified about the level of progress HUD is making in its management reforms. Yet, one of their principal concerns that GAO cited about HUD was that it did not have a good handle on its Section 8 project-based stock. Therefore, it makes no sense, as this bill does, to make funding for inspection of Section 8 housing contingent on unrealistic Section 8 recapture levels.

You can't have it both ways—criticizing HUD for its oversight, then robbing HUD of the tools it needs for this oversight.

In closing, I urge members not to overlook the housing funding inadequacies in this bill, simply because budget authority is going up, or because we have vague promises that ''things will be taken care of in conference.''

Five years ago, the majority party cut the HUD budget by 24%. Housing funding has struggled to catch up ever since. This bill does not address the 5.3 million American households with ''worse case housing needs.'' This bill does not address the 842,000 Americans that are homeless on any given night. This bill does not address the need to extend our strong economic growth to all communities and individuals.

We can and should do better.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

VETERANS INSURANCE AND INDEMNITIES

For military and naval insurance, national service life insurance, servicemen's indemnities, service-disabled veterans insurance, and veterans mortgage life insurance as authorized by 38 U.S.C. chapter 19; 70 Stat. 887; 72 Stat. 487, $19,850,000, to remain available until expended.

VETERANS HOUSING BENEFIT PROGRAM FUND PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

For the cost of direct and guaranteed loans, such sums as may be necessary to carry out the program, as authorized by 38 U.S.C. chapter 37, 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, as amended: *Provided further,* That during fiscal year 2001, within the resources available, not to exceed $300,000 in gross obligations for direct loans are authorized for specially adapted housing loans.

In addition, for administrative expenses to carry out the direct and guaranteed loan programs, $161,484,000, which may be transferred to and merged with the appropriation for ''General operating expenses''.

EDUCATION LOAN FUND PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

For the cost of direct loans, $1,000, as authorized by 38 U.S.C. 3698, 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, as amended: *Provided further,* That these funds are available to subsidize gross obligations for the principal amount of direct loans not to exceed $3,400.

In addition, for administrative expenses necessary to carry out the direct loan program, $220,000, which may be transferred to and merged with the appropriation for ''General operating expenses''.

VOCATIONAL REHABILITATION LOANS PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

For the cost of direct loans, $52,000, as authorized by 38 U.S.C. chapter 31, 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, as amended: *Provided further,* That these funds are available to subsidize gross obligations for the principal amount of direct loans not to exceed $2,726,000.

In addition, for administrative expenses necessary to carry out the direct loan program, $432,000, which may be transferred to and merged with the appropriation for ''General operating expenses''.

NATIVE AMERICAN VETERAN HOUSING LOAN PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

For administrative expenses to carry out the direct loan program authorized by 38 U.S.C. chapter 37, subchapter V, as amended, $532,000, which may be transferred to and merged with the appropriation for ''General operating expenses''.

GUARANTEED TRANSITIONAL HOUSING LOANS FOR HOMELESS VETERANS PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

Not to exceed $750,000 of the amounts appropriated by this Act for ''General operating expenses'' and ''Medical care'' may be expended for the administrative expenses to carry out the guaranteed loan program authorized by 38 U.S.C. chapter 37, subchapter VI.

VETERANS HEALTH ADMINISTRATION

MEDICAL CARE

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses for the maintenance and operation of hospitals, nursing homes, and domiciliary facilities; for furnishing, as authorized by law, inpatient and outpatient care and treatment to beneficiaries of the Department of Veterans Affairs, including care and treatment in facilities not under the jurisdiction of the department; and furnishing recreational facilities,

supplies, and equipment; funeral, burial, and other expenses incidental thereto for beneficiaries receiving care in the department; administrative expenses in support of planning, design, project management, real property acquisition and disposition, construction and renovation of any facility under the jurisdiction or for the use of the department; oversight, engineering and architectural activities not charged to project cost; repairing, altering, improving or providing facilities in the several hospitals and homes under the jurisdiction of the department, not otherwise provided for, either by contract or by the hire of temporary employees and purchase of materials; uniforms or allowances therefor, as authorized by 5 U.S.C. 5901–5902; aid to State homes as authorized by 38 U.S.C. 1741; administrative and legal expenses of the department for collecting and recovering amounts owed the department as authorized under 38 U.S.C. chapter 17, and the Federal Medical Care Recovery Act, 42 U.S.C. 2651 et seq. and such sums as necessary to fund cost comparison studies as referred to in 38 U.S.C. 8110(a)(5): $20,281,587,000, plus reimbursements: *Provided*, That of the funds made available under this heading, not more than $3,000,000,000 may be used for the operation and maintenance of facilities: *Provided further*, That of the funds made available under this heading, $927,000,000 is for the equipment and land and structures object classifications only, which amount shall not become available for obligation until August 1, 2001, and shall remain available until September 30, 2002: *Provided further*, That of the funds made available under this heading, not to exceed $900,000,000 shall be available until September 30, 2002: *Provided further*, That of the funds made available under this heading, not to exceed $28,134,000 may be transferred to and merged with the appropriation for ''General operating expenses'': *Provided further*, That the Secretary of Veterans Affairs shall conduct by contract a program of recovery audits for the fee basis and other medical services contracts with respect to payments for hospital care; and, notwithstanding 31 U.S.C. 3302(b), amounts collected, by setoff or otherwise, as the result of such audits shall be available, without fiscal year limitation, for the purposes for which funds are appropriated under this heading and the purposes of paying a contractor a percentage of the amount collected as a result of an audit carried out by the contractor: *Provided further*, That all amounts so collected under the preceding proviso with respect to a designated health care region (as that term is defined in 38 U.S.C. 1729A(d)(2)) shall be allocated, net of payments to the contractor, to that region.

In addition, in conformance with Public Law 105–33 establishing the Department of Veterans Affairs Medical Care Collections Fund, such sums as may be deposited to such Fund pursuant to 38 U.S.C. 1729A may be transferred to this account, to remain available until expended for the purposes of this account.

None of the foregoing funds may be transferred to the Department of Justice for the purposes of supporting tobacco litigation.

AMENDMENT OFFERED BY MR. WAXMAN

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

The Clerk read as follows:

Amendment offered by Mr. WAXMAN:

Page 9, line 3, before the period insert the following: '', except for the funds for the administrative and legal expenses of the Department of Veterans Affairs for collecting and recovering amounts owed the United States as authorized under chapter 17 of title 38, United States Code, and the Federal Medical Care Recovery Act (42 U.S.C. 2651 et seq.).''.

Mr. WAXMAN. Mr. Chairman, I am offering this amendment along with the gentleman from Illinois (Mr. EVANS), the ranking member of the Committee on Veterans Affairs, the gentleman from Utah (Mr. HANSEN) and the gentleman from Massachusetts (Mr. MEEHAN), who are the co-chairs of the House Caucus on Tobacco and Health, and the gentlewoman from Michigan (Ms. STABENOW). It amends a rider in the bill that would have the effect of blocking the Justice Department's lawsuit against the tobacco companies.

Tobacco use may be the single greatest threat to public health in the United States. It kills hundreds of thousands of Americans every year. It is a particular threat to children, who are bombarded by slick advertisements inducing them to smoke, and to veterans, who often become addicted to nicotine while in the service.

With the magnitude of the health threat, Congress' record on tobacco has been absolutely abysmal. In 1998, I reached across party lines to reach an agreement with the gentleman from Virginia (Mr. BLILEY), the chairman of the Committee on Commerce, on how to regulate tobacco. This was an historic agreement, because the gentleman from Virginia (Mr. BLILEY) and I had long been opposed to each other on tobacco issues. Our agreement addressed many of the most contentious tobacco issues, including FDA regulation, environmental tobacco smoke and reducing youth smoking. But the leadership did not even allow a vote on the floor on our bipartisan proposal.

Since then, Congress has done very little to protect children and public health from tobacco. When the Supreme Court struck down the FDA regulation of tobacco earlier this year, the court invited Congress to act, calling tobacco use ''perhaps the single most significant threat to public health in the United States.''

But Congress has not even held a single day of hearings on FDA jurisdiction, and today we are considering legislation that would actually shield the tobacco companies from Federal liability. This most likely will be the only legislation which we will consider on the House floor dealing with tobacco.

Mr. Chairman, tucked away in this bill is a rider that is worth hundreds of billions of dollars to the tobacco industry. This rider protects the tobacco industry at the expense of health care for our veterans and the well-being of our children.

Last fall, the Justice Department filed the suit against the tobacco industry. The suit alleges that decades of deceit by the tobacco industry have caused Federal taxpayers to spend billions paying for tobacco-related illness. The suit seeks recovery of those funds, as well as injunctive relief, to stop the companies from marketing to children and engaging in other deceptive and illegal practices.

This lawsuit is good for the American taxpayer, who spend over $25 billion a year to treat tobacco-related illnesses. Recovery of Medicare funds would be deposited into the Medicare Trust Fund, thus adding years to Medicare's solvency.

This lawsuit is also good for veterans. Currently the VA spends over $1 billion a year treating tobacco-related illness. Under the Medical Care Recovery Act, any recovery of these funds would be returned to the VA health program. The VA stands to recover billions of health care dollars, dollars that could be used to provide critically needed health care to our veterans.

The lawsuit is modeled on the successful litigation by the States attorneys general, but it will have no effect on their suit or their settlement. It will also have no effect on small retailers. The defendants in this case are all major cigarette manufacturers.

Despite the merits of the suit, a rider in this bill prohibits the VA from transferring funds to the Justice Department for tobacco litigation, and effectively blocks VA from participating in the lawsuit.

There is no question who is behind this rider. It is the tobacco industry. Philip Morris has been actively lobbying Congress. Last week I mailed a ''Dear Colleague'' letter that attached the talking points Philip Morris is using. You may even hear some of those talking points in the debate today.

Philip Morris argues this amendment will use VA health care funds for the tobacco lawsuit.

□ 1730

This is simply false.

The amendment expressly states that only funds that can be used for the VA lawsuit are ''the funds for the administrative and legal expenses of the Department of Veterans Affairs for collecting and recovering amounts owed the United States,'' not funds intended for veterans' health care.

Philip Morris also argues that the rider is not about tobacco. Of course this issue is about tobacco. Philip Morris's argument has as much credibility as their testimony that nicotine is not addictive.

Mr. Chairman, I urge my colleagues to support this amendment.

Mr. WALSH. Mr. Chairman, I rise in opposition to the gentleman's amendment.

Mr. Chairman, my colleague alleges that this bill stops the tobacco lawsuit, that what we have done in this bill stops the tobacco lawsuit. That is not true. I can assure the House that the VA-HUD bill does not have jurisdiction over the Department of Justice nor its priorities. Nothing in this bill prohibits the Administration or the Department of Justice from moving forward with the lawsuit.

One of the problems with these politically motivated debates is that individual's motivations are questioned.

Mr. Chairman, I do not smoke; I did. I realized it was habit forming; I realized it was bad for my health, so I quit

about 25 years ago. I hope every American comes to that realization themselves. Those who would support the subcommittee's position here would be accused of being sold out to the tobacco industry. Well, again, questioning people's motivations does very little to dignify the debate. But I would state for the record that I have never accepted tobacco contributions.

We are trying to craft a bill here that provides resources for our veterans. We have heard Member after Member, one after another, come up and say we are not putting enough money in here for veterans' medical care, one after another. We are doing our level best to fund veterans' medical care. We put in $1.7 billion last year, $1.35 billion this year; and people still say it is not enough.

If this lawsuit started to draw down veterans' medical care funds, and that is what this does, regardless of what the gentleman says, it comes out of the veterans' medical care budget, which is $4 million to $6 million a year every year for however long the suit goes on.

We have heard the gentleman from New Jersey talk about veterans with hepatitis C. We tried to put additional funds in to deal with that deadly disease, but we did not meet expectations. There is more need out there. This takes $4 million to $6 million out of the veterans budget for hepatosis C, for HIV/AIDS, for spinal injuries, for mental health care, for drug prescriptions.

Mr. Chairman, these funds are precious; and they are dear. Let the Justice Department take it out of their own budget. That is their job. They are the lawyers. They have thousands and thousands of lawyers at the Department of Justice. The VA has hundreds and hundreds of doctors, and thousands and thousands of veterans; and we need to use those resources to take care of that commitment for medical care.

If the Department of Veterans' Affairs and the Administration want to use VA dollars to pay for this lawsuit, they can take the money from the Secretary's office or the general counsel's office. This bill says we cannot take money from veterans' medical care account. This language is limited to one account out of 18 that funds the Department of Veterans Affairs.

I am also concerned about how money derived from this litigation will be spent. No one on the Subcommittee on VA, HUD and Independent Agencies has seen a formal, binding agreement from the Administration or the Department of Justice on how these dollars will be spent between VA, Defense and Health and Human Services. The Administration tried in the past to bolster the budget with new spending from a fictional tobacco settlement. Yet VA's health funding remained level.

I am all for seeing more dollars for VA in health care and I think every member is, but I have not seen the contract yet. The Administration has never said that any settlement would go to the veterans. In fact, in their third-party collection funding scheme, those funds would go to the general Treasury and not to the veterans agency or to veterans' medical care.

So regardless of what we are going to hear, let the Justice Department handle the lawsuits, let the Veterans Administration handle veterans' medical care.

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

Mr. Chairman, this place is something else. I am no blue nose. If people want to make an informed decision to smoke, so be it. I used to smoke three packs of cigarettes a day. At the same time, I worked with asbestos. Johns Manville Corporation knew since 1939 that asbestos caused cancer, but I did not when I was working with it, because they hid it from consumers and from the Government itself. I also did not know, but Johns Manville did, and I believe the tobacco companies did too, that there was a synergistic effect between asbestos and tobacco, and when one is exposed to both, one's chances of getting cancer increased at a geometric rate. So very frankly, since those days I have been waiting for the shoe to drop.

We have the same situation with the tobacco company executives that we had with the asbestos company executives. Both of them lied through their teeth for years. When the gentleman from California's (Mr. WAXMAN) subcommittee was holding the hearings, we all remember the famous seven tobacco company presidents standing up and swearing to tell the truth, and then proceeding to tell the committee that no, no, no, they did not believe that tobacco caused cancer. Well, they had in their files information that demonstrated that they certainly knew it did.

So we have listened to their bull gravy for 50 years. Now we have a question as to whether or not we are going to do anything about it or not.

The gentleman said there is nothing in this bill that prohibits the tobacco settlement, or the tobacco lawsuit from going forward. That is speaking only half the truth, because what is happening is that the appropriation bill which we will consider next, the Subcommittee on Commerce, Justice, State, and Judiciary appropriation bill, forbids the Justice Department from using its own funds to pursue a tobacco settlement; and then they have in other appropriation bills, in the Defense bill, in this bill, and I believe in one other appropriation bill, they also say that you cannot use funds from any of the other agencies and allow the Justice Department to use those funds from other agencies to pursue their tobacco suit either.

So slowly, the Justice Department is being surrounded by this multiplicity of attacks in appropriation bills. I think that that is wrong, and I think we ought to adopt the gentleman's amendment.

Now, I know that we will hear people say ''oh, we are going to take money away from veterans' health care and use it to fund this suit, and it is just going to go into the pockets of the lawyers.'' The fact is that I offered seven amendments in one session alone, trying to get the majority party to increase funding for veterans' health care, and they turned them all down and they did that 2 years in a row. I would suggest now, to say that the veterans' department, which has the potential to gain hundreds of millions of dollars in additional revenue for veterans, for the treatment of their problems, to say that they cannot try to do that by expending $4 million out of their own funds to pursue this case on behalf of every veteran and on behalf of the taxpayers is ludicrous, at best.

Mr. Chairman, I would simply point out also that if one checks the facts about litigation only enriching lawyers, the administration has indicated that the department has not engaged any lawyer on a contingency-fee basis. They did engage one firm on a limited arrangement on terms that were favorable to the Government. Under that contract, which ran for 3 months, the firm provided assistance to the Department at a reduced rate of $75 per hour, well below normal billing fees. The payment for services to that firm total less than $80,000.

So we should not kid ourselves. Every time we hear somebody say, this is not about tobacco, remember, it is about tobacco, and it is about lying, and it is about whether or not we will defend the taxpayers' interests to recoup the billions of dollars that have been spent. It is about meeting our responsibilities, to see to it that the taxpayer is not stuck with the cost of providing health care to veterans and other folks in this society because the tobacco companies lied and caused billions of dollars' worth of damage in the process.

The CHAIRMAN. The time of the gentleman from Wisconsin (Mr. OBEY) has expired.

(By unanimous consent, Mr. OBEY was allowed to proceed for 3 additional minutes.)

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

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

Mr. WAXMAN. Mr. Chairman, we promised the veterans a couple of years ago when we took away money for their disability based on tobacco smoking and all of the illnesses that resulted from it, that we would pursue this litigation and get back into the veterans' program money that rightfully belongs in that program because of the deception add bad-doing, fraudulent actions of the tobacco companies. After years of deceit and deception, it is right to hold the tobacco companies accountable for their false promises, misrepresentations, suppression of knowledge about the health risks of tobacco.

This rider would stop the litigation. The Attorney General, Janet Reno,

today, in a press conference, announced that if this rider goes through, prohibiting the transfer of funds, she will not have the ability to pursue this litigation; she would have to drop the lawsuit.

We are not, and I want to emphasize this, because there seems to be some misunderstanding even on the part of the chairman of the subcommittee about our amendment. We are not transferring money from veterans' health care, but only from the veterans' health care fund for litigation, for expenses and legal fees. What more appropriate use of those funds would there be than to go against the tobacco companies to recover money for the veterans' health program and to keep our promise to the veterans that we would get money to put into veterans' health to make up for that which we took away from them over the years, just 2 years ago and to make up for the deceptions that the American Government placed on veterans when we encouraged them to start smoking in the past, which caused so much of the death, disability, and illness for which we could now get recovery from the tobacco industry. I thank the gentleman for yielding.

Mr. OBEY. I would simply say that to suggest that the veterans are getting a bad deal by asking that $4 million be spent on this suit when we can get back hundreds of millions of dollars in return is patently preposterous on its face.

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

Mr. Chairman, I urge my colleagues to support this amendment by our colleague from California, because it simply allows the wheels of justice to move forward.

Mr. Chairman, there is something terribly wrong with the leadership of this body. During the last Congress, despite overwhelming facts to the contrary, the leadership effectively denied veterans the opportunity to seek legitimate compensation from the Department of Veterans Affairs for tobacco-related illnesses and disease, as well as tobacco addiction, during their service in the Armed Forces. That day, I believe, was one of the least noble moments in the history of this body.

Now, adding insult to injury, the leadership of the House seeks to deny the funds needed for our Federal Government to continue to seek, in court, the recovery of costs the Federal Government has incurred treating tobacco-related illnesses. It is a sad day indeed when the leadership of this House seeks to shield the tobacco industry from legitimate legal action brought by the Federal Government.

We must not forget these facts: funds spent by the Department of Veterans Affairs for health care used to treat tobacco illnesses and disease have been estimated to be between $1 billion and $4 billion a year. As many as 75 percent of our World War II veterans began smoking as young adults during their military service. Cigarettes have been distributed free of charge to members of the Armed Forces as part of their so-called ''C-rations,'' and the labeling requirements warning of the dangers of nicotine and tobacco did not become mandatory for products distributed through the military system until 1970, 5 years after this labeling was required for the civilian market.

□ 1745

Tobacco products were sold by the military at substantially discounted rates. As late as 1996, commissary tobacco prices were up to 76 percent less than commercial retail prices.

Those who support the tobacco industry will make the argument that using VA funds to finance this lawsuit will mean less money for medical care. The truth is, these dollars would be added to the administration's request after negotiations between the VA and the administration have concluded.

As an additional safeguard, our amendment would be directed at using only funds that would otherwise be used for nonmedical purposes; specifically, for the administration and legal expenses incurred in pursuing this lawsuit. It is misleading to say that these funds will be designated for health care.

Earlier today, four major veterans organizations spoke in support of this amendment. Veterans who will benefit from the successful outcome of this litigation will not be fooled. They want this litigation.

In the name of justice, support the Waxman-Evans-Hansen-Meehan-Stabenow amendment.

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

Mr. Chairman, people back in my district always ask me, they say, is it difficult being in Congress? They say, what is the worst thing that goes on? I always reply, the partisanship that exists between the two parties.

No matter what we do, how much we try and increase, put up priorities, the other side of the aisle wants the majority back, so they will blast anything we do.

The gentleman from Wisconsin (Mr. OBEY) just said that he had 7 different amendments to increase veterans' health care. Most of us on both sides of the aisle support increasing health care for veterans, and also making sure that the fraud and abuse, like within the VA system, $1 million a day, is taken care of.

Yet, when we get to the House floor here, Members will see and hear, well, it is only tax breaks for the rich. We do not think that paying taxes back to people because they get married is a tax break for the rich, or money that people invest with their families their whole lives, they pay taxes on, build up their business or farm, and where the government wants to come in and take 55 percent of it back, that that is a tax break for the rich. There is a legitimate difference of opinion.

I would say to my friends on the other side, we added $1.7 billion, the highest ever for veterans' health care last year, and $1.4 billion this year. Yet, it is never enough. We will hear, ''more research, more HUD,'' and in the last bill, ''more Labor-HHS.'' On every single line item, Members the other side of the aisle say, we want more, we want more.

There is a difference between fiscal responsibility and irresponsibility. For 30 years they ran the House. Let me give an idea. If we pay down the national debt, we spend nearly $1 billion a day on just the interest, so $360-some billion we would have put into the coffers. But if we continue spending like my colleagues on the other side did when they had the majority, the other side of the aisle, then we just keep increasing that debt.

In 1993, when they had the White House, the House, and the Senate, they cut veterans' COLAs. My own party at one time wanted to cut veterans' COLAs. We fought that in our conference and defeated it. I think it is wrong. But Members just continue to spend and build up the national debt.

They talk about the President's budget. We as Republicans brought the President's budget back last year to the floor to show how ridiculous it was. Not many Democrats voted for it. Yet, they say the President wanted $1.2 billion, and we are only putting a $500 million increase, so we are cutting. That kind of rhetoric is what makes it difficult to work here, instead of coming together and helping in veterans' health care.

I am a veteran, a combat veteran. Most of my colleagues on that side of the aisle know it. The only area which some of the people that are blasting us will support is every other area but defense. Watch, there will be a couple of amendments here today to take out selective service.

In time of national emergency, in time of national emergency we are going to need the selective service program not only for biological and chemical weapons that may come forward, but if we end up in a WWII or World War III, that is the only time it would be used.

I ask my colleagues, cut the rhetoric: ''Tax breaks for the rich.'' Some people believe it, but they know it is ridiculous. Cut the rhetoric: Well, the President's bill did this. They did not even vote for the President's budget. Only four Democrats voted for it, so the numbers there are inaccurate.

Let us sit down and work in a bipartisan way. Let us increase veterans and let us support it, and take this bill on to conference.

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

Mr. Chairman, I rise in opposition to the gentleman's amendment. The Department of Veterans Affairs' medical budget is not the appropriate place

from which to fund Department of Justice lawsuits. It funds the Veterans Administration Department's own legal expenses, and funding Department of Justice lawsuits to the tune of $4 million or even higher, because there is no limitation here, would significantly reduce funds available for veterans' medical care.

Mr. Chairman, it has been stated or alluded to that the effect of the restriction placed in the bill, and let me read it, Mr. Chairman, it says, ''None of the foregoing funds may be transferred to the Department of Justice for purposes of supporting tobacco litigation.'' The restriction in here only says that none of the funds out of the Veterans Affairs medical budget can be transferred to the Department of Justice for its litigation purposes.

It has been alleged that that has the effect of blocking the Department of Justice's lawsuit against the tobacco industry. I respectfully disagree with that. It does no such thing. It does not preclude the Department of Justice from moving forward with lawsuits. What it does do, the bill language simply prohibits the Veterans Administration from transferring veterans' medical care dollars to the Department of Justice. That is the only intention and the only motivation, to preserve those scarce medical care dollars.

That money would come out of the medical care collections fund. Indeed, it does fund legal expenses for the Veterans Administration in this area: ''Legal expenses of the Department for collecting and recovering amounts owed the Department.'' There are people very busily working over at the Veterans Administration spending dollars out of that account to collect third party pay, to collect dollars that are owed from other areas. They significantly multiply their salaries. That is, they are responsible for generating a lot of dollars. Take that $4 million out of this account and, arguably, we would reduce by a factor of many times $4 million the amount of money available for veterans' medical care.

The budget for veterans' medical care has been severely stressed during the last several years. After 2 years of flat budgets, Congress enacted a substantial increase in medical care last year. The bill before us today builds on that increase by fully funding the President's budget request for medical care, more than $1.3 billion over current funding.

I cannot support an effort to divert funding from this priority in order to fund the operations of another agency. God bless the other agency, let them move forward with their lawsuit with their own funds; in this case, the Department of Justice. That department, the Department of Justice, has received significant increases during the past decade, as opposed to the Veterans Administration. In 1990, the Department of Justice received $8.8 billion. By 1996, that had risen to over $16 billion, and current year funding is over $20 billion.

The Department of Justice is not an agency that has faced the same restrictive budgets as the VA. It can afford to prosecute this lawsuit without taking money out of the veterans account.

Each appropriations subcommittee must establish its own priorities for the agencies under its jurisdiction. Mr. Chairman, let me point out that the veterans organizations are split on this issue, but that the American Legion, while it supports the Department of Justice going forward with its lawsuit, does not support taking health care dollars from the VA to pay for the litigation and thinks it is counterproductive, especially with the growing demand for services by the aging veteran population.

This amendment does not stop any litigation, or this restriction, excuse me. It simply provides that that money will not come out of veterans' health care, Mr. Chairman.

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

Mr. Chairman, I associate myself with the ranking member and the chairman, the gentleman from New York (Mr. WALSH), in rising in opposition to this amendment, and I would like to clarify some misconceptions about the language its sponsors are attempting to remove from our bill.

Contrary to some of the Dear Colleagues and other letters that have been circulated, the language in the VA–HUD bill does one thing, it prevents the VA from taking funding from the veterans' medical care account to pay for lawsuits against tobacco companies.

Our committee language does not, I emphasize, does not prevent the VA from giving the Justice Department money to pursue their lawsuit, so the gentleman's amendment is not necessary.

Frankly, I am no friend of tobacco, of the industry, but we have not worked so hard on our committee in a bipartisan way to increase the medical accounts over the past 4 years and the VA's budget on behalf of our veterans to see the administration and the Department of Justice push our veterans out of the way so they can flog tobacco companies using funding from this and other appropriations bills.

The statistics are grim. An estimated 30,000 veterans from the World War II era are dying each month. These men and women need medical care today, not 3 or 4 years down the road. That is why none of this critical funding should be diverted from their medical care, care that they have more than earned and deserve. Too much has been taken away from our veterans already to deal them this additional blow.

For those who might forget or wish to forget, the TEA–21 bill signed by the President in 1998 and sponsored by a majority in this Chamber, and supported by them, cut veterans' disability payments for smoking-related illnesses by $14.4 billion to pay for highways and other important transportation projects. I voted against this bill because that $15.4 billion should have been spent on compensating veterans with tobacco-related illnesses, or redirecting it into paying for veterans' medical care for veterans with smoking-related illnesses, as well as other veterans, instead of paving more highways and building more roads and taking care of more worthwhile projects.

Now, the administration is proposing to take $4 million from the fiscal year 2001 allocation for veterans' medical care accounts to pay the Justice Department's legal expenses to sue tobacco companies.

Some have argued to me that $4 million is a small amount of money and its diversion makes little difference overall to veterans' medical care. But I can tell the Members, $4 million would provide for veterans in my district a lot of necessary things related to Hepatitis C, related to prescription drugs.

Our committee language already allows the VA to use funding from somewhere else within its budget, just not from an account that directly pays for veterans' medical care. There are a number of other accounts within the Department of Justice that the VA can take money from, including departmental administration, general operating expenses, medical administration and miscellaneous operating expenses, construction, major and minor projects, other types of grants.

These accounts total over $1.36 billion, and the VA cannot find $4 million from those accounts to pay for this lawsuit? That is incredible. The Secretary should cut his own budget and reduce administrative overhead before he raids the veterans' medical care accounts to comply with White House directives.

The VA should use every dollar appropriated for veterans' medical care to provide for the men and women who fought our wars, and to ''care for him who shall have borne the battle.''

I do not oppose lawsuits against the tobacco industry. I certainly do not receive any financial contributions from them. I do oppose the use of veterans' medical care dollars to pay for the Justice Department's lawsuit.

☐ 1800

In closing, let me repeat that this language does not prohibit the VA from participating in the lawsuit. Our committee language does protect veterans' medical care dollars to make sure they are spent today for the reason they were intended, to provide for the 25 million men and women in this country who bore the cost of battle and who have fought to defend our Nation's freedom.

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

Mr. Chairman, I rise in strong support of the amendment of the gentleman from California (Mr. WAXMAN) and my colleagues and my amendment.

This is not about taking money out of the medical care budget. This is about taking money, $4 million, that is for medical care litigation. That is when the Veterans Administration has an opportunity to go out and get money that is owed to them, then they go to court and litigate.

Now what better expenditure than to expend that litigation money on fighting the tobacco companies? We have seen Attorneys General from across this country litigate and take the lead, before the Federal Government and this Congress did, to litigate against the tobacco industry; and they won $246 billion to repay Medicaid costs related to tobacco.

Why is this such a good investment to take the tobacco companies to court? Well, I will tell my colleagues why it is a good investment. The gentleman from California (Mr. WAXMAN), who has offered this amendment, had hearings before the Congress. The tobacco companies came before the Congress; and they said their product, under oath, did not addict people. They said their product, under oath, was not addictive, was not harmful to health.

Then we found out when we looked at internal documents that, in fact, they knew the dangers and the death and destruction that this product was causing. We are talking about veterans, many of whom started smoking in the 1950s and the 1960s when there were no warnings on cigarette packages then.

There were days when the veterans used to get free cigarettes from the tobacco companies. I wonder why they gave them free cigarettes? We now know that in the 1950s and the 1960s they were conducting studies. They knew of the addictive propensity of their product, and they knew they were addicting people to their product.

It is time that we make the veterans and the Veterans Administration whole. We should get back what is owed to the veterans, what is owed to the Veterans Administration. That is why this expenditure for litigation makes so much sense. Why do you think the tobacco companies settle for $246 billion? They were cutting their losses.

We have a great opportunity here to make whole expenditures for veterans health care cost. What a great time to do it, at a time we are trying to meet our commitment to our world or to veterans for health care, at a time when consolidation is causing anguish among veterans all across the country.

In Veterans Administration facilities, many of these veterans are there because of health-related costs that they got from smoking tobacco, from smoking cigarettes at a time when tobacco companies told them it was not dangerous, at a time when tobacco companies did not warn them of the dangerous propensities.

That is why we go to court, that is why we have this civil lawsuit, and that is why we are looking to make whole the Veterans Administration and make whole the veterans of this country and others who were victims. We are talking about representing victims in court.

We have a $4 million litigation account where the Veterans Administration takes and says, where can we make whole our expenditures in health care. How can anybody argue that the proper place for the Veterans Administration, too, to be made whole for health care cost than going after big tobacco.

We have been remiss in not going after the tobacco companies earlier. We have let the Attorneys General take the lead on it. We have let State legislatures all over the country take the lead on taking on big tobacco while the Congress has sat back and waited.

What would we do if Jeffrey Wigand had not had the courage to come forward and tell us as a scientist from one of the major tobacco companies that, as a scientist, they were manipulating the nicotine in their products, knowing it was addicting people? That is what this liability is all about.

This is not a partisan issue. A cosponsor of this amendment is the gentleman from Utah (Mr. HANSEN), Republican, cochair of the Tobacco Task Force on Health in the Congress, an outstanding Republican Member of this body. He is a cosponsor of this amendment. So this is not a partisan amendment.

It is not about politics. It is about whether or not the Federal Government is going to move forward and try to find a way to make whole the Veterans Administration, that nearly $4 billion a year that has to be accounted for. In fact, in the 105th Congress, we told the Attorney General and the Secretary of Veterans Affairs in the Transportation Equity Act for the 21st Century that they should take, and I quote again, ''all steps necessary to recover from the tobacco companies amounts corresponding to the losses and the costs which would be incurred by the Department of Veterans Affairs for treatments.'' We told them to go get this money.

Support the Waxman amendment.

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

Mr. Chairman, we all recognize that it is politically correct to be able to attack the tobacco industry in its totality today. In the spirit of full disclosure, I will have to admit that I do represent a large number of tobacco farmers. But this really has nothing to do about tobacco farmers.

The Waxman amendment, as has been said by many people before I am speaking right now, indicates, and it is true, that under the Waxman amendment, the Department of Justice will be able to take money from the veterans' medical care dollars to finance a speculative lawsuit under the theory of which the Federal Government has never filed one like this before. So that is one reason to oppose this amendment, that it would take veterans medical care dollars to finance the lawsuit.

Now, in September of 1999, the Federal Government filed this lawsuit seeking $25 billion to recover money spent by the Federal military and civilian insurers on smoking-related illnesses. Prior to that, the State attorneys general had filed a lawsuit in which the tobacco companies entered into an agreement to settle for about $246 billion over 25 years.

I would just point out that, in 1999, all of the money that was spent on veterans' medical care in the United States amounted to about $17 billion in 1999. I think it will also be interesting to know that the legal fees alone in the State lawsuits amounted to almost $12 billion. So there was almost as much money paid in legal fees in that lawsuit as there was spent for veterans' medical care in its totality.

Now, another reason that I would oppose the Waxman amendment is the simple fact that Federal and State governments have known for more than 30 years that smoking does create health risks. Yet, with that knowledge, they all permitted the sale of tobacco products and profited nicely from it, indeed enormously from it from the excise tax. Not only did the Federal Government profit from the excise tax for the sale of tobacco products, but the Federal Government gave cigarettes to its young men and women serving in the military around the world.

So how can now the Federal Government tell tobacco companies that they may lawfully sell a product that the Federal Government knew would cause injury and then turn around and sue the companies for causing the injury that they knew would be occurring. That is another reason that I would oppose the Waxman amendment.

Then a fourth reason I would simply say this, that the Justice Department's complaint is only the most recent, and I am sure it will not be the last effort to use litigation to bludgeon private firms in order to accomplish a prohibition that government could not win in the Congress. So since they cannot win in the Congress, they go to the courts under novel theories of law to collect on something that the Federal Government already knew was harmful and, furthermore, gave it to men and women serving in the military around the world.

So those are four of the reasons that I would ask the Members to oppose the Waxman amendment.

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

Mr. Chairman, we often are on this floor wringing our hands about why the public treats us so contemptuously and thinks so little of us all too often when we know we are here to do the people's work. But every once in a while, a bill comes along that reinforces that low esteem that the American public has for us, and this is one of them. The fact that there is an effort right now, an organized effort to protect the tobacco

industry from the lawsuits. That is why I am here to strongly support the amendment of the gentleman from California (Mr. WAXMAN) and others to get rid of this rider.

Now, I have heard the arguments, oh, well the Justice Department can use its own money, or the Justice Department can get it from another fund. But there are all these other efforts going on at the same time which everybody knows about that would prevent any money, even a single dollar going.

We have got riders coming up in the Commerce Justice bill. There are riders all over the place that are trying to thwart these lawsuits against the tobacco industry. It would be more credible if it were not for the fact that the veterans are all for these lawsuits going forward, including the American Legion. Four of them have endorsed the Waxman amendment. The Veterans of Foreign Wars, AmVets, Paralyzed Veterans of America, Disabled American Veterans have explicitly endorsed this amendment that would allow these lawsuits to go forward and this small amount of money, relatively small amount of money from a litigation fund to go after the tobacco companies.

Why should we not? Tobacco-related illnesses cost the Federal taxpayers approximately $25 billion a year, excluding the Federal share of Medicaid, excluding the Federal share of Medicaid.

The Medicare program pays $20.5 billion annually to treat tobacco-related illness. The Department of Defense pays $1.6 billion. Indian Health Services pays $300 million. The Veterans Administration pays $4 billion, not $4 million, $4 billion a year to treat tobacco-related illnesses.

So why not take a portion of that overall fund, not the fund directly going to services, but the litigation fund to try and get some of that money back?

I will tell my colleagues, I think that the American people understand that tobacco is costing them, it is costing them and their families and their lives, and it is costing their taxpayer dollars. These thinly veiled efforts to protect the tobacco industry are not going to be viewed very well by the American people. We should all stand up together, Republicans and Democrats, because I agree this is not and should not be a partisan issue. We should stand up together and support this amendment.

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

Mr. Chairman, the provision that this amendment seeks to strike reeks of tobacco, it reeks of special interest, and it reeks of injustice. I think that this rider, and of course there has been considerable competition through the years, but it is truly the most disgusting that I have seen since this same crowd came to this same House and snuck into a bill for small business tax relief, $50 billion in a tax credit for the same tobacco industry, so disgusting that once it was exposed, they had to back off and remove the provision.

□ 1815

Indeed, that action is one of the only bits of action that this House of Representatives has taken during the last 6 years to deal with that plague of nicotine addiction that kills thousands every day in this country.

To those who say turn to the legislative branch instead of the judicial, Americans can look at what has happened in the last 6 years and rightly say that the tobacco industry has a stranglehold on this House. Sometimes we can prevent it from doing more wrong, but we have been totally unable to overcome the tremendous strength of the tobacco industry over the current leadership of this House to do anything affirmatively for the 3,000 children that every day will become addicted to tobacco.

Supporters of this provision have the audacity to say we will not do anything about the children and their suffering from tobacco, and the fact that so many will eventually die from emphysema and lung cancer and heart disease, but we can find it in our schedule and in our hearts to provide more special interest treatment for this same industry. The friends of tobacco have the audacity to stand on this floor this evening and tell the American people that they are not terminating this lawsuit, they are just cutting off the funds necessary to its success.

Let me ask my colleagues if they think Phillip Morris and RJR, and all the other big tobacco companies, are going to spare any funds when they are dealing with any thick-carpet lawyer in the country who will take their dirty money to defend them in this case. No, they are going to have an open checkbook. They are going to spend whatever it takes to obstruct the justice that this case deserves.

I stood next to Janet Reno earlier in the day, with the gentleman from California (Mr. WAXMAN) and leaders of our veterans' organizations, and heard her say in no unqualified terms that the effect of a vote against this amendment is a vote to dismiss the well-justified claims of American taxpayers against the tobacco industry. The provision that we are voting on tonight is testament to the weakness of big tobacco's legal case. They are seeking a motion to dismiss not in a court of law, relying on the justice system; no, they have come here to the Congress, a Congress that they have worked over pretty well through the years, particularly in election years. And they have asked the Congress to grant the motion to dismiss. This is just the latest underhanded maneuver in which they have engaged.

What is at stake here is a rather clear choice. It is a choice between defending our veterans who have defended us or defending the continued wrongs of the tobacco industry. I believe we ought to stand with the veterans. They were there today with Attorney General Reno also, one veteran group after another, the Paralyzed Veterans, the Disabled American Veterans, the Veterans of Foreign Wars, the AMVETS, speaking out and asking us to defend interests, as they were willing to defend our country, by supporting the Waxman amendment. We owe them nothing less.

And, of course, this is not the first time that big tobacco has trampled our veterans, just as they have trampled on our children. In each of the last two years I have advanced legislation in this Congress to give our veterans their fair claim against Saddam Hussein and his Iraqi assets that have been frozen for a decade. But big tobacco said, no, we want to go first. We want to get reimbursed for all the cigarettes we sold the Iraqis before our veterans get reimbursed on their just claims. It is that same kind of greedy attitude that they bring tonight to this House, saying that they deserve immunity, which is what they would effectively gain if the Waxman amendment is defeated—immunity to continue committing the same wrongs they have been engaging in previously.

The American people have a much greater understanding of the wrongs done by the tobacco industry than this Congress has demonstrated over the last 6 years. 430,000 people every year will die as a result of tobacco, thousands will require care in hospitals and hospices. We ought to be able to remove at least some of the tremendous cost of the care incurred for the American taxpayer and for the American veteran.

Mrs. CAPPS. Mr. Chairman, I move to strike the requisite number of words, and I rise in strong support of the Waxman amendment.

I do this as a public health nurse, for I have seen firsthand the serious consequences of smoking-related illnesses, and I am appalled at the behavior of the tobacco firms. This is a time when accountability is called for.

We speak here today on behalf of our constituents. And I am speaking on behalf of the veterans I represent. I know their national leaders were here today testifying to the Justice Department, but they have spoken to me directly and to many of us across this country, as they are bearing the price for what has happened throughout the decades as a result of their exposure and addiction to tobacco in the call of their military duty. We need to speak for them.

I speak also for other citizens in my district, citizens who are aware and are aroused by the injustices that have been done. I think of a particular physician in San Luis Obispo, Dr. Steve Hanson, tireless in his work on tobacco-use prevention among young people in our community but also on the need for treatment to be available, working through the American Medical Association and the San Luis Obispo Medical Society, an articulate voice on

behalf of the justice that needs to be done in this case.

This amendment will allow for the continuation of litigation to recover tobacco-related health costs that have burdened the American taxpayer for many years. The cigarettes that were put into GI rations and unwittingly caused addictions are now being borne out in the health and illness situations of so many of our seniors who are veterans and who are paying terrific consequences with their lives, suffering from emphysema, heart disease, and cancer as they are aging. These individuals need and cry out for a response that needs to be stimulated and encouraged in this body.

Janet Reno has stated that if this rider to the VA–HUD appropriation passes, the Department of Justice would have no ability to continue in their crucial litigation on behalf of veterans. This amendment protects veterans. Under the Medical Care Recovery Act, any recovery of these tobacco costs would go directly to the VA and defense health programs.

As Members consider their votes, I urge them to remember that the tobacco companies concealed what they knew about the damaging health effects of smoking for decades. During those same decades, the consequences of smoking were played out in the lives of citizens across this country, and veterans' lives as well; and the cost has been borne by everyone. No other industry is close to matching the cigarette companies' record of misconduct and harm to the public interest.

If Congress intervenes in the judicial with this VA–HUD rider, the tobacco industry will receive unprecedented and unwarranted protection that will never be available to other more responsible companies. So Congress must hold Big Tobacco accountable, and I encourage my colleagues to vote ''yes'' on the Waxman amendment.

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

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

Mr. GOODLING. Mr. Chairman, I did not plan to speak on this amendment, but I was listening to the discussion back in my office and I thought, how silly do we think the American people are.

I think it was 62 years ago, I am 72 at the present time, when my mother and father said, There will be no use of tobacco in this house; it is addictive and it is injurious to your health. That was 62 years ago, and here we stand and we say, boy, people lied to us and we did not know it. Now, my colleagues know that that is nonsense. We have known it for a long, long, long, time.

But I am also surprised when we stand down here and we talk about the cost of tobacco. There is not anyone, probably in this House, who is a leading campaigner against the use of tobacco. One of our young Congressmen when I first came here, a diabetic, a chain smoker, I tried and tried and tried my best to help him break the habit, but he could not and he died very young.

I am amazed when we talk about the cost, when no one talks about alcohol. My attorney general came to me and said, we have to have this money; we have to have this money, boy, the cost to Medicaid and Medicare. And I said, wait a minute, the cost to Medicaid and Medicare, the cost to veterans health? Talk about alcohol. It is only about 10, 12, 15, 20 times as great in relationship to the cost, but it goes way beyond that. Abusive in the home, physical abuse, mental abuse, and on and on the list goes. And yet somehow or other we do not take that on because, I suppose, it is socially acceptable; and so we talk about tobacco.

Then someone indicated that, well, tobacco has their hands on the Congress. Well, tobacco may have their hands on some individuals in the Congress, as it does on individuals all over the country, but it has nothing to do with one's ability to think clearly about the issue. So, again, I just do not understand what it is we are trying to do in relationship to this amendment other than try to confuse the public that somehow or other there are few in this Congress who really are fighting this issue and that we did not know it was addictive and we did not know that it caused health problems, when, of course, we have known that for 50, 60, 70, 80 years.

In the last 20 or 30, as a matter of fact, signs have been everywhere, and put there by the Government, indicating that it is injurious to our health and that it is addictive.

So I think we ought to switch. If we want to move money, move it, but then give a good reason for doing it. But, for goodness sakes, we should not try to make the public think that we know more than they, and that they do not know already that it is an addictive issue and it is also a health problem.

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

Mr. Chairman, I rise in strong support of the Waxman-Hansen-Evans-Meehan amendment. This amendment will remove the rider in this bill that prohibits the Department of Veterans Affairs from aiding the Justice Department in its suit against Big Tobacco.

And in response to my friend, the gentleman from Pennsylvania, I would say that tobacco is addictive. It has been proven to be addictive. And alcohol has caused all sorts of problems in this country, there is all sorts of abuse of alcohol; but it is not addictive in the same way.

No industry, no industry deserves a special exemption from Federal liability, and without help from the VA, the Justice Department will have to drop its suit against the big tobacco companies. We should not be legislating special protections for an industry that has lied to the Congress and deceived the American people.

The VA spends more than $4 billion annually treating tobacco-related illnesses. If the Justice Department's suit is successful, and I believe that it will be, the VA will recover billions of dollars spent on health care for veterans. If this amendment fails, then the bill will prevent the VA from obtaining billions of dollars to help veterans who suffer from tobacco-related illnesses.

Why should we not help those veterans? They need our help, and we ought to stand with them. We should not be trying to bail out Big Tobacco.

This amendment does not take $1 away from veterans' health care. It uses money in the VA's administrative and legal expenses account to help fund the suit against Big Tobacco. Yet the tobacco companies are spending enormous amounts of money and working hard to convince Members that the Waxman amendment takes away from veterans' health care. That is absolutely false.

In 1998, we passed a highway bill here in this House that became law. And in that legislation is language that urges the Attorney General and the Secretary of the VA to sue the tobacco companies so that money could be recovered to go to veterans' health care. And what we see in this bill today is a provision that would nullify what we did in 1998. It would prevent that money from being used, the litigation money, from being used to recover money for our veterans.

Since when, Mr. Chairman, have the tobacco companies cared about the health of the American people? They make a product, which used as directed, kills people. Their future prosperity depends on enticing young people to take up smoking. They swore they were not doing that just a few years ago, and we have found since that it was not true.

The tobacco companies want relief from a legitimate lawsuit at the expense of our veterans. A vote for this amendment is a vote for veterans' health care and against the unlimited greed of the tobacco industry. Vote ''yes'' on the Waxman amendment.

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

Mr. Chairman, I am very proud today to stand as one of the sponsors of this amendment. I want to thank my colleagues, the gentleman from California (Mr. WAXMAN), the gentleman from Illinois (Mr. EVANS), the gentleman from Utah (Mr. HANSEN), and the gentleman from Massachusetts (Mr. MEEHAN), for their leadership on this issue.

I stood on the floor a year ago asking that we fully fund veterans health care through the independent budget. We were not successful at that time, although there was a lot of discussion about the importance of veterans' health care. We have yet to fully fund at the level that has been put forward by the veterans' organizations to fully fund veterans' health care.

This amendment is supported by the Veterans for Foreign Wars, the Paralyzed Veterans of America, the Disabled American Veterans, and AMVETS. This amendment is about keeping our word. Very simple. It is very simple. As my colleagues have said, in 1998, in the transportation bill, we said that dollars would be removed for service-related tobacco illnesses. Rather than moving ahead at that time, in fact, we called on the VA, in the budget bill, to take all steps necessary to recover from the tobacco companies.

□ 1830

So this was 2 years ago we passed a bill that says all steps necessary to recover from the tobacco companies. Two years later, we are here with a bill that says they cannot sue the tobacco companies.

What happened in the last 2 years? What happened is a sleight of hand and an unwillingness to keep commitments that were made to our veterans just 2 years ago. And I am deeply concerned about that. We told them that they had to be part of the tobacco suit to recover costs so that they could treat tobacco-related illnesses. Now we are saying they cannot do that. It does not make any sense.

We know that the VA spends $4 billion annually on treating tobacco-related illnesses, the Defense Department spends $1.6 billion. If we allow them to continue to be a part of the suit, under the Medical Care Recovery Act, any recovery of costs will be returned back to them so that our veterans can be cared for. And this is tens of billions of dollars.

In addition to that, there are implications for the Medicare Trust Fund that are very important. Medicare spends $20.5 billion a year on tobacco-related illnesses for our older Americans, seniors, disabled. Under the suit, the Medicare Secondary Payor Provisions, any recovery of these costs would go right back to Medicare; and if the lawsuit is funded and successful, these dollars could add years to the solvency of the Medicare Trust Fund, continue health care for older Americans and the disabled for years into the future, and, most importantly, allow us to fund a prescription drug benefit.

I have been deeply involved in this issue. For the last year, I have had a hotline set up in the State of Michigan asking people to share their stories of situations where they are struggling to pay the costs of prescription drugs. I have been deluged with letters and phone calls, people sitting down every night at the table, do I get my food? do I pay my electric bill? or do I get my medications?

If we allow this lawsuit to go forward, we can do something about that. If we allow these funds to be transferred to support this effort, we can hold an industry accountable that needs to be held accountable and we can make sure that our veterans have the commitment kept to them that we made 2 years ago to support their efforts to increase dollars available for veterans' health care as a part of this lawsuit.

It is time to stop protecting the tobacco companies in this House of Representatives, and it is time to start keeping our word to our veterans.

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

Mr. Chairman, I rise in support of the Waxman amendment. The legislation that we are considering right now that the gentleman in California (Mr. WAXMAN) and others seek to amend should have, in fact, some help from the Government Printing Office so that the package around this legislation has a warning label that states, ''Warning: this legislation may be hazardous to your health and the health of every American who has a family member who smokes.''

Part of me, Mr. Chairman, cannot believe that we are actually on the floor engaged in a debate about whether or not the tobacco companies should be granted immunity against Federal lawsuits. And then part of me realizes that I should not be surprised at all.

Two years ago, the tobacco companies came before the Committee on Commerce and swore that the proposed settlement worked out with the State did not contain immunity for their industry. The CEOs claimed that they wanted to work with us, that it was the dawn of a new era. And yet, at the same time, they hired a public relations firm to develop a cynical $20 million ad campaign to, quote, create the basis for an exit strategy, ideally, that the industry made a legitimate offer and that the politicians played politics and made a mess out of it.

Well, their cynical ploy worked. Congress killed comprehensive tobacco legislation after the industry poured millions of dollars into the Republican campaign coffers. Well, Mr. Chairman, they get what they pay for. No comprehensive tobacco legislation. And now let us stop the Justice Department from suing to get back some money for the American taxpayers.

Under the underlying bill that we are debating today, a rider stuck to it will de-fund the tobacco litigation that the Department of Justice has initiated on behalf of the Departments of Veterans Affairs and Defense and Health and Human Services. In fact, the language in this bill states, in the most direct terms, that no money budgeted for litigation support may be used for the purposes of supporting litigation against tobacco companies.

This is outrageous, Mr. Chairman. The Federal Government spends $20 billion annually on Medicare related to tobacco-induced illness costs. The same thing is true for the VA. The same thing is true for Indian services. All the way down the line.

Now, what a message that this bill sends. It says, no day in court for our seniors who rely on Medicare, no day in court for our veterans, no day in court for our men and women in uniform, no day in court for Native Americans, no day in court for the millions upon millions of Americans ravaged by tobacco-related illnesses.

It is bad enough that the 1997 balanced budget amendment cut so much money out of Medicare, but it compounds the crime immeasurably to then say that the Federal Government cannot sue to collect money from the tobacco industry that can be used for the health care of these ordinary Americans.

Four hundred, thirty thousand Americans die each year from tobacco-related deaths. Four hundred, thirty thousand Americans die each year. One in five deaths in the United States are related to tobacco-related illnesses. Three thousand kids every single day in the United States take up smoking. Three thousand a day. One thousand of them are going to die from a tobacco-related illness.

The veterans who 30 and 40 and 50 years ago were given packs of cigarettes, they were given, basically, a one-in-three chance of dying from the addiction that would be caused by that free pack of cigarettes which was handed to them. We owe these veterans and we owe all who have suffered from tobacco-related illnesses the right to be able to go to court, the right to be able to say to those who were the primary cause of illness in our society that they must pay those families and the Federal Government for what they have done.

We are at the dawn of a new century. One in three babies born in the United States today has a chance of living to the age of 100. We, we who hold out so much promise for this country, have it within our power to do something to ensure that there is, without question, the strongest possible disincentive created for the tobacco industry doing in the 21st century what it did in the 20th century to the health of our veterans.

PREFERENTIAL MOTION OFFERED BY MR. WAXMAN

Mr. WAXMAN. Mr. Chairman, I move that the Committee do now rise.

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

RECORDED VOTE

Mr. WALSH. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 138, noes 243, not voting 53, as follows:

[Roll No. 292]

AYES—138

Ackerman	Berman	Brown (OH)
Allen	Berry	Capps
Andrews	Blagojevich	Capuano
Baca	Blumenauer	Cardin
Baird	Bonior	Carson
Baldacci	Borski	Clayton
Baldwin	Boucher	Conyers
Barcia	Boyd	Coyne
Becerra	Brady (PA)	Cramer

Crowley
Cummings
Danner
Davis (FL)
Davis (IL)
Delahunt
DeLauro
Deutsch
Dicks
Dixon
Doggett
Dooley
Doyle
Edwards
Eshoo
Farr
Filner
Ford
Frank (MA)
Gejdenson
Gonzalez
Green (TX)
Hall (OH)
Hastings (FL)
Hilliard
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Hoyer
Jackson (IL)
Jefferson
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kucinich
LaFalce
Lampson
Lantos
Larson
Lee
Lewis (GA)
Lipinski
Lowey
Lucas (KY)
Luther
Maloney (CT)
Markey
Mascara
Matsui
McCarthy (MO)
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Millender-McDonald
Miller, George
Moakley
Moran (VA)
Nadler
Napolitano
Neal
Oberstar
Obey
Olver
Pallone
Pascrell
Pastor
Pickett
Pomeroy
Rangel
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schakowsky
Sherman
Skelton
Slaughter
Snyder
Spratt
Stabenow
Stark
Strickland
Tauscher
Taylor (MS)
Thurman
Tierney
Towns
Udall (CO)
Velazquez
Visclosky
Waters
Watt (NC)
Waxman
Weiner
Wexler
Weygand
Woolsey
Wu
Wynn

NOES—243

Abercrombie
Aderholt
Archer
Armey
Baker
Ballenger
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Bentsen
Bereuter
Berkley
Biggert
Bilirakis
Bishop
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bono
Boswell
Brady (TX)
Bryant
Burr
Buyer
Callahan
Calvert
Camp
Canady
Castle
Chabot
Chambliss
Chenoweth-Hage
Clay
Clement
Clyburn
Coble
Collins
Combest
Condit
Costello
Cox
Crane
Cubin
Cunningham
Davis (VA)
Deal
DeFazio
DeGette
DeMint
Diaz-Balart
Dickey
Dingell
Doolittle
Dreier
Duncan
Ehlers
English
Etheridge
Evans
Everett
Foley
Forbes
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Gutierrez
Gutknecht
Hall (TX)
Hansen
Hastings (WA)
Hayworth
Hefley
Herger
Hill (IN)
Hill (MT)
Hilleary
Hobson
Hoekstra
Horn
Hostettler
Houghton
Hulshof
Hutchinson
Hyde
Inslee
Isakson
Istook
Jackson-Lee (TX)
John
Johnson (CT)
Johnson, Sam
Jones (NC)
Kelly
Kind (WI)
King (NY)
Kleczka
Knollenberg
Kolbe
Kuykendall
LaHood
Latham
LaTourette
Levin
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (OK)
Manzullo
McCarthy (NY)
McCrery
McHugh
McInnis
McKeon
Menendez
Metcalf
Mica
Miller (FL)
Miller, Gary
Minge
Mink
Mollohan
Moore
Moran (KS)
Morella
Nethercutt
Ney
Northup
Norwood
Nussle
Ortiz
Ose
Packard
Paul
Pease
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Pombo
Porter
Portman
Price (NC)
Pryce (OH)
Radanovich
Rahall
Ramstad
Regula
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryan (WI)
Ryun (KS)
Salmon
Sanford
Saxton
Scarborough
Schaffer
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Sherwood
Shimkus
Shows
Simpson
Sisisky
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Souder
Spence
Stearns
Stenholm
Stump
Stupak
Sununu
Sweeney
Talent
Tancredo
Tanner
Tauzin
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Tiahrt
Toomey
Traficant
Turner
Udall (NM)
Upton
Vitter
Walden
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson
Wise
Wolf
Young (AK)
Young (FL)

NOT VOTING—53

Bachus
Bilbray
Brown (FL)
Burton
Campbell
Cannon
Coburn
Cook
Cooksey
DeLay
Dunn
Ehrlich
Emerson
Engel
Ewing
Fattah
Fletcher
Fossella
Fowler
Gephardt
Gilman
Granger
Green (WI)
Greenwood
Hayes
Hooley
Hunter
Jenkins
Kasich
Kingston
Klink
Largent
Lazio
Leach
Lofgren
Maloney (NY)
Martinez
McCollum
McIntosh
Meeks (NY)
Murtha
Myrick
Owens
Oxley
Payne
Pelosi
Quinn
Rogan
Rothman
Roybal-Allard
Shays
Shuster
Vento

☐ 1859

Messrs. SHOWS, LAHOOD, MCINNIS and BENTSEN changed their vote from ''aye'' to ''no.''

So the motion was rejected.

The result of the vote was announced as above recorded.

Stated against:

Mr. HAYES. Mr. Chairman, I was unavoidably absent from the vote earlier this evening. Had I been here, I would have voted against the motion to rise—rollcall vote 292.

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

(Mr. GREEN of Texas asked and was given permission to revise and extend his remarks.)

☐ 1900

Mr. GREEN of Texas. Mr. Chairman, I rise in strong support of the Waxman-Hansen-Meehan amendment. Tobacco use is responsible for 430,000 premature deaths each year. Smoking kills by causing chronic lung disease, coronary heart disease and stroke, as well as cancer of the lungs, larynx, esophagus, mouth and bladder.

Tobacco use is the leading cause of premature death in the United States, Mr. Chairman. It causes one out of every five deaths. In fact, tobacco use causes twice the number of deaths caused by AIDS, alcohol, motor vehicles, homicide, drugs, and suicide combined. Tobacco causes twice the number of deaths of all of those diseases and accidents combined. If current trends continue, an estimated 25 million Americans who are alive today will die prematurely from smoke-related illnesses, including an estimated 5 million children.

Tobacco-related illnesses cost the Federal taxpayer approximately $25 billion a year, excluding the Federal share of Medicaid.

To have a provision that prohibits the Veterans Administration from transferring funds to the Justice Department to support litigation against the tobacco companies is wrong, and I would hope this Congress would be able to stand up and say, no, we want to be able to have some repayment for the diseases and illness that our veterans have been afflicted by.

The Medicare program pays approximately $20.5 billion annually to treat tobacco-related illnesses; the Veterans Administration pays in excess of $1 billion per year. The Department of Defense pays $1.6 billion per year. The Indian Health Services pays $300 million a year. In addition, tobacco-related health costs the Medicaid program nearly $17 billion a year, of which Federal taxpayers pay nearly $10 billion. Overall public and private payments for tobacco-related care totaled nearly $90 billion in 1997.

Mr. Chairman, to remove VA appropriations for the tobacco litigation hurts our veterans. It is our duty to provide as many dollars as possible for our vets, especially since our government encouraged tobacco use and tobacco addiction by our young service personnel, not only during World War II but during the Korean War.

Mr. Chairman, I am reading a book now about the Chosin Reservoirs and the heroes of that Korean War, particularly the Chosin Reservoir, and instance after instance, when the temperature, was well below zero, oftentimes the only thing they had were cigarettes. Those cigarettes were provided by our government.

Those Korean War veterans are up in years. We should be able to provide for them to be treated in our VA hospitals, and, again, not just by the dollars we appropriate, but by the dollars that we can generate from litigation because of their addiction and the diseases that they have because of that.

Again, this amendment is supported by the Veterans of Foreign Wars, Disabled American Veterans, Paralyzed Veterans, and AMVETS; and I think, Mr. Chairman, particularly this year, less than 2 weeks ago, we talked about it at our Memorial Day services all over the country, in recognizing our veterans' contribution that in this year, particularly, since we are recognizing Korean War veterans that the Waxman-Hansen-Meehan amendment should be adopted, and we should remove this provision.

I would hope that no matter what appropriations bill we come to, that we would not tie the hands of the Justice Department to say, no, we need to have tobacco-related lawsuits. Again, it is not our decision it, is up to the judges or the juries ultimately; but it would allow for us to recoup that money to be able to again treat more veterans for hopefully other illnesses that are not

tobacco related and thereby provide it back to the veterans' program next year and the year after.

The CHAIRMAN. The Committee will rise informally.

The SPEAKER pro tempore (Mr. LAHOOD) assumed the Chair.

□

ENROLLED BILLS SIGNED

The SPEAKER pro tempore. The Chair lays before the House the following enrolled joint resolution and Senate bills.

H.J. Res. 101. Joint resolution recognizing the 225th birthday of the United States Army.

S. 761. An act to facilitate the use of electronic records and signatures in interstate or foreign commerce.

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

The SPEAKER pro tempore. The Committee will resume its sitting.

□

DEPARTMENTS OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT, AND INDEPENDENT AGENCIES APPROPRIATIONS ACT, 2001

The Committee resumed its sitting.

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

Mr. Chairman, decades of deceit by the tobacco industry has caused Federal taxpayers to spend billions for smoking-related illnesses.

The Justice Department is seeking recovery of these funds, as well as injunctive relief to stop the companies from marketing to children and engaging in other deceptive and illegal practices. They need to be able to have the resources for that suit. Now, the beneficiaries of that suit would be the Departments of Health, Education and Welfare, or the Health Care Financing Administration, who has spent so much money on Medicare and Medicaid reimbursement for tobacco-related illnesses, and the Veterans Administration, because so many thousands of veterans have suffered and died from tobacco-related illnesses.

This amendment would say that the Veterans Administration cannot move this money to the Justice Department to prosecute these cases. The idea, the reason, the motivation is so that this suit cannot go forward.

The Veterans Administration spends $4 billion a year treating tobacco-related illnesses. We passed a law, the Medical Care Recovery Act, that says that any costs recovered by the Justice Department would be returned to the Veterans Administration. They desperately need that money. Why would we not seek that money from what is the source, the cause of much of that suffering and death?

This rider is wrong. It should not have been attached to this bill. For decades, tobacco companies have deliberately misled Americans regarding the risks and the harmful effects of smoking while 400,000 people have died each year from tobacco-related illnesses.

As recently as 1998, within the last 2 years, the chairman of Phillip Morris testified under oath and said, I am unclear in my own mind as to whether anybody dies from cigarette smoking-related illnesses. That man is an intelligent, otherwise responsible man, so he must have been deliberately trying to deceive the court and the American people.

In my mind, there can be no other conclusion. That is not tolerable. If this Congress is not willing to reimburse the Veterans Administration for the costs of this deception, then we should do it for the 3,000 teenagers who start smoking every day, at least for the 1,000 who will die because they did.

This amendment should be supported. It is the right thing to do.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I think there is no better term for this rider of which the Waxman amendment addresses than the smoke and mirrors rider, the misrepresentation rider, the distortion rider. The legislation to prohibit a legitimate litigative approach to redeeming billions and billions of dollars or at least millions and millions of dollars that have been utilized by this government in its various medical care accounts to treat tobacco-related illnesses.

It is long overdue. Now, one might read this particular rider as an amendment that is on a white horse, a good amendment, a good rider, because it seems to suggest that the bad guys are trying to take minimally $4 million out of VA, and that money would impact or take away from caring for the veterans of this Nation. That is why it is the smoke and mirrors rider, and that this amendment to strike of the gentleman from California (Mr. WAXMAN) clarifies and tells the truth.

□ 1915

In actuality, this amendment is taking or striking monies that the administration had already designated in a VA litigation account, separate and apart from any dollars dealing with the medical needs of our veterans, and this amendment specifically states that there would be no provision that would take the $4 million out of any of the accounts that would deal with VA health care. Plain and simple.

What this rider does not say is that its basic initiative is to be hand and glove with the tobacco industry. Its basic premise is to ensure that this government does not rightly have the opportunity to engage in legitimate litigation in the courts of law to redeem the funds that have been paid, hundreds of billions of dollars, as we have paid in Medicare, Medicaid and VA health needs, because people have been injured and have been ill and even died from tobacco-related injuries or illnesses.

It is interesting to note that this is $4 million which we talk about, but yet we find the Department of Veterans Affairs and the Department of Defense have spent $4 billion and $1.6 billion respectively per year treating tobacco-related illnesses.

Now, Mr. Chairman, you would think that that dwarfs this simple process which the administration has designed to rightly have the Department of Justice secure from HHS, Health and Human Services, the Department of Veterans Affairs and other agencies that would rightly benefit from the refund of dollars gained by prevailing litigation that says we have been wrongly required to pay for these needs of these particular citizens who have fallen ill, and, now, after determining the untruthfulness of the executives of the tobacco company who represented that tobacco was not addictive and then were found out and who have, in certain instances, settled these cases and, in other instances, lost in courts of law in various States, such as the settlement we have and the litigation in the State of Florida.

How can we then deny the opportunity for this amendment to prevail in order to allow this litigation to go forward? Do we know what else is damaging and happening? Do we realize that 430,000 of our citizens die prematurely because of tobacco use? Do we realize the number of children, about 5 million children, that smoke in the United States, and each day another 3,000 become regular smokers, and, of these children, one-third will eventually die from tobacco-related causes?

Mr. Chairman, it is high time now to get rid of these kinds of false debates on the floor of the House and the smoke and mirror riders that are put on legislative bills and appropriation bills that are passing through this House. We have seen many of them undermine the intent and purpose of good will.

We need the dollars to pursue this litigation. We need to recoup the enormous dollars we have lost in treating these terribly ill people and those that have died and lost their battle with cancer and other illnesses, and we need to stop this misrepresentation of plucking dollars out of the VA-HUD under the pretense that we are denying veterans health care. What we are actually doing is lifting up their health care opportunities.

This is a bad rider. This is a good amendment, and I support the Waxman amendment. Let us eliminate this bad language.

Mr. Chairman. I rise to speak out against this most recent attempt to undermine the ability of the Department of Justice to recover the potentially hundreds of billions of dollars paid by American taxpayers to treat tobacco-illnesses.

Evidently, contained within H.R. 4635 are legislative provisions that would block the continuance of current federal tobacco litigation.

The rider in this appropriation bill expressly states that no money budgeted for litigation support may be used ''for the purposes of supporting litigation against the tobacco companies.

To allow such a rider to pass would degrade the quality of H.R. 4635 and send the message to the victims of the tobacco industry that Congress is not concerned about the lives and the illnesses resulting from the tobacco companies; exploitation of cigarettes addiction among the American public.

The dire statistics surrounding tobacco use cannot be denied. Tobacco use is responsible for more than 430,000 premature deaths each year. Tobacco use is the leading cause of premature death in the United States, twice the amount caused by AIDS, alcohol, motor vehicles, homicide, drugs, and suicide combined.

Among our youth, about 5 million children smoke in the United States and each day another 3,000 children become regular smokers. Of these children, one-third will eventually died from tobacco-related causes.

Already, the American people had begun to reap the benefits of the Department of Justice's litigation efforts, such as in my home state of Texas where the tobacco settlement proceeds have been used to fund secondary and higher education, The University of Texas Health Centers and Cancer Centers, minority health research, mental health and retardation services and child immunizations just to name a few.

Additionally, many of the funds received from this tobacco litigation would be returned to the Department of Veterans Affairs or the Department of Defense because these department spend $4 billion and $1.6 billion respectively per year treating tobacco-related illnesses.

A primary concern of mine is the authority of the Justice Department to seek out court orders to prevent tobacco companies from marketing to children.

The legislative provisions attached to this appropriations bill would to all intents and purposes halt the tobacco lawsuit and prevent the Attorney General from making whole the American people who have suffered too long at the hands of the tobacco industry.

The continuation of the federal lawsuit is this country's best chance to effectively regulate the tobacco industry and prevent further harm to the public. I urge my colleagues not to support the legislative provisions halting the continuation of the federal tobacco litigation.

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

Mr. Chairman, I am speaking on behalf of the chairman's position on this amendment. I think his position is correct.

I also want to note, and then I am going to sit down, that there is another reason. This is the gentleman's 53rd birthday, and I would like to give my vote to him as a birthday present.

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

Mr. Chairman, I rise in strong support of the Waxman-Evans-Meehan amendment. We should allow the Justice Department to continue to fight the tobacco companies on behalf of America's veterans and on behalf of America's children.

It is past time that the tobacco industry is held accountable for all of their years of deceit. By allowing the Justice Department to continue its suit against the tobacco industry, we will return millions of dollars in needed funding to the veterans health care system. That is fitting, considering the number of our Nation's veterans that are now suffering from tobacco-related illnesses that to this day the tobacco industry denies are the result of cigarettes.

Each year the VA spends $4 billion treating illnesses caused by cigarettes. The Defense Department spends $1.6 billion. Medicare spends another $20.5 billion per year. The costs sap the strength out of our health care system and rob our veterans of the quality of care that they deserve, and this money goes directly to paying for veterans health care.

The tobacco industry knows that people who use their products will not be around for long, so they have to go out and they find what they call ''replacement smokers.'' ''Replacement smoker'' is the euphemism, a callous euphemism, that tobacco executives use for our children. They see our kids as the route to future profits, even though they know for a fact that of the 3,000 kids that they hook each day, one-third of them, over 1,000 of our kids, will die of a tobacco-related illness. And these people should not be held accountable for this? It is unconscionable.

So why would someone put a provision into this bill that would protect the tobacco companies from being held accountable? Why should they place the needs of the tobacco industry ahead of veterans health care, our children and the taxpayers that have to foot the bill for these health care costs? Could it be, could it be because the tobacco industry has spent over $31.8 million on political contributions, roughly 80 percent of which have gone to the Republican Party? Could it be because Philip Morris has given Republicans over $1 million in soft money this year alone and is the Republican Party's second largest contributor?

It is about time that this Congress said loud and clear that the days of special treatment for the tobacco industry are over. This is not for trial lawyers, it does not rob money from veterans, and it is well within the law to use these funds for affirmative litigation. That is all the tobacco companies want, is to create a smoke screen, and we have had enough of it.

Mr. Chairman, we are never going to forget the image, the visual image in our mind of that hearing when the tobacco industry CEOs raised their right hands, swearing, swearing, that nicotine was not addictive. They lied on that day, as they continue to lie about the health problems of their product. And now they should be protected? They should not be protected on the floor of this House. That would be egregious.

This amendment will help to strengthen veterans health care in this country. It will finally hold tobacco industry accountable for their lies. Support veterans health care, protect our children from the tobacco industry's predatory practices, support this amendment.

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

Mr. Chairman, I rise in support of this amendment. Prior to coming to Congress, I was a reconstructive surgeon, and I did a lot of my training in VA hospitals. I can tell you, I have taken care of some pretty horrible examples of the victims of tobacco addiction, veterans who were addicted to tobacco long before it became well known that tobacco was such an addicting substance and that it had such harmful consequences.

I can remember one veteran very well when I was chief resident in general surgery. This gentleman had a disease called thromboangiitis obliterans, which is like an allergic reaction to tobacco smoke. It causes the small blood vessels in your body to thrombose, to occlude, so you undergo periodic autoamputations of your extremities. You lose the blood supply to your fingers; they fall off. You lose the blood supply to your toes; they fall off.

This gentleman was so addicted to nicotine that, despite this process going on, and despite the fact that he had lost both legs above the knees and all of his fingers except for one finger on his right hand, he could not stop smoking, so he had devised a little wire cigarette holder that somebody would put the cigarette in and then loop it over his finger so that he could smoke.

Make no mistake about it, this is one of the most addicting substances we know. We know pharmacologically that nicotine is as addictive as heroin or cocaine, and, make no mistake about it, your vote on this amendment will indicate whether you are for the tobacco industry or whether you are for their being responsible for their activities. You should vote for the Waxman-Hansen amendment.

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

Mr. Chairman, tobacco is the number one cause of death in the United States right now. It is responsible for more than 430,000 deaths each year, or 1 in every 5, and I am willing to bet that tobacco deaths have hit every Member of this House in some way. It is a well documented and scientific fact that smoking causes chronic lung disease, coronary heart disease, stroke, cancer of the lung, larynx, esophageus, mouth, bladder, cervix, pancreas and kidney, and the disease we just heard about from my colleague. This is a horrible, horrible disease.

As you assess tonight, my colleagues, whether or not tobacco companies deserve the special treatment that the rider in this bill would occasion, I hope

you will remember that for decades now tobacco companies have been targeting our children. For example, a 1975 memorandum to R. B. Seligman, Philip Morris vice president for research and development states, ''Marlboro's phenomenal growth rate in the past has been attributable in large part to our high market penetration among younger smokers 15- to 19-year-olds.'' And Marlboro is not the only one. In 1978, Curtis Judge, the President of Lorillard Tobacco Company, received a memo saying, ''The success of Newport has been fantastic during the past few years. The base of our business is the high school student. It is the in brand to smoke if you want to be one of the group.''

Recent research has indicated that tobacco companies are targeting teens today through advertisements in all of the mediums they care about, including magazines and billboards.

Now, we do not know how this lawsuit will turn out. We do not know if it will be successful. But why on Earth, when you have an industry with this kind of track record, should you give them the kind of special exemption that this bill would give them? It makes no sense, and it is dead wrong.

According to recent estimates, the Federal Government expenditures for the treatment of tobacco-related illness totals $22.2 billion in Medicare, the Veterans Administration, the Federal Employees Health Care Benefits and the Indian Health Services. In fact, the courts recently held that the Indians must go through the Federal Government to seek remedies versus the industry because the main health funding is a Federal program.

So not only is it wrong to give the tobacco companies a pass, it is also fiscally irresponsible. We are spending billions of dollars to treat tobacco-related illnesses, and, frankly, if there is evidence of racketeering, if there is evidence of the wrongdoing that is alleged in this lawsuit, why on Earth should the United States Congress give the tobacco industry a pass? It makes no sense, it is wrong, and we cannot do it.

I would suggest to my colleagues on both sides of the aisle, it is the wrong thing to do, both fiscally and from a public health standpoint, and I would urge the adoption of this very fine amendment.

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

Mr. Chairman, I rise at this time to support the Waxman amendment to allow the Government to reclaim its damage from tobacco companies. Tobacco use is the single most preventable cause of death and disease in our society. Tobacco products cause more than 400,000 deaths in the U.S. each year. Each person who dies of tobacco-related lung cancer loses an average of 14 years of expected life. I again repeat, each person loses over 14 years of expected life.

In addition to that, in terms of the quality of life of the individual, I do not know if anyone has ever witnessed someone who suffers from emphysema, where they have the difficulty where before they had strength, they are unable to even walk from their bedroom to the kitchen to be able to get a cup of coffee, the quality of life that is also lost is not even recorded.

The record is clear that the health care and compensation costs have gone up as a result of tobacco-related illnesses. We all recognize this fully.

□ 1930

Our government must be able to provide proof to the courts, so that we need to go to court to assure that these resources are obtained.

Remember that in 1998, we took veterans' tobacco compensation from our transportation projects. At that time we made it clear that the Attorney General should recover this from the tobacco companies. The rider in the VA–HUD bill flies in the face of that commitment. Remember that this amendment takes only the legal funds at the VA; it does not take away any other resources in terms of health. So it is important for us to move forward in that direction.

The tobacco industry's denials about the deadly effects of smoking are not stopping over 3,000 youngsters who start smoking every single day. American youth is relying on the Congress to be protective.

I would share with my colleagues a particular research project that was done in Austin, Texas, when I was a legislator where they took youngsters from one of the high schools, these were high school youngsters and it was a research project where the students were allowed to go around the neighborhoods and purchase cigarettes. One of the things that they found when they provided that testimony before us, they laid hundreds of packages of cigarettes before us, and each one had the label where they had bought those cigarettes. These were all youngsters underage that had bought those cigarettes. These were youngsters that were sold those cigarettes. It was not surprising that on the east side of Austin and in those sectors where the minority populations were that this is where the most number of packages were sold.

In addition to that, as we move forward, I would remind my colleagues that when veterans joined the military, they were also provided with access to cigarettes, so that it becomes important for us to recognize that they recognize that one of the reasons why they go after the young, that that is when they can catch those individuals, because as adults, a lot of times we know better than to smoke. And they recognize that if anyone is going to be smoking it is if they catch them early enough. So every effort needs to be taken to make sure that we do the right thing. We have an obligation to ourselves and to our country and to our veterans to make sure that we go after the companies that have been abusing.

The VA spends over $4 billion annually treating tobacco-related illnesses. Under the Medical Care Recovery Act, any recovery of this cost would be returned to the VA health programs. In effect, the rider blocks the VA from obtaining potential tens of billions of dollars for the recovery and for the use of our veterans. It is also disheartening that the 106th Congress would act to prevent the Department of Justice from pushing forward the claims. The 105th Congress had denied veterans' compensation for tobacco-related illnesses in Public Law 105–178 with the express recommendation that the Attorney General take all steps necessary to recover from tobacco companies the cost of that treatment. It is our obligation, it is our responsibility, and I would ask that we move forward.

Mr. Chairman, I would ask my colleagues to please vote to stop this outrageous gift to the tobacco industry and let us move forward and do the right thing and vote ''aye'' on the Waxman amendment.

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

Mr. Chairman, I rise in strong support of the Waxman amendment, which would repeal the provision that restricts the Department of Veterans Affairs from transferring funds to the Justice Department to support tobacco litigation.

Each year, the Federal Government spends an estimated $25 billion on tobacco-related health costs, $25 billion. Specifically, the VA contributes more than $4 billion to this outrageous tab. This is wrong.

That is why in the 105th Congress, the House called on the Attorney General and the Secretary of Veterans' Affairs to take all the necessary steps to recover from the tobacco industry the costs incurred by the VA for the treatment of veterans with tobacco-related illnesses. In return, the Department of Justice filed a lawsuit against the tobacco industry.

Unfortunately, some of my colleagues are now attempting to derail the DOJ's efforts. This is evident by the three antilitigation riders attached to this bill, as well as the Commerce, Justice, State and Defense appropriations measures. Under section 109 of the fiscal year 1995 appropriations bill, the DOJ is allowed to seek reimbursement from other Federal agencies likely to benefit from litigation undertaken by the Department. Opponents of this amendment will say that section 109 was intended to help the DOJ fund only defense of litigation. That simply is not true. Look at the record. For example, the DOJ has used this authority to pursue litigation against oil companies and in Customs fraud cases.

So why is this body awarding the tobacco industry special protection at the expense of the public's health? Why

are my colleagues fighting to protect an industry that has come before this body and untruthfully denied for decades that nicotine is addictive and dangerous? Why are some working to protect an industry that lures in an estimated 3,000 American teenagers every day? It does not make any sense.

Mr. Chairman, the evidence is clear. Cigarette companies have targeted our youth. About 5 million children smoke in the United States. Of these, one out of three will eventually die from tobacco-related causes. The Department of Justice's suit not only seeks to recover funds, it is also aimed at stopping companies from marketing to our children.

Well, I can tell my colleagues as a mother and as a grandmother, I urge my colleagues to support the Waxman amendment and help to protect the health and well-being of our Nation's children and veterans.

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

I rise in support of this amendment. Mr. Chairman, this amendment seeks to prevent this Congress from betraying the veterans of the United States, a betrayal of a promise made to them by this Congress only 2 years ago.

Two years ago, in the teeth of opposition from all of the veterans' organizations, Congress repealed the ability, repealed the ability of veterans to recover in disability payments for tobacco-related illnesses. But in partial compensation for that deed, the same bill, section 8209 of the law, Public Law 105–178, called on the Attorney General, I am quoting now, and the Secretary of Veterans' Affairs, as appropriate, ''to take all steps necessary to recover from tobacco companies amounts corresponding to the costs which could be incurred by the Department of Veterans' Affairs for treatment of tobacco-related illnesses of veterans if such treatments were authorized by law.''

In other words, with one hand Congress said, we want to take $16 billion that we are paying out annually to veterans in compensation for disabilities caused by tobacco smoking; and we are going to say, you cannot do it any more. We are going to take it away from the veterans. But we are not going to be quite such hideous people; we are going to see that we ask the Attorney General and the Department of Veterans Affairs to sue the tobacco companies and see if they can recover money on behalf of the veterans that will go to the veterans in compensation instead of the disability payments.

Now this bill comes. In 1999, the Department of Justice initiated a lawsuit, a Federal lawsuit, against the tobacco companies seeking to recover claims against tobacco companies, as most of the States have done, as many local government cities and towns across this country have done. Why should the Federal Government not recover on behalf of our citizens and in particular on behalf of our veterans recover monies because of damages they sustained because of the improper actions of the tobacco companies, especially after Congress promised in 1998 to urge the Department of Justice to do so?

The Department of Justice initiated the lawsuits, and what do we have now? In this bill and in other appropriation bills, we have directions that say, you may not use any funds for this lawsuit; not for lawsuits in general, for this lawsuit on the tobacco companies. Congress is coming in almost like a bill of attainder and saying, we do not like this particular lawsuit; we do not want you to recover money for the veterans. We want the veterans to continue to suffer uncompensated, not compensated through disabilities, we closed that off 2 years ago; and we will not allow you to try to recover benefits for them through a lawsuit. We are afraid of what the courts may find.

The tobacco companies are going to defend themselves in court; and maybe the court, after hearing the evidence, will say they are not liable, but we do not want to take that chance. We want to say to them, you do not have to defend yourselves in court because of your actions. We will not let the Attorney General and the Department of Veterans Affairs participate in a lawsuit to recover the money. Never mind that we promised it 2 years ago. Never mind that this is completing the betrayal of the veterans that this Congress started 2 years ago. How can we not hang our heads in shame if we do not adopt this amendment to change the policy in this bill?

I submit, Mr. Chairman, that this amendment must pass in order to save the honor of this Congress so that it cannot be said that this Congress, and I must add in good conscience, the Republican leadership of this Congress, consciously and deliberately betrayed the veterans of the United States because they preferred that the tobacco companies not have to defend themselves in court and not have to pay the veterans for damages they caused them, if the court would find they caused them such damages. Never mind the promise that this Congress and the Republican leadership made 2 years ago. Now it is time to renege on that promise, because now it is time to deliver on that promise; and it was never intended that that promise be delivered on.

If we are people of honor, if we are people of honesty and probity, if we want to be able to not hang our heads in shame before our veterans, we will vote yes on this amendment.

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

I do want to point out that it is the birthday of our esteemed chairman, and I hope he will take all of these testimonials as a ''happy birthday to you,'' Mr. Chairman.

I yield to the gentleman from California (Mr. WAXMAN).

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

I want to frame this issue so that everyone understands what is at stake. We have the Veterans of Foreign Wars, the Paralyzed Veterans of America, the Disabled American Veterans, AMVets. They have all asked for an ''aye'' vote on this amendment. On the other side is the tobacco industry, and they would like this amendment defeated.

Now, the reason the tobacco industry wants this amendment defeated is that they would like to stop the litigation against them by the Federal Government. It will be easy for them to succeed if they could have riders in appropriations bills that defund the lawsuit. And the Attorney General of the United States said, if this lawsuit is defunded by this rider in the VA-HUD bill and another rider in the Department of Defense bill and another rider that will be in the Commerce, State, Justice bill, then she will not be able to go forward with the litigation.

Now, to give my colleagues some background, in 1998 there was a promise made to the veterans when, in this transportation bill, they sought to get some funds for transportation use; and the bill provided that those funds that otherwise would go to take care of veterans who were disabled because of tobacco smoking would no longer be available to them for that use; and in 1998, when that money was taken out of veterans' health care, there was an explicit understanding that the Federal Government would pursue a litigation against the tobacco industry to make up for those funds.

Well, we are now at the point where they are looking to see whether we are going to keep that promise.

In 1999, the Justice Department brought the lawsuit, and Congress could have provided a different way to fund it. We could have funded it. We could have provided a clear appropriation for the lawsuit. But Congress refused to do that. So the Justice Department went to the various agencies to seek a transfer of funds. They went to agencies that are affected. They did this under a law passed by this Congress in 1995, and they went to affected agencies and they went to the Department of Health and Human Services and said, you are going to be affected by this lawsuit, because if we can recover money from the tobacco industry for Medicare, that will allow us to fund Medicare; and, therefore, we want to have you help us through the department appropriation pursue the litigation.

□ 1945

They also went to the Department of Veterans Affairs and asked for a transfer of funds. That is the issue before us right now, it is the Department of Veterans Affairs.

The amendment says that the Department of Veterans Affairs can transfer money, but only from that

area provided for litigation and administrative expenses, not out of the health care budget, not out of the money to be used for health care services.

If we do not adopt this amendment to stop this rider in this bill and we do not strike the riders in the other bills, then the lawsuit is going to be dismissed because the Department of Justice, on behalf of the American taxpayers, will not be able to continue to sue the tobacco industry and hold them accountable for the harm that they have done to people for whom we have paid their health care services.

If that happens, it will be the greatest betrayal of all to the veterans and to others. So I urge support for this amendment to strike the rider that was placed in the bill to prevent the funds from being used to pursue the litigation against the tobacco industry.

Let us not betray the veterans. We have made so many promises to the veterans of the country. We have promised them greater health care services, and we have not funded all that we have promised them. If we could pursue this litigation, perhaps we could get the funds to keep the promises to the veterans.

I urge support for the amendment.

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

Mr. Chairman, I rise in strong opposition to the amendment that is before us. Mr. Chairman, this is an issue that has been spoken to by this Congress. This amendment is clearly an effort to circumvent the will of the Congress. It is also an improper way to insert itself between States and the courts in efforts to settle this issue in a proper way. In my opinion, this is an improper use of the Department of Justice, to try and do things that are driven by personal political agendas.

That is not to say there is anything wrong with the personal political agenda that continues to attack tobacco farmers and people who make a living in the tobacco industry, but there is another side to this story. I appreciate the putting together of a very good bill by the gentleman from New York (Chairman WALSH), and I think the issue here of keeping this $20 million of hard-earned taxpayers' money from doing things that we do not intend as a Congress to do is a wise and proper thing.

Last fall North Carolina and other States were besieged by a horrendous hurricane. President Clinton went to Tarboro, North Carolina, and spoke very eloquently about the need to help our tobacco farmers, and then turned around and provided another Federal lawsuit to continue to break the backs of their efforts to support their families.

I wrote to the President on September 24 and asked him to reconsider, because after 6½ years of being besieged by one assault after another from the Federal government, this was not the right thing to do.

Again, Mr. Chairman, I would respectfully request a strong no vote on this amendment because it is the wrong thing at the wrong time.

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

Mr. Chairman, to me there are two issues here. They are very simple. Number one, do we keep our promises, that is the first issue. The second issue is, when it comes to issues of facts that may be in contention, who do we believe?

First of all, who do we keep our promises to? In this instance the question is, will we keep our promises to the veterans of the United States who fought, put their lives on the line, and represent and defend our country?

Back in 1998, Mr. Chairman, Congress passed a highway bill that had in it an unusual provision. It ended the policy of providing disabled veterans benefits from tobacco-related illnesses. That was a spurious provision.

Notwithstanding, and let me say that I think it was not only spurious but I opposed that provision, but notwithstanding that, that bill passed. But within the same bill was a promise, a promise that told the Attorney General and the VA Department to sue the tobacco companies so more money, more money will be available for veterans' health care.

More money for veterans' health care. That is the promise. I strongly support keeping that promise. That is why I support the Waxman-Evans-Hansen-Meehan-Stabenow amendment, because it honors the commitment we made to veterans back in 1998.

With regard to who do we believe with regard to a contention of facts, the question is, do we believe the tobacco companies, the same tobacco companies who, back in 1994, the seven top executives came before the subcommittee of the gentleman from California (Mr. WAXMAN), and all of them under oath denied a couple of key questions?

One, they denied before his committee under oath and before all of America that nicotine was addictive. How many Americans really believed that?

Number two, the same seven executives swore under oath and answered the question were they intentionally marketing their product to children, and they said they were not, while at the same time Joe Camel ads were gracing billboards all across America.

For the question of believing in the tobacco companies or a question of believing the VFW, the Paralyzed Veterans of America, the Disabled American Veterans, and AmVets, I choose to believe the latter group, the veterans' groups who are looking out for the interests of the veterans, and not the tobacco companies, who have not been honest and provide a product that, whether one chooses to use it or not, makes people sick and ultimately causes deaths.

Mr. Chairman, we believe that we need to provide more money for veterans and veterans' health care. Supporting the Waxman amendment would do that.

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

Mr. Chairman, I yield to the gentleman from New York (Mr. WALSH).

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

Mr. Chairman, I just wanted to try to sum up some of the arguments that have been made tonight, comment on some of them, and hopefully refute some of them.

First of all, Mr. Chairman, the tobacco companies never came to me to ask us to do this. I am not sensitive to their arguments, quite frankly. I do not like their product. It smells bad. It is addictive. It makes people sick.

But that is not the point. The point here is that the Justice Department should be responsible for paying for this lawsuit. They did not come to the Congress when they sued Microsoft. Microsoft is the world's largest and richest corporation. The Justice Department took them on on their own. They have thousands and thousands of lawyers. They have plenty of money and plenty of lawyers to conduct any and all suits against tobacco companies.

So what is going on here? I am not sure exactly, but I think it is a lot about politics, because it is very, very popular to beat up the tobacco companies. Everybody should do it. But this bill does not prevent the lawsuit. This bill does not enhance tobacco companies' ability to make kids smoke. I have heard that over and over and over tonight. This bill does not have anything to do with kids, it has everything to do with veterans and their health care.

We have heard Member after Member get up and say, we do not have enough money in this bill for veterans' medical care. If Members support this amendment, they are going to take millions more out of veterans' medical care to give it to the Justice Department to run the lawsuit.

Quite frankly, if the Justice Department runs the lawsuit, Mr. Chairman, it is okay with me. If they win, I hope the administration will use those resources for the veterans department, but they have not promised to do that yet. It is still very, very vague.

The point here is if Members vote for this amendment, they are taking money out of veterans' medical care and giving it to the Justice Department. It is that simple.

So forget about all this other argument, these other arguments, because they are not salient. They do not apply to this issue. The issue here is, does the money go to veterans' medical care or does it go to Justice Department lawyers. They have their own lawyers and their own budget. They are spending enough money, so they do not need to take this.

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

Mr. Chairman, I yield to the gentleman from California (Mr. WAXMAN).

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

I just want to respond to the point that was just made. The bill out of the committee has the words ''None of the foregoing funds may be transferred to the Department of Justice for the purposes of supporting tobacco litigation.'' So without changing the bill, that rider would prevent transferring the funds from VA to the Department of Justice to pursue the lawsuit.

Now, the Department of Justice insists that if it cannot get the funds transferred from the VA and DOD and the HHS and other affected agencies they will not be able to pursue this litigation, because we did not fund the Justice Department litigation itself. If we would have put money in the budget for the Justice Department litigation against the tobacco industry, they would not have to seek funds from the Veterans Administration.

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

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

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

I just wanted to make sure everybody was clear. The language that we are talking about, is it not in the medical care title of the bill, and all funds foregoing to that amendment are medical care funds?

Mr. WAXMAN. If the gentleman will yield further, Mr. Chairman, the section we are talking about is the veterans' health care section. In the veterans' health care section, there are funds for litigation expenses and administrative expenses.

Our amendment to the rider says that they didn't transfer funds except from the administrative and litigation part of the VA health care funds. If we sought to transfer funds from somewhere else in the Veterans Administration, it is our understanding there would have to be a reprogramming of funds, which means legislation to allow that reprogramming of funds.

If I had offered an amendment to say that somewhere else in the funds from the Department of Veterans Affairs funds could be transferred, as I understand it, a point of order would be permitted against that. So we sought to transfer funds from the veterans' health care.

Another reason why we did that is the veterans' health care program is the area that will benefit from the litigation against the tobacco industry, which is the reason why the Veterans of Foreign Wars, the Disabled American Veterans, the Paralyzed American Veterans, all are supporting this amendment, because they want the litigation to continue.

The American Legion has indicated they want the litigation to continue as well. The only way it will continue is if we can get funds transferred from the affected agencies.

Mr. WALSH. Mr. Chairman, if the gentleman will yield further, the funds are in the medical care portion of the bill. If the gentleman had offered general operating funds or construction funds or any other funds, we would not have had this argument today.

I would just remind the gentleman that every one of those veterans' organizations that supported the suit, and they support the suit, I am not making that an issue, but what they are saying is, do not use our medical care money. Support the suit, but do not take it out of medical care.

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

Mr. EDWARDS. I yield to the gentleman from Ohio.

Mr. KUCINICH. Mr. Chairman, it is very clear here, we are being given a choice whether we are going to stand up for our veterans and make sure they get the health guarantees and to protect them, that is why we are here, or whether we are going to cave in to the tobacco interests. That is what it appears is the easy choice here.

Mr. EDWARDS. I think the gentleman makes a good point.

I would like to just add to this debate and discussion, if the amendment of the gentleman from California (Mr. WAXMAN) was not necessary to help the Justice Department pursue litigation against the tobacco companies, I am curious to know why the tobacco companies are opposed to the amendment offered by the gentleman from California.

I have a hard time believing that the tobacco companies, through the production of their product, which has cost the VA and veterans billions of dollars in this country, not to speak of millions of lost lives, I have a hard time believing that they are getting involved in this debate because they are trying to help the veterans of America.

Mr. Chairman, I would like to just point out a fact. The fact is that each year when 400,000 Americans die because of tobacco-related diseases, that is four times as many people, Americans, as were killed in both the Korean and Vietnam wars combined.

□ 2000

It seems to me that, when we start the day with our hand over our heart and say the pledge of allegiance to the flag in this room, one thing we ought to agree on when we say liberty and justice for all is that justice ought to apply to everyone in America.

All we are saying is the Justice Department ought to be adequately funded to take this lawsuit to the courts of this land.

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

Mr. Chairman, I yield to the gentleman from New Jersey (Mr. FRELINGHUYSEN).

Mr. FRELINGHUYSEN. Mr. Chairman, I thank the gentleman from Ohio for yielding to me.

Mr. Chairman, I discussed privately with the gentleman from California (Mr. WAXMAN), and let me reemphasize what the gentleman from New York (Chairman WALSH) has had. If the gentleman from California had taken it from some other section other than the medical care account, certainly I think the large majority of us would be 100 percent behind him.

Many who support the Waxman amendment claim that this language or rider in the VA–HUD bill would stop the lawsuit from going forward. None of us have any problem with the lawsuit going forward. Some may, but certainly not yours truly. There is no language in the VA–HUD bill that prevents the Justice Department's lawsuit against the tobacco industry from going forward.

The language prevents the VA from using the money from the veterans medical care account, it does not prevent the VA from taking money from another account in this bill, not the medical care account. That is not to be used directly to provide medical care to veterans.

This amendment claims that the bill provides special protections of the tobacco industry. It does not. But it does provide special protection to veterans, making sure that money intended for their medical care is used to pay for doctors' visits, inpatient treatment for veterans with posttraumatic stress disorder, fulfilling of prescriptions, hepatitis C testing and treatment, and other critical health needs.

Much has been made of letters from veterans organizations before this body this evening. I am a member of the American Legion. I am a member of the VFW. I have a letter here from the American Legion which I would like to introduce into the debate since it has been referenced that somehow they are supporting the Waxman amendment.

This is dated June 15. This is from the American Legion, mind you, and I quote, ''Taking health care dollars from the VA to pay for litigation is counterproductive, especially with the growing demand for services by the aging veterans population.'' Continuing under quotation marks, ''The American Legion strongly encourages Congress to identify $4 million in the projected surplus to be earmarked in the Department of Justice's appropriation bill to pay for the VA's share of litigation. VA funding should be used for its intended purposes, and that is why we oppose the Waxman amendment.''

I get no support from tobacco. I hate tobacco. Tobacco kills. But we do not need to take money away from veterans' medical care to pay for this litigation. Within the Department of Justice, it is interesting, Mr. Chairman. The Department of Justice has an overall budget of about $20 billion. There are 2,374 general authorized attorneys, tax, civil, et cetera; 351 antitrust; U.S. attorneys, 4,900; 229 trustees; 7,861 attorneys in the Department of Justice.

There are enough attorneys and there is enough money in the Justice Department to fund this lawsuit. They do not need to take it away from veterans medical care.

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

Mr. Chairman, there are a couple of fallacies, it seems to me, in the arguments being made against this amendment. To begin, it should be clear that the Justice Department cannot use volunteers. People who said, well, they have enough money, Members will recall that the Justice Department has been criticized by some, including some on the other side of the aisle, for not prosecuting more gun cases.

The Justice Department is under pressure to do a number of things. Tobacco litigation is very expensive. Tobacco litigation involves a good deal of effort. It is not simply sending a lawyer into court to make an argument. In fact, the discovery and the pretrial work is very, very significant.

Now, it turns out, as we know, that funds invested by governments in tobacco litigation bring a very good return. We have a good deal of useful work being done in the various States right now because the States brought tobacco litigation and won it, and we are trying to do the same at the Federal level. So the money will be returned in multiples to veterans health.

Now, people said, well, we do not need to take it out of veterans health. I would say this, we are going to pass this bill, not with my vote, because it miserably underfunds almost everything, and we are going to send it to a conference. If in conference the appropriators decide that a different account is a better source of this funding, they are free to do that. But I think it is very clear, this vote today will be taken as kind of a referendum on whether or not there ought to be this participation in the lawsuit.

I stress again, funding it entirely out of the Justice Departments account, given the expense of such a lawsuit. Given the other demands of the Justice Department it is not going to fully fund both this lawsuit and the other law enforcement priorities we have and which people have urged the Justice Department to take on.

Now, let us be clear what we are dealing with here. If I listened, if I hear correctly, some of my friends on the other side are saying, well, we are funding this lawsuit, but we do not want to take it out of veterans health. This is the constant refrain we heard last week and we will hear for the rest of this month dealing with the appropriations bills.

We should be clear where the problem started. It started with a foolish budget, a budget that Members on the other side voted for, knowing it was inadequate. It is a good thing we do not vote under oath around here or some of my friends would have had some problems, because they voted for a budget that they knew substantially underfunded a whole range of government activities.

Now, every time an appropriations bill comes up, we are in this game, we had it last week, Indian health versus the arts, now it is veterans' health versus a lawsuit that is going to bring more money for veterans health. It is constant.

But we should be very clear before we sympathize with those who lament this terrible choice that this is an entirely self-inflicted wound. People who voted for a budget that they knew to be inadequate have really no right to come before us and say, gee, you are making us make terrible choices.

Revenues are increasing. There are important needs in this society that must be met together. Much of what we want we can do individually. Much of what we need to satisfy the quality of life we want comes from individual spending. But some things can only be done jointly through government.

What we have is a budget that substantially underfunds these necessary elements, including the lawsuit. Lawsuits are not free. Discovery is not free. The tobacco industry will put up a very good fight with very high-priced lawyers in this regard. We need to have an adequately funded public advocacy group to go on the other side. That is really what we are talking about.

Now, I would agree, and the appropriators have this power, if we win this amendment, the House will have spoken. We want there to be an adequately funded lawsuit without it necessarily coming at the expense of gun law enforcement or other kinds of enforcement at the Justice Department or antitrust for which the need seems to be growing.

Then it will be up to the appropriators in their conference to decide. If they can find a better place to fund this, I do not think anyone will object. If they came back from a conference with an appropriation and said, well, we are not going to take it from here, we are going to take it from there, that will be okay.

But what I fear will happen is, if the amendment is not accepted, we will then have an argument that will say, hey, the House voted not to let you do this. The argument will go from a narrow technical discussion of this particular account to a more general assault on the notion of the lawsuit.

Mr. Chairman, I yield to the gentleman from California (Mr. WAXMAN).

Mr. WAXMAN. Mr. Chairman, I am frustrated by what I am hearing from the other side on this debate. The argument is put forward that we do not want to use funds in the health care area of the Veterans Administration's budget because we do not want to use funds that should go for health care.

The CHAIRMAN. The time of the gentleman from Massachusetts (Mr. FRANK) has expired.

(On request of Mr. WAXMAN, and by unanimous consent, Mr. FRANK of Massachusetts was allowed to proceed for 3 additional minutes.)

Mr. WAXMAN. Mr. Chairman, will the gentleman continue to yield?

Mr. FRANK of Massachusetts. I yield to the gentleman from California.

Mr. WAXMAN. Mr. Chairman, now of course nobody wants to use health care dollars that will be used for services for a lawsuit. That is why we wrote the amendment to say that health care services dollars cannot be used for the lawsuit. But there are provisions in that budget for litigation and administrative expenses.

Now, we are told, well, that is still not good enough. If we had taken it out of the general operating budget for the Veterans Administration, that would have been okay. Well, we hear that now from the people in charge of the committee, but no one came forward with that idea earlier.

So what we have is an amendment that will say let us take the money out of the administrative and litigation part of the VA health care budget and pursue what can be a return of a great deal of money to go into veterans health. That is why the veterans groups supports this. The Veterans of Foreign Wars, the Disabled American Veterans, the Paralyzed American Veterans, the AmVets organization support this.

They certainly do not want to see any reduction in health care, and they would otherwise agree with the gentleman from New York (Mr. WALSH), chairman of the subcommittee, on that point, but they do not agree with him on this amendment.

Mr. FRANK of Massachusetts. Mr. Chairman, let me say, I believe we have too little in here for veterans health care. I have to say, however, this $4 million, especially as the gentleman from California (Mr. WAXMAN) explains it, is not a threat to veterans health care.

Now, losing $20 billion so Bill Gates does not pay any estate tax, that cuts into veterans health care. Lavishing money on wealthy people in tax cuts elsewhere cuts into veterans health care. A military appropriation that goes way beyond what is reasonably necessary, that gets into veterans health care.

What we have here, and everybody understands this, they will go to the conference, and they can come out and account for this however they want. What we have here is legislation which has a stricture against using money to contribute to the Justice Department so we can have an adequately funded lawsuit.

If this amendment is defeated and if this bill passes with antitobacco lawsuit language in it, we all know that it will be interpreted by many in the leadership of the Republican Party working with the tobacco industry on this particular point to say no lawsuit at all. It will be part of a campaign to get the lawsuit dropped altogether.

So I will defer to the gentleman from New York (Mr. WALSH). He has done a

good job about the sow's ear he was given. He did not even get the whole ear. He got the sow's earlobe. I do not expect him to be able to give us much soap with a sow's earlobe, but that was that foolish budget that he was stuck with and an inadequate quality allocation.

So I have confidence on this point, I believe if we pass this amendment and the House says yes, we want there to be a contribution so we get a very adequately funded lawsuit so we can go up against the best lawyers in the company that the tobacco industry will have, I will be confident that they will be able in this budget to find money.

The CHAIRMAN. The time of the gentleman from Massachusetts (Mr. FRANK) has again expired.

(By unanimous consent, Mr. FRANK of Massachusetts was allowed to proceed for 1 additional minute.)

Mr. FRANK of Massachusetts. Mr. Chairman, we know finally that this is not the real budget. This is the fake budget. Everybody knows that this budget is too low. But we have people who do not like to admit that they were wrong. They do not like to admit they were wrong in 1997 with that Balanced Budget Act with those silly caps. They do not like to admit that they voted for an inadequate budget out of party loyalty earlier.

So this budget will go out of here inadequately funded. It will go to the other body. It will go into negotiations with the President. Low and behold, it will get bigger.

So we should not fight too much about which inadequacies we deal with here. Let us make a statement in principle that we are in favor of the tobacco lawsuit; and when this bill goes to other places which are a little less addicted to unreality, and adequate funding magically appears, then we will be able fully to fund the contributions to the lawsuit and I hope to do even better for veterans health than we have done in this budget.

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

Mr. Chairman, we all know that the story of the propagation of tobacco use in our country by the tobacco companies is a sad and sorry one. We all witnessed the spectacle of executives of the major tobacco companies coming before committees of this Congress and claiming that tobacco was not addictive and that, furthermore, they did nothing to make it addictive.

We now know, of course, that is all untrue. They knew from the very beginning that tobacco was addictive, and they were manipulating their product to make it as addictive as possible.

At the same time, they were engaging in a number of activities which were designed to propagate the use of tobacco among young people and as young as possible so that this habit could be ingrained in them throughout their lives, which inevitably would be made and have been made much shorter as a result of the tobacco product.

One of the ways in which the tobacco companies propagated the use of their product was to give free cigarettes to service people. I was in the service myself. I saw that happen. As a result of that, a lot of young men and women, too, became addicted to tobacco products as a result of the availability of these products, and even the free availability of these products from the tobacco companies.

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It is only fair and reasonable that this government have the opportunity to recover health care costs that have been incurred by the Veterans Administration tending to veterans who have had their lives shortened and have been made extremely ill during those lives as a result of the use of these tobacco products, particularly and especially cigarettes.

That is what we are trying to do here. We are trying to provide $4 million so that the Justice Department of the United States can engage in legal action to recover some of the costs associated with the health care costs from addictive tobacco use in veterans. Those costs amount to about $1 billion a year, each and every year. It is only fair and reasonable that we try to recover those costs. That is what this amendment would do.

Now, we all know, too, that this budget is deficient, not as a result of any deficiencies with the chairman but as a result of the low number set by the leadership. I think the chairman has done a very good job within the construct and the constraints within which he has had to operate. But that does not solve the problem at hand.

The problem at hand is a very serious one, and we have the means to solve it simply by allowing a very small amount of money in the construct of this particular budget, and certainly the overall budget, a mere $4 million to be made available to the Justice Department so that they might pursue appropriate litigation to recover perhaps as much as $1 billion a year, year after year after year, to tend to the health care needs of American veterans whose lives have been direly, sorely affected and, in many cases, have been and will continue to be made much shorter as a result of the addiction to tobacco products, particularly cigarettes, induced knowingly, willingly, and intentionally by the tobacco companies.

Now, why would we not do that? I simply do not understand why this Congress would not provide that small amount of money to pursue a rightful legal action in order to recover funds which are appropriately recoverable to take care of a very obvious need, a need which can be addressed by the use of these funds if this litigation is allowed to go forward. We know the litigation is likely to be successful. How do we know that? Because we have seen litigation similarly pursued by the several States, and in each and every case the States have been successful, as have recently individuals been successful in bringing legal actions against the tobacco companies for the illnesses caused by the use of tobacco, induced by these same tobacco companies.

So this is something that we ought to do. It is a reasonable, sensible and moderate proposal which will bring forth huge benefits to the taxpayers of our country; but most immediately and most importantly it will bring forth huge benefits in additional health care to the veterans in veterans hospitals across America. Let us pass this amendment.

Mr. SNYDER. Mr. Chairman, I move to strike the requisite number of words; and as I see the Chair performing once again so admirably well in a somewhat difficult debate here this evening, I am reminded of how much we will miss him after he is gone at the conclusion of this term.

Mr. Chairman, let me just say a few words, first of all, as someone who is on the Committee on Veterans' Affairs and as a family doctor who trained in two different veterans hospitals, one in Oregon and one in Arkansas, first as a medical student and then as a medical resident, that I can assure my colleagues my vote tonight for the Waxman amendment will not be a vote to take away dollars from the veterans' health care.

I have looked at the language for this. Federal facilities, such as the veterans' health care system, veterans hospitals, have legal expense funds and they have administrative funds. The Waxman amendment very clearly states that these dollars would come from the legal and administrative expenses of the Department of Veterans Affairs for collecting and recovering amounts owed the United States. There is nothing in there about taking dollars away from x-rays for lung cancer, there is nothing in there about taking away dollars for coronary artery bypass graft surgery, there is nothing in there about taking dollars away from any other kind of health care screening or treatment or disability.

We are talking about having a legal fund that is part of the veterans' health care system and just countering the language in the majority's bill that these legal funds cannot be used for this lawsuit and just saying, yes, they can be used for this lawsuit. The monies for administrative and legal expenses can be used for this lawsuit.

About a week ago I went to a fundraiser for an organization in my town that is actually housed in one of our VA facilities. They lease some space for it for a really fine hospice program. And I just happened to be sitting next to a woman who, as it turned out, we had a mutual friend. Her new daughter-in-law used to work for me. And we began talking, and she told me how her 34-year-old daughter had died 2 years before from lung cancer, a remarkably young age. But, of course, like so many of us American kids that start smoking

when they are 14, 15, or 16, that can be a 20-year history of smoking a pack a day. And it really brought home the ominous nature of what we are talking about here and the dramatic effect this can have on people's lives.

Like the gentleman from Iowa (Mr. GANSKE), who spoke earlier, multiple times, as a medical student and as a resident, I have either dealt with folks in the end stage of some tobacco-related illness or had to be the one to tell them that they had a lung cancer or that their health had deteriorated because of their tobacco use.

So this is a big deal in the veterans' health care system. Frankly, I do not understand why the majority is drawing a line in the sand over the Waxman amendment when it so clearly states these funds would only come from administrative and legal expenses, not from health care. And, frankly, I am starting to resent the implication that by voting for the Waxman amendment that somehow I, as a family doctor, am voting to take away health care dollars from the VA. That is not what this amendment is about, and that is certainly not what the American people want or expect us to do. They expect us to find dollars to provide for our veterans' health care.

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

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

Mr. WAXMAN. Mr. Chairman, I thank the gentleman for yielding to me. I hear from the other side the argument that they would like to have it come from the Department of Veterans Affairs but not from this particular section. And the reason I did not offer it in any other way is because of the possibility of a point of order.

But if we are willing to have this worked out, I could, by unanimous consent, if everyone would agree, to change the amendment to say, on page 9 line 3, after the word insert the following, the Department of Veterans Affairs may transfer funds from the general operating expenses of the Department for the purposes of supporting the tobacco litigation.

Let me put that forward and see if that resolves the opposition. Because I have not heard people on the other side say they do not want to fund the litigation, although we think that they would pull the plug on the litigation if they have that rider that has come out of the Committee on Appropriations. But if this is a more acceptable route, maybe we could do that, as long as we are funding the litigation.

So we would say, in effect, the Department of Veterans Affairs may transfer funds from the general operating expenses of the Department for the purposes of supporting the tobacco litigation.

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

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

Mr. WALSH. Mr. Chairman, responding to the gentleman from California, first of all, we have had about 3½ hours of debate now on this amendment, and if the gentleman would like to change the amendment, we would be glad to take a look at the language; and if the language is in order, then we would take it at the proper point in the bill. But I would remind the gentleman that we only preclude the use of funds in the medical care portion.

The CHAIRMAN. The time of the gentleman from Arkansas (Mr. SNYDER) has expired.

(On request of Mr. WAXMAN, and by unanimous consent, Mr. SNYDER was allowed to proceed for 3 additional minutes.)

Mr. WALSH. Mr. Chairman, if the gentleman will continue to yield, as we tried to explain, and if the gentleman had presented his amendment to us at the beginning of this, before we began to debate, we would have been able to maybe work through this a little easier.

Let me read the language in the bill. It says, ''None of the foregoing funds,'' meaning the funds within the medical care portion of the bill. And I would restate that, ''None of the foregoing funds,'' meaning the medical care portion of the bill, ''may be transferred to the Department of Justice for the purposes of supporting tobacco litigation.''

So the only funds that the gentleman cannot get at in this bill are in the medical care portion of the bill, that the Justice Department cannot get at, are in the medical care portion of the bill. So I do not believe there is any need for any additional language.

Mr. WAXMAN. Mr. Chairman, if the gentleman will continue to yield, I did not quite hear the last point the gentleman made. The gentleman is saying we do not need another amendment if we accept the idea that it is coming out of the Veterans Administration?

Mr. WALSH. If the Veterans Administration decides that they want to use funds to provide to the Justice Department's lawyers, they would have to come back to the gentleman from West Virginia (Mr. MOLLOHAN) and I for reprogramming.

Mr. WAXMAN. If the gentleman would yield further, it seems to me, if that is the point of the gentleman, there should not be any problem with having a unanimous consent understanding right here and now to put this in the bill.

If the gentleman is saying we do not need it, I disagree with the gentleman. Because as I understand it, the Veterans Administration would then have to reprogram funds, and that would require legislation. But if the gentleman would permit, I will make a unanimous consent.

Mr. WALSH. It does not require additional legislation.

REQUEST FOR MODIFICATION TO AMENDMENT OFFERED BY MR. WAXMAN

Mr. WAXMAN. Mr. Chairman, if we have no disagreement on the issue, then I would ask unanimous consent that the amendment be modified to provide that the Department of Veterans Affairs may transfer funds from the general operating expenses of the Department for the purposes of supporting the tobacco litigation.

Mr. WALSH. I object.

The CHAIRMAN. Objection is heard.

Mr. WAXMAN. Mr. Chairman, will the gentleman continue to yield?

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

Mr. WAXMAN. Mr. Chairman, I thank the gentleman for continuing to yield to me, just to say one last thing, and that is that we tried to meet the objection that has been raised on the other side and we have been unable to do that. We need this amendment.

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

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

Mr. OBEY. Mr. Chairman, I thank the gentleman for yielding. Let me simply point out that the point the gentleman from California has made is a crucial point.

The issue goes to reprogramming, because what this committee has tried to do in bill after bill is to prevent the administration, first of all, from directly spending. In one subcommittee they refused to appropriate any money for the suit. And then they required them to come back for reprogramming from at least two subcommittees from which it is known they will never get approval for that reprogramming request.

The CHAIRMAN. The time of the gentleman from Arkansas (Mr. SNYDER) has again expired.

(On request of Mr. OBEY, and by unanimous consent, Mr. SNYDER was allowed to proceed for 1 additional minute.)

Mr. OBEY. Mr. Chairman, if the gentleman will continue to yield, what this really is, when we couple the refusal to appropriate the dollars in one subcommittee with the limitation on transfers from other agencies with the requirement for reprogramming, we have a three-pronged attack that winds up enabling people to pretend that they have not blocked the tobacco suit when in fact they have.

It is a way for the Congress to cover itself and pretend that it is not stopping the suit against the tobacco companies when in practical terms the way this institution operates we know that it is shutting down and closing every door available to the Justice Department to pursue that suit.

The CHAIRMAN. The time of the gentleman from Arkansas (Mr. SNYDER) has once again expired.

(On request of Mr. WAXMAN, and by unanimous consent, Mr. SNYDER was allowed to proceed for 3 additional minutes.)

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

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

Mr. WAXMAN. Mr. Chairman, we are getting close, I think, to the end of this debate, and I just want to summarize where we are.

We argued that we should not preclude the transfer of funds so that the litigation could go forward. The chairman of the subcommittee said he wants the litigation to go forward; he just does not want the funds out of this account. We took that to heart and drafted our amendment so it would not come out of the part of the account that goes to health care services. We tried to get an agreement that it comes out of other parts of the Department of Veterans Affairs, but the ranking member of the Committee on Appropriations has told us why that will not work.

So where we are is with this amendment, and this amendment would take the funds out of the litigation and administrative expense part of the Veterans Affairs health program, and allow the use of it to pay for litigation expenses for the tobacco companies. We think that will produce a great deal of money for the Veterans Administration's health care program.

Not only do we think that, but the Veterans of Foreign Wars, the Paralyzed Veterans of America, the Disabled American Veterans, and AMVETS agree with us. That is why they are supporting our amendment.

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I urge Members to support our amendment. If it is defeated, the rider will stand in this appropriations bill and the litigation may well be stopped in its tracks. So I hope that Members understand where we are and, if they do believe this litigation ought to go forward, that they will vote for WAXMAN, EVANS, and others who have joined with us in this amendment.

Mr. SNYDER. Mr. Chairman, this is not about taking monies from veterans' health care, but it is about using veterans' health care legal expenses for litigation. That is what the Waxman amendment does. It has nothing to do with decreasing health care for veterans.

Mr. LEWIS of Kentucky. Mr. Chairman, I rise in strong opposition to this amendment.

Funds appropriated in this legislation are intended to provide for the veterans who have served our nation so well. The funds in this legislation are intended for housing assistance for Americans in need. There are funds here for environmental protection and our space program. What this legislation is not intended to do is pay for politically motivated lawsuits for the Justice Department.

The Justice Department is not prohibited from using its civil funds to pay for this lawsuit. It is not prohibited from asking Chairman ROGERS' subcommittee to allow for reprogramming of its funds. However, this Congress needs to send a clear message to the Justice Department that it IS prohibited from using veterans' health care money for this lawsuit, and that it is required to live with the appropriations Congress approves.

The federal tobacco lawsuit is bad public policy and a waste of taxpayer dollars. The case is not about the law, but about the federal government extorting money from an industry it does not like. Which industry will be the next victim of this punitive action?

The tobacco industry, in accordance with the terms of its 1998 settlement with the states, has changed its marketing, advertising and business practices. The industry is also paying the states billions of dollars.

Now the Justice Department wants a share of this revenue stream for the federal government and is willing to further sidestep Congress and take money from veterans programs to try to get it.

The Justice Department needs to stop stealing veteran's health care funds to pay for its baseless lawsuit. This suit claims the federal government and the public were deceived about the health risks of tobacco products. The same federal government that claims it was "deceived" has required health warnings on tobacco products since the 1960's. The Surgeon General's 1964 report details the risks of tobacco use. The American people are not as stupid as this lawsuit claims—people know the health risks associated with use of tobacco products. It is absurd to claim ignorance on this point.

Adult consumers have the right to make risk judgments and choose the legal products they use. They also need to take responsibility for those choices.

No federal law gives the government authority to collect Medicare funds as proposed in this lawsuit. Three years ago, Attorney General Reno testified to the Senate that no federal cause of action existed for Medicare and Medicaid claims. Suddenly she has changed her tune under pressure from the White House. The Justice Department, on the same day it announced this civil lawsuit, ended its five-year investigation of the tobacco industry without making any criminal charges.

Last year the Congressional Research Service concluded that with a full accounting of costs of lifetime government funded health care and benefits for tobacco users and tobacco excise taxes, the federal government actually nets $35 billion per year. There are not costs for the federal government to recover. It is already making money off of tobacco use, and this Administration only wants more.

The absurdity of this legislating by litigation aside, one issue should be clear to everyone today. Veterans' health benefits are not intended to pay trial lawyers in a politically-motivated lawsuit. This is not a rider; this is not special treatment. This is Congress carrying out our role in appropriating how tax dollars are spent. This Justice Department must follow Congressional intent. If it wants to fund this suit, it should do so with its funds, not the veterans'. Please vote no on this amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California (Mr. WAXMAN).

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

RECORDED VOTE

Mr. WALSH. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 197, noes 207, not voting 30 as follows:

[Roll No. 293]

AYES—197

Abercrombie	Allen	Baird
Ackerman	Andrews	Baldacci
Baldwin	Holden	Obey
Barcia	Holt	Olver
Barrett (WI)	Horn	Ortiz
Becerra	Hoyer	Pallone
Bentsen	Inslee	Pascrell
Berman	Jackson (IL)	Pastor
Berry	Jackson-Lee (TX)	Peterson (MN)
Blagojevich	Jefferson	Pomeroy
Blumenauer	Johnson (CT)	Porter
Bonior	Johnson, E. B.	Pryce (OH)
Borski	Jones (OH)	Rahall
Boswell	Kanjorski	Ramstad
Brady (PA)	Kaptur	Rangel
Brown (OH)	Kennedy	Reyes
Capps	Kildee	Rivers
Capuano	Kilpatrick	Rodriguez
Cardin	Kind (WI)	Roemer
Carson	King (NY)	Roukema
Castle	Kleczka	Rush
Condit	Klink	Sabo
Conyers	Kucinich	Salmon
Costello	Kuykendall	Sanders
Coyne	LaFalce	Sandlin
Crowley	Lampson	Sawyer
Cummings	Lantos	Saxton
Davis (FL)	Larson	Scarborough
Davis (IL)	LaTourette	Schakowsky
DeFazio	Lazio	Serrano
DeGette	Leach	Shays
Delahunt	Lee	Sherman
DeLauro	Levin	Sherwood
Deutsch	Lewis (GA)	Skelton
Dicks	Lipinski	Slaughter
Dingell	LoBiondo	Smith (NJ)
Dixon	Lofgren	Smith (WA)
Doggett	Lowey	Snyder
Dooley	Luther	Stabenow
Doyle	Maloney (NY)	Stark
Edwards	Markey	Strickland
Ehlers	Mascara	Stupak
Eshoo	Matsui	Tauscher
Evans	McCarthy (MO)	Taylor (MS)
Farr	McCarthy (NY)	Thompson (CA)
Filner	McDermott	Thune
Foley	McGovern	Thurman
Ford	McKinney	Tierney
Frank (MA)	McNulty	Towns
Franks (NJ)	Meehan	Traficant
Frost	Meek (FL)	Turner
Gallegly	Meeks (NY)	Udall (CO)
Ganske	Menendez	Udall (NM)
Gejdenson	Miller, George	Upton
Gilchrest	Minge	Velazquez
Gilman	Mink	Visclosky
Gonzalez	Moakley	Waters
Green (TX)	Moore	Watt (NC)
Greenwood	Moran (KS)	Waxman
Gutierrez	Morella	Wexler
Hall (OH)	Murtha	Weygand
Hansen	Nadler	Wise
Hastings (FL)	Napolitano	Wolf
Hinchey	Neal	Woolsey
Hinojosa	Ney	Wu
Hoeffel		Wynn

NOES—207

Aderholt	Camp	Forbes
Archer	Canady	Fossella
Armey	Chabot	Frelinghuysen
Baca	Chambliss	Gekas
Bachus	Chenoweth-Hage	Gibbons
Baker	Clay	Gillmor
Ballenger	Clayton	Goode
Barr	Clement	Goodlatte
Barrett (NE)	Clyburn	Goodling
Bartlett	Coble	Gordon
Barton	Collins	Goss
Bass	Combest	Graham
Bateman	Cooksey	Granger
Bereuter	Cox	Green (WI)
Berkley	Cramer	Gutknecht
Biggert	Crane	Hall (TX)
Bilirakis	Cubin	Hastings (WA)
Bishop	Cunningham	Hayworth
Bliley	Danner	Hefley
Blunt	Davis (VA)	Herger
Boehlert	Deal	Hill (IN)
Boehner	DeLay	Hill (MT)
Bonilla	DeMint	Hilleary
Bono	Diaz-Balart	Hilliard
Boucher	Dickey	Hobson
Boyd	Doolittle	Hoekstra
Brady (TX)	Dreier	Hostettler
Bryant	Duncan	Houghton
Burr	Ehrlich	Hulshof
Burton	English	Hunter
Buyer	Etheridge	Hutchinson
Callahan	Everett	Hyde
Calvert	Fletcher	Isakson

Istook	Packard	Skeen
Jenkins	Paul	Smith (MI)
John	Pease	Smith (TX)
Johnson, Sam	Peterson (PA)	Souder
Jones (NC)	Petri	Spence
Kasich	Phelps	Spratt
Kelly	Pickering	Stearns
Kingston	Pickett	Stenholm
Knollenberg	Pitts	Stump
Kolbe	Pombo	Sununu
LaHood	Portman	Sweeney
Latham	Price (NC)	Talent
Lewis (CA)	Quinn	Tancredo
Lewis (KY)	Radanovich	Tanner
Linder	Regula	Tauzin
Lucas (KY)	Reynolds	Taylor (NC)
Lucas (OK)	Riley	Terry
Maloney (CT)	Rogan	Thomas
Manzullo	Rogers	Thompson (MS)
McCrery	Rohrabacher	Thornberry
McHugh	Ros-Lehtinen	Tiahrt
McInnis	Royce	Toomey
McIntyre	Ryan (WI)	Vitter
McKeon	Ryun (KS)	Walden
Metcalf	Sanchez	Walsh
Mica	Sanford	Wamp
Miller (FL)	Schaffer	Watkins
Miller, Gary	Scott	Watts (OK)
Mollohan	Sensenbrenner	Weldon (FL)
Myrick	Sessions	Weldon (PA)
Nethercutt	Shadegg	Weller
Northup	Shaw	Whitfield
Norwood	Shimkus	Wicker
Nussle	Shows	Wilson
Ose	Simpson	Young (AK)
Oxley	Sisisky	Young (FL)

NOT VOTING—30

Bilbray	Fowler	Oberstar
Brown (FL)	Gephardt	Owens
Campbell	Hayes	Payne
Cannon	Hooley	Pelosi
Coburn	Largent	Rothman
Cook	Martinez	Roybal-Allard
Dunn	McCollum	Shuster
Emerson	McIntosh	Vento
Engel	Millender-McDonald	Weiner
Ewing	Moran (VA)	
Fattah		

□ 2050

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

Ms. KILPATRICK and Messrs. SMITH of New Jersey, HALL of Ohio, EHLERS and GILCHREST changed their vote from ''no'' to ''aye.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated for:

Ms. MILLENDER-McDONALD. Mr. Chairman, on rollcall No. 293, I was unavoidably detained and was unable to make this vote. Had I been present, I would have voted ''aye.''

Stated against:

Mr. HAYES. Mr. Chairman, on rollcall No. 293, I was inadvertently detained. Had I been present, I would have voted ''no.''

Mr. WALSH. 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. OSE) having assumed the chair, Mr. Pease, 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. 4635) 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, had come to no resolution thereon.

PERSONAL EXPLANATION

Ms. JACKSON-LEE of Texas. Mr. Speaker, on June 15 I was away from the floor on official business and missed rollcall vote number 289, the Weldon amendment to H.R. 4578. If I was present I would have voted no. And on rollcall vote 288, the Nethercutt amendment to H.R. 4578, if I was present, I would have voted no.

□

REPORT ON DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS BILL, 2001

Mr. ROGERS, from the Committee on Appropriations, submitted a privileged report (Reprt. No. 106–680) on the bill (H.R. 4690) making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 2001, and for other purposes, which was referred to the Union Calendar and ordered to be printed.

The SPEAKER pro tempore. All points of order are reserved on the bill.

□

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 4201, NONCOMMERCIAL BROADCASTING FREEDOM OF EXPRESSION ACT OF 2000

Mr. LINDER, from the Committee on Rules, submitted a privileged report (Rept. No. 106–681) on the resolution (H. Res. 527) providing for consideration of the bill (H.R. 4201) to amend the Communications Act of 1934 to clarify the service obligations of noncommercial educational broadcast stations, which was referred to the House Calendar and ordered to be printed.

□

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF HOUSE JOINT RESOLUTION 90, WITHDRAWING APPROVAL OF UNITED STATES FROM AGREEMENT ESTABLISHING WORLD TRADE ORGANIZATION

Mr. LINDER, from the Committee on Rules, submitted a privileged report (Rept. No. 106–682) on the resolution (H. Res. 528) providing for consideration of the joint resolution (H.J. Res. 90) withdrawing the approval of the United States from the Agreement establishing the World Trade Organization, which was referred to the House Calendar and ordered to be printed.

□

SUPPORTING THE GOALS AND IDEALS OF THE OLYMPICS

Mr. GILMAN. Mr. Speaker, I ask unanimous consent that the Committee on International Relations be discharged from further consideration of the resolution (H.Res. 259) supporting the goals and ideals of the Olympics, and ask for its immediate consideration in the House.

The Clerk read the title of the resolution.

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

Mr. HASTINGS of Florida. Mr. Speaker, reserving the right to object, I believe the House needs to understand why we are proceeding with this bill in an expeditious manner.

Mr. Speaker, I yield to the distinguished gentleman from New York (Mr. GILMAN).

Mr. GILMAN. Mr. Speaker, I rise in support of House Resolution 259, a measure to support the goals and ideals of the Olympics. June 23 is the anniversary date on which the Congress of Paris approved the proposal to found the modern Olympics. This resolution recognizes the value of the Olympic games, calls for Congress and the American people to observe the anniversary, and for the President to issue a proclamation in observation.

The Committee on International Relations readily supported this resolution. I want to commend the gentleman from Kansas (Mr. RYUN) for introducing the measure. The Olympics showcases amateur athletes, and our country should encourage the spirit of competition and achievement exemplified by these games.

I thank the gentleman for yielding.

Mr. HASTINGS of Florida. Mr. Speaker, further reserving the right to object, I yield to the gentleman from Kansas (Mr. RYUN).

Mr. RYUN of Kansas. Mr. Speaker, first I would like to express my thanks to the gentleman from New York (Mr. GILMAN) for bringing this bill before the Committee on International Relations and to the House floor today.

House Resolution 259 recognizes the goals and ideals of the modern Olympic movement as propounded by Pierre de Coubertain, particularly the spread of a better and more peaceful world through sports. On June 23, the Olympic community will recognize this anniversary, so the timing of this bill on the House floor today could not be better.

Mr. Speaker, in September, millions of Americans will gather around their televisions to watch our Olympians compete in Sydney. Who among us can forget the amazing feats of the Olympians throughout the years. While each of us has our own memories of the greatest Olympic moment, the Olympics gives this Nation the collective sense of oneness and pride that many times is lost in the worlds of professional sports and business and politics. Through the years, U.S. athletes have not only been outstanding standard-bearers of the Olympic ideal, but they have consistently been among the world's best in the athletic arena.

I had the distinct privilege to represent my country three times in the Olympic games. Each experience was different, but each represented the opportunity to put on the uniform that read USA. Not long before I attempted

to qualify for the 1964 games in Tokyo, I was a 17-year-old high school student who did not really know what the Olympic games were all about. While many remember the 1968 games in Mexico City, the unrest and the civil rights movement, I also remember the countless world records and Olympic records set during the track and field competition. In 1972, I watched in horror as Israeli athletes tragically lost their lives to the hands of terrorists. The games did go on, most importantly to show that terrorists would not break the spirit of the Olympic ideal of a more peaceful world.

□ 2100

In 1972, I also had a personal tragedy as the favorite in the 1500 meters for the United States; and with the world watching, I was tripped and fell and was not knocked out of the competition. I cannot begin to describe the anger and disappointment I felt at that moment. However, I no longer feel that was a tragedy. Rather, I point to that event as a turning point that taught me there was more to life than running. It brought to new life the importance of God and family in my life.

Every Olympian has their own stories to overcoming long odds and personal triumph, regardless of whether they stood on the podium and received a medal. It is my honor to stand on the House floor in their place.

Mr. Speaker, as we look toward the next century of the Olympic Games, I ask my colleagues to join me in honoring our Olympic athletes and coaches along with their families and supporters.

Mr. HASTINGS of Florida. Mr. Speaker, continuing my reservation, I would like to make a few additional points.

First, I would like to congratulate the gentleman from Kansas (Mr. RYUN), on behalf of all of us in the House for being a distinguished Olympian in and of himself, and it proves once again the greatness of this country, that a person like the gentleman from Kansas (Mr. RYUN) would get a chance to work in the Olympics and then come and be in the Olympics of legislation.

We are delighted. The Olympics obviously are a significant event for all nations to share in the accomplishments of men and women in the area of athletics.

Mr. Speaker, I would like to thank the chairman of the Committee on International Relations, the gentleman from New York (Mr. GILMAN), for expediting this matter, and the gentleman from Kansas (Mr. RYUN) for bringing it to our attention. We strongheartedly endorse it.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore (Mr. OSE). Is there objection to the request of the gentleman from New York?

There was no objection.

The Clerk read the resolution, as follows:

H. RES. 259

Whereas for over 100 years, the Olympic movement has built a more peaceful and better world by educating young people through amateur athletics, by bringing together athletes from many countries in friendly competition, and by forging new relationships bound by friendship, solidarity, and fair play;

Whereas the United States Olympic Committee is dedicated to coordinating and developing amateur athletic activity in the United States to foster productive working relationships among sports-related organizations;

Whereas the United States Olympic Committee promotes and supports amateur athletic activities involving the United States and foreign nations;

Whereas the United States Olympic Committee promotes and encourages physical fitness and public participation in amateur athletic activities;

Whereas the United States Olympic Committee assists organizations and persons concerned with sports in the development of athletic programs for amateur athletes;

Whereas the United States Olympic Committee protects the opportunity of each amateur athlete, coach, trainer, manager, administrator, and official to participate in amateur athletic competition;

Whereas athletes representing the United States at the Olympic games have achieved great success personally and for the Nation;

Whereas thousands of men and women of the United States are focusing their energy and skill on becoming part of the United States Olympic team and aspire to compete in the 2000 summer Olympic games in Sydney, Australia, and the 2002 winter Olympic games in Salt Lake City, Utah;

Whereas the Nation takes great pride in the qualities of commitment to excellence, grace under pressure, and good will toward other competitors exhibited by the athletes of the United States Olympic team; and

Whereas June 23 is the anniversary of the founding of the modern Olympic movement, representing the date on which the Congress of Paris approved the proposal of Pierre de Coubertin to found the modern Olympics: Now, therefore, be it

Resolved, That the House of Representatives—

(1) supports the goals and ideals of the Olympics;

(2) calls upon the President to issue a proclamation recognizing the anniversary of the founding of the modern Olympic movement; and

(3) calls upon the people of the United States to observe such anniversary with appropriate ceremonies and activities.

The resolution was agreed to.

A motion to reconsider was laid on the table.

□

GENERAL LEAVE

Mr. GILMAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on House Resolution 259.

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

There was no objection.

EXPRESSING SENSE OF HOUSE CONCERNING TROUBLED PRE-ELECTION PERIOD IN REPUBLIC OF ZIMBABWE

Mr. GILMAN. Mr. Speaker, I ask unanimous consent that the Committee on International Relations be discharged from further consideration of the resolution (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, and ask for its immediate consideration in the House.

The Clerk read the title of the resolution.

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

Mr. HASTINGS of Florida. Mr. Speaker, reserving the right to object, I believe, again, the House needs to understand why we are proceeding with this bill in an expeditious manner.

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

Mr. HASTINGS of Florida. I yield to the gentleman from New York for an explanation.

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

Mr. Speaker, the people of Zimbabwe will go to the polls next weekend to elect their parliament. Since its independence 20 years ago, Zimbabwe has been, in effect, a one-party state. The liberation party of President Robert Mugabe, which emerged from a war, for majority war with slogans shouting for equality and justice, has become thoroughly corrupted by the absolute power that it has enjoyed these past 2 decades.

Change is now at hand. The people of Zimbabwe are patient, but their patience appears to have come to an end. Candidates from parliament for the opposition parties have registered in record numbers. The leading opposition party appears to have overwhelming support among the urban populations of Zimbabwe.

But President Mugabe and his party cronies who have grown rich in government do not want to accept an honest political contest. He has used land reform as a political wedge issue for years, refusing credible programs that would have addressed the issue in favor of a soapbox for demagoguery. Now he has taken extreme measures, provoking widespread violence against farmers, teachers, and farm workers.

The citizens of Zimbabwe remain steadfast. The murders, the beatings and harassment that have been visited upon them have merely strengthened their resolve.

H. Res. 500 expresses this Congress' profound dismay at these kinds of practices. It also conveys our solidarity and our support for those who struggle for democratic freedom wherever they may be.

I would like to thank our friend and distinguished colleague, the gentleman from Florida (Mr. HASTINGS), who was

an original cosponsor of this measure; and I would also like to commend the Subcommittee on African Affairs, ably led by its distinguished chairman, the gentleman from California (Mr. ROYCE), and the gentleman from New Jersey (Mr. PAYNE), who are also cosponsors. They held an informative and timely hearing on the situation in Zimbabwe just last week.

Accordingly, I urge our colleagues to join in support of this measure.

(Mr. HASTINGS of Florida asked and was given permission to revise and extend his remarks.)

Mr. HASTINGS of Florida. Mr. Speaker, further reserving the right to object, I would like to make some additional points.

First, I would like to thank the gentleman from New York (Chairman GILMAN) for expediting this matter and, the Chair of the Subcommittee on Africa, along with the ranking member, the gentleman from New Jersey (Mr. PAYNE). It was my pleasure to be a cosponsor with the chairman of this resolution.

It is simple but it strongly condemns the ongoing spiral of political violence in Zimbabwe. Mr. Speaker, for those of us who cherish life, liberty, and the pursuit of happiness and believe that government should be for the people and by the people, the current situation in Zimbabwe is not only atrocious, but quite painful.

As we witness the escalation of violence in that tiny nation, it appears that due process, free speech, and the right of assembly are ignored. And if quick and robust attention is not brought to these matters, I fear this nation could slip into civil unrest and economic devastation.

First, I am gravely concerned about Zimbabwe's economic downturn and that government's inability to control the inflation, unemployment, and violence. The economy has suffered and continues to suffer and Zimbabweans are paying a terrible price. Agriculture production is down and inflation is over 70 percent.

President Mugabe must immediately demonstrate a willingness to address its economic problems strategically and equitably.

Second, I would like to express my deep concern for the people of Zimbabwe by condemning the many egregious acts of violence and intimidation occurring there against both Zimbabwean farm workers and individuals who support opposition parties.

Recently, the chairman held a full hearing on this matter in the Subcommittee on Africa, and we heard from one of those members of the opposition party by way of technology that is now being utilized in Committee on International Relations.

The ruling party militants have attacked teachers and health workers, forcing many to flee their clinics and schools in the wake of pre-election violence. I strongly condemn the widespread and violent attacks in Zimbabwe, including reports of murder, rape, beatings, and burning of homes.

Third, Mr. Speaker, the government of Zimbabwe is supportive of the squatters who currently occupy white farms. The results of the February 12 referendum provided additional momentum for demographic reform activists. The people of Zimbabwe sent a message by their ballot that a constitution perpetuating state power was not acceptable.

And in the interest of time, I would just like to say that the bottom line is this: President Mugabe and his key associates fear losing power in a democratic election in which their adversaries are fellow black Zimbabweans.

Mr. Speaker, I continue to believe that we must act swiftly to avoid further disaster. I believe that with Sierra Leone in a state of anarchy, the Democratic Republic of Congo a battlefield, and the other parts of the African continent are undergoing cataclysmic upheavals, we cannot allow Zimbabwe to collapse as well.

There is still time, but only if President Mugabe listens, acts swiftly and returns to his senses.

Mr. Speaker, continuing my reservation, I would like to make some additional points.

Mr. Speaker, this resolution is simple, but it strongly condemns the ongoing spiral of political violence in Zimbabwe. It further condemns all violence directed against farm workers; recommends that a bipartisan delegation travel to Zimbabwe under the auspices of the International Republican Institute and the National Democratic Institute for International Affairs, to monitor elections scheduled for June 24 and 25, 2000; and urges President Mugabe and his ruling Zimbabwe African National Union-Patriotic Front to enforce the rule of law, and support international efforts to assist land reform.

Mr. Speaker, for those of us who cherish life, liberty and the pursuit of happiness and believe that government should be for the people and by the people, the current situation in Zimbabwe is not only atrocious but quite painful. As we witness the escalation of violence in that tiny nation, it appears that due process, free speech, and the right of assembly are ignored. And if quick and robust attention is not brought to these matters, I fear this nation could slip into civil unrest and economic devastation.

First, I am gravely concerned about Zimbabwe's economic downturn and that government's inability to control inflation, unemployment and violence. The economy has suffered and continues to suffer, and Zimbabweans are paying a terrible price. Agricultural production is down and inflation is over 70 percent. President Mugabe must immediately demonstrate a willingness to address its economic problems strategically and equitably.

Second, I'd like to express my deep concern for the people of Zimbabwe by condemning the many egregious acts of violence and intimidation occurring there against both Zimbabwean farm workers and individuals who support opposition parties. Recently, Mr. Speaker, the ruling party militants have attacked teachers and health workers, forcing many to flee their clinics and schools in the wake of pre-election violence. I strongly condemn the widespread and violent attacks in Zimbabwe, including reports of murder, rape, beatings and burning of homes.

Third, Mr. Speaker, the government of Zimbabwe is supportive of the squatters who currently occupy white farms. The results of the February 12th referendum provided additional momentum for democratic reform activists. The people of Zimbabwe sent a message by their ballot that a constitution perpetuating state power was not acceptable. President Mugabe's supported constitution was defeated with approximately 55 percent of all ballots against the measure. However, Mr. Mugabe rejected rulings from the independent judiciary. He is supportive of the squatters who currently occupy white farms. To be sure, while the take overs have been largely peaceful, the Zimbabwe Supreme Court has ruled these actions to be illegitimated and have ordered the protesting civil war veterans off the white farms. However, the police and security personnel have yet to enforce the court decree, and it is now perceived that the Zimbabwean government is countering the rule of law.

Mr. Speaker, the bottom line is this: President Mugabe and his key associates fear losing power in a democratic election in which their adversaries are fellow black Zimbabweans.

Mr. Speaker, I continue to believe that we must act swiftly to avoid further disaster. I believe that with Sierra Leone in a state of anarchy, the Democratic Republic of the Congo a battle field and other parts of the African continent undergoing cataclysmic upheavals, we cannot allow Zimbabwe to collapse as well. There is still time, but only if President Mugabe listens, acts swiftly and returns to his senses.

Mr. Speaker, the United States has a longstanding friendship with the people of Zimbabwe, and we must do everything we can to preserve and advance democratic gains, protect civil society, and help the people of Zimbabwe to uphold the rule of law.

Mr. Speaker, I withdraw my reservation of objection.

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

There was no objection.

The Clerk read the resolution, as follows:

H. RES. 500

Whereas people around the world supported the Republic of Zimbabwe's quest for independence, majority rule, and the protection of human rights and the rule of law;

Whereas Zimbabwe, at the time of independence in 1980, showed bright prospects for democracy, economic development, and racial reconciliation;

Whereas the people of Zimbabwe are now suffering the destabilizing effects of a serious, government-sanctioned breakdown in the rule of law, which is critical to economic development as well as domestic tranquility;

Whereas a free and fair national referendum was held in Zimbabwe in February 2000 in which voters rejected proposed constitutional amendments to increase the president's authorities to expropriate land without payment;

Whereas the President of Zimbabwe has defied two high court decisions declaring land seizures to be illegal;

Whereas previous land reform efforts have been ineffective largely due to corrupt practices and inefficiencies within the Government of Zimbabwe;

Whereas recent violence in Zimbabwe has resulted in several murders and brutal attacks on innocent individuals, including the murder of farm workers and owners;

Whereas violence has been directed toward individuals of all races;

Whereas the ruling party and its supporters have specifically directed violence at democratic reform activists seeking to prepare for upcoming parliamentary elections;

Whereas the offices of a leading independent newspaper in Zimbabwe have been bombed;

Whereas the Government of Zimbabwe has not yet publicly condemned the recent violence;

Whereas President Mugabe's statement that thousands of law-abiding citizens are enemies of the state has further incited violence;

Whereas 147 out of 150 members of the Parliament in Zimbabwe (98 percent) belong to the same political party;

Whereas no date has been set for parliamentary elections in Zimbabwe;

Whereas the unemployment rate in Zimbabwe now exceeds 60 percent and political turmoil is on the brink of destroying Zimbabwe's economy;

Whereas the economy is being further damaged by the Government of Zimbabwe's ongoing involvement in the war in the Democratic Republic of the Congo;

Whereas the United Nations Food and Agricultural Organization has issued a warning that Zimbabwe faces a food emergency due to shortages caused by violence against farmers and farm workers; and

Whereas events in Zimbabwe could threaten stability and economic development in the entire region: Now, therefore, be it

Resolved, That the House of Representatives—

(1) extends its support to the vast majority of citizens of the Republic of Zimbabwe who are committed to peace, economic prosperity, and an open, transparent parliamentary election process;

(2) strongly urges the Government of Zimbabwe to enforce the rule of law and fulfill its responsibility to protect the political and civil rights of all citizens;

(3) supports those international efforts to assist with land reform which are consistent with accepted principles of international law and which take place after the holding of free and fair parliamentary elections;

(4) condemns government-directed violence against farm workers, farmers, and opposition party members;

(5) encourages the local media, civil society, and all political parties to work together toward a campaign environment conducive to free, transparent and fair elections within the legally prescribed period;

(6) recommends international support for voter education, domestic election monitoring, and violence monitoring activities;

(7) urges the United States to continue to monitor violence and condemn brutality against law abiding citizens;

(8) congratulates all the democratic reform activists in Zimbabwe for their resolve to bring about political change peacefully, even in the face of violence and intimidation;

(9) recommends that the United States send a bipartisan delegation under the auspices of the International Republican Institute and the National Democratic Institute for International Affairs to observe the parliamentary election process in Zimbabwe; and

(10) desires a lasting, warm, and mutually beneficial relationship between the United States and a democratic, peaceful Zimbabwe.

The resolution was agreed to.

AMENDMENT TO PREAMBLE OFFERED BY MR. GILMAN

Mr. GILMAN. Mr. Speaker, I offer an amendment to the preamble.

The Clerk read as follows:

Amendment to the preamble offered by Mr. GILMAN.

In the 14th clause of the preamble, strike ''no date has been set'' and insert ''June 24 and June 25, 2000, are the dates''.

Mr. GILMAN. Mr. Speaker, I have no comment on the amendment.

Mr. HASTINGS of Florida. Mr. Speaker, we do not object.

The SPEAKER pro tempore. The question is on the amendment to the preamble offered by the gentleman from New York (Mr. GILMAN).

The amendment to the preamble was agreed to.

A motion to reconsider was laid on the table.

□

GENERAL LEAVE

Mr. GILMAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on House Resolution 500.

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

There was no objection.

□

SENSE OF HOUSE REGARDING INDEPENDENT MEDIA IN RUSSIAN FEDERATION

Mr. GILMAN. Mr. Speaker, I ask unanimous consent that the Committee on International Relations be discharged from further consideration of the concurrent resolution (H. Con. Res. 352) 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, and ask for its immediate consideration in the House.

The Clerk read the title of the concurrent resolution.

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

Mr. HASTINGS of Florida. Mr. Speaker, reserving the right to object, I believe the House needs to understand why we are proceeding in an expeditious manner, but I would ask the Chair, in deference to the fact that the gentleman from Pennsylvania (Mr. WELDON) has such extraordinary experience in this area, if we could be permitted to allow him to go forward and then allow the gentleman from New York (Mr. GILMAN) to speak.

Mr. Speaker, I yield to the distinguished gentleman from Pennsylvania (Mr. WELDON), who has a great deal of experience in this area.

(Mr. WELDON of Pennsylvania asked and was given permission to revise and extend his remarks.)

Mr. WELDON of Pennsylvania. Mr. Speaker, I want to, first of all, thank my distinguished chairman and leader, the gentleman from New York (Mr. GILMAN), and my distinguished good friend, the gentleman from Florida (Mr. HASTINGS), for bringing this very timely legislation and thank all the members on the Committee on International Relations to allow us to make a statement on the seriousness of the situation that is occurring in Russia over the last several months relative to freedom of the press.

As my friend has stated and my colleagues are aware, I have a special interest in Russia. I just made my 21st trip there last weekend with Secretary Cohen, where I was able to attend meetings with him and the defense minister and the leaders of the Duma on improving American-Russian relations.

I felt that we achieved a considerable amount of progress, but I would be less than candid if I did not tell my colleagues that there are serious problems inside of Russia. All of us were optimistic when the new President Putin took over in January and was elected in free and fair elections several months later, but there has been a pattern well documented in this bill of actions against members of the free press, including Radio Free Europe and the independent radio and TV stations in Moscow and, most recently, including the chairman and the head of Media Most Corporation, Mr. Gusinsky. In fact, the distinguished chairman knows because he was host to the number two person at Media Most. As the distinguished chairman knows, just several weeks ago, we had the number 2 person from Media Most over speaking to Members of Congress expressing the real concerns of what happened with the FSB invasion of their headquarters and the outrage that many of us felt about having this independent media feel the pressure of what appears to be the Putin government, in trying to crack down on the ability of Russians to speak out.

Russia is a fragile democracy, and that fragile democracy is going to exist and succeed only based upon the success of their free media, and we must in America speak out when we see incidences occur like the incident involving the reporter who was responding or reporting on the Chechnyan war to the efforts by Gusinsky to report on concerns within Russia about the direction of the Russian government. And while President Putin and leaders in the various factions may not agree with what is being said by the Russian media, they must understand that a free democracy must have that free speech, or it will cease to be a free democracy.

I might also add that we are heartened that Mr. Gusinsky has recently been released, but I also want to mention there are other patterns of strong-arm tactics coming out of Russia, Mr. Speaker. On April 3, one of our Pennsylvania constituents, a Penn State

professor by the name of Ed Pope, was arrested. He has been charged with crimes against the Russian state. It is an absolute fabrication.

My good friend and colleague, the gentleman from Pennsylvania (Mr. PETERSON), and I have been working this case for 6 weeks; and we are not going to step back until we see Mr. Pope released to his wife and to his loved ones up in State College.

□ 2115

Russia needs to understand, Mr. Speaker, that all of us on both sides of the aisle want to be friends with Russia. We want Russia to be an equal trading partner of ours. We want a secure stable relationship. We want to have a fair process where the two countries can work together in every possible area of cooperation. But none of this can exist if there is a pattern of abuse of the free media and if there is a fear of intimidation on the part of those people who would go to Russia to conduct business or to perform positive relations with the people of Russia.

So, again, I want to thank my colleagues for this outstanding resolution. The gentleman from New York (Mr. GILMAN) has been a tireless advocate on these kinds of issues around the world. The gentleman from Florida (Mr. HASTINGS) is constantly on top of these issues. I applaud both of them for their leadership and join with them in urging our colleagues to pass this important legislation this evening.

Mr. HASTINGS of Florida. Mr. Speaker, continuing my reservation of objection, I yield to the gentleman from New York (Mr. GILMAN).

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

Mr. Speaker, I want to commend the gentleman from Pennsylvania (Mr. WELDON) for his supporting remarks.

Mr. Speaker, House Concurrent Resolution 352, which I have introduced along with the gentleman from California (Mr. LANTOS) and the gentleman from New Jersey (Mr. SMITH), makes it clear that the Congress is greatly concerned by the treatment of the Russian media by President Vladimir Putin and by his government's increasingly apparent lack of respect for freedom of expression in Russia.

After years of extensive privatization of Russian state-owned enterprises, little privatization has been carried out in major segments of the Russian media. Important segments, such as large printing and publishing houses and nationwide television frequencies and broadcasting facilities, have been only partially privatized, if they have been privatized at all.

That failure to privatize key segments of the media presents a tempting opportunity for Russian officials to manipulate the state-run media for their own ends; and in the recent parliamentary and presidential elections, we saw clear evidence that Russian officials have succumbed to that temptation. As this resolution points out, the Russian government's immense influence over the state-run media was used during those elections to openly support friends of the party in power in the Kremlin and to attack, blatantly and viciously, those who oppose that party of power.

Mr. Putin probably would not be president of Russia today if such media manipulation had not been used to his own advantage. Mr. Speaker, in addition to that manipulation of the state-run media, this resolution points out that the Russian government and its officials and agencies have also sought to intimidate the independent media.

A new Russian Ministry for the Press was created last July, and the Minister for the Press stated quite openly that his job was to address the so-called ''aggression'' of the Russian press. Leading Russian editors complaining in an open letter to former President Boris Yeltsin in August that government officials were putting pressure on the media, particularly through unwarranted raids by the tax police.

In fact, as recently as May 11, masked officers of the Russian Federal Security Service raided the headquarters of Media-Most, that is the company which operates NTV, the largest independent national television station in Russia. Then, just last week, the owner of Media-Most, Vladimir Gusinsky, was arrested on rather vague charges and held for several days.

In addition, Russian reporters have been beaten, some murdered, and police investigations have tended to fail to identify the perpetrators, much less bring them to justice. Andrei Babitsky, a Russian reporter working for Radio Free Europe/Radio Liberty covering the war in Chechnya, was arrested by the Russian military and then exchanged to unidentified Chechens for Russian POWs. Another reporter was ordered by police to enter a psychiatric clinic for an examination after he wrote articles critical of certain Russian officials.

Mr. Speaker, beyond these examples of the ongoing intimidation of the press by Mr. Putin's government, this resolution points out a distressing fact that is very relevant to freedom of expression in general in Russia. The Russian Federal Security Service is now moving to ensure total surveillance over the Internet in Russia by installing a system by which all transmissions and e-mails originating within Russia and sent to parties in Russia can be read by its personnel. In this manner, new structures of surveillance over all of Russia's citizens are now being created.

This resolution, H. Con. Res. 352, makes it clear that the Russian government's manipulation and intimidation of the media threatens the chances for democracy and the rule of law in Russia and makes it clear that freedom of expression by Russians in general is also under attack by that government and by its agencies.

Mr. Speaker, this measure calls on our President to make it clear to President Putin that the United States insists on respect for freedom of speech and of the press in Russia.

Mr. HASTINGS of Florida. Mr. Speaker, continuing my reservation, I would like to make a few additional points, one being that under President Putin it seems that conditions are getting worse. But, more important, I would like to thank the chairman of the Committee on International Relations for expediting this matter and for all of our colleagues that are cosponsors. None are more significant than the gentleman from California (Mr. LANTOS), who, along with the chairman, is the author of some of the language that appears in the resolution.

Having that understanding, I would like to reflect on two things. Had he been here and not had the scheduling mix-up that he has, the gentleman from California (Mr. LANTOS) no doubt would have pointed out that under former President Yeltsin, the media enjoyed a reasonable degree of independence and freedom from supervision by the so-called Media Ministry. The gentleman from California (Mr. LANTOS), myself and the gentleman from New York (Chairman GILMAN) have expressed our concerns that these actions will exacerbate tension in the Russian media and Russian society vis-a-vis the government.

Finally, the government of Russia has a right to enforce its laws and investigate illegal activity of its citizens. However, such a selective application of the Russian government's procuratory authority, imprisonment before the actual charges are brought and the overall abuse of the Federal authority, does deserve Congressional condemnation.

For the gentleman from California (Mr. LANTOS) and for the gentleman from New York (Chairman GILMAN), I offer my thanks.

Mr. Chairman, I withdraw my reservation of objection.

The SPEAKER pro tempore (Mr. OSE). Is there objection to the request of the gentleman from New York?

There was no objection.

The Clerk read the concurrent resolution, as follows:

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 Komsomolets'', 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; and

(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.

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.

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

□

GENERAL LEAVE

Mr. GILMAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H. Con. Res. 352.

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

There was no objection.

□

PERSONAL EXPLANATION

Mr. GREEN of Texas. Mr. Speaker, last Thursday, I was unavoidably detained and missed rollcall votes numbers 285 through 291.

Had I been present, I would have voted present on rollcall 285, yes on rollcall 286, yes on recall 287, no on rollcall 288, no on rollcall 289, yes on rollcall 290 and no on rollcall 291.

□

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.

□

COMMUNITY EMERGENCY ADJUSTMENT ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Connecticut (Mr. LARSON) is recognized for 5 minutes.

Mr. LARSON. Mr. Speaker, we are preparing tomorrow evening to drop an important piece of legislation, a bill whose short title is the Community Emergency Adjustment Act. It is a very simple and straightforward solution for communities who are experiencing sudden economic distress. That

sudden economic distress occurs due to plant closures, mergers and acquisitions that lead to dislocation, displacement and layoffs, layoffs that occur because of trade or technology.

I am pleased to announce that we have more than 160 cosponsors, bipartisan support, and am equally pleased that all the members of the Connecticut delegation have sponsored this legislation, along with my good friend the gentleman from Maine (Mr. BALDACCI), who we will hear from shortly as well, and I especially want to thank the gentleman from Pennsylvania (Mr. WELDON) and the gentleman from Ohio (Mr. KASICH) for their advice in pursuing this legislation.

I know firsthand why we seek this kind of remedy. We are experiencing some 1,700 layoffs within my district. What we know firsthand is that there is often a lack of coordination. It is this kind of coordinated effort that this piece of legislation seeks to remedy.

In short, when there is a natural disaster, FEMA comes in and provides an opportunity to make sure that it integrates with all the Federal agencies the kind of emergency response that is needed when communities are experiencing a natural disaster. It is true when there have been base closures in the past that the Department of Defense comes in and also organizes all the Federal agencies that are impacted, and in this way presenting a coordinated effort in assisting the communities through these problematic concerns.

That is not the case currently when layoffs occur, when workers are displaced. So, what this bill seeks through the Department of Commerce is to create in the Economic Development Administration a coordinating entity that will work with our various agencies, that will work with the Department of Agriculture, Small Business Administration, the Treasury, Labor, HUD, and, of course, the Department of Commerce itself.

The purpose here is to appoint a team leader. Again, when communities are experiencing these kinds of layoffs, currently the communities involved have to reach out to the various Federal agencies. What this will do when a community experiences the economic distress that I have talked about is it will provide the Department of Commerce with the opportunities to come in and coordinate this assistance, so it will be both cost savings, efficient and effective and assist our communities and assist those who are being displaced, those who have been laid off, with getting the kind of immediate coordinated assistance that they expect from the Federal Government.

I want to thank as well the administration, especially the Department of Commerce, for working with us on this approach. We hope to pilot this approach by getting them up to Connecticut and having them work through some of these particularly thorny areas so that we can coordinate in a whole-hearted effort to make sure that workers are receiving the kind of relief that they have.

Mr. Speaker we are seeking original cosponsors on this bill that we are going to drop tomorrow evening. As I have indicated, we have more than 160 cosponsors to what is a very pragmatic, straightforward solution in addressing communities that experience economic distress.

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PERSONAL EXPLANATION

Ms. JACKSON-LEE of Texas. Mr. Speaker, on June 15, 2000, I was away from the House on official business and missed rollcall vote number 288, the Nethercutt amendment to H.R. 4578. I would have voted no.

On rollcall vote 289, the Weldon amendment to H.R. 4578, I would have voted no.

On rollcall 290, the motion to recommit with instructions regarding H.R. 4578, I would have voted aye.

On final passage, rollcall vote number 291 on H.R. 4578, the Department of Interior Appropriations for FY 2001, I would have voted no.

□

□ 2130

U.S. MEMBERSHIP IN THE WORLD TRADE ORGANIZATION

The SPEAKER pro tempore (Mr. OSE). Under a previous order of the House, the gentleman from Texas (Mr. PAUL) is recognized for 5 minutes.

Mr. PAUL. Mr. Speaker, I rise tonight to talk about a bill that is coming to the floor either tomorrow or the next day. It is H.J. Res. 90. This resolution, if it were to pass, would get us out of the World Trade Organization.

There are many of us here in the House and many Americans who believe very sincerely that it is not in our best interests to belong to the World Trade Organization, who believe very sincerely that international managed trade, as carried on through the World Trade Organization, does not conform with our Constitution and does not serve our interests.

It said by those who disagree with this so often in the media that those of us who disagree with the World Trade Organization that we are paranoid, we worry too much, and that there is no loss of sovereignty in this procedure. But quite frankly, there is strong evidence to present to show that not only do we lose sovereignty as we deliver this power to the World Trade Organization, that it indeed is not a legal agreement. It does not conform with our Constitution; and, therefore, we as Members of Congress should exert this privilege that we have every 5 years to think about the World Trade Organization, whether it is in our best interests and whether it is technically a good agreement.

The World Trade Organization came into existence, and we joined it, in a lame duck session in 1994. It was hurried up in 1994 because of the concern that the new Members of Congress, who would have much more reflected the sentiments of the people, would oppose our membership in the WTO. So it went through in 1994; but in that bill, there was an agreement that a privileged resolution could come up to offer us this opportunity.

Mr. Speaker, let me just point out the importance of whether or not this actually attacks our sovereignty. The CRS has done a study on the WTO, and they make a statement in this regard. This comes from a report from the Congressional Research Service on 8–25–99. It is very explicit. It says, as a member of the WTO, the United States does commit to act in accordance with the rules of the multilateral body. It is legally obligated to ensure national laws do not conflict with WTO rules. That is about as clear as one can get.

Now, more recently, on June 5, the WTO director, General Michael Moore, made this statement and makes it very clear: the dispute settlement mechanism is unique in the international architecture. WTO member governments bind themselves to the outcome from panels and, if necessary, the appellate body. That is why the WTO has attracted so much attention from all sorts of groups who wish to use this mechanism to advance their interests.

Interestingly enough, in the past, if we dealt with trade matters, they came to the U.S. Congress to change the law; they came to elected representatives to deal with this, and that is the way it should be under the Constitution. Today, though, the effort has to be directed through our world trade representative, our international trade representative, who then goes to bat for our business people at the WTO. So is it any surprise that, for instance, the company of Chiquita Banana, who has these trade wars going on in the trade fights, wants somebody in the administration to fight their battle, and just by coincidence, they have donated $1.5 million in their effort to get influence?

So I think that the American people deserve a little bit more than this.

The membership in the WTO actually is illegal, illegal any way we look at it. If we are delivering to the WTO the authority to regulate trade, we are violating the Constitution, because it is very clear that only Congress can do this. We cannot give that authority away. We cannot give it to the President, and we cannot give it to an international body that is going to manage trade in the WTO. This is not legal, it is not constitutional, and it is not in our best interests. It stirs up the interest to do things politically, and unelected bureaucrats make the decision, not elected officials. It was never intended to be that way, and yet we did this 5 years ago. We have become accustomed to it, and I think it is very important, it is not paranoia that makes some of us bring this up on the floor.

Mr. Speaker, we will be discussing this either tomorrow or the next day. We will make a decision, and it is not up to the World Trade Organization to decide what labor laws we have or what kind of environmental laws we have, or what tax laws.

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COMMUNITY ECONOMIC ADJUSTMENT ACT OF 2000

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Maine (Mr. BALDACCI) is recognized for 5 minutes.

Mr. BALDACCI. Mr. Speaker, first I would like to commend the gentleman from Connecticut (Mr. LARSON) for working on and developing this legislation and to be able to work with him in recognizing that the economic tide of prosperity has not reached all Americans in every place in America. I would also like to commend him on the ability of working in a bipartisan fashion with the gentleman from Pennsylvania (Mr. WELDON) and the gentleman from Ohio (Mr. KASICH) and other Members, because we recognize that we have to work together across the aisle in order to accomplish things, and anything that is worthwhile to the people that we represent.

New market initiatives that the President has proposed, working with the Speaker, recognize that everyone in every place has not been touched by economic prosperity. So while we are trying to develop markets overseas and go more towards more and more global trade and world trade, we must look in the rearview mirror and make sure that all Americans in all of America have an opportunity to live and achieve the American dream.

Mr. Speaker, this legislation, the Community Economic Adjustment Act of 2000, which I am an original cosponsor of together with my colleague, would create a single agency at the Federal level to be able to respond with the same force that FEMA does for natural disasters, that the defense relocation acts as in terms of base closures, would be able to react in terms of economic distress. There are parts of Maine that have over 9 percent unemployment. There have been plant closings which I have been a part of trying to make sure that people have training, education and one-stop centers. When we are looking into the faces and the eyes of people who have nowhere else to turn but an extended unemployment check and relocation costs, we know that we have more to do here in the United States Congress, in the capital of this United States.

That is why this legislation, along with other proposals that the President and the Speaker are pushing, working in concert together, are going to try to make sure that that tide is in all areas of the country and has an opportunity to hit all people throughout this country to give them the same opportunities, to give corporations the same opportunities to invest here; to give the same resources available to people here that we provide overseas, so that they have an opportunity to be able to achieve and strengthen their skills and educational opportunities; and this legislation does it.

The gentleman from Connecticut (Mr. LARSON) and myself and other Members are seeking cosponsors so that we can develop more sponsors and cosponsors on a bipartisan basis. At this point we are talking about over 160 cosponsors so far, to develop bipartisan widespread support in the United States Congress to recognize that we need to have a comprehensive trade policy; that we need to have a comprehensive review of global policies at the same time that we are advancing those policies; that we are trying to make sure that each part of Maine and America have an opportunity, whether it is empowerment zones, enterprise communities, new markets initiatives, or the coordination of these agencies, so that we can begin to do some collaboration here, so that we can have agencies working together and not at cross-purposes.

In this Congress, we have worked very hard to restructure the job training programs so that we did not have 66 job training programs costing over $30 billion. The fact of the matter is, we left out some of the NAFTA job training programs, some of the trade adjustment assistance programs. We did this to make sure that there is coordination and a single source so that when the people are walking into these sources of training and education, that they have this opportunity.

Mr. Speaker, I yield to the gentleman from Connecticut, if I have time, if he would like to comment on this legislation; but I would like to commend him at this time and seek to continue to work with him.

Mr. LARSON. Mr. Speaker, I thank the gentleman from Maine for yielding. I would only add to his eloquently stated verse with regard to the impact that this legislation will have on workers all across this great Nation of ours and in my home State of Connecticut. The fact of the matter is, as the gentleman has pointed out, that as we experience globalization, we know that the blessings of commerce are not evenly spread across this Nation. So that is why it is critically important that the Federal Government coordinate a response in a timely fashion that this legislation will provide.

Again, I thank the gentleman from Maine for his hard work on this bill; and as he indicated, we seek cosponsors as well.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. HUNTER) is recognized for 5 minutes.

(Mr. HUNTER addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

REVISIONS TO ALLOCATION FOR HOUSE COMMITTEE ON APPROPRIATIONS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. KASICH) is recognized for 5 minutes.

Mr. KASICH. Mr. Speaker, pursuant to Sec. 314 of the Congressional Budget Act, I hereby submit for printing in the CONGRESSIONAL RECORD revisions to the allocations for the House Committee on Appropriations printed in House Report 106–660. In total, these revisions reduce the Committee's allocations by $201,000,000 in budget authority and $227,000,000 in outlays.

Floor action on H.R. 4577, the bill making fiscal year 2001 appropriations for the Departments of Labor, Health and Human Services, Education and Related Agencies, removed the emergency designation from $501,000,000 in budget authority contained in the House-reported bill. Outlays flowing from that budget authority totaled $240,000,000. The allocations to the House Committee on Appropriations and budgetary aggregates were increased to reflect the emergency funding in the House-reported bill in a letter dated 6 June 2000. The allocations to the Appropriations Committee and the budgetary aggregates are reduced by $501,000,000 in budget authority and $240,000,000 in outlays to reflect floor action. This sets the allocations to the House Committee on Appropriations at $601,180,000,000 in budget authority and $625,735,000,000 in outlays. Budgetary aggregates become $1,529,385,000,000 in budget authority and $1,494,956,000,000 in outlays.

As reported to the House, H.R. 4635, the bill making fiscal year 2001 appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies, includes $300,000,000 in budget authority and $13,000,000 in outlays for emergencies. The allocations for the House Committee on Appropriations are further adjusted to reflect those amounts, establishing allocations of $601,480,000,000 in budget authority and $625,748,000,000 in outlays. Budgetary aggregates become $1,529,685,000,000 in budget authority and $1,494,969,000,000 in outlays.

These adjustments shall apply while the legislation is under consideration and shall take effect upon final enactment of the legislation. Questions may be directed to Dan Kowalski or Jim Bates at 67270.

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LOOKING AT WAYS TO CONTROL THE RISING PRICE OF GAS IN AMERICA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. FOSSELLA) is recognized for 5 minutes.

Mr. FOSSELLA. Mr. Speaker, on June 21, the nations of OPEC will meet once again to determine the fate of practically every family across the country, and that is whether to increase oil production in those nations.

Now, it is no secret, Mr. Speaker, to every family and business across this Nation that gas prices are through the roof. Lately, we have been hearing a lot of excuses as to why that is occurring. But let us not lose sight of why it

is occurring. It is fundamentally a law of supply and demand. As we keep down production, and the demand for that product, in this case oil, continues to grow, prices will rise. So not only must we call upon our OPEC nations to increase production, to lessen the price at the pump, but we also I think have to look inside our unnecessary rules and regulations that cause those gas prices to jump as well.

For months now, more than a year, Members of Congress, both Democrats and Republicans, have tried to plead with the administration to find ways to stimulate domestic production to decrease our reliance on OPEC nations. If they want to keep those production levels at what they are now, fine. That is their right. I do not agree with it, but that is their right. But why can we not, the United States of America, find ways to decrease our reliance upon OPEC nations and look right here in our 50 States to develop ways to lessen the burden to that family at the pump?

Do the math. It is very simple. If you have a 15-gallon tank in your car, and you go to the pump, say, once a week, you are paying $10 to $15 more just to fill up your family car, to take your kids to the Little League game or to school. Over a month, you are looking at another $40 or $50 out of your family wallet. Over 6 months, you are in the $200 to $300 range. If you do a lot of driving, you have to fill up twice a week, we are talking about $500 or $600 for a 6-month period that has got to come from somewhere. It does not fall from the sky; it comes from the family wallet. That means no vacation perhaps; that means maybe we are not going to buy the clothes for the kids for school; maybe we are going to put off buying that microwave oven that we wanted.

What do we hear from the administration? Let us see if there is price gouging. Fine, go, see if there is price gouging, but also be honest with the American people and tell them that there are a lot of unnecessary rules and regulations and a commitment to keep production in this country down.

□ 2145

Only when we are totally honest with the American people can we find ways to truly decrease the price at the pump.

If anybody thinks this is not affecting our everyday American out there, I think they are losing a lot of disks out in Los Alamos that they are so busy they cannot understand what is happening. Small businesses are forced to raise their fees, taxi drivers are forced to find alternative sources of income or go out of a job, small business owners who have to pay this additional freight, the additional gas costs.

This is not right, and for so many folks who claim to feel the pain of others, we are turning our cheek, turning our head away from the folks who cannot afford the costs the most.

Mr. Speaker, let me say that I think in more than the year of promises that were made and not fulfilled, the American people deserve more of a response that allows the United States companies to increase production, to decrease these onerous rules and regulations that do nothing but increase the price at the pump, and give the American family a break.

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THE DEMOCRATIC PLAN FOR A MEDICARE PRESCRIPTION DRUG POLICY

The SPEAKER pro tempore (Mr. OSE). Under the Speaker's announced policy of January 6, 1999, the gentleman from Pennsylvania (Mr. PALLONE) is recognized for 60 minutes as the designee of the minority leader.

Mr. PALLONE. Tonight, Mr. Speaker, once again I would like to talk about the need for a Medicare prescription drug policy, and talk a little bit about the Democratic plan, the President's plan, in contrast with what I consider the lack of plan that the Republican leadership appears to have come up with and apparently is attempting to move through the House over the next week or two.

My colleague, the gentleman from Maine (Mr. ALLEN), has been a leader on this issue and introduced legislation more than a year ago to deal most specifically with the issue of price discrimination.

As he has said many times and I will reiterate, there are really two aspects to this Medicare prescription drug proposal. One is to provide the benefit, and the other is to make sure that the price discrimination that we have witnessed so often in the last few years does not continue.

I would like to commend the gentleman for all that he has done to address this issue of price discrimination with his legislation, and also with his effort to get so many cosponsors to that bill.

Mr. Speaker, I yield to the gentleman from Maine (Mr. ALLEN).

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

Here we are again, back in the well of the House, talking about a problem that is a matter of immediate concern to seniors and others all across the country.

A little history. I want to talk in a few minutes about the debates that are going to come up this week and next week here in the Congress over the issue of prescription drugs, but a little history is worth recalling.

It was almost 2 years ago when I released the first study done by the Democratic staff of the Committee on Government Reform which shows that, on average, seniors pay twice as much for their prescription medications as the drug companies' best customers, being big hospitals, HMOs, and the Federal government itself buying either for Medicaid or through the Veterans Administration.

That is an astonishing difference, a difference of about 100 percent of the most commonly-prescribed prescription drugs.

We released that first study on July 2, 1998. In September I introduced legislation, September of 1998, that would provide a discount to every senior who is on Medicare, to all Medicare beneficiaries. The bill would work very simply. It simply would provide that pharmacists would be able to buy drugs for Medicare beneficiaries at the best price given to the Federal government. It is called the Prescription Drug Fairness for Seniors Act, H.R. 664, in this Congress.

Then, in October of 1998, we did the first of the international comparisons. That was a study to show that Mainers pay on average 72 percent more than Canadians and 102 percent more than Mexicans for the same drug in the same quantity from the same manufacturer. Those two studies have been replicated in the first place in over 115 districts around the country, and in the second case, by dozens.

I want to thank the gentleman from New Jersey (Mr. PALLONE), who has done so much to help drive this issue, being here night after night after night and organizing the Health Care Task Force as the gentleman does.

It is very clear what Democrats are advocating for. On the one hand, we are saying we need a discount. It is very simple, it does not cost the Federal government any significant amount of money, it does not create any new bureaucracy, but it would yield about a 40 percent discount for seniors who are already on Medicare paying out-of-pocket for their own prescription drugs.

Let us remember that over half of all seniors have either no coverage at all, 37 percent, or very inadequate coverage from HMOs or through MediGap itself, so we are dealing with over half of the senior population which does not have adequate coverage for prescription drugs.

Now, 2 years after we began this effort, the Republicans are finally coming up this week and next with a plan. It is interesting what that plan is, because we have been advocating for the kind of discount I described, and also a benefit to make Medicare updated, to make it more like what the plans of Aetna, Signa, United, the Blue Cross companies provide employees, a health care plan with prescription drug coverage.

That is what we want for Medicare. Those plans negotiate lower prices for their beneficiaries. Medicare beneficiaries should get lower prices. But also, a discount is not enough. We have to have the benefit under Medicare.

It all seems very simple, but in Washington not much is very simple. What we notice are two things happening this week. On the one hand, the Republicans are coming up with a prescription drug plan that relies on HMOs and private insurance companies. On this foundation is built a plan that, the

truth is, will not help America's seniors, because instead of updating Medicare, instead of strengthening Medicare, instead of providing a Federal prescription drug benefit, what the Republican plan does is turn to HMOs. It says that they have been so successful in providing benefits for Medicare beneficiaries that we should let them provide prescription drug coverage, as well.

Then it says that the plan provides that there should be room for private insurance companies to offer prescription drug coverage, stand-alone prescription drug coverage. So one of the things we notice is this is the plan that the Republicans are rolling out in the House this week.

What we also notice is that, not by coincidence, the pharmaceutical industry is running ads suggesting that what this country's seniors really need is private insurance. What we can see is the Republicans in Congress are working hand in glove with the pharmaceutical industry, hand in glove with the HMOs and the private insurance industry.

Here is the most interesting ad. This ad has appeared as a full-page ad in the Washington Post. This is either from Roll Call or the Hill magazines here. It is in Congress Daily. Everywhere we go in Washington we see this particular ad. I have never seen it in anything less than a full page in whatever publication it has been in.

It is an interesting ad. It says, ''Read label before legislating. Private drug insurance lowers prices 30 percent to 39 percent. Shouldn't seniors have it?'' Now, I think seniors should get that kind of discount. That is exactly the kind of discount that is reflected in the Prescription Drug Fairness for Seniors Act. But my bill would provide that Medicare would negotiate lower prices for all 39 million Medicare beneficiaries. Under that kind of plan, Medicare would have real leverage to drive down prices.

What is interesting about this particular plan, this particular advertisement, is that a portion of it reads as follows: ''12 million senior Americans now have no prescription drug insurance coverage. As a result, most of them pay full price for their medicines. That is because they don't have the market clout that comes with a drug insurance benefit.''

Now, it is interesting, until last week the pharmaceutical industry was attacking my proposal and others on the grounds that if it provided a 20, 30, 40 percent discount to seniors, that they would have to cut back on research and development costs.

Here is an advertisement sponsored by PHARMA, the pharmaceutical industry, basically calling for a 30 to 39 discount.

The question that might arise is, why do they not simply give seniors a 30 to 39 percent discount now? They set the prices, they can lower them tomorrow. But they do not. This is an industry ad saying, protect us from ourselves. We are charging seniors far more than we charge insurance companies, big hospitals, and HMOs, and the way to do that is to give private insurance to seniors.

Now, to some extent we might say, well, does that not make sense? But the truth is, there is a glitch. There is a problem. The insurance industry says, we are not going to provide private insurance for prescription drugs. They have said it over and over and over again. Yet, the Republicans in this House are bringing forth a plan that depends on HMOs and private insurance companies.

How does this work? What does it mean? Well, the private insurance, Chick Kahn, head of the Insurance Association of America, has said, we are not going to provide private insurance for prescription drugs because it is like ensuring against haircuts. There are so many claimants, in other words. They say to people up in Maine, if Maine were a low-lying State and 85 percent of the people every year put in a claim for flood insurance, we would not be able to buy flood insurance in Maine at any price. But 85 percent of seniors in this country take some form of prescription drugs.

So despite the fact that the insurance industry is saying, we will not provide prescription drug insurance for seniors, the Republicans in this House are bringing up a plan that depends on private insurance for seniors. It will not work.

Why are they doing this? What is the purpose of the plan? The only conclusion we can come to is that the Republican plan is not a plan to help seniors afford their prescription drugs. What it is is a prescription for Republican Congressmen. It is a prescription to help them in November by having the appearance of a prescription drug plan for seniors but not the reality of a prescription drug plan for seniors. It is an illusion.

That is why it does not matter to the Republican leadership in this House whether the plan works or not, whether the insurance industry will actually provide insurance or not, or whether the plan will ever become law or not. It is designed as political cover. It is designed as a prescription drug theme for the fall elections, but not a prescription drug plan for seniors.

It is America's seniors who need the help. It is America's seniors who write to me, and I am sure to the gentleman from New Jersey, and send us a list of the cost of their prescription drugs. Then they show us what they are earning.

I have had people in my district say, ''Here is the list.'' I can remember a couple of women who wrote to me with basically the same kinds of numbers. They both said, ''My husband and I take about $650 of prescription drugs a month, but our two social security checks only come to $1,350. We cannot make do,'' so they do not take the medicines that their doctors tell them they have to take.

I have other women who have written to me and said, I do not want my husband to know, but I am not taking my prescription medication because he is sicker than I am, and we cannot both afford to take our medication. That is wrong in this country. It is absolutely wrong. We have the power in this Congress this year to do something about it.

As the gentleman knows, our task forces on the Democratic side have been working away developing plans that are not good politics, just good policy, policy that will help America's seniors, a benefit under Medicare that will help so people can get payment for their prescription drugs; so they are not driven to the hospital because they cannot afford to take their medications; so they can pay their rent and their food and their electric bills and still get medications that they need.

That is what we are trying to do on this side of the aisle, but on the other side of the aisle what we have is private insurance. An astonishing ad, this one is. It says, in effect, protect us against ourselves. We are charging seniors too much and we know it, and if only the private insurers would come in and cover America's seniors, then we would reduce our prices to seniors.

But they know that this will never happen. Here is the pharmaceutical industry with its own misrepresentation yet again to the people of the country. They are advocating a plan that will never happen because in fact the insurance industry will never provide stand-alone prescription drug coverage to seniors.

This ad is a fraud, and the Republican plan is a fraud. It will not work. It will not happen. It is a prescription for Republican legislators in the fall.

I think what we need in this country is a recognition that this issue will not go away. This problem that seniors face today will not go away until it is fixed.

☐ 2200

Every year, prescription drug spending goes up 15 to 18 percent year after year after year. So if we think we have got a big problem this year, a year from now, it will be 15 to 18 percent larger than it is right now. That is what we face in this country.

I just want to thank the gentleman from New Jersey (Mr. PALLONE) because this is a battle. We have a raid against the pharmaceutical industry and the HMOs. What we need to do, there is no reason, there is absolutely no reason to say that the only way we can give seniors prescription drug coverage is to pay private insurers to pay HMOs to provide that coverage when the insurers say they will not do it anyway.

I mean, it makes no sense. We need a stronger and better and more comprehensive Medicare. We need a plan that will provide continuity and predictability and stability and equity. That is what we need.

All the talk about choice and all the talk about private insurance is really a smoke screen. It is not about policy that will work for America's seniors. That is what we need to be doing. Seniors need help. They need it now. We can give it to them if we handle this issue right in the coming weeks.

I thank the gentleman from New Jersey very much for yielding to me.

Mr. PALLONE. Mr. Speaker, I want to thank the gentleman from Maine (Mr. ALLEN) for putting really so succinctly the difference, if you will, between what the Democrats are proposing and trying to accomplish here versus this Republican essentially sham proposal.

It reminds me so much of the debate over HMO reform, the Patients' Bill of Rights. Because as my colleagues know, I guess it was about a year ago, maybe 6 months ago, the American people were crying out, we all would go to town meetings and hear from all our constituents about the need for HMO reform.

The Democrats came up with the Patients' Bill of Rights, which is a very good bill to address the concerns and abuses within the HMO system. We heard the Republicans kept stalling and saying they did not want to deal with it, they did not want to deal with it. Nothing was happening in committee.

Finally, the pressure got so great that they decided to push a bill which essentially accomplished nothing. But beyond the fact that the legislation that was being pushed, particularly on the Senate side, was so weak and so lacking in any kind of basic protections for those who were being abused by the HMOs was the fact that it was very obvious that it was not being done because they really wanted to pass the bill, it was being done so they could say they were doing something.

Lo and behold, 6 months have passed, we have had conferences between the House and Senate, nothing has happened, and we are getting very close to the election without an HMO reform bill.

I think the same thing is happening here. The gentleman from Maine is absolutely right. We keep coming to the floor talking about the need for a Medicare prescription drug program. The pressure builds because it is a real concern out there. All of a sudden, now we get a statement from the Republican leadership saying that they are going to do something which is a sham. They may have it in committee this week, they may bring it to the floor next week so they can pass something by the July 4th recess.

What does that mean? The Senate will not act. If the Senate acts, there will be a conference. The conference will not go. It will never get to the President. The politics of this is really disgraceful because this issue, just like the HMO reform issue, is something that needs to be addressed, and it is not going to be.

The gentleman talked about the Republicans using this insurance plan. It reminds me so much, I read a little bit about what happened in the 1960s when Medicare was first started. We were getting the same arguments then. There were all these people, all these senior citizens that had no health insurance.

It was the majority of seniors that had no health insurance. The Republicans then in both the House and the Senate in the 1960s were arguing that we should set up some kind of private insurance program for the seniors. The Democrats rejected that. The Democrats passed the current Medicare program. The President, then Johnson, signed it. We have had a very good program. Why not build on the existing program?

What the President has proposed and what the Democrats in the House and the Senate have proposed is basically adding another part to the existing Medicare program. We have part A for hospitalization. We have part B for one's doctor bills, which is voluntary. One pays so much of a premium per month.

What the Democrats are proposing is that we set up another part C or D, whatever we want to call it, where one pays so much a month and one gets a prescription drug program. Everybody who is in Medicare is eligible for it. It is universal. It is affordable. It is voluntary. It is a defined benefit program so one knows that one will get all medically necessary drugs.

It has the effort to address the price discrimination that the gentleman from Maine mentioned with the benefit provider so that, basically, we have these benefit providers that negotiate a better price for the seniors than many of them would get now in the open market.

Why not build on the existing Medicare program and do just that? Why go back to this private insurance model which, as the gentleman from Maine said, does not work.

I just wanted to mention one more thing, and I want to yield back to the gentleman from Maine because he has been doing such a good job. Chip Kahn, who is head of the Health Insurance Association of America, made that statement before the Committee on Ways and Means last week where he said, This insurance-only program will not work. The insurance companies will not sell it. It is a sham. He also came before our Committee on Commerce and said the same thing.

One thing that he said that concerns me a little, he said, I was pleased to see that the Republicans at least have said that, if their private insurance program does not work and they cannot get it sold, then they will fall back on some sort of government assistance for the people who cannot buy private health insurance. Of course I said, well, it is not really clear what they are going to do. What is this fall back? Is it Medicare? They have not said.

I said to Chip Kahn, I said, Well, Chip, does it make sense to have a private insurance program with a fall back when we already have an existing Medicare program that does work that we can just add a prescription drug benefit to it? He said, Well, I am not really in a position to comment. Health insurance people do not let me say yes or no whether that makes sense. Certainly I agree there is nothing wrong with having a Medicare program.

They already realize that this will not work. That is why the gentleman from California (Mr. THOMAS) is now starting to talk about some sort of fall back. What does one need the fall back for? Do the Medicare program the way it has been working for 30 years.

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

Mr. PALLONE. I yield to the gentleman from Maine.

Mr. ALLEN. Mr. Speaker, the gentleman from New Jersey is exactly right. It is interesting. The Republican plan, because of its reliance on the private sector to deal with the problem of Medicare beneficiaries, is incredibly complex. I mean, basically they create a whole new bureaucracy to deal with this, and then they expect a variety of different private insurance companies and HMOs to pick up and deal with this particular problem.

Well, let us look at what is going on in Medicare right now, in Medicare, managed care. Remember, we passed Medicare Plus Choice plan in 1997. The thought was, well, the HMOs will come into Medicare, and they will save us money because the private sector is always more efficient than the public sector. But in truth, the Medicare system, when one is in Medicare, there is no money being paid for profit. The overhead expenses and administrative expenses are far lower than in any private sector health care company.

Look at what is happening with Medicare managed care right now. What we see is, every year, the benefits change. The prescription drug benefits, which in some cases were free, free prescription drugs essentially for no additional premium when Medicare managed care was created. Now the caps keep coming down every year. Now 62 or 70 percent of all plans have an annual prescription drug cap of $1,000 or less. The premiums go up. The copays go up. The benefits go down.

But most striking, it is not available in most places. In seven out of ten counties in this country, Medicare managed care is not even available. It really only works, to the extent it works at all, in larger urban areas. Rural America gets left out. Frankly, maybe that is a good thing right now.

But it is only very limited in my home State of Maine. I mean, no more than 1,500 people in the State of Maine have Medicare managed care plan. Managed care is not working very well with this particular population. We know that because, every July 1, the

health care plans report to HCFA, and, again, last year, they dropped 400,000 people because it simply was not cost effective. They could not make a profit on those 400,000 Medicare beneficiaries. So they just dropped them from the plan.

July 1 is coming up again. My colleagues are going to see plans all across this country, managed care plans, simply dropping their Medicare beneficiaries because they are not making money on this.

So what do the Republicans do? They say we have got a prescription drug plan, and it relies on HMOs and private insurance companies. With all of the complexity, with all of the inequity, they are saying what we really need is more of a system that is not working.

That is why I keep coming back to the thing that this is bad policy. It is terrible policy. At a recent caucus, a Republican pollster made a presentation, and that material got out and has been published and so on. Now it is very clear that the Republican pollster said for Republicans it is more important that people think, that people believe you have a plan than the content of the plan. So the appearance of the plan is more important than the content of the plan. That is bad.

Basically, if we get the policy right, we will be doing the right thing. That is why, if we are going to make changes to Medicare, if we are going to deal with the Medicare population, if we are going to deal with the biggest problems that Medicare beneficiaries have today, which is the inability to pay for their prescription drugs, then we need to do it through Medicare. Medicare is reliable. It is universal. It is equitable. It is simple. It is cost effective.

I find the cost of providing a benefit would be significant. But there is not anybody in this Chamber who says it is too expensive who does not support a tax cut that is much larger than the annual cost of providing a prescription drug benefit under Medicare.

We can do this. We can do this this year. But we cannot do it with sham proposals, with private insurance companies who say we are not going to provide the insurance.

Let us get to a real proposal. Let us get the Democratic benefit and the Democratic discount on the floor for a debate. Then I think we can do the right thing for America's seniors.

Mr. PALLONE. Mr. Speaker, I agree with the gentleman from Maine (Mr. ALLEN). I guess I just worry that the public does get confused because the Republican leadership proposal is designed to confuse them. I mean, one of the things that I know of, they try to give the impression somehow that if one does not go along with their proposal, and one has an HMO, and one would like the HMO or one has an existing pension plan that provides for prescription drugs, that somehow that is going to change.

One of the things that I have made clear is that the Democratic proposal is a Medicare benefit, but it is voluntary. We have actually built into the President's proposal, the Democratic proposal, the idea that about 50 percent of the costs for an HMO or 50 percent of the costs if somebody has a drug benefit now through their pension or whatever would be paid for.

We would not discourage people from leaving their HMO if they like it and they have a drug benefit or leaving their other private plan that they might have through an employer that they like, because we are going to build in that about 50 percent of the cost of that drug plan in both of these cases would be paid for by the government through this Medicare program.

But what we are saying is that for those people who do not feel that they have a good program either because they have nothing or because they do not have a good program that they will be guaranteed a benefit if they do opt to pay for their premium per month just like they do with part B.

It just seems to me it makes a lot more sense to say on the one hand everybody is covered who wants it. If one does not want it, one does not have to opt for it. Everybody has got a specific benefit that they know is guaranteed. Then if one wants to opt out, one can. But not to build, as the gentleman, says, this bureaucracy which is very similar to the existing HMOs.

Mr. Speaker, I want to thank the gentleman from Maine (Mr. ALLEN) for joining me this evening. We are going to continue the battle on this.

Mr. Speaker, I wanted to go into a little detail about what the Democratic proposal is, which is essentially the President's plan. In describing what the Democrat proposal is, I am relying on the testimony that was made before the Committee on Commerce, of which I am a member, last week by Nancy-Ann DeParle, who is the administrator of the Health Care Financing Administration, which administers Medicare and would also continue to administer the prescription drug proposal under the President's plan which, as I said, is essentially the Democrats' plan.

I want to outline this because I do not want to just talk about why the Republican proposal is bad, I want to explain what the Democratic proposal is and why it is a good plan.

Basically, under the President's plan, it is voluntary. It is affordable. It is competitive. It has a quality drug benefit that would be available to all beneficiaries. The President's plan dedicates over half of the on-budget surplus to Medicare and also extends the life of the Medicare trust fund to at least 2030.

So what we are doing is we are using the budget surplus that has been generated with the good economy to pay for this Medicare prescription drug program.

Most important, the coverage is available to all beneficiaries under the President's plan.

☐ 2215

And I say that because I believe that the Medicare program has worked, and it makes sense to put this prescription drug plan under the rubric of the existing Medicare program. The advantage of doing that is that everyone, regardless of income or health status, gets the same basic package of benefits. All workers pay taxes to support the Medicare program; and, therefore, all beneficiaries should have access to this new drug benefit, just like they have for everything else in the Medicare program.

Now, a universal benefit helps ensure that enrollment is not dominated by those with high drug costs, the so-called problem adverse selection, which would make the benefit unaffordable and unsustainable. One of the criticisms of the leadership plan is that what may happen is that only people with high drug costs would opt into it. What we want to do is create an insurance pool, just like with Medicare in general, that everybody is involved with. Because it is only when we have a large insurance pool with people of all categories of use for drug benefits that we can be successful.

And, again, under the President's plan it is strictly voluntary. If a beneficiary has what they think is better coverage under an HMO or some kind of pension plan or something through their employer, they do not have to opt into it. As I said, what we are really going to do is to make sure that those plans get extra money, up to 50 percent of the cost of what it cost them for a drug benefit, the existing HMO would get or the existing employer benefit plan would get, in order for the individual to continue to use that plan if they do not want to opt into the Medicare plan.

Now, for beneficiaries who choose to participate under the President's plan, the Democratic plan, Medicare will pay half of the monthly premium, with beneficiaries paying an estimated $26 per month for the base benefit in 2003. As the program is phased in from 2003 on, it becomes more generous; and, of course, the premium goes up accordingly. The premiums would be collected just like the Medicare part B program as a deduction from Social Security checks for most beneficiaries who choose to participate.

Low-income beneficiaries would receive special assistance so that if they are below a certain income, just like now for part B, for those seniors in part B now, which pays for their doctor bills, if they are below a certain income, they get part of the premium paid for. If they are at a very low income, the complete premium is paid for. We would do the same thing with this prescription drug plan using the same criteria. The income basically that would be used for those criteria would be the same.

Under the President's plan, Medicare would pay half the cost of each prescription with no deductible. The benefit will cover up to $2,000 of prescription drugs when coverage begins in 2003

and increase to $5,000 by 2009, with 50 percent beneficiary coinsurance. After that, that would be adjusted for inflation. But most important, also, we have a catastrophic benefit. So that basically above a certain amount, I believe it is $3,000 out of pocket, all the costs would be paid for by Medicare and by the Government.

The price discrimination issue that my colleague, the gentleman from Maine (Mr. ALLEN), mentioned is addressed in the President's plan through competitive regional contracts to provide the service. In other words, basically in each region of the country we would ask people to apply or compete to be the benefit provider; to be the entity that would go out and negotiate a price for the drugs and provide the medicine or prescription drug benefits for the individual. And basically that would be reviewed by HCFA on some kind of yearly or biannual basis. If it was not working out so that prices remained too high, then they could drop those benefit providers that were not performing.

I think that is important. Because, again, if we do not have some way to address the price discrimination issue, then I do not think that this program would work. And, again, there is nothing in the Republican proposal to address the issue of price discrimination or provide this kind of fair price that has been proposed in the President's program.

I want to talk, again, about those people who are in HMOs. We are not saying that individuals in HMOs cannot continue in those HMOs and get a drug benefit. In fact, what is going to happen is that this Medicare program is going to provide money to the HMO for that drug benefit. Under the President's plan, essentially we strengthen and stabilize the Medicare+Choice HMO program.

Today, most Medicare+Choice, or HMOs, offer prescription drug coverage using the excess from payments intended to cover basic Medicare benefits. They are only getting the amount of money that the Federal Government assumes would pay for basic Medicare benefits without the drug benefit. But under the President's proposal, those HMO plans in all markets will be paid explicitly for providing a drug benefit in addition to the payments that they receive for current Medicare benefits.

So they will no longer have to rely on the rate in a given area to determine whether they can offer a benefit or how generous it can be. And that is where we get into the problem where some of the HMOs drop the drug benefit or start charging more for the drug benefit. They will not have to do that because there will not be the regional variations. They will be getting money directly from Medicare, directly from the Federal Government, to pay for half the cost of the drug benefit. And that also will be true for any kind of employer plan that someone might have that they receive through their employer that they want to keep as well.

I think that the concern that I have, if I contrast the Democratic plan, which I think is really a Medicare benefit that is available to all, that ends price discrimination, that has a defined benefit, if I contrast that with the Republican plan, the basic problem with the Republican plan is that it is imaginary. It is not going to work. It is just political cover. It is empty promises. My colleague talked about that before. And it is not an entitlement to anything.

The one thing that really disturbs me is if we set up a system, as the Republican leadership has proposed, where this is basically a private insurance plan, we get away from the basic universality of Medicare that we have had for a long time. If we start breaking up Medicare and suggesting that one part of it, in this case the prescription drug plan, can be outside of the Medicare drug program, I think it undermines the whole Medicare program and the whole ideology of the Medicare program.

I have been concerned because I think that is the goal of some of my Republican colleagues. They do not really like Medicare. They do not like the fact that Medicare was set up as a government program. They would rather have all of Medicare, perhaps, to be some kind of a private insurance program, and the prescription drug benefit becomes sort of the first way to accomplish that.

The other problem with the Republican plan is that since it does not have a defined benefit, we are never going to know exactly what kind of benefit one gets. In other words, we say in the Democratic plan that if the medicine, the prescription drug, is medically necessary, if the doctor feels, and he is going to write a prescription that this drug is medically necessary, then the individual gets it. That is the definition of the benefit. But we do not have that under the Republican plan. We do not necessarily know what kind of drugs are going to be covered. And it is going to depend upon the whims of the private insurance market whether or not they can offer certain drugs or cover certain things at a given time.

Seniors need to have a certain amount of certainty. I think one of the biggest problems that exists now when HMOs change their drug benefit plans or they simply drop seniors altogether is that I get a call saying what happened, I thought I had a certain HMO, I thought I had a certain drug benefit plan and all of a sudden I do not. We need certainty, and that is essentially what the Democrats are proposing.

There was a very interesting article, I thought a really enlightening article, in The New York Times, Mr. Speaker, just yesterday, Sunday. It was on the front page. It was by Robert Pear, and it was entitled ''Party Differences on Drug Benefits Continue to Grow.'' And it talked about this whole Medicare debate in terms of what the Republican leadership proposes as opposed to what the President and the Democrats are proposing.

I do not like to read, but I just thought that there were certain parts of this article that really sort of explained the differences between what the Democrats proposed and what the Republicans proposed, and why I feel that the Democratic plan really is a good plan that will work whereas the Republican plan simply will not work and it is just something they are putting forward. I would just like to read certain sections of this article, if I could, because it does draw such contrasts between the Democrats and the Republicans on the issue.

It says, about halfway down the front page in the article from yesterday's New York Times, ''Democrats want more uniformity in premiums and benefits. They say the Republicans' free-market approach will confuse beneficiaries and encourage insurers to seek out healthy customers with relatively low drug costs, a practice known as cherrypicking.''

This is the whole idea of breaking the insurance pool. The reason why Medicare works is because so many people, almost everyone, most seniors, are involved with it. So it creates this huge insurance pool that does not depend on whether a person is sick or how much health care or hospitalization is needed. Well, we break that system by allowing insurance companies, through private insurance, to cherrypick those who use the least amount of drugs; and all of a sudden, we do not have a workable plan.

Well, the article says that, ''The Republican proposal assumes that insurers can be induced to offer drug coverage subsidized by the government just as health maintenance organizations have been induced to sign contracts with the government to care for 6.2 million Medicare beneficiaries. But when asked if insurers would be interested in offering drug coverage under Mr. Thomas','' the Republicans', ''bill, Charles Kahn,'' this is Chip Kahn, ''President of the Health Insurance Association of America, said: No, I don't think so. They would not sell insurance exclusively for drug costs. The government may find some private entities to administer drug benefits, but the government would have to accept all or nearly all of the financial risk.''

Well, this again goes back to what my colleague from Maine was saying before. Who is going to offer a benefit or an insurance policy that has a benefit that almost all seniors need? The whole basic idea of insurance is risk. And if we have a situation where they have to insure and probably pay out money to almost every senior, they are not going to sell the policy.

''President Clinton,'' again from the New York Times, ''would offer the same drug benefits to all 39 million people on Medicare. House Republicans, by contrast, would describe a

model insurance policy, known as standard coverage. Insurers could offer alternative policies with different premiums and benefits.''

That is the problem. Rather than having that defined benefit under the Democratic plan, we have under the Republican proposal a standard coverage that does not mean anything because the insurance companies do not have to provide the benefits that are under the standard coverage. They can vary as they see fit.

Again, in this New York Times article from yesterday, ''Nancy-Ann Min DeParle, administrator of the Health Care Financing Administration, which runs Medicare, said elderly people could be refused if they had a large number of choices.'' And she is talking about the Republican plan. ''It's difficult for seniors to navigate among plans,'' Ms. DeParle said. ''Moreover,'' Ms. DeParle asked, ''do seniors want and need all these choices? If you let plans design all sorts of benefit packages, that promotes choice, but it also promotes cherrypicking of the healthiest seniors. That's why we need defined benefits. Seniors want to know what's covered. It must be predictable.''

The Republicans keep talking about choice, but look at the example with the HMOs and how much confusion that has caused now in Medicare, where so many of them are dropping the plans or changing their plans and the seniors call us up and complain to us. Well, I frankly feel that if we have a defined benefit plan under Medicare that is certainly preferable. If someone wants to use an HMO, they can, but at least provide a guaranteed benefit.

''Democrats fear,'' again in the New York Times, ''that the market for drug insurance would be filled with turmoil as insurers went in and out from year to year. In the last two years, dozens of HMOs have pulled out of Medicare or curtailed their participation, disrupting insurance arrangements for more than 700,000 elderly people, and more health plans are expected to withdraw this year. Democrats say drug benefits should be fully integrated into Medicare, like coverage of hospital care and doctors' services. The bill,'' this is the Republican bill now, ''says Medicare officials must ensure that every beneficiary has a choice of at least two plans providing prescription drug coverage. One could be an HMO; at least one must be a traditional insurer. But Democrats say even if benefits have two options, both may be high priced plans. Under the House Republican proposal, Medicare officials could offer financial incentives to get insurers to enter markets in which no drug plans were available.''

Now, that is fine. In other words, just like HMOs, the Republican plan would say, and this is what the gentleman from California (Mr. THOMAS) has said, well, if we cannot find any insurance companies to provide this prescription drug coverage, then we will just give them more money and then they will do it. Well, that is all very nice, but, again I am going back to this New York Times article, ''Chris Jennings, the health policy coordinator at the White House, said the availability of these incentives would encourage insurers to hold out for more money. It would encourage insurers to hold Medicare hostage, Mr. Jennings said. The policy says that if insurers don't participate in the marketplace, we'll give them more money.''

Now, do my colleagues think an insurer will decide to participate in the market at the beginning, when they get less money, or will they hold out a little longer and then they might get more?

□ 2230

''That's the most inefficient, ridiculous incentive mechanism one could imagine.''

That is, essentially, what we are getting now with the HMOs. HMOs that are pulling out of the Medicare senior market are coming back to Congress and saying, okay, we will stay in the markets if you give us more money, if you give us a higher reimbursement rate. Insurance companies that theoretically are going to tap into the drug benefit programmed under the Republican plan, they will do the same thing, they will say, well, we cannot offer the plan now. Give us more money. And then they will hold out until they get more money. And even then there is no guarantee that we are going to get a good benefit plan.

I do not want to keep talking all night, Mr. Speaker, because I know that we are going to be dealing with this issue again and again. And I certainly plan to come again on other nights in special orders with my colleagues on the Democratic side to keep making the point that what we really need here is a Medicare benefit, a Medicare prescription drug benefit, that is voluntary; that provides universal coverage to everyone who wants to opt for it; that is designed to give all beneficiaries meaningful defined coverage; that has a catastrophic protection so that, if over a certain amount, the Government pays for all benefits; that has access to medically necessary drugs and, basically, defines what is medically necessary by the physician, not by the insurance company; and that, basically, says that if you are low income, we will pay for your premium, just like we do for part B for your doctors bills; and, finally, that is administered in a way that has purchasing mechanisms so that we can keep the price fair and not provide for the price discrimination that exists right now under current law for so many people.

That is what we will push for regardless of what the Republicans come up with. And certainly, we are more than willing, as Democrats, to work with the Republicans to fashion a plan that will work. But, so far, what we are hearing from the other side of the aisle is a sham, is not something that is designed to provide a meaningful benefit, and that ultimately will not pass here, not pass the Senate, not land on the President's desk in time for the end of this Congress. And that is what I do not want to see.

The Democrats want to see something that will pass and be signed by the President and become law so that Medicare beneficiaries can take advantage of it and that it not just be a political issue for this November election.

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PRESCRIPTION DRUG COVERAGE

The SPEAKER pro tempore (Mr. PITTS). Under the Speaker's announced policy of January 6, 1999, the gentleman from Pennsylvania (Mr. ENGLISH) is recognized for 60 minutes as the designee of the majority leader.

Mr. ENGLISH. Mr. Speaker, the House is on the brink of considering a very important issue, one that matters to people in my district in northwestern Pennsylvania and to all users of the Medicare program throughout the United States, whether they are seniors or individuals with disabilities. We are talking, of course, about the bipartisan effort to revise the Medicare program and to include prescription drugs.

My intention tonight, along with a couple of my colleagues, is to clear away the partisan smoke, to clear away the rhetoric, and to focus on what is really being proposed and the potential for a true bipartisan approach to extending prescription drugs under the Medicare program.

Mr. Speaker, modern medicine is using drug therapies more and more to prevent and treat chronic health problems. This is the 21st century. A trip to the pharmacy is far better than a trip to the operating room. We no longer practice medicine as our grandfathers or even our fathers once experienced, nor should we continue to offer seniors the limited Medicare program that our grandfathers and fathers knew. We need to revise the program and expand it and rethink it.

Medicare is, essentially, a standard benefit program from the 1960s, and it needs a facelift. We started that process in recent years by extending Medicare benefits to include a variety of new procedures. But we need, among other things, fundamentally we must modernize this benefit to provide prescription drug coverage.

Now, Mr. Speaker, I had the privilege of being appointed by the Speaker to serve on his Prescription Drug Task Force. We generated a blueprint and an outline which we thought could form the basis of a bipartisan prescription drug initiative. And indeed it has.

The House bipartisan prescription drug plan is a billion-dollar market-oriented approach targeted at updating Medicare and providing prescription drug coverage. After all, how many of us would give our employer's health

plan a second look if it did not include coverage for prescription drugs. But that is what we have been asking America's seniors to do.

We must take the steps necessary to ensure that seniors have access to affordable prescription drugs throughout America. What we have done is create a plan which invests $40 billion of the non-Social Security surplus to strengthen Medicare and offer prescription coverage to every beneficiary.

This is, after all, $5.2 billion more than what the President had proposed, and it was included in a budget resolution that we passed in this House over fierce resistance from House Democrats.

The bipartisan prescription drug plan that we have created will provide lower drug prices while expanding access to life-saving drugs for all seniors. Many of us had carefully examined the President's proposal and, in doing so, felt that we could improve on it and do better and provide seniors with a richer benefit and the flexibility to choose a plan that best meets their needs.

Under this bipartisan plan, seniors and persons with disabilities will not have to pay the full price for their prescriptions and will have access to the specific drug, brand name or generic, that their doctor prescribes.

This plan provides Medicare beneficiaries with real bargaining power through group purchasing discount and pharmaceutical rebates, meaning that seniors can lower their drug bills up to 39 percent. These will be the best prices on the drugs that they need, not some Government bureaucracy that may not offer the drug that the doctor prescribed.

Studies have shown, Mr. Speaker, that a small portion of the senior population consume a majority of prescription drugs, making them extremely difficult to insure and driving up costs for everyone. Under our prescription drug plan, the Government would share in insuring the sickest seniors, creating a stop-loss mechanism, making the risk more manageable for private insurers.

By sharing the risk and the cost associated with caring for the sickest beneficiaries, premiums would be lowered for every beneficiary. We address skyrocketing drug costs by providing Medicare beneficiaries with real bargaining power through private health care plans which can purchase drugs at discount rates.

Our plan provides options to all seniors, options that allow all seniors to choose affordable coverage that does not compromise their financial security. The plan benefits all seniors. Even though it is not a subsidy for a millionaire's mother, it provides the prospect of more affordable coverage for every senior. Seniors will have the right to choose a coverage plan that best suits their needs through a voluntary and universally offered benefit.

We realize that the left wing of the House Democratic Caucus is violently opposed to giving seniors that choice, but we disagree with them. Those that are happy with their current coverage will be able to keep that plan without any difficulty. Others who need to supplement existing benefits or State programs or who are without coverage can also choose from a variety of competing drug plans.

Keeping rural seniors in mind, our plan guarantees at least two drug plans that will be available in every area of the country with the Government serving as the insurer of last resort. Clearly, we do not depend exclusively on HMOs or on private insurance, as has been alleged. The plan also requires convenient access to pharmacies allowing beneficiaries to use their local pharmacy or have their prescriptions filled by mail.

This plan protects seniors at 135 percent below the poverty level, matching the eligibility contained in the President's plan. That means a single senior making less than $11,272 or a couple making less than $15,187 a year will receive 100 percent Federal assistance for low-income seniors, including 100 percent full reimbursement for premiums.

Like the President's proposal, this bipartisan plan also includes reimbursement phase-outs exceeding the poverty line. For those between 135 percent and 150 percent of poverty, Medicare will pay part of their premiums and their co-payments would be covered under Medicare. Yet, the President's plan shoe-horns seniors, many of them who have already private drug coverage which they are happy with, into what I would call a one-size-fits-few plan, with Washington bureaucrats in control of their benefits.

Our plan, our bipartisan plan, gives all seniors the right to choose an affordable prescription drug benefit that best fits their own health care needs. By making it available to everyone, we are making sure that no senior citizen or disabled American falls through the cracks.

The plan also provides coverage and security against out-of-pocket drug costs for every Medicare beneficiary. Any senior spending $6,000 a year or more will have 100 percent of their drug costs covered by Medicare. No longer will seniors be forced to drain their savings in order to pay for the prescriptions on which their lives depend.

The President's plan does not reflect any coverage for those seniors who pay high drug costs. Although we now understand that belatedly the President has leaped forward, panicked, and is now offering a catastrophic benefit as an add-on, but that was not his original proposal.

The Congressional Budget Office has estimated that if the President were to add such coverage, it will double the cost of the plan and/or double the premiums seniors would pay. The President leaves those who face the highest drug costs out in the cold in his original plan, choosing between paying the bills or buying life-saving medicines.

In addition, private employers under our plan would be given the option to buy into the Federal program in order to enhance their current plans or to begin offering a drug benefit to their employees. States would be allowed to choose to enhance their existing plans with the Federal coverage while not jeopardizing the existing coverage that their residents have. This includes programs such as the Pace Program in Pennsylvania.

But in adding a prescription drug benefit, we also modernize Medicare to ensure its long-term solvency. The plan ensures that seniors and disabled Americans will continue to have access to life-saving drug therapies.

In recent years, scientific and medical research has resulted in 400 new medications to treat the top killers of seniors: heart disease, cancer, and stroke. A market-oriented approach ensures that the quality of care that beneficiaries receive will continue to be second to none.

The plan takes vital steps toward improving Medicare as a whole. It expedites the appeals process by mandating that appeals that used to take an average of 400 days now take less than a quarter of that time. After all, to some seniors every minute counts.

But on top of that, the plan removes this part of Medicare from the Washington bureaucracy that has haunted and nearly bankrupted the system. The Health Care Financing Administration, which the last speaker had quoted extensively in his comments, will not control the prescription drug benefit under our plan. We create a Medicare benefit administration within the Department of Health and Human Services to manage prescription drug plans autonomously.

This reform is fundamental to safeguard the new program and to allow it to realize its potential free from interference from the bureaucracy.

We would also remove Medicare+Choice plans from under HCFA and put under the control of this agency giving it more flexibility and stability.

☐ 2245

President Clinton has attacked the bipartisan plan primarily because he knows it offers richer, more encompassing benefits and greater flexibility than the plan he has proposed while dealing with the needs of people with diverse circumstances. The President's plan would force as many as 9 million seniors out of their existing programs for drug coverage because the employers would be dropping or limiting their prescription drug coverage instead of allowing the Government to take over.

As baby-boomers retire, 40 million Medicare beneficiaries could lose their current drug coverage under the President's plan. As time goes on, the coverage offered by the President dwindles as the cost of the program for seniors skyrockets. Under his plan, seniors see as little as a 12 percent savings on drug

costs. Under his plan, seniors would pay more for premiums, more fees for services, all while the President spends more than was ever budgeted for the program.

Mr. Speaker, about 69 percent of America's seniors have some prescription drug coverage currently. Many of them need more help, but it is the remaining 31 percent that worry me the most. A stronger Medicare program with prescription drug coverage is a promise of health security and financial security for older Americans, and we are working to ensure that promise is kept. America's seniors deserve no less.

House Republicans believe that Americans should be spending their golden years concerned about what time the grandchildren are coming to visit or is the rain ruining their walk in the park. They should not be concerned with how they are going to pay for the medicines that allow them to enjoy life.

I am joined in this sentiment by a number of members from my task force that I served on and also fellow members of the Committee on Ways and Means.

I would like first to recognize a colleague of mine, the gentleman from Pennsylvania (Mr. Greenwood), who served with me on the task force and a distinguished member of the House Committee on Commerce who has specialized in health care issues and has been a strong voice for seniors.

Mr. GREENWOOD. I thank the gentleman for yielding, and I thank my colleague from the other side of the State of Pennsylvania, from Erie, Pennsylvania, for organizing this Special Order.

Mr. Speaker, we come here to Washington and we talk about the issue of Medicare prescription drugs, as we have for months and months; and sometimes the discussion, the dialogue, gets fairly arcane and complicated and seems to go far from the flesh and blood of the people we are trying to represent; and the gentleman from Erie just talked about the fact that seniors should not have to at that stage of their lives be worrying about whether or not they can afford their prescription benefit.

I want to read a letter that I received recently from just such a senior in my district, who certainly is worrying. She is from Holland, Pennsylvania, which is the little town that my family moved into in 1955. She wrote this letter to me just a few weeks ago, a couple of weeks ago.

''Dear Congressman GREENWOOD, I never thought that I would come to this time in my life and find myself neglecting my health out of sheer necessity. I am a widow, 70 years of age. My medical problems require drugs that amount to over $1,000 per month. I am enrolled in Aetna U.S. Health Care which has a cap on prescription drugs of $500 a year. After filling out the prescriptions, my cap was met.

''I am in pain daily and I cannot correct this problem because of financial difficulty. I have stopped taking Prilosec,'' which costs her $285 each month, ''Zoloft, approximately $100 a month; Losomax, another $100 a month; Xanax, approximately $100 a month; and Zocor, $100 or more. I need these drugs filled monthly, and I simply cannot afford them. I am also in need of pain pill, Vioxx, which costs $89; and I have not been able to purchase it.

''I have cried myself to sleep over this dilemma. I had to visit my pulmonary doctor, who diagnosed me with full-blown asthma and chronic bronchitis. My doctor told me that I cannot miss a day taking my medication for my lungs. I take Zevent, two puffs twice a day; Flovent, two puffs twice a day; and Albuterol, 2 puffs every 4 hours.

''The prescription for each is $98 times three, lasts 2 weeks.'' So $98 every 2 weeks for each of these three medications. That is $600 per month right there. ''I cannot stop taking this. I tried and ran into breathing problems again.

''I also must take Zithomax for chronic infection, $89. I must keep this on hand always.

''Also my ophthalmologist prescribed Xalton for glaucoma, which I must take faithfully, nightly, another $89.

''The drugs I must take average about $800 per month. The other drugs I need for osteoporosis, reflux and hiatal hernia, anxiety and depression, high cholesterol and nerves, I had to eliminate them; and I can feel my health declining each day.

''I tried a generic brand drug for my lung infection, and I had to end up taking three Zithromax, as the generic did not help me.

''My problem is that I make $200 too much per month to qualify for assistance. You figure this out. I have two friends who make $200 and $250 less than I do per month. They are paying $6 for all their prescriptions because they qualify for the program. They are getting help with their electric bill, they are being well taken care of, they are able to go out to dinner weekly and on a bus trip now and then. I can do none of this. My money is going to prescription drugs.

''I just pray that some good Congressman like you could make the guys in Washington see what this drug problem for the aged is doing to us. We worked hard all of our lives and then have to come to this.''

Mr. Speaker, that is a pretty persuasive argument, I think, a pretty poignant letter from a real woman who lives in my district, a 70-year-old widow who is only able to use every penny of her income simply for the drugs that she has to have to stay alive, and then she neglects her other needs; and so her cholesterol problem, her anxiety, her depression, her pain, her osteoporosis, all of those conditions go unchecked because she does not have this benefit. That is why all of us in Washington who care about this issue are trying so hard to get this done, and that is why we have come here tonight to talk about the bipartisan bill.

If this issue is not handled in a bipartisan fashion, my constituent, this 70-year-old woman, will not get relief. It is absolutely the case. The people of the United States have elected a Republican House and a Republican Senate, and they have a Democratic President in the White House. For us to get this done this year, we have to exercise bipartisanship, and that is why this bill that we are supporting is bipartisan.

Now, unfortunately, in the Special Order that came before us, my friend, the gentleman from New Jersey (Mr. PALLONE), and I will give him credit for this, he comes to the floor every night just about and makes a speech about prescription drugs; but what is so discouraging to me is the level of partisanship. There are reasons for there to be differences between the President's plan, the Democrat's plan, and the Republican plan, because this is a hard problem to solve; and it takes different kinds of thinking from different perspectives.

There are reasons why the Republican plan is different. This is a complex issue. One of those differences between the two plans is that we think that you need catastrophic coverage. We think that it is important that when some of these drugs that can cost $10,000 to $20,000 per year, you cannot stop the coverage at $2,000 and let the individual be on their own, because that is not going to help my constituent. My constituent will not be helped by that, because she will run out of money; and not only will her insurance coverage not be sufficient, but now the Medicare coverage will not be sufficient, and that is not good enough.

When you look at the President's plan and when you look at the Republican plan, there are differences. I happen to prefer the Republican plan, but the fact of the matter is they are more alike than they are different. What we have got to do this year is we have to be bipartisan and make sure that the bipartisan bill is adopted by the House, that we take ideas from other Members, we negotiate this with the President and get it done.

When you see Members of Congress come to the well of this House or sit in committee hearings and meetings, and when you hear them looking for common ground and looking for a bipartisan approach, when you have Republicans and Democrats supporting the same kind of legislation, then you know these are serious Members who care about 70-year-old widows from Holland, Pennsylvania, who cry themselves to sleep at night.

Conversely, when you see Members of Congress come to the well of the House and you listen to them in the hearings and they spend most of their time emphasizing the differences, contrasting

the Republicans and the Democrats, this lady does not care whether the bill is a Republican bill or a Democratic bill. She wants a bipartisan approach that gets the job done. When you see Members constantly emphasizing partisan differences, then you have to conclude that these are Members who are not interested in solving the problem. They are interested in winning elections, they are interested in political gain and leverage, and I think that is what is shameful.

We need to get this done in a bipartisan fashion. The bipartisan bill we are here to talk about tonight will do that. I urge my colleagues in the Congress to support that.

Mr. Speaker, I would again thank my colleague from Erie for organizing this event tonight.

Mr. ENGLISH. Mr. Speaker, I yield to the gentleman from Arizona (Mr. HAYWORTH), a very distinguished member of the Committee on Ways and Means and a gentleman who has been a leader on most of the issues before our committee, but who particularly has come forward to be a strong advocate today on prescription drugs; and I might add, it is a great service to serve with him.

Mr. HAYWORTH. Mr. Speaker, I thank the gentleman from Pennsylvania, and I thank the gentleman from Pennsylvania who preceded me in the well. So we have not only eastern and western Pennsylvania, but the east and the west united in this bipartisan effort to find a solution that helps America's seniors with prescription drug bills.

I thought it was very instructive to hear the comments of the lady from Pennsylvania in the letter to our friend, the gentleman from Pennsylvania (Mr. GREENWOOD); and I thought it was equally instructive to hear our friends on the left precede us this evening on the floor, focusing on process and politics instead of on problem solving, because, Mr. Speaker, make no mistake: we are committed to forging a bipartisan plan. Indeed, sponsors of both political parties have stepped forward and said, even though this is an even numbered year on the calendar, even though it is the nature in this institution to realize that about 5 months remain before an election, some issues are too important even in an election year to simply preen and posture and, yes, politic.

Mr. Speaker, not only was that letter from the lady in Pennsylvania very poignant, it was also very practical. I think, Mr. Speaker, another difference that we see in terms of approach is a question of trust. Our bipartisan plan trusts America's seniors with an aspect of freedom that has been their birthright. My folks are now in their late sixties; my grandfather is 96. Choice has been a part of their life in a variety of settings. Why then take away choice when it comes to prescription drug coverage?

I hold a number of senior coffees in my district to sit down with constituents who are articulate, informed, and very interested in a multitude of topics. When this first appeared on the radar screen of the body politic, a lady from my district summed it up very nicely when she said to, ''J.D., whatever you do, please don't increase my Medicare premium so that I have the honor of paying Ross Perot's prescription bill.''

Now, think about that. Despite all the sophisticated talk that comes out of Washington, D.C., my constituent really defined the issue. She says, ''Number one, keep Medicare affordable. Don't needlessly raise my premiums. Number two, don't force me into a plan that Washington sometimes seems to gravitate toward, which in intent is one size fits all, which in reality,'' as my colleague from Pennsylvania pointed out, ''is one size fits very few, and yet everyone is compelled, indeed, coerced by law, to be involved in the plan.''

□ 2300

That is not what we want to do. We want to champion choice and the marketplace, and we want to make sure that the nearly two-thirds of America's seniors who have existing prescription drug coverage can keep that current coverage if they so desire.

The letter read by the gentleman from Pennsylvania from his constituent reminds me of another real-life story involving one of my constituents from Apache Junction, Arizona. Like the lady from Pennsylvania, she too faced tough choices for herself and for her husband. She told me that the prescription bills had become so cumbersome that she was not able to qualify for a plan with prescription drug coverage; that she, in her 70s, was employed at the drive-through window of a prominent fast food chain, one of their outlets in Apache Junction and, at that time, paying a penalty for working, because of the earnings limit for seniors. But she was doing so out of necessity, to deal with the prescription bills that she and her husband were facing.

So let us state a broad objective and observation that most Americans can agree with, Mr. Speaker and my colleagues, and it is this: no senior should be forced to choose between buying food and buying medicine. That is fundamentally wrong.

It is our intent to make sure that those who heretofore have not had coverage, the one-third of current seniors without a health insurance plan, without a prescription insurance plan, should have that type of coverage. We want to take action to strengthen Medicare by prescribing prescription drug coverage that is available to all seniors, but undergirded with the principles of freedom and choice, that no one in this country, I believe, wants to abandon.

Even though it was disturbing to hear earlier tonight the chief administrator for the Health Care Financing Administration basically say that seniors could not make up their own minds, I find that nothing could be further from the truth in my district. As I said earlier, at town hall meetings, at senior coffees, at the grocery store, at church, at the softball and T-ball games when grandparents come to watch their grandchildren play and visit with me, I find that our Nation's seniors are among the most engaged, the best informed.

Now, at the dawn of the new century, there is unparalleled health and prosperity for today's seniors, and indeed, this is a blessing, and it is an opportunity. Yes, problems exist, as I pointed out, the situation for the lady in Apache Junction and as the gentleman from Pennsylvania read the letter from his constituent and the tough decision she has been forced to make without prescription drug coverage. But we want to make sure that we embrace and bring to the floor a plan that gives seniors the right to choose an affordable prescription drug benefit that best fits their own health care needs.

Mr. Speaker, this bulletin just in: we are all unique. We all have different health challenges, different problems, different prescription bills, different treatments. Why would we choose a plan that would allow Washington bureaucrats to bring their red tape and regulation to America's medicine chests? That is not what we want to see. We want, again, to embrace the notion of freedom and opportunity and choice for our honored citizens, for our senior citizens, for people who take the time, as every senior in my district has, to intimately understand their own challenges, their own health needs, their own prescription needs, and to deal with it. We do not want to force the two-thirds of seniors already covered out of coverage if it works for them.

The real challenge with the one-size-fits-some approach is that in an effort to have the heavy hand of government and the Washington bureaucrats take the role of the corner druggist, that when government inserts itself into that dynamic, we have very serious problems, and we would hate to see those plans abandoned. Let us make sure that good coverage is maintained for those who want the private coverage that they currently enjoy; let us have a variety of plans based on the free markets that are there; and yes, in those circumstances, in some rural areas, in some areas that have been deprived of coverage, yes, there is a role for government to play, not a game of ''gotcha'' or bureaucratic intent, but by focusing on what works. That is what we are about in this bipartisan plan.

Again, our mission is clear here, defined by my constituent and her very simple and direct statement: please do not increase my Medicare premiums so that I have the honor of paying Ross Perot's drug bill. Make sure the plan focuses first on those seniors and disabled Americans who have fallen

through the cracks, who do not have the prescription coverage, who find themselves working a couple of jobs in their senior years to make ends meet, who find themselves currently making a difficult choice between food and medicine. It is those seniors to whom we should turn first. But also, in the spirit of competition and choice and option, we should allow folks to take a look at their plan to determine which is best for them and find the plan that is right, rather than one-size-fits-some. We should not force seniors into a Washington bureaucrat-run, one-size-fits-all prescription drug plan that has too many rules, regulations, restrictions, and allows politicians and Washington bureaucrats to make medical decisions.

Indeed, this is something that I believe every Member of this House, Mr. Speaker, ought to be able to agree on, as we debate the many facets of health care, the many different challenges we face. The last thing on earth we should do under the guise of helping the American people is to decide on a course of treatment or action that violates the sanctity of the doctor-patient relationship that prompts bureaucrats, whether Washington bureaucrats or insurance company bureaucrats, to try and make health care decisions. The principles we embrace, the plan that we will bring to the floor in short order will make sure that there is choice, will make sure that the two-thirds of seniors with current coverage can continue to enjoy that coverage if that is their want, but also provide other plans and other availabilities, and that is what we need to do.

Again I would call on my colleagues to make sure that even in this even-numbered year, that even with that great exercise, unique in our constitutional republic where we, as constitutional officers, stand at the bar of public opinion, the first Tuesday following the first Monday in November, even with the temptation of some to turn this into a bumper sticker issue, to come to the floor and impugn the motives of others. Mr. Speaker, we understand that oftentimes free discussion in our constitutional republic and in this chamber can bring out both the best and, sadly, the worst in people.

□ 2310

So tonight, Mr. Speaker, our call is to every Member of this institution and, Mr. Speaker, to every American to put aside the partisanship, to embrace the principles of freedom and choice, and to focus on what works, making sure that seniors have choice in prescription drug plans, that the one-third of seniors currently not covered by a plan have options available to them, options that will also exist for those currently covered by insurance, but that we do not throw away or get rid of that coverage as a Washington-run compulsory, coercive plan would do.

So I would challenge my friends on the left to put aside the venom, the vitriol, and the predictable political speeches in search of a bumper sticker solution, and join with us in a plan that is already bipartisan, that already has the support of Republicans and Democrats from across the country, folks who have listened to their constituents and heard loud and clear.

Put aside partisanship, focus on what works. That is our challenge. Mr. Speaker, I believe we will meet that. I would simply say to my friends in Arizona to keep those cards and letters coming. We appreciate their insight. We understand that they are on the front lines in this battle and their initiative, their input, their wisdom will help us solve this problem.

Mr. ENGLISH. Mr. Speaker, I thank the gentleman for his generous efforts in helping us clear away the rhetorical smokescreen that hides the fact that we have heard advocated on the floor an alternative to the bipartisan plan which is actually less flexible and less generous in terms of the benefits it offers. We think we have a better product.

Mr. Speaker, I yield to the distinguished gentleman from Tennessee (Mr. BRYANT), a gentleman who played a critical role in developing this bipartisan product. He was part of the task force that I served on, and he is a member of the Committee on Commerce.

Mr. BRYANT. Mr. Speaker, I thank my friend from Pennsylvania for hosting this special order tonight obviously on a very important subject that we have already spent 1 hour before we came into the Chamber hearing one side of this debate, so to speak, and now we are talking about what we think is probably not the other side, but rather the one side, the bipartisan side of the solution to this very important problem.

As we discuss this addition of prescription drugs to senior citizens, we cannot talk about it in isolation. I think we have to place it in the context of Medicare as we talk about this.

One of the first things that comes to my mind and I hear about from my constituents in Tennessee is what I think is the doctors' maxim, First, do no harm. As we examine these prescription drug proposals, we should make sure that whatever plan we adopt does no harm. That is, it should not jeopardize any of the current coverage of Medicare in what they receive, beneficiaries receive, nor should it jeopardize the retirement security of any American.

I think, secondly, as we talk about this issue we have to remember the dignity and rights of Medicare beneficiaries as we protect them. Just because an American reaches the age of 65 does not mean that they should be treated like second-class citizens, and any effort that we make to add this prescription drug benefit should ensure that seniors gain the right to all the benefits that they are entitled to before they reach 65, as well as after 65.

Mr. Speaker, I would agree with everyone who has spoken tonight on both sides of the aisle, that something has got to happen. Something needs to happen with regard to adding prescription drugs to our senior citizens. Had we drawn up Medicare in this day and age, we would have surely brought in prescription drug benefits because of the importance to everyone, particularly to senior citizens, of drug therapy. This was not done, though, in 1965, so we have to go back now and find the most appropriate way to bring this in.

I think the best thing this body can do is to work together in a bipartisan fashion. We have heard that word ''bipartisan'' mentioned a lot. What that means is simply we are talking about both Republicans and Democrats come together. Already on this bill that we are talking about in this hour, we are in that bipartisan situation where we have both Democrat Members and Republican Members cosponsoring this bill.

That is why I am proud of this legislation. It is something that our task force worked hard to produce, and we have now people on both sides of the aisle who can support it. I think our seniors and our disabled people who will be eligible for prescription drugs deserve this type of treatment, and I hope that we can rise above the partisan rhetoric and the political ploys and get this job done.

As my friend, the gentleman from Arizona, mentioned, so often in these even-numbered years, which means that we are all up for election in the House, people play politics with issues like this. They like to try to go out and scare our senior citizens and turn them for or against, however they might try to use an issue. That is shameful.

I have hope that we do not do this this year, but last week I saw in a paper, a newspaper, a paper that is distributed on the Hill with all the news, where, in the other body, on the other side of the Capitol, one of the Democrat Senators, the headline mentions his name and says he is landing in hot water. What he did to put himself in hot water with his own Democrat leadership was to agree to cosponsor this bipartisan bill.

It goes on to say in here how he has dashed any hope of landing one of three coveted seats on a powerful committee in the Senate. My optimism sunk, because when we have people who are willing to play politics and threaten their fellow Members and try to intimidate them from joining a bipartisan bill in an election year, I think it is shameful, too.

I hope in the House we can move forward, work together as we have started on this bipartisan bill, and get something done. My friend, the gentleman from Pennsylvania, mentioned that we have worked on this task force together, something that our Speaker of the House put together to study and to come up with recommendations. He charged our task force with development of a fair and responsible plan to

help seniors and disabled Americans with their drug expenses.

As we started, we began with a set of principles, and used those principles to guide our efforts, I think resulting in this bill that we are talking about tonight.

First, we wanted a plan that was voluntary. Everybody understands what voluntary means. It means we can get in it or we do not have to, we have a choice to get in and stay out; that it is universal, available to everybody; and affordable to all beneficiaries. It would be voluntary, universal, and affordable.

We also wanted to give seniors meaningful protection and bargaining power to lower their prescription drug prices. I will talk just a little more about that in a couple of minutes.

We also wanted to make sure that we preserved and protected Medicare benefits seniors currently receive. That is what I meant when I said, First, do no harm.

Finally, we wanted an insurance base, a public-private partnership that sets us on a path towards a stronger more modern Medicare and would extend the life of this Medicare program for the baby boom generation and even beyond.

Coming up with a good plan that fit all of these principles was a tall order, but the bipartisan Medicare prescription 2000 legislation does follow these guidelines, and I believe it is the right approach.

Our plan provides prescription drug coverage that is affordable. Seniors in my district and across Tennessee have been writing and asking me for help, just like other Members have talked about tonight, with the high cost of drugs.

In this bill, we will help more people get prescription drug coverage at lower cost by creating group buying power, without price-fixing or government control, something that has been referenced tonight already, something that is totally unworkable. For the first time, Medicare beneficiaries will no longer have to pay the highest prices for prescription drugs. Under this proposal, they will have access to the same discount the rest of the insured population enjoys.

An analysis by the Lewin Group recently concluded that private market-based insurance policies that we are talking about here can reduce the consumer's prescription drug costs by as much as 39 percent.

Also, our plan strengthens Medicare so we can protect seniors against the high out-of-pocket drug costs that threaten beneficiaries' health and financial security. This plan sets a monetary ceiling, what is called a stop loss, beyond which Medicare would pay 100 percent of the beneficiary's drug expenses.

□ 2320

This is one of the things I found most challenging about what we were trying to do is somehow protecting people against catastrophic drug costs where we hear about people having to exhaust their life savings or sell their home to pay their drug bills. We do that in our bill, and I think that is one of the best components of what we have done is have that protection out there, that stop loss, that once one gets to a certain level, then the beneficiary, the senior citizen does not have to go beyond that.

Our plan is available to all Medicare beneficiaries, and our public-private partnership ensures that drug coverage is available to all who need it by managing the risk and lowering the premiums. The plan calls for the government to share in insuring the sickest seniors, thereby making the risk more manageable, more affordable for insurers, and lower premiums for every beneficiary.

As I mentioned before, we protect the most vulnerable of our seniors and low-income beneficiaries. I could go on and on and talk about this.

I would just urge those in the House and those that might be viewing the proceedings otherwise to look at this bill carefully, study it, and see if we did not follow those principles that we talked about that we wanted choice, we wanted it to be universal, we wanted it to be voluntary, we wanted it to be affordable. We think we have done that.

We were very pleased to bring this bill to the House floor. As we move this process, I trust that we can do it in a Republican-Democrat fashion, do what is best for the American citizens. As again my colleague from Arizona says, even though it is an even number year, an election year, let us do the right thing.

Mr. ENGLISH. Mr. Speaker, let me say I appreciate the remarks of the gentleman from Tennessee (Mr. BRYANT). Judging from his remarks, he would concede that we have managed to build a bipartisan product based on a Republican budget that set aside $40 billion to modernize Medicare and to improve benefits, and we have offered here the American people a bipartisan plan that would provide benefits that are universal, affordable, flexible and voluntary and allow them to get prescription drugs based on a model of choice, something lacking in the other plan.

I appreciate the gentleman's remarks because he has clearly elucidated the strength of our plan and the fact that we are offering something that the American people, hopefully, can unite behind.

Mr. Speaker, I yield the balance of my time to the gentleman from Arizona (Mr. HAYWORTH).

Mr. HAYWORTH. Mr. Speaker, I thank the gentleman from Pennsylvania (Mr. ENGLISH) for yielding to me, and I thank the gentleman from Tennessee (Mr. BRYANT).

Mr. Speaker, I think it is important just to summarize where it is we believe this bipartisan plan is headed and what it is we are trying to do.

Mr. Speaker, as we pointed out earlier, it is a sad fact that too many senior citizens and disabled Americans are forced to choose between putting food on the table and being able to afford the prescription drugs they need to stay alive. That is morally wrong.

So we want to take action in a bipartisan way to strengthen Medicare by providing prescription drug coverage for seniors and disabled Americans so that no one is left behind.

While ensuring that all Medicare recipients have access to prescription drug coverage, we must make sure our senior citizens and disabled Americans also maintain control over their health care choices.

It is fundamental that we cannot force folks into a government-run one-size-fits-all prescription drug plan because, in reality, that becomes one-size-fits-some. That type of approach would be too restrictive, too confusing, and would allow Washington bureaucrats to control what medicines one's doctor can and cannot prescribe.

It is our intent with our plan to give all seniors and disabled Americans the right to choose an affordable prescription drug benefit that best fits their own health care needs.

Our plan will help the sickest and the neediest on Medicare who currently have no prescription drug coverage while offering all others a number of affordable options to best meet their needs and to protect them from financial ruin.

By making it available to everyone, Mr. Speaker, we are ensuring that no senior citizen or disabled American falls through the cracks. Because our plan is voluntary, we protect seniors already satisfied with their current prescription drug benefit by allowing them to keep what they have while expanding coverage to those who need it. We will not, Mr. Speaker, we will not force senior citizens or disabled Americans out of the good private coverage they currently enjoy.

I would point out, again, nearly two-thirds of today's seniors have some form of prescription drug coverage. Again, our plan emphasizes individual freedom, giving individuals the power to decide what is best for them, not to rely on Washington bureaucrats.

The task is daunting. The details, we are in the process of hammering out as we move to markup in the Committee on Ways and Means shortly, but it is our intent to reach across the aisle as we have already done with sponsorship of this plan on a bipartisan basis because the stronger Medicare with prescription drug coverage is a promise of health security and financial security for older Americans. And it is our intent to work on a bipartisan basis to ensure that promise is kept.

Our parents and grandparents sacrificed much for this country. As we have been given charge by the people to come to this floor to do the people's

business, to be about the work of preparing for a new century, we understand that America's seniors and disabled deserve no less.

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THE WORLD TRADE ORGANIZATION—THE END OF GEOGRAPHY?

The SPEAKER pro tempore (Mr. SWEENEY). Under the Speaker's announced policy of January 6, 1999, the gentleman from Washington (Mr. METCALF) is recognized until midnight.

Mr. METCALF. Mr. Speaker, during 1969, C. P. Kendleberger wrote that the Nation's State is just about through as an economic unit. He added that the U.S. Congress and right-wing-know-nothings in all countries were unaware of this. He added the world is too small. Two hundred thousand ton tank and ore carriers and air buses and the like will not permit sovereign independence of the Nation's state in economic affairs.

Before that, Emile Durkheim stated, ''The corporations are to become the elementary divisions of the state, the fundamental political unit.'' Now I am going to repeat that. ''The corporations are to become the elementary division of the state, the fundamental political unit. They will efface the distinction between public and private, dissect the democratic citizenry into discrete functional groupings which are no longer capable of joint political action''.

Durkheim went so far as to proclaim that, ''Through corporatisms' scientific rationale, it will achieve its rightful standing as the creator of collective reality.''

There is little question that part of these two statements are accurate. America has seen its national sovereignty slowly diffused over a growing number of international governing organizations.

The WTO is just the latest in a long line of such developments that began right after World War II. But as the protest in Seattle against the WTO ministerial meeting made clear, the democratic citizenry seemed well prepared for joint action. Though it has been pointed out that many, if not the majority of protesters, did not know what the WTO was, and much of the protest itself entirely missed the mark regarding WTO culpability, in many areas proclaimed jurisdiction, responsibility, this remains but a question of education. It is the responsibility of the citizens' Representatives to begin that education process.

The former head of the antitrust division of the U.S. Justice Department was Thurman Arnold from 1938 to 1943. We may not entirely agree with him when he stated that the United States had, I quote, ''developed two coordinate governing classes. One is called business, building cities, manufacturing and distributing goods, and holding complete and autocratic power over the livelihood of millions.''

□ 2330

The other called government, concerned with preaching and exemplification of spiritual ideas, but so caught up in a mass of theory that when it wished to move in a practical world, it had to do so by means of a sub-rosa political machine. But surely the advocates of corporate governance today, housed quietly and efficiently within the corridors of power at the WTO, the OECD, IMF, and the World Bank, clearly believe. They really believe. Corporatism as ideology, and it is an ideology; as John Ralston Saul referred recently to it as a hijacking of first our terms, such as individualism, and then a hijacking of western civilization, the result being the portrait of a society addicted to ideologies, a civilization tightly held at this moment in the embrace of a dominant ideology: corporatism.

As we find our citizenry affected by this ideology and its consequences, consumerism, the overall effects on the individual are passivity and conformity in those areas that matter and nonconformity in those which do not. We do know more than ever before just how we got here. The WTO is a creature of the General Agreement on Tariffs and Trade, that's GATT, which began in 1948 its quest for a global regime of economic interdependence. But by 1972, some Members of Congress saw the handwriting on the wall, and it was a forgery.

Senator Long, while chairman of the Senate Committee on Finance, made these comments to Dr. Henry Kissinger regarding the completion and prepared signing of the Kennedy round of the GATT accords, and I quote: ''If we trade away American jobs and farmers' incomes for some vague concept of a new international order, the American people will demand from their elected representatives a new order of their own which puts their jobs, their security and their incomes above the priority of those who dealt them a bad deal.''

But we know that few listened. And 20 years later the former chairman of the International Trade Commission argued that it was the Kennedy round that began the slow decline in America's living standards. Citing statistics in his point regarding the loss of manufacturing jobs and the like, he concluded with what must be seen as a warning, and I quote: ''The Uruguay Round and the promise of the North American Free Trade Agreement all may mesmerize and motivate Washington policymakers, but in the American heartland those initiatives translate into further efforts to promote international order at the expense of existing American jobs.''

We are still not listening. Certainly, ideologists of corporatism cannot hear us. They, in fact, are pressing the same ideological stratagem in the journals that matter, like Foreign Affairs, and the books coming out of the elite think-tanks and nongovernmental organizations. One such author, Anne-Marie Slaughter, proclaimed her rather self-important opinion that State sovereignty was little more than a status symbol and something to be attained now through transgovernmental participation. That would be presumably achieved through the WTO, for instance?

Stephan Krasner, in a volume, International Rules, goes into more detail by explaining global regimes as functional attributes of world order, that is, environmental regimes, financial regimes and, of course, trade regimes. In a world of sovereign states, the basic function of regimes is to coordinate state behavior to achieve desired outcomes in particular issue areas. If, as many have argued, there is a general movement toward a world of complex interdependence, then the number of areas in which regimes can matter is growing.

But we are not here speaking of changes within an existing regime, thereby elected representatives of free people make adjustments to new technologies, new ideas and further the betterment of their people. The first duty of elected representatives is to look out for their constituency. The WTO is not changes within the existing regime but an entirely new regime. It has assumed an unprecedented degree of American sovereignty over the economic regime of the Nation and the world.

Then who are the sovereigns? Is it the people, the nation, in nation state? I do not believe so. I would argue that who governs, rules. Who rules is sovereign. And the people of America and their elected representatives do not rule nor govern at the WTO but corporate diplomats, a word decidedly oxymoronic.

Who are these new sovereigns? Maybe we can get a clearer picture by looking at what WTO is in place to accomplish. I took interest in an article in Foreign Affairs, ''A New Trade Order,'' volume 72, number one, by Cowhey and Aronson. Foreign investment flows are only about 10 percent the size of the world trade flows each year, but intrafirm trade, for example sales by Ford Europe to Ford USA, now accounts for up to an astonishing 40 percent of all U.S. trade.

This complex interdependence we hear of every day inside the Beltway is nothing short of miraculous, according to the policymakers who are mesmerized by all this. But, clearly, the interdependence is less between the people of the nation states than between the corporations of the corporate states.

Richard O'Brien in his book entitled ''Global Financial Integration: The End of Geography,'' states the case this way: ''The firm is far less wedded to the idea of geography. Ownership is more and more international and global, divorced from national definitions. If one marketplace can no longer provide a service or an attractive location to carry out transactions, then the

firm will actively seek another home. At the level of the firm, therefore, there are plenty of choice of geography.''

O'Brien seems unduly excited when he adds, ''The glorious end of geography prospect for the close of this century is the emergence of a seamless global financial market. Barriers will be gone, services will be global, the world economy will benefit, and so too, presumably, the consumer.''

Presumably? Counter to this ideological slant, and it is ideological, O'Brien notes the fact that ''governments are the very embodiment of geography, representing the nation state. The end of geography is, in many respects, all about the end or diminution of sovereignty.''

In a rare find, a French author published a book titled The End of Democracy. Jean-Marie Guehenno has served in a number of posts for the French Government, including as their ambassador to the European Union. He suggests this period we live in is an imperial age. And to quote, ''The imperial age is an age of diffuse and continuous violence. There will no longer be any territory to defend, but only older operating methods to protect. And this abstract security is infinitely more difficult to ensure than that of a world in which geography commanded history. Neither the rivers nor oceans protect the delicate mechanisms of the imperial age from a menace as multi-form as the empire itself.''

The empire itself. Whose empire? In whose interests?

□ 2340

Political analyst Craig B. Hulet, in his book entitled ''Global Triage: Imperium in Imperio,'' refers to the new global regime as imperium in imperio, or power within a power, a state within a state.

His theory proposes that these new sovereigns are nothing short of this: ''they represent the power not of the natural persons which make up the nations' peoples nor of their elected representatives, but the power of the legal paper persons recognized in law, the corporations themselves then are the new sovereigns. And in their efforts to be treated in law as equal as to the citizens of each separate state, they call this National Treatment, they would travel the sea and wherever they land ashore, they would be citizens here and there. Not even the Privateers of old would have dared impose this will upon the nation-states.''

Can we claim to know today what this rapid progress of global transformation will portend for democracy here at home? We understand the great benefits of past progress; we are not Luddites here. We know what refrigeration can do to a child in a poor country, what clean water means to everyone everywhere, what free communication has already achieved. But are we going to unwittingly sacrifice our sovereignty on the altar of this new God, progress? Is it progress if a cannibal uses a knife and fork?

Can we claim to know today what this rapid progress of global transformation will portend for national sovereignty here at home? We protect our way of life, our children's futures, our workers' jobs, our security at home by measures often not unlike our airports are protected from pistols on planes, but self-interested ideologies, private greed and private power? Bad ideas escape our mental detectors.

We seem to be radically short of leadership where this act of participation in the process of diffusing America's power over to and into the private global monopoly capitalist regime, today pursued without questioning its basis at all.

An empire represented by not just the WTO but clearly this new regime is the core ideological success for corporativism.

The only step remaining, according to Harvard Professor Paul Krugman, is the finalization of a completed Multilateral Agreement on Investment, which failed at OECD. According to OECD, the agreement's actual success may come through not a treaty this time but arrangements within corporate governments itself quietly being hashed out at the IMF and the World Bank as well as OECD. We are not yet the united corporations of America.

The WTO needs to be scrutinized carefully, debated, hearings and public participation where possible. If there is any issue upon which Congress must hold extensive and detailed public hearings, this is it. Yet few are planned that I know of.

We can, of course, as author Christopher Lasch notes, peer inward at ourselves as well, when he argued, the history of the 20th century suggests that totalitarian regimes are highly unstable, evolving toward some type of bureaucracy that neither fits the classic fascism nor the capitalist model. None of this means that the future will be safe to democracy, only that the threat of democracy comes less from totalitarian or elected movements abroad than from the erosion of its psychological, cultural, and spiritual foundations from within.

Are we not witness to, though, the growth of global bureaucracy being created not out of totalitarian or collective movements but from autocratic corporations which hold so many lives in the balance? And where shall we redress our grievances when the regime completes its global transformation, when the people of each nation and their state find that they can no longer identify their rulers, their true rulers, when it is no longer their state which rules?

The most recent U.N. Development Report documents how globalization has increased inequality between and within nations while bringing them together as never before.

Some are referring to this globalization's dark side like Jay Mazur recently in Foreign Affairs.

''A world in which the assets of the 200 richest people are greater than the combined income of more than 2 billion people at the other end of the economic ladder should give everyone pause. Such islands of concentrated wealth in the sea of misery have historically been a prelude to upheaval. The vast majority of trade and investment takes place between industrial nations dominated by global corporations that control one-third of the world's exports.''

With further mergers and acquisitions in the future, with no end in sight, those of us that are awake must speak up now.

Or is it that we just cannot see at all, believing in our current speculative bubble which nobody credible believes can be sustained much longer. We miss the growing anger, fear, and frustration of our people. Believing in the myths our policy priests pass on, we missed the dissatisfaction of our workers, believing in the God ''progress'' we have lost our vision.

Another warning, this time from Ethan Kapstein in his article ''Workers on the World Economy'' (Foreign Affairs: Vol. 75, No. 3):

''While the world stands at a critical time in post-war history, it has a group of leaders who appear unwilling, like their predecessors in the 1930s, to provide international leadership to meet economic dislocations. Worse, many of them and their economic advisors do not seem to recognize the profound troubles affecting their associates. Like the German elite in Weimar, they dismiss mounting worker satisfaction, fringe political movements, and plight of the unemployed and working poor as marginal concerns compared with the unquestioned importance of a sound currency and balanced budget. Leaders need to recognize the policy failures of the last 20 years and respond accordingly. If they do not, there are others waiting in the wings who will, perhaps on less pleasant terms.''

We ought to be looking very closely at where the new sovereigns intend to take us. We need to discuss the end they have in sight. It is our responsibility and our duty.

Most everyone today agrees that socialism is not a threat. Many people feel communism, even in China, is not a threat. Indeed, there are few real security threats to America that could compare to even our recent past.

Be that as it may, when we speak of global market economy free enterprise, we massage the terms to merge with manage the competition and planning authorities, all the while suggesting we have met the ''hidden hand'' and it is good.

We need to also recall what Adam Smith said but is rarely quoted. ''Masters are always and everywhere in a sort of tacit but constant and uniform combination not to raise the wages of labor above their actual rate. To violate this combination is everywhere a most unpopular action and a sort of reproach for a master among his neighbors and questions. We seldom, indeed,

hear of this combination because it is usual and, one may say, the natural state of things. Masters, too, sometimes enter into particular combinations to sink wages of labor even below this rate. They are always conducted with the utmost silence and secrecy till the moment of execution.''

And now precisely, whose responsibility is it to keep an eye on the masters?

I urge my colleagues, Republicans and Democrats, left and right on the political spectrum, to boldly restore the oversight role of Congress in one stroke and join my colleagues and I in supporting H.J. Res. 90 in restoring the sovereignty of these United States.

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LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Ms. JACKSON-LEE of Texas (at the request of Mr. GEPHARDT) for June 15 after 10:00 p.m. on account of official business.

Mrs. EMERSON (at the request of Mr. ARMEY) for today after 6:00 p.m. and June 20 on account of her daughter's graduation.

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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. ALLEN) to revise and extend their remarks and include extraneous material:)

Mr. LARSON, for 5 minutes, today.

Mr. BALDACCI, for 5 minutes, today.

(The following Members (at the request of Mr. PAUL) to revise and extend their remarks and include extraneous material:)

Mr. PAUL, for 5 minutes, today and June 20.

Mr. HUNTER, for 5 minutes, today.

Mr. KASICH, for 5 minutes, today.

(The following Member (at his own request) to revise and extend his remarks and include extraneous material:)

Mr. FOSSELLA, for 5 minutes, today.

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ENROLLED JOINT RESOLUTION

Mr. THOMAS, from the Committee on House Administration, reported that that committee had examined and found truly enrolled a joint resolution of the House of the following title, which was thereupon signed by the Speaker:

H.J. Res. 101. Joint resolution recognizing the 225th birthday of the United States Army.

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SENATE ENROLLED BILLS SIGNED

The SPEAKER announced his signature to enrolled bills of the Senate of the following titles:

S. 761. An act to facilitate the use of electronic records and signatures in interstate or foreign commerce.

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

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BILL PRESENTED TO THE PRESIDENT

Mr. THOMAS, from the Committee on House Administration, reported that that committee did on this day present to the President, for his approval, a bill of the House of the following title:

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.

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ADJOURNMENT

Mr. METCALF. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 11 o'clock and 50 minutes p.m.), under its previous order, the House adjourned until Tuesday, June 20, 2000, at 9 a.m., for morning hour debates.

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EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

8182. A letter from the Associate Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting the Department's final rule— Raisins Produced From Grapes Grown in California; Changes in Reporting Requirements [Docket No. FV00–989–1 FR] received March 23, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

8183. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Tebufenozide; Benzoic Acid, 3,5-dimethyl-1-(1,1-dimethylethyl)-2-(4-ethylbenzoyl) hydrazide; Pesticide Tolerance [OPP–300999; FRL–6555–1] (RIN: 2070–AB78) received May 19, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

8184. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Consolidation of Certain Food and Feed Additive Tolerance Regulations [OPP–300756; FRL–6043–1] (RIN: 2070–AB78) received May 17, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

8185. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Consolidation of Certain Food and Feed Additive Tolerance Regulations [OPP–300753; FRL–6041–9] (RIN: 2070–AB78) received May 17, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

8186. A letter from the the Director, the Office of Management and Budget, transmitting Cumulative report on rescissions and deferrals of budget authority, pursuant to 2 U.S.C. 685(e); (H. Doc. No. 106—257); to the Committee on Appropriations and ordered to be printed.

8187. A letter from the Assistant Secretary, Force Management Policy, Deparment of Defense, transmitting a report entitled, ''Military Child-Care: Meeting Extended and Irregular Duty Requirements''; to the Committee on Armed Services.

8188. A letter from the Under Secretary, Acquisition and Technology, Department of Defense, transmitting a response to section 922 of the National Defense Authorization Act of Fiscal Year 2000, Public Law 106–65; to the Committee on Armed Services.

8189. A letter from the Assistant Secretary, Command, Control, Communications, and Intelligence, Department of Defense, transmitting the ''Year 2000 (Y2K) Lessons Learned''; to the Committee on Armed Services.

8190. A letter from the Under Secretary, Acquisition and Technology, Department of Defense, transmitting a report on, ''Review of Profit Guidelines in the Defense Federal Acquisition Regulation Supplement''; to the Committee on Armed Services.

8191. A letter from the Prinicipal Deputy, Personnel and Readiness, Department of Defense, transmitting a report on the status of the elimination of the backlog and a plan for preventing accumulation of backlogs in the future; to the Committee on Armed Services.

8192. A letter from the Secretary of Defense, transmitting the approved retirement and advancement to the grade of general on the retired list of General Wesley K. Clark, United States Army; to the Committee on Armed Services.

8193. A letter from the General Counsel, Federal Emergency Management Agency, transmitting the Agency's final rule—Changes in Flood Elevation Determinations [Docket No. FEMA–7297] received April 28, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

8194. A letter from the General Counsel, Federal Emergency Management Agency, transmitting the Agency's final rule—Final Flood Elevation Determinations—received April 28, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

8195. A letter from the Assistant General Counsel for Regulations, Special Education & Rehabilitative Services, Department of Education, transmitting the Department's final rule—National Institute on Disability and Rehabilitation Research—received May 17, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

8196. A letter from the Attorney Advisor, NHTSA, Department of Transportation, transmitting the Department's final rule—Consumer Information Regulations: Uniform Tire Quality Grading Test Procedures [Docket No. 00–7364] (RIN: 2127–AG96) received May 22, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

8197. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans: Oregon [OR 76–7291; FRL–6601–1] received May 19, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

8198. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Air Quality Implementation Plans; Colorado; Designation of Areas for Air Quality Planning Purposes, Canon City [CO–001–0037a; FRL–6706–5] received May 23, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

8199. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans;

California State Implementation Plan Revision, Bay Area Air Quality Management District, San Diego County Air Pollution Control District [CA–184–0229-; FRL–6585–9] received May 23, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

8200. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—National Emission Standards for Hazardous Air Pollutants for Source Categories [AD-FRL–6706–1] received May 23, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

8201. A letter from the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule— National Emission Standards for Hazardous Air Pollutants for Source Categories [AD-FRL–6706–2] received May 23, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

8202. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Revision to the California State Implementation Plan, South Coast Air Quality Management District [CA 031–0237; FRL–6704–1] received May 17, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

8203. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Extension of Operating Permits Program Interim Approval Expiration Dates [FRL–6703–3] (RIN: 2060–AJ12) received May 17, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

8204. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans; State of New Mexico; Approval of Revised Maintenance Plan and Motor Vehicle Emissions Budgets; Albuquerque/Bernalillo County, New Mexico; Carbon Monoxide [NM39–1–7462; FRL–6703–8] received May 17, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

8205. A letter from the Director, International Cooperation, Acquisition and Technology, Department of Defense, transmitting a Request for Final Approval for the Memorandum of Understanding (MOU) Between the United States and the United Kingdom of Great Britain and Northern Ireland Concerning Cooperation on the Future Development, Operation and Support of the Apache Attack Helicopter, pursuant to 22 U.S.C. 2767(f); to the Committee on International Relations.

8206. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed Manufacturing license for the export of major defense equipment sold under a contract [Transmittal No. DTC 023–00], pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

8207. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 13–352, ''Emergency and Non-Emergency Number Telephone Calling Systems Fund Act of 2000'' received June 19, 2000, pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

8208. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 13–353, ''Procurement Practices Human Care Agreement Amendment Act of 2000'' received June 19, 2000, pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

8209. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 13–354, ''Closing of Public Alleys in Square 4335, S.O. 98–234, Act of 2000'' received June 19, 2000, pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

8210. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 13–355, ''Solid Waste Transfer Facility Site Selection Advisory Panel Report Deadlines Extension Temporary Amendment Act of 2000'' received June 19, 2000, pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

8211. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 13–345, ''Approval of the Extension of the Term of District Cablevsion Limited Partnership's Franchise Act of 2000'' received June 19, 2000, pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

8212. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 13–356, ''Tenant Protection Temporary Amendment Act of 2000'' received June 19, 2000, pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

8213. A letter from the Director, Fish and Wildlife Service, Department of the Interior, transmitting the Department's final rule—Endangered and Threatened Wildlife and Plants; Reclassification of Yacare Caiman in South America from Endangered to Threatened, and the Listing of Two Other Caiman Species as Threatened by Reason of Similarity of Appearance (RIN: 1018–AD67) received April 28, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

8214. A letter from the General Counsel, Department of Commerce, transmitting a draft bill, ''To establish the National Marine Sanctuary Foundation''; to the Committee on Resources.

8215. A letter from the Chief, Office of Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—OPSAIL 2000, Delaware River, Philadelphia, PA [CGD05–00–002] (RIN: 2115–AA97, AA98) received May 22, 2000; to the Committee on Transportation and Infrastructure.

8216. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Standard Instrument Approach Procedures; Miscellaneous Amendments [Docket No. 30017; Amdt. No. 1990] received May 22, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8217. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Establishment of Class E Airspace; Andrews-Murphy, NC [Airspace Docket No. 00–ASO–4] received May 22, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8218. A letter from the Chief, Office of Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—OPSAIL 2000, Port of Baltimore, MD [CGD 05–99–097] (RIN: 2115–AA97, AA98, AE46) received May 22, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8219. A letter from the Chief, Office of Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Tall Ships Delaware, Delaware River, Wilmington, DE [CGD05–00–008] (RIN: 2115–AA97, AA98) received May 22, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8220. A letter from the Chief, Office of Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—OPSAIL 2000, Port of Hampton Roads, VA [CGD05–99–068] (RIN: 2115–AA97, AA98, AE96, AE84) received May 22, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8221. A letter from the Chief, Office of Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Temporary Regulations: OPSAIL 2000/International Naval Review 2000 (INR 2000), Port of New York/New Jersey [CGD01–99–050] (RIN: 2115–AA97) received May 22, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8222. A letter from the Chief, Office of Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—OPSAIL 2000, Port of San Juan, PR [CGD07–00–014] (RIN: 2115–AE46, AA98) received May 22, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8223. A letter from the Chief, Office of Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Safety Zone: Chelsea Street Bridge, Chelsea River, Chelsea, MA [CGD1–00–123] (RIN: 2115–AA97) received May 22, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8224. A letter from the Chief, Office of Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Drawbridge Operating Regulation; Massalina Bayou, Florida [CGD08–00–011] (RIN: 2115–AE47) received May 22, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8225. A letter from the Chief, Office of Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Drawbridge Operation Regulation; Upper Mississippi River [CGD 08–00–0009] (RIN: 2115–AE47) received May 22, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8226. A letter from the Chief, Office of Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Safety Zone; Port GRAHAM, Cook Inlet, Alaska [COTP Western Alaska 00–003] (RIN: 2115–AA97) received May 22, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8227. A letter from the Chief, Office of Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Safety Zone; Atlantic Ocean, Virginia Beach, VA [CGD05–00–013] (RIN: 2115–AA97) received May 22, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8228. A letter from the Chief, Regulations Division, Bureau of Alcohol, Tobacco and Firearms, transmitting the Bureau's final rule—Extension for Johannisberg Riesling; Additional Grape Varieties (98R–406P) [T.D. ATF—417; Ref. Notice No. 871] (RIN: 1512–AB80) received April 5, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

8229. A letter from the Chief, Regulations Branch, U.S. Customs Service, Department of the Treasury, transmitting the Department's final rule— Location of Duty-Free Stores [T.D. 00–33] (RIN: 1515–AC53) received May 15, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

8230. A letter from the Deputy Executive Secretary, Health Care Financing Administration, Department of Health and Human Services, transmitting the Department's final rule -Medicare Program; Changes to the FY 1999 Hospital Inpatient Prospective Payment Wage Index and Standardized Amounts Resulting From Approved Requests for Wage Data Revisions [HCFA–1049–F] (RIN: 0938–AJ26) received April 18, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

8231. A letter from the Deputy Executive Secretary, Health Care Financing Administration, Department of Health and Human Services, transmitting the Department's final rule—Medicare Program; Revision to Accrual Basis of Accounting Policy [HCFA–1876–F] (RIN: 0938–AH61) received April 18, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

8232. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Department Store Indexes—March 2000 [Rev. Rul. 2000–25] received April 28, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

8233. A letter from the Commissioner, Social Security Administration, transmitting a report titled, ''Report on Supplemental Security Income: Income and Resource Exclusions And Disability Insurance Earnings-Related Provisions,'' pursuant to Public Law 106—170; to the Committee on Ways and Means.

8234. A letter from the Deputy Executive Secretary, Office of the Inspector General, Department of Health and Human Services, transmitting the Department's final rule—Federal Health Care Programs: Fraud and Abuse; Statutory Exception to the Anti-kickback Statue for Shared Risk Arrangements (RIN: 0991–AA91) received April 18, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); jointly to the Committees on Ways and Means and Commerce.

8235. A letter from the Deputy Executive Secretary, Inspector General, Department of Health and Human Services, transmitting the Department's final rule—Medicare and State Health Care Programs: Fraud and Abuse; Clarification of the Initial OIG Safe Harbor Provisions and Establishment of Additional Safe Harbor Provisions Under the Anti-Kickback Statute (RIN: 0991–AA66) received April 18, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); jointly to the Committees on Ways and Means and Commerce.

8236. A letter from the Acting General Counsel, Department of Defense, transmitting the enclosed legislation relating to the management of the Department of Defense; jointly to the Committees on Armed Services, Banking and Financial Services, and Government Reform.

8237. A letter from the Secretary, Department of Agriculture, transmitting a report entitled, ''Preparing For Drought In The 21st Century''; jointly to the Committees on Transportation and Infrastructure, Agriculture, and Resources.

8238. A letter from the Acting General Counsel, Department of Defense, transmitting the proposed legislation relating to the Department of Defense civilian personnel and Mentor-Protege Programs; jointly to the Committees on Ways and Means, Government Reform, and Armed Services.

8239. A letter from the Acting General Counsel, Department of Defense, transmitting proposed legislation, ''To make a technical correction to uniformed services pay tables as enacted in the National Defense Authorization Act for Fiscal Year 2000 and that become effective July 1, 2000''; jointly to the Committees on Armed Services, Transportation and Infrastructure, Commerce, and Resources.

8240. A letter from the Acting General Counsel, Department of Defense, transmitting the proposed amendments to the current law concerning the housing allowances paid to uniformed service members stationed in the United States; jointly to the Committees on Armed Services, Transportation and Infrastructure, Resources, and Commerce.

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REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. YOUNG of Alaska: Committee on Resources. H.R. 946. A bill to restore Federal recognition to the Indians of the Graton Rancheria of California (Rept. 106–677). Referred to the Committee of the Whole House on the State of the Union.

Mr. YOUNG of Alaska: Committee on Resources. H.R. 2778. A bill to amend the Wild and Scenic Rivers Act to designate segments of the Taunton River in the Commonwealth of Massachusetts for study for potential addition to the National Wild and Scenic Rivers System, and for other purposes; with an amendment (Rept. 106–678). Referred to the Committee of the Whole House on the State of the Union.

Mr. YOUNG of Alaska: Committee on Resources. H.R. 3084. A bill to authorize the Secretary of the Interior to contribute funds for the establishment of an interpretative center on the life and contributions of President Abraham Lincoln; with an amendment (Rept. 106–679), Referred to the Committee of the Whole House on the State of the Union.

Mr. ROGERS: Committee on Appropriations. H.R. 4690. A bill making appropriations for the Department of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 2001, and for other purposes (Rept. 106–680). Referred to the Committee of the Whole House on the State of the Union.

Mr. LINDER: Committee on Rules. House Resolution 527. Resolution providing for consideration of the bill (H.R. 4201) to amend the Communications Act of 1934 to clarify the service obligations of noncommercial educational broadcast stations (Rept. 106–681). Referred to the House Calendar.

Mr. REYNOLDS: Committee on Rules. House Resolution 528. Resolution providing for consideration of the joint resolution (H.J. Res. 90) withdrawing the approval of the United States from the Agreement establishing the World Trade Organization (Rept. 106–682). Referred to the House Calendar.

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PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. ROGERS:

H.R. 4690. A bill making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 2001, and for other purposes.

By Mr. BACA:

H.R. 4691. A bill to amend the farmland protection program of the Department of Agriculture to facilitate a regional approach to the acquisition of permanent conservation easements in the Chino Basin in the State of California; to the Committee on Agriculture.

By Ms. BERKLEY:

H.R. 4692. A bill to direct the Secretary of the Army, the Administrator of the Environmental Protection Agency, the Secretary of Agriculture, and the Secretary of the Interior to participate in the implementation of the Las Vegas Wash Wetland Restoration and Lake Mead Water Quality Improvement Project, Nevada; to the Committee on Transportation and Infrastructure.

By Mr. HALL of Ohio (for himself, Mr. BONIOR, Ms. CARSON, Mrs. CLAYTON, Mr. COBURN, Mr. COSTELLO, Mr. JACKSON of Illinois, Ms. JACKSON-LEE of Texas, Mr. JEFFERSON, Mrs. JONES of Ohio, Mr. LEWIS of Georgia, Ms. MCKINNEY, Mr. MCNULTY, Mr. MEEKS of New York, Mr. RUSH, Mr. TRAFICANT, Mr. ENGEL, Ms. LEE, and Ms. KAPTUR):

H. Con. Res. 356. Concurrent resolution acknowledging the fundamental injustice, cruelty, brutality, and inhumanity of slavery in the United States and the 13 American colonies, and for other purposes; to the Committee on the Judiciary.

By Mr. EVANS (for himself, Mr. LIPINSKI, Mr. ROHRABACHER, Mr. BONIOR, Mr. BILBRAY, Mr. GREEN of Texas, Mrs. FOWLER, Mr. UNDERWOOD, Mr. CAMPBELL, Ms. NORTON, Mrs. KELLY, Mr. PALLONE, Mr. ROYCE, Mr. MCGOVERN, Ms. LOFGREN, Mr. LAMPSON, Ms. JACKSON-LEE of Texas, and Ms. ESHOO):

H. Con. Res. 357. Concurrent resolution expressing the sense of Congress concerning the war crimes committed by the Japanese military during World War II; to the Committee on International Relations.

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PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII, Ms. ROYBAL-ALLARD introduced a bill (H.R. 4693) for the relief of Sergio Lozano; which was referred to the Committee on the Judiciary.

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ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 148: Mr. CRAMER.
H.R. 266: Mr. PASCRELL.
H.R. 407: Mr. GOODLATTE.
H.R. 531: Mr. CAMPBELL, Mr. MCINNIS, and Ms. MCKINNEY.
H.R. 568: Mr. CRAMER.
H.R. 583: Mr. CARDIN.
H.R. 684: Ms. ESHOO.
H.R. 742: Mr. DOYLE and Mr. ALLEN.
H.R. 1005: Mr. METCALF.
H.R. 1217: Mr. THUNE.
H.R. 1310: Ms. BALDWIN, Ms. LEE, and Mr. WALSH.
H.R. 1324: Mr. ANDREWS.
H.R. 1325: Mr. ANDREWS.
H.R. 1366: Mr. BACA.
H.R. 1505: Mr. STRICKLAND.
H.R. 1581: Mr. FRELINGHUYSEN.
H.R. 1590: Mr. COSTELLO.
H.R. 1595: Mr. HOLT.
H.R. 1625: Mr. BOEHLERT.
H.R. 1899: Mr. ROMERO-BARCELO.
H.R. 2059: Ms. PELOSI.
H.R. 2121: Mr. TIAHRT, Mr. DEFAZIO, Mr. MCGOVERN, and Mr. BOUCHER.
H.R. 2138: Mr. JEFFERSON.
H.R. 2288: Mr. HALL of Ohio.
H.R. 2362: Mr. CANNON.
H.R. 2431: Mr. COLLINS, Mr. MATSUI, and Mr. HULSHOF.
H.R. 2457: Mr. WALSH, Mr. MCINTOSH, Mr. WEINER, Mr. MARKEY, and Ms. WATERS.
H.R. 2631: Mr. HANSEN and Mr. BOEHLERT.
H.R. 2696: Mr. MORAN of Virginia.

H.R. 2706: Ms. WOOLSEY.
H.R. 2710: Mr. GORDON.
H.R. 2790: Mr. FRANKS of New Jersey and Mr. KILDEE.
H.R. 2870: Mr. BONIOR.
H.R. 2953: Mr. WEYGAND, Mr. SHADEGG, Mr. LEWIS of Georgia, and Mr. HALL of Texas.
H.R. 3003: Mr. FLETCHER, Mr. MALONEY of Connecticut, and Mrs. CLAYTON.
H.R. 3032: Mr. MCGOVERN, Mr. PHELPS, and Mr. BOEHLERT.
H.R. 3125: Mr. ENGLISH and Mr. SALMON.
H.R. 3144: Ms. MCCARTHY of Missouri.
H.R. 3440: Ms. CARSON, Mr. JACKSON of Illinois, and Mrs. MEEK of Florida.
H.R. 3580: Mr. LEVIN.
H.R. 3614: Mr. GEJDENSON, Ms. DELAURO, and Mr. LARSON.
H.R. 3698: Mr. COLLINS, Mr. JONES of North Carolina, Mr. PICKETT, Ms. MCKINNEY, Mr. MANZULLO, Mr. THORNBERRY, Ms. EDDIE BERNICE JOHNSON of Texas, Ms. PRYCE of Ohio, Mr. NEY, and Mr. LAZIO.
H.R. 3766: Mr. GREEN of Texas, Mr. SMITH of New Jersey, Mr. QUINN, Mrs. MEEK of FLorida, Ms. SANCHEZ, Mr. GILCHREST, Mr. MATSUI, and Ms. VELAZQUEZ.
H.R. 3915: Mr. BLILEY, Mr. CANADY of Florida, Mr. SKELTON, Mr. PASCRELL, Mr. HASTINGS of Washington, Ms. BERKLEY, Mr. PAUL, and Mr. GILLMOR.
H.R. 4106: Mr. ENGLISH.
H.R. 4108: Mrs. LOWEY.
H.R. 4215: Mr. SESSIONS.
H.R. 4239: Mr. BARRETT of Wisconsin and Mrs. MALONEY of New York.
H.R. 4277: Mr. DOYLE, Mr. GOODE, Mr. RYUN of Kansas, and Mr. GORDON.
H.R. 4328: Mr. NORWOOD, Mr. GILLMOR, and Mrs. MYRICK.
H.R. 4334: Mr. PAYNE.
H.R. 4390: Mr. BONIOR.
H.R. 4438: Mr. BOEHLERT, Mr. HASTINGS of Florida, and Mr. FALEOMAVAEGA.
H.R. 4463: Mrs. MEEK of Florida.
H.R. 4471: Mr. DEFAZIO, Mr. ENGLISH, Mr. LAMPSON, Mr. HERGER, Mr. LATOURETTE, Mr. MEEKS of New York, Mr. TANNER, Ms. CARSON, Mr. TERRY, Mr. GREENWOOD, and Mr. ALLEN.
H.R. 4472: Mr. PAUL.
H.R. 4473: Mr. SANDLIN and Mrs. MEEK of Florida.
H.R. 4496: Mr. HASTINGS of Washington.
H.R. 4511: Mr. BILBRAY, Mr. LATOURETTE, Mr. SESSIONS, Mr. METCALF, Mr. BAKER, and Mr. SHERWOOD.
H.R. 4539: Mr. BACA, Mr. DEUTSCH, Mr. MCGOVERN, Mr. FALEOMAVAEGA, Mr. MCNULTY, and Ms. KILPATRICK.
H.R. 4548: Mr. EWING.
H.R. 4567: Mr. RAHALL.
H.R. 4570: Mr. HOEFFEL and Mr. BOEHLERT.
H.R. 4587: Ms. LEE.
H.R. 4596: Mr. UNDERWOOD.
H.R. 4652: Mr. REYNOLDS.
H.R. 4659: Mr. ROGAN, Mr. SHIMKUS, Mr. ETHERIDGE, Mr. CONDIT, and Ms. CARSON.
H.J. Res. 77: Mr. SHADEGG.
H. Con. Res. 209: Mr. SALMON, Mr. UDALL of New Mexico, Mr. ENGEL, Mr. KING, Mr. WYNN, Mr. SANDLIN, Mr. KIND, Mr. OLVER, and Mrs. MINK of Hawaii.
H. Con. Res. 321: Mr. HOUGHTON, Mr. TURNER, Mr. JEFFERSON, Mr. HINCHEY, Mr. SAWYER, Mrs. MINK of Hawaii, Mrs. KELLY, Mr. EWING, Mr. SESSIONS, and Mrs. MORELLA.
H. Con. Res. 339: Mr. HOYER, Mrs. LOWEY, Mr. CARDIN, and Mr. EVANS.
H. Con. Res. 346: Mr. MCGOVERN, Mr. CONYERS, Mr. PAYNE, Ms. MILLENDER-MCDONALD, Mr. HILLIARD, and Ms. JACKSON-LEE of Texas.
H. Con. Res. 348: Mr. HOYER, Mr. RUSH, Mr. KILDEE, Mrs. CLAYTON, Mr. TIERNEY, Mr. SMITH of New Jersey, and Mrs. JONES of Ohio.
H. Con. Res. 352: Mr. DEUTSCH and Mrs. LOWEY.
H. Res. 398: Mrs. MYRICK, Ms. LOFGREN, Mr. GEORGE MILLER of California. Mr. SANDERS, Mr. HALL of Ohio Mr. NORWOOD, Mr. DOOLEY of California, Mr. SMITH, of New Jersey Mr. BACA, Mr. LEWIS of Georgia, Mr. MARKEY, Ms. ROYBAL-ALLARD, and Mr. BECERRA.
H. Res. 461: Mr. FRANKS of New Jersey, Mr. WAMP, Mr. GONZALEZ, Mr. PAYNE, Mr. TRAFICANT, and Mr. VISCLOSKY.

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AMENDMENTS

Under clause 8 of rule XVIII, proposed amendments were submitted as follows:

H.R. 4201

OFFERED BY: MR. MARKEY

AMENDMENT NO. 1: Page 3, line 23, insert ''educational'' after ''nonprofit''.

Page 4, line 3, insert ''educational'' before ''religious''.

H.R. 4201

OFFERED BY: MR. MARKEY

(Amendment in the Nature of a Substitute)

AMENDMENT NO. 2: Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Noncommercial Broadcasting Freedom of Expression Act of 2000''.

SEC. 2. CLARIFICATION OF SERVICE OBLIGATIONS OF NONCOMMERCIAL EDUCATIONAL OR PUBLIC BROADCAST STATIONS.

(a) SERVICE CONDITIONS.—Section 309 of the Communications Act of 1934 (47 U.S.C. 309) is amended by adding at the end the following new subsection:

''(m) SERVICE CONDITIONS ON NONCOMMERCIAL EDUCATIONAL AND PUBLIC BROADCAST STATIONS.—

''(1) IN GENERAL.—A nonprofit educational organization shall be eligible to hold a noncommercial educational radio or television license if the station is used primarily to broadcast material that the organization determines serves an educational, instructional, cultural, or educational religious purpose (or any combination of such purposes) in the station's community of license, unless that determination is arbitrary or unreasonable.

''(2) ADDITIONAL CONTENT-BASED REQUIREMENTS PROHIBITED.—The Commission shall not—

''(A) impose or enforce any quantitative requirement on noncommercial educational radio or television licenses based on the number of hours of programming that serve educational, instructional, cultural, or religious purposes; or

''(B) impose or enforce any other requirement on the content of the programming broadcast by a licensee, permittee, or applicant for a noncommercial educational radio or television license that is not imposed and enforced on a licensee, permittee, or applicant for a commercial radio or television license, respectively.

''(3) RULES OF CONSTRUCTION.—Nothing in this subsection shall be construed as affecting—

''(A) any obligation of noncommercial educational television broadcast stations under the Children's Television Act of 1990 (47 U.S.C. 303a, 303b); or

''(B) the requirements of section 396, 399, 399A, and 399B of this Act.''.

(b) POLITICAL BROADCASTING EXEMPTION.—Section 312(a)(7) of the Communications Act of 1934 (47 U.S.C. 312(a)(7)) is amended by inserting '', other than a noncommercial educational broadcast station,'' after ''use of a broadcasting station''.

(c) AUDIT OF COMPLIANCE WITH DONOR PRIVACY PROTECTION REQUIREMENTS.—Section 396(l)(3)(B)(ii) of the Communications Act of 1934 (47 U.S.C. 396(l)(3)(B)(ii)) is amended—

(1) in subclause (I), by inserting before the semicolon the following: '', and shall include a determination of the compliance of the entity with the requirements of subsection (k)(12)''; and

(2) in subclause (II), by inserting before the semicolon the following: '', except that such statement shall include a statement regarding the extent of the compliance of the entity with the requirements of subsection (k)(12)''.

(d) IMPLEMENTATION.—Consistent with the requirements of section 3 of this Act, the Federal Communications Commission shall amend sections 73.1930 through 73.1944 of its rules (47 C.F.R. 73.1930–73.1944) to provide that those sections do not apply to noncommercial educational broadcast stations.

SEC. 3. RULEMAKING.

(a) LIMITATION.—After the date of enactment of this Act, the Federal Communications Commission shall not establish, expand, or otherwise modify requirements relating to the service obligations of noncommercial educational radio or television stations except by means of agency rulemaking conducted in accordance with chapter 5 of title 5, United States Code, and other applicable law (including the amendments made by section 2).

(b) RULEMAKING DEADLINE.—The Federal Communications Commission shall prescribe such revisions to its regulations as may be necessary to comply with the amendment made by section 2 within 270 days after the date of enactment of this Act.

H.R. 4516

OFFERED BY: MR. ANDREWS

AMENDMENT NO. 5: Page 40, insert after line 19 the following:

ADMINISTRATIVE PROVISION

SEC. 211. The Comptroller General shall conduct a study of the project proposed to be carried out by the Secretary of the Army to dredge the Delaware River to bring the depth of its shipping channel to 45 feet, and shall include in the study an analysis of the following issues:

(1) Whether the benefit to the nation of carrying out this project is outweighed by its costs.

(2) The extent to which the project is in compliance with the applicable requirements of the National Environmental Policy Act, including whether the sponsors of the project addressed the following issues in preparing the environmental impact statement associated with this project:

(A) The environmental impact of the disposal sites for materials dredged during the course of the project.

(B) The impact of any dredging of private oil refinery berths which may be associated with the project.

(C) The impact of the project on essential fish and oyster habitats.

(D) Whether the averages of the levels of toxins in samples taken from the sediment of the River failed to reveal areas where toxins are highly concentrated.

(E) The threats to drinking water supplies and water quality.

(3) The environmental and economic impacts of placing 23,000,000 cubic yards of dredged materials on the riverfront of communities near the project.

(4) The failure of the Secretary of the Army to obtain a meaningful number of commitments from private entities to carry out similar dredging of their privately owned ports.

H.R. 4635

OFFERED BY: MR. BAKER

AMENDMENT NO. 32: Page 14, line 13, insert after the dollar amount the following: ''(increased by $30,000,000)''.

Page 20, line 13, insert after the dollar amount the following: ''(reduced by $30,000,000)''.

H.R. 4635

OFFERED BY: MR. CUMMINGS

AMENDMENT NO. 33: Page 73, line 3, after the dollar amount insert the following: ''(reduced by $2,800,000)''.

Page 73, line 18, after the dollar amount insert the following: ''(increased by $2,800,000)''.

H.R. 4635

OFFERED BY: MR. GREEN OF TEXAS

AMENDMENT NO. 34: Page 90, after line 16, insert the following new section:

SEC. 426. None of the funds provided under this Act may be used by the Environmental Protection Agency to issue, implement, or enforce any regulatory program (including reporting requirements) applicable to pipeline facilities for the transportation of hazardous liquids subject to regulations issued by the Office of Pipeline Safety, Research, and Special Programs Administration of the Department of Transportation under part 195 of title 49 of the Code of Federal Regulations, with respect to the matters regulated under that part.

H.R. 4635

OFFERED BY: MR. HINCHEY

AMENDMENT NO. 35: Page 90, after line 16, insert:

SEC. 426. Any limitation in this Act on funds made available in this Act for the Environmental Protection Agency shall not apply to:

(1) The use of dredging or other invasive sediment remediation technologies;

(2) enforcing drinking water standards for arsenic; or

(3) promulgation of a drinking water standard for radon

where such activities are authorized by law.

H.R. 4635

OFFERED BY: MRS. MEEK OF FLORIDA

AMENDMENT NO. 36: Page 30, after line 14, insert the following new items:

URBAN EMPOWERMENT ZONES

For grants in connection with a second round of the empowerment zones program in urban areas, designated by the Secretary of Housing and Urban Development in fiscal year 1999 pursuant to the Taxpayer Relief Act of 1997, $150,000,000 to the Secretary of Housing and Urban Development for ''Urban Empowerment Zones'', including $10,000,000 for each empowerment zone for use in conjunction with economic development activities consistent with the strategic plan of each empowerment zone, to remain available until expended.

RURAL EMPOWERMENT ZONES

For grants for the rural empowerment zone and enterprise communities programs, as designated by the Secretary of Agriculture, $15,000,000 to the Secretary of Agriculture for grants for designated empowerment zones in rural areas and for grants for designated rural enterprise communities, to remain available until expended.

H.R. 4635

OFFERED BY: MRS. MEEK OF FLORIDA

AMENDMENT NO. 37: Page 30, line 20, after the dollar amount, insert the following: ''(increased by $395,000,000)''.

H.R. 4635

OFFERED BY: MR. MOLLOHAN

AMENDMENT NO. 38: Page 23, strike the provisos that begin on lines 6, 12, and 16.

Page 24, after line 19, insert the following:

For incremental vouchers under section 8 of the United States Housing Act of 1937, $593,000,000, to remain available until expended: *Provided*, That of the amount provided by this paragraph, $66,000,000 shall be available for use in a housing production program in connection with the low-income housing tax credit program to assist very low-income and extremely low-income families.

Page 25, line 1, after the dollar amount, insert the following: ''(increased by $200,000,000)''.

Page 25, line 19, after the dollar amount, insert the following: ''(increased by $127,000,000)''.

Page 27, line 23, after the dollar amount, insert the following: ''(increased by $30,000,000)''.

Page 29, line 24, after the dollar amount, insert the following: ''(increased by $43,000,000)''.

Page 30, line 20, after the dollar amount, insert the following: ''(increased by $395,000,000)''.

Page 35, line 16, after the dollar amount, insert the following: ''(increased by $215,000,000)''.

Page 35, line 17, after the dollar amount, insert the following: ''(increased by $5,000,000)''.

Page 36, line 13, after the dollar amount, insert the following: ''(increased by $80,000,000)''.

Page 37, after line 5, insert the following new item:

AMERICA'S PRIVATE INVESTMENT COMPANIES PROGRAM ACCOUNT

For the cost of guaranteed loans under the America's Private Investment Companies Program, $37,000,000, to remain available until September 30, 2003, of which not to exceed $1,000,000 shall be for administrative expenses to carry out such a loan program, to be transferred to and merged with the appropriation under this title for ''Salaries and Expenses'': *Provided*, That such costs, including the cost of modifying 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 guaranteed, not to exceed $1,000,000,000.

Page 37, line 12, after the dollar amount, insert the following: ''(increased by $114,000,000)''.

Page 37, line 13, after the dollar amount, insert the following: ''(increased by $90,000,000)''.

Page 38, line 2, after the dollar amount, insert the following: ''(increased by $24,000,000)''.

H.R. 4635

OFFERED BY: MR. MOLLOHAN

AMENDMENT NO. 39: Page 73, line 18, insert after the dollar amount the following: ''(increased by $322,700,000)''.

H.R. 4635

OFFERED BY: MR. NEY

AMENDMENT NO. 40: Under the heading ''MEDICAL AND PROSTHETIC RESEARCH'' of title I, page 9, line 8, insert ''(increased by $5,000,000)'' after ''$321,000,000''.

Under the heading ''ENVIRONMENTAL PROGRAMS AND MANAGEMENT'' of title III, page 59, line 6, insert ''(reduced by $5,000,000)'' after ''$1,900,000,000''.

H.R. 4635

OFFERED BY: MR. SCOTT

AMENDMENT NO. 41: At the end of the bill, insert after the last section (preceding the short title) the following new section:

SEC. ___. (a) FINDINGS REGARDING THE STATE OF NASA AERONAUTICS FUNDING.—The Congress finds the following:

(1) The past efforts of the National Aeronautics and Space Administration in aeronautics research have yielded significant technological breakthroughs that have improved aircraft safety and efficiency, including wing design, noise abatement, structural integrity, and fuel efficiency.

(2) Every aircraft worldwide uses National Aeronautics and Space Administration technology.

(3) Past investments in aeronautics research have contributed significantly to the Nation's economy.

(4) The aerospace industry, made up primarily of aeronautics products, is the number one net positive contributor to the Nation's international balance of trade.

(5) Over the past decade there has been a dramatic decline in funding for aeronautics research.

(6) Funding for aeronautics research makes up less than five percent of the budget of the National Aeronautics and Space Administration.

(7) In the last two years alone, the aeronautics component of the National Aeronautics and Space Administration budget has been reduced by 30 percent.

(8) A 1999 report by the National Research Council entitled ''Recent Trends in U.S. Aeronautics Research and Technology'' expressed concern ''that the ongoing reductions in [aeronautics] [research and technology (R&T)], which seem to be motivated primarily by the desire to reduce expenditures in the near term, are taking place without an adequate understanding of the long-term consequences'' and that the Federal Government ''analyze the national security and economic implications of reduced aeronautics R&T funding before the nation discovers that reductions in R&T have inadvertently done severe, long-term damage to its aeronautics interests''.

(9) This Act reduces the already underfunded investment in aeronautics research even further and may impact the long-term safety and convenience of the Nation's air transportation system.

(b) SENSE OF THE HOUSE.—It is the sense of the House of Representatives that legislation enacted into law for funding the Departments of Veterans Affairs and Housing and Urban Development and independent agencies for fiscal year 2001 should not result in funding for National Aeronautics and Space Administration aeronautic research programs which is less than the level in the President's requested fiscal year 2001 budget.

H.R. 4635

OFFERED BY: MR. SMITH OF MICHIGAN

AMENDMENT NO. 42: Page 30, line 20, after the dollar amount, insert the following: ''(reduced by $20,000,000)''.

Page 30, line 21, after the dollar amount, insert the following: ''(reduced by $20,000,000)''.

Page 77, line 1, after the dollar amount, insert the following: ''(increased by $20,000,000)''.

H.R. 4635

OFFERED BY: MR. SMITH OF MICHIGAN

AMENDMENT NO. 43: Page 56, line 13, after the dollar amount, insert the following: ''(reduced by $10,000,000)''.

Page 77, line 1, after the dollar amount, insert the following: ''(increased by $10,000,000)''.

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Vol. 146 WASHINGTON, MONDAY, JUNE 19, 2000 *No. 77*

Senate

The Senate met at 1 p.m. and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

God of power and providence, we begin this week of work in the Senate with Your assurance: ''I will not leave nor forsake you. Be strong and of good courage.''—Joshua 1:5–6.

You have chosen to be our God and elected us to be Your servants. You are the sovereign Lord of this Nation and have designated our country to be a land of righteousness, justice, and freedom. Your glory fills this historic Chamber.

Through Your grace, You never give up on us. With Your judgment, You hold us accountable to the absolutes of Your Ten Commandments. In Your mercy, You forgive us when we fail. By Your Spirit, You give us strength and courage.

You also call us to maintain unity in the midst of differing solutions to the problems that the Senators must address together. Guide their discussions and debates this week. When debate has ended and votes have been counted, enable the Senators to press on to the work ahead with unity. We pray this in our Lord's name. Amen.

—

PLEDGE OF ALLEGIANCE

The Honorable JON KYL, a Senator from the State of Arizona, led the Pledge of Allegiance, as follows:

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

—

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The able Senator from Arizona is recognized.

SCHEDULE

Mr. KYL. Mr. President, today the Senate will be in a period of morning business until 3 p.m. with Senators DURBIN and THOMAS in control of the time.

Following morning business, the Senate will resume consideration of the Department of Defense authorization bill. By previous consent, at 3 p.m. Senators HATCH and KENNEDY will be recognized to offer their amendments regarding hate crimes. Those amendments will be debated simultaneously during today's session.

When the Senate convenes on Tuesday, Senator DODD will offer his amendment to the Defense authorization bill regarding a Cuba commission.

Those votes, along with the vote on the Murray amendment regarding abortions, are scheduled to occur in a stacked series on Tuesday at 3:15 p.m.

I thank my colleagues for their attention.

—

MORNING BUSINESS

The PRESIDENT pro tempore. The Senator from Illinois is recognized.

Mr. DURBIN. Mr. President, it is my understanding that the Democratic side under my control has morning business for the next hour, until 2 p.m. Is that correct?

The PRESIDENT pro tempore. The Senator is correct.

Mr. DURBIN. I thank the President very much.

—

COLOMBIAN DRUG TRADE

Mr. DURBIN. Mr. President, I come to the floor today having arrived back in the country in the early morning hours from a trip which I took to Colombia this weekend with Senator JACK REED of Rhode Island. I had never been to this country before. In fact, I had never been to South America. But I have come to understand, as most Americans do, that what is happening in that country thousands of miles away has a direct impact on the quality of life in America.

Senator REED and I spent a little over 2 days there in intense meetings with the President of Colombia, the Secretary of Defense, and the head of the national police. We met with human rights groups.

It is hard to imagine, but yesterday we were in the southern reaches of Colombia in a province known as Putumayo, which is the major cocaine-producing section of South America in Colombia.

It was a whirlwind visit but one that I think is timely, because there is a request by the Clinton administration to appropriate over $1 billion for what is known as ''Plan Colombia.'' Plan Colombia is an effort by the President of Colombia, Andres Pastrana, to try to take the control of his country away from the guerrillas and the right-wing terrorists, and try to put an end to the narcotrafficking.

The narcotrafficking out of Colombia is primarily cocaine, but it includes heroin. It is now estimated that Colombia supplies 85 to 95 percent of the world's supply of cocaine. How does that affect America? I think we all know very well how it affects America.

In my home State of Illinois, the prison population has dramatically increased over the last few years at great cost to the taxpayers in an effort to reduce drug crime in the streets of my State. That story is repeated over and over in States across the Nation.

So what is happening in the jungles of Colombia in the cultivation of cocaine has a direct impact on the quality of life in America. That is why President Pastrana has called for a coordinated effort by the United States and the European powers as well to bring his country under control and to end the narcotrafficking. It hits quite a resounding note with most Americans.

You would not imagine what it was like yesterday flying over the jungles

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of Colombia to look down from a Blackhawk helicopter as a Colombian general pointed out to me all of the coca fields that were under cultivation in the jungle.

If you take a step back, we now have the capacity by satellite to take photographs of Colombia, and we can actually pick out where the cocaine fields are located by satellite imagery. When they produce these maps, which I saw over the weekend, you can see provinces such as Putumayo that are virtually covered with cocaine production.

What is the cocaine production worth to the locals? Some estimate that a given hectare, or 2.2 acres roughly, can produce some 8.6 kilograms of cocaine during the course of a year. That involves about six harvests. A kilogram is a little over 2 pounds. So you are producing about 17 pounds of cocaine on each 1 of these hectares.

What is it worth to the local farmer? He receives about $900 for each kilogram. As you multiply it out, you realize it is a profitable undertaking for many.

Then if you want to understand the true value of the cocaine economics, consider that as it moves up the chain, it becomes more and more expensive. The guerrilla who takes the cocaine out of the fields from the landowner and the farmer is going to turn around and turn it into coca paste, a rough paste. It is now going to increase the value from $900 up to over $1,000.

The next move is to the trafficker who converts it into the white powder, and that will triple the value of it to some $3,000 for 2 pounds.

Now it is headed to the clandestine airstrip where it is going to be shipped to the United States, and in that process maybe go through Mexico, wherever it might be, on its way to the United States. Now it is up from $3,000 to $7,500 for 2 pounds. Then it arrives on the streets of Washington, DC, where it can sell for $60,000—2 pounds of cocaine.

When you look at the economics, you can understand why, starting with the peasant farmer and moving up through the chains of guerrillas, traffickers, and exporters, there is so much money to be made that they are willing to take the risk.

The World Bank estimated last week that the drug trade in Colombia generates some $1 billion a year in revenue to the guerrillas. These are not people living off the land, as we understand guerrillas. These are the folks who are in the narcobusiness big time, and with this money they can afford to literally create towns, which they have done in some of the remote parts of Colombia.

The standing joke, I guess, in Colombia is that if you want to know how well the drug lords are doing, take a look at how sophisticated the discotheque is that they have just created. In one of the towns, one of the most remote jungle areas of Colombia, they created a city and a discotheque with the most sophisticated sound equipment in the world. It was raided, taken over, and closed down. But it shows you the capacity with the money they have.

The question before the United States is, What can we do to address this cultivation of cocaine, as well as the emergence of the guerrilla groups, as well as the right wing terrorist groups who have made extortion and kidnapping and narcodrug trafficking a matter of course in this Nation?

We try to develop these counternarcotic battalions in Colombia that will attack the guerrillas, and go after them and their narcotrafficking. I visited this camp known as Tres Esquinas yesterday and saw 2,000 young Colombians who are being trained to be better soldiers and will be able to fight.

We have a debate going on as to whether we will send them helicopters. It is a big investment. The Blackhawk helicopter, I am told, runs around $10 million, $11 million, $12 million per helicopter. The so-called Huey helicopters, the older models, are slower, slightly smaller, and less expensive. But they don't believe it is up to the task they need to do in Colombia. We will debate sending the helicopters to support those troops to go after the guerrillas supporting this narcotrafficking that sends cocaine to the United States.

We are in this and we are in it big time. I came back from a meeting over the weekend, with the impression that we have to sit down at several levels and say these are the things on which we should insist. First, accountability from the Colombians. Any dollars sent by the United States need to be spent for good cause to put an end to this drug trafficking. We need to ask and demand of the Colombian military that they bring in more reform so that they end corruption. Historically, the Colombian army, in many cases, has been in league with the people who are either on the guerrilla side or the right-wing terrorist side. That is changing. I am glad to see it is changing. The new general in charge, General Tapias, is bringing reform. It is a move in the right direction.

The so-called Leahy amendment, named after Senator PAT LEAHY of Vermont, says no money goes to Colombia unless their army shows progress on human rights. I think we should insist on that as part of any discussion.

In addition, we have to accept the reality that no plan is going to work in Colombia unless it starts with the peasant farmer who is trying to grow something on his land to feed his family. Growing the coca plant and selling it is profitable. We need to talk about alternative agriculture if this is going to work. We talked about the vast expanse of Colombia and that challenge. That has to be part of the program.

In addition, we need to discuss how we eliminate these coca plants. Now we are spraying them. It is called fumigation. This herbicide that is sprayed is roughly comparable to one that we are familiar with in America known as Roundup. It is a basic chemical. Once it hits the leaves of the coca plants, it destroys them. I met yesterday with some of the pilots who are on contract with the United States to destroy these coca plants. It is incredible that they can take the satellite imagery which tells them where the coca fields are, convert it through the global positioning system into exact coordinates so they can fly at night and spray this herbicide on the coca plants, killing them, by spraying within 12 inches. That is the accuracy of the spraying, even taking into consideration wind drift. They are fast at work trying to do this. Imagine a strip of land that is some 300 miles long and 3 miles wide. That is what we are talking about in this one province, the square mileage of coca cultivation, how much spraying has to be done to kill the plants. Sometimes we have to come back the next year and do it again. The farmer tries to get around it again.

There is a lot to be done, a lot of investment to be made. Clearly, from our point of view in the United States, this is something we should take seriously. When we think of the impact of narcotics and drugs on America and what it means to the safety of each one of us in our homes and neighborhoods and communities, the fact that those who are drug addicts, desperate to buy this drug, will do virtually anything, commit any crime, in order to come up with the resources to feed their habit, we can understand why that drug coming out of Colombia has a direct impact on the United States.

Let me talk for a moment about the other side of the equation. It would be naive to believe that this is just a supply side problem, that if we eliminate the supply of cocaine and heroin that America will see an end to drug crimes. We know better. We know there are alternative drugs currently being developed in America, American-grown products that are competing with the traditional drugs. Methamphetamine was started in Mexico, went to California, and now has swept the country. In the rural areas of Illinois, in the small town farming areas of Illinois, they are discovering these meth-amphetamine labs that can be built with items that are purchased at a local hardware store and can be developed into a drug which is very addictive and destructive.

It is important as we look at the narcotics problem in America to establish that it is not only interdiction and elimination of supply we need to address, but also demand. That takes a lot of effort and a myriad of approaches which have been promulgated by this Senate, the House, and so many different agencies.

We should take into consideration the limited opportunity for drug addicts in this country to have access to rehabilitation. In other words, if you

were a drug addict in this country and decided you were sick and tired of this life and wanted to change and wanted to eliminate your addiction, would you be able to turn someplace for help? Too many times, the answer is no. There is no drug rehab available. The addict stays on the street. He might have had a conversion at one point and wanted to change his life and found there was nowhere to turn.

Let me give an illustration. In my home State of Illinois, in 1987, about 500 people were imprisoned in our State prisons for the possession of a thimble full of cocaine, a tiny amount of cocaine; today in the State of Illinois for possession of the same amount of cocaine, about a thimble full, we have 9,000 prisoners. In 13 years, it went from 500 prisoners to 9,000. It costs roughly $30,000 a year to incarcerate someone in Illinois prisons. We are spending on an annual basis just for those 9,000 prisoners—out of a total prison population of 45,000—we are spending about $270 million a year in the State of Illinois. That story is repeated in every State in the Nation.

When we talk about $1 billion to Colombia for the interdiction of drugs, and it seems like an overwhelming amount, put it in the context of what the drugs are doing in America. Remember, too, as I said earlier, it is not only the supply side; it is the demand side. In my State of Illinois, a person incarcerated for a drug crime serves about 9 months in prison and then they are out again. Half the people in our prison population are released during the course of a year. Those who think we will put them away and throw away the key ought to take a closer look at the statistics. Half the people in prisons are coming out each year. Who are they when they come out? We know when they went in they were criminals. In the case of addicts, we know they came into prison with the drug addiction which led to a crime, which might have led to a theft or something worse, a violent crime, and they went into prison for the average 9-month incarceration. We also know in my State of Illinois, it is very rare, if ever, that the person in the Illinois prison system has any opportunity for drug rehab while he is in prison. So he comes in an addict and he leaves an addict. In the meantime, though, he has joined some fraternities of gang members and veteran criminals who told him how to be a better criminal when he goes back on the street.

That is very shortsighted. What have we achieved? We have brought an addict in and released an addict 9 months later to go out and commit another crime. We have to look not only to the supply side of the equation and interdiction, but also the demand side: How do we start reducing demand in this country for these drugs so we can have a more peaceful and just society?

I am happy I took the weekend to be in Colombia and to learn first hand some of the things we are facing. I certainly hope my colleagues will avail themselves of an opportunity to learn of things that we should be considering as part of a plan with Colombia and as part of our effort to reduce this narcotics dependence in the United States.

—

LITHUANIAN INDEPENDENCE

Mr. DURBIN. Mr. President, I am also concerned about another issue which has become very timely. It is related to recent statements by officials in Russia concerning Russia's view of the Baltic countries. I have a personal interest in this. My mother was born in Lithuania, an immigrant to the United States. Over the course of my public career, I have journeyed to the Baltic countries on several occasions and have witnessed the miracle of independence and democracy coming to Lithuania, Latvia, and Estonia. This was something that many of us had prayed for but never believed would happen in our lifetime; that the Soviet empire would come down and that these three countries, which had been subjugated to the Russians and Soviets in the early forties, would have a chance for their own independence and democracy.

In fact, I was able to be there on the day of the first democratic election in Lithuania. My mother was alive at the time, and she and I took great pride that the Lithuanian people had maintained their courage and dignity throughout the years of Soviet occupation and now would be given a chance to have their own country again.

I have met with the leaders of these countries. I am particularly close to the President of Lithuania, Valdas Adamkus. The story of Mr. Adamkus is amazing. He fought the Nazis in World War II and then fought the Soviets and finally decided he had to escape and came to the United States where he went to school and settled in Chicago, became an engineer, went to work for the Environmental Protection Agency, spent a lifetime of civil service, receiving awards from Presidents for his service to our country, and then at the time of his retirement announced that he was going to move back to Lithuania at the age of 70 and run for President. When Mr. Adamkus came to me and suggested that, I thought, well, it is a wonderful dream; surely, it is not going to happen. And he won, much to the surprise of everyone. He is currently the President of Lithuania; he is very popular. He believes, as I do, that the freedom in Lithuania, Latvia, and Estonia is something that we in the West must carefully guard.

Those of us who for 50 years protested the Soviet takeover of these countries cannot ignore the fact they are still in a very vulnerable position. Not one of these countries has a standing army or anything like a missile arsenal or anything like a national defense. Yet they look across the borders to their neighbors in Russia and Belarus and see very highly armed situations—and in many cases very threatening.

That is why the recent statements by Vladimir Putin, the new President in Russia, are so troubling. According to the Washington Post on June 15, Russian President Vladimir Putin made a statement in which he said that fulfilling the aspirations of Estonia, Latvia, and Lithuania for NATO membership would be a reckless act that removed a key buffer zone and posed a major strategic challenge to Moscow that could, in his words, ''destabilize'' Europe.

The Russian Foreign Ministry issued a statement on June 9 of this year that claimed that Lithuania's forceable annexation in 1940 was voluntary.

This is an outrageous rewrite of history. The Soviets were legendary for their rewrites. They would rewrite history and decide that they, in fact, had developed an airplane first, an automobile first, all these affirmations, and Stalin was, in fact, a benevolent leader and was not a ruthless dictator. All of these revisions were used to scoff at the West.

We thought that the end of the Russian empire would be the end of revisionist history. Unfortunately, Mr. Putin and his leadership in Moscow are starting to turn back to the same old ways. By the statements that they have made, they have said, if we went forward with allowing the Baltic States into NATO, it would be an explicit threat to the sovereignty of Russia. And they also go on to say it could destabilize Europe.

Such a threat by the Russian Federation against security in Europe cannot go unchallenged, and that is why I come to the Senate floor today. It is incredible that the Russian President would continue to call the Baltic countries ''buffer States'' that would presumably have no say in their own security in the future and could once again be subjugated with impunity. To suggest that the Baltic nations are somehow pawns to be moved back and forth across the board by leaders in Russia is totally unacceptable. It is unbelievable that the Russian Foreign Ministry could forget the secret Molotov-Ribbentrop pact that carved up Eastern Europe between Hitler and Stalin, that moment in time when the Nazis and Communists in Russia were in alliance, in league with one another, and through respective foreign ministers basically gave away countries.

At that moment in time, the Baltic States were annexed into the Soviet Union against their will, and for more than 50 years we in the United States protested that. It was the so-called Captive Nations Day we celebrated on Capitol Hill and across America to remember that those Baltic States and so many other countries were brought into the Soviet empire against their will. Somehow, Mr. Putin in this new century is suggesting that we did not understand history; the Baltic nations really wanted to be part of the Soviet

Union. That is a ridiculous statement, and it defies history and defies the facts that everyone knows. It is beyond belief that the Russian Foreign Minister would claim that the Red Army troops occupying the Baltic countries in June of 1940 were not the reason that these countries so-called ''joined'' the Soviet Union. Listen to the statement by the Russian Foreign Minister.

The August 3, 1940 decision of USSR Supreme Soviet to admit Lithuania into the Soviet Union was preceded by corresponding appeals from the highest representative bodies of the Baltic States.

Therefore it would be wrong to interpret Lithuania's admission to the USSR as a result of the latter's unilateral actions. All assertions that Lithuanian was ''occupied'' and ''annexed'' by the Soviet Union and related claims of any kind of neglect, political, historical and legal realities therefore are groundless.

This is the statement by the Russian Foreign Minister.

Let me tell you, he not only ignores the history of 1940 which is very clear, but he ignores the fact that in 1991 the Russian Foreign Ministry entered into a treaty with Lithuania in which Russia explicitly admitted that the 1940 Soviet annexation violated Lithuanian sovereignty and that Lithuania, they said, at the time was free to pursue its own security agreements and arrangements. So in 1991, in those enlightened moments as the Soviet empire came down and Russia became a new State with democratic elections, they entered into a treaty with Lithuania and acknowledged the reality that Lithuania was forcibly annexed into the Soviet Union. They said in 1991 Lithuania had the right, as the Baltic States do, to pursue their security arrangements.

Now, when Lithuania, Latvia, and Estonia talk about membership in NATO, the Russian Foreign Minister and Russian President Putin come forward and say unacceptably, it would destabilize Europe; it would eliminate the so-called ''buffer States.'' They still view these countries as vassals, as pawns to be used. They will not acknowledge the sovereignty which should be acknowledged of these countries.

These disturbing statements show clearly why the Baltic countries must be admitted to NATO; that is, to show Russia and any neighboring country that it must give up its territorial ambitions against NATO membership for the Baltic countries, and it would make it critically clear that the West would never again accept ''buffer State'' subjugation of them. The idea that the three tiny Baltic States could threaten the enormous and powerful Russian Federation is laughable. If Russia has no design on the Baltic States, it has nothing to fear from their membership in NATO.

—

VICTIMS OF GUN VIOLENCE

Mr. DURBIN. Mr. President, I have spoken about the drug problems in America and this issue of foreign policy. But there is another issue which is a continuing concern across America. It is the fact that this Senate and Congress have failed to act on the problem in America of gun violence. It has been a little over a year since the Columbine tragedy, but still the leadership in this Congress refuses to enact sensible gun safety legislation.

Most will recall that a little over a year ago, we passed in this Chamber, with the tie breaking vote of Vice President GORE, legislation which would allow us to do background checks on people who buy guns at gun shows. If you go to buy a gun here in America, they are going to ask some questions: Do you have a history of committing a crime; a history of violent mental illness; are you old enough to own a gun? That is part of the Brady law. And with that law, we stopped some 500,000 people from buying guns in America who were, in fact, people with a criminal record or a history of violent and mental illness, or children. We stopped it—half a million of them—but there is a big loophole there. If you go to the so-called gun shows which we have in Illinois and States such as Texas and all over the country, these gun bazaars and flea markets do not have any background checks. You do not have to be John Dillinger and the greatest criminal mind to understand if you need a gun, do not go to a gun dealer, go to a gun show. No questions are asked; you can buy it on the spot.

We passed a law. We said we have to close this loophole. If we really want to keep guns out of the hands of people who will misuse them, we need a background check at gun shows. That was part of our bill.

The second part of the bill related to a provision with which Senator KOHL from Wisconsin came forward. It said if you sell a handgun in America, it should have a child safety protection device, or so-called trigger lock. You have seen them. They look like little padlocks. You put them over the trigger so if a child gets his hands on a gun, he or she will not be able to pull the trigger and harm anyone.

Is this important? It is critically important. We read every day in the newspapers about kids being harmed, killing their playmates, and terrible things occurring when they find a handgun. It is naive for any gun owner to believe if they have a gun in the house, they can successfully hide a gun. Children are always going to find Christmas gifts and guns. We have to acknowledge that as parents. If they find Christmas gifts, it is disappointing. If they find guns, it can be tragic.

Those who say they will not have a gun in their house if they have little kids may not have peace of mind if they know their playmates' parents own guns and do not have a trigger lock on them.

We said as a matter of standard safety in America, we want every handgun to be sold with a trigger lock. Is it an inconvenience for the gun owner? Yes, let's concede that fact. Do we face inconveniences every day bringing safety to our country and to our lives? Of course we do. Have you gone through an airport lately? Did you have to put that purse or that briefcase on the conveyor belt? Did you go through the metal detector? It is inconvenient, isn't it? It slowed you down, didn't it? We all do it because we do not want terrorists on airplanes and we want to fly safely.

So the idea of a trigger lock on a handgun I do not believe is a major obstacle to gun ownership or using a gun safely and legally. That was the second part of the bill that passed and went over to the House of Representatives.

The third part is one that is hardly arguable, and that is, we ban the domestic manufacture of high-capacity ammunition clips in this country, clips that can hold up to 100 or more bullets. The belief was nobody needed them. The only people who would need those would be the military or police. The average person has no need for them.

I said time and again that if a person needs an assault weapon or some sort of automatic weapon with a 100-round clip to shoot a deer, they ought to stick to fishing. Sadly, there are people who found if you could not manufacture these high-capacity ammo clips in the United States, you could import them from overseas. The third part of our gun safety legislation said we are going to stop the importation of high-capacity ammo clips which are designed to kill people. They have nothing to do with legitimate sports or hunting.

Three provisions: Background checks at gun shows, trigger locks on handguns when they are sold, and no more importation of high-capacity ammo clips. Do those sound like radical ideas to you? They do not to me. They sound like a commonsense effort to keep guns out of the hands of people who would misuse them.

We barely passed the bill. The National Rifle Association, the gun lobby, opposed it. The bill received 49 votes for, 49 votes against. Vice President AL GORE sat in that chair, as he is entitled under the Constitution, and cast the tie-breaking vote—50–49. The bill went to the House of Representatives—this is after Columbine—and with all this determination, we said: We are finally going to do something to respond to gun violence.

Of course, when it went over to the House of Representatives, the gun lobby, the National Rifle Association, piled it on, and the bill was decimated. There is nothing in it that looks like what I described. Then it went to conference. We are supposed to work out differences between the House and the Senate in conference. They have sat on it for a year, and every day in America, 12 or 13 children are killed by guns. The same number of kids who died at Columbine die each day, not in one place but all across America. They are kids

who commit suicide. They are kids who are gang bangers shooting up innocent people. They are kids who are playing with their playmates.

The gun tragedy continues in America, and this Congress refuses to do anything. Many of us come to the floor of the Senate on a regular basis as a reminder to our colleagues in Congress that this issue will not go away because gun violence is not going away, and we need to do something to make America safer.

Since Columbine, thousands of Americans have been killed by gunfire. Until we act, the Democratic leadership in the Senate who supports this gun safety legislation will read some names into the RECORD of those who lost their lives to gun violence in the past year and will continue to do so every day the Senate is in session. In the name of those who have died and their families, we will continue this fight.

The following are the names of just some of the people killed by gunfire 1 year ago on the dates that I mention. On June 19, 1999, these were the gun victims in just some of the States and some of the cities across America:

Milton Coleman, 58, Gary, IN; Darnell Green, 28, Gary, IN; Ronald Hari, 25, Chicago, IL; David Jackson, 23, St. Louis, MO; Andre Johnson, 24, Detroit, MI; Eien Johnson, 19, Detroit, MI; Nakia Johnson, 22, Philadelphia, PA; Lewis Lackey, 47, Baltimore, MD; Malcolm Mitchell, Gary, IN; Mann Murphy, 76 Detroit, MI; Robert Rodriguez, 31, Houston TX; Donnell Roland, 20, Kansas City, MO; Denise Wojciechowski, 33, Chicago, IL; an unidentified male, 36, Long Beach, CA; another unidentified male, 53, Nashville, TN; another unidentified male, 19, Newark, NJ.

In addition, since the Senate was not in session on June 17 or June 18, I ask unanimous consent that the names of those who were killed by gunfire last year on June 17 and June 18 be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

JUNE 17

Donald R. Gauldin, Pine Bluff, AR; Phillip Martello, 18, New Orleans, LA; Lee Martindale, 14, St. Louis, MO; Marcus D. Miller, 18, Chicago, IL; Larry Mitchell, 19, Dallas, TX; Raymond Reed, 71, Charleston, SC; Molly Roberts, 15, Houston, TX; Norberto Rodriguez, 26, San Antonio, TX; Philip M. Spears, 51, Houston, TX; and Tony Williams, 19, Chicago, IL.

JUNE 18

Warren Cunningham, 33, Charlotte, NC; Barron Howe, 31, Washington, DC; Daniel Metcalf, 31, Washington, DC; Tony Muse, Detroit, MI; Adam W. Newton, 36, Oklahoma City, OK; Nysia Reese, 15, Philadelphia, PA; Jeffrey Rhoads, 37, York, PA; Coartney Robinson, 20, Dallas, TX; Debra Rogers, 45, Dallas, TX; and Damian Santos, 20, Bridgeport, CT.

Mr. DURBIN. Mr. President, the reason these names are being read is to share with my colleagues in the Senate the fact that this is not just another issue. The issue of gun safety and gun violence in America is an ongoing tragedy, a tragedy which we will read about in tomorrow morning's paper and the next morning's paper and every day thereafter until we in this country come forward with a sensible gun safety policy to keep guns out of the hands of those who misuse them.

I have seen the National Rifle Association, Mr. Heston, and all of his claims about second amendment rights to the ownership of guns. I believe people have a right to own guns, so long as they do so safely and legally, but I do not believe there is a single right under our Constitution—not one—that does not carry with it a responsibility.

There is a responsibility on the part of gun owners across America to buy their guns in a way that will keep guns out of the hands of those who would misuse them and to store their guns in a way so they are safely away from children who would use guns and hurt themselves and others, and not to demand guns in America that have no legitimate sport, hunting, or self-defense purpose.

Most Americans agree with what I have just said. I think it is a majority opinion in this country. It is clearly not the feeling of the Republican leadership in the Senate and the House of Representatives. They have continued to bottle up this legislation which would move us closer to the day when we have a safer society and when families and communities across America can breathe a sigh of relief that the crime statistics and gun statistics about which we read are continuing to go down and not up.

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SOCIAL SECURITY AND MEDICARE

Mr. DURBIN. Mr. President, the last item I want to address today is relative to a suggestion by the Vice President of the United States to create what is known as a Medicare lockbox. There have been many suggestions made during the course of this Presidential campaign about Social Security and Medicare. It is no surprise. There are hardly any programs in Washington, DC, that affect so many people and affect the quality of life of so many families across America. I am proud to be a member of the Democratic Party which, under Franklin Roosevelt, created Social Security.

We took a group of Americans—our parents and grandparents, the seniors in America, who were literally one of the most impoverished classes in our society—and said: With Social Security, we will create for you a safety net. With this safety net, when you go into retirement in your senior years, you are going to have some peace of mind that you will not be destitute and poor and have to depend on your children for your livelihood.

Social Security has worked. It has now become a very bipartisan program—and it should. Democrats, Republicans, and Independents alike understand that this safety net for seniors and for disabled people in our country really makes America a better place.

In the 1960s, President Lyndon Johnson—another Democrat—came up with the idea of Medicare. It was not a new one. President Truman had proposed some version of it earlier, and others had talked about it. President Johnson, with his legislative skill, was able to pass Medicare.

In Medicare, we said we would create for America a health insurance program for the elderly. This again was considered socialistic, radical, by its critics. They said America does not need this, that everything will be just fine.

Yet we see what has happened since we introduced and passed the Medicare program. Seniors are living longer. They are more independent. They are healthier. They are active. They are leading great lives because of the combination of Social Security and Medicare.

Many of us want to take care that in the midst of any Presidential debate about these two programs, we do not go on any risky escapade that could endanger the life of these programs. There are too many people who depend on them; and not just the seniors, but their children who expect Social Security and Medicare to be there.

George W. Bush, the Governor of Texas, and soon to be the Republican nominee for President, has proposed changing the Social Security system so that there could be a private investment factor so that individuals could direct the investment of some of their Social Security funds into private investments.

On its face, a lot of people who own stocks and mutual funds across America would say: Goodness, that gives me a chance to increase the amount of money I can put into these types of investments. Perhaps if the stock market continues to do well, I will profit from it. It is a surface reaction you might expect that is positive among some American families. But the real issue is, how would we come up with the same level of protection in Social Security if we started taking money out and letting people direct it as they care to in their own private investments?

The basic benefits on which many elderly depend for almost all of their retirement income could be cut by as much as 40 percent. How can that be, if George Bush is only talking about a few percentage points of investment?

Social Security is a pay-as-you-go program. The amount of money we collect in the payroll taxes goes out to pay today's seniors. When I become a senior citizen, eligible for Social Security—if I live that long—I will be paid by the current wage earners in the payroll tax that is collected from them.

It is a pay-as-you-go system. If at any point in time you want to remove some 2 percent, or whatever the number might be, of the money that workers are paying into Social Security, it

has a direct impact on today's seniors because they do not have the pool of money coming in to sustain today's Social Security needs.

So when there is a proposal made to cut back the amount of contribution by individuals to give them 2 percent of whatever it might be for their own self-directed investment, the obvious question is, Who will pay it? Who will pick up the difference?

The basic Social Security benefit is pretty modest across America, but it is important. For workers with a history of average earnings who retired in 1999 at age 62—most people retire before they reach the age of 62, incidentally—their monthly benefit is $825. For the lower earner, the benefit is $501 a month. Despite these modest amounts, Social Security is the major source of retirement income—50 percent or more—for 63 percent of the older population.

The whole point of having Social Security is to provide workers with a predictable retirement benefit.

Mr. Bush's plan affects these basic retirement benefits in two ways.

First, the program has a long-term deficit of about 2 percent of payroll. The deficit isn't Governor Bush's creation, by any means. It confronts anybody attempting to reform the system. But Governor Bush's proposal makes the problem worse by pledging not to add any new money to the Social Security system.

Vice President GORE has said, let's take the surplus and pay down the national debt by paying off the internal debt of Social Security and Medicare. We collect $1 billion in taxes a day from businesses, families, and individuals to pay interest on our national debt.

I think the most responsible thing we can do, in a time of surplus, is to take the extra dollars and reduce that debt and reduce the interest we pay and our children will pay for things we did many years ago. I know that is conservative. It isn't as flashy as proposing tax cuts. But I think it is sound. We do not know if these surpluses will be there forever, but as long as they are here, let us pay down the debt of this country. That is the position of President Clinton, Vice President GORE, and the Democratic side of the aisle.

On the other side, from Republican Governor Bush, and many Republican leaders, we are told, no, no, no, take this surplus, as it exists, give tax cuts to certain people, and change the Social Security system, and do not address the fundamental concern about this $6 trillion national debt we continue to finance on a daily basis to the tune of $1 billion a day in Federal tax collections.

I hope during the course of this debate on reforming Social Security, whether the proposal is from the Democrats or the Republicans, that families across America will look long and hard at whether these proposals are in fact honest, whether they use real numbers, whether they really affect the future of America in a positive way and can continue this economic growth we have seen, and whether they are in fact the kinds of things which reflect the values of this country.

When we take a look at some of the proposals coming from the candidates in the Presidential race, particularly on Governor Bush's part, I do not think they meet that test.

I am going to close now because I see my colleague from Arkansas has come to the floor.

Mr. President, I yield the floor to Senator LINCOLN.

The PRESIDING OFFICER (Mr. KYL). The Senator from Arkansas.

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THE OLDER AMERICANS ACT AND THE SOCIAL SERVICES BLOCK GRANT

Mrs. LINCOLN. Mr. President, today I rise to call attention to the needs of our Nation's seniors. Although Social Security, Medicare reform and prescription drugs make daily headlines in newspapers across the country and are the topic of Congressional and Presidential debates, there are two other important programs for seniors which do not receive the media attention they deserve. These two programs are the Older Americans Act and the Social Services Block Grant.

As a member of the Senate Special Committee on Aging and a Senator representing the State with the highest poverty rate among seniors, I want to reinforce to my colleagues in the Senate the importance of these two programs, which are lifelines to low-income, homebound and frail seniors.

First, we need to reauthorize the Older Americans Act. It is our country's main vehicle for providing a wide range of social services and nutrition programs to older men and women. Unfortunately, the Older Americans Act has not been reauthorized since 1995—absolutely inexcusable—making this the sixth year without a reauthorization of such a vital program for our Nation's senior. Because this year marks the 35th anniversary of the Older Americans Act, Congress has a unique and timely opportunity to improve the Older Americans Act.

If we don't act, we will be sending the wrong message to our Nation's seniors. We would be telling them that they are not a priority in this Nation. This is absolutely the wrong message to be sending to those who helped create this incredible prosperity in our Nation. I say to my colleagues, we can do better. We must do better.

The South not only has some of the highest poverty rates among seniors, but the South is the home of the majority of seniors in the country. Here are some statistics that might surprise you: Florida, West Virginia and Arkansas rank among the top five States nationally with the highest percentage of seniors over the age of 55; through 2020, the South will see an 81 percent increase in its population of persons age 65 to 84 years of age; and for people age 85 and over, that increase in the South will be 134 percent—phenomenal in terms of what we will see in the South with elderly individuals dependent on programs that the Older Americans Act provides—and over half of all elderly African Americans live in the South.

Based on these compelling statistics and the pending ''age wave'' that is coming to the South, the time to act is now. We must update the formula used to calculate Older Americans Act funds so Southern states receive their fair share of the funds. Currently, 85 percent of Older Americans Act funds are distributed to States based on 1985 numbers. This is neither fair to southern States nor is it good public policy to be using such outdated information. Without a formula update, States like Arkansas, and other southern States, with greater numbers of seniors will continue to be expected to do too much with absolutely too little.

Each year Title III funding provides seniors around the country with hot, nutritious meals in senior centers and other congregate settings. In addition, millions of meals are delivered each year to homebound men and women who rely on this program not only for nutrition, but for companionship and human contact which volunteers provide when they visit the person each day. I have made those rounds with constituents, delivering meals on wheels to our seniors in rural areas. It means so much to have someone bring a nutritous meal and to visit.

For many seniors, the only human contact they have each day is with the person who delivers their meals. During extreme weather conditions, home-delivered meal volunteers are able to check on seniors and make sure they are not ill or suffering from extreme heat or cold.

In Arkansas, we deliver 2 million home meals a year to the elderly and provide another 2 million congregate meals. However, many seniors are still unable to receive meals. About 1,300 frail, homebound elderly men and women are on waiting lists for home-delivered meals. This number only represents a fraction of low-income seniors who need meals but can't get them, because those living in rural areas that are not served by programs like Meals on Wheels are not counted for waiting lists.

Here is a story which was sent to me by an Area Agency on Aging caseworker from Fulton County, AR. She writes about a couple by the name of John and Reba.

John and Reba live in a mobile home near Salem, Arkansas. They started receiving home delivered meals in October 1999. Both of them are physically handicapped and are barely able to get around. John is on oxygen and has severe heart problems. Reba has heart problems and arthritis.

At the time they began receiving meals they were physically and financially burdened and didn't know how they would buy

food for the next meal. Reba said getting the meals had relieved them from a great burden. She said they can hardly wait each day to get their meals. They really look forward to seeing the volunteer and the van coming to their trailer.

Here is another story about an Arkansas senior. Mr. Black is 71 years old and lives alone in an old farmhouse in an isolated, rural area in Van Buren County. In the winter you can feel the wind blow through the house and in the summer the heat is unbearable. Mr. Black does not have any immediate family to check on him. He only has a microwave to cook in. He lives on a fixed income and has no transportation to get into town to purchase groceries on a regular basis.

Mr. Black said this about the home delivered meals he receives, ''They help me out a lot. The meals are better than the food I can buy. I can't buy much on a fixed income.'' Mr. Black has told his case manager on more than one occasion that he does not know what he would do without the meals. It is a real hardship on him if he misses his home delivered meals. One week he missed all of his home delivered meals because of doctors appointments and it was very difficult for him to buy food and prepare meals that week. He just went without.

The Title V senior employment program is one of the best kept secrets in the country. Through this funding mechanism, older Americans who want to work can go to a senior employment agency in their community and learn of available job opportunities.

No matter what type of training seniors need to fill these jobs, training is made available to them. For example, if seniors need training to work in a modern office environment, they learn how to surf the internet, use computers and send faxes. Nationally, over 61,000 seniors a year are employed through senior programs.

Some of Arkansas's finest employment programs for seniors are operated by Green Thumb and other outstanding Area Agencies on Aging. I have met many older workers and listened to them talk with enthusiasm about their jobs. I only hope that when I'm 75, 80, or 85 I will have half of their energy and zest for life!

The senior employment program is a win-win proposition for both sides. Low-income seniors who need additional income to supplement their Social Security checks have an opportunity to find a job placement and any necessary training through a Title V contractor. This not only generates additional income for seniors but a sense of purpose and a chance to stay engaged in their community and make a contribution—something we all want to feel, and that is needed.

The community and employers benefit by hiring honest, loyal and dependable persons who are committed to showing up for work every day and doing a good job. Especially in booming economic times when the job market is tight, seniors can fill jobs that employers otherwise might not be able to fill. The senior employment program makes good economic sense. It also provides for the workers: the quality and guidance of seniors who exemplify a tremendous work ethic and bring a lot to the workplace.

Here is a remarkable story of a woman from Texarkana, AR, whose life was transformed by the Green Thumb program. Olla Mae Germany came to the Green Thumb program at the age of 65. She had been a victim of domestic violence. She had never worked, could barely read and had walked to the interview. She told the coordinator that she was ''dumb, stupid, ugly, ignorant, and no one cared about her.'' During that meeting she also shared her hopes for the future—she wanted to learn to read, achieve a GED, gain clerical and computer skills, and get a job.

Ms. Germany was assigned to the Literacy Council in Texarkana. Her job entailed clerical duties and literacy training. After receiving her first pay check, Ms. Germany told her boss that she bought a new outfit for work and had her hair styled professionally for the first time in her life. She was especially pleased that the people in her office noticed her appearance and told her she looked pretty. With increased self-esteem she became more confident in her abilities. Only 24 weeks after her Green Thumb enrollment, Ms. Germany learned to read and significantly improved her office skills. She began making public speeches on behalf of the local literacy council.

Today, Ms. Germany continues to work toward self-sufficiency. She has a new job with a Texarkana agency that promotes neighborhood revitalization and economic development. She is learning new technology skills. She is also studying for her GED. Recently, Ms. Germany was able to buy her very first car, thanks to the money she has earned from her jobs. With new marketable skills, a confident self-image and dependable transportation, Ms. Germany is well on her way toward achieving her goals for a brighter future and making a contribution to her community.

I know Democrats and Republicans on the Special Committee on Aging disagree over the allocation of Title V monies. I think groups like Green Thumb have proven their ability to train and place older workers successfully in the community and I urge my colleagues to allow the national Title V grantees to continue receiving a majority of Title V funds.

The reauthorization of the Older Americans Act will also include a new authorization for the National Family Caregivers Act. I am an original cosponsor of this bill in the Senate because I believe that our country needs to find a better way to support family members who serve as caregivers. No one wants to leave their home just because they are aging and/or disabled. The inclusion of a National Family Caregivers Act is foreward thinking and family friendly. Baby boomers need support to care for their family members and it is high time that we provide Federal leadership in this area of home care.

Finally, the other program I will focus on is the Social Services Block Grant, better known by its acronym SSBG. States use SSBG funds to support programs for both at-risk children and seniors. In Arkansas, a significant portion of SSBG funds are used to support and operate senior centers, to provide Meals on Wheels for frail, homebound elderly, and to provide transportation for seniors, especially those living in rural areas.

Over the past five years, Congress has cut SSBG funds by $1 billion.

The PRESIDING OFFICER. The Senator's time has expired.

Mrs. LINCOLN. Mr. President, I ask unanimous consent for 5 additional minutes.

The PRESIDING OFFICER. We are operating under a consent agreement with the Republican side.

Mrs. LINCOLN. Perhaps the chairman of the Aging Committee will allow me 5 additional minutes.

Mr. GRASSLEY. I ask unanimous consent that we extend for our side as well.

The PRESIDING OFFICER. Without objection, it is so ordered. The Republican side will have 5 additional minutes, and the Democratic side will have 5 additional minutes.

Mrs. LINCOLN. This year alone, the Senate Labor-HHS Subcommittee on Appropriations cut SSBG by $1.1 billion. This translates into a cut of nearly two-thirds. Arkansas will lose over $11 million in FY 2001. This draconian cut comes on the heels of a $134 million cut in FY 2000 in which Arkansas lost $1.3 million.

What does this dramatic funding loss mean to senior services in my home state? Because Arkansas spends a majority of its SSBG funds on senior services, 40 senior centers around the state may have to shut down or dramatically reduce operating hours. In addition to providing social activities and hot, nutritious meals to seniors, senior centers also provide seniors with rides to the doctor's office, the pharmacy and grocery stores. As one Area Agency on Aging administrator in Malvern, Arkansas wrote to me, ''for many of our seniors, the senior center is their lifeline. It provides them with a reason to get up in the morning.''

I would like to read to you what a social services case manager sent me about an aging client in northwest Arkansas.

When Delbert was in his early 50's he suffered a stroke that left him with paralysis on the left side and confined to a wheelchair. He has no children and his only family support comes from a sister and brother-in-law in Atlanta, Georgia. They help him with money management. Case managers and case workers with the Area Agency on Aging helped him find a personal care assistant on a temporary basis through the state's Supplemental Personal Care Program.

In the meantime, Delbert applied for and awaited approval from the Alternatives Program for Adults with Physical Disabilities, a state Medicaid program. Once approval came, he received funding and assistance in having his bathroom retrofitted to be handicapped accessible.

He was also provided with personal care and housekeeping assistance. Delbert also began to receive home delivered meals. Last October, Delbert celebrated his 65th birthday. Because he was confined to a wheelchair and very isolated and lonely, his doctor prescribed socialization and exercise to combat his depression. Now, every Tuesday and Thursday Delbert rides in a handicap accessible van to the Benton County Senior Services Center where he participates in an exercise program.

He now enjoys his newfound friends and enjoys games and other activities at the senior center. Thanks to these aging and disability support services, Delbert lives with dignity and independence. Without this assistance he would, no doubt, have spent the past few years in a long-term care facility at enormous cost to the public.

If SSBG gets cut severely this year, millions of Meals on Wheels to homebound seniors may not be delivered next year to people who rely on them. States are already scaling back congregate and home delivered meal programs because of last year's Federal funding cuts. Although Congress increased Older Americans Act funds for home delivered meals by 31% last year, it simultaneously cut the Social Services Block Grant and the USDA Nutrition Program for the Elderly, which resulted in a net loss of $300,000 in Federal funds to Arkansas. Unless we act, this year's cuts will be even greater.

To put the cost of home delivered meals in perspective, the cost of providing home delivered meals to a senior for one year costs about as much as one day's stay in the hospital for one person. I don't know about you, but I think that is pretty affordable.

The irony of the situation is that these draconian cuts to SSBG come at a time when our budget is experiencing unprecedented surpluses. That is why I respectfully disagree with some of my colleagues who support these crippling SSBG funding cuts. They argue that Governors can offset these cuts with tobacco settlement money or TANF funds, but I think this is unrealistic. Governors are spending most of their tobacco settlement funds on health related initiatives and smoking prevention programs.

I supported an amendment during last year's Labor/HHS/Education appropriations process to restore funding to the SSBG, although it did not pass. Recently I cosponsored legislation by Senators GRAHAM and JEFFORDS to restore SSBG funding. When I was in the House of Representatives and voted for welfare reform, an agreement was made between Congress and the states to decrease SSBG from $2.8 billion to $2.4 billion until welfare reform was firmly established. In FY 03, Congress was to restore funding to the $2.8 billion level. Clearly, Congress has not operated in good faith in honoring this agreement.

I believe that the Older Americans Act and the Social Services Block Grant are vital safety nets for our nation's seniors. I hope the Senate will do the right thing by passing a pro-senior Older Americans Act and restore funds to the Social Services Block Grant.

I don't know about my colleagues, but I do know there is not a day that goes by that I don't think of the contribution of an elderly person in my life.

I would like to close by reading a quote by Senator Hubert Humphrey that you may be familiar with:

> It was once said that the moral test of government is how that government treats those who are in the dawn of life, the children; those who are in the twilight of life, the elderly; and those who are in the shadows of life—the sick, the needy and the disabled.

I think we have a wonderful opportunity to help the young, the old, the sick, the needy and the disabled by restoring the cuts to the Social Services Block Grant and reauthorizing the Older Americans Act.

Let's get to work!

The PRESIDING OFFICER (Mr. THOMAS). The Senator from Iowa is recognized.

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THE OLDER AMERICANS ACT

Mr. GRASSLEY. Mr. President, I have come to the floor to speak as a member of the Judiciary Committee, but I will back up the Senator from Arkansas on one very key point that I hope can happen in this Congress. I urge, as she has done, that a bill to reauthorize the Older Americans Act come to the floor of the Senate because it has been so long since that law has been reauthorized on a permanent basis. I understand it has been reauthorized on a year-to-year basis, but not on a permanent basis as it ought to be, or at least for a multiyear basis. So I urge that action to be taken at this particular time.

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INTERNET MEDICAL PRIVACY

Mr. GRASSLEY. Mr. President, I come to the floor to speak on the subject of technology. The message on technology is very simple. Technology is moving fast, but somehow Congress does not pass laws that keep up with the technology. I wish to state the proposition that, from the standpoint of the right to privacy, our laws cannot be left behind. Every day, more and more Americans are waking up to what technology can do to improve their lives. Thanks to the hard work of the American people in the technology sector, we live in an amazing time. Congress didn't bring about this revolution, and Congress should not do anything to impede the rapid changes taking place in technology.

However, one of the main threats to the growth of electronic commerce is the risk of a massive erosion of privacy. While the Internet offers tremendous benefits, it also comes with the potential for harm. If we lack confidence that our privacy will be protected online, we won't take full advantage of what the Internet has to offer. The Judiciary Committee is now considering a bill to protect the privacy of Internet users. I want to focus on one particular issue, and that is maintaining privacy of personal health information obtained by web sites.

I happen to believe, as a matter of basic principle, that information about my health is very personal, and nobody else should know that without my permission. So I am pleased to join my colleague from New Jersey, Senator TORRICELLI, in cosponsoring an amendment on this issue before the Judiciary Committee. I think it will be up this week, on Thursday.

The amendment Senator TORRICELLI and I plan to sponsor will give citizens a chance to control any health information that they might provide while surfing the web. None of that will be passed on to others without their explicit permission. Our amendment simply provides that a commercial web site operator must obtain permission from a person before sending health information to another entity. In addition, it would require that individuals be told to whom their medical information will be released if permission is given.

I know to people watching this sounds like a pretty simple, commonsense thing, that there would be no dispute and it ought to be part of the laws of our country under our Constitution that personal information not be sold or used by anybody else without the personal permission of the person who that medical information is about. It sounds pretty simple that it ought to be part of our law. It appears to be such common sense that maybe we should not even have to deal with that; it is just common sense that nobody else should profit from your personal information without telling you about it and without your permission.

It is only fair—it seems to myself and to Senator TORRICELLI—to put that burden on the web site operator and not on the consumer. Medical information can be highly personal, and consumers face serious risk if it becomes a public commodity that can be bought and sold without the individual's consent. If that is allowed, then we are all at risk.

As far as your own personal information being a public commodity that can be sold—outside the fact that it shouldn't be done without your permission, not only to protect your privacy but you ought to know about the information being disseminated and to whom it is going, it is also the fact that personal health information, if it is a commodity, is under your personal, private property rights, and they ought to be protected just as personal property rights are protected under our Constitution.

The Department of Health and Human Services is working on regulations to finalize medical privacy rules this summer. I understand that for the most part those rules would set up a mechanism so individuals would have to opt into the procedure of giving permission for their medical information to be disseminated—opting in meaning that you have to actually say, I give permission for my medical information to be used in such and such a way, as opposed to kind of an opt-out situation where your personal medical information will be disseminated unless you say it can't be disseminated. From that standpoint, the Department of Health and Human Services rules, which they say will actually come out this way, will be in agreement with the goals of our amendment. I see the need to allow the process in the Department of Health and Human Services to finish.

The current draft of our amendment explicitly will not interfere with those rules and the rulemaking process now going on, and it also does not apply to entities subject to those proposed rules, such as health plans and providers.

Our amendment gets at those commercial health web sites to which the protections of Health and Human Services rules will not apply. But having said that, our amendment is pending.

Having made clear that our amendment does not interfere with the Department of Health and Human Services rulemaking now going on, I want to put President Clinton on notice, if it turns out that the final Health and Human Services rules are inadequate from the standpoint of protecting the personal privacy of health information of individuals, having this amendment in the bill as a placeholder will provide those of us in Congress who are concerned about this issue of privacy of medical health information a vehicle to strengthen the HHS rules legislatively in the future if necessary. There should be ample time for that because realistically we all know that more work will have to be done on Internet privacy before final enactment.

Senator TORRICELLI and I are open to ideas on how to improve the amendment. But let me make clear that I am adamant on the point that people should have a basic right to control their medical information, and to control it from the standpoint of making a separate individual decision as to whether that information can be disseminated—not from the opposite point of view that if they fail to say it can't be used it can be legally disseminated. I believe that very strongly.

We all know there are special interests out there that do not agree with us. I happen to think they are wrong. I look forward to having this issue aired fully in the committee. We should protect citizens' most confidential information from those who misuse it. I suppose there is a lot of confidential information other than just medical information about an individual that we ought to be concerned about. But I can't think of anything more personal or that could be more destructive to the individual than medical information.

We should also arm our citizens to make a thoughtful and informed decision on how their health information will be used—even educating them about the possibility that because they use the Internet certain health information about them can be disseminated. I am not so sure that we don't take the use of the Internet and technology so much for granted today that we often don't think about what we are doing and what we are putting into it about ourselves, and who might be making use of that. It is important for us to be informed about the possibilities. Once we have done that, I think the American people can be assured that they can go online without having surrendered their privacy rights.

I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. KYL. Thank you, Mr. President.

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SECURITY BREACHES AT NATIONAL LABS

Mr. KYL. Mr. President, one of the reasons we have time today is to discuss the breach of security at the National Laboratories. I want to address that subject for a moment this afternoon.

We are all aware of what happened in the last couple of weeks regarding the lost computer disks at the Los Alamos National Lab, and the news that those disks have now been found. But the questions remain about what happened to them during the time they were gone—whether or not they were copied and whether or not in any event our National Laboratories are, in fact, secure.

Let me go back in time to about a year ago when we were debating the Defense authorization bill of last year. One of the portions of that bill was an amendment that I offered, along with Senators DOMENICI and MURKOWSKI, to create a new semiautonomous agency at the Department of Energy, the Department of Energy Reorganization Act. That was in response to the recommendation of one of the President's own commissions, a group called the President's Forward Intelligence Advisory Board, or the so-called PFIAB Act.

Former Senator Rudman chaired the President's Foreign Intelligence Advisory Board and made some recommendations concerning the creation of this semiautonomous agency in response to the effect of the theft of some of our most sensitive nuclear secrets from the Los Alamos Lab a few years ago.

We discovered that the Chinese Government had possession of what were, in effect, the blueprints for some of our Nation's most sophisticated nuclear weapons ever built. We didn't know how those blueprints were obtained by the Chinese Government, but we believe they had to have been obtained from the Los Alamos nuclear lab. We determined that we needed to make some changes in security practices at the laboratory.

It was believed that a scientist there by the name of Wen Ho Lee had taken charge of these documents and had somehow gotten them to someone representing the Chinese Government—a matter that has not yet been proven. We wanted to get to the bottom of it, and to make sure there would never again be a security breach at our National Laboratories.

By way of background, these National Laboratories, two of them—Lawrence Livermore and Los Alamos—are technically run by the University of California at Berkeley. But they do their weapons work under the auspices of the Department of Energy.

The PFIAB reports found that the culture of the laboratories to promote good science and develop all of these new technologies relating to nuclear weapons was such that it would be very difficult to reform from within, for either the Department of Energy or the laboratories themselves to put into place the security measures necessary to protect these secrets.

As a result, the Foreign Intelligence Advisory Board recommended the creation of an autonomous agency, totally separate and apart from the Department of Energy, under which this work is done, or, at a minimum, the creation of a semiautonomous agency within the Department of Energy for this weapons work to be done. Some called it a stovepipe; in other words, an organization within the Department of Energy that was totally enclosed, that would be run by an Under Secretary, and would be very much focused on security at the labs.

The Secretary of Energy, Bill Richardson, didn't like this idea. He wanted to remain in charge. On the debate just about a year ago, my colleagues on both the Democrat and Republican sides of the aisle concluded that the President's own Foreign Intelligence Advisory Board was correct, that we should create a semiautonomous agency and take that out of the Secretary's direct control. The Secretary was so much opposed, he tried to get the President to veto the bill over that, because we passed it in the Senate and the House of Representatives passed it. It became part of the Defense authorization bill for last year. The President signed the bill, and it became the law.

The Secretary continued to fight it, maintaining he should maintain the jurisdiction over this nuclear weapons program, that he could do the job. As a result, the President did not send up the name of this Under Secretary to head this new, semiautonomous agency, and Secretary Richardson did not implement the new law. He did virtually nothing to see that the new law was put into place. He kept maintaining that he was in charge and that so

long as there was not an Under Secretary, he would still personally be in charge.

In fact, he testified last October before the Congress that he would remain in charge until a new person was put in charge. He specifically said: The buck stops with me. He said: The President has asked me to remain in charge until there is a new Under Secretary, and the President will hold me accountable, and I intend to be held accountable.

Senator FITZGERALD asked him a specific question as he said: The buck stops with me. Senator FITZGERALD asked the Secretary: If, God forbid, there should be a security breach at one of the laboratories, you would assume full responsibility, is that correct? And Secretary Richardson said: Yes, I will assume full responsibility.

Now, that was then and this is now. We know there was not an Under Secretary appointed, that Secretary Richardson continued to maintain control over the situation, to take the responsibility for it, to assure the American people that our weapons labs were safe and secure. In fact, he said last year: I can assure the American people that our nuclear laboratories are safe and secure. Because he was in charge.

But what we now know is this past April and May, or presumably during that period, sometime in April, at the Los Alamos Nuclear Laboratory, two hard drive disks containing some very sensitive information relating to both U.S. and other countries' nuclear weapons were taken from the vault, from a portion of Division X of the nuclear program at Los Alamos. They were missing. They were missing for several weeks. They were believed to have been found in the last few days behind a copy machine in Division X. But the FBI has not yet disclosed its findings with respect to how the disks were removed, how they were returned, and what might have happened to them in the interim.

The Secretary said he believes an employee was trying to cover up the fact that he had the disks and that there is no evidence they have been copied. The fact is there is no evidence either way. It is very difficult for the FBI to determine whether or not these hard drive disks were, in fact, copied. We may know more about that in the next several days. Whether they were, whether someone also has that sensitive information or not, there was still a significant security breach and lapse at the laboratories, revealing that they are still not safe and secure; there are still problems. We have to figure out what to do about it.

What would happen if that information had been obtained by someone else? In addition to telling that person or country a lot about our nuclear weapons and how they work, it would have provided an opportunity for them to understand how we intended to dismantle or disable a nuclear weapon because these disks were in the possession of the team we have put in charge of disarming a terrorist nuclear weapon. There is a special kit prepared, and these disks are part of that kit. If we find that there is a nuclear device somewhere in the country, these experts will immediately take that kit to the site and begin to try to dismantle the weapon. The hard drives contain information which is helpful to them in determining how to dismantle the weapon. Obviously, if you have that, you have some ideas about how to prevent the dismantling and how to boobytrap it if you are a terrorist. It is an important piece of information.

What happened from the time Secretary Richardson maintained he was in charge until now?

Finally, last month, the President sent up the name of Gen. John Gordon to become the Under Secretary and head up this agency. But the Senate still hadn't confirmed General Gordon until last month. Why? Because Democrats were still trying to change the underlying law, at Secretary Richardson's request.

A member of the Senate minority had held up the confirmation vote on General Gordon for several weeks, almost a month, trying to get us to make changes in the law that were acceptable to Secretary Richardson. It wasn't until the embarrassment of last week that they finally agreed to have a vote. Of course, when we took the vote, his confirmation was approved 97–0. Presumably, he is on the job as of today. I have a great deal of confidence in General Gordon, if Secretary Richardson will allow him to do his job. That remains the question.

I summarize in the following way: It is clear we still have problems at our national labs. It is clear that General Gordon and his new semiautonomous agency needs to be allowed to get to the bottom of the situation and to put into place protections that will prevent further security breaches at our national labs.

I believe Secretary Richardson should step down from his position for two reasons. First, it was his choice to maintain personal responsibility over this for the last year. We afforded him the opportunity to put somebody else in charge. At one point I said to him: Mr. Secretary, cooperate with us. Let's get an Under Secretary nominated and put into place and let that expert run this semiautonomous agency and give him the responsibility for this. Secretary Richardson, in effect, said: No, I will remain personally responsible because I want to do it my way.

Because he wanted to take personal responsibility, contrary to the law that had been then signed by the President, and because he said he would accept full responsibility, it seems to me we should now take him at his word and allow him to assume full responsibility by taking the blame, rather than passing it on to other people.

The second reason he should step down is that I don't have confidence in him allowing General Gordon to do the job even now. He has ''dual-hatted'' several employees in the Department of Energy, asking that current people be allowed to fill positions we created under this new law, positions we intended to be part of this separate, semiautonomous agency, not employees of the Department of Energy who would wear two hats—their regular Department of Energy hat and fulfill the responsibilities under this new law.

We don't think you can do both. Secretary Richardson didn't want to have separate employees. He wants to use his own employees under his control, and therefore he has been dual-hatting these employees. To this day, I don't know whether he will allow separate employees to be hired, whether he will allow General Gordon to bring his own team, or allow him to do the job as he sees fit, or whether Secretary Richardson will continue to maintain the fixation for personal control of the situation. I have no confidence in that. I call for him to step down and allow General Gordon to do the job. That is what the law provides. That is why the President signed the law. I think the American people want to know that our nuclear weapons laboratories will be secure. This is the only way they will be secure.

Finally, I heard a colleague on television yesterday say, back in his day, President Bush issued a regulation which changed some of the security procedures at the laboratories, as if somehow that had something to do with what has recently occurred. The point is this: If Secretary Richardson was in charge, then he had the full authority to change anything he didn't like, including any directives President Bush may have put into place. But Secretary Richardson's bent is to blame other people rather than accept the responsibility himself. So if he thought there was something wrong with the way President Bush did it, he could have corrected it since. Remember, he was in charge.

My purpose here is not just to point the finger at Secretary Richardson for political purposes but to say that until he steps aside, I don't have any confidence the situation is going to get any better because he has had a year now to correct the situation, and all he has found time to do is to criticize others when he himself had accepted the responsibility.

I am hoping, A, that the FBI will in the next few days get to the bottom of it, tell us exactly what occurred, and hopefully be able to assure us that no secrets have gone to an unauthorized party; B, that the people responsible for the breach in security will be found and will be properly punished; and, C, that General Gordon will be allowed to do his job, as Senator Rudman's commission, the President's advisory commission, and the Congress hoped when we passed the legislation creating his position and this new semiautonomous agency.

The American people deserve to know that our most important nuclear secrets can be kept safe and secure. Especially with the terrorist threat that confronts this country, we need to know we can disarm a terrorist nuclear weapon if we should ever be faced with that particular kind of threat. We need to know our ability to do it has not been compromised.

For that reason, I hope that the Secretary will step down, that General Gordon will be able to do his job, and that from now on our nuclear laboratories can operate in a way that protects the vital information they have been able to develop over these many years.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. THOMAS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. KYL). Without objection, it is so ordered.

The Senator from Wyoming.

Mr. THOMAS. I thank the Chair.

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LEGISLATIVE AND EXECUTIVE RELATIONS

Mr. THOMAS. Mr. President, I thank particularly the Senator from Arizona for his very thorough and accurate description of where we are and where we have been in terms of our nuclear security, in terms specifically of the Los Alamos matter, and more importantly, of course, where we are in terms of overall security, which has to be one of the most important things this Government has to do. The Senator is probably one of the more knowledgeable Members in terms of the military, in terms of intelligence, so I appreciate that very much.

Unfortunately, we have been through this now several times, the matter of having a system upon which we could rely for the security of our nuclear arsenal and secure military information. And even though this is a very trying thing we are involved in now, really the overall system is what is worrisome. If we are having these kinds of difficulties at Los Alamos—there are a number of places in this country where, of course, we are required to have security—and if we have that notion that there is no more security there than there has proven to be, then we have to wonder, of course, about the other facilities in this country which require the same kind of security.

I believe, as the Senator mentioned, the real issue is that we went through this before, not very many months ago. I happen to be on the Energy Committee in which we listened to this a great many times; we listened to the Wen Ho Lee question, and we heard from the Secretary that now we were going to take care of this issue and now you could rest assured we would have security.

The fact is we do not. The fact is that apparently there are some very simple kinds of things that could be done that would have alleviated this problem. It is difficult to understand that in a place such as Los Alamos, where you have secure storage for this kind of information, as someone said, you have less security than Wal-Mart in terms of checking in and out. That is really very scary.

So my point is that we really have to take a long look at the system. As the Senator pointed out, Congress established a while back a semiautonomous unit that was to have responsibility for nuclear security. The Secretary did not approve of that. The President, despite the fact that he signed it, did not approve it either, and therefore it was never inaugurated; it was never put into place. That raises another issue, of course, that is equally troubling to me, and that is that this administration has sort of had the notion that, if we don't agree with what the Congress has done, we simply won't do it, or, if we want to do something the Congress doesn't agree with, we will go ahead and do it.

That is really troublesome to me in that one of the real benefits of freedom, one of the real benefits of the operation of this country over the years, has been the division of power, the constitutional division among the legislative, the executive, and the judiciary. It is so vital, and we need to retain it. We find increasing evidence of the fact that some of it, of course, is in the closing chapters of this administration, but they are determined that if they don't happen to like what the Congress has done or can do something that Congress will not accept, they go ahead and do it. This is not right. This is really very scary.

We have, as you all know, a great many young people who come to visit the Senate, come to visit their Capitol, and I am delighted that they do. People want to see all the buildings, and they want to see the people who are currently filling these offices and in the White House. But the fact is that the Constitution is really the basis for our freedom. That is what other countries do not have, a Constitution and a rule of law to carry it out.

So when we threaten the division of power, then it really is worrisome, and I think we have the great responsibility to make sure that that does not in fact happen. In this instance, I think we have had a pretty patent rejection of the things the Congress has done and put into law and that have not, indeed, been implemented.

There are a number of important matters, of course, that are before us as we enter into what are almost the closing months of this Congress. We have accomplished a number of things that are very useful; we have some tax reform, some welfare reform; we have done some things for the military, to strengthen it. There are a number of items, of course, yet to be done.

One of them, of course, that is imperative is the passage of appropriations, all of which have to be done before the end of September, which is the end of the fiscal year. One of the scary things for the Congress, I believe, again, with this sort of contest sometimes with the executive branch, is if we do not finish these things in time, the President would threaten, of course, as he did before, to shut down the Government and blame the Congress for doing that and use the leverage for the budget to be quite different from what the Congress would like it to be. Therefore, we need to move forward.

I was in Wyoming this weekend, as I am nearly every weekend. There is a good deal of concern about regulatory reform, the idea that, first of all, we have probably excessive regulation in many places. One of the most current examples, I believe, might be in the area of the price of gasoline where, without much consideration of where we were going and its result, we have had more regulations to control diesel fuel and gasoline, which is at least a part of the reason that gas prices are as high as they are, the lack of a policy in energy. We have allowed ourselves to become overly dependent on OPEC and the rest of the world by limiting or restricting, through regulation, our access to energy that could be produced in the United States so at least we were not 60-percent dependent, as we soon will be, on overseas production.

Those are the things with which we ought to be dealing in terms of excessive regulation.

One of the ways to fix that is to have a system whereby once the laws are passed by the legislature and are implemented by the executive branch through regulation, those regulations should come back to the legislative body to ensure the thrust of the legislation is reflected in the regulations.

This happens in most States. Most State legislators have an opportunity to look at the regulations once they have been drafted to ensure it reflects the intent of the legislation.

We passed a law in 1996 to do that. Unfortunately, it has not worked. We have had 12,000 regulations. Very few have come back because they have to go through OMB to be scanned out, first of all. I believe there has been some effort to change five of them, but none of have been changed because the system does not work.

I introduced a bill 3 weeks ago that will give us an opportunity to look at the regulations and accept the responsibility that a legislature has to oversee the implementation of regulations to ensure the laws are carried out properly.

We have a responsibility for energy policy. I mentioned that. This administration does not have an energy policy. We have not dealt with the question of how to encourage and, indeed, should

we encourage the production of domestic petroleum. We have great petroleum reserves in the West and in ANWR. Better ways of exploring and producing resources that are more protective of the environment are being developed. Yet we do not have a policy to do that. We find ourselves at the mercy of OPEC.

We have to deal with the question of coal production. There are ways in which we can use that resource and make it more environmentally friendly. We have to recognize that is a main source of electric production as we find ourselves using more and more electricity and our generating capacity is not growing, partly because of a lack of an energy policy. Interestingly enough, the problem we are having with security also is in the Energy Department. So the Senator's suggestion that perhaps we have some changes there may apply to some other issues as well.

Many of us are very interested in public land management. In the West, in my State, 50 percent of the State belongs to the Federal Government. In most States in the West, it is even higher than that. Nevada is nearly 90 percent federally owned.

The people who live there need a way with which to deal with the question of public land management. I happen to be chairman of the Subcommittee on National Parks. Clearly, the goal is to maintain those resources. They are great natural resources. They are national treasures.

At the same time, as we maintain those facilities and resources they ought to be available to their owners—the taxpayers—to visit. This administration is seeking to limit access in a number of ways, such as a nationwide rule automatically designating 40 million acres roadless. I have no objection to looking at roadless areas. We have roadless areas, and we ought to manage those. It ought to be done on the basis of forest plans for each individual forest instead of one plan.

I see the Forest Service is proud of all the meetings they have been having to have input. I attended some of those meetings. The fact is, people have very little information available to them when they go to the meetings and cannot respond. Sometimes they are not asked to respond but only to listen to a broad description of where it is going. There was great discussion in the House about the Antiquities Act which is an old law. Theodore Roosevelt used it years ago. Most of us have no problem with the concept that the President can, through Executive order, change their lands and change their designation. This is limitless and has been used more over the last few months by this administration than at any time in memory without involvement of the local people.

All these things go together. Now we are faced with a proposition to take $1 billion a year to acquire more Federal land without any recognition of the fact that the States in the West are already heavily federally owned.

These are some issues about which we need to be talking. My friend on the other side of the aisle in the previous hour was talking about Social Security. He was very critical of the idea of allowing Social Security payers to take a portion of their Social Security and invest it in equities in the marketplace so that the return will be four or five times what it is now.

Unfortunately, for young people, such as these pages, when they make their first dollars, 12.5 percent of it will be put into Social Security. If things do not change, there is very little chance they will have any benefits for them.

How do we change that? Raise taxes? I do not think people are interested in that. We can reduce benefits; I do not think many are interested in that.

One alternative is to take those dollars now invested under law in Government securities and return 1 percent on investment and allow 2 percent of the 12 percent to be invested in personal accounts. The account belongs to the payer and will be invested on their behalf as they direct, whether it is in equities, bonds, or a combination of the two. If they should be unfortunate enough to pass away before they ever get the benefits, it will go to their estate.

There is great criticism about that on the other side of the aisle without a good alternative as to how we are going to provide benefits for young Social Security payers as they enter into the program. I should mention, one of the safety factors is that no one over 50 or 55 will be impacted or affected. Their Social Security will not change.

These are a few of the things with which we ought to be dealing.

Tax relief: We seem to be greatly concerned about what we do with excess money that will appear in this year's budget. Certainly, there are some things we ought to do. One of them, of course, is to adequately fund Government programs. I understand people have different ideas about that, but we can do that and there would still be substantial excess dollars available.

The next priority is to make sure Social Security is there and those Social Security dollars are not spent for operations, which is something we have done over years, until the last couple of years. That ought to be set aside so it does not happen. We ought to be dealing with Medicare making sure those dollars are set aside as well and not spent for operations so those benefits will be available.

Frankly—and I realize there are different views and that is what the Senate is about—but there are those generally on that side of the aisle whose idea—and it is legitimate—is that the Federal Government ought to be spending more, doing more; the Federal Government ought to undertake to solve all these problems. I do not happen to agree with that. I happen to think we ought to have a limited Federal Government; that, indeed, we ought to do those things the Federal Government ought to be doing, but it should not be involved in all of our lives. That is what the private sector is for. That is what local governments are for. That is what State governments are for.

Of course, that is the philosophical argument with which we are all faced. One of the elements of that is tax relief. We have passed one tax relief bill this year. We passed the marriage penalty tax which is more of a fairness issue than anything. It deals with the fact that a man and woman, earning a certain amount of money, unmarried pay a certain amount in taxes. These two same people get married, earning the same amount of money and pay more income taxes. It is wrong. We passed a bill in both Houses. Now we need to make sure the President signs it.

The estate tax is another one that takes away over 50 percent of an estate above a certain level.

We ought to make that more fair. Tax relief is certainly one of the things that we ought to be doing, that we ought to be talking about. Unfortunately, what we are faced with now is that we find ourselves in a position where I think many in the body are more interested in creating issues than they are in finding solutions. We find the same issues being brought up time after time after time. For example, my friend again talked about gun control this morning. He talked about additional laws, when the fact is, clearly, what is really important is the enforcement of the laws that we have now.

In the Colorado incident, there were 22 laws broken. Do we need more laws? Probably not. What we need to do is enforce them. The General Accounting Office did an audit of the effectiveness of the national instant criminal background check. As of September of 1999, the ATF headquarters staff had screened 70,000 denials and concluded that only 22,000 had merit. Only 1 percent of those denials were ever pursued as to if the person trying to buy a gun was, in fact, legally allowed to. Clearly, that issue has been talked about here. It basically has been resolved.

We keep talking about the Patients' Bill of Rights. We passed it in both Houses. The question now is whether, when you need an appeal from your HMO, you go to the court or physicians in an appeal position, whether you want to take a year and a half to go to court, or whether you want an automatic and quick response from professionals in the medical profession who say: Yes, do it. That is where we are.

You hear in the media that the Senate defeated the Patients' Bill of Rights. That is not true. The Patients' Bill of Rights has been passed by this Congress in both Houses. We need now to put it together. Indeed, it is in conference.

We find ourselves debating education. We find ourselves having to pull away from the elementary and secondary

education bill in which the Federal Government participates—not heavily. The Federal Government's role in funding elementary and secondary education is about 7 percent of the total expenditure. But the argument is whether the decisions are made in Washington as to how that 7 percent is used before it is sent down to the school districts or whether we send down the 7 percent and let the States and the school districts decide, which is what our position is on this side.

I spoke at a graduation a couple weeks ago in Chugwater, WY. The graduating class was 12. You can see that is a pretty small school. The things they need in Chugwater, WY, are quite different than what you need in Pittsburgh or Philadelphia or Washington, DC. So if you are going to really be able to help all different kinds of schools and have the flexibility to do that, clearly, you have to transport those decisions to State and local government.

These are some of the things in which we find ourselves involved. I am hopeful we can move forward. I do not expect everyone to agree. Certainly, that is not why we are here. But we ought to have a system where, No. 1, after we have dealt with an issue, we can move on to the next issue, and not have it continuously brought up as nongermane amendments, which is happening all the time. We ought to be able to say, we have a system where we can participate. But we have a system that can hold everything up, which is being used now in not allowing us to move forward as we should.

As you can imagine, it gets just a little bit nerve-racking from time to time when you think of all the things that we could be doing, and need to be doing, but find it difficult to do.

Finally, there is something, it seems to me, that would be most helpful if we could do it a little more. We are talking now about the reregulation of electricity, trying to make it competitive so there would be better opportunity for people to choose their supplier, so there would be a better opportunity for people to invest in generation, and do all those things. But we really have not decided where we want to go and where we want to be.

One of the things that seems to be difficult for us to do in governance is, first of all, to decide what we want to accomplish and then talk about how we get there. It sounds like a fairly simple routine, but it is not really happening. It would be good if we could do that, if we could say, for example, in terms of the Patients' Bill of Rights: All right, what do we want the result to be? What is our goal? What do we want to accomplish? and see if we could not define that, and then make the rules, make the regulations, pass the laws that would implement that decision. But instead, if we do not have that clearly defined, it seems that we continue to go around and around.

I am sometimes reminded by children of Alice in Wonderland. She fell through the hole in the Earth and was lost, and she talked to people to try to get some directions. None of them were very useful. She finally came to the Cheshire cat who was sitting up in a tree at a fork in the road.

She said: Mr. Cat, which road should I take?

He said: Where do you want to go?

She said: I don't know.

He said: Then it doesn't make any difference which road you take.

That is kind of where we are in some of the things we do. In any event, we are going to make some progress. I hope that we move forward and get our appropriations finished. I hope we can do something on national security. We need to have a system that works to decide what it is we want to accomplish, how we best accomplish that, and put it into place.

—

UNANIMOUS-CONSENT AGREEMENT—AMENDMENT TO S. 2549

Mr. THOMAS. Madam President, I have a unanimous consent request. I ask unanimous consent that notwithstanding the current unanimous consent agreement, Senator HATCH be recognized at 4 p.m. to offer his amendment regarding hate crimes.

The PRESIDING OFFICER (Ms. COLLINS). Without objection, it is so ordered.

Mr. THOMAS. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. WARNER. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

—

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is now closed.

—

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 amendment No. 3210, to prohibit granting security clearances to felons.

McCain amendment No. 3214, to amendment No. 3210, to require the disclosure of expenditures and contributions by certain political organizations.

Mr. WARNER. Madam President, if my recollection serves me, the senior Senator from Massachusetts was to offer an amendment which would be the subject of debate for some period of time. That would be followed by the senior Senator from Utah, Mr. HATCH, who likewise will offer an amendment that would be the subject of debate. I see my distinguished colleague. I yield to him for any clarification he wishes to make of my statement.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Madam President, I am here in part today to offer Senator KENNEDY's amendment on his behalf and to speak in support of it. If the good Senator from Virginia is ready and wishes to do that, we could perhaps go through some of the cleared amendments on the authorization bill. I am happy to do it either way, to join with him in offering those amendments now for a few minutes and then to introduce the Kennedy amendment, if he would like.

The PRESIDING OFFICER. The Chair wishes to inform both Senators that the unanimous consent request was modified a brief time ago to provide for the Senator from Utah to offer his amendment at 4 o'clock.

Mr. WARNER. Madam President, I am glad to be informed of that.

The PRESIDING OFFICER. It did not affect the positioning of the amendment of the Senator from Massachusetts, which the Chair believes is to be offered first.

Mr. LEVIN. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. WARNER. Madam 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. At this time, Senator LEVIN and I will act on some cleared amendments.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Madam President, so we keep this clear, there is a unanimous consent agreement that is currently in place, as modified, so that immediately following the introduction of the Kennedy amendment and Senators speaking thereon, at 4 o'clock Senator HATCH would then introduce his amendment; is that correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. LEVIN. Madam President, I ask unanimous consent that we maintain that unanimous consent agreement in place without modification, exempt that prior to my offering the Kennedy amendment, it be in order for the Senator from Virginia to proceed with the cleared amendments, as he has indicated. I further ask unanimous consent that immediately following my introduction of the Kennedy amendment

and speaking thereon, the Senator from Minnesota be recognized to speak in support of the Kennedy amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Virginia.

AMENDMENT NO. 3458

(Purpose: To clarify the duty of the Department of Veterans Affairs to assist claimants for benefits)

Mr. WARNER. Madam President, on behalf of Senator MCCAIN, I offer an amendment that would clarify that the Secretary of Veterans Affairs must assist claimants in developing claims for VA benefits.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Virginia [Mr. WARNER], for Mr. McCain, proposes an amendment numbered 3458.

The amendment is as follows:

On page 239, following line 22, add the following:

SEC. 656. CLARIFICATION OF DEPARTMENT OF VETERANS AFFAIRS DUTY TO ASSIST.

(a) IN GENERAL.—Section 5107 of title 38, United States Code, is amended to read as follows:

''§ 5107 Assistance to claimants; benefit of the doubt; burden of proof

''(a) The Secretary shall assist a claimant in developing all facts pertinent to a claim for benefits under this title. Such assistance shall include requesting information as described in section 5106 of this title. The Secretary shall provide a medical examination when such examination may substantiate entitlement to the benefits sought. The Secretary may decide a claim without providing assistance under this subsection when no reasonable possibility exists that such assistance will aid in the establishment of entitlement.

''(b) The Secretary shall consider all evidence and material of record in a case before the Department with respect to benefits under laws administered by the Secretary and shall give the claimant the benefit of the doubt when there is an approximate balance of positive and negative evidence regarding any issue material to the determination of the matter.

''(c) Except when otherwise provided by this title or by the Secretary in accordance with the provisions of this title, a person who submits a claim for benefits under a law administered by the Secretary shall have the burden of proof.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 51 of that title is amended by striking the item relating to section 5017 and inserting the following new item:

''5107 Assistance to claimants; benefit of the doubt; burden of proof.''.

Mr. LEVIN. Madam President, this amendment has been cleared. We support it.

Mr. WARNER. I urge adoption of the amendment.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 3458) was agreed to.

Mr. WARNER. Madam President, I move to reconsider the vote.

Mr. LEVIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 3459

(Purpose: To authorize the Secretary of Veterans Affairs to furnish headstones or markers for marked graves of, or otherwise commemorate, certain individuals)

Mr. LEVIN. Madam President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Michigan [Mr. LEVIN], for Mr. DODD, proposes an amendment numbered 3459.

The amendment is as follows:

On page 415, between lines 2 and 3, insert the following:

SEC. 1061. AUTHORITY TO PROVIDE HEADSTONES OR MARKERS FOR MARKED GRAVES OR OTHERWISE COMMEMORATE CERTAIN INDIVIDUALS.

(a) IN GENERAL.—Section 2306 of title 38, United States Code, is amended—

(1) in subsections (a) and (e)(1), by striking ''the unmarked graves of''; and

(2) by adding at the end the following:

''(f) A headstone or marker furnished under subsection (a) shall be furnished, upon request, for the marked grave or unmarked grave of the individual or at another area appropriate for the purpose of commemorating the individual.''.

(b) APPLICABILITY.—(1) Except as provided in paragraph (2), the amendment to subsection (a) of section 2306 of title 38, United States Code, made by subsection (a) of this section, and subsection (f) of such section 2306, as added by subsection (a) of this section, shall apply with respect to burials occurring before, on, or after the date of the enactment of this Act.

(2) The amendments referred to in paragraph (1) shall not apply in the case of the grave for any individual who died before November 1, 1990, for which the Administrator of Veterans' Affairs provided reimbursement in lieu of furnishing a headstone or marker under subsection (d) of section 906 of title 38, United States Code, as such subsection was in effect after September 30, 1978, and before November 1, 1990.

Mr. LEVIN. Madam President, this amendment would authorize the Secretary of Veterans Affairs to furnish headstones or markers for certain individuals. I believe the amendment has been cleared on both sides.

Mr. WARNER. That is correct.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 3459) was agreed to.

Mr. LEVIN. Madam President, I move to reconsider the vote.

Mr. WARNER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 3460

(Purpose: To add $30,000,000 for the Navy for the procurement of Gun Mount modifications; and to offset the increase by reducing by $30,000,000 the amount authorized to be appropriated for the Navy for procurement for aircraft ($13,100,000 from the amount for the block modification upgrade program for P–3 aircraft, $9,000,000 from the amount for the H–1 series to reclaim and convert aircraft from the aerospace maintenance and regeneration center, and $7,900,000 from the amount for procurement of SH–60R aircraft)

Mr. LEVIN. Madam President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Michigan [Mr. LEVIN], for Mr. WARNER, proposes an amendment numbered 3460.

The amendment is as follows:

On page 17, line 7, strike ''$1,479,950,000'' and insert ''$1,509,950,000''.

On page 17, line 5, strike ''$8,745,958,000'' and insert ''$8,715,958,000''.

Mr. LEVIN. This amendment authorizes modifications for gun mounts for surface ships.

Mr. WARNER. This amendment has been cleared by both sides.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 3460) was agreed to.

Mr. WARNER. Madam President, I move to reconsider the vote.

Mr. LEVIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 3461

(Purpose: To provide, with an offset, $8,000,000 for research, development, test, and evaluation for the Air Force for Electronic Warfare Development (PE604270F) for the Precision Location and Identification Program (PLAID)

Mr. LEVIN. Madam President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Michigan [Mr. LEVIN], for Mr. CLELAND, for himself and Mr. COVERDELL, proposes an amendment numbered 3461.

The amendment is as follows:

On page 48, between lines 20 and 21, insert the following:

SEC. 222. PRECISION LOCATION AND IDENTIFICATION PROGRAM (PLAID).

(a) INCREASE IN AMOUNT.—(1) The amount authorized to be appropriated by section 201(3) for research, development, test, and evaluation for the Air Force is hereby increased by $8,000,000.

(2) Of the amount authorized to be appropriated by section 201(3), as increased by paragraph (1), the amount available for Electronic Warfare Development (PE604270F) is hereby increased by $8,000,000, with the amount of such increase available for the Precision Location and Identification Program (PLAID).

(b) OFFSET.—The amount authorized to be appropriated by section 201(1) for research,

development, test, and evaluation for the Army is hereby decreased by $8,000,000, with the amount of the reduction applied to Electronic Warfare Development (PE604270A).

Mr. LEVIN. Madam President, this amendment would add $8 million for research, development, test, and evaluation for the Air Force for Electronic Warfare Development for the Precision Location and Identification Program. I believe the amendment has been cleared by the other side.

Mr. WARNER. That is correct.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 3461) was agreed to.

Mr. LEVIN. Madam President, I move to reconsider the vote.

Mr. WARNER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 3462

(Purpose: To add $30,000,000 for the Navy for the procurement of CIWS MODS for block 1B modifications; and to offset the increase by reducing by $30,000,000 the amount authorized to be appropriated for the Navy for procurement for the block modification upgrade program for the P–3 aircraft)

Mr. WARNER. Madam President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Virginia [Mr. WARNER] proposes an amendment numbered 3462.

The amendment is as follows:

On page 17, line 7, strike ''$1,479,950,000'' and insert ''$1,509,950,000''.

On page 17, line 5, strike ''$8,745,958,000'' and insert ''$8,715,958,000''.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 3462) was agreed to.

Mr. WARNER. Madam President, I move to reconsider the vote.

Mr. LEVIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 3463

(Purpose: To require a report on submarine rescue support vessels)

Mr. LEVIN. Madam President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Michigan [Mr. LEVIN], for Ms. LANDRIEU, proposes an amendment numbered 3463.

The amendment is as follows:

On page 378, between lines 19 and 20, insert the following:

SEC. 1027. REPORT ON SUBMARINE RESCUE SUPPORT VESSELS.

(a) REQUIREMENT.—The Secretary of the Navy shall submit to Congress, together with the submission of the budget of the President for fiscal year 2002 under section 1105 of title 31, United States Code, a report on the plan of the Navy for providing for submarine rescue support vessels through fiscal year 2007.

(b) CONTENT.—The report shall include a discussion of the following:

(1) The requirement for submarine rescue support vessels through fiscal year 2007, including experience in changing from the provision of such vessels from dedicated platforms to the provision of such vessels through vessel of opportunity services and charter vessels.

(2) The resources required, the risks to submariners, and the operational impacts of the following:

(A) Chartering submarine rescue support vessels for terms of up to five years, with options to extend the charters for two additional five-year periods.

(B) Providing submarine rescue support vessels using vessel of opportunity services.

(C) Providing submarine rescue support services through other means considered by the Navy.

Mr. LEVIN. Madam President, this amendment requires the Secretary of the Navy to submit a report on the submarine rescue support vessels. I believe it has been cleared by the other side.

Mr. WARNER. That is correct.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 3463) was agreed to.

Mr. LEVIN. Madam President, I move to reconsider the vote.

Mr. WARNER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 3464

(Purpose: To require a GAO-convened independent study of the OMB Circular A–76 process)

Mr. WARNER. Madam President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Virginia [Mr. WARNER] proposes an amendment numbered 3464.

The amendment is as follows:

On page 303, between lines 6 and 7, insert the following:

SEC. 814. STUDY OF OFFICE OF MANAGEMENT AND BUDGET CIRCULAR A–76 PROCESS.

(a) GAO-CONVENED PANEL.—The Comptroller General shall convene a panel of experts to study rules, and the administration of the rules, governing the selection of sources for the performance of commercial or industrial functions for the Federal Government from between public and private sector sources, including public-private competitions pursuant to the Office of Management and Budget Circular A–76. The Comptroller General shall be the chairman of the panel.

(b) COMPOSITION OF PANEL.—(1) The Comptroller General shall appoint highly qualified and knowledgeable persons to serve on the panel and shall ensure that the following groups receive fair representation on the panel:

(A) Officers and employees of the United States.

(B) Persons in private industry.

(C) Federal labor organizations.

(2) For the purposes of the requirement for fair representation under paragraph (1), persons serving on the panel under subparagraph (C) of that paragraph shall not be counted as persons serving on the panel under subparagraph (A) or (B) of that paragraph.

(c) PARTICIPATION BY OTHER INTERESTED PARTIES.—The Comptroller General shall ensure that the opportunity to submit information and views on the Office of Management and Budget Circular A–76 process to the panel for the purposes of the study is accorded to all interested parties, including officers and employees of the United States not serving on the panel and entities in private industry and representatives of federal labor organizations not represented on the panel.

(d) INFORMATION FROM AGENCIES.—The panel may secure directly from any department or agency of the United States any information that the panel considers necessary to carry out a meaningful study of administration of the rules described in subsection (a), including the Office of Management and Budget Circular A–76 process. Upon the request of the Chairman of the panel, the head of such department or agency shall furnish the requested information to the panel.

(e) REPORT.—The Comptroller General shall submit a report on the results of the study to Congress.

(f) DEFINITION.—In this section, the term ''federal labor organization'' has the meaning given the term ''labor organization'' in section 7103(a)(4) of title 5, United States Code.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 3464) was agreed to.

Mr. WARNER. Madam President, I move to reconsider the vote.

Mr. LEVIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 3465

(Purpose: To authorize a land conveyance, Los Angeles Air Force Base, California)

Mr. LEVIN. Madam President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Michigan [Mr. LEVIN], for Mrs. FEINSTEIN, proposes an amendment numbered 3465.

The amendment is as follows:

On page 543, strike line 20 and insert the following:

Part III—Air Force Conveyances

SEC. 2861. LAND CONVEYANCE, LOS ANGELES AIR FORCE BASE, CALIFORNIA.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Air Force may convey, by sale or lease upon such terms as the Secretary considers appropriate, all or any portion of the following parcels of real property, including improvements thereon, at Los Angeles Air Force Base, California:

(1) Approximately 42 acres in El Segundo, California, commonly known as Area A.

(2) Approximately 52 acres in El Segundo, California, commonly known as Area B.

(3) Approximately 13 acres in Hawthorne, California, commonly known as the Lawndale Annex.

(4) Approximately 3.7 acres in Sun Valley, California, commonly known as the Armed Forces Radio and Television Service Broadcast Center.

(b) CONSIDERATION.—As consideration for the conveyance of real property under subsection (a), the recipient of the property

shall provide for the design and construction on real property acceptable to the Secretary of one or more facilities to consolidate the mission and support functions at Los Angeles Air Force Base. Any such facility must comply with the seismic and safety design standards for Los Angeles County, California, in effect at the time the Secretary takes possession of the facility.

(c) LEASEBACK AUTHORITY.—If the fair market value of a facility to be provided as consideration for the conveyance of real property under subsection (a) exceeds the fair market value of the conveyed property, the Secretary may enter into a lease for the facility for a period not to exceed 10 years. Rental payments under the lease shall be established at the rate necessary to permit the lessor to recover, by the end of the lease term, the difference between the fair market value of a facility and the fair market value of the conveyed property. At the end of the lease, all right, title, and interest in the facility shall vest in the United States.

(d) APPRAISAL OF PROPERTY.—The Secretary shall obtain an appraisal of the fair market value of all property and facilities to be sold, leased, or acquired under this section. An appraisal shall be made by a qualified appraiser familiar with the type of property to be appraised. The Secretary shall consider the appraisals in determining whether a proposed conveyance accomplishes the purpose of this section and is in the interest of the United States. Appraisal reports shall not be released outside of the Federal Government, other than the other party to a conveyance.

(e) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of real property to be conveyed under subsection (a) or acquired under subsection (b) shall be determined by a survey satisfactory to the Secretary. The cost of the survey shall be borne by the recipient of the property.

(f) EXEMPTION.—Section 2696 of title 10, United States Code, does not apply to the conveyance authorized by subsection (a).

(g) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with a conveyance under subsection (a) or a lease under subsection (c) as the Secretary considers appropriate to protect the interests of the United States.

Part IV—Defense Agencies Conveyances

Mr. WARNER. Madam President, I would like to highlight the work of Congressman STEVE KUYKENDALL concerning this important amendment to the National Defense Authorization Act for Fiscal Year 2001. His tireless efforts over the past several months ensured this legislation was not only included in the chairman's mark during the House Armed Services Committee markup of H.R. 4205, but also that it remained unchanged during the debate on the House floor. Although I am confident that we could have resolved this issue in conference, there is always some risk when the House and Senate do not have identical legislation provisions. As a thorough legislator unwilling to take this risk, Mr. KUYKENDALL immediately sought my assistance after the House had acted on the bill to include the proposal in the Senate's defense authorization legislation. By ensuring that the land-for-building swap language is included in both the House and Senate authorization bills, Mr. KUYKENDALL has guaranteed that this innovative solution will appear in the final defense authorization legislation sent to the President for signature. I was glad to work with my colleague from the house to include his language in our bill, and appreciate Senator FEINSTEIN's support on this effort.

Mr. LEVIN. Madam President, this amendment would authorize the Secretary of the Air Force to convey a fair market value of approximately 110 acres at the Los Angeles Air Force Base. I believe this amendment has been cleared.

Mr. WARNER. That is correct.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 3465) was agreed to.

Mr. LEVIN. Madam President, I move to reconsider the vote.

Mr. WARNER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 3466

(Purpose: To provide an additional amount of $92,000,000 for the procurement of remanufactured AV–8B aircraft for the Navy; and to offset the increase by reducing the amount provided for the procurement of UC–35 aircraft for the Navy by $33,400,000, by reducing the amount provided for the procurement of automatic flight control systems for EA–6B aircraft by $17,700,000, and by reducing the amount provided for engineering change proposal 583 for FA–18 aircraft for the Navy by $40,900,000)

Mr. WARNER. Madam President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Virginia [Mr. WARNER], for Mr. SANTORUM, proposes an amendment numbered 3466.

The amendment is as follows

On page 31, between lines 18 and 19, insert the following:

SEC. 126. REMANUFACTURED AV–8B AIRCRAFT.

Of the amount authorized to be appropriated by section 102(a)(1)—

(1) $318,646,000 is available for the procurement of remanufactured AV–8B aircraft;

(2) $15,200,000 is available for the procurement of UC–35 aircraft;

(3) $3,300,000 is available for the procurement of automatic flight control systems for EA–6B aircraft; and

(4) $46,000,000 is available for engineering change proposal 583 for FA–18 aircraft.

Mr. WARNER. This amendment has been cleared on both sides. I urge its adoption.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 3466) was agreed to.

Mr. WARNER. Madam President, I move to reconsider the vote.

Mr. LEVIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 3467

(Purpose: To make available, with an offset, $5,000,000 for research, development, test, and evaluation for the Navy for the Information Technology Center and Human Resource Enterprise Strategy)

Mr. LEVIN. Madam President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Michigan [Mr. LEVIN], for Ms. LANDRIEU, proposes an amendment numbered 3467.

The amendment is as follows

On page 48, between lines 20 and 21, insert the following:

SEC. 222. NAVY INFORMATION TECHNOLOGY CENTER AND HUMAN RESOURCE ENTERPRISE STRATEGY.

(a) AVAILABILITY OF INCREASED AMOUNT.—(1) Of the amount authorized to be appropriated by section 201(2), for research, development, test, and evaluation for the Navy, $5,000,000 shall be available for the Navy Program Executive Office for Information Technology for purposes of the Information Technology Center and for the Human Resource Enterprise Strategy implemented under section 8147 of the Department of Defense Appropriations Act, 1999 (Public Law 105–262; 112 Stat. 2341; 10 U.S.C. 113 note).

(2) Amounts made available under paragraph (1) for the purposes specified in that paragraph are in addition to any other amounts made available under this Act for such purposes.

(b) OFFSET.—Of the amount authorized to be appropriated by section 201(2), the amount available for Marine Corps Assault Vehicles (PE603611M) is hereby reduced by $5,000,000.

Mr. LEVIN. Madam President, this amendment adds $5 million to the authorization of the Navy's Information Technology Center. I believe this amendment has been cleared.

Mr. WARNER. That is correct.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 3467) was agreed to.

Mr. LEVIN. Madam President, I move to reconsider the vote.

Mr. WARNER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 3468

(Purpose: To increase the authorization of appropriations for the Marine Corps for procurement by $2,000,000 for night vision (M203 tilting brackets), by $2,000,000 for 5/4T truck high mobility multipurpose wheeled vehicles (including $1,500,000 for recruiter vehicles), and by $6,000,000 for the mobile electronic warfare support system; and to offset the total amount of the increase by reducing the authorization of appropriations for the Army for other procurement for the family of medium tactical vehicles by $10,000,000)

Mr. WARNER. Madam President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Virginia [Mr. WARNER] proposes an amendment numbered 3468.

The amendment is as follows:

On page 17, line 13, strike ''$1,181,035,000'' and insert ''$1,191,035,000''.

On page 16, line 22, strike ''$4,068,570,000'' and insert ''$4,058,570,000''.

Mr. WARNER. This amendment would increase Marine Corps procurement accounts $10 million for various items. It has been cleared on both sides.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 3468) was agreed to.

Mr. WARNER. Madam President, I move to reconsider the vote.

Mr. LEVIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 3469 TO AMENDMENT NO. 3383

Mr. LEVIN. Madam President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Michigan [Mr. LEVIN], for Mr. KENNEDY, proposes an amendment numbered 3469.

The amendment is as follows:

On page 2, strike line 24 and all that follows through page 3, line 3, and insert the following:

(d) 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 applied to computing systems and communications technology (PE602301E).

Mr. LEVIN. Madam President, this is a technical amendment to amendment No. 3383. I believe this has been cleared.

Mr. WARNER. That is correct.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 3469) to amendment No. 3383 was agreed to.

Mr. LEVIN. Madam President, I move to reconsider the vote.

Mr. WARNER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 3470

(Purpose: To modify the management and per diem requirements for members subject to lengthy or numerous deployments; and to authorize extensions of TRICARE managed care support contacts)

Mr. WARNER. Madam President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Virginia [Mr. WARNER], for himself, Mr. HUTCHINSON and Mr. CLELAND, proposes an amendment numbered 3470.

The amendment is as follows:

On page 200, after line 23, insert the following:

SEC. 566. MANAGEMENT AND PER DIEM REQUIREMENTS FOR MEMBERS SUBJECT TO LENGTHY OR NUMEROUS DEPLOYMENTS.

(a) MANAGEMENT OF DEPLOYMENTS OF MEMBERS.—Section 586(a) of the National Defense Authorization Act for Fiscal Year 2000 (Public Law 106–65; 113 Stat. 637) is amended in the text of section 991 of title 10, United States Code, set forth in such section 586(a)—

(1) in subsection (a), by striking ''an officer in the grade of general or admiral'' in the second sentence and inserting ''the designated component commander for the member's armed force''; and

(2) in subsection (b)—

(A) in paragraph (1), by inserting ''or homeport, as the case may'' before the period at the end;

(B) by redesignating paragraphs (2) and (3) as paragraphs (3) and (4), respectively;

(C) by inserting after paragraph (1) the following new paragraph (2):

''(2) In the case of a member of a reserve component performing active service, the member shall be considered deployed or in a deployment for the purposes of paragraph (1) on any day on which, pursuant to orders that do not establish a permanent change of station, the member is performing the active service at a location that—

''(A) is not the member's permanent training site; and

''(B) is—

''(i) at least 100 miles from the member's permanent residence; or

''(ii) a lesser distance from the member's permanent residence that, under the circumstances applicable to the member's travel, is a distance that requires at least three hours of travel to traverse.''; and

(D) in paragraph (3), as redesignated by subparagraph (B) of this paragraph—

(i) by striking ''or'' at the end of subparagraph (A);

(ii) by striking the period at the end of subparagraph (B) and inserting ''; or''; and

(iii) by adding at the end the following:

''(C) unavailable solely because of—

''(i) a hospitalization of the member at the member's permanent duty station or homeport or in the immediate vicinity of the member's permanent residence; or

''(ii) a disciplinary action taken against the member.''.

(b) ASSOCIATED PER DIEM ALLOWANCE.—Section 586(b) of that Act (113 Stat. 638) is amended in the text of section 435 of title 37, United States Code, set forth in such section 586(b)—

(1) in subsection (a), by striking ''251 days or more out of the preceding 365 days'' and inserting ''501 or more days out of the preceding 730 days''; and

(2) in subsection (b), by striking ''prescribed under paragraph (3)'' and inserting ''prescribed under paragraph (4)''.

(c) REVIEW OF MANAGEMENT OF DEPLOYMENTS OF INDIVIDUAL MEMBERS.— Not later than March 31, 2002, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the administration of section 991 of title 10, United States Code (as added by section 586(a) of the National Defense Authorization Act for Fiscal Year 2000), during the first year that such section 991 is in effect. The report shall include—

(1) a discussion of the experience in tracking and recording the deployments of members of the Armed Forces; and

(2) any recommendations for revision of such section 991 that the Secretary considers appropriate.

SEC. 567. EXTENSION OF TRICARE MANAGED CARE SUPPORT CONTRACTS.

(a) AUTHORITY.—Notwithstanding any other provision of law, the TRICARE managed care support contracts in effect, or in final stages of acquisition as of September 30, 1999, may be extended for four years, subject to subsection (b).

(b) CONDITIONS.—Any extension of a contract under paragraph (1)—

(1) may be made only if the Secretary of Defense determines that it is in the best interest of the Government to do so; and

(2) 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.

Mr. WARNER. Madam President, this amendment would modify the management and per diem requirements for the military service members subject to lengthy deployments and to authorize extensions of TRICARE management care support contracts. This has been cleared on both sides.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 3470) was agreed to.

Mr. WARNER. Madam President, I move to reconsider the vote.

Mr. LEVIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 3471

(Purpose: To require reports on the progress of the Federal Government in developing information assurance strategies)

Mr. LEVIN. Madam President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Michigan [Mr. LEVIN], for Mr. SCHUMER and Mr. BENNETT, proposes an amendment numbered 3471.

The amendment is as follows:

On page 378, between lines 19 and 20, insert the following:

SEC. 1027. REPORTS ON FEDERAL GOVERNMENT PROGRESS IN DEVELOPING INFORMATION ASSURANCE STRATEGIES.

(a) FINDINGS.—Congress makes the following findings:

(1) The protection of our Nation's critical infrastructure is of paramount importance to the security of the United States.

(2) The vulnerability of our Nation's critical sectors—such as financial services, transportation, communications, and energy and water supply—has increased dramatically in recent years as our economy and society have become ever more dependent on interconnected computer systems.

(3) Threats to our Nation's critical infrastructure will continue to grow as foreign governments, terrorist groups, and cyber-criminals increasingly focus on information warfare as a method of achieving their aims.

(4) Addressing the computer-based risks to our Nation's critical infrastructure requires extensive coordination and cooperation within and between Federal agencies and the private sector.

(5) Presidential Decision Directive No. 63 (PDD–63) identifies 12 areas critical to the functioning of the United States and requires certain Federal agencies, and encourages private sector industries, to develop and comply with strategies intended to enhance the Nation's ability to protect its critical infrastructure.

(6) PDD–63 requires lead Federal agencies to work with their counterparts in the private sector to create early warning information sharing systems and other cyber-security strategies.

(7) PDD–63 further requires that key Federal agencies develop their own internal information assurance plans, and that these

plans be fully operational not later than May 2003.

(b) REPORT REQUIREMENTS.—(1) Not later than July 1, 2001, the President shall submit to Congress a comprehensive report detailing the specific steps taken by the Federal Government as of the date of the report to develop infrastructure assurance strategies as outlined by Presidential Decision Directive No. 63 (PDD–63). The report shall include the following:

(A) A detailed summary of the progress of each Federal agency in developing an internal information assurance plan.

(B) The progress of Federal agencies in establishing partnerships with relevant private sector industries.

(2) Not later than 120 days after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a detailed report on the roles and responsibilities of the Department of Defense in defending against attacks on critical infrastructure and critical information-based systems. The report shall include the following:

(A) A description of the current role of the Department of Defense in implementing Presidential Decision Directive No. 63 (PDD–63).

(B) A description of the manner in which the Department is integrating its various capabilities and assets (including the Army Land Information Warfare Activity (LIWA), the Joint Task Force on Computer Network Defense (JTF-CND), and the National Communications System) into an indications and warning architecture.

(C) A description of Department work with the intelligence community to identify, detect, and counter the threat of information warfare programs by potentially hostile foreign national governments and sub-national groups.

(D) A definitions of the terms ''nationally significant cyber event'' and ''cyber reconstitution''.

(E) A description of the organization of Department to protect its foreign-based infrastructure and networks.

(F) An identification of the elements of a defense against an information warfare attack, including the integration of the Computer Network Attack Capability of the United States Space Command into the overall cyber-defense of the United States.

Mr. LEVIN. This amendment provides for reports on the progress of the Federal Government in developing information assurance strategies. I believe this has also been cleared.

Mr. WARNER. That is correct.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 3471) was agreed to.

Mr. LEVIN. Madam President, I move to reconsider the vote.

Mr. WARNER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 3472

(Purpose: To reform Government information security by strengthening information security practices throughout the Federal Government)

Mr. WARNER. Madam President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Virginia [Mr. WARNER], for Mr. THOMPSON, for himself, Mr. LIEBERMAN, Mr. AKAKA, Mr. CLELAND, Mr. HELMS, Mr. VOINOVICH, Mr. ABRAHAM, and Ms. COLLINS, proposes an amendment numbered 3472.

(The text of the amendment is printed in today's RECORD under ''Amendments Submitted.'')

Mr. THOMPSON. Madam 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. This amendment deals with the important issue of information security at the Department of Defense and other Federal agencies. The amendment is essentially the same as S. 1993, a bill reported by our committee this past April.

Senator LIEBERMAN and I introduced the original S. 1993 last November as the result of the considerable time spent by the Governmental Affairs Committee last Congress examining the state of Federal government information systems. Numerous Governmental Affairs Committee hearings and General Accounting Office reports uncovered and identified systemic failures of government information systems which highlighted our nation's vulnerability to computer attacks—from international and domestic terrorists to crime rings to everyday hackers.

Report after report, agency after agency, we learned that our nation's underlying information infrastructure is riddled with vulnerabilities which represent severe security flaws and risks to our national security, public safety and personal privacy.

In fact, GAO believes the problems in the government's information technology systems to be so severe that it has put government-wide information security on its list of ''high-risk'' government programs—programs which are most vulnerable to waste, fraud, abuse and mismanagement.

For example, GAO told us:

That unknown and unauthorized individuals were gaining access to highly sensitive unclassified information at the Department of Defense;

That weaknesses in IRS computer security controls continue to place IRS systems and taxpayer data ''at serious risk to both internal and external attack'';

That ''pervasive, serious weaknesses jeopardize State Department operations'';

That ''many NASA mission-critical systems face serious risks'';

That flight safety is jeopardized by weak computer security practices at FAA; and

That, based on the most recent review of the government's 24 largest agencies, computer security weaknesses place critical government operations, such as national defense, tax collection, law enforcement and benefit distribution, at risk.

At our hearings, we learned from the Director of Central Intelligence, George Tenet, that information warfare or cyberterrorism has the potential to deal a crippling blow to our national security if strong measures are not taken to counter it. Potential threats range from national intelligence and military organizations, terrorists, criminals, industrial competitors, hackers, and disgruntled or disloyal insiders.

Director Tenet stated that several countries, including Russia and China, have government-sponsored information warfare programs with both offensive and defensive applications. These countries see information warfare as a way of leveling the playing field against a stronger military power, such as the U.S.

We learned from the Director of the National Security Agency, General Minihan, that severe deficiencies exist in our ability to respond to a coordinated attack on our national infrastructure and information systems.

We heard from agents of the Social Security Administration's Office of Inspector General who described how computer crimes were committed by SSA employees. This demonstrated the danger of the ''inside threat'' to agencies that do not adequately monitor and limit access to computer information by their own employees.

And finally, we heard from reformed hacker, Kevin Mitnick, and learned of his ability to crack into systems without ever touching a computer. He told us that, even if we did everything else right, without strong personnel security, nothing is safe. He described how he successfully tricked the employees of a multi-national company into giving him pass codes to the company's security access devices. He said ''The human side of computer security is easily exploited and constantly overlooked.''

And, yet, even with evidence from all of these various experts on how information systems should be managed to prevent against attacks, year after year, we continue to receive reports detailing significant security breaches at Federal agencies.

The one thing that came through loud and clear is that at the core of the government problems is the absence of effective management. GAO told us ''Poor security program planning and management continue to be fundamental problems . . . What needs to emerge is a coordinated and comprehensive management strategy.''

To identify potential management solutions, we asked GAO to study the management practices of organizations known for their superior security programs. When GAO looked at eight organizations—most of which were private companies—GAO found that these organizations implemented information security policies on an ongoing basis through a coordinated management framework.

Agencies clearly must do more than establish programs and set management goals—agencies and the people responsible for managing information

systems in those agencies must be held accountable for their actions.

That is what Senator LIEBERMAN and I intend with this amendment. The primary objective of the amendment is to address the management challenges associated with operating in the current interdependent computing environment. It will provide a coordinated and comprehensive management approach to protecting information.

For example, the bill would:

Vest overall government accountability within the highest levels of the Executive Branch [Deputy Director for Management at the Office of Management and Budget];

Create specific management rules for agency heads, such as requiring agency-wide security programs;

Require agencies to have an annual independent evaluation of their information security programs and practices;

Focus on the importance of training programs and government-wide incident response handling.

Our amendment reflects changes made to S. 1993 based on comments received from our colleagues in the Senate and working with the Department of Defense and others in the intelligence community, the Office of Management and Budget, the agency Inspectors General, and industry.

We urge support of our amendment and believe that, through continued vigorous oversight, we will drive the Federal government to focus on improving its computer security deficiencies. I look forward to working with my colleagues to ensure that government information technology systems are secure and that the information within those systems is protected from further attacks.

Mr. LIEBERMAN. Madam President, I want to thank Chairman WARNER and Ranking Member LEVIN for their foresight in accepting the amended text of S. 1993, the Government Information Security Act, which was unanimously reported out of the Government Affairs Committee.

We are now far enough into the digital age to understand both its promise and its pitfalls. Our booming economy is driven in large part by the dot.com entrepreneurs who are providing goods and services faster and more cost-effectively than ever before in our history. But we are also experiencing threats to our privacy, to the integrity of our digitized information, and even to our ability to use our computers freely.

We know there will be trade-offs for the benefits government will reap in the digital age. But, I offer this sincere warning now: information security cannot be one of them. With this amendment, we would lay the groundwork for securing much of the government's electronic information. Above all else, protecting the integrity, the availability and the confidentiality of information stored on federal computers is central to serving taxpayers in the digital age. And we must be vigilant about it.

Like the rest of the nation, the government is ever more dependent on automated information systems to store information and perform tasks. At hearings before the Government Affairs Committee last Congress, however, witnesses testified that such increased reliance has not been met by an equivalent strengthening of the security of those systems. It is chilling to think of less than perfect security in the context, for example, of tax and wage information the Internet Revenue Service maintains, troop movements monitored by the Defense Department, or public health threats analyzed by the Centers of Disease Control. Without proper security, government's dependence on computers would expose to exploitation all of this information—and much more.

Indeed, some of this information may be in jeopardy right now. A series of General Accounting Office (GAO) studies found government computer security so lax that GAO put the entire apparatus on its list of ''high risk'' government programs. GAO reported in September 1998 that inadequate controls over information systems at the Veterans Administration exposed many of its service delivery and management systems to disruption or misuse. In May 1998, the GAO gained unauthorized access to State Department networks, enabling the GAO, had it tried, to modify, delete or download data and shut down services. In May 1999, GAO reported that one of its test teams gained access to mission critical computer systems at NASA, which would have allowed the team to control spacecraft or alter scientific data returned from space.

Our problem is not simply a technical one. It is also a cultural one. The federal government can purchase and implement the most advanced security programs it can afford but unless top government officials acknowledge that our future depends on information security, those programs will be meaningless. But even high-level attention to and responsibility for security will mean little unless everyone and anyone who uses a computer—which, these days, must include practically every government worker—does their part to ensure the security of the system on which they work. This amendment, therefore, focuses on good management practices to ensure secure government information systems.

Had this amendment been in place earlier this year when the ''Love Bug'' and successive, mutating viruses wreaked havoc on the world's computers, government would have been better prepared to withstand the attack. I hope that government employees would have been more aware of the need to upgrade their systems' security software to ensure that such ''worms,'' as they are called, were barred from the system. And this amendment's training provisions would have helped to ensure that employees were versed in the dangers of opening attachments from unknown senders.

The cornerstone of this amendment is the plan each agency must develop to protect sensitive federal information systems. Agency chief information officers (CIOs) would be responsible for developing and implementing the security programs, which must undergo annual evaluations and be subject to the approval of the Office of Management and Budget (OMB).

Because we need to change our cultural attitudes toward information security, the OMB also would be responsible for establishing government-wide policies promoting security as a central part of each agency's operation. And we intend to hold agency heads accountable for implementing those policies. This amendment requires high-level accountability for the management of agency systems beginning with the Director of OMB and agency heads. Each agency's plan must reflect an understanding that computer security is an integral part of the development process for any new system. Agencies now tend to develop a system and consider security issues only as the system is about to go online.

This amendment establishes an ongoing, periodic reporting, testing and evaluation process to gauge the effectiveness of agencies' policies and procedures. This would be accomplished through reviews of agency budgets, program performance and financial management. And the amendment requires an independent, annual evaluation of all information security practices and programs to be conducted by the agency's Inspector General, GAO or an independent external auditor. I hope that the IGs will use their limited resources wisely and use their discretion in targeting those areas of their agencies' programs which require the most attention. In addition, I hope that agency heads will work with their IGs, especially when it comes to sharing information on potential threats to agencies' systems.

Our amendment requires that agencies report unauthorized intrusions into government systems. GSA currently has a program for reporting and responding to such incidents. The amendment requires agencies to use this reporting and monitoring system.

The amendment requires that the national security and classified systems adhere to the same management structure as every other government system under our bill. This means they must develop a plan addressing security upgrades, although the plan need not be approved by OMB. To address particular concerns raised by the defense and intelligence communities, the amendment allows the heads of agencies with national security and classified systems to designate their own independent evaluators in the interest of protecting sensitive information and system vulnerabilities. And the Secretary of Defense, the Director of Central Intelligence, and other agency heads, as designated by the President, may develop their own procedures for

detecting, reporting and responding to security incidents.

Finally, President Clinton has proposed a very creative idea known as the Federal Cyber Service designed to strengthen the government's cadre of information security professionals. Our amendment authorizes this program and gives agencies the flexibility they need to implement it. The program includes scholarships in exchange for government service, retraining computer information specialists and, as part of our campaign to influence cultural behavior, proposals to promote cyber-security awareness among Federal workers and high school and secondary school students.

Since Senator THOMPSON and I introduced S. 1993 last November, we have worked closely with the Administration, the Department of Defense, the National Security Agency, the Department of Energy, the CIO Council, the Inspector General community, and interested parties outside government. We have made changes to address the concerns that have been raised and I am very pleased that the administration strongly supports the provisions.

Witnesses testifying at the Governmental Affairs Committee hearing on S. 1993 were also very supportive of the bill. Jack Brock, Director of GAO's Governmentwide and Defense Information Systems Group in the Accounting and Information Management Division testified that ''the bill, in fact, incorporates the basic tenets of good security management found in our report on security practices of leading organizations. . . . '' He also said that ''the key to this process is recognizing that information security is not a technical matter of locking down systems, but rather a management problem. . . . Thus, it is highly appropriate that S. 1993 requires a risk management approach that incorporates these elements.''

Roberta Gross, the Inspector General at the National Aeronautics and Space Administration testified that ''. . . S. 1993 is a very positive step in highlighting the importance of centralized oversight and coordination in responding to risks and threats to IT [information technology] security.'' S. 1993 ''. . . importantly recognizes that IT security is one of the most important issues in shaping future Federal planning and investment . . . the Act makes it clear that each agency must be far more vigilant and involved than current practices.''

Another witness, James Adams, Chief Executive Officer of Defense, a security consulting firm, testified that S. 1993 is ''. . . thoughtful and badly needed legislation . . .'' which ''. . . takes a crucial step forward.'' Ken Watson of Cisco Systems noted hat S. 1993 is consistent with what industry has already been encouraging, that is that ''. . . security must be promoted as an integral component of each agency's business operations, and information technology security training is essential. . . .''

Mr. President, it is my hope that, if enacted, this amendment will improve our computer security to the point where the operations of government in the digital age are performed with the privacy and well-being of the American public in mind. Again, I am pleased the leadership of the Armed Services Committee has accepted this amendment because, in the digital age, there is no such thing as moving too quickly.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 3472) was agreed to.

Mr. WARNER. Madam President, I move to reconsider the vote.

Mr. LEVIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. WARNER. Madam President, I believe we will proceed in accordance with the order.

Madam President, I rise this afternoon—14 days since the Senate first turned to consideration of the Fiscal Year 2001 Defense Authorization Bill—to, once again, emphasize the importance of the Senate passing this critical legislation. Our troops deployed around the world, many in harm's way, their families here at home, and all those who have answered the call to duty before them are waiting on the Senate to act.

Since June 6 when the Senate first began consideration of the Defense Authorization bill we have had productive debate and dialogue. The Senate has spent four days debating and voting on this legislation, and the Committee has done a great deal of work during the ''down time''—when the Senate was considering various appropriations bills—in clearing many of the amendments that are in order on the authorization bill. We now have a Unanimous Consent agreement for the next day and a half to deal with several pending amendments. In my view, there is perhaps an additional day's worth of debate and votes on the remaining amendments which we believe will be offered to this bill. I urge my colleagues to work with the Committee on any remaining amendments so that we can pass this bill in the Senate and send a strong signal of support to our troops.

Mr. President, I think it is useful to remind my colleagues of the amount of hard work that goes into the annual defense authorization bill. This year alone, the Armed Services Committee has conducted 50 hearings related to the defense budget, and spent four days—15 hours—in marking up the bill which is before the Senate.

This bill, which we reported out of the Senate Armed Services Committee on May 12th with bipartisan support, is a good bill which will have a positive impact on our nation's security, and on the welfare of the men and women of the Armed Forces and their families. It is a fair bill. It provides a $4.5 billion increase in defense spending—consistent with the congressional budget resolution. But, the real beneficiaries of this legislation are our servicemen and women who will not only have better tools and equipment to do their jobs, but an enhanced quality of life for themselves and their families. We must show our support for these brave men and women all of whom make great sacrifices for our country and many of whom are in harm's way on a daily basis by passing this important legislation.

I am privileged to have been associated with the Senate Armed Services Committee and the development of a defense authorization bill every year of my modest career here in the Senate—a career quickly approaching 22 years. The Senate has passed a defense authorization bill each and everyone of those years. In fact, the Senate has passed a defense authorization bill each year since 1961—since the beginning of the current authorization process. This year, the House passed its version of the defense authorization bill by an overwhelming vote of 353–63. It is now the Senate's duty to fulfill its responsibilities on this important legislation.

But our responsibility to consider and pass the annual defense authorization bill goes beyond statutory requirements and historical precedent. We must also be aware of the importance of this measure to our men and women in uniform around the world.

U.S. military forces are involved in overseas deployments at an unprecedented rate. Currently, our troops are involved in over 10 contingency operations around the globe. Over the past decade, our active duty manpower has been reduced by nearly a third, active Army divisions have been reduced by almost 50 percent, and the number of Navy ships has been reduced from 567 to 316. During this same period, our troops have been involved in 50 military operations worldwide. By comparison, from the end of the Vietnam War in 1975 until 1989, U.S. military forces were engaged in only 20 such military deployments.

In an all-volunteer force, where increasing deployments and operations challenge the capabilities of our military to effectively meet those commitments, as well as challenge the efforts of our military to recruit and retain quality military personnel, we must embrace every opportunity to demonstrate our commitment to our military personnel. The National Defense Authorization Bill for Fiscal Year 2001 sends this important message.

Mr. President, I would like to take a moment to make my colleagues well aware of the impact of NOT passing The National Defense Authorization Bill for Fiscal Year 2001.

With respect to personnel policy, the committee included legislation in the defense authorization bill for fiscal year 2001 to continue to support initiatives to address critical recruiting and retention shortfalls. In this regard, the committee increased compensation

benefits and focused on improving military health care for our active duty and retired personnel and their families.

Without this bill, there will be:

No extension of TRICARE benefits to active duty family members in remote locations;

No elimination of health care co-pays for active duty family members in TRICARE Prime;

No Thrift Savings Plan for military personnel;

No stipend for military families to eliminate their need to rely on food stamps McCain amendment);

No five year pilot program to permit the Army to test several innovative approaches to recruiting; and

No transit pass benefit for Defense Department commuters in the Washington area.

Without this bill, almost every bonus and special pay incentive designed to recruit and retain service members will expire December 31, 2000, including:

Special pay for health professionals in critically short wartime specialities;

Special pay for nuclear-qualified officers who extend their service commitment;

Aviation officer retention bonus;

Nuclear accession bonus;

Nuclear career annual incentive bonus;

Selected Reserve enlistment bonus;

Selected Reserve re-enlistment bonus;

Special pay for service members assigned to high priority reserve units;

Selected Reserve affiliation bonus;

Ready Reserve enlistment and re-enlistment bonuses;

Loan repayment program for health professionals who serve in the Selected Reserve;

Nurse officer candidate accession program;

Accession bonus for registered nurses;

Incentive pay for nurse anesthetists;

Re-enlistment bonus for active duty personnel;

Enlistment bonus for critical active duty specialities; and

Army enlistment bonuses and the extension of this bonus to the other services.

And, Mr. President, without this bill, the Congress will not meet it's commitment to our miliary retirees and their families to provide a comprehensive lifetime health care benefit, including full pharmacy services. Without this bill, military health care system benefits will continue to be denied to retirees and their dependents who reach age 65 and become Medicare eligible. Military beneficiaries will lose the earned military health care benefit that this bill finally restores to them.

The committee has carefully studied the recruiting and retention problems in our military. We have worked hard to develop this package to increase compensation and benefits. We believe it will go a long way to recruit new servicemembers and to provide the necessary incentives to retain mid-career personnel who are critical to the force.

Mr. President, on many occasions I have shared my concerns about the threats posed to our military personnel and our citizens, both at home and abroad, by weapons of mass destruction: chemical, biological, radiological and cyber warfare. Whether these weapons are used on the battlefield or by a terrorist within the United States, we, as a nation, must be prepared.

Without this bill, efforts by the committee to continue to ensure that the DOD is adequately funded and structured to deter and defeat the efforts of those intent on using weapons of mass destruction or mass disruption would not be implemented. Efforts that would not go forward without this bill include:

Establishing a single point of contact for overall policy and budgeting oversight of the DOD activities for combating terrorism;

Fully deploying 32 WMD–CST (formerly RAID) teams by the end of fiscal year 2001;

Establishing an Information Security Scholarship Program to encourage the recruitment and retention of Department of Defense personnel with computer and network security skills; and

Creating an Institute for Defense Computer Security and Information Protection to conduct research and critical technology development and to facilitate the exchange of information between the government and the private sector.

Mr. President, I would like to briefly highlight some of the other major initiatives in this bill that would be at risk without the defense authorization bill:

Without this bill, multi-year, cost-saving spending authority for the Bradley Fighting Vehicle and UH–60 ''Blackhawk'' helicopter would cease.

Without this bill, there would not be a block buy for Virginia Class submarines. Without the block buy, there would be fewer opportunities to save taxpayer dollars by buying components—in a cost-effective manner—for the submarines.

All military construction projects require both authorization as well as appropriations. Without this bill, over 360 military construction projects and 25 housing projects involving hundreds of critical family housing units would not be started.

The Military Housing Privatization Initiative would expire in February 2001. Without this bill, the program would not be extended for an additional three years, as planned. The military services would not be able to privatize thousands of housing units and correct a serious housing shortage within the Department of Defense.

Mr. President, it has been said that, ''Example is the best General Order.'' The Senate needs to take charge, move out, and pass the National Defense Authorization Bill for Fiscal Year 2001. This legislation is important to the nation and to demonstrate to the men and women in uniform, their families and those who have gone before them, our current and continuing support and commitment to them on behalf of a grateful nation.

MILITARY INSTALLATIONS

Mr. COVERDELL. First, I would like to thank Senator WARNER and Senator LEVIN for their continued leadership on the Senate Armed Services Committee. Your efforts have helped reverse fourteen consecutive years of real decline in defense spending—a decline that has affected all aspects of our military, from morale to readiness. Our troops and our Nation are grateful for your leadership in stopping this decline.

I would like to take a moment to engage the chairman in a colloquy on one particular area within this bill—military construction.

Mr. WARNER. I thank the Senator for his kind words and would be glad to indulge him in a colloquy on this subject.

Mr. COVERDELL. Of course, we are all appreciative of what the committee has done for our bases across the Nation. As the chairman knows, Georgia has a proud military tradition. Currently it is home to thirteen military installations representing all branches of our military and housing some of our armed service's most vital missions. As is the case at military installations across the country most of the bases in Georgia are in need of new infrastructure.

Through my travels to Georgia's bases, I was struck in particular with the condition of the buildings at Fort Stewart in Hinesville, Georgia, home of the 3rd Infantry Division. As the chairman and ranking member know, the 3rd I.D. is the heavy division of the Army's Contingency Corps. It is ready to go at a moment's notice and is part of our Army's ''tip of the spear'' force.

Despite this crucial mission, it is my understanding that Fort Stewart is the only major FORSCOM installation that still performs corps functions in World War II wooden buildings.

Mr. WARNER. The Senator is correct.

Mr. COVERDELL. It is clear to me that Fort Stewart needs more military construction dollars. However, I also understand that the committee and the Pentagon have certain parameters within they work to determine military construction dollars. I understand that one of the reasons Fort Stewart is not gaining authorization for military construction projects is that the projects I requested were not in the Pentagon's FYDP and that the committee uses the FYDP as its guide for authorizing military construction dollars. Is that correct?

Mr. WARNER. The Senator from Georgia is correct. We see many projects that need funding. However, in distributing scarce resources we must work with the Pentagon's priorities. While base commanders may have different views of what their bases need, if those priorities do not correspond with the Pentagon's priorities then it is different for us to assess the military value of the various projects.

Mr. COVERDELL. I thank the chairman. I have relayed similar views to

Fort Stewart and will work with our other Georgia bases to ensure that they understand this process. I would like to ask the chairman how the committee views the situation at Fort Stewart.

Mr. WARNER. We agree that Fort Stewart needs new construction dollars and worked very hard this year to do what we could to help. We are committed to Fort Stewart's future and look forward to working with you, the base and the Pentagon to help it in the future.

Mr. COVERDELL. I thank the chairman for his remarks and look forward to working with him on this matter in the future.

Mr. CLELAND. I would like to join my distinguished colleague, the senior Senator from Georgia, Senator COVERDELL, in highlighting the critical needs of Fort Stewart in Georgia. I would also like to note my appreciation for the remarks of Chairman WARNER and his recognition of Fort Stewart.

I too would like to highlight the importance of Fort Stewart. Since its birth in 1940, Fort Stewart has seen a flurry of activity. Its original mission began as an anti-aircraft artillery training center and later evolved into a helicopter training facility, and is now home to 3rd Infantry Division. Fort Stewart has shown its importance during the Korean war, Vietnam war, the Persian Gulf war, and even during the Cuban missile crisis. Through the years, Fort Stewart has adapted to the changing landscape of our military missions. Despite this glorious history, Fort Stewart needs our attention. Fort Stewart has important military construction needs to provide the critical infrastructure to fulfill its mission. It is my hope that through increased attention from the Department of the Army, the Pentagon, and the Congress, Fort Stewart's needs can be addressed. I thank my colleagues for engaging in this colloquy regarding such a vital facility.

AMENDMENT NO. 3473

(Purpose: To enhance Federal enforcement of hate crimes and for other purposes)

Mr. LEVIN. Madam President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Michigan (Mr. LEVIN), for himself and Senator KENNEDY, proposes an amendment numbered 3473.

Mr. LEVIN. Madam President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The text of the amendment is printed in today's RECORD under ''Amendments Submitted.'')

Mr. LEVIN. Madam President, the Kennedy proposal has two major provisions. First, it strengthens current law as it relates to hate crimes based on race, religion and nation origin. Second, it broadens the definition of hate crimes to include gender, sexual orientation, and disability.

The two major provisions in the Kennedy amendment address specific loopholes in our current federal civil rights statute. Under current law, the federal government is limited in its ability to intervene in case unless it can be proved that the victim was engaged in one of six narrowly defined ''federally protected activities,'' such as enrolling in a public school, participating in a state or local program or activity, applying for or enjoying employment, serving as a juror, traveling in or using interstate commerce, and enjoying certain places of public accommodation.

The other unduly severe limitation under current law is this: federal prosecution is limited to those crimes motivated by race, color, religion and national origin and does not allow for federal intervention in crimes motivated by a person's sexual orientation, gender, or disability.

The Senate has the ability and the responsibility to pass the Kennedy amendment and send a clear message that America is an all-inclusive nation—one that does not tolerate acts of violence based on bigotry and discrimination.

Hate crimes are a special threat in a society founded on ''liberty and justice for all.'' Too many acts of violence and bigotry in the last years have put our nation's commitment to diversity in jeopardy. When Matthew Shepard, a gay student was severely beaten and left for dead or James Byrd, Jr. was dragged to death behind a pick-up truck, it was not only destructive for the victims and their families, but damaging to the victims' communities, and to our American ideals.

When a member of the Aryan Nations walked into a Jewish Community Center day school and fired more than 70 rounds from his Uzi submachine gun, then killed a Filipino-American federal worker because he was considered a ''target of opportunity,'' it not only affected the families of the victims but all those who share the traits of the targeted individuals.

In a united voice, we must not only condemn these acts of violence that terrorize Americans every day, but act against them. America's agenda will remain unfinished so long as incidents like those occur and statistics like the following threaten our people. According to the FBI Uniform Crime Reports, at least one hate crime occurs each hour. These are often acts of violence, not threats, verbal-abuse or hate speech, but criminal offenses.

In 1998, there were 7,755 incidents involving 9,722 victims. Of those incidents, approximately 56 percent were motivated by racial bias; 18 percent by religious bias; 16 percent by sexual-orientation bias; and the remainder by ethnicity/national origin bias, disability and multiple biases, and prejudices and hate.

In my own home state of Michigan, according to the State Police, there were 578 hate crimes in the same year. According to Donald Cohen, director of Michigan's Anti-Defamation League, racist, anti-gay and anti-Semitic activity is on the rise. In October of 1998, Cohen, who monitors hate crimes for his organization said ''I can say I have seen more hate-group material circulated . . . in the last few months than I have seen in the prior two years.''

As a result, civil rights and law enforcement officials, who were concerned about the rise of hate crimes in Michigan moved to counter them by founding the Michigan Alliance Against Hate Crimes. The Alliance is a statewide coalition working to provide support to victims of hate crimes and to identify, combat and eliminate such crimes.

The group was already in place last September, when this crime was committed in Grand Rapids, Michigan: a 30-year-old white man, Charles Raab, beat unconscious an African-American man, Willie Jarrett, ran him over with a car three times and dragged him with the car for 80 feet, before he dislodged the victim and fled the scene. Witnesses said that during the scene, the attacker used racial slurs to describe his victim—who suffered wounds to his back, hands, chest, and shoulders, and had half of his ear torn off.

The Michigan Alliance Against Hate Crimes immediately assembled a ''rapid response team'' and worked with the local prosecutor to charge Raab, the attacker, under the Ethnic Intimidation Act—Michigan's hate crime law. In the end, Raab pleaded guilty to the charges against him and was sentenced to seven to twenty-five years in prison for the attack.

The city of Grand Rapids, along with the Michigan Alliance Against Hate Crimes, made sure that the perpetrator of this heinous hate crime was prosecuted to the extent of the law. Unfortunately, not all hate crimes are prosecuted so successfully. There are several states without such Alliances and hate crimes are not prosecuted with success either because state or local authorities do not have adequate resources or personnel; state and local authorities aren't as incensed as they should be or decline to act for other reasons.

In some cases, state or local authorities simply don't have jurisdiction to prosecute hate crime cases: 42 states have hate crime statutes but only 21 cover sexual orientation and disability and 22 cover gender. Michigan's Ethnic Intimidation Act, for example, is limited to crimes incited by a person's race, color, religion, gender or national origin, and does not include crimes motivated by a person's sexual orientation or disability.

The FBI Statistics show that the number of reported hate crimes based on sexual orientation is third only to those based on racial bias and religious bias.

My home state of Michigan has had its share of hate crimes based on sexual

orientation. Last summer, an 18-year-old boy leaving a gay nightclub in Grand Rapids, Michigan was met by an attacker who was waiting outside the club in a car. The assailant jumped the young man and slashed his face with a razor blade hospitalizing him for over a week. His face is permanently scarred.

A few weeks ago in Detroit, a gay man was buying cigarettes at a gas station late at night and a car full of men pulled up, accosted him and asked if he was gay. When he just walked away the men became infuriated and beat him badly, shattering his skull and putting him in a coma for several days. The assailants have not been arrested.

A gay man driving in Royal Oak, Michigan was allegedly harassed and intimidated by four other motorists in a nearby car. The assailants were screaming anti-gay epithets and succeeded in running him off the road and destroying his car. The assailants then screamed at the man, spit on him, and kicked in his window.

The police officer investigating the case allegedly asked multiple questions about the driver's sexual orientation and sexual activity rather than the details of the accident. The four assailants were never charged and despite the fact that witnesses and crime specialists reconstructed the scene as told by the driver, the driver was convicted of reckless driving. Local media and community leaders were outraged and called it a miscarriage of justice.

This and other such stories are examples of crimes that not only affect the fundamental rights of the victim, but deprive that victim of a sense of security and self worth. These crimes are just as damaging as those motivated by race or religion, but state authorities are limited in their ability to respond because Michigan's hate crimes statute is inadequate.

Congress has the opportunity to take action against these and other hate crimes, which go unprosecuted at the state level, with the passage of the Kennedy hate crimes amendment. This amendment would expand the federal definition of hate crimes to include crime motivated by a person's sexual orientation, gender or disability adding to the current list of attacks motivated by race, color, religion or national origin.

The Kennedy amendment would also broaden the federal government's authority to prosecute any hate crime based on race, color, religion or national origin. Currently, federal prosecution of hate crimes is limited and U.S. attorneys have had difficulties prosecuting cases—that state authorities are unwilling or unable to prosecute—because of the need to prove that the victim of a hate crime was also targeted because of his participation in one of six specified federally protected activities. The statute's severe restrictions has prevented the federal government from prosecuting perpetrators of some of the most egregious hate crimes.

For example, in recent years a jury acquitted three white supremacists who had assaulted African-Americans. After the trial, some of the jurors revealed that they felt racial animus had been established but did not believe there was sufficient evidence to show that the defendants intended to prevent the victims from engaging in a narrowly defined federally protected activity that the statute had provided.

The Kennedy amendment will not make every hate crime a federal crime. Almost all hate crimes will remain the primary responsibility of sate and local law enforcement agencies. For these cases, broadening federal authority will permit joint federal-state investigations and may be useful to state and local authorities who will be able to rely on investigatory and prosecutorial assiatnce from the Department of Justice. The Kennedy amendment makes grants of up to $100,000 available to state and local law enforcement agencies who have incurred extraordinary expenses associated with investigating and prosecuting hate crimes.

For the few hate crimes that the Justice Department does act to make federal crimes, the Department will be required to use its authority sparingly, as is required with the existing authority to prosecute crimes motivated by racial or religious hatred. Prior to federally indicting someone, the Justice Department must certify and there is reasonable cause to believe that the crime was motivitated by bias and the U.S. attorney has consulted with the state or local law enforcement officials and determined one of the following situations is present, under the Kennedy amendment, to show we are not creating under this amendment a situation where the Federal Government is going to be prosecuting every hate crime. There are still restrictions built in here to rely more heavily on State and local law enforcement. If one of the following situations is present, then the U.S. attorney, under certain circumstances at least, would be authorized to proceed:

No. 1, the state does not have jurisdiction or does not intend to exercise jurisdiction;

No. 2, the state has requested that the federal government assume jurisdiction;

No. 3, the state does not object to the federal government assuming jurisdiction;

No. 4, or the state has completed prosecution and the verdict or sentence obtained under state law left demonstratively unvindicated the federal interest in eradicating bias-motivated violence.

In addition, for crimes based on the three new categories—gender, sexual orientation, and disability, and in some instances, for crimes based on religion and national origin—the Kennedy amendment provides that the Federal Government must prove an interstate commerce connection showing that:

No. 1, the defendant or the victim traveled across state lines;

No. 2, the defendant or the victim used a channel, facility, or instrumentality of commerce;

No. 3, the defendant used a firearm, explosive, incendiary device or other weapon that has traveled in commerce, or

No. 4, the conduct interferes with commercial or other economic activity in which the victim is engaged at the time of conduct.

Stated simply, the Kennedy hate crimes amendment will allow for more effective and just prosecutions of hate crimes. The alternative, the Hatch proposal, which will be before the Senate, neither addresses the problems with existing law—that the victim must be engaged in a narrowly specified federally protected activity; nor does it address the limited definition of a hate crime—which excludes sexual orientation, disability, and gender.

More than 175 law enforcement, civil rights, civic and religious groups as well as 22 State Attorneys General support the Kennedy amendment, and the role it gives the federal government to prosecute individuals who have committed violent acts resulting from racist, anti-Semitic or homophobic motives. This legislation is also supported by the Justice Department, and is compliant with the recent Supreme Court decision United States v. Morrison. In a June 13, 2000 letter to Senator KENNEDY, the Justice Department stated clearly that the amendment ''would be constitutional under governing Supreme Court precedents''

Passage of this amendment will send the message that we are a country that treasures equality and tolerance. We will not condone the hate crimes that have plagued our nation and have had such a devastating impact on the families of Matthew Shepard, James Byrd, Jr. and too many others. I hope my colleagues will support the Kennedy amendment. This amendment will bring us closer to the time when all Americans have equal opportunities, and perpetrators of hate crimes receive swift and vigorous prosecution.

I believe there is a unanimous consent order relative to the next speaker, but before the Senator from Minnesota speaks, I see the Senator from Oregon on the floor and I want to express my gratitude to him for the article that was in this morning's paper. It was an extremely beautifully written, heartfelt article. I hope every Member of this body has an opportunity to read it. I know the Senator from Oregon is too modest to do so. Therefore, I ask unanimous consent that article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington Post, June 19, 2000]

NATIONALLY: WHY HATE CRIMES ARE DIFFERENT

(By Gordon H. Smith)

On June 7, 1998, James Byrd Jr. was dragged to death along a dusty Texas road. On Oct. 12, 1998, Matthew Shepard was beaten and left to die on a lonely Wyoming fence.

They were murdered not for their property, but for who they were—one black, the other gay.

Their brutal murders shocked the nation and spurred a national debate over what can be done to prevent further hate crimes and to ensure that perpetrators of such crimes are brought to justice.

The Senate soon will consider the Hate Crimes Prevention Act of 2000. This act would authorize federal law enforcement officers to aid and assist state and local police in the pursuit and prosecution of hate crimes—even if state lines have not been crossed.

The act is controversial. Some believe that all crime is hateful, and that by providing federal resources for hate crimes we would be telling the victims of crimes committed for other motives that they are not as important. I believe, however, that hate crimes are different. While perpetrated upon an individual, the violence is directed at a community.

The most controversial element in this legislation is that in addition to categories of race, religion, gender and disability, it contains a category for sexual orientation. Many in the Senate will oppose the legislation because they feel that to legislate protections for gays and lesbians is to legitimize homosexuality.

I once shared that feeling, but no longer. One needn't agree with all the goals of the gay community to help it achieve fair treatment within our society. It is possible, for example, to oppose gay marriage on religious and policy grounds but to protect gays and lesbians against violence on the same grounds. There is a biblical example and a present duty to protect anyone in the public square who would be stoned by the sanctimonious or the politically powerful.

As a member of the Senate Foreign Relations Committee, I have spoken against hate crimes of many kinds and in many lands. For that reason, I cannot be silent at home. I cannot forget the testimony given at a recent hearing by Elie Wiesel:

''To hate is to deny the other person's humanity. It is to see in 'the other' a reason to inspire not pride but disdain, not solidarity, but exclusion. It is to choose simplistic phraseology instead of ideas. It is to allow its carrier to feel stronger than 'the other,' and thus superior to 'the other.' The hater . . . is vain, arrogant. He believes that he alone possesses the key to truth and justice. He alone has God's ear.''

I often have told those who attempt to wield the sword of morality against others that if they want to talk about sin, go with me to church, but if they want to talk about policy, go with me to the Senate. That is the separation of church and state.

At times, the law can and should be a teacher—and this is one of them. Yes, in many ways, passage of the Hate Crimes Prevention Act would be nothing more than a symbol. But it is a symbol that can be filled with substance by changing hearts and minds and by better protecting all our citizens, be they disabled, female, black or gay. They are Americans all.

The PRESIDING OFFICER. Under the previous order, the Senator from Minnesota is to be recognized.

Mr. WELLSTONE. Madam President, I say to my colleague, I will be very brief on this amendment. I will try to take less than 10 minutes because Senator SMITH has taken a major leadership role. I know Senator HATCH will be speaking, and I am sure my colleague from Oregon will want to be here for that debate. The only reason I am taking this time right now is I won't be able to stay beyond the next 10 or 15 minutes. I will be brief. Then the country will have a chance to hear from the Senator from Oregon. I have not read the piece, but I thank the Senator very much for his leadership.

I am not a lawyer, but I want to try to briefly summarize what this bill is about. Senator LEVIN always does a more masterful job of that than I can. Then I will talk about why I think this piece of legislation is so important for Minnesota and people in the country.

When it comes to hate crimes based on race, religion, or national origin, this legislation essentially moves beyond the very restrictive language we have right now where we can't prosecute people who have committed violent crimes against someone unless that person was involved in some kind of federally protected activity. That is way too narrow a definition. We want to be in a position as a nation where the Federal Government can prosecute, for example, those who murdered James Byrd. It is that simple.

We don't want to have such narrowly restrictive laws and language—and this is where the amendment of the Senator from Utah doesn't do us any good at all—we don't want to have such a narrow definition that we can't prosecute people when they murder a James Byrd. I think it is that simple.

Secondly, we further define the hate crime legislation applied to gender, disability, and sexual orientation when there is an interstate commerce nexus. And in this particular case what we want to make sure of is that as a national community, as the Senate, as the House of Representatives, we care deeply when a Matthew Shepard is murdered, and, indeed, the Federal Government can play a role, and those who commit such a murder because of someone's sexual orientation will be prosecuted, that they will pay the price.

I know there have been some arguments made against this legislation. I am sure my colleague from Oregon will take up those arguments and deal with them in more depth, but as to the argument that somehow this takes on freedom of speech, we are not talking about freedom of speech. We are not talking about somebody in the pulpit saying whatever they want to say about people because of their sexual orientation, as much as I would be in disagreement with what I think would be prejudice or, I would argue, ignorance. But we are talking about an action; we are talking about when there is an act of violence perpetrated against someone because of their sexual orientation. I am not talking about speech. I am talking about violent action.

I believe strongly in this amendment and am proud to support it because I think hate crimes are very special. I came to the human rights rally in Washington, DC—it seems as though it was yesterday; maybe it was a couple months ago—I wanted to speak, and I had an opportunity to introduce Judy and Dennis Shepard. That was, for me, a much greater honor than actually giving a long speech or speaking at all. I wanted to introduce them. I have seen them at so many gatherings where they have been willing, as the parents of Matthew Shepard, who was murdered because of his sexual orientation, to go around the country and support other people and speak out and try to do everything they can in memory of their son, to make sure that this never happens again. I guess we cannot make sure it never happens again, but we can do everything possible to make sure that it never happens again.

That is what this hate crimes amendment is all about—basically, what happens when there is an act of violence against someone because of the color of their skin or their religion. I am sensitive to this. My father was a Jewish immigrant born in the Ukraine, lived in Russia, fled persecution, and came to the United States of America because of religious persecution. When you have this kind of violence against someone because of their religion or their national origin or their gender or their disability or their race or their sexual orientation, it is terrorism because what you are saying to a whole lot of other people is it could happen to you, too. That is the purpose of a lot of these crimes. You are saying to other people who are gay and lesbian, you are saying to other people because of their religion, sometimes you are saying to other people because they are white—not that long ago I think it was in Pittsburgh we saw people murdered just because of the color of their skin; they were white—what you are saying with these kinds of hate crimes is: other people, you could be next.

What you are doing is you are creating a whole second class of citizens who have to live their lives in terror. What you are doing is dehumanizing people. That is what these hate crimes are about.

Now, we should have a high threshold—I am not a lawyer, but we should have a high threshold. We want to make sure that truly these are hate crimes. And believe me, that will have to be proven in our court system. But, colleagues, in all due respect, you have an amendment here that does a good job of getting beyond the very narrow definition so that, indeed, we have a definition of a hate crime that applies to the murder of a James Byrd; we have a definition of a hate crime that applies to the murder of a Matthew Shepard, and I don't know how Senators can vote against it. It is long past time that we passed such a law. We must and I hope we will.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. SMITH of OREGON. Madam President, I wish to say what is in my heart and why I as a Republican stand here in support of a Kennedy amendment on hate crimes.

On June 7, 1998, when James Byrd, Jr., was dragged to death on a dusty Texas road, something happened to me. I was horrified beyond my ability to express it.

On October 12, 1998, when Matthew Shepard was beaten to death on a Wyoming prairie, hung to a fence to die, something happened to me. I, again, had no ability to express the outrage and horror that I felt of such conduct and wondered: What is it in the heart of humankind that could perpetrate such an action upon a fellow human being?

These were people who were murdered not for their property. They were murdered because of who they were. One was a black man and the other was a gay man. I think much of America felt the shock and revulsion that I did. Many of us began to look around and ask: What can I do in my sphere of influence? How can I help to see that this never happens again in my country?

So I was attracted to the whole issue of hate crimes. This is a very controversial thing with many Senators. It is controversial because, frankly, of one clause. It is controversial because it includes a new category: ''. . . or sexual orientation.'' And many of my friends in the Senate believe that disqualifies it from consideration. But it seems to me that our duty as public officials is to help Americans help human beings however we find them; no matter what we may believe their sins are because all of us are sinful.

Many will say that to legislate favorably towards a gay man is to legitimize homosexuality for our society. I used to have that feeling myself, but I do not any longer. I truly believe it is possible to object to a gay marriage and yet come to the defense of a gay person when it comes to violence. And I believe we have a duty to show up to work in the Federal Government when it comes to the issue of hate crimes. Some people believe that, well, all crime is hateful; don't designate some types of crime. But I tell you that I have come to realize that hate crimes are different in this respect. Hate crimes are visited upon one person, but they are really directed at an entire community—in one case, a black man in the African American community, and in the other case, a gay man in the gay and lesbian community. We need to help, and I believe the Kennedy amendment actually helps.

Some see this as controversial because they will stand behind the argument of States rights; that we cannot defend these people at the Federal level because there are State officials and local officials where most police actions and prosecutions occur; that we should leave that to them. I had that feeling until I was visited by a group of conservative Republican law enforcement officers from Wyoming who said, in the case of Matthew Shepard: It would have helped a great deal had the Federal Government shown up with resources and support to help in the prosecution of this horrible tragedy.

The Kennedy amendment allows this to happen, and I support it for that reason, because I believe we need to show up to work.

As a member of the Foreign Relations Committee, I have spoken all over the globe against hate crimes of all kinds. Because of that, I cannot in good conscience remain silent about hate crimes in my own country. It is time to speak out, and it is time to vote on something that will actually make a difference.

In my Subcommittee on European Affairs, I recently held a hearing on the issue of antisemitism. One of the most remarkable witnesses I have ever listened to in the Senate came to testify in that hearing. He is the Nobel Laureate Elie Wiesel. I will never forget what he said to our committee that day. He said:

> To hate is to deny the other person's humanity. It is to see in ''the other'' a reason to inspire not pride, but disdain; not solidarity, but exclusion. It is to choose simplistic phraseology instead of ideas. It is to allow its carrier to feel stronger than ''the other,'' and thus superior to ''the other.'' The hater . . . is vain, arrogant. He believes that he alone possesses the key to truth and justice. He alone has God's ear.

I am afraid there are some like that not just in Nazi Germany about which he was speaking, there are some like that today in Bosnia, in Yugoslavia, Kosovo, in Africa. There are haters still, and there are haters in our own country as well. We are trying to say, once and for all, that when it comes to hate and hate crimes that are directed at these minority communities who live among us as Americans: Your Federal Government cares, too. The Federal Government will show up to work. The Federal Government will try to use the law as well to teach the American people that there is no room for hate, and if you commit a hate crime, we will come after you with the full force of the law at the local, the State, and the Federal level, because while many will say this is just symbolism, I grant you it is in part, but it is symbolism that can be made substance if we change some hearts and minds. In that sense, the law can be a teacher.

That is why I support the Kennedy amendment, because I think we need to change some hearts and minds, as well as some laws, so that the Federal Government can show up to work.

I am going to do something I do not suppose is commonly done here, but I want to speak using a Scripture. I do this because I need to reach out, not to change the minds necessarily of some in my own political base who are the conservative Christians. They are my friends, and many of their views are views I hold. But on this issue, I believe we can care enough to change some hearts and minds. I believe that the God of Christianity, the God whom I worship, said on this Earth that by this shall all men know that ye are my disciples—if you have love one for another. He showed that in a remarkable episode, and I want to share it. I share it with my friends in the Christian community because we need to remember this story when we think somehow that we should not help a community because of what we think their sins may be.

This is the story. It comes from the 8th Chapter of John:

> Jesus went unto the mount of Olives.
>
> And early in the morning he came again into the temple, and all the people came unto him; and he sat down, and taught them.
>
> And the scribes and Pharisees brought unto him a woman taken in adultery; and when they had set her in the midst,
>
> They say unto him, Master, this woman was taken in adultery, in the very act.
>
> Now Moses in the law commanded us, that such should be stoned: but what sayest thou?
>
> This they said, tempting him, that they might have to accuse him. But Jesus stooped down, and with his finger wrote on the ground, as though he heard them not.
>
> So when they continued asking him, he lifted up himself, and said unto them, He that is without sin among you, let him first cast a stone at her.
>
> And again he stooped down, and wrote on the ground.
>
> And they which heard it, being convicted by their own conscience, went out one by one, beginning at the eldest, even unto the last: and Jesus was left alone, and the woman standing in the midst.
>
> When Jesus had lifted up himself, and saw none but the woman, he said unto her, Woman, where are those thine accusers? hath no man condemned thee?
>
> She said, No man, Lord. And Jesus said unto her, Neither do I condemn thee: go, and sin no more.

This happened in a public square. This was a wonderful example of mercy and compassion. It was a wonderful occasion in which, in my view, the greatest of all stood up against violence, violence that was later visited upon Him with hatred.

I point out that if you care about the American family and you perceive homosexuality as a threat to that family institution, remember that adultery, if you want to talk about sins, is a far greater threat to the American family than homosexuality.

What I say to fellow Christians everywhere is, it is time to help. It is time to remember a story and an example. It is time to say to the gay community: I do not agree with you on everything, but I can help you on many things. And particularly when it comes to violence, particularly when it comes to dragging a man to death, particularly when it comes to seeing someone beaten to death on a fence, I would be ashamed if we did not act as the Federal Government to say: We can show up to work, we can help, we can teach, we can change hearts and minds, and we can turn the symbolism into substance by letting Federal authorities bring resources and help make a difference.

I know I may not be in large numbers on my side of the aisle, but I hope they will consider what I have just said. All of the excuses that will be offered today—are we prosecuting people for their thoughts? No, we are prosecuting people for their actions that kill people.

Some will say: There are limitations in the bill so that every hate crime is not a Federal crime. There are limitations that will trigger the Federal response. We will defer to the States.

Some will say: What business is it of ours to put hate crimes on the Defense authorization bill? Some of the most horrible hate crimes I have read about have occurred within the military. It is our business to put it here if that is what it takes to pass it here.

Some will say: Isn't every act of domestic violence or rape a hate crime? I say, it may well be. It may trigger Federal involvement. But just because it includes sexual orientation does not make those victims less American.

Some will say: The Kennedy amendment is not constitutional. I believe it is constitutional. I believe it is OK to say we will help Americans—how we find them—whether they are black, whether they are disabled, or whether they are gay.

So my remarks today, Madam President, are about having a bigger heart and making the Federal law big enough to include communities that are the most vulnerable among us.

I thank the Chair and yield the floor.

The PRESIDING OFFICER. Under the previous order, the hour of 4 o'clock having arrived, the Senator from Utah is recognized to offer his amendment.

AMENDMENT NO. 3474

(Purpose: To authorize a comprehensive study and to provide assistance to State and local law enforcement)

Mr. HATCH. Madam President, our Nation's recent history has been marred by some horrific crimes committed because the victim was a member of a particular class or group. The beating death of Matthew Shepard in Laramie, WY, and then the dragging death of James Byrd, Jr. in Jasper TX. These two spring readily to mind. I firmly believe that such hate-motivated violence is to be abhorred and that the Senate must raise its voice and lead on this issue.

During the last 30 years, Congress has been the engine of progress in protecting civil rights and in driving us as a society increasingly closer to the goal of equal rights for all under the law.

Historians will conclude, I have little doubt, that many of America's greatest strides in civil rights progress took place just before this present moment on history's grand timeline: Congress protected Americans from employment discrimination on the basis of race, sex, color, religion and national origin with the passage of the Civil Rights Act of 1964; Congress protected Americans from gender-based discrimination in rates of pay for equal work with the Equal Pay Act of 1963, and from age discrimination with the passage of the Age Discrimination in Employment Act of 1967; Congress extended protections to immigration status with the Immigration Reform and Control Act in 1986, and to the disabled with the passage of the Americans with Disabilities Act in 1990. And the list goes on and on.

Yet despite our best efforts, discrimination continues to persist in so many forms in this country, but most sadly in the rudimentary and malicious form of violence against individuals because of their membership in a particular class or group. Let me state, unequivocally, that this is America's fight. As much as we condemn all crime, crimes manifesting an animus for someone's race, religion or other characteristics can be more sinister than other crimes.

A crime committed not just to harm an individual, but out of the motive of sending a message of malice to an entire community—oftentimes a community that has historically been the subject of discrimination—is appropriately punished more harshly, or in a different manner, than other crimes.

This is in keeping with the longstanding principle of criminal justice—as recognized by the Supreme Court in its unanimous 1993 decision in Wisconsin versus Mitchell upholding Wisconsin's sentencing enhancement for crimes of animus—that the worse a criminal defendant's motive, the worse the crime.

Moreover, crimes of animus are more likely to provoke retaliatory crimes; they inflict deep, lasting and distinct injuries—some of which never heal—on victims and their family members; they incite community unrest; and, ultimately, they are downright un-American.

The melting pot of America is the most successful multiethnic, multiracial, and multifaith country in all recorded history. This is something to ponder as we consider the atrocities so routinely sanctioned in other countries—like Serbia or Rwanda—committed against persons entirely on the basis of their racial, ethnic or religious identity.

I am resolute in my view that the Federal Government can play a valuable role in responding to crimes of malice and hate. One example here is my sponsorship of the Hate Crime Statistics Act of 1990, a law which instituted a data collection system to assess the extent of hate crime activity, and which now has thousands of voluntary law enforcement agency participants.

Another, more recent example, is the passage in 1996 of the Church Arson Protection Act, which, among other things, criminalized the destruction of any church, synagogue, mosque or other place of religious worship because of the race, color, or ethnic characteristics of an individual associated with that property.

To be sure, however, any Federal response—to be a meaningful one—must abide by the constitutional limitations imposed on Congress, and be cognizant of the limitations on Congress's enumerated powers that are routinely enforced by the courts.

This is more true today than it would have been even a mere decade ago, given the significant revival by the U.S. Supreme Court of the federalism doctrine in a string of decisions beginning in 1992. Those decisions must make us particularly vigilant in respecting the courts' restrictions on Congress's powers to legislate under section 5 of the 14th amendment, and under the commerce clause.

We therefore need to arrive at a Federal response to this matter that is not only as effective as possible, but that carefully navigates the rocky shoals of these court decisions. To that end, I have prepared an approach that I believe will be not only an effective one, but one that would avoid altogether the constitutional risks that attach to other possible Federal Responses that have been raised.

Indeed, Deputy Attorney General Eric Holder testified before the Senate Judiciary Committee that States and localities should continue to be responsible for prosecuting the overwhelming majority of hate crimes, and that no legislation is worthwhile if it is invalidated as unconstitutional. This is worth repeating. Deputy Attorney General Eric Holder testified before the Senate Judiciary Committee that States and localities should continue to be responsible for prosecuting the overwhelming majority of hate crimes, and that no legislation is worthwhile if it is invalidated as unconstitutional.

There are two principal components to my approach:

First my amendment creates a meaningful partnership between the Federal Government and the States in combating hate crime by establishing within the Justice Department a grant program to assist State and local authorities in investigating and prosecuting hate crimes.

Much of the cited justification given by those who advocate broad Federal jurisdiction over these hate-motivated crimes is a lack of adequate resources at the State and local level. Accordingly, before we take the step of making a Federal offense of every crime motivated by a hatred of someone's membership in a particular class or group, it is imperative that we equip States and localities with the resources necessary so that they can undertake these criminal investigations and prosecutions on their own.

Second, my approach undertakes a comprehensive analysis of the raw data that has been collected pursuant to the 28 U.S.C. 534, the law requiring the collection of data on these crimes—a bill that I worked very hard to pass. The Federal Government has been collecting this data for years, but we have yet to analyze it. A comparison of the records of different jurisdictions—some with hate crimes, others without—to determine whether there is, in fact, a problem in certain States' prosecution of hate crimes also is provided for in my amendment.

Before we make all hate crimes Federal offenses, I believe we should provide assistance to the States and analyze whether our assumptions about

what the States are doing, or are not doing, are valid.

It is no answer for the Senate to sit by silently while these crimes are being committed. The ugly, bigoted, and violent underside of some in our country that is reflected by the commission of hate crimes must be combated at all levels of government.

For supporters of the Kennedy amendment, Federal leadership necessitates Federal control. I do not subscribe to this view, especially when it comes to this problem. Thus, I oppose Senator KENNEDY's amendment. It proposes that to combat hate crimes Congress should enact a new tier of far-reaching Federal criminal legislation. That approach strays from the foundations of our constitutional structure—namely, the first principles of federalism that for more than two centuries have vested States with primary responsibility for prosecuting crimes committed within their boundaries.

As important as this issue is, there is little evidence that a broad federalization of hate crimes is warranted. Indeed, it may be that national enforcement of hate crimes could decrease if States are told the Federal Government has assumed primary responsibility over hate crime enforcement.

In addition, serious constitutional questions exist regarding the Kennedy hate crimes amendment. First, the Kennedy amendment, if adopted, would not be a valid exercise of congressional authority under section 5 of the 14th amendment. The Supreme Court has made clear in recent years that legislation enacted by Congress pursuant to section 5 of the 14th amendment may only criminalize action taken by a State. Just last month, the Supreme Court in the recent United States v. Morrison case re-emphasized the State-action requirement that limits Congress' authority to enact legislation under the 14th amendment. The Court stated:

> Foremost among these limitations [on Congressional power] is the time-honored principle that the Fourteenth Amendment, by its very terms, prohibits only state action. The principle has become firmly embedded in our constitutional law that the action inhibited by the . . . Fourteenth Amendment is only such action as may fairly be said to be that of the States. That Amendment erects no shield against merely private conduct, however, discriminatory or wrongful.

The Kennedy amendment, however, seeks to prohibit private conduct—crimes of violence committed by private individuals against minorities, religious practitioners, women, homosexuals, or the disabled. It therefore is very similar to the provision of the Violence Against Women Act—a bill I worked very hard to pass, called the Biden-Hatch Act—that sought to prohibit crimes of violence committed by private individuals against women. The Supreme Court in Morrison held that that provision of the Violence Against Women Act was not a valid exercise of congressional power under section 5 of the 14th amendment.

To be sure, Congress can regulate purely private conduct under its commerce clause authority. But the Kennedy amendment likely would not be a valid exercise of congressional authority under the commerce clause either. The Supreme Court's 1995 decision in United States v. Lopez, and especially its recent Morrison decision, set forth the scope of Congress' commerce clause power. The Morrison opinion, in particular, changed the legal landscape regarding congressional power in relation to the States. Thus, legislation that was perfectly fine only 2 months ago now raises serious constitutional questions. The Kennedy amendment is not consistent with Lopez and Morrison.

Both Lopez and Morrison require that the conduct regulated by Congress pursuant to its commerce clause power be ''some sort of economic endeavor.'' The Court has held that a statute that is ''a criminal statute that by its terms has nothing to do with 'commerce' or any sort of economic enterprise, however broadly one might define those terms,'' does not meet constitutional muster. Here, the conduct sought to be regulated—hate crimes—is in no sense economic or commercial, but instead, by its very terms, is non-economic and criminal in nature, just like the conduct Congress sought to regulate in the Gun Free Schools Zones Act and the Violence Against Women Act—statutes that were held to be unconstitutional in Lopez and Morrison.

In light of the Morrison decision, the Kennedy amendment makes an effort to require a direct link to interstate commerce before the Federal government can prosecute a hate crime based on sexual orientation, gender, or disability. It permits Federal hate crimes prosecution in four broad circumstances: No. 1, where the hate crime occurred in relation to interstate travel by the defendant or the victim; No. 2, where the defendant used a ''channel, facility or instrumentality'' of interstate commerce to commit the hate crime; No. 3, where the defendant committed the hate crime by using a firearm or other weapon that has traveled in interstate commerce; and No. 4, where the hate crime interferes with commercial or economic activity of the victim. None of these circumstances provides an appropriate interstate nexus that would make the legislation constitutional.

First, the interstate travel requirement of the Kennedy amendment's first circumstance where Federal prosecution would be appropriate does nothing to change the criminal, non-economic nature of the hate crime.

The requirement of the second circumstance, that the defendant commit the hate crime by using a channel, facility or instrumentality of interstate commerce, may provide a interstate nexus, but it is unclear precisely what hate crimes that would encompass: hijacking a plane or blowing up a rail line in connection with a hate crime?

The third circumstance's requirement that the defendant have used a weapon that traveled in interstate commerce would blow a hole in the commerce clause; Congress could then federalize essentially all State crimes where a firearm or other weapon is used; for example, most homicides.

Finally, the fourth circumstance's requirement that the victim be working and that the hate crime interfere with his or her work is analogous to the reasoning the Court rejected in Morrison; that is, that violence against women harms our national economy. In the case of the Kennedy hate crimes amendment, the argument would be that hate crimes harm our national economy and therefore they have a nexus to interstate commerce. The Court in Morrison and in Lopez rejected those ''costs of crime'' and ''national productivity'' arguments because ''they would permit Congress to regulate not only all violent crime, but all activities that might lead to violent crime, regardless of how tenuously they relate to interstate commerce.'' Finally, the Kennedy amendment's catch-all provision, that the Federal government may prosecute a hate crime only if the crime ''otherwise affects interstate or foreign commerce,'' not only merely restates the constitutional test, it misstates the constitutional test. To be constitutional, the conduct must ''substantially affect'' interstate commerce.

In addition to its constitutional problems, the Kennedy amendment has other deficiencies. The amendment provides that where the hate crime is a murder, the perpetrator ''shall be imprisoned for any term of years or for life.'' It does not authorize the death penalty for even the most heinous hate crimes. Accordingly, the horrific dragging death of James Byrd, Jr. on a back road in Jasper, TX, for example, under the Kennedy amendment, would provide only for a life sentence. In the Byrd case, however, State prosecutors tried the case as a capital case and obtained death sentences for the defendants. The Kennedy amendment, then, which purports to provide Federal leadership in the prosecution of hate crimes, would not even provide for the ultimate sentence permitted under duly enacted Texas law.

When we asked the Justice Department what type of proof they had that the States are not doing the job, they promised to provide us evidence. I haven't seen it yet.

That was quite a while ago. There may be, in the eyes of some, and in my eyes, a great reason to try to make Senator KENNEDY's amendment constitutional, and that is what I tried to do in my amendment in order to do something about this if the States are not doing the job. But to this day, I have not had any information indicating that they are not doing the job. And in the Byrd case, they certainly have. In the Shepard case, they certainly have, just to mention a couple of them.

I feel as deeply about hate crimes as Senator KENNEDY or anybody else in

this Chamber. But I want to abide by the Constitution. I recall Justice Scalia's admonition that there should be a presumption that Congress want to enact constitutional legislation, but because of some of the things we are doing, maybe that presumption is unjustified

Supporters of the Kennedy amendment have claimed that it will create a partnership with State and local law enforcement. They have delicately described the legislation as being deferential to State and local authorities as to when the Justice Department will exercise jurisdiction over a particular hate crime. This is hogwash. The amendment does not defer to State or local authorities at all. It would leave the Justice Department free to insert itself in a local hate crime prosecution at the beginning, middle or end of the prosecution, even after the local prosecutor has obtained a guilty verdict. Even if the Justice Department does not formally insert itself into the particular case, it nevertheless will be empowered by the legislation to exert enormous pressure on local prosecutors regarding the manner in which they handle the case—from charging decisions the plea bargaining decisions to sentencing decisions. The Kennedy hate crimes amendment, pure and simple, would expand federal jurisdiction and federalize what currently are State crimes.

By contrast, my amendment would address the issue of hate crimes in a responsible, constitutional way—by assisting States and local authorities in their efforts to investigate and prosecute hate crimes. It provides for a study of this issue to see if there really are States and local governments out there who, for whatever reason, are not investigating and prosecuting hate crimes. And, it would provide resources to State and local governments that are trying to combat hate crimes but lack the resources to do so.

In summary, we must lead—but lead responsibly—recognizing that we live in a country of governments of shared and divided responsibilities. In confronting a world of prejudice greater than any of us can now imagine, President Abraham Lincoln said to Congress in 1862 that the ''dogmas of the quiet past'' were ''inadequate to the stormy present. The occasion is piled high with difficulty, and we must rise—with the occasion. As our case is new, so we must think anew, and act anew.''

In that very spirit, I encourage this body to question the dogma that federal leadership must include federal control, and I encourage this body to act anew by supporting a proposal that seeks to stem hate-motivated crime, while at the same time respecting the primacy states traditionally have enjoyed under our Constitution in prosecuting crimes committed within their boundaries.

Ultimately, I believe the approach I have set forth is a principled way to accommodate our twin aims—our well-intentioned desire to investigate, prosecute, and, hopefully, end these vicious crimes; and our unequivocal duty to respect the constitutional boundaries governing any legislative action we take.

My proposal should unite all of us on the one point about which we should most fervently agree—that the Senate must speak firmly and meaningfully in denouncing as wrong in all respects those actions we have increasingly come to know as hate crimes. Our continued progress in fighting to protect Americans' civil rights demands no less.

Madam President, what the Hatch amendment does in comparison to the Kennedy amendment—and look, like I say, I feel as deeply about this as Senator KENNEDY does, and I respect him for how he feels, and I also respect Senator SMITH from Oregon and the distinguished Senator from Illinois. We are all trying to do the same thing, and that is make sure that hate crimes are prosecuted in our society today. I am very concerned about it, but I am also concerned about meeting the requisites of the Constitution as well. I believe my amendment would do that. I believe it would do it in a far more responsible way than the way the Kennedy amendment does.

What the Hatch amendment does is provide for a comprehensive study so we can find out once and for all—we have the Hate Crimes Statistics Act giving us the statistics; it is something that I helped to do years ago along with Senator KENNEDY. That study would help us to find out just what is happening in our society and whether or not the State and local governments are inadequate or incapable or unwilling to investigate and prosecute hate crimes.

Two, we would provide for an intergovernmental assistance program. We provide technical, forensic, prosecutorial, or other assistance in the criminal investigation or the prosecution of crimes that, one, constitute a crime of violence; two, are a felony under relevant State law; and three, are motivated by animus against the victim by reason of the victim's membership in a particular class or group.

My amendment would provide for Federal grants. We authorize the Attorney General, in cases where special circumstances exist, to make grants of up to $100,000 to States and local entities to assist in the investigation and prosecution of hate crimes. We require grant recipients to certify that the State or local entity lack the resources necessary to investigate or prosecute such crimes. And, we require that the Attorney General shall approve or disapprove grant applications within 10 days of receiving the application. We provide that the Attorney General shall report to Congress on the effectiveness of the program and conduct an audit to assure that the grants awarded are used properly.

What we do not do is we do not create a new Federal crime. We do not give the Justice Department jurisdiction over crimes that are motivated because of a person's membership in a particular class or group; that is, the Hatch amendment does not Federalize crimes motivated because of a person's race, gender, religion, sexual orientation, or disability.

To enact such a broad federalization of hate-motivated crimes would raise serious constitutional concerns. In addition, the Kennedy amendment would federalize all rapes and sexual assaults and, in so doing, would severely burden Federal law enforcement agencies, Federal prosecutors, and Federal courts. My amendment does not authorize Federal interference with State and local investigations and prosecutions. It is not our job to second-guess the investigation and prosecution and sentencing decisions of State and local authorities in cases involving hate crimes. As such, my amendment recognizes the significant efforts of State and local law enforcement in investigating and prosecuting all violent crimes, including hate crimes.

In other words, my amendment would provide the analysis, study, and data to determine whether or not the States are failing or refusing to combat these horrible crimes. It provides the Government assistance to be able to help the State and local people do their job in these areas. Of course, we provide various other kinds of assistance that could be helpful in this matter.

Madam President, I have taken enough time. Parliamentary inquiry. Is it time to send the amendment to the desk?

The PRESIDING OFFICER. The Senator can send his amendment to the desk.

Mr. HATCH. Madam President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Utah [Mr. HATCH] proposes an amendment numbered 3474.

Mr. HATCH. Madam President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place, insert the following:

SEC. ___. COMPREHENSIVE STUDY AND SUPPORT FOR CRIMINAL INVESTIGATIONS AND PROSECUTIONS BY STATE AND LOCAL LAW ENFORCEMENT OFFICIALS.

(a) STUDIES.—

(1) COLLECTION OF DATA.—

(A) DEFINITION OF RELEVANT OFFENSE.—In this paragraph, the term ''relevant offense'' means a crime described in subsection (b)(1) of the first section of Public Law 101–275 (28 U.S.C. 534 note) and a crime that manifests evidence of prejudice based on gender or age.

(B) COLLECTION FROM CROSS-SECTION OF STATES.—Not later than 120 days after the date of enactment of this Act, the Comptroller General of the United States, in consultation with the National Governors' Association, shall select 10 jurisdictions with

laws classifying certain types of offenses as relevant offenses and 10 jurisdictions without such laws from which to collect the data described in subparagraph (C) over a 12-month period.

(C) DATA TO BE COLLECTED.—The data described in this paragraph are—

(i) the number of relevant offenses that are reported and investigated in the jurisdiction;

(ii) the percentage of relevant offenses that are prosecuted and the percentage that result in conviction;

(iii) the duration of the sentences imposed for crimes classified as relevant offenses in the jurisdiction, compared with the length of sentences imposed for similar crimes committed in jurisdictions with no laws relating to relevant offenses; and

(iv) references to and descriptions of the laws under which the offenders were punished.

(D) COSTS.—Participating jurisdictions shall be reimbursed for the reasonable and necessary costs of compiling data collected under this paragraph.

(2) STUDY OF RELEVANT OFFENSE ACTIVITY.—

(A) IN GENERAL.—Not later than 18 months after the date of enactment of this Act, the Comptroller General of the United States shall complete a study and submit to Congress a report that analyzes the data collected under paragraph (1) and under section 534 of title 28, United States Code, to determine the extent of relevant offense activity throughout the United States and the success of State and local officials in combating that activity.

(B) IDENTIFICATION OF TRENDS.—In the study conducted under subparagraph (A), the Comptroller General of the United States shall identify any trends in the commission of relevant offenses specifically by—

(i) geographic region;

(ii) type of crime committed; and

(iii) the number and percentage of relevant offenses that are prosecuted and the number for which convictions are obtained.

(b) ASSISTANCE OTHER THAN FINANCIAL ASSISTANCE.—At the request of a law enforcement official of a State or a political subdivision of a State, the Attorney General, acting through the Director of the Federal Bureau of Investigation and in cases where the Attorney General determines special circumstances exist, may provide technical, forensic, prosecutorial, or any other assistance in the criminal investigation or prosecution of any crime that—

(1) constitutes a crime of violence (as defined in section 16 of title 18, United States Code);

(2) constitutes a felony under the laws of the State; and

(3) is motivated by animus against the victim by reason of the membership of the victim in a particular class or group.

(c) GRANTS.—

(1) IN GENERAL.—The Attorney General may, in cases where the Attorney General determines special circumstances exist, make grants to States and local subdivisions of States to assist those entities in the investigation and prosecution of crimes motivated by animus against the victim by reason of the membership of the victim in a particular class or group.

(2) ELIGIBILITY.—A State or political subdivision of a State applying for assistance under this subsection shall—

(A) describe the purposes for which the grant is needed; and

(B) certify that the State or political subdivision lacks the resources necessary to investigate or prosecute a crime motivated by animus against the victim by reason of the membership of the victim in a particular class or group.

(3) DEADLINE.—An application for a grant under this subsection shall be approved or disapproved by the Attorney General not later than 10 days after the application is submitted.

(4) GRANT AMOUNT.—A grant under this subsection shall not exceed $100,000 for any single case.

(5) REPORT AND AUDIT.—Not later than December 31, 2001, the Attorney General, in consultation with the National Governors' Association, shall—

(A) submit to Congress a report describing the applications made for grants under this subsection, the award of such grants, and the effectiveness of the grant funds awarded; and

(B) conduct an audit of the grants awarded under this subsection to ensure that such grants are used for the purposes provided in this subsection.

(6) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated $5,000,000 for each of the fiscal years 2001 and 2002 to carry out this section.

Mr. HATCH. Madam President, I respect my colleagues. I think we are all here to try to get at the same problem. I respect Senator KENNEDY for his sincere effort to try to do what is right with regard to civil rights matters generally, and with regard to hate crimes in particular.

I feel very much the same way. This is a great country. It is the greatest in the world. We ought to set an example. We ought to do the things that really need to be done. But I think we have to have the facts before we act. I don't think we should federalize crimes. I think this amendment is too broad.

We are approaching this in two different ways. I hope we can somehow or other get together to solve this matter in a way that will make sense—that respects the principles of federalism, that respects the States in their efforts to combat hate crimes. Right now, we are not sure there are any States or local jurisdictions out there that are failing or refusing to investigate and prosecute hate crimes. You can cite the James Byrd and Matthew Shepard cases as two illustrations where State authorities have done a tremendous job in prosecuting horrific, hate-motivated crimes.

I don't think anybody should have to suffer from hate crime activity. I think my amendment does not go as far as Senator KENNEDY's, but I think it will certainly handle the problem in a way that respects federalism, respects the Constitution, and respects the nine decisions of the Supreme Court over the last 8 years that have reinforced the principle of federalism. In the end, I think my amendment will do what all of us here on the floor would like to see done—promote the investigation and prosecution of hate crimes—in a way that is constitutionally sound.

I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois is recognized.

Mr. DURBIN. Madam President, let me say at the outset to my colleague and friend, the Senator from Utah, Mr. HATCH, that it was my honor to serve on the Judiciary Committee when he was chairman and I was a member of that committee. I hope someday to return. It is an interesting and exciting assignment. Occasionally we even agreed. They were rare moments, but there were those moments. I never, at any moment in time, lost any respect for the Senator from Utah and the values he espouses. I believe he is a person of good faith who will genuinely try to find a common ground. I sincerely hope he will.

I listened to his explanation of his amendment on this issue, and I really think it comes down to a classic debate, which has been on the floor of this Senate many times in its history, when we were discussing whether or not African Americans were to become full citizens of the United States with all of their rights and responsibilities. There were those on the floor who said: It is not a Federal issue; let the States decide; the Federal Government should not get involved in this.

There have been issues involving religious persecution—whether it is people of the Senator's faith, or my faith, or many others. There have been those who said this a State-and-local matter to decide, it should not be a Federal issue.

The same thing was true when it came to elevating women in America from their status in the Constitution—which we revere, but a Constitution which, frankly, did not give the women the right to vote when it was initially drafted. When the debate came on about the rights of women, it was usually couched in terms of federalism: Should the Federal Government get involved in this; or, this is a State issue.

We can remember the hot debates over the equal rights amendment and all that entailed. The same thing has been true throughout history, the way I read it—whether we are talking about blacks, women, or people of a certain faith, or whether we are talking about people who have certain disabilities. We have always come down to this debate: Is this issue any business of the Federal Government?

I respectfully disagree with my colleague and friend, the Senator from Utah. I think when it comes to hate crimes, this is an issue for the Nation to solve. To leave it to individual States to make the decisions is in fact to subject some Americans to less protection than others when it comes to being victims of hate crimes.

Mr. HATCH. Will the Senator yield?

Mr. DURBIN. I am happy to yield.

Mr. HATCH. Madam President, I haven't said this isn't an issue for the Federal Government. I think it may be. But the point is, we ought to get the facts, and we ought to find out if State and local authorities are failing or refusing to investigate and prosecute hate crimes. We ought first to find out whether State and local authorities are, in fact, denying individuals the equal protection of the laws. So far, the Justice Department has produced precious little evidence to the Judiciary Committee that would indicate

that State and local authorities are abdicating their responsibility to combat hate-motivated crimes. And we asked for the Justice Department to get us this information, if there is any, a long time ago.

Yet we have had actually nine decisions by the Supreme Court over the last 8 years reinforcing the principle of federalism—the principle that State governments and the federal government have distinct areas of responsibility. It is true that these Court decisions are, in many instances, 5–4 decisions, which shows again how important the Supreme Court really is in all of our lives.

I am a proud cosponsor of the Violence Against Women Act. I remember the passion when we passed it. There were real concerns whether it would be upheld by the Supreme Court. Part of it was not upheld by the Supreme Court, the part that I was concerned about. But up to that point, I thought there was a chance.

But with the Morrison decision, I don't think there is a chance that the Kennedy amendment, as it currently is written, will survive a constitutional challenge. And I think that we ought to at least make an attempt to abide by the Constitution, if nothing else. This is not a matter of States rights. I think there may be a role for the Federal Government. But right now, let's at least get the facts. In the process, we can lend assistance, both financial and otherwise, to the States to help them with these serious problems.

I am very grateful for my distinguished colleague and his respectful remarks. They mean a lot to me because I happen to believe he is one of the most articulate Members of this body. I believe he is very sincere. It is true that we agree on much more than just a few things.

But I just want to make it clear that my amendment offers a different approach—an approach that I think is constitutional, that will get us there without going through another 2 or 3 years and then having it overruled as unconstitutional and having to start all over again. I know that the amendment I have offered is constitutional. I know we can implement it from day one, without any fear that it will be struck down by the Supreme Court as violative of the Constitution. And I know it will make an impact and really do something about hate crimes, rather than just make political points on the floor.

I thank my colleague.

Mr. DURBIN. I thank the Senator from Utah.

Let me say first how proud I am to cosponsor the legislation that has been introduced by the Senator from Massachusetts, Mr. KENNEDY, and the Senator from the State of Oregon, Mr. SMITH. It is bipartisan legislation. Senator CARL LEVIN of Michigan is also one of the lead sponsors of it as well.

The difference, as I understand it, between the proposal of the Senator from Utah and the proposal of Senators KENNEDY and SMITH really comes down to one basic point. As I understand it, the Senator from Utah is looking to, first, provide grants to States and localities so they can prosecute these crimes when they are found deserving; and, second, to study the issue to determine whether or not there is a need for Federal legislation.

As I understand the amendment before us by Senators KENNEDY and SMITH, it basically creates a Federal cause of action, expanding on what we now have in current law in terms of hate crimes, and expanding the categories of activities that would be covered by this hate crime legislation.

I say to the Senator from Utah, if he is on the floor, I believe the Senator from Massachusetts will provide ample evidence of the need for this legislation. I believe the statistics are not only there but they are overwhelming in terms of the reason he is introducing this amendment and why we need this national cause of action.

Second, during the course of my remarks I would like to address squarely the issue raised by the Senator from Utah, an issue that has been raised by the Supreme Court. It is, frankly, whether or not we have the authority to create this cause of action.

The Senator uses recent Supreme Court decisions relating to the commerce clause. When it came to the Violence Against Women Act, it is my understanding the Supreme Court ruled that they could not find the necessary connection between the Violence Against Women Act and the commerce clause to justify Federal activity in this area.

If the Senator from Utah will follow this debate, I think he will find that the Senator from Massachusetts and the Senator from Oregon are taking a different approach. They are using the 13th amendment as a basis for this legislation. They also establish an option of the commerce clause. But they are grounding it on a 13th amendment principle of law and Federal jurisdiction, which our Department of Justice agrees would overcome the arguments that have been raised in the Supreme Court under its current composition of overextension of the commerce clause.

I hope as the Senator from Utah reflects on this debate, the information provided by the Senator from Massachusetts, and the new constitutional approach to this, that he may reconsider offering this amendment. As good as it is to study the problem further and to provide additional funds, it doesn't address the bottom line; that is, to make sure there will at least be the option of a Federal cause of action in every jurisdiction in America.

I would be happy to yield to the Senator from Utah for a question.

Mr. HATCH. I thank my colleague.

If I could comment, I believe the distinguished Senator from Massachusetts can show that there are hate crimes in our society. I think that he will have a difficult time, however, showing that that State and local prosecutors are unwilling to investigate and prosecute hate-motivated crimes. That is why I asked the Justice Department to provide to us data and information on the specific instances where State and local authorities failed or refused to investigate and prosecute hate crimes.

Years ago, under the leadership of Senator KENNEDY and myself, the Senate passed the Hate Crime Statistics Act to collect data on the incidence of hate crimes. We have statistics. I am sure there are hate crimes, but I am not sure there is any evidence to show that these hate crimes are not being prosecuted in the respective States. I'm just not sure. That is one reason I think we should cautiously approach this, rather than approach it in a way that I believe would be unconstitutional.

I thank my colleague.

Mr. DURBIN. If the Senator will look closely at the Kennedy-Smith amendment, he will find before the Federal cause of action can be initiated—as I understand it, but I defer to either of the major sponsors—before there can be a Federal indictment under this proposed hate crime, the Department of Justice must certify two things: First, reasonable cause to believe that the crime was motivated by bias; second, addressing the very issue raised by the Senator from Utah, the U.S. attorney has to certify that he has consulted with State or local law enforcement officials and determined one of the following situations is present, and he lists four situations.

First, the State does not have jurisdiction or does not intend to exercise jurisdiction; second, the State has requested that the Justice Department assume jurisdiction; third, the State doesn't object to the Justice Department assuming jurisdiction; or fourth, the State has completed prosecution and the Justice Department wants to initiate a subsequent prosecution.

When the Senator from Utah suggests that the Kennedy-Smith amendment will necessitate Federal control, I think, frankly, that when you look at the certification required by the Federal Government before the action can be undertaken, we clearly have a situation where the State has either no jurisdiction, or has invited the Justice Department to initiate the prosecution, or they have completed their prosecution.

In this amendment, the first option is clearly being given to the States. If they have the authority and exercise it, clearly they will not be preempted by this Federal cause of action, as I understand it. If that is the case, I think it addresses the major concern raised by the Senator from Utah.

Why do we need this new law? We have a 30-year-old Federal statute which says when it comes to hate crimes, we have to find a specific federally protected activity. Congress, in the past, tried to ''prophesize,'' if you will, the types of activities

that might be involved in a hate crime. We came up with six activities: Enrolling in or attending a public school or private college; No. 2, participating in a service or action provided by State or local government; No. 3, applying for employment or actually working; No. 4, service on a jury in State or Federal court; No. 5, traveling in interstate commerce or using a facility of interstate commerce; and No. 6, enjoying the goods and services of certain places of public accommodation.

We have said over the years if this activity is involved and there is evidence of a hate crime, then the Federal prosecutors can step in.

I believe—and I don't want to put words in their mouths —Senators KENNEDY and SMITH have said we have found too many cases arising which do not fall within the four corners of these six federally protected activities. Therefore, they are offering an amendment which gives Federal prosecutors more opportunity to consider the possibility of prosecution.

I am wearing a button today that says ''Remember Matthew.'' Matthew, of course, is Matthew Shepard. Two years ago, Matthew Shepard, an openly gay college student in Wyoming, was brutally beaten. He was burned, he was tied to a wooden fence in a remote area, and left to die in freezing temperatures from exposure.

Despite this heinous act which we all read about, no Federal prosecution was even possible under the Shepard case. The existing State crime law and federally protected activities that are defined in it did not include what happened to Matthew Shepard. The current Federal statute does not include hate crimes based on a victim's sexual orientation, gender, or disability. The Kennedy-Smith amendment, which I am cosponsoring, corrects that very grievous omission.

I think the Senator from Utah would concede that when we are talking about hate crimes, we should certainly include crimes based on sexual orientation, gender, or disability. The Matthew Shepard case would not have been included, as I understand it. That is why the Kennedy-Smith amendment is so important.

Mr. HATCH. If the Senator will yield, I am having a little bit of difficulty, so I ask how the 13th amendment applies. As I read the 13th amendment, it says, in section 1:

> Neither slavery nor involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction.

In section 2:

> Congress shall have power to enforce this article by appropriate legislation.

How does the Kennedy amendment qualify under the 13th amendment? As I made clear, it doesn't qualify under the 14th amendment because of the arguments I made, pure Supreme Court arguments, that are recent in decision. I missed something on the 13th amendment because that is the amendment that abolished slavery.

Mr. DURBIN. Let me reply.

Mr. HATCH. Please tell me. This is a sincere question.

Mr. DURBIN. I am happy to defer to the sponsors of the amendment to respond and yield time if they desire.

The information I have been given is this: Under the 13th amendment, Congress may prohibit hate crimes based on actual or perceived race, color, religion, or national origin, pursuant to that amendment. Under the 13th amendment, Congress has the authority not only to prevent the ''actual imposition of slavery or involuntary servitude'' but to ensure that none of the ''badges and incidents'' of slavery or involuntary servitude exist in the United States.

What the Justice Department and what the sponsors of this amendment have concluded is that the 13th amendment gives the appropriate Federal jurisdiction and nexus to pursue this matter under the question of whether or not this is a badge or incident of that form of discrimination.

I don't want to go any further. I am sure the Senator from Massachusetts will explain this in more detail, but this 13th amendment nexus, I think, overcomes the concern of the Senator from Utah about the interpretations recently handed down.

Mr. HATCH. I don't mean to keep interrupting, but as I read that, I can see if what the Senator is after is a hate crime of keeping somebody involuntarily in servitude, but I don't know of many of those today. I am sure that may happen. We are talking about all kinds of hate crimes that certainly don't fit within the 13th amendment. If that is the way we are going to get at it, I think that is a very poor way of getting at a resolution for a hate crime problem.

Reading again, section 1:

> Neither slavery—

And I don't know of many instances of slavery in this day and age; in fact, I don't know of any, but there may be some. But we can get them constitutionally, right now, if they do that —

> nor involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall exist within the United States or any place subject to their jurisdiction.

Section 2:

> Congress shall have power to enforce this article by appropriate legislation.

If there is such a thing, if there is such a hate crime today as slavery, or involuntary servitude not required because of a due conviction, then we have the absolute power today, federally, to go in and prosecute under the Constitution itself under the 13th amendment.

Maybe I am missing something, or maybe I just haven't thought it through or I am too tired. I can't see how the 13th amendment provides a nexus whereby the Kennedy amendment becomes constitutional. It doesn't. In some ways, I wish the Kennedy amendment were constitutional. I worked hard back in those days to pass the Violence Against Women Act. I am working hard right now to pass it again in a form that is constitutional. We thought it was constitutional. I have to say, I had my qualms about it and my qualms proved to be accurate.

Today, we know what the Court has said. It has been the principle debate in this country since the beginning. The Court has said that Congress' power in relation to the States is limited. They are 5–4 decisions that are valid and are constitutional. For us to fly in the face of those just because we want to federalize hate crime activity, is, I think, constitutionally improper. That is what worries me.

These Supreme Court cases outlining the limits of congressional power under the principle of federalism are quite recent decisions. They are not old-time decisions that have been disqualified or overly criticized. They are decisions that basically advise us of the law right now.

I just wanted to make that point because I am concerned: How do you make the Kennedy amendment constitutional? I don't think you can under current law.

Now let's face it. If another Court comes in and reverses the nine major federalism decisions that the Supreme Court has handed down in the last few years, and ignores the principle of stare decisis and ignores the principle of federalism, I suppose that at that point you could enact the Kennedy legislation with impunity. But right now, I don't see how you do it if we, as Members of Congress, are trying to exert our influence and our obligation and our oath to uphold the Constitution of the United States.

I am sorry to interrupt.

Mr. DURBIN. I am happy to yield to the Senator from Utah. Let me say parenthetically I think there is more value to this dialog and exchange than many monologs we hear on the Senate floor.

I thank the Senator for his interest and staying to question me, and I am sure we will question him during the course of this debate.

I know there are other Members seeking recognition at this point. I will try to wrap up.

I do not want to in any way misrepresent the amendment that is been offered by Senators KENNEDY and SMITH. I think the statements I have made to date are accurate. The Local Law Enforcement Enhancement Act that is before us, the Kennedy-Smith amendment, was drafted carefully and modified to assure its constitutionality under current Supreme Court precedents, as has been referred to by the Senator from Utah. It has been reexamined in light of the Morrison decision. Moreover, the Department of Justice and constitutional scholars have examined this bill and have confidently

determined that the Local Law Enforcement Act will stand up to constitutional scrutiny.

Congress may prohibit hate based on race, color, religion, or national origin pursuant to its power to enforce the 13th amendment to the U.S. Constitution because under the 13th amendment Congress has the authority not only to prevent the actual imposition of slavery or involuntary servitude but to ensure that none of the ''badges and incidents'' of slavery or involuntary servitude exists in the United States, which goes to the very point of the Senator from Utah. He reads the 13th amendment and says this goes far beyond prohibiting slavery. But I might say the Supreme Court, in interpreting congressional authority under the 13th amendment, said it could reach beyond the simple question of prohibiting slavery or involuntary servitude. By using the language ''badges and incidents,'' it opened up the opportunity for Congress to consider this authority and for this amendment to be introduced.

None of the Supreme Court's recent Federalism decisions casts doubt on Congress' powers under the 13th amendment to eliminate the badges and incidents of slavery. United States v. Morrison involved legislation that was found to exceed Congress' powers under the 14th amendment. The Court in Morrison, for example, found Congress lacked the power to enact the civil remedy of the Violence Against Women Act pursuant to the 14th amendment because the amendment's equal protection guarantee extends only to ''state action.'' The Senator from Utah, who was one of the proponents of this and deserves high praise for it, makes this point in his opening statement on his amendment.

Since the Violence Against Women Act was interpreted by this Court to go beyond State action—that is, Government action—the Court struck it down. We are trying our best to reinstate it, but that is the standard.

The 13th amendment, however, not the 14th amendment, which they used to strike down the Violence Against Women Act, plainly reaches private conduct as well as Government conduct, and Congress thus is authorized to prohibit private action that constitutes a badge, incident, or relic of slavery.

Moreover, this hate crimes amendment would not only apply except where there is an explicit and discrete connection between the prescribed conduct and interstate or foreign commerce, a connection that the Government would be required to allege and prove in each case. This is consistent with Morrison. Like the prohibition of gun possession in the statute at issue in the Lopez case, the Violence Against Women Act civil remedy required no proof of connection between the specific conduct prohibited and interstate commerce. This amendment requires that a nexus exist between the prohibited conduct and interstate or foreign commerce.

Madam President, there are many who believe that a hate crime prevention statute is unnecessary. I don't put the Senator from Utah in that category. He has made it clear he is opposed to hate crimes, and I trust his word. I believe he is genuine when he says it. The question is, Who will have the power to enforce it? If the Senate neither has the authority nor wants the authority, if the State does not want to prosecute a hate crime, and yet it has been committed and truly there is a victim, the Kennedy-Smith amendment says we will create the opportunity for a Federal cause of action.

We are not forcing the Federal cause of action, but only in the instance where the State either doesn't have authority or has not exercised the authority or in fact defers to the Federal Government or in fact has completed its prosecution and left open the opportunity for such a Federal cause of action.

I wish we did not even have to debate hate crimes legislation. Alan Bruce of my staff has been a person I have turned to many times on issues of this magnitude on this subject. He was the one who gave me this button to wear in the Chamber and can remember Matthew Shepard. It is a grim reminder that there are still people in America who will not accept tolerance as the norm, and if we think it is rare, we only have to go to our new technology of the Internet to find the hate being spewed on so many web sites, efforts by small-minded people in this democratic society to turn our anger against our brothers and sisters who live in America, who happen to be a different color, of a different sexual orientation, a different religion, a different gender. This amendment really tries to address it and say that America as a nation will make it clear that we will not tolerate this sort of hateful, spiteful conduct when it results in violence against one of our brothers and sisters.

How many times have we read these harrowing details: Jasper, TX, with James Byrd, Jr., 2 years ago dragged to his death when he was hooked by a chain to the back of a pickup truck. They literally found this African-American's body in pieces.

The brutal hate-motivated deaths of James Byrd and Mathew Shepard received national attention. Since their deaths, our Nation has thought long and hard about whether this is an America we can tolerate. I think it is not.

Madam President, I bring your attention to two crimes in my own State of Illinois just in the last year.

April 5, 1999: Naoki Kamijima, 48 years old, a Japanese American shopowner was shot to death in Crystal Lake, IL, right outside of Chicago. The gunman was allegedly searching stores for employees of certain ethnic groups before finding and shooting Mr. Kamijima. Reportedly, the gunman said to employees he left behind after questioning them on their ethnic background, ''This is your lucky day.'' Hours later, Mr. Kamijima was shot dead, leaving a wife and two teenage children. His crime? He was an Asian-American. A Korean neighbor of the gunman said he used to chase her car when she drove through the neighborhood.

On the Fourth of July, 1999, a time of celebration across America, a shadow was cast over Illinois. Benjamin Smith, an individual associated with a racist, antisemitic organization, killed an African-American man, Ricky Birdsong, the former basketball coach at Northwestern University. Then he went on, this same Benjamin Smith, to wound six Orthodox Jews in Chicago. I met the father of one of the young boys whose son was terrorized that night. His life will never be the same. His only crime in the eyes of Benjamin Smith? He did not practice the right religion. Then Benjamin Smith went on to kill a Korean student in Bloomington, IN.

Sadly, these incidents are only the tip of the iceberg. There are so many other incidents of hate violence in my State and around the Nation. Since 1991, 70,000 hate crime offenses have been reported in our country. Launching a comprehensive Government analysis of currently available hate crime data would likely be time consuming and not bring us any closer to solving the real problem of hate violence in this Nation.

Mr. President, the Local Law Enforcement Act offers a sensible approach to help deter this kind of discriminatory violence. This legislation has bipartisan support: Senator GORDON SMITH, Senator TED KENNEDY, Senator CARL LEVIN, and so many others. It is supported by law enforcement, civil rights and civic groups, and religious organizations. I am proud to cosponsor this legislation. I urge my colleagues to support its passage.

I yield the floor.

The PRESIDING OFFICER (Mr. STEVENS). The Senator from Louisiana.

Mr. BREAUX. Mr. President, I start by commending the distinguished chairman of the Judiciary Committee for his important observations about this legislation; also, to commend the principal sponsors of this legislation, Senator KENNEDY and Senator SMITH, for bringing this matter to the attention of our colleagues and seeking our support for this legislation.

I do not think this is that complicated an issue, quite frankly. I do not think the issues are so complex that they call for an extended psychological discourse on the makeup of the American population. Quite frankly, the issues are fairly simple. America stands for the constitutional principle that all men and women are created equal and that we are all guaranteed the rights of life, liberty, and the pursuit of happiness regardless of who we are or where we are from or what we think, what our political views are, or what is the essence of our makeup as a

human being. That is a right that is guaranteed to all Americans in the Constitution. I think no one really questions that.

That principle does not mean everyone in America has to agree with everybody else. In fact, I think that, far from it, we are a nation that certainly encourages diversity of thinking, differences among competing ideas, and differences among the respected beliefs of all the people who make up our great Nation.

That constitutional principle does not even mean that we have to like each other. Certainly there are instances when Catholics do not like Protestants, and Protestants do not like Jews, and Jews do not like Muslims, and Cajun Americans may have differences with British Americans. For that reason alone they do not particularly care for each other; they do not like each other; they do not want to associate with each other. That also is their constitutional right, I suggest, in this country to take that opinion of people with whom they disagree. But our constitutional principles do, in fact, guarantee clearly that we as Americans cannot do violence or do harm to other people in our country, especially when that violence or harm is based solely on whom these other people might be.

To do violence solely because of someone's religious beliefs, their personal ideas, or concepts about what is right and what is wrong, or because of their religion or where they are from is especially repugnant to all of us as Americans. You do not have to like everybody, but you certainly cannot harm anybody, and especially you cannot harm anybody solely for whom they happen to be or who they are.

This legislation then is aimed at adding crimes that are motivated by a bias against people solely because of their gender or solely because of their sexual preference or perhaps because of some disability they might have. I, therefore, think this legislation which the authors bring to the Senate is appropriate and should be supported. It will send a clear message throughout this country that these types of activities in this country will not be tolerated.

Again, in America, our right to not embrace or befriend someone with whom we do not want to be associated, for whatever reason, is guaranteed. But what is also guaranteed is their right under the Constitution of the United States to be protected against violence and harm that others might do unto them solely because of who they are.

As Americans, we certainly should be proud of our multicultural and multiethnic heritage. We are a diverse nation and when we look at other nations that are having problems because of their heritage or their diversity, we can be proud in this country that we, in fact, are a different nation than many others. Therefore, this legislation sends a strong and clear message that domestic terrorism and violence against people in our country based merely on who they are or what they believe is something that deserves national protection, and Federal legislation is, in fact, important.

A hate crime against any American is a crime against all Americans, and this legislation saying that is a Federal right upon which we will insist is appropriate and proper and deserves our support.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. REED. Mr. President, I rise this afternoon to speak for this legislation and commend Senator KENNEDY for his sponsorship, along with my colleagues, of this legislation. Senator KENNEDY has long been an advocate for a society in which individuals reach out not with hate but with fellowship. I am pleased to see other supporters, like Senator SMITH, who are also in the vanguard of this great effort.

This afternoon we are here because of the murders of James Byrd and Matthew Shepard and others—because these acts of violence tear at the very fabric of our society.

Unfortunately, over the past 2 years, we have seen far too many cases of these types of crimes of violence, motivated strictly by prejudice and hatred of people, not because of their character but because of some perception of their failings in the eyes of others.

In my own State of Rhode Island, in May 1998 a group of seven to ten men stomped and battered a Cranston bartender and an acquaintance as they were coming out of a Providence night club, while laughing and screaming anti-gay epithets. The waiter suffered fractured bones in his jaw, head and collarbone, cracked ribs, and a puncture wound to his chest caused by a broken bottle. The acquaintance suffered a fractured eye socket and bruises.

According to Providence, Rhode Island city officials, the number of hate crimes reported in Providence has grown in recent years. In 1998, 25 such crimes were reported, and, last year, 32 were reported.

In February 1999, in an incident which took place in Pawtucket, Rhode Island, two men were walking home with a female friend from a church function and were assaulted by a third man. While yelling obscenities and anti-homosexual slurs, the third man hit one of the men over the head with a full wine bottle, and then jumped on top of him and punched him repeatedly in the face and head. He then threw him up against a brick wall and continued to hit him while yelling anti-gay epithets.

In California, three men pled guilty to racial terrorism for burning a swastika outside a Latino couple's residence.

In Florida, a Puerto Rican man was allegedly beaten by three white men who yelled racial slurs.

In Ohio, a 23-year-old Hispanic male was gunned down by three assailants. Police reported it as a racially motivated incident. The list goes on and on.

This amendment would simply extend the current definition of Federal hate crimes to include crimes committed on the basis of someone's gender, sexual orientation, or disability. It would allow the Federal Government to prosecute an alleged perpetrator who commits a violent crime against someone just because that person is gay, blind, or female.

This amendment basically brings our civil rights statutes in line with the most recent definition of hate crimes promulgated by this Congress.

This amendment also eliminates the restrictions that have prevented Federal involvement in many cases in which individuals were killed or injured because of bias or prejudice.

It also supports State and local efforts to prosecute hate crimes by providing Federal aid to local law enforcement officials. In particular, it authorizes the Justice Department to issue grants of up to $100,000 to State, local, and Indian law enforcement agencies that have incurred extraordinary expenses associated with investigating and prosecuting hate crimes.

This amendment does not federalize all violent hate crimes. It provides for Federal involvement only in the most serious incidents of bodily injury or death, and only after consultation with State and local officials, a policy that is explicitly reflected in a memorandum of understanding entered into by the Department of Justice with the National Association of District Attorneys last July.

Finally, the Department of Justice has reviewed this amendment and believes it does meet the constitutional standards recently articulated in Supreme Court cases. For crimes based on gender, sexual orientation, disability, religion, and national origin, the amendment has been carefully drafted to apply only to violent conduct in cases that have an ''explicit connection with or effect on interstate commerce.''

This amendment has attracted broad bipartisan support from 42 Senators, 191 Members of the House of Representatives, 22 State attorneys general, and more than 175 law enforcement, civil rights, and religious organizations. This demonstrates the huge support (for strengthening Federal hate crimes legislation, support) which cuts across party lines and which reaffirms a fundamental belief and tenet of our country: That people should be able to be individuals, to be themselves without fear of being attacked for their individuality, for their personhood, for their very essence.

These hate crimes are very real offenses. They combine uncontrolled bigotry with vicious acts. These crimes not only inflict personal wounds, they wreak havoc on the emotional well-being of people throughout this country, because they attack a person's identity as well as his or her body. Although bodies heal, the scars left by

these attacks on the minds of the victims are deep and often endure for many years.

There is no better way for us to reaffirm our commitment to the most basic of American values: the dignity of the individual and the right of that individual to be himself or herself. We can do that by voting in favor of this amendment. I believe it is our duty. I am pleased to join this great debate and lend my support to this amendment. I yield the floor.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. JEFFORDS. Mr. President, I rise today to support the Hate Crimes Prevention Act. I applaud Senators KENNEDY and SMITH of Oregon, and others for providing us an amendment on the Department of Defense authorization bill which will be of great assistance in the prosecution of hate crimes.

This legislation will provide the Federal Government a needed tool to combat the destructive impact of hate crimes on our society. The amendment also recognizes that hate crimes are not just limited to crimes committed because of race, color, religion, or national origin, but are also directed at individuals because of their gender, sexual orientation, or disability.

Any crime hurts our society, but crimes motivated by hate are especially harmful. Hate crimes not only target individuals but are also directed to send a message to the community as a whole. The adoption of this amendment would help our State and local authorities in pursuing and prosecuting the perpetrators of hate crimes.

Many States, including the State of Vermont, have already passed strong hate crimes laws. I applaud them for their endeavor. An important principle of this amendment is that it allows for Federal prosecution of hate crimes without impeding the rights of States to prosecute these crimes.

Under this amendment, Federal prosecutions would still be subject to the current provision of law that requires the Attorney General or another senior official of the Justice Department to certify that a Federal prosecution is necessary to secure substantial justice. Such a requirement under current law has ensured that the States are the primary adjudicators of the perpetrators of hate crimes, not the Federal Government. Additionally, Federal authorities will consult with the State and local law enforcement officials before initiating an investigation or prosecution. Both of these are important provisions to ensure that we are not infringing on the rights of States to prosecute these crimes.

Senate adoption of this amendment will be an important step forward in ensuring that the perpetrators of these harmful crimes are brought to justice. I urge my colleagues to take a strong stand against hate crimes by supporting this important legislation.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Has the Senator from Vermont completed his statement?

Mr. JEFFORDS. Yes. I have yielded the floor.

Mr. REID. Mr. President, in Las Vegas a gay man was shot to death because he was gay. In Reno, someone went to a city park with the specific purpose to find someone who was gay, found him, and killed him. These types of incidents have happened not once, not twice, but numerous times in Nevada, and thousands of times around this country.

I only mention two of the occasions where someone's son, someone's brother was killed. They were human beings. These people were killed not because of wanting to steal from them, not because of wanting to do anything other than to kill them because of who they were. They were killed because someone hated them.

Mr. President, I rise today in support of the Local Law Enforcement Act of 2000. I am an original cosponsor of the freestanding legislation authored by the senior Senator from Massachusetts, Mr. KENNEDY. I commend Senator KENNEDY for his tireless efforts to ensure that the Senate consider and pass this important and much-needed measure. This is important legislation, and I am very happy that we are now at a point where this legislation can be debated in the Senate.

Hate crimes legislation is needed because, according to the FBI, nearly 60,000 hate crimes incidents have been reported in the last 8 years. In 1998, the latest year for which FBI figures are available, nearly 8,000 hate crimes incidents were reported. But these figures are more frightening when we ponder how many hate crimes are not reported to law enforcement authorities.

Unfortunately, the Federal statutes currently used to prosecute hate-based violence need to be updated. That is what Senator KENNEDY is doing. These Federal laws, many of which were passed during the Reconstruction era as a response to widespread violence against former slaves, do not cover incidents of hate-based crimes based upon a person's sexual orientation, gender, or disability. In 1998, again, the last year for which statistics are available, there were 1,260 hate crimes incidents based on sexual orientation reported to law enforcement. Many more took place. These are only the ones that were reported. This figure, which represents about 16 percent of all hate crimes reported in 1998, demonstrates that current law must be changed to include sexual orientation under the definition of hate crimes.

I have listened to the debate on the floor today. I think we all have some remembrance of the terrible series of events which occurred in Jasper, TX, a couple years ago. On June 7, the country paused to remember the second anniversary of James Byrd, Jr.'s horrific death, when he was dragged along a rural back road in Texas. This man was just walking along the road when certain people, because of the color of his skin, grabbed him, beat him, and if that wasn't enough, they tied him, while he was still alive, to the back of their pickup and dragged him until he died.

Due to the race-based nature of the Byrd murder, Federal authorities were able to offer significant assistance, including Federal dollars, to aid in the investigation and prosecution of that case to ensure that justice was served.

Unfortunately, the same cannot be said about another case that has already been talked about here on the floor today; the case of Matthew Shepard. He was a very small man. In spite of his small size, two men, assisted by one or both of their girlfriends, took this man from a bar because he was gay, and, among other things, tied him to a fencepost and killed him.

This was gruesome. It was a terrible beating and murder of this student from the University of Wyoming. But, what makes this case even more disturbing is that Wyoming authorities did not have enough money to prosecute the case. They did, of course, but in order to finalize the prosecution of that case, they had to lay off five of their law enforcement employees. The local authorities could not get any Federal resources because current hate crimes legislation does not extend to victims of hate crimes based upon sexual orientation.

If there were no other reason in the world that we pass this legislation than the Matthew Shepard case, we should do it. I have great respect for those people in Wyoming who went to great sacrifice to prosecute that case.

The hate crimes legislation being offered to the Defense Authorization bill is a sensible approach to combat these crimes based upon hate. The measure would extend basic hate crimes protections to all Americans, in all communities, by adding real or perceived sexual orientation, gender, or disability categories to be covered.

The amendment would also remove limitations under current law which require that victims of hate crimes be engaged in a federally protected activity.

There may be those who are listening to this debate and wondering why we need to protect those people who are handicapped or disabled? We need only look back at some of the genocide of the Second World War and recognize that Hitler was totally opposed to anyone who was not, in his opinion, quite right. He went after people who had disabilities.

So there are people, as sad as it may seem, who not only are hateful of people who are of a different color, a different religion, a different sexual orientation, but also someone who does not have all their physical or mental capacities.

We must give law enforcement the tools they need to combat this kind of

violence, to help ensure that every American can live in an environment free of terror brought on by hatred and violence.

As Senator KENNEDY will say, this amendment has been carefully drafted and modified to assure its constitutionality under current Supreme Court precedents and has been reexamined in light of the recent Morrison decision which invalidated the civil rights remedy in the Violence Against Women Act. I appreciate the work done by Senator KENNEDY and the Judiciary Committee for taking such a close look at this legislation.

I have shared with my colleagues two incidents in Nevada. There are many, many others. There are incidents in all 50 States and the District of Columbia of people who have been kidnaped, beaten, raped, and murdered as a result of their sexual orientation. Court records reveal that in each of these cases, with rare exception, there is hate that spews out of these people's mouths before the act takes place, derogatory names and slurs as they are taking people to their deaths, brutal sadistic murders.

These victims are someone's son, someone's daughter, someone's brother, someone's sister, someone's loved one. People should not be killed because they are different; they should not be killed because someone has a certain, misguided standard of how someone else should be. People should not be killed because of hate.

We live in America, the land of freedom and opportunity. We should make sure we stand for morality based upon people's accomplishments, not because of their race, color, creed, or sexual orientation.

I extend my congratulations to Senator KENNEDY for the work he has done. I hope these two men, Senators HATCH and KENNEDY, who have worked so closely on legislation over the years, will see that this important aspect of the law which needs to be revised is revised in such a way that we can all hold our heads high and say: When these crimes take place in the future, authorities in States such as Wyoming will not have to lay off five law enforcement officers to prosecute the crime.

The PRESIDING OFFICER (Mr. SMITH of Oregon). The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I thank all of our colleagues for addressing this issue on this Monday afternoon. We generally, on Monday afternoons as well as on Friday afternoons, have less heavy matters before our body.

This afternoon we have had a very impressive series of statements that have urged us to take the action on tomorrow to move ahead and pass strong hate crimes legislation. I listened earlier to a number of our colleagues. I thought there were many excellent statements, which I am hopeful our Members will have a chance to review in the early morning in the CONGRESSIONAL RECORD. These statements have been absolutely superb. We have had a wide variety of different Members from different backgrounds and experiences, different political viewpoints, speak on this issue. That is the way it should be because we are talking about a matter of fundamental importance for our society and our country. We are talking about what our country is really about, what steps we are prepared to take to make America, America.

We have shown that over a period of time, certainly since the end of the Civil War, this Congress has taken steps to guarantee the protection of constitutional rights, going back to 1866. In the more modern time, we enacted civil rights legislation in the early 1960s, after the extraordinary presence of Dr. King who awakened the conscience of our Nation in the latter part of the 1950s and early part of the 1960s. We went ahead and took action in 1964 on what was known as the Public Accommodation Act. We were asked: Will the kinds of enforcement mechanisms stand up under constitutional challenge? And they did.

Then, in 1965, we took action in order to preserve the right to vote for our citizens. Now it seems almost extraordinary that a large number of Americans were denied the right to vote. At that time, it was debated for some time. We took strong steps to ensure that America was going to be America in terms of the right to vote. In 1968, we had our Fair Housing Act to make sure that citizens whose skin was a different color were not going to be denied the opportunity to purchase homes. We took action in 1968 to protect that right. It wasn't very effective. We had to come back and revisit that again in 1988. Still, the progress went on. In 1988, we passed legislation to protect the rights of the disabled in our society. We had made some progress with what is known as Title VII over time, but the Americans with Disabilities Act was the legislation that established protections. We were saying to the American people—and the American people supported it—that if individuals have a disability, they should not be discriminated against in our society.

This is what we are talking about. We are talking about forms of discrimination. Discrimination is rooted in the basic emotion of hatred, of distrust, and of bigotry. We have seen it manifested in race relations in our country. Hatred, distrust and bigotry have also been reflected in other ways: on the basis of religion, national origin, sexual orientation, gender, and disability. We freed ourselves from discrimination based on national origin with the 1965 Immigration Act. The Immigration Act had certain rules for those who came from the Asian Pacific Island triangle. We only permitted less than 150 Asians to come onto our shores prior to 1965. Then we also had what was called the national origin quota system which discriminated against people who came from a number of the European countries. All of this is part of our national history.

One of the amazing and important aspects of the progress that America has made in recent time is in trying to free us from the stains of discrimination. We are talking not only about those who have been discriminated against but those who have perpetrated the discrimination.

We are talking about a continuum of this Nation attempting to define what America ought to be—a nation free from the forms of discrimination and hatred and bigotry. That is what distinguishes hate crimes from other criminal activities. Crimes based upon hatred and bigotry wound not only the individual, but they also wound and scar an entire community.

Hate crimes occur on a daily basis in the United States of America. Numerous hate crime incidents have been mentioned by our colleagues and illustrated time and again. According to FBI statistics, nearly one hate crime is committed every hour.

My colleagues and I want to take action that will move this country forward and free us from those acts of hatred that divide us.

We can't solve all of these problems, but there is no reason, when we have violence in our society, that those who are charged with protecting the Constitution of the United States ought to be standing on the sidelines when violence based upon discrimination is taking place in the United States of America. Why should we limit ourselves—those who have a responsibility—from helping and assisting those who are involved in local enforcement and State law enforcement, particularly when we are talking about these hate crimes against women in our society?

An individual was charged in Yosemite this past year with the murder of four women. He told the police investigators he had fantasized about killing women for three decades. A gay, homeless man in Richmond, VA, was found with a severed head and left at the top of a footbridge in James River Park near a popular gay meeting place. In Crystal Lake, IL, a Japanese American shopowner was shot to death outside of Chicago, based upon the fact of discrimination against Asians. Three synagogues in Sacramento, in July of 1999, were destroyed by arson on the basis of anti-Semitism.

These things are happening today. With all due respect to my friend and colleague from Utah, his legislation is basically to have a further study about whether these kinds of activities are taking place. This amendment that he has, on page 1, talks about studies, the collection of data, the data to be collected. Then it shows the number of relevant offenses, the percentage of offenses prosecuted. It continues on with the identification of trends. Then it has provisions for grants to local communities, and eligibility, and grants of $100,000.

We have had the FBI doing the study for the last 10 years. We have the figures that the FBI has produced. The one thing that the FBI has testified to, and is very clear about in their studies, is they believe it is vastly underestimating the amount of hate crimes that are taking place, because in so many instances there isn't the local training or prioritizing of hate crimes by local communities and State communities in order to collect the information or data on this.

So we do know that this is happening today. It is happening in increasing numbers. The reports that we do have basically underestimate the amount of action and activity that is taking place, and the States themselves—some of them—have taken action. But very few, if any, have taken the kind of comprehensive action we are talking about.

There are enormous gaps in the activities of the States in the kinds of protections they are providing. Others have talked about it, and I am glad to get into the various kinds of protections that we are talking about here, the reasons for this legislation. Again, I say, this is our opportunity—and tomorrow—to say whether we are going to be serious about taking action in this area of bigotry and hatred that is focused on particular groups in our society. We have been willing to take action in the past. We were willing to do it in the past. I have mentioned six or eight instances when this Congress thought there was such a compelling reason for us to take the action that we went ahead and took that action in order to try to do something about discrimination in our society.

We have the same issue in a different form before the Senate now. In the early 1960s, we had discrimination against blacks because we were not going to permit them to vote. We passed legislation and then implementing legislation. We said we were not going to protect discrimination and bigotry, discriminating against blacks in the areas of housing. We did the same regarding the disabled on the Americans With Disabilities Act. We made progress on discrimination against women in our society, and we have made progress as well in terms of understanding the various challenges on freeing ourselves from some forms of discrimination on the basis of sexual orientation—although we have made very little in that area.

The question is not the issue on sexual orientation. It is about violence against individual Americans. That is what it is about when you come down to it. It is violence based on bigotry. You can read long books about the origins of hatred and the origins of bigotry and the origins of prejudice and how they develop against individuals or individual groups. Many of them are different in the way that they did develop. But there is no difference about what is there basically when it is expressed in terms of violence. It is still violence against those individuals, and that is what we are attempting to address.

I will put in the RECORD the various justifications, in terms of the constitutional issues. We can get into those and debate and discuss those in the course of the evening. We believe we are on sound basis for that. We have spent a great deal of time in assuring that the legislation was going to meet the challenges of Supreme Court decisions. I believe that we do. I respect those who believe we have not. But we are talking about taking action and doing it now.

There are all kinds of reasons in this body why not to take action. But if we want to try to have an important response to the problems of hate crimes in our society, this is the way to do it. It is a bipartisan effort, and it has been since the development of our initial efforts under the leadership of Senator Simon and others a number of years ago, with just the collection of material. It has been, since that time, basically bipartisan, and it is on this measure now. It is whether we in the Senate are going to say that we have enough of the Matthew Shepard cases, that we have enough of the kind of vicious murdering on the basis of race, that we have enough prejudice and discrimination and expression of violence against Jewish individuals in our society, and we have had enough in terms of the violence against those who have a different sexual orientation. That is what the issue is, no more and no less.

I want to take a few moments, and if others want to address the Senate, I will obviously permit them to do so. I want to give the assurances to our colleagues about how this particular legislation has been fashioned and has been shaped. It is targeted, it is limited, it is responsive in terms of its constitutional standing and how it basically complements the work of the States, which are attempting to try to deal with those issues, and how it is positive in terms of helping those States, and how, in many circumstances—for example, in a number of the rapes or aggravated sexual assaults, because criminal penalties under State laws are actually more severe than under Federal laws, the prosecution quite clearly would fall in those circumstances.

As has been pointed out, in all the hate crimes prosecutions, the Federal authorities consult with the State and local enforcement officials before initiating an investigation or prosecution. The Federal jurisdiction allows the States to take advantage of the Department of Justice resources and personnel. Even if the State authorities ultimately bring the case, the Federal jurisdiction also allows the Attorney General to authorize the State prosecutor to bring a case based on Federal law, when that should be important or necessary.

In cases where the States have adequate resources to investigate and prosecute a case and it appears determined to do so, the Federal Government will not file its own case. As has been the case under existing law, prosecutions under expanded case law would occur primarily in four situations: where the State does not have jurisdiction or the State prosecutors decline to act; or, after consultation between Federal and local authorities there is a consensus that a Federal prosecution is preferable because of the higher penalties and procedural advantages due to the complexity of the case; third, the state does not object to the Justice Department assuming jurisdiction; or fourth, that the State prosecution does not achieve a just result and the evidence warrants a subsequent Federal prosecution.

Those are very limiting factors because they effectively give the States veto rights over Federal jurisdiction. We are talking about having an extremely effective remedy, one that will be in the interest of justice but one that is carefully sharpened in terms of its scope to make sure that we maintain local involvement and consider local priorities.

The point is made that the Federal Hate Crimes Act would, in many cases, continue to overlap State jurisdiction. People have opposed this proposal for that reason. Violent crimes, whether motivated by discriminatory animus or not are generally covered under State law, and such an overlap is common. For example, there is overlapping Federal jurisdiction in cases of many homicides, in bank robberies, in kidnapings, in fraud, and other crimes.

We have been willing to do it in other circumstances, and I believe that we must have overlapping jurisdiction for violent crimes based on animus and hatred as well. We must take meaningful steps to do something about it. Clearly, I think we have an important responsibility to act.

The importance of the amendment is to provide a backstop to State and local enforcement by allowing a Federal prosecution, if it is necessary, to achieve an effective just result and to permit Federal authorities to assist in local investigations.

As has been mentioned, every Federal prosecutor would have to prove motivation beyond a reasonable doubt in all cases. The prosecution would present evidence that indicated that a motivating factor in the defendant's conduct was bias against a particular group. That is a question for the jury to decide. Obviously, the prosecutor must convince the jury that the crime was based upon bias in order to secure a conviction.

I withhold and yield the floor.

The PRESIDING OFFICER (Mr. FITZGERALD). The Senator from Utah is recognized.

Mr. HATCH. Mr. President, I listened carefully to the comments of my colleague. He knows I have great respect for him in regard to civil rights matters. I have great commendation for him. I feel deeply, as he does. However, there is no use kidding about it. I

think we ought to be prudent in the approach that we take. I think we ought to be constitutionally sound as well.

In all of the comments of my dear friend, he still hasn't answered this basic question, which is: Can those who are pushing this very broad legislation that would federalize all hate crimes—and all crimes are hate crimes, by the way. I believe that is, if not wholly true, certainly substantially true—but can those who want to enact this broad legislation federalizing all hate-motivated crimes tell me the number of instances, if any, in which State or local authorities have refused or failed to investigate and prosecute hate crimes? If there are any cases in which State or local authorities have refused or failed to investigate and prosecute a hate crime, was it because the State or the local jurisdiction was unwilling, for whatever reason, to bring the prosecution?

These questions haven't been answered. We asked them at the hearings, and the Justice Department couldn't answer them. In fact, Deputy Attorney General Holder testified that States and localities should be responsible for prosecuting the overwhelming majority of hate crimes. He said:

> State and local officials are on the front lines and do an enormous job in investigating and prosecuting hate crimes that occur in their communities. In fact, most hate crimes are investigated and prosecuted at the State level.

That is the Deputy Attorney General of the United States of America.

We have never denied that hate crimes are occurring. Nobody can deny that. I want to get rid of them as much as anybody—certainly as much as the distinguished Senator from Massachusetts.

But we have yet to hear of specific instances where States have failed or refused to prosecute. We have heard lots of horrific stories about hate crimes from Senators KENNEDY, REID, and DURBIN. But I think they have neglected to finish the story.

In each case, the Shepard case and the Byrd case, for example—heinous crimes, no question about it—that should never have occurred; that should have been prosecuted; and were prosecuted. The State prosecutors investigated those cases. They prosecuted the defendants. In the Byrd case, the prosecutors even obtained the death penalty, something that could not be obtained if the Kennedy amendment had been passed and the Federal Government had brought the case. Think about that. I think some crimes are so heinous that the death penalty should be imposed. Certainly the Byrd case, where racists chained James Byrd to a truck and dragged him to death on a back road in Jasper, Texas, warranted the death penalty. But in all of those cases, there ought to be absolute proof of guilt. The crime ought to be so heinous that it justifies the penalty, and there should be no substantial evidence of discrimination. In the Byrd case and the Shepard case, the defendants were fully prosecuted to the fullest extent of the law.

The question is not whether hate crimes are occurring. They are. We have them in our society—the greatest society in the world. We have some hate crimes. They are occurring. We all know it. They are occurring, and they are horrific and are to be abhorred. The question, though, is whether the States are adequately fighting these hate crimes, or whether we need to make a Federal case out of every hate-motivated crime.

My amendment calls for an analysis of that question. If my amendment passes and causes an analysis of that question, and we conclude that hate crimes are not being prosecuted by the State and local prosecutors, my gosh, I think then we are justified to federalize, if we can do it constitutionally, many of these crimes.

A prudent thing, in my view in light of the constitutional questions that are raised by the Kennedy amendment, would be to do the analysis first.

But my amendment does more than that. My amendment provides funds to assist State and local authorities in investigating and prosecuting hate-motivated crimes. My amendment provides resources and materials to be able to help States and localities with hate crimes. We are not ignoring the problems that exist.

Deputy Attorney General Eric Holder conceded in his testimony before our committee, and he acknowledged that an analysis of the hate crimes statistics that have been collected needs to be conducted to determine whether State and local authorities are failing to combat hate crimes. Eric Holder testified that the statistics we have are, to use his term, ''inadequate.'' In his testimony, Deputy Attorney General Holder repeatedly argued that the Justice Department should be permitted to involve itself in local hate crime cases where local authorities are ''unable or unwilling to prosecute the case.'' Holder admitted in his testimony that there are ''not very many'' instances—later in his testimony, he said, ''rare instances''—where local jurisdictions, for whatever reason, are unwilling to proceed in cases that the Justice Department ''thinks should be prosecuted.''

At the hearing, I asked Deputy Attorney General Holder if he could identify ''any specific instances in which State law enforcement authorities have deliberately failed to enforce the law against the perpetrator of a crime.'' I asked him a specific question, to give me any specific instances in which State law enforcement authorities have deliberately failed to enforce the law against the perpetrator of a crime.

I went further and I asked him, ''So the question is, can you give me specific instances where the States have failed in their duty to investigate and prosecute hate crimes.'' Deputy Attorney General Holder responded with only a handful of specific instances—and they were not instances where the State or local authorities refused to act but instances where the Justice Department felt that it would have tried the case differently or sought a harsher sentence, or where the Justice Department was not pleased with the verdict that State prosecutors obtained. The few cases Holder identified generally were not cases where State officials abdicated their responsibility to investigate and prosecute hate-motivated crimes.

I have to believe there may be some such cases, but the ones Mr. Holder identified were not persuasive. They did not show any widespread pattern of State and local authorities refusing or failing to investigate and prosecute hate crimes. I am happy to receive them from my distinguished friend from Massachusetts, and I am sure he may be able to cite some. Are there so many of them that we justify federalizing all hate crimes and dipping the Federal nose into everything that is done on the State and local levels? I don't know—in my mind, the case for doing so has not yet been made.

Deputy Attorney General Holder also testified that no hate crimes legislation is worthwhile if it is invalidated as unconstitutional. It would be one thing if we were talking about a Supreme Court case that was decided 100 years ago. We are talking about a case, however, the Morrison case, that was decided one month ago and invalidates exactly what Senator KENNEDY is doing today. If we find out that States are refusing to prosecute hate crimes, then we would be justified under the 14th amendment in enacting legislation directed at State officials or people acting under color of law who are denying victims of hate crimes the equal protection of the laws. If that were shown, then we would be justified, especially if such conduct were pervasive, or especially if there were a considerable number of cases where State officials were denying the equal protection of the laws by refusing to prosecute crimes committed against certain groups or classes of people. The supporters of the Kennedy amendment, I have to believe, will be able to come up with one, or two, or maybe three cases where State officials denied the equal protection of the laws in this manner. But even if then can, would that justify federalizing all hate crimes?

Mr. President, 95 percent of all criminal activity is prosecuted in State and local jurisdictions—95 percent. There are good reasons for that. Frankly, they do every bit as good a job as Federal prosecutors do.

But if you put in ''gender,'' as Senator KENNEDY does in his amendment, then every rape or assault becomes a Federal crime. I can just hear some of the very radical groups demanding that U.S. attorneys in Federal court bring cases in every rape case because every rape, in my opinion, is a hate crime.

However, there is no evidence that the States are not handling those sorts of cases properly. They may be in a better position to handle them well. It may be that the federal government needs to provide enough money, so that as a backup, the DNA postconviction and even preconviction DNA testing can be conducted and we can see that justice is done.

I am not unwilling to consider doing that. In fact, I am considering doing just that. I take no second seat to any Senator in this Chamber in the desire to get rid of hate crimes. But I do think you have to be wise and you can't just emotionally do it because you want to federalize things and you want to get control of them, when, in fact, the State and local governments are doing a fairly decent job. If they are not, that is another matter. I want to see the statistics. That is one reason I want a study, an analysis of these matters, so that we can know.

Senator KENNEDY and I fought on this very floor for the Hate Crimes Statistics Act. I have taken a lot of abuse through the years for having done so by some on the conservative side, and by some on the liberal side for not doing more. We have the statistics. We have a pretty good idea that these crimes are being committed. We just haven't got an analysis, nor do we have the facts, on whether the States are doing an adequate job of combating these crimes. And why should we go blundering ahead, federalizing all these crimes, when we are not really sure that the State and local governments are not doing a good job. In fact, the evidence I have seen appears to show that the States are taking their responsibilities in this area seriously.

My amendment does a lot. It calls for a study to determine whether these hate-motivated crimes are not being prosecuted at the State level in the manner that they should be. There are those in our body who even fight against that. I am talking about the Congress as a whole. I hope there is nobody in the Senate who would fight against that. We should do an analysis and a study. We should know. We have the statistics.

I do want to clear up one thing. The Department of Justice did send up a handful of cases in which the Department felt the result in hate crime litigation was inadequate. But the very few cases they identified in no way justify this type of expansive legislation. That is what I am concerned about.

Now, if we find that the States are refusing to do their jobs, that is another matter. We would be justified under the equal protection clause of the 14th amendment to enact remedial legislation prohibiting the States from denying our citizens the equal protection of the laws by refusing or failing to combat hate crimes.

Supporters of the Kennedy amendment argue that their amendment is limited because the Justice Department could exercise jurisdiction only in four instances. Supporters of the Kennedy amendment call these instances ''exceptions''—as in the Justice Department will not exercise jurisdiction over State prosecutions of hate crimes, ''except'' when one of the four circumstances outlined in the amendment is present. But these so-called ''exceptions'' to the exercise of federal jurisdiction are exceptions that swallow the rule.

The Kennedy amendment raises serious constitutional decisions or questions. The amendment is not consistent with the Supreme Court's decisions in United States v. Lopez and United States v. Morrison, just decided last month. The amendment attempts to federalize crimes committed because of the victim's actual or perceived race, color, religion, national origin, gender, sexual orientation, or disability.

Last month's Supreme Court decision in United States v. Morrison changed the legal landscape with regard to congressional power vis-a-vis the States. In light of the Morrison decision, we first should take adequate steps to ensure that legislation is constitutional. And where serious constitutional questions are raised, we should responsibly pursue less intrusive alternatives. In the case of hate crimes legislation, we should at least determine whether a broad federalization of these crimes is needed, and whether a broad federalization of these crimes would be constitutional in light of Morrison. What may have been constitutional in our minds pre-Morrison may not be constitutional today.

I was the primary cosponsor of the Violence Against Women Act. It may never have come up had Senator BIDEN and I not pushed it as hard as we did. I believed it was constitutional at the time, or I wouldn't have done it. But it clearly was stricken as unconstitutional by the Supreme Court.

As the father of three daughters and a great number of granddaughters, I certainly want women protected in our society. If the State and local governments are not doing that, I will find some way. I think perhaps Senator KENNEDY, I, and others of good faith can find some way of making sure that these wrongs are righted.

But Congress has a duty to make sure that legislation it enacts is constitutional. Justice Scalia, as I stated earlier, recently criticized Congress for failing to consider whether legislation is constitutional before enacting it. Here is what he said:

> My court is fond of saying that acts of Congress come to the court with the presumption of constitutionality. But if Congress is going to take the attitude that it will do anything it can get away with, and let the Supreme Court worry about the Constitution [let the Supreme Court worry] perhaps the presumption is unwarranted.

He is saying that we have a constitutional obligation to live within the constraints of the Constitution. Although Morrison was a 5–4 decision, as many important decisions are, it is the supreme law of this land. And the Kennedy approach is unconstitutional.

It is unconstitutional because under the 14th amendment it seeks to criminalize purely private conduct. In the Morrison case, the Supreme Court reaffirmed that legislation enacted by Congress under the 14th Amendment may only criminalize State action, not individual action. So it really is unconstitutional from that standpoint, from the standpoint of the 14th Amendment.

In addition, the Kennedy amendment is unconstitutional under the commerce clause. In Morrison, the Supreme Court emphasized that the conduct regulated by Congress under the commerce clause must be ''some sort of economic endeavor. Here, the conduct sought to be regulated—the commission of hate crimes—is in no sense economic or commercial, but instead is non-economic and criminal in nature. Accordingly, it is just like the non-economic conduct Congress sought to regulate in the Gun Free Schools Zones Act and the Violence Against Women Act—statutes held to be unconstitutional in Lopez and Morrison.

In an effort to be constitutional, the Kennedy amendment provides that federal jurisdiction can only be exercised in four circumstances where there is some sort of link to interstate commerce. These circumstances, however, probably do not make the amendment constitutional.

First, the interstate travel circumstance set forth in the Kennedy amendment arguably may provide an interstate nexus, but it does nothing to change the criminal, generally non-economic nature of a hate crime. The same can be said for the other circumstances set forth in the Kennedy amendment authorizing the exercise of federal jurisdiction. The second circumstance's requirement, that the crime be committed by using a ''channel, facility or instrumentality of interstate'' commerce, also may provide a interstate nexus, but it is unclear precisely what hate crimes that would encompass: hijacking a plane or blowing up a rail line in connection with a hate crime? Such occurrences, if happening at all, surely are so infrequent as to make the Kennedy amendment unnecessary. And I might add, in these cases they have been prosecuted by state and local officials who have the right and power to do so. So there seems little or no reason to want the Kennedy amendment on that basis. But without some economic activity, it still makes you wonder.

The third circumstance's requirement that the defendant have used a weapon that traveled in interstate commerce would eviscerate the limits on commerce clause authority the Court stressed in Lopez and Morrison. If using a weapon that happened to have traveled in interstate commerce to commit a hate crime provides a sufficient interstate nexus authorizing congressional action federalizing hate

crimes, then by the same logic Congress could federalize essentially all State crimes where a firearm or other weapon is used. And that would include most homicides had assault cases.

The fourth circumstance's requirement that the victim be working and that the hate crime interfere with such working is analogous to the reasoning the Court rejected in Morrison. In Morrison, the Court rejected the argument that gender-motivated violence substantially affects interstate commerce. It can only be presumed that the Court would similarly conclude that violence motivated by disability, sexual orientation or gender—again—does not substantially affect interstate commerce. The Court in Morrison and in Lopez rejected these ''costs of crime'' and ''national productivity'' arguments because they would permit Congress to regulate not only all violent crime, but all activities that might lead to violent crime, regardless of how tenuously they relate to interstate commerce.

Finally, the Kennedy amendment's catch-all provision—that federal prosecution is permitted where the hate crime ''otherwise affects interstate or foreign commerce''—not only merely restates the constitutional test, it restates it wrongly. Under Lopez and Morrison, the conduct sought to be regulated under the commerce clause must ''substantially affect'' interstate commerce. The Kennedy amendment provides for a much lower standard.

With regard to the first amendment, the Kennedy amendment also has the potential to have a chilling effect on constitutionally protected speech. Under the amendment, the Federal Government could obtain a criminal conviction on the basis of evidence of speech that had no role in the chain of events that led to any alleged violent act proscribed by the statute. Evidence that a person holds racist or other bigoted views that are unrelated to the underlying crime cannot form the basis for a prosecution—otherwise the statute would be unconstitutional under the first amendment.

The Kennedy hate crimes amendment is also bad policy. It would place significant burdens on federal law enforcement and Federal courts, undermine State sentencing regimes, and unduly interfere with State prosecution of violent crime.

The Kennedy amendment prohibits hate crimes based upon the victims gender. I mentioned this earlier. Accordingly, the amendment, on its face, could effectively federalize all rapes and sexual assaults. Not only would such a statute likely be unconstitutional, it also would be bad policy. Seizing the authority to investigate and prosecute all incidents of rape and sexual assault from the States could impose a huge burden on Federal law enforcement agencies, Federal prosecutors, and the federal judiciary.

I know that the Supreme Court is very concerned about the proliferation of federal crimes, as are all Federal courts in our country. They think we federalize far too many laws when, in fact, the States are doing a good job in prosecuting those crimes. And there is little or no reason for us to intrude that much on State laws when they are doing a good job.

Authorities in Jasper, TX, secured a death penalty against the murderers of James Byrd, Jr., without either State or Federal hate crimes legislation. In contrast, the Kennedy amendment does not provide for the death penalty, even in the case of the most heinous hate crimes. Under the Kennedy amendment, then, a State could prosecute the same criminal acts more harshly than under the Kennedy hate crimes amendment. As a result, the Kennedy amendment would provide a lesser deterrent against hate-based criminal conduct.

If there was ever a case justifying the death penalty, it certainly was the case of James Byrd, Jr. But then again it makes my point. The State and local prosecutors were fully capable of taking care of this matter. And why should we intrude the Federal Government's unwanted nose under the tent in this matter when the States are perfectly capable of taking care of these matters.

The Kennedy amendment also would unduly interfere with state prosecutions of hate crimes. Contrary to claims by supporters of the Kennedy amendment, the amendment would not defer to State or local authorities at all. The amendment leaves the Justice Department free to insert itself in a local prosecution at the beginning, middle or end of the prosecution, and even after the local prosecutor has obtained a guilty verdict.

Even if State or local authorities inform the federal government that they intend to prosecute the case and object to Federal interference, the Justice Department, nevertheless, is empowered by the amendment to exert enormous pressure on local prosecutors regarding the manner in which they handle the case, from charging decisions to plea bargaining decisions to sentencing decisions. In essence, the federal government can always exercise jurisdiction under the Kennedy amendment. And in so doing, the Kennedy amendment works an unwarranted expansion of federal authority to prosecute defendants—even when a competent State prosecution is available.

In my view, hate crimes can be more sinister than non-hate crimes. A crime committed not only to harm an individual, but out of the motive of sending a message of hatred to an entire community—often a community that historically has been the subject of prejudice or discrimination—is appropriately punished more harshly or in a different manner than other crimes.

In Wisconsin versus Mitchell, the Supreme Court essentially agreed that the motive behind the crime can make the crime more sinister and more worthy of harsher punishment. In that case, the Court upheld the State of Wisconsin's sentencing enhancement for hate crimes.

There is a limited role for the federal government to play in combating hate crime. The federal government can assist State and local authorities in investigating and prosecuting hate crimes. In addition, the Hate Crimes Statistics Act of 1990, which I sponsored, provides for the nationwide collection of data regarding hate crimes.

Because I believe there is a federal role to play, I have introduced legislation, held hearings, and am offering this amendment today. The Federal government has a responsibility to help States and local governments solve our country's problem of hate-motivated crime.

But for a federal response to be meaningful, it must abide by the limitations imposed on Congress by the constitution, as interpreted by the Supreme Court. This is especially true today in light of the Supreme Court's decisions in Lopez and Morrison, which emphasized that there are limits on congressional power. The Morrison case was decided just last month and changed the legal landscape regarding congressional power in relation to the States.

We should be concerned, as the Supreme Court is, about the proliferation of companion Federal crimes in areas where State criminal statutes are sufficient. The Kennedy amendment would vastly expand the power and jurisdiction of the Federal Government to intervene in local law enforcement matters.

Repeatedly, supporters of the Kennedy amendment have argued the State and local authorities are either ''unable or unwilling'' to investigate the prosecute hate crimes. Let's examine this rationale closely.

First, the argument that State and local authorities are unable to get serious about hate crimes: I do not dispute that in certain cases the resources of local jurisdictions may be inadequate. We can solve that. But that cannot mean that we therefore should federalize these crimes. That soft-headed logic would lead us to argue that because State and local resources are inadequate to, for example, educate our young people in some parts of the country, then the Federal Government should conduct a nationwide takeover of elementary and secondary education. That, of course, would be the wrong solution. The right solution to a problem involving inadequate resources at the local level is to try to provide some Federal assistance where requested and where needed. That is what my amendment does.

If it is not enough money, then let's beef up the money. That is what my amendment does. It provides the monetary means whereby we can assist the States if they do not have the money to investigate and prosecute hate-motivated crimes. With regard to postconviction DNA evidence, it may mean we have to do more from a Federal Government standpoint.

Second, I have even more difficulty stomaching the second argument put forth by supporters of the Kennedy amendment, that State and local authorities are unwilling to get serious about hate crimes. I admit that I am not certain what the supporters of the Kennedy amendment mean when they say ''unwilling.'' I assume that we all understand and appreciate that in numerous cases State and local officials are unwilling to go forward because the evidence does not warrant going forward. Supporters of the Kennedy amendment cannot possibly mean to cover all of these cases. So what do they mean? A subset of these cases? Does the Federal Government intend to review every case where local officials fail to go forward, second guess their judgments, and then pick and chose on which of those cases they want to proceed? The true answer is that no one knows what supporters of the Kennedy amendment mean when they claim that States are ''unwilling'' to deal with hate crimes.

If we want to act responsibly and sensibly, we ought to do what I suggest in my amendment—(1) conduct a comprehensive analysis of whether there, in fact, is unwillingness at the local level in the handling of crimes motivates against persons because of their membership in a particular class or group and (2) provide some grant monies to States who may lack resources.

The amendment I have offered does not go as far as legislation I have offered in the past, but this is not because I do not believe that hate crimes are not a problem. Rather, it is because the Supreme Court has ruled as recently as a month ago in this area, and I do not think we can ignore that. The recent decision in Morrison requires that we step back and prudently assess whether legislation like the Kennedy amendment would pass constitutional muster, and I think more than an overwhelming case can be made that it does not.

Let's assume that if this amendment is ultimately adopted, and 2 or 3 years from now the Supreme Court decides the case based upon that amendment, and I am right and the Kennedy amendment is overturned, that means we are 3 more years down the line unable to do anything about hate crimes in our society when, if we do the appropriate analysis and get the information and do not walk in there emotionally, and try to give the State and local governments the monetary support and the other types of support we describe in our amendment, we could start tomorrow combating hate crimes at the federal level. The day my amendment is passed doing something about hate crimes, that will really be substantial and will work. It is a throw of the dice if we adopt the Kennedy amendment and that becomes law because I do not believe it can be possibly upheld by the Supreme Court in light of current constitutional law.

My amendment is very limited and does not raise the constitutional questions raised by the Kennedy amendment. At the same time, it provides for Federal assistance to State and local authorities in combating hate crimes.

With regard to both amendments, I find no fault at all—in fact, I commend my distinguished colleague from Massachusetts, my friend from Oregon, and others who are pushing the Kennedy amendment because they believe something has to be done about hate crimes in our society. I find no fault with that. In fact, I admire them for doing that. I find no fault with people trying to write laws, but I do believe we can be 3 years down the line and lose all that time in making headway against hate criminal activity in our society.

Where, if we do it right today and do it in a constitutionally sound way, as my amendment does, then we will have truly accomplished something. Perhaps we can get together and find some way of doing this so it brings everybody together; I would like to see all civil rights bills, all bills that involve equal protection under the laws pass unanimously, if we can. I want to work to that end.

I pledge to work with my colleagues from Massachusetts, Oregon, Vermont, and others in this body in trying to get us there. We are all after the same thing, and that is to have a better society so that people realize there are laws by which they have to live, that there are moral laws by which they should live, and that people realize this society has been a great society and will continue to be, the more we are concerned about our fellow men and women and equality under the law.

We differ on the ways to get there at this point. Maybe we can get together and find some way of resolving the differences. I find no fault with my colleagues, other than that I think Morrison is so clear, and it was decided only a month ago. I do find fault in that sense, to push an amendment probably is unconstitutional.

I find no fault with the motivations behind those supporting the Kennedy amendment. In fact, I am very proud of my colleagues for wanting to do something in this area, to make a difference in our society and help our society be even better. I commend them and thank them for their efforts in that regard, but I do think we ought to do it in a constitutional way. I do think we ought to do it in a thoughtful way. I do think we ought to do it in an analytical way. I do think we ought do it in a way that will bring people together, not split them apart. And I do think we ought to do it in a way that will help State and local prosecutors, rather than Federal prosecutors, to handle these cases in manners that are proper and acceptable in our society. I do think it ought to be done in a way that does not burden our Federal courts with a plethora of cases, in addition to the drug cases burdening our courts today, when State and local governments are totally capable of taking care of it, perhaps with some monetary assistance from the Federal Government.

I look forward to finding a way whereby Senator LEAHY and I and others can get together to resolve these problems of postconviction DNA testing because regardless of where one stands on the death penalty, for or against it, that is not the issue. The issue is justice, and that is what the issue is here as well.

Does anyone in this body think I like opposing this amendment? I don't think so. I have stood up on too many of these matters for them to think that. But defending the Constitution is more important to me than ''feeling good'' about things or just ''feeling emotional'' about things. I do feel emotionally about hate crimes. I do want to stamp them out. I do want to get rid of them. I want to start now, not 3 years from now when we have to start all over again because the Court rules that the Kennedy amendment is unconstitutional.

I have taken enough time. I yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, on tomorrow we will have the opportunity to choose between the proposal of the Senator from Utah and the amendment Senator SMITH and I are recommending to our colleagues.

When it is all said and done, as I mentioned earlier, the proposal that has been put forward by my friend and colleague from Utah is basically to conduct a study about the problems and frequency of hate crimes, permits up to $5 million in authorization, and permits the Justice Department to provide grants for prosecution. That is really the extent of the amendment of the Senator from Utah.

He has outlined his reasons for supporting that particular approach. I heard him say earlier he believes that it is really going to solve the problem and that it is going to really deal with the issue of hate crimes. Of course, I do not believe that to be the case.

We reviewed this issue on a number of different occasions in the Judiciary Committee. I understand his position. I respect it, although I do have some difficulties in being persuaded by it this evening.

For example, he basically has not questioned the existing limited hate crimes legislation that is on the books, 18 U.S.C. §245, dealing with the issue of race, color, religion, and national origin in our society, even though it is restricted in its application. He did not say we ought to eliminate that situation. He did not really refer to eliminating current hate crimes law.

The fact is, we have very limited hate crimes legislation on the books. Current law is restricted, as the Justice Department testified before the Judiciary Committee, in ways that virtually deny accountability for the serious hate crimes that are committed by individuals on the basis of race, color,

religion, or national origin in our society. Specifically, it requires the federal government to prove that the victim was engaged in a federally protected activity during the commission of the crime. We are trying to address this deficiency and to expand current law to include gender, disability, and sexual orientation.

Those of us who will favor our position tomorrow believe the ultimate guarantor of the right for privacy, liberty, and individual safety and security in our society is the Constitution of the United States. That is where the repository for protecting our rights and our liberties is enshrined. It is enshrined in the Constitution, as interpreted by the Supreme Court. But ultimately we are the ones who help define the extent of the Constitution's protection.

When we find that we have inadequate protection for citizens because of sexual orientation, or gender, or race, that challenge cries out for us to take action.

My good friend from Utah does not mind federalizing class action suits to bring them into the Federal court. He does not mind federalizing property issues in the takings legislation, to bring those into Federal court. For computer fraud, he does not mind bringing those crimes in Federal courts. But do not bring in Federal power to do something about hate crimes. I find that absolutely extraordinary.

Why are we putting great protection for property rights and computer fraud and class actions into Federal court, giving them preference over doing something about the problems of hate crimes in our society that even Senator HATCH admits are taking place? We see from the data collected by the FBI and various studies that hate crimes are taking place. That is a fact. Look at the statistics that have been collected over the last few years, from 1995 through 1998. We see what is happening with regard to race, religion, national origin, ethnic background, sexual orientation, and disability. As we have heard from the FBI and the Justice Department, they believe the FBI statistics vastly underestimate what is happening in our society.

The fact is, hate crimes are unlike any other crimes. Listening to the discussion of those who are opposed to our amendment, one would think these crimes were similar to pick-pocketing cases, misdemeanors, or traffic violations.

The kind of impact that hate crimes have in terms of not only the individual but the community is well understood. It should be well understood by communities and individuals. I do not have to take the time to quote what the American Psychological Society says about the enduring kind of burden that individuals undergo when they have been the victims of hate crimes over the course of their lifetime, even in contrast to other crimes of violence against individuals. It has a different flavor, and it has an impact on the victim, the family and the community. Hate crimes are an outrageous reflection of bigotry and hatred based on bias that cannot be tolerated in our society.

We have an opportunity to take some moderate steps to do something about it—to untie the hands of the Department of Justice. That is what tomorrow's vote is about. We have the constitutional authorities on our side, including the Justice Department, and others.

I will include the list of distinguished constitutional authorities that are supporting our positions.

Mr. President, I ask unanimous consent that the U.S. Department of Justice letter dated June 13, 2000, on the constitutionality of the Local Law Enforcement Enhancement Act of 2000 be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. DEPARTMENT OF JUSTICE,
OFFICE OF LEGISLATIVE AFFAIRS,
Washington, DC, June 13, 2000.

Hon. EDWARD KENNEDY,
U.S. Senate, Washington, DC.

DEAR SENATOR KENNEDY: This letter responds to your request for our views on the constitutionality of a proposed legislative amendment entitled the ''Local Law Enforcement Enhancement Act of 2000.'' Section 7(a) of the bill would amend title 18 of the United States Code to create a new §249, which would establish two criminal prohibitions called ''hate crime acts.'' First, proposed §249(a)(1) would prohibit willfully causing bodily injury to any person, or attempting to cause bodily injury to any person through the use of fire, a firearm, or an explosive or incendiary device, ''because of the actual or perceived race, color, religion, or national origin of any person.'' Second, proposed §249(a)(2) would prohibit willfully causing bodily injury to any person, or attempting to cause bodily injury to any person through the use of fire, a firearm, or an explosive or incendiary device, ''because of the actual or perceived religion, national origin, gender, sexual orientation, or disability of any person,'' §249(a)(2)(A), but only if the conduct occurs in at least one of a series of defined ''circumstances'' that have an explicit connection with or effect on interstate or foreign commerce, §249(a)(2)(B).

In light of *United States* v. *Morrison*, 120 S. Ct. 1740 (2000), and other recent Supreme Court decisions, defendants might challenge the constitutionality of their convictions under §249 on the ground that Congress lacks power to enact the proposed statute. We believe, for the reasons set forth below, that the statute would be constitutional under governing Supreme Court precedents. We consider in turn the two proposed new crimes that would be created in §249.

1. PROPOSED 18 U.S.C. §249(A)(1)

Congress may prohibit the first category of hate crime acts that would be proscribed—actual or attempted violence directed at persons ''because of the[ir] actual or perceived race, color, religion, or national origin,'' §249(a)(1)—pursuant to its power to enforce the Thirteenth Amendment to the United States Constitution. Section 1 of that amendment provides, in relevant part, ''[n]either slavery nor involuntary servitude . . . shall exist within the United States.'' Section 2 provides, ''Congress shall have power to enforce this article by appropriate legislation.''

Under the Thirteenth Amendment, Congress has the authority not only to prevent the ''actual imposition of slavery or involuntary servitude,'' but to ensure that none of the ''badges and incidents'' of slavery or involuntary servitude exists in the United States, *Griffin* v. *Breckinridge*, 403 U.S. 88, 105 (1971); *see Jones* v. *Alfred H. Mayer Co.*, 392 U.S. 409, 440–43 (1968) (discussing Congress's power to eliminate the ''badges,'' ''incidents,'' and ''relic[s]'' of slavery). '''Congress has the power under the Thirteenth Amendment rationally to determine what the badges and incidents of slavery, and the authority to translate that determination into effective legislation.''' *Griffin*, 403 U.S. at 105 (quoting Jones, 392 U.S. at 440); *see also Civil Rights Cases*, 109 U.S. 3, 21 (1883) (''Congress has a right to enact all necessary and proper laws for the obliteration and prevention of slavery, with all its badges and incidents''). In so legislating, Congress may impose liability not only for state action, but for ''varieties of private conduct,'' as well. *Griffin*, 403 U.S. at 105.

Section 2(10) of the bill's findings provides, in relevant part, that ''eliminating racially motivated violence is an important means of eliminating, to the extent possible, the badges, incidents, and relics of slavery and involuntary servitude,'' and that ''[s]lavery and involuntary servitude were enforced . . . through widespread public and private violence directed at persons because of their race.'' So long as Congress may rationally reach such determinations—and we believe Congress plainly could—the prohibition of racially motivated violence would be a permissible exercise of Congress's broad authority to enforce the Thirteenth Amendment.

That the bill would prohibit violence against not only African Americans but also persons of other races does not alter our conclusion. While it is true that the institution of slavery in the United States, the abolition of which was the primary impetus for the Thirteenth Amendment, primarily involved the subjugation of African Americans, it is well-established by Supreme Court precedent that Congress's authority to abolish the badges and incidents of slavery extends ''to legisla[tion] in regard to 'every race and individual.''' *McDonald* v. *Santa Fe Trail Transp. Co.*, 427 U.S. 273, 288 n.18 (1976) (quoting *Hodges* v. *United States*, 203 U.S. 1, 16–17 (1906), and citing *Jones* v. *Alfred H. Mayer Co.*, 392 U.S. 409, 441 n.78 (1968)). In McDonald, for example, the Supreme Court held that 42 U.S.C. §1981, a Reconstruction-era statute that was enacted pursuant to, and contemporaneously with, the Thirteenth Amendment, prohibits racial discrimination in the making and enforcement of contracts against all persons, including whites.—See McDonald, 427 U.S. at 286–96.

The question whether Congress may prohibit violence against persons because of their actual or perceived religion or national origin is more complex, but there is a substantial basis to conclude that the Thirteenth Amendment grants Congress that authority, at a minimum, with respect to some religions and national origins. In *Saint Francis College* v. *Al-Khazraii*, 481 U.S. 604, 613 (1987), the Court held that the prohibition of discrimination in §1981 extends to discrimination against Arabs, as Congress intended to protect ''identifiable classes of persons who are subjected to intentional discrimination solely because of their ancestry or ethnic characteristics.'' Similarly, the Court in *Shaare Tefila Congregation* v. *Cobb*, 481 U.S. 615, 617–18 (1987), held that Jews can state a claim under 42 U.S.C. §1982, another Reconstruction-era antidiscrimination statute enacted pursuant to, and contemporaneously

with, the Thirteenth Amendment. In construing the reach of these two Reconstruction-era statutes, the Supreme Court found that Congress intended those statutes to extend to groups like ''Arabs'' and ''Jews'' because those groups ''were among the peoples [at the time the statutes were adopted] considered to be distinct races.'' Id.; see also Saint Francis College, 481 U.S. at 610–13. We thus believe that Congress would have authority under the Thirteenth Amendment to extend the prohibitions of proposed §249(a)(1) to violence that is based on a victim's religion or national origin, at least to the extent the violence is directed at members of those religions or national origins that would have been considered races at the time of the adoption of the Thirteenth Amendment.

None of the Court's recent federalism decisions casts doubt on Congress's powers under the Thirteenth Amendment to eliminate the badges and incidents of slavery. Both *Boerne* v. *Flores*, 521 U.S. 507 (1997), and *United States* v. *Morrison*, 120 S. Ct. 1740 (2000), involved legislation that was found to exceed Congress's powers under the Fourteenth Amendment. The Court in Morrison, for example, found that Congress lacked the power to enact the civil remedy of the Violence Against Women Act (''VAWA''), 42 U.S.C. §13981, pursuant to the Fourteenth Amendment because that amendment's equal protection guarantee extends only to ''state action,'' and the private remedy there was not, in the Court's view, sufficiently directed at such ''state action.'' 120 S. Ct. at 1756, 1758. The Thirteenth Amendment, however, plainly reaches private conduct as well as government conduct, and Congress thus is authorized to prohibit private action that constitutes a badge, incident or relic of slavery. See Griffin, 403 U.S. at 105; Jones, 392 U.S. at 440–43. Enactment of the proposed §249(a)(1) therefore would be within Congress's Thirteenth Amendment power.

2. PROPOSED 18 U.S.C. §249(A)(2)

Congress may prohibit the second category of hate crime acts that would be proscribed—certain instances of actual or attempted violence directed at persons ''because of the[ir] actual or perceived religion, national origin, gender, sexual orientation, or disability,'' §249(a)(1)(A)—pursuant to its power under the Commerce Clause of the Constitution, art. I., §8, cl. 3.

The Court in *Morrison* emphasized that ''even under our modern, expansive interpretation of the Commerce Clause, Congress' regulatory authority is not without effective bounds.'' 120 S. Ct. at 1748; *See also United States* v. *Lopez*, 514 U.S. 549, 557–61 (1995). Consistent with the Court's emphasis, the prohibitions of proposed §249(a)(2) (in contrast to the provisions of proposed §249(a)(1), discussed above), would not apply *except where* there is an explicit and discrete connection between the proscribed conduct and interstate or foreign commerce, a connection that the government would be required to allege and prove in each case.

In *Lopez*, the Court considered Congress's power to enact a statute prohibiting the possession of firearms within 1000 feet of a school. Conviction for a violation of that statute required no proof of a jurisdictional nexus between the gun, or the gun possession, and interstate commerce. The statute included no findings from which the Court could find that the possession of guns near schools substantially affected interstate commerce and, in the Court's view, the possession of a gun was not an economic activity itself. Under these circumstances, the Court held that the statute exceeded Congress's power to regulate interstate commerce because the prohibited conduct could not be said to ''substantially affect'' interstate commerce. Proposed §249(a)(2), by contrast to the statute invalidated in *Lopez*, would require pleading and proof of a specific jurisdictional nexus to interstate commerce for each and every offense.

In *Morrison*, the Court applied its holding in *Lopez* to find unconstitutional the civil remedy provided in VA WA, 42 U.S.C. §13981. Like the prohibition of gun possession in the statute at issue in *Lopez*, the VA WA civil remedy required no pleading or proof of a connection between the specific conduct prohibited by the statute and interstate commerce. Although the VA WA statute was supported by extensive congressional findings of the relationship between violence against women and the national economy, the Court was troubled that accepting this as a basis for legislation under the Commerce Clause would permit Congress to regulate anything, thus obliterating the ''distinction between what is truly national and what is truly local.'' *Morrison*, 120 S. Ct. at 1754 (citing *Lopez*, 514 U.S. at 568). By contrast, the requirement in proposed §249(a)(2) of proof in each case of a specific nexus between interstate commerce and the proscribed conduct would ensure that only conduct that falls within the Commerce power, and thus is ''truly national,'' would be within the reach of that statutory provision.

The Court in *Morrison* emphasized, as it did in *Lopez*, 514 U.S. at 561–62, that the statute the Court was invalidating did not include an ''express jurisdictional element,'' 120 S. Ct. at 1751, and compared this unfavorably to the criminal provision of VA WA, 18 U.S.C. §2261(a)(1), which does include such a jurisdictional nexus. *See id.* at 1752 n.5. The Court indicated that the presence of such a jurisdiction nexus. *See id.* at 1752 n.5. The Court indicated that the presence of such a jurisdictional nexus would go far towards meeting its constitutional concerns:

''The second consideration that we found important in analyzing [the statute in *Lopez*] was that the statute contained ''no express jurisdictional element which might limit its reach to a discrete set of firearm possessions that additionally have an explicit connection with or effect on interstate commerce.'' [514 U.S.] at 562. Such a jurisdictional element may establish that the enactment is in pursuance of Congress' regulation of interstate commerce.''

Id. at 1750–51; *see also id.* at 1751–52 (''Although *Lopez* makes clear that such a jurisdictional element would lend support to the argument that [the provision at issue in *Morrison*] is sufficiently tied to interstate commerce, Congress elected to cast [the provision's] remedy over a wider, and more purely intrastate, body of violent crime.'')

While the Court in *Morrison* stated that Congress may not ''regulate noneconomic, violent criminal conduct based solely on that conduct's aggregate effect on interstate commerce,'' *id.* at 1754, the proposed regulation of violent conduct in §249(a)(2) would *not* be based ''solely on that conduct's aggregate effect on interstate commerce,'' but would instead be based on a specific and discrete connection between each instance of prohibited conduct and interstate or foreign commerce. Specifically, with respect to violence because of the actual or perceived religion, national origin, gender, sexual orientation or disability of the victim, proposed §249(a)(2) would require the government to prove one or more specific jurisdictional commerce ''elements'' beyond a reasonable doubt. This additional jurisdictional requirement would reflect Congress's intent that §249(a)(2) reach only a ''discrete set of [violent acts] that additionally have an explicit connection with or effect on interstate commerce,'' 120 S. Ct. at 1751 (quoting *Lopez*, 514 U.S. at 562), and would fundamentally distinguish this statute from those that the Court invalidated in *Lopez* and in *Morrison*. Absent such a jurisdictional element, there exists the risk that ''a few random instances of interstate effects could be used to justify regulation of a multitude of intrastate transactions with no interstate effects.'' *United States* v. *Harrington*, 108 F.3d 1460, 1467 (D.C. Cir. 1997). By contrast, in the context of a statute with an interstate jurisdictional element (such as in proposed §249(a)(2)(B)), ''each case stands alone on its evidence that a concrete and specific effect does exist.''

The jurisdictional elements in §249(a)(2)(B) would ensure that each conviction under §249(a)(2) would involve conduct that Congress has the power to regulate under the Commerce Clause. In *Morrison*, the Court reiterated its observation in *Lopez* that there are '''three broad categories of activity that Congress may regulate under its commerce power.''' 120 S. Ct. at 1749 (quoting *Lopez*, 514 U.S. at 558):

''First, Congress may regulate the use of the channels of interstate commerce. . . . Second, Congress is empowered to regulate and protect the instrumentalities of interstate commerce, or persons or things in interstate commerce, even though the threat may come only from intrastate activities. . . . Finally, Congress' commerce authority includes the power to regulate those activities having a substantial relation to interstate commerce, . . . i.e., those activities that substantially affect interstate commerce.''—*Id.* (quoting *Lopez*, 514 U.S. at 558–59).

Proposed §249(a)(2)(B)(i) would prohibit the violent conduct described in §249(a)(2)(A) where the government proves that the conduct ''occurs in the course of, or as the result of, the travel of the defendant or the victim (a) across state lines or national borders, or (b) using a channel, facility, or instrumentality of interstate or foreign commerce.'' A conviction based on such proof would be within Congress's powers to ''regulate the use of the channels of interstate commerce,'' and to ''regulate and protect . . . persons or things in interstate commerce.'' Proposed §249(a)(2)(B)(ii) would prohibit the violent conduct described in §249(a)(2)(A) where the government proves that the defendant ''uses a channel, facility or instrumentality of interstate or foreign commerce in connection with the conduct''—such as sending a bomb to the victim via common carrier—and would fall within the power of Congress to ''regulate the use of the channels of interstate commerce'' and ''to regulate and protect the instrumentalities of interstate commerce.''

Proposed §249(a)(2)(B)(iii) would prohibit the violent conduct described in §249(a)(2)(A) where the government proves that the defendant ''employs a firearm, explosive or incendiary device, or other weapon that has traveled in interstate or foreign commerce in connection with the conduct.'' Such a provision addresses harms that are, in a constitutionally important sense, facilitated by the unencumbered movement of weapons across state and national borders, and is similar to several other federal statutes in which Congress has prohibited persons from using or possessing weapons and other articles that have at one time or another traveled in interstate or foreign commerce. The courts of appeals uniformly have upheld the constitutionality of such statutes. And, in *Lopez* itself, the Supreme Court cited to the jurisdictional element in the statute at issue in *United States* v. *Bass*, 404 U.S. 336 (1971), as an example of a provision that ''would ensure, through case-by-case inquiry, that the firearm possession in question affects interstate commerce.'' 514 U.S. at 561. In *Bass*, 404 U.S. at 350–51, and in *Scarborough* v. *United*

States, 431 U.S. 563 (1977), the Court construed that statutory element to permit conviction upon proof that a felon had received or possessed a firearm that had at some time passed in interstate commerce.

Proposed §249(a)(2)(B)(iv)(I) would apply only where the government proves that the violent conduct ''interferes with commercial or other economic activity in which the victim is engaged at the time of the conduct.'' This is one specific manner in which the violent conduct can affect interstate or foreign commerce. This jurisdictional element also is an exercise of Congress's power to regulate '''persons or things in interstate commerce.'' *Morrison*, 120 S. Ct. at 1749 (quoting *Lopez*, 514 U.S. at 558). As Justice Kennedy (joined by Justice O'Connor) wrote in *Lopez*, 514 U.S. at 574, ''Congress can regulate in the commercial sphere on the assumption that we have a single market and a unified purpose to build a stable national economy.''

Finally, proposed §249(a)(2)(B)(iv)(II) would prohibit the violent conduct described in §249(a)(2)(A) where the government proves that the conduct ''otherwise affects interstate or foreign commerce.'' Such ''affects commerce'' language has long been regarded as the appropriate means for Congress to invoke the full extent of its authority. *See, e.g., Jones* v. *United States*, 120 S. Ct. 1904 (2000), No. 99–5739, slip op. at 5 (May 22, 2000) (''the statutory term 'affecting . . . commerce,' . . . when unqualified, signal[s] Congress' intent to invoke its full authority under the Commerce Clause''); *Allied-Bruce Terminix Cos.* v. *Dobson*, 513 U.S. 265, 273 (1995) (''Th[e] phrase—'affecting commerce'—normally signals Congress's intent to exercise its Commerce Clause powers to the full.''). Of course, that this element goes to the extent of Congress's constitutional power does not mean that it is unlimited. Interpretation of the ''affecting . . . commerce'' provision would be addressed on a case-by-case basis, within the limits established by the Court's doctrine. There likely will be cases where there is some question whether a particular type or quantum of proof is adequate to show the ''explicit'' and ''concrete'' effect on interstate and foreign commerce that the element requires. See Hamilton, 108 F.3d at 1464, 1467 (citing *Lopez*, 514 U.S. at 562, 567). But on its face this element is, by its nature, within Congress's Commerce Clause power.

In sum, because §249(a)(2) would prohibit violent conduct in a ''discrete set'' of cases, 120 S. Ct. at 1751 (quoting *Lopez*, 514 U.S. at 562), where that conduct has an ''explicit connection with or effect on'' interstate or foreign commerce, id., it would satisfy the constitutional standards articulated in the Court's recent decisions.

The office of Management and Budget has advised that there is no objection from the standpoint of the Administration's program to the presentation of this letter.

Sincerely,

ROBERT RABEN,
Assistant Attorney General.

Mr. KENNEDY. I was startled to hear my friend and colleague suggest that when they asked the Justice Department which States took no action in the Federal Government prosecution, he said there was not any. He did not read his response from the Justice Department because I have in my hand the response from the Justice Department that lists their response. I am not going to take the time tonight to go all the way through, but they have been listed. He ought to ask his staff for that because it has been sent to the Judiciary Committee, of which he is the chairman.

Included in the Justice Department's response are cases showing instances where the Department has pursued cases Federally when the State cannot respond as effectively as the Federal Government. For example, when State penalties are less severe than Federal penalties or where there are differences in applicable criminal procedure.

The idea that there really aren't times when States are unable to prosecute a case just does not hold water, because the cases are out there and have been supplied by the Justice Department.

Furthermore, this chart shows what is happening across the country in the various States. Eight States have absolutely no hate crimes statutes, 22 States have criminal statutes for disability bias crimes, 21 States plus the District of Columbia have criminal statutes for sexual orientation bias crimes, and 20 States identify gender bias crimes.

But, if you are in any of these States shown on this chart which are colored gray, including many in the Northeast, as well as out in the West, and you are involved in the beating or battering of an individual American because of their sexual orientation, there are no hate crimes statutes under which to prosecute the perpetrator.

The States shown in yellow on the chart have no hate crimes statutes at all. As I said, the States shown in gray have no protection at all for crimes committed because of a person's sexual orientation. Many of those States that have hate crimes laws are inadequate because they do not include all of the categories, including sexual orientation, gender and disability.

We have one particular State, Utah, where a judge found the hate crime law to be incomplete because it specified no classes of victims—the State included itself as having a hate crimes law. The judge was forced to dismiss the felony charges against two defendants who allegedly beat and terrorized people in a downtown city. The case was effectively dismissed because the state hate crime law was so vaguely drafted that it failed to provide any of the protections that other state hate crimes law do that clearly define classes of people who are protected by race, religion, national origin, ethnic background, gender, sexual orientation, or disability.

The reality in the United States today is that either we believe we have some responsibility to protect our fellow Americans from these kinds of extraordinary actions based upon bigotry and prejudice or we don't.

We have taken action in the past. We have done it when the action was based upon bigotry and prejudice and denial of the right to vote. We have taken action when prejudice and bigotry have denied people public accommodation. We have taken action against bigotry and prejudice when people have been denied housing. We have taken action against bigotry and prejudice toward people with disabilities.

Now we are asking the Senate to take action when there is violence against American citizens based upon prejudice and bigotry. That is why this vote tomorrow is so important. That is what the issue is about. It is very basic and fundamental, and it is enormously important.

It is part of a continuing process of the march towards a fairer and more just America. We have been trying to free ourselves from the stains of discrimination on the basis of race. We are making progress in terms of religion, national origin, and ethnic background. We are doing it with regard to gender, disability, and sexual orientation.

What we are doing with this legislation is saying, at least in these areas, protect American citizens from prejudice and discrimination and violence that is being directed towards them. Let us make that a priority; let all Americans know that we are not going to fight prejudice and discrimination with one hand tied behind our backs. The Federal Government should have both hands involved in trying to protect our citizens from this form of discrimination.

I yield the floor.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Mr. President, I don't disagree with the Senator that hate crimes are occurring, but they are being prosecuted by State and local officials. That is the point. Many of the cases —and there aren't a lot of cases that the Justice Department has provided—are cases where the Justice Department felt there should have been a greater remedy and there should have been greater sentencing. But they are not in large measure cases where State refused or failed to prosecute the perpetrators of these horrendous crimes.

The fact is, there are not a lot of cases that can be produced, and the Justice Department has not been able to produce them. I don't disagree that hate crimes are occurring and we should stamp them out, but they are being prosecuted by State and local officials to the fullest extent of the law. The Federal Government may disagree on how they prosecute sometimes, but the fact is, they are being prosecuted. No one has shown, certainly not the Justice Department, that these truly horrific crimes are not being prosecuted, let alone on a large scale. The fact is, they are being prosecuted.

The cases identified by the Justice Department, a handful of cases, were in large measure cases where State officials, investigators, and prosecutors got verdicts and sentences. In other words, they were brought and verdicts and sentences were obtained. The Federal Government would have tried the cases differently or might have sought a higher or more harsh sentence. But they are not cases where the State refused to prosecute a hate crime.

My colleague is right: We should do everything in our power to stop hate

crimes in our society. But no one to this date has been able to show that there is a widespread, endemic failure at the State level to prosecute these crimes. There is no real evidence that the States are being slovenly in their duties. That is one reason why I think it is very important that we objectively analyze these matters. We will have more time to debate this, hopefully a little more time tomorrow.

Finally, when Mr. Holder, the Deputy Attorney General, appeared before the committee, he could not cite one case, not a single case. After a month of research, the Justice Department came up with a handful of cases. That was it. Not because they weren't prosecuted at the State level, they were. They just differed with the way they were prosecuted. That is not good enough. These are some of the things that bother me.

I am willing to work with the distinguished Senator from Massachusetts and the distinguished Senator from Oregon and others who want to do something. If the amendment I am offering is not good enough, I am willing to work to see if we can find something that will bring us together and do a better job, certainly, to stamp out any type of hate criminal activity. But I am very loathe to federalize all crimes so that the Federal Government can second-guess State and local prosecutors every time a criminal activity occurs. I think one could say in many respects all crimes are hate crimes, even though they are not categorized as such now. They are prosecuted, and that is the important thing.

Mr. President, I will ask unanimous consent, unless there is anyone else who desires to speak.

Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, as I mentioned, the cases were provided by the Justice Department.

Let me give you one case, U.S. v. Kila, 1994, a Federal jury in Fort Worth, Texas acquitted three white supremacists of Federal civil rights charges arising from unprovoked assaults upon African Americans, including one incident where the defendants knocked a man unconscious as he stood near a bus stop. For several hours, the defendants walked throughout the town accosting every African American they met, ordering them to leave whatever place or area they were in. Some of these encounters consisted of verbal harassment; in others, Black victims were shoved on the streets, their hats knocked off. Throughout their movements through the city, the subjects were using racial epithets and talking about white supremacy.

The subjects' parade of racial hate erupted into serious violence with the assault on Ali—that is the name of the individual—at the bus stop, an assault which knocked him unconscious. According to witnesses, Ali was punched in the face after he fell to the ground, and kicked in the head. He was transported by ambulance to the hospital, having sustained head injuries. He did not have medical insurance. When the doctors asked him to remain for further tests, he left against their wishes.

The Federal Government became involved in the case when State officials went to the U.S. Attorney's Office asking for Federal assistance. The State could only proceed on misdemeanors, and in their judgment, the conduct warranted felony treatment, treatment available under Federal law. Some of the jurors revealed after the trial that although the assaults were clearly motivated by racial animus, there was no apparent intent to deprive the victims of the right to participate in any federally protected activity.

It is this federally protected activity barrier under current law that is unduly restrictive, and must be amended.

The Government's proof that the defendants went out looking for African Americans to assault was insufficient to satisfy the statutory requirements and effectively the case was dropped.

I could go back as far as 1982. Maybe in some cases defendants get tried for a misdemeanor, as they did in a Western State case I mentioned previously, but they are not getting prosecuted with the full weight of the law. That is what we are talking about. In the 1982 case that I referred to, two white men chased a man of Asian descent from a night club in Detroit and beat him to death. The Department of Justice prosecuted the perpetrators under existing hate crimes laws, but both defendants were acquitted—despite substantial evidence to establish their animus based on the victim's national origin. Although the Justice Department had no direct evidence of the basis for the jurors' decision, the Government's need to prove the defendants' intent to interfere with the victim's engagement in a federally protected right—the use of a place of public accommodation, was the weak link in the prosecution.

These defendants committed murder on the basis of hate. Do we need more cases? I am glad to stay here and go through a whole pile of them. These are examples of what we are talking about. This is what is taking place. The question is whether we are going to do something about it. That is the issue that will be presented to this body tomorrow.

I will take a moment to read into the RECORD the letter from Judy Shepard addressed to the members of the Judiciary Committee:

Thank you for your hard work and commitment to combating hate violence in America. I appreciate the opportunity to testify before your committee last year. As the mother of a hate crime victim, I applaud your interest in trying to address this serious problem that has torn at the very fabric of our nation. However, I do have concerns with your bill (S. 1406) as currently written, and I would like to take this opportunity to discuss them with you.

As I am sure you remember from our visit last fall, two men murdered my son Matthew in Laramie, Wyoming in October 1998 because he was gay. Though your amendment is well intentioned, it fails to address hate crimes based on sexual orientation, nor does it include disability or gender. The time has long passed for halfway measures to address this devastating violence. While I appreciate your efforts, the appropriate and necessary response is the Smith-Kennedy measure (S. 622), and I strongly urge you to support this approach.

Though forty states and the District of Columbia have enacted hate crime statutes, most states do not provide authority for bias crime prosecutions based on sexual orientation, gender, or disability. Including the District of Columbia, only 22 states now include sexual orientation-based crimes in their hate crime statutes, 21 include coverage of gender-based crimes, and 22 include coverage for disability-based crimes.

There is currently no law that allows federal assistance for localities investigating and prosecuting hate crimes based on sexual orientation. As a result, though Matt's killers were brought to justice, the Laramie law enforcement officials told me, as I know they told you last year, that they were forced to furlough five employees to be able to afford to bring the case. The Smith-Kennedy amendment would add sexual orientation, gender and disability to current law, while your amendment would not. I urge you to support the Smith-Kennedy amendment, which is more comprehensive and inclusive.

I know that legislation cannot erase the hate or pain or bring back my son, but I believe that passage of this legislation is an essential step in the healing process and will help allow the federal government to assist in the investigation and prosecution of future hate crimes.

Again, I respect your commitment to making America a more understanding and just country where hate crimes are no longer tolerated. But I urge you to promptly address my concerns that are shared by so many others, so our nation can be safe for all people, including gay people like my son Matthew.

Sincerely,

JUDY SHEPARD.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Utah is recognized.

Mr. HATCH. Mr. President, I don't mean to prolong this, but in the handful of cases they don't like what happened. In that case, I may agree with the Senator that there should have been a verdict against the defendants, but a jury in the United States found otherwise. That doesn't mean we should federalize all hate crimes. That is what I am concerned about.

I will just put forth my offer to work with the Senator to see if we can find some way of bringing everybody together in a way that will not intrude the Federal Government into all the local and State prosecutions in this country, which certainly the Senator's amendment would do. That is what I am concerned about. We will chat overnight and talk about it and see what we can do.

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MORNING BUSINESS

Mr. HATCH. Mr. President, I ask unanimous consent that the Senate proceed to a period of morning business with Senators permitted to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

JUNETEENTH INDEPENDENCE DAY

Mr. LEVIN. Mr. President, today we recognize the date upon which slavery finally came to an end in the United States, June 19, 1865, also known as ''Juneteenth Independence Day.'' It was on this date that slaves in the Southwest finally learned of the end of slavery. Although passage of the Thirteenth Amendment in January 1863, legally abolished slavery, many African Americans remained in servitude due to the slow dissemination of this news across the country.

Since that time, over 130 years ago, the descendants of slaves have observed this anniversary of emancipation as a remembrance of one of the most tragic periods of our nation's history. The suffering, degradation and brutality of slavery cannot be repaired, but the memory can serve to ensure that no such inhumanity is ever perpetrated again on American soil.

Mr. President, throughout the Nation, we also celebrate the many important achievements of former slaves and their descendants. We do so because in 1926, Dr. Carter G. Woodson, son of former slaves, proposed such a recognition as a way of preserving the history of African Americans and recognizing the enormous contributions of a people of great strength, dignity, faith and conviction—a people who rendered their achievements for the betterment and advancement of a Nation once lacking in humanity towards them. Every February, nationwide, we celebrate African American History Month. And, every year on June 19, we celebrate ''Juneteenth Independence Day.''

Lerone Bennett, editor, writer and lecturer recently reflected on the life and times of Dr. Woodson. In an article he wrote earlier this year for Johnson's Publications, Bennett tells us that one of the most inspiring and instructive stories in African American history is the story of Woodson's struggle and rise from the coal mines of West Virginia to the summit of academic achievement:

> At 17, the young man who was called by history to reveal Black history was an untutored coal miner. At 19, after teaching himself the fundamentals of English and arithmetic, he entered high school and mastered the four-year curriculum in less than two years. At 22, after two-thirds of a year at Berea College [in Kentucky], he returned to the coal mines and studied Latin and Greek between trips to the mine shafts. He then went on to the University of Chicago, where he received bachelor's and master's degrees, and Harvard University, where he became the second Black to receive a doctorate in history. The rest is history—Black history.

In keeping with the spirit and the vision of Dr. Carter G. Woodson, I would like to pay tribute to two courageous women, claimed by my home state of Michigan, who played significant roles in addressing American injustice and inequality. These are two women of different times who would change the course of history.

Sojourner Truth, who helped lead our country out of the dark days of slavery, and Rosa Parks, whose dignified leadership sparked the Montgomery Bus Boycott and the start of the Civil Rights movement are indelibly echoed in the chronicle of not only the history of this Nation, but are viewed with distinction and admiration throughout the world.

Sojourner Truth, though unable to read or write, was considered one of the most eloquent and noted spokespersons of her day on the inhumanity and immorality of slavery. She was a leader in the abolitionist movement, and a ground breaking speaker on behalf of equality for women. Michigan recently honored her with the dedication of the Sojourner Truth Memorial Monument, which was unveiled in Battle Creek, Michigan on September 25, 1999.

Truth lived in Washington, D.C. for several years, helping slaves who had fled from the South and appearing at women's suffrage gatherings. She returned to Battle Creek in 1875, and remained there until her death in 1883. Sojourner Truth spoke from her heart about the most troubling issues of her time. A testament to Truth's convictions is that her words continue to speak to us today.

On May 4, 1999 legislation was enacted which authorized the President of the United States to award the Congressional Gold Medal to Rosa Parks. I was pleased to coauthor this fitting tribute to Rosa Parks—the gentle warrior who decided that she would no longer tolerate the humiliation and demoralization of racial segregation on a bus. Her personal bravery and self-sacrifice are remembered with reverence and respect by us all.

Forty-four years ago in Montgomery, Alabama the modern civil rights movement began when Rosa Parks refused to give up her seat and move to the back of the bus. The strength and spirit of this courageous woman captured the consciousness of not only the American people but the entire world. The boycott which Rosa Parks began was the beginning of an American revolution that elevated the status of African Americans nationwide and introduced to the world a young leader who would one day have a national holiday declared in his honor, the Reverend Martin Luther King Jr.

We have come a long way toward achieving justice and equality for all. But we still have work to do. In the names of Rosa Parks, Sojourner Truth, Dr. Carter G. Woodson, Dr. Martin Luther King, Jr, and many others, let us rededicate ourselves to continuing the struggle on Civil Rights and to human rights.

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MULTI-YEAR PROCUREMENT FOR THE F/A–18 E/F SUPER HORNET

Mr. ASHCROFT. Mr. President, I want to announce my unqualified support for the recent signing of the Multi-Year Procurement contract on Boeing's F/A–18 E/F Super Hornet. This is a good day for U.S. national defense, the Navy, the American taxpayers, and the city of St. Louis.

This announcement secures the production of the Super Hornet, which is in St. Louis, for the next 5 years. Valued at $8.9 billion for a total of 222 aircraft over 5 years, this contract will ensure that the Navy will have these planes and, in addition, U.S. taxpayers will save over $700 million. It is definitely a ''win-win'' situation.

The U.S. Navy's award winning Super Hornet Program continues to be recognized throughout the Department of Defense and industry as the standard by which all other tactical aviation programs should be evaluated. Since the program's inception, the Super Hornet has met or exceeded all cost, weight and schedule goals and requirements.

The Boeing Corporation, which is the prime contractor, in partnership with the Navy has introduced a 21st Century strike fighter that will ensure the Navy's carrier airwing is more than able to defeat today's threat and the projected threats of the first 30 years of this century. A balanced approach to survivability, revolutionary methods of design and manufacture, and a very cost-conscious approach to achieving and maintaining multi-mission superiority over the threat has given the Navy a new tactical aircraft that supports Navy budget realities.

Mr. President, in addition to affordability, comparable performance, enhanced range, carrier bring back, more weapons stations, future growth and better survivability were major consideration for the next generation of carrier-based strike fighters. The Super Hornet has met the muster in every category.

The Navy has not been shy about its support for this project, and I wholeheartedly agree with my good friend Admiral Jay Johnson, the Chief of Naval Operations, who recently stated: ''The F/A–18E/F Super Hornet is the cornerstone of the future of Naval aviation. . . . It will provide twice the sorties, a third the combat losses and forty percent greater range. We can't wait to get it to the fleet!''

This contract is also a testimony to the excellent job the workers of St. Louis do every day. Without their dedication and commitment to quality, the Super Hornet would not be able to win such an important contract.

In conclusion, I thank the people who made this contract a reality—namely the people of St. Louis, the Boeing Corporation, the U.S. Navy, and my fellow Senators who joined me in my support of this wonderful project.

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HOURS OF SERVICE PROVISIONS IN H.R. 4475

Mr. CLELAND. Mr. President, I rise today to address the Hours of Service provision in H.R. 4475, the Department of Transportation appropriations bill. As directed by Congress, the Department of Transportation, and most recently the new Federal Motor Carrier

Safety Administration (FMCSA), set out to examine the hours of service standard for motor carrier drivers that had been in effect since the 1930s.

As I stated in the Surface Transportation Subcommittee's hearing in September 1999, I am concerned about fatigued drivers on the road. The fatigue related accident I profiled at this hearing occurred August 31, 1999 in Atlanta, and resulted in deadly consequences for the drivers of the truck. The accident occurred in the early morning hours and thankfully, no other automobiles were directly involved. However, daily commuters felt the effects during morning and afternoon rush hours, and the tragedy and frustration from incidents such as this accident resulted in Congress directing DOT to examine hours of service regulations.

Admittedly, I have concerns about the effects of the proposed rule, but I do not believe that the appropriations bill is the proper vehicle through which to express concerns. I would like to remind my colleagues that the DOT has only issued a proposed rule. DOT is still accepting comments on this rule through October 31, 2000—an extension of the original date—and continues to hold hearings on the issue throughout the country. I believe these hearings have brought, and will continue to bring, potential problems to the attention of DOT officials. For example, during emergencies, utility drivers must restore service to customers. How do these rules apply to such drivers in these special situations?

Congress directed DOT to evaluate the hours of service rules. Is this the best proposal? I am not convinced so, but I do believe DOT should be able to move forward with the prescribed process. The American driving public deserves the continuation of the hours of service reform process. The truck drivers want this collaborative process to continue. As this point, why should the Senate attempt to short-circuit the efforts of the FMCSA to reform the hours of service rule as directed by Congress?

I do not support the prohibition on moving forward with the hours of service process, and I urge the conferees on H.R. 4475 to remove the hours of service provision from the final bill. Let's work together in thoroughly considering the best way to ensure the safety of automobile and truck drivers traveling America's roads.

ADDITIONAL STATEMENTS

NONCOMMISSIONED OFFICER OF THE YEAR AWARD

● Mr. MURKOWSKI. Mr. President, it is with great honor today that I rise to recognize one of the finest men in the Alaska Army National Guard, Sergeant Edwin D. Irizarry. Sergeant Irizarry's hard work and dedication to the Army National Guard in Alaska have earned him the title of the ''Noncommissioned Officer of the Year.'' Mr. President, this is no small award. It is only awarded to those who show outstanding leadership and extraordinary accomplishments in their duty. Sergeant Irizarry epitomizes the commitment and unselfish honor of the men and women in Alaska's Army National Guard.

This is a great honor for Alaska. The commitment to be in the Guard requires an individual to work hard and sacrifice their own personal time to protect the very communities where they live. Sergeant Irizarry lives and works in Ketchikan, with his wife and family. Ketchikan is a beautiful town in southeast Alaska where I was fortunate to have been raised. I know the terrain that the Guard uses is no walk in the park. Mountains and a channel of water hug the town in this great place. To be stationed in Ketchikan one must learn to adapt to the fast changing climate and diverse environment that exists in this region. Ketchikan and Alaska are truly indebted to the many fine soldiers like Sergeant Irizarry who protect and assist in communities throughout the last frontier.

Sergeant Irizarry serves as role model and inspiration to the over 300,000 men and women in our country's National Guard. Without the talent and support given to our armed forces by the National Guard and individuals like Sergeant Irizarry, our country would not be where it is today. I take great pride in congratulating Sergeant Irizarry for his Guard career and for being an example for all of us to follow.●

PRIVATE RELIEF BILL FOR MARINA KHALINA

● Mr. WYDEN. Mr. President, I ask that the following letter be printed in the RECORD.

The letter follows:

U.S. SENATE,
Washington, DC, June 16, 2000.

Senator TOM DASCHLE
Minority Leader,
Washington, DC.

DEAR MR. LEADER: Two weeks ago, my private relief bill for Marina Khalina, S. 150, was scheduled to come to the floor, but other members objected to this bill coming to the floor before their private relief bills came to the floor.

I agreed to let my bill be sent back to the Judiciary Committee so that it and the other private relief bills could be cleared for the floor together on June 15, 2000.

Now, I have been informed that the Immigration and Naturalization Service (INS) somehow misplaced Ms. Khalina's fingerprints and that her relief bill cannot be passed by the full Senate until a new fingerprint record for Ms. Khalina can be processed by the INS. Senate action on her bill should not be delayed because of INS incompetence in losing her fingerprints.

Since I am concerned that Ms. Khalina will miss her opportunity for justice should these bills go forward without S. 150, I am notifying you that I would object to a unanimous consent request to move any private relief bills unless S. 150 is included with the package.

I ask unanimous consent that my remarks be included in the record pursuant to the leaders request that such objections be made public.

Sincerely,

RON WYDEN.●

TRIBUTE TO BILL FRAIN

● Mr. SMITH of New Hampshire. Mr. President, I rise today to honor the outstanding leadership of PSNH President and CEO Bill Frain. The core qualities of a great leader—vision and values—are often overlooked in the hustle of today's corporate society. PSNH President and CEO Bill Frain is one leader whose accomplishments and dedication to both his vision and values have gained him the respect and admiration of individuals across the state.

After years of service to PSNH and its surrounding communities in the great state of New Hampshire, Bill Frain is retiring from the company. It has been both a great honor and a distinct pleasure to work with Bill over the years, and I salute him for his unwavering dedication to New Hampshire, its citizens and its economy.

Bill often quotes the adage, ''Storms make oaks take deeper roots.'' Through his navigational skills and constant perseverence, Bill brought PSNH to a level where it is currently one of the most respected companies in the state and that earned him the honor of being named ''Business Leader of the Decade'' by Business New Hampshire Magazine.

Bill is often described by his peers as a strong leader who is able to motivate those around him to continued success. Over the years, I have seen first-hand his ability to inspire, and I applaud his talents and dedication to New Hampshire.

I wish Bill much happiness as he embarks on this new journey in life, as he will be missed. I want to leave Bill with a poem by Robert Frost, as I know that he has many more miles to travel and endeavors to conquer.

The woods are lovely, dark and deep.
But I have promises to keep,
And miles to go before I sleep.
And miles to go before I sleep.

Bill, it has been a pleasure to represent you in the United States Senate. I wish you the best of luck in your future endeavors. May you always continue to inspire those around you.●

RECOGNITION OF MRS. SUSAN WARGO

● Mr. REID. Mr. President, I have the pleasure to stand today and celebrate the career of a very fine public school teacher. She is Mrs. Susan Wargo, a third grade school teacher at Franklin Sherman Elementary School in Fairfax County, Virginia. She is retiring this year, after teaching school for 28 years. She and her husband Mike, will be relocating to Aiken, South Carolina.

I know about Mrs. Wargo because she teaches my granddaughter, Mattie

Barringer. Mattie loves Mrs. Wargo, and its not hard to figure out why. She has captured Mattie's imagination and won her heart. Mattie has learned ancient history, economics, math, and literature from Mrs. Wargo, but she could have learned those things from anybody. Mrs. Wargo's lasting contribution to Mattie's education is the atmosphere she created in her classroom. She embraced her students, made them feel comfortable, taught them how to learn, and got them to accomplish great things—more than they ever thought they were capable of doing. Mrs. Wargo is that amazing teacher that we all can remember: the one that cared about us, that took an interest in us, that rooted for us, and made us passionate to learn.

I had a teacher like Mrs. Wargo when I was a young boy—her name was Mrs. Pickard and I am glad my granddaughter was lucky enough to have such a teacher so early in her education. Teachers like Mrs. Wargo immeasurably enrich our lives. My daughter Lana—Mattie's mother—tells me that when talking about Mattie in a parent-teacher conference, Mrs. Wargo's voice seemed to break just slightly with emotion as she spoke passionately about Mattie's talents and potential. My daughter came away from that conference amazed at this great teacher.

It is hard to express these feelings we have about great teachers. Mattie did a much better job than I have done here in a recent letter to Mrs. Wargo. She wrote: ''When I came to this school, you made me feel special. You always make me feel good about myself. I'll miss you.''

With those words, I am delighted to pay tribute to Mrs. Wargo, and to her colleagues like her who serve in the public schools. Mrs. Wargo, my family thanks you for your many gifts to Mattie. We want you to know that the good you have done so far in your life has been noticed, and much appreciated.●

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TRIBUTE TO LT. GEN. MICHAEL C. SHORT, USAF

● Mr. SHELBY. Mr. President, today, I recognize the outstanding service to our Nation of Lieutenant General Michael C. Short. Lt. General Short will retire on July 1, 2000, after an outstanding career in the United States Air Force. During a 35 year career, General Short distinguished himself as a fighter pilot, warfighter, and trusted leader.

Throughout his career, General Short commanded at all levels, both overseas and in the continental United States. A 1965 graduate of the U.S. Air Force Academy, he is a command pilot with more than 4,600 flying hours in fighter aircraft, including 276 combat missions in Southeast Asia. His impressive list of accomplishments include command of the 4th Aircraft Generation Squadron, 334th Tactical Fighter Squadron, 4450th Tactical Group, 355th Tactical Training Wing, 67th Tactical Reconnaissance Wing and the 4404th Composite Wing.

During his last assignment, General Short commanded the Allied Air Forces Southern Europe, Stabilization Forces Air Component, and Kosovo Forces Air Component, Naples, Italy, and the 16th Air Force and 16th Air and Space Expeditionary Task Force, U.S. Air Forces in Europe, Aviano Air Base, Italy. As commander of these forces, he was the air principal subordinate commander and the joint and combined forces air component commander for the North Atlantic Treaty Organization's (NATO) Southern Region. He also was responsible for the planning and employment of NATO's air forces in the Mediterranean area of operations from Gibraltar to Eastern Turkey and air operations throughout the Balkans. General Short led the 16th Air Force during what was, without question, the most demanding period in its history—a time when it fulfilled a NATO mission of peace enforcement in Bosnia-Herzegovina and later, participated in a NATO-led air war, which removed Slobodan Milosevic's Serbian military and police forces from Kosovo.

A consummate professional, General Mike Short's performance of duty during the past thirty-five years of service personify those traits of courage, competency and integrity that we expect from our military officers. His career reflects a deep commitment to our country, to dedicated and selfless service, and to excellence. On behalf of the United States Senate and the people of this great Nation, I commend him for his exemplary service and offer heartfelt appreciation for a job well done. We wish him and his family Godspeed and all the best in their future endeavors.●

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RETIREMENT OF JAMES STALDER

● Mr. SANTORUM. Mr. President, I rise today to recognize James Stalder as he retires as Managing Partner from the Pittsburgh office of Pricewaterhouse-Coopers LLP. He initially joined the firm in Pittsburgh, Pennsylvania before transferring to the National Headquarters in New York, where he served as Director of Tax Research and Technical Services for the Ohio Valley Area. In 1988, he was appointed Managing partner of the Price Waterhouse office. Since July 1998, Mr. Stalder has been Managing Partner of the PricewaterhouseCoopers LLP office.

Upon retiring, Mr. Stalder will commence a deanship at Duquesne University in Pittsburgh. He will assume the position of Dean of the A.J. Palumbo Undergraduate School of Business and the John F. Donahue Graduate School of Business. Judging by Mr. Stalder's proven leadership, it is clear that he will be a great asset to Duquesne.

Mr. Stalder has served as President of the Pennsylvania Institute of Certified Public Accountants and as a member of the Council of the American Institute of Public Accountants. He is also a Life Trustee of Carnegie-Mellon University where he has been a member of the faculty of the Graduate School of Industrial Administration since 1981. A graduate of The Pennsylvania State University, he also serves as a member of the University's Smeal College of Business Administration Board of Trustees. Moreover, Mr. Stalder was instrumental in the creation of the Pennsylvania Tax Blueprint Project, which is developing micro simulation economic impact models to enable the Governor and legislators in Pennsylvania to measure and intelligently debate alternative tax reform proposals. In addition, Mr. Stalder has served as Chairman of the Greater Pittsburgh Chamber of Commerce and in many other leadership roles in similar organizations. I commend Mr. Stalder for his demonstrated service to leadership in these organizations.

Mr. Stalder has received numerous awards for outstanding service to his community. Among these is the Distinguished Public Service Award, the top award presented to an individual by the Pennsylvania Institute of Certified Public Accountants, which ''honors CPAs who have truly made a difference through active participation in public service.

Mr. Stalder will be an excellent addition to the administration at Duquesne. Throughout his professional life, he has worked with some of the leading multi-national corporations in the world. He will be able to offer his extensive expertise in tax accounting and related fields, as well as the skills of negotiating and deal making.

James Stalder is a role model not only to the residents of Pittsburgh but to the entire Commonwealth of Pennsylvania. I wish him the best as he takes on new challenges.●

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THE SITUATION IN ZIMBABWE

● Mr. MCCAIN. Mr. President, in assessing the situation in Zimbabwe today, permit me to quote a long-time supporter of that country's ruling party in reference to that party: ''If I give my name, they might hear and come for me at night.'' Such is the pervasive level of fear that has permeated Zimbabwe over the past several months and threatens that country with a degree of political instability not seen since white-minority rule gave way to the creation of the Republic of Zimbabwe. The increasingly autocratic regime of Robert Mugabe, threatened by the growth of a viable democratic opposition, is responding the way dictatorial regimes the world over generally do, with violence aimed at subverting the will of the people.

Permit me to quote from the June 3 issue of The Economist for a sense of what is going on inside Zimbabwe today:

Intimidation is rampant in the countryside. . .Peasants are told that their votes are not secret and that they will suffer if they do not give them to the ruling party. People suspected of supporting opposition parties have been threatened, beaten and in some cases killed. Rural clinics and hospitals have been ordered to refuse treatment to opposition supporters. Teachers in the countryside have been singled out for attack, dragged from their classrooms and beaten in front of their students. Some female teachers have been stripped naked. More than 260 rural schools have been closed by the violence.

As chairman of the International Republican Institute, which has maintained a presence in Zimbabwe along with its counterpart National Democratic Institute, I am appalled at developments in that southern African country. Parliamentary elections, widely expected to result in a resounding victory for the opposition Movement for Democratic Change and thus threaten the ruling Zimbabwe African National Union-Patriotic Front's 20-year hold on power, are being systematically undermined by the kind of campaign violence and intimidation that has been all too common in other countries that resisted the path of democratization. That is unfortunate, for Zimbabwe, like other strife-torn countries of Africa, has the potential to provide its people a far better quality of life than can ever enjoy under one-party rule.

Those parliamentary elections, Mr. President, as with the defeat of the constitutional referendum in February, would have provided ample evidence that the majority of Zimbaweans are tired of corruption, vast unemployment, 60 percent inflation, and the fuel and energy shortages that have become a part of life in a once wealthy nation. The recent decision by the International Republican Institute to withdraw its election observers, however, as well as the United Nation's withdrawal of its election coordinator, should be seen for what it is: a very clear warning sign that President Mugabe has no intention of permitting free and fair elections, and fully intends to continue his campaign of exacerbating ethnic divisions in Zimbabwe for his personal benefit. That President Mugabe refuses to even accredit U.S. Embassy personnel to act as observers is a stinging and unfortunate rebuke to the international community. The recent jailing of an opposition activist with whom I had the privilege of meeting in my office only two months ago not only augurs ill for the future of Zimbabwe, but hurts me deeply for the promise this fine woman showed in that meeting.

The deterioration of the political situation in Zimbabwe is the direct result of the unwillingness of President Mugabe to countenance any level of political opposition that threatens his hold on power. And make no mistake, that some ruling party members have come under attack by the opposition does not place both sides on an equal moral footing. On the contrary, Amnesty International and other foreign observers have been very clear that the government and its supporters are responsible for the violence that has wracked a country that had enjoyed 20 years of peace, flawed though it was by the socialist policies of Mr. Mugabe. The 30 or so deaths and hundreds of injuries that have occurred may, I fear, be only a precursor to greater violence should the Movement for Democratic Change continue to attempt to mount a credible campaign against one-party rule.

Mr. President, some may look at the seizure of white-owned farms by black squatters openly and vociferously encouraged by President Mugabe, and the murder of some of those farmers, through the prism of the former era of colonial and white-minority rule. That would be a tragic mistake. The deteriorating situation in Zimbabwe is directly tied to President Mugabe's autocratic rule and desperate attempt to hold back the tides of history, which appear to favor democracy. Mugabe's rejection of South African President Thabo Mbeki's efforts at brokering a quasi-reasonable resolution of the land-reform issue was further evidence of his growing penchant for petty tyranny as a substitute for enlightened government.

It is imperative that the United States, the European Community and, most importantly, the Organization of African Unity act forcefully in pressuring Mugabe to reverse his current dictatorial policies and allow for the conduct of free and fair elections. His failure to do so should be widely condemned. What ails Zimbabwe is not racial tension, but the age-old problem of a dictator who fails to read the writing on the walls. As with others before him, he will find, I suspect, that his world will become more and more confined, more and more restrictive and his actions more and more desperate. At a time when Sub-Saharan Africa has become synonymous with civil strife and the international community debates the ongoing wars in Sierra Leone and Congo, while conflict continues in Angola and ethnic violence continues in and around Rwanda and Burundi, Zimbabwe should have been a beacon of political stability and economic development. Instead, it descends into the darkness of tyranny. It is hopefully not too late to reverse the situation there, but the signs are not encouraging.●

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MESSAGE FROM THE HOUSE

At 1:09 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, in which it requests the concurrence of the Senate:

H.R. 4578. An act making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2001, and for other purposes.

ENROLLED BILL SIGNED

At 1:09 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the Speaker has signed the following enrolled bill:

H.R. 4387. An act 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.

The enrolled bill was signed subsequently by the President pro tempore (Mr. THURMOND).

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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. REID:

S. 2749. A bill to establish the California Trail Interpretive Center in Elko, Nevada, to facilitate the interpretation of the history of development and use of trails in the settling of the western portion of the United States; to the Committee on Energy and Natural Resources.

By Mr. REID:

S. 2750. A bill to direct the Administrator of the Environmental Protection Agency, the Secretary of the Army, the Secretary of Agriculture, and the Secretary of the Interior to participate constructively in the implementation of the Las Vegas Wash Wetland Restoration and Lake Mead Water Quality Improvement Project, Nevada; to the Committee on Environment and Public Works.

By Mr. REID:

S. 2751. A bill to direct the Secretary of Agriculture to convey certain land in the Lake Tahoe Basin Management Unit, Nevada, to the Secretary of the Interior, in trust for the Washoe Indian Tribe of Nevada and California; to the Committee on Energy and Natural Resources

By Mr. THOMPSON:

S. 2752. To amend the North Korea Threat Reduction Act of 1999 to enhance congressional oversight to nuclear transfers to North Korea and to prohibit the assumption by the United States Government of liability for nuclear accidents that may occur at nuclear reactors provided to North Korea; read the first time.

By Mr. DASCHLE (for himself, Mr. MOYNIHAN, Mr. KENNEDY, Mr. AKAKA, Mr. BAUCUS, Mr. BIDEN, Mr. BINGAMAN, Mrs. BOXER, Mr. BRYAN, Mr. BYRD, Mr. CLELAND, Mr. DODD, Mr. DORGAN, Mr. DURBIN, Mrs. FEINSTEIN, Mr. GRAHAM, Mr. HARKIN, Mr. HOLLINGS, Mr. INOUYE, Mr. JOHNSON, Mr. KERRY, Mr. LAUTENBERG, Mr. LEAHY, Mr. LEVIN, Mrs. LINCOLN, Ms. MIKULSKI, Mrs. MURRAY, Mr. REED, Mr. REID, Mr. ROBB, Mr. ROCKEFELLER, Mr. SARBANES, Mr. SCHUMER, and Mr. WELLSTONE):

S. 2753. A bill to amend title XVIII of the Social Security Act to provide a prescription drug benefit for the aged and disabled under the medicare program, to enhance the preventative benefits covered under such program, and for other purposes; placed on the calendar.

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SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. MURKOWSKI:

S. Con. Res. 124. A concurrent resolution 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; to the Committee on Foreign Relations.

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STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. REID:

S. 2749. A bill to establish the California Trail Interpretive Center in Elko, Nevada, to facilitate the interpretation of the history of development and use of trails in the setting of the western portion of the United States; to the Committee on Energy and Natural Resources.

CALIFORNIA TRAIL INTERPRETIVE ACT

Mr. REID. Mr. President, I rise today to introduce the California Trail Interpretive Act.

The nineteenth century westward emigration on the California National Historic Trail, which occurred from 1840 until the completion of the transcontinental railroad in 1869, was an important cultural and historical era in the settlement of the West. This influx of settlers contributed to the development of lands in the western United States by Americans and immigrants and to the prevention of colonization of the west coast by Russia and the British Empire. More than 300,000 settlers traveled the California Trail and many documented their amazing experiences in detailed journals. Under the National Trails System Act, the Secretary of Interior may establish interpretation centers to document and celebrate pioneer trails such as the California National Historic Trail. In Nevada, Elko County alone contains over 435 miles of National Historic Trails.

Mr. President, recognition and interpretation of the pioneer experience on the Trail is appropriate in light of Americans' strong interest in understanding our history and heritage. Those who pursue Western Americana, and thousands do, will find physical evidence of the documented hardships facing the original pioneers. One pioneer journal bemoaned the death of an elderly lady traveling west with her family. Her grave and its marker are in evidence in the Beowawe Cemetery near the trail river crossing known as Gravely Ford for those searching for historical confirmation. And, if the present-day explorers choose to walk part of the California Trail, they may do so at this place. To the east of this river crossing is around five miles of undisturbed trail that leads down from what is known as ''Emigrant Pass''.

This Act authorizes the planning, construction and operation of a visitor center. The cooperative parties include the State of Nevada, the Advisory Board for the National Historic California Emigrant Trails Interpretive Center, Elko County, the City of Elko, and Bureau of Land Management.

This interpretive center will be located near the city of Elko, in northeastern Nevada. The location is the junction of the California Trail and the Hastings Cutoff. The ill-fated Reed-Donner party spent an additional 31 days meandering over the so-called Hastings Cutoff route; precious time wasted that kept them from crossing the deadly Sierra Nevada before winter struck in 1846.

This act will recognize the California Trail, including the Hastings Cutoff, for its national historical and cultural significance through the construction of an interpretive facility devoted to the vital role of Pioneer trails in the West in the development of the United States.

Mr. President, I ask unanimous consent that the full text of the bill be printed in the RECORD.

Thank you, Mr. President, I yield the floor

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2749

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 ''California Trail Interpretive Act''.

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds that—

(1) the nineteenth century westward movement in the United States over the California National Historic Trail, which occurred from 1840 until the completion of the transcontinental railroad in 1869, was an important cultural and historical event in—

(A) the development of the western land of the United States; and

(B) the prevention of colonization of the west coast by Russia and the British Empire;

(2) the movement over the California Trail was completed by over 300,000 settlers, many of whom left records or stories of their journeys; and

(3) additional recognition and interpretation of the movement over the California Trail is appropriate in light of—

(A) the national scope of nineteenth century westward movement in the United States; and

(B) the strong interest expressed by people of the United States in understanding their history and heritage.

(b) PURPOSES.—The purposes of this Act are—

(1) to recognize the California Trail, including the Hastings Cutoff and the trail of the ill-fated Donner-Reed Party, for its national, historical, and cultural significance; and

(2) to provide the public with an interpretive facility devoted to the vital role of trails in the West in the development of the United States.

SEC. 3. DEFINITIONS.

In this Act:

(1) CALIFORNIA TRAIL.—The term ''California Trail'' means the California National Historic Trail, established under section 5(a)(18) of the National Trails System Act (16 U.S.C. 1244(a)(18)).

(2) CENTER.—The term ''Center'' means the California Trail Interpretive Center established under section 4(a).

(3) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior, acting through the Director of the Bureau of Land Management.

(4) STATE.—The term ''State'' means the State of Nevada.

SEC. 4. CALIFORNIA TRAIL INTERPRETIVE CENTER.

(a) ESTABLISHMENT.—

(1) IN GENERAL.—In furtherance of the purposes of section 7(c) of the National Trails System Act (16 U.S.C. 1246(c)), the Secretary may establish an interpretation center to be known as the ''California Trail Interpretive Center'', near the city of Elko, Nevada.

(2) PURPOSE.—The Center shall established be for the purpose of interpreting the history of development and use of the California Trail in the settling of the West.

(b) MASTER PLAN STUDY.—To carry out subsection (a), the Secretary shall—

(1) consider the findings of the master plan study for the California Trail Interpretive Center in Elko, Nevada, as authorized by page 15 of Senate Report 106–99; and

(2) initiate a plan for the development of the Center that includes—

(A) a detailed description of the design of the Center;

(B) a description of the site on which the Center is to be located;

(C) a description of the method and estimated cost of acquisition of the site on which the Center is to be located;

(D) the estimated cost of construction of the Center;

(E) the cost of operation and maintenance of the Center; and

(F) a description of the manner and extent to which non-Federal entities shall participate in the acquisition and construction of the Center.

(c) IMPLEMENTATION.—To carry out subsection (a), the Secretary may—

(1) acquire land and interests in land for the construction of the Center by—

(A) donation;

(B) purchase with donated or appropriated funds; or

(C) exchange;

(2) provide for local review of and input concerning the development and operation of the Center by the Advisory Board for the National Historic California Emigrant Trails Interpretive Center of the city of Elko, Nevada;

(3) periodically prepare a budget and funding request that allows a Federal agency to carry out the maintenance and operation of the Center;

(4) enter into a cooperative agreement with—

(A) the State, to provide assistance in—

(i) removal of snow from roads;

(ii) rescue, firefighting, and law enforcement services; and

(iii) coordination of activities of nearby law enforcement and firefighting departments or agencies; and

(B) a Federal, State, or local agency to develop or operate facilities and services to carry out this Act; and

(5) notwithstanding any other provision of law, accept donations of funds, property, or services from an individual, foundation, corporation, or public entity to provide a service or facility that is consistent with this Act, as determined by the Secretary, including 1-time contributions for the Center (to be payable during construction funding periods for the Center after the date of enactment of this Act) from—

(A) the State, in the amount of $3,000,000;

(B) Elko County, Nevada, in the amount of $1,000,000; and

(C) the city of Elko, Nevada, in the amount of $2,000,000.

SEC. 5. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated to carry out this Act $12,000,000.

By Mr. REID:

S. 2750. A bill to direct the Administrator of the Environmental Protection

Agency, the Secretary of the Army, the Secretary of Agriculture, and the Secretary of the Interior to participate constructively in the implementation of the Las Vegas Wash Wetland Restoration and Lake Mead Water Quality Improvement Project, Nevada; to the Committee on Environment and Public Works.

LAS VEGAS WASH WETLAND RESTORATION AND LAKE MEAD WATER QUALITY IMPROVEMENT ACT OF 2000

Mr. REID. Mr. President, I am pleased to introduce today the Las Vegas Wash Wetland Restoration and Lake Mead Water Quality Improvement Act of 2000. This bill is important for Nevada's families and for the environment, because water is our most precious natural resource.

My bill is the product of a visionary, locally-led initiative designed to develop and implement a plan that would enhance and protect water quality in the Las Vegas basin.

Importantly, my bill would safeguard southern Nevada's water supply and improve the unique desert wetlands environment of the Las Vegas Wash.

I would like to review some of the history that contributed to the development of this bill.

In 1998, in response to a recommendation by a citizens' water quality advisory committee, the Las Vegas Wash Coordination Committee was formed to develop a comprehensive Adaptive Management Plan (AMP) for the Las Vegas Wash ecosystem.

The AMP, which was developed by the Las Vegas Wash Coordinating Committee over the past two years and approved early this year by the Southern Nevada Water Authority, represents a vision for how local, State, and Federal stakeholders can work together to achieve shared water quality and ecosystem restoration goals in the Las Vegas basin.

First and foremost, the AMP is a locally-driven strategy. The stakeholder working group, coordinated by the Southern Nevada Water Authority and comprised of 28 groups, contributed their varied perspectives and good ideas to the development of this plan.

A draft of the AMP was published for public comment in October 1999. In January 2000, the Southern Nevada Water Authority finalized and approved the AMP.

Chief among the recommendations in the AMP was the call for development of a partnership consisting of local, State, Federal agencies with interests in the Las Vegas Wash ecosystem.

I view this plan as a Nevada solution to a tremendous local challenge of accelerated erosion and deteriorating water quality.

I commend the local, State, and Federal stakeholders that helped create the AMP for their hard work, cooperation, and dedication to improving Southern Nevada's environment for Nevada's families today and for future generations.

The Federal government, by virtue of its land ownership in Nevada and responsibilities at Lake Mead, has an obligation to help make the plan work.

In addition, the Federal government is uniquely responsible for the perchlorate contamination which contributes to the groundwater contamination that pollutes Las Vegas Wash run-off.

My bill directs the relevant Federal agencies to participate in efforts to restore Las Vegas Wash and protect Lake Mead's water quality. These agencies include: the Environmental Protection Agency, the Bureau of Land Management, the Bureau of Reclamation, the National Park Service, the Natural Resources Conservation Service, the Fish and Wildlife Service, and the Army Corps of Engineers.

I hope that the Senate will move quickly to consider and pass this bill so that Federal agencies can become full partners in the effort to rehabilitate and conserve the Las Vegas Wash desert ecosystem and to improve water quality in southern Nevada's most heavily used watershed.

By Mr. REID:

S. 2751. A bill to direct the Secretary of Agriculture to convey certain land in the Lake Tahoe Basin Management Unit, Nevada, to the Secretary of the Interior, in trust for the Washoe Indian Tribe of Nevada and California; to the Committee on Energy and Natural Resources.

WASHOE TRIBE LAND CONVEYANCE LEGISLATION

Mr. REID. Mr. President, I rise today to introduce the Washoe Tribe Lake Tahoe Access Act.

In 1997, I helped convene a Presidential Forum at Lake Tahoe to discuss the future of the Lake Tahoe Basin. Together with President Clinton, Federal, State, and local government leaders, we addressed the protection of the extraordinary natural, recreational, and ecological resources of the Lake Tahoe region. Goals and an action plan developed during the Lake Tahoe Forum were codified as the ''Presidential Forum Deliverables.'' These Deliverables included supporting the traditional and customary use of the Lake Tahoe Basin by the Washoe Tribe. Perhaps, most importantly, the Deliverables include a provision designed to provide the Washoe Tribe access to the shore of Lake Tahoe for cultural purposes.

Mr. President, the ancestral homeland of the Washoe Tribe of Nevada and California included an area of over 10,000 square miles in and around Lake Tahoe. The purpose of this Act is to ensure that the members of the Washoe Tribe have the opportunity to engage in traditional and customary cultural practices on the shore of Lake Tahoe including spiritual renewal, land stewardship, Washoe horticulture and ethnobotany, subsistence gathering, traditional learning, and reunification of tribal and family bonds as was envisioned by the parties involved in the Lake Tahoe Presidential Forum.

Mr. President, this Act will convey 24.3 acres from the Secretary of Agriculture to the Secretary of the Interior to be held in trust for the Washoe Tribe. This is land located within the Lake Tahoe Basin Management Unit north of Skunk Harbor, Nevada. The land in question would be conveyed with the expectation that it would be used for traditional and customary uses and stewardship conservation of the Washoe Tribe and will not permit any commercial use. In the unlikely event this land were used for any commercial development purpose, title to the land will revert to the Secretary of Agriculture. It is my sincere hope that Congress will pass this bill thereby making the Presidential Deliverables of the Lake Tahoe forum a reality by ensuring that the Washoe Tribe once again enjoy access to Lake Tahoe.

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. 2751

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

SECTION 1. WASHOE TRIBE LAND CONVEYANCE.

(a) FINDINGS.—Congress finds that—

(1) the ancestral homeland of the Washoe Tribe of Nevada and California (referred to in this section as the ''Tribe'') included an area of approximately 5,000 square miles in and around Lake Tahoe, California and Nevada, and Lake Tahoe was the heart of the territory;

(2) in 1997, Federal, State, and local governments, together with many private landholders, recognized the Washoe people as indigenous people of Lake Tahoe Basin through a series of meetings convened by those governments at 2 locations in Lake Tahoe;

(3) the meetings were held to address protection of the extraordinary natural, recreational, and ecological resources in the Lake Tahoe region;

(4) the resulting multiagency agreement includes objectives that support the traditional and customary uses of Forest Service land by the Tribe; and

(5) those objectives include the provision of access by members of the Tribe to the shore of Lake Tahoe in order to reestablish traditional and customary cultural practices.

(b) PURPOSES.—The purposes of this Act are—

(1) to implement the joint local, State, tribal, and Federal objective of returning the Tribe to Lake Tahoe; and

(2) to ensure that members of the Tribe have the opportunity to engage in traditional and customary cultural practices on the shore of Lake Tahoe to meet the needs of spiritual renewal, land stewardship, Washoe horticulture and ethnobotony, subsistence gathering, traditional learning, and reunification of tribal and family bonds.

(c) CONVEYANCE.—Subject to valid existing rights and subject to the easement reserved under subsection (d), the Secretary of Agriculture shall convey to the Secretary of the Interior, in trust for the Tribe, for no consideration, all right, title, and interest in the parcel of land comprising approximately 24.3 acres, located within the Lake Tahoe Basin Management Unit north of Skunk Harbor, Nevada, and more particularly described as Mount Diablo Meridian, T15N, R18E, section 27, lot 3.

(d) EASEMENT.—

(1) IN GENERAL.—The conveyance under subsection (c) shall be made subject to reservation to the United States of a nonexclusive easement for public and administrative access over Forest Development Road #15N67 to National Forest System land.

(2) ACCESS BY INDIVIDUALS WITH DISABILITIES.—The Secretary shall provide a reciprocal easement to the Tribe permitting vehicular access to the parcel over Forest Development Road #15N67 to—

(A) members of the Tribe for administrative and safety purposes; and

(B) members of the Tribe who, due to age, infirmity, or disability, would have difficulty accessing the conveyed parcel on foot.

(e) USE OF LAND.—

(1) IN GENERAL.—In using the parcel conveyed under subsection (c), the Tribe and members of the Tribe—

(A) shall limit the use of the parcel to traditional and customary uses and stewardship conservation of the Tribe and not permit any commercial use (including commercial development, residential development, gaming, sale of timber, or mineral extraction); and

(B) shall comply with environmental requirements that are no less protective than environmental requirements that apply under the Regional Plan of the Tahoe Regional Planning Agency.

(2) REVERSION.—If the Secretary of the Interior, after notice to the Tribe and an opportunity for a hearing, based on monitoring of use of the parcel by the Tribe, makes a finding that the Tribe has used or permitted the use of the parcel in violation of paragraph (1) and the Tribe fails to take corrective or remedial action directed by the Secretary of the Interior, title to the parcel shall revert to the Secretary of Agriculture.

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SENATE CONCURRENT RESOLUTION 124—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

Mr. MURKOWSKI submitted the following concurrent resolution; which was referred to the Committee on Foreign Relations:

S. CON. RES. 124

Whereas in 1990 and 1991, thousands of Kuwaitis were randomly arrested on the streets of Kuwait during the Iraqi occupation;

Whereas in February 1993, the Government of Kuwait compiled evidence documenting the existence of 605 prisoners of war and submitted its files to the International Committee of the Red Cross (ICRC), which passed those files on to Iraq, the United Nations, and the Arab League;

Whereas numerous testimonials exist from family members who witnessed the arrest and forcible removal of their relatives by Iraqi armed forces during the occupation;

Whereas eyewitness reports from released prisoners of war indicate that many of those who are still missing were seen and contacted in Iraqi prisons;

Whereas official Iraqi documents left behind in Kuwait chronicle in detail the arrest, imprisonment, and transfer of significant numbers of Kuwaitis, including those who are still missing;

Whereas in 1991, the United Nations Security Council overwhelmingly passed Security Council Resolutions 686 and 687 that were part of the broad cease-fire agreement accepted by the Iraqi regime;

Whereas United Nations Security Council Resolution 686 calls upon Iraq to arrange for immediate access to and release of all prisoners of war under the auspices of the ICRC and to return the remains of the deceased personnel of the forces of Kuwait and the Member States cooperating with Kuwait;

Whereas United Nations Security Resolution 687 calls upon Iraq to cooperate with the ICRC in the repatriation of all Kuwaiti and third-country nationals, to provide the ICRC with access to the prisoners wherever they are located or detained, and to facilitate the ICRC search for those unaccounted for;

Whereas the Government of Kuwait, in accordance with United Nations Security Council Resolution 686, immediately released all Iraqi prisoners of war as required by the terms of the Geneva Convention;

Whereas immediately following the ceasefire in March 1991, Iraq repatriated 5,722 Kuwaiti prisoners of war under the aegis of the ICRC and freed 500 Kuwaitis held by rebels in southern Iraq;

Whereas Iraq has hindered and blocked efforts of the Tripartite Commission, the eight-country commission chaired by the ICRC and responsible for locating and securing the release of the remaining prisoners of war;

Whereas Iraq has denied the ICRC access to Iraqi prisons in violation of Article 126 of the Third Geneva Convention, to which Iraq is a signatory; and

Whereas Iraq—under the direction and control of Saddam Hussein—has failed to locate and secure the return of all prisoners of war being held in Iraq, including prisoners from Kuwait and nine other nations: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That—

(1) the Congress—

(A) acknowledges that there remain 605 prisoners of war unaccounted for in Iraq, although Kuwait was liberated from Iraq's brutal invasion and occupation on February 26, 1991;

(B) condemns and denounces the Iraqi Government's refusal to comply with international human rights instruments to which it is a party;

(C) urges Iraq immediately to disclose the names and whereabouts of those who are still alive among the Kuwaiti prisoners of war and other nations to bring relief to their families; and

(D) insists that Iraq immediately allow humanitarian organizations such as the International Committee of the Red Cross to visit the living prisoners and to recover the remains of those who have died while in captivity; and

(2) it is the sense of the Congress that the United States Government should—

(A) actively and urgently work with the international community and the Government of Kuwait, in accordance with United Nations Security Council Resolutions 686 and 687, to secure the release of Kuwaiti prisoners of war and other prisoners of war who are still missing nine years after the end of the Gulf War; and

(B) exert pressure, as a permanent member of the United Nations Security Council, on Iraq to bring this issue to a close, to release all remaining prisoners of the Iraqi occupation of Kuwait, and to rejoin the community of nations with a humane gesture of good will and decency.

—

ADDITIONAL COSPONSORS

S. 1020

At the request of Mr. GRASSLEY, the name of the Senator from New Hampshire (Mr. GREGG) was added as a cosponsor of S. 1020, a bill to amend chapter 1 of title 9, United States Code, to provide for greater fairness in the arbitration process relating to motor vehicle franchise contracts.

S. 1668

At the request of Mr. KERRY, the name of the Senator from Oregon (Mr. SMITH) was added as a cosponsor of S. 1668, a bill to amend title VII of the Civil Rights Act of 1964 to establish provisions with respect to religious accommodation in employment, and for other purposes.

S. 1726

At the request of Mr. MCCAIN, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S. 1726, a bill to amend the Internal Revenue Code of 1986 to treat for unemployment compensation purposes Indian tribal governments the same as State or local units of government or as nonprofit organizations.

S. 1810

At the request of Mrs. MURRAY, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 1810, a bill to amend title 38, United States Code, to clarify and improve veterans' claims and appellate procedures.

S. 2018

At the request of Mr. ROBB, his name was added as a cosponsor of S . 2018, a bill to amend title XVIII of the Social Security Act to revise the update factor used in making payments to PPS hospitals under the medicare program.

S. 2100

At the request of Mr. EDWARDS, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of S. 2100, a bill to provide for fire sprinkler systems in public and private college and university housing and dormitories, including fraternity and sorority housing and dormitories.

S. 2330

At the request of Mr. ROTH, the name of the Senator from Virginia (Mr. WARNER) 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. 2396

At the request of Mr. BENNETT, the name of the Senator from Utah (Mr. HATCH) was added as a cosponsor of S. 2396, a bill to authorize the Secretary of the Interior to enter into contracts with the Weber Basin Water Conservancy District, Utah, to use Weber Basin Project facilities for the impounding, storage, and carriage of nonproject water for domestic, municipal, industrial, and other beneficial purposes.

S. 2417

At the request of Mr. CRAPO, the name of the Senator from Alabama (Mr. SHELBY) was added as a cosponsor of S. 2417, a bill to amend the Federal Water Pollution Control Act to increase funding for State nonpoint

source pollution control programs, and for other purposes.

S. 2420

At the request of Mr. ROBB, his name was added as a cosponsor of S. 2420, a bill to amend title 5, United States Code, to provide for the establishment of a program under which long-term care insurance is made available to Federal employees, members of the uniformed services, and civilian and military retirees, and for other purposes.

S. 2510

At the request of Mr. MCCAIN, the name of the Senator from Montana (Mr. BURNS) was added as a cosponsor of S. 2510, a bill to establish the Social Security Protection, Preservation, and Reform Commission.

S. 2617

At the request of Mrs. MURRAY, her name was added as a cosponsor of S. 2617, a bill to lift the trade embargo on Cuba, and for other purposes.

S. 2641

At the request of Mr. CLELAND, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 2641, a bill to authorize the President to present a gold medal on behalf of Congress to former President Jimmy Carter and his wife Rosalynn Carter in recognition of their service to the Nation.

S. 2645

At the request of Mr. THOMPSON, the names of the Senator from Georgia (Mr. COVERDELL), the Senator from Maine (Ms. SNOWE), the Senator from Arizona (Mr. MCCAIN), and the Senator from Idaho (Mr. CRAPO) were added as cosponsors of S. 2645, a bill to provide for the application of certain measures to the People's Republic of China in response to the illegal sale, transfer, or misuse of certain controlled goods, services, or technology, and for other purposes.

S. 2703

At the request of Mr. AKAKA, the name of the Senator from Georgia (Mr. CLELAND) was added as a cosponsor of S. 2703, a bill to amend the provisions of title 39, United States Code, relating to the manner in which pay policies and schedules and fringe benefit programs for postmasters are established.

S. 2745

At the request of Mr. ASHCROFT, the name of the Senator from Minnesota (Mr. GRAMS) was added as a cosponsor of S. 2745, a bill to provide for grants to assist value-added agricultural businesses.

S. 2746

At the request of Mr. ASHCROFT, the name of the Senator from Minnesota (Mr. GRAMS) was added as a cosponsor of S. 2746, a bill to amend the Internal Revenue Code of 1986 to allow a credit against income tax for investment by farmers in value-added agricultural property.

S. RES. 254

At the request of Mr. CAMPBELL, the names of the Senator from Alaska (Mr. STEVENS), the Senator from Utah (Mr. HATCH), the Senator from Utah (Mr. BENNETT), the Senator from Rhode Island (Mr. L. CHAFEE), the Senator from Georgia (Mr. CLELAND), the Senator from Mississippi (Mr. COCHRAN), the Senator from Maine (Ms. COLLINS), and the Senator from North Carolina (Mr. HELMS) were added as cosponsors of S.Res. 254, a resolution supporting the goals and ideals of the Olympics.

S. RES. 294

At the request of Mr. ABRAHAM, the name of the Senator from South Carolina (Mr. THURMOND) was added as a cosponsor of S.Res. 294, a resolution designating the month of October 2000 as ''Children's Internet Safety Month.''

AMENDMENTS SUBMITTED

AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION AND RELATED AGENCIES APPROPRIATIONS ACT, 2001

LEVIN (AND OTHERS) AMENDMENT NO. 3457

(Ordered to lie on the table.)

Mr. LEVIN (for himself, Ms. COLLINS, Mr. SCHUMER, Mr. JEFFORDS, Mrs. MURRAY, Ms. SNOWE, Mr. MOYNIHAN, Mr. LEAHY, Mr. ROCKEFELLER, Mr. ROBB, and Mr. DURBIN) submitted an amendment intended to be proposed by them to the bill (S. 2536) making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2001, and for other purposes; as follows:

On page 75, between lines 16 and 17, insert the following:

Sec. 7___. APPLE MARKET LOSS ASSISTANCE AND QUALITY LOSS PAYMENTS FOR APPLES AND POTATOES.—(a) APPLE MARKET LOSS ASSISTANCE.—

(1) IN GENERAL.—In order to provide relief for loss of markets for apples, the Secretary of Agriculture shall use $100,000,000 of funds of the Commodity Credit Corporation to make payments to apple producers.

(2) PAYMENT QUANTITY.—

(A) IN GENERAL.—Subject to subparagraph (B), the payment quantity of apples for which the producers on a farm are eligible for payments under this subsection shall be equal to the average quantity of the 1994 through 1999 crops of apples produced by the producers on the farm.

(B) MAXIMUM QUANTITY.—The payment quantity of apples for which the producers on a farm are eligible for payments under this subsection shall not exceed 1,600,000 pounds of apples produced on the farm.

(b) QUALITY LOSS PAYMENTS FOR APPLES AND POTATOES.—In addition to the assistance provided under subsection (a), the Secretary shall use $15,000,000 of funds of the Commodity Credit Corporation to make payments to apple producers, and potato producers, that suffered quality losses to the 1999 crop of potatoes and apples, respectively, due to, or related to, a 1999 hurricane or other weather-related disaster.

(c) NONDUPLICATION OF PAYMENTS.—A producer shall be ineligible for payments under this section with respect to a market or quality loss for apples or potatoes to the extent that the producer is eligible for compensation or assistance for the loss under any other Federal program, other than the Federal crop insurance program established under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.).

(d) EMERGENCY REQUIREMENT.—

(1) IN GENERAL.—The entire amount necessary to carry out this section shall be available only to the extent that an official budget request for the entire amount, that includes designation of the entire amount of the request as an emergency requirement under the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 900 et seq.) is transmitted by the President to Congress.

(2) DESIGNATION.—The entire amount necessary to carry out this section is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(A) of that Act (2 U.S.C. 901(b)(2)(A)).

● Mr. LEVIN. Mr. President, I rise today to introduce an amendment to the Senate Agriculture, Rural Development, Food and Drug Administration and Related Agencies Appropriations Bill that seeks to provide much needed assistance to our nation's apple and potato farmers. In the past three years, due to weather related disasters, disease and the dumping of Chinese apply juice concentrate, our nation's apple producers have lost over three-quarters of a billion dollars in revenue. Likewise, potato producers in much of the country have struggled to overcome adverse weather conditions which have reduced the value of or, in some cases, destroyed their crops. This has left many growers on the brink of financial disaster.

In the past two years, Congress has assisted America's farmers by providing substantial assistance to agricultural producers. However, apple and potato producers received little, if any, of that assistance. The $115 million in assistance we are proposing will help these producers, and ensure that apple and potato growers will be able to provide the United States and the world with a quality product that is second to none.

Mr. President I am proud to introduce this legislation that will directly assist our nation's apple and potato growers, and I urge all Senators to support me in this matter.●

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2001

MCCAIN AMENDMENT NO. 3458

Mr. WARNER (for Mr. MCCAIN) 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 of the Armed Forces, and for other purposes, as follows:

On page 239, following line 22, add the following:

SEC. 656. CLARIFICATION OF DEPARTMENT OF VETERANS AFFAIRS DUTY TO ASSIST.

(a) IN GENERAL.—Section 5107 of title 38, United States Code, is amended to read as follows:

''§ 5107 Assistance to claimants; benefit of the doubt; burden of proof

''(a) The Secretary shall assist a claimant in developing all facts pertinent to a claim for benefits under this title. Such assistance shall include requesting information as described in section 5106 of this title. The Secretary shall provide a medical examination when such examination may substantiate entitlement to the benefits sought. The Secretary may decide a claim without providing assistance under this subsection when no reasonable possibility exists that such assistance will aid in the establishment of entitlement.

''(b) The Secretary shall consider all evidence and material of record in a case before the Department with respect to benefits under laws administered by the Secretary and shall give the claimant the benefit of the doubt when there is an approximate balance of positive and negative evidence regarding any issue material to the determination of the matter.

''(c) Except when otherwise provided by this title or by the Secretary in accordance with the provisions of this title, a person who submits a claim for benefits under a law administered by the Secretary shall have the burden of proof.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 51 of that title is amended by striking the item relating to section 5017 and inserting the following new item:

''5107 Assistance to claimants; benefit of the doubt; burden of proof.''.

DODD AMENDMENT NO. 3459

Mr. LEVIN (for Mr. DODD) proposed an amendment to the bill, S. 2549, supra; as follows:

On page 415, between lines 2 and 3, insert the following:

SEC. 1061. AUTHORITY TO PROVIDE HEADSTONES OR MARKERS FOR MARKED GRAVES OR OTHERWISE COMMEMORATE CERTAIN INDIVIDUALS.

(a) IN GENERAL.—Section 2306 of title 38, United States Code, is amended—

(1) in subsections (a) and (e)(1), by striking ''the unmarked graves of''; and

(2) by adding at the end the following:

''(f) A headstone or marker furnished under subsection (a) shall be furnished, upon request, for the marked grave or unmarked grave of the individual or at another area appropriate for the purpose of commemorating the individual.''.

(b) APPLICABILITY.—(1) Except as provided in paragraph (2), the amendment to subsection (a) of section 2306 of title 38, United States Code, made by subsection (a) of this section, and subsection (f) of such section 2306, as added by subsection (a) of this section, shall apply with respect to burials occurring before, on, or after the date of the enactment of this Act.

(2) The amendments referred to in paragraph (1) shall not apply in the case of the grave for any individual who died before November 1, 1990, for which the Administrator of Veterans' Affairs provided reimbursement in lieu of furnishing a headstone or marker under subsection (d) of section 906 of title 38, United States Code, as such subsection was in effect after September 30, 1978, and before November 1, 1990.

WARNER AMENDMENT NO. 3460

Mr. WARNER proposed an amendment to the bill, S. 2549, supra; as follows:

On page 17, line 7, strike ''$1,479,950,000'' and insert ''$1,509,950,000''.

On page 17, line 5, strike ''$8,745,958,000'' and insert ''$8,715,958,000''.

CLELAND (AND COVERDELL) AMENDMENT NO. 3461

Mr. LEVIN (for Mr. CLELAND (for himself, and Mr. COVERDELL)) proposed an amendment to the bill, S. 2549, supra; as follows:

On page 48, between lines 20 and 21, insert the following:

SEC. 222. PRECISION LOCATION AND IDENTIFICATION PROGRAM (PLAID).

(a) INCREASE IN AMOUNT.—(1) The amount authorized to be appropriated by section 201(3) for research, development, test, and evaluation for the Air Force is hereby increased by $8,000,000.

(2) Of the amount authorized to be appropriated by section 201(3), as increased by paragraph (1), the amount available for Electronic Warfare Development (PE604270F) is hereby increased by $8,000,000, with the amount of such increase available for the Precision Location and Identification Program (PLAID).

(b) OFFSET.—The amount authorized to be appropriated by section 201(1) for research, development, test, and evaluation for the Army is hereby decreased by $8,000,000, with the amount of the reduction applied to Electronic Warfare Development (PE604270A).

WARNER AMENDMENT NO. 3642

Mr. WARNER proposed an amendment to the bill, S. 2549, supra; as follows:

On page 17, line 7, strike ''$1,479,950,000'' and insert ''$1,509,950,000''.

On page 17, line 5, strike ''$8,745,958,000'' and insert ''$8,715,958,000''.

LANDRIEU AMENDMENT NO. 3463

Mr. LEVIN (for Ms. LANDRIEU) 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 SUBMARINE RESCUE SUPPORT VESSELS.

(a) REQUIREMENT.—The Secretary of the Navy shall submit to Congress, together with the submission of the budget of the President for fiscal year 2002 under section 1105 of title 31, United States Code, a report on the plan of the Navy for providing for submarine rescue support vessels through fiscal year 2007.

(b) CONTENT.—The report shall include a discussion of the following:

(1) The requirement for submarine rescue support vessels through fiscal year 2007, including experience in changing from the provision of such vessels from dedicated platforms to the provision of such vessels through vessel of opportunity services and charter vessels.

(2) The resources required, the risks to submariners, and the operational impacts of the following:

(A) Chartering submarine rescue support vessels for terms of up to five years, with options to extend the charters for two additional five-year periods.

(B) Providing submarine rescue support vessels using vessel of opportunity services.

(C) Providing submarine rescue support services through other means considered by the Navy.

WARNER AMENDMENT NO. 3464

Mr. WARNER proposed an amendment to the bill, S. 2549, supra; as follows:

On page 303, between lines 6 and 7, insert the following:

SEC. 814. STUDY OF OFFICE OF MANAGEMENT AND BUDGET CIRCULAR A–76 PROCESS.

(a) GAO-CONVENED PANEL.—The Comptroller General shall convene a panel of experts to study rules, and the administration of the rules, governing the selection of sources for the performance of commercial or industrial functions for the Federal Government from between public and private sector sources, including public-private competitions pursuant to the Office of Management and Budget Circular A–76. The Comptroller General shall be the chairman of the panel.

(b) COMPOSITION OF PANEL.—(1) The Comptroller General shall appoint highly qualified and knowledgeable persons to serve on the panel and shall ensure that the following groups receive fair representation on the panel:

(A) Officers and employees of the United States.

(B) Persons in private industry.

(C) Federal labor organizations.

(2) For the purposes of the requirement for fair representation under paragraph (1), persons serving on the panel under subparagraph (C) of that paragraph shall not be counted as persons serving on the panel under subparagraph (A) or (B) of that paragraph.

(c) PARTICIPATION BY OTHER INTERESTED PARTIES.—The Comptroller General shall ensure that the opportunity to submit information and views on the Office of Management and Budget Circular A–76 process to the panel for the purposes of the study is accorded to all interested parties, including officers and employees of the United States not serving on the panel and entities in private industry and representatives of federal labor organizations not represented on the panel.

(d) INFORMATION FROM AGENCIES.—The panel may secure directly from any department or agency of the United States any information that the panel considers necessary to carry out a meaningful study of administration of the rules described in subsection (a), including the Office of Management and Budget Circular A–76 process. Upon the request of the Chairman of the panel, the head of such department or agency shall furnish the requested information to the panel.

(e) REPORT.—The Comptroller General shall submit a report on the results of the study to Congress.

(f) DEFINITION.—In this section, the term ''federal labor organization'' has the meaning given the term ''labor organization'' in section 7103(a)(4) of title 5, United States Code.

FEINSTEIN AMENDMENT NO. 3465

Mr. LEVIN (for Mrs. FEINSTEIN) 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. LAND CONVEYANCE, LOS ANGELES AIR FORCE BASE, CALIFORNIA.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Air Force may convey, by sale

or lease upon such terms as the Secretary considers appropriate, all or any portion of the following parcels of real property, including improvements thereon, at Los Angeles Air Force Base, California:

(1) Approximately 42 acres in El Segundo, California, commonly known as Area A.

(2) Approximately 52 acres in El Segundo, California, commonly known as Area B.

(3) Approximately 13 acres in Hawthorne, California, commonly known as the Lawndale Annex.

(4) Approximately 3.7 acres in Sun Valley, California, commonly known as the Armed Forces Radio and Television Service Broadcast Center.

(b) CONSIDERATION.—As consideration for the conveyance of real property under subsection (a), the recipient of the property shall provide for the design and construction on real property acceptable to the Secretary of one or more facilities to consolidate the mission and support functions at Los Angeles Air Force Base. Any such facility must comply with the seismic and safety design standards for Los Angeles County, California, in effect at the time the Secretary takes possession of the facility.

(c) LEASEBACK AUTHORITY.—If the fair market value of a facility to be provided as consideration for the conveyance of real property under subsection (a) exceeds the fair market value of the conveyed property, the Secretary may enter into a lease for the facility for a period not to exceed 10 years. Rental payments under the lease shall be established at the rate necessary to permit the lessor to recover, by the end of the lease term, the difference between the fair market value of a facility and the fair market value of the conveyed property. At the end of the lease, all right, title, and interest in the facility shall vest in the United States.

(d) APPRAISAL OF PROPERTY.—The Secretary shall obtain an appraisal of the fair market value of all property and facilities to be sold, leased, or acquired under this section. An appraisal shall be made by a qualified appraiser familiar with the type of property to be appraised. The Secretary shall consider the appraisals in determining whether a proposed conveyance accomplishes the purpose of this section and is in the interest of the United States. Appraisal reports shall not be released outside of the Federal Government, other than the other party to a conveyance.

(e) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of real property to be conveyed under subsection (a) or acquired under subsection (b) shall be determined by a survey satisfactory to the Secretary. The cost of the survey shall be borne by the recipient of the property.

(f) EXEMPTION.—Section 2696 of title 10, United States Code, does not apply to the conveyance authorized by subsection (a).

(g) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with a conveyance under subsection (a) or a lease under subsection (c) as the Secretary considers appropriate to protect the interests of the United States.

Part IV—Defense Agencies Conveyances

SANTORUM AMENDMENT NO. 3466

Mr. WARNER (for Mr. SANTORUM) proposed an amendment to the bill, S. 2549, supra; as follows:

On page 31, between lines 18 and 19, insert the following:

SEC. 126. REMANUFACTURED AV–8B AIRCRAFT.

Of the amount authorized to be appropriated by section 102(a)(1)—

(1) $318,646,000 is available for the procurement of remanufactured AV–8B aircraft;

(2) $15,200,000 is available for the procurement of UC–35 aircraft;

(3) $3,300,000 is available for the procurement of automatic flight control systems for EA–6B aircraft; and

(4) $46,000,000 is available for engineering change proposal 583 for FA–18 aircraft.

LANDRIEU AMENDMENT NO. 3467

Mr. LEVIN (for Ms. LANDRIEU) proposed an amendment to the bill, S. 2549, supra; as follows:

On page 48, between lines 20 and 21, insert the following:

SEC. 222. NAVY INFORMATION TECHNOLOGY CENTER AND HUMAN RESOURCE ENTERPRISE STRATEGY.

(a) AVAILABILITY OF INCREASED AMOUNT.—(1) Of the amount authorized to be appropriated by section 201(2), for research, development, test, and evaluation for the Navy, $5,000,000 shall be available for the Navy Program Executive Office for Information Technology for purposes of the Information Technology Center and for the Human Resource Enterprise Strategy implemented under section 8147 of the Department of Defense Appropriations Act, 1999 (Public Law 105–262; 112 Stat. 2341; 10 U.S.C. 113 note).

(2) Amounts made available under paragraph (1) for the purposes specified in that paragraph are in addition to any other amounts made available under this Act for such purposes.

(b) OFFSET.—Of the amount authorized to be appropriated by section 201(2), the amount available for Marine Corps Assault Vehicles (PE603611M) is hereby reduced by $5,000,000.

WARNER AMENDMENT NO. 3468

Mr. WARNER proposed an amendment to the bill, S. 2549, supra; as follows:

On page 17, line 13, strike ''$1,181,035,000'' and insert ''$1,191,035,000''.

On page 16, line 22, strike ''$4,068,570,000'' and insert ''$4,058,570,000''.

KENNEDY AMENDMENT NO. 3469

Mr. LEVIN (for Mr. KENNEDY) proposed an amendment to amendment No. 3383 previously proposed to the bill, S. 2549, supra; as follows:

On page 2, strike line 24 and all that follows through page 3, line 3, and insert the following:

(d) 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 applied to computing systems and communications technology (PE602301E).

WARNER (AND OTHERS) AMENDMENT NO. 3470

Mr. WARNER (for himself, Mr. HUTCHINSON, and Mr. CLELAND) proposed an amendment to the bill, S. 2549, supra; as follows:

On page 200, after line 23, insert the following:

SEC. 566. MANAGEMENT AND PER DIEM REQUIREMENTS FOR MEMBERS SUBJECT TO LENGTHY OR NUMEROUS DEPLOYMENTS.

(a) MANAGEMENT OF DEPLOYMENTS OF MEMBERS.—Section 586(a) of the National Defense Authorization Act for Fiscal Year 2000 (Public Law 106–65; 113 Stat. 637) is amended in the text of section 991 of title 10, United States Code, set forth in such section 586(a)—

(1) in subsection (a), by striking ''an officer in the grade of general or admiral'' in the second sentence and inserting ''the designated component commander for the member's armed force''; and

(2) in subsection (b)—

(A) in paragraph (1), by inserting ''or homeport, as the case may'' before the period at the end;

(B) by redesignating paragraphs (2) and (3) as paragraphs (3) and (4), respectively;

(C) by inserting after paragraph (1) the following new paragraph (2):

''(2) In the case of a member of a reserve component performing active service, the member shall be considered deployed or in a deployment for the purposes of paragraph (1) on any day on which, pursuant to orders that do not establish a permanent change of station, the member is performing the active service at a location that—

''(A) is not the member's permanent training site; and

''(B) is—

''(i) at least 100 miles from the member's permanent residence; or

''(ii) a lesser distance from the member's permanent residence that, under the circumstances applicable to the member's travel, is a distance that requires at least three hours of travel to traverse.''; and

(D) in paragraph (3), as redesignated by subparagraph (B) of this paragraph—

(i) by striking ''or'' at the end of subparagraph (A);

(ii) by striking the period at the end of subparagraph (B) and inserting ''; or''; and

(iii) by adding at the end the following:

''(C) unavailable solely because of—

''(i) a hospitalization of the member at the member's permanent duty station or homeport or in the immediate vicinity of the member's permanent residence; or

''(ii) a disciplinary action taken against the member.''.

(b) ASSOCIATED PER DIEM ALLOWANCE.—Section 586(b) of that Act (113 Stat. 638) is amended in the text of section 435 of title 37, United States Code, set forth in such section 586(b)—

(1) in subsection (a), by striking ''251 days or more out of the preceding 365 days'' and inserting ''501 or more days out of the preceding 730 days''; and

(2) in subsection (b), by striking ''prescribed under paragraph (3)'' and inserting ''prescribed under paragraph (4)''.

(c) REVIEW OF MANAGEMENT OF DEPLOYMENTS OF INDIVIDUAL MEMBERS.— Not later than March 31, 2002, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the administration of section 991 of title 10, United States Code (as added by section 586(a) of the National Defense Authorization Act for Fiscal Year 2000), during the first year that such section 991 is in effect. The report shall include—

(1) a discussion of the experience in tracking and recording the deployments of members of the Armed Forces; and

(2) any recommendations for revision of such section 991 that the Secretary considers appropriate.

SEC. 567. EXTENSION OF TRICARE MANAGED CARE SUPPORT CONTRACTS.

(a) AUTHORITY.—Notwithstanding any other provision of law, the TRICARE managed care support contracts in effect, or in final stages of acquisition as of September 30, 1999, may be extended for four years, subject to subsection (b).

(b) CONDITIONS.—Any extension of a contract under paragraph (1)—

(1) may be made only if the Secretary of Defense determines that it is in the best interest of the Government to do so; and

(2) 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.

SCHUMER AMENDMENT NO. 3471

Mr. LEVIN (for Mr. SCHUMER) proposed an amendment to the bill, S. 2549, supra; as follows:

On page 378, between lines 19 and 20, insert the following:

SEC. 1027. REPORTS ON FEDERAL GOVERNMENT PROGRESS IN DEVELOPING INFORMATION ASSURANCE STRATEGIES.

(a) FINDINGS.—Congress makes the following findings:

(1) The protection of our Nation's critical infrastructure is of paramount importance to the security of the United States.

(2) The vulnerability of our Nation's critical sectors—such as financial services, transportation, communications, and energy and water supply—has increased dramatically in recent years as our economy and society have become ever more dependent on interconnected computer systems.

(3) Threats to our Nation's critical infrastructure will continue to grow as foreign governments, terrorist groups, and cyber-criminals increasingly focus on information warfare as a method of achieving their aims.

(4) Addressing the computer-based risks to our Nation's critical infrastructure requires extensive coordination and cooperation within and between Federal agencies and the private sector.

(5) Presidential Decision Directive No. 63 (PDD–63) identifies 12 areas critical to the functioning of the United States and requires certain Federal agencies, and encourages private sector industries, to develop and comply with strategies intended to enhance the Nation's ability to protect its critical infrastructure.

(6) PDD–63 requires lead Federal agencies to work with their counterparts in the private sector to create early warning information sharing systems and other cyber-security strategies.

(7) PDD–63 further requires that key Federal agencies develop their own internal information assurance plans, and that these plans be fully operational not later than May 2003.

(b) REPORT REQUIREMENTS.—(1) Not later than July 1, 2001, the President shall submit to Congress a comprehensive report detailing the specific steps taken by the Federal Government as of the date of the report to develop infrastructure assurance strategies as outlined by Presidential Decision Directive No. 63 (PDD–63). The report shall include the following:

(A) A detailed summary of the progress of each Federal agency in developing an internal information assurance plan.

(B) The progress of Federal agencies in establishing partnerships with relevant private sector industries.

(2) Not later than 120 days after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a detailed report on the roles and responsibilities of the Department of Defense in defending against attacks on critical infrastructure and critical information-based systems. The report shall include the following:

(A) A description of the current role of the Department of Defense in implementing Presidential Decision Directive No. 63 (PDD–63).

(B) A description of the manner in which the Department is integrating its various capabilities and assets (including the Army Land Information Warfare Activity (LIWA), the Joint Task Force on Computer Network Defense (JTF-CND), and the National Communications System) into an indications and warning architecture.

(C) A description of Department work with the intelligence community to identify, detect, and counter the threat of information warfare programs by potentially hostile foreign national governments and sub-national groups.

(D) A definitions of the terms ''nationally significant cyber event'' and ''cyber reconstitution''.

(E) A description of the organization of Department to protect its foreign-based infrastructure and networks.

(F) An identification of the elements of a defense against an information warfare attack, including the integration of the Computer Network Attack Capability of the United States Space Command into the overall cyber-defense of the United States.

THOMPSON (AND OTHERS) AMENDMENT NO. 3472

Mr. WARNER (for Mr. THOMPSON (for himself, Mr. LIEBERMAN, Mr. AKAKA, Mr. CLELAND, Mr. VOINOVICH, Mr. ABRAHAM, Mr. HELMS, and Ms. COLLINS)) proposed an amendment to the bill, S. 2549, supra; as follows:

On page 471, between lines 8 and 9, insert the following:

TITLE XIV—GOVERNMENT INFORMATION SECURITY REFORM

SEC. 1401. SHORT TITLE.

This title may be cited as the ''Government Information Security Act''.

SEC. 1402. COORDINATION OF FEDERAL INFORMATION POLICY.

Chapter 35 of title 44, United States Code, is amended by inserting at the end the following:

''SUBCHAPTER II—INFORMATION SECURITY

''§ 3531. Purposes

''The purposes of this subchapter are to—

''(1) provide a comprehensive framework for establishing and ensuring the effectiveness of controls over information resources that support Federal operations and assets;

''(2)(A) recognize the highly networked nature of the Federal computing environment including the need for Federal Government interoperability and, in the implementation of improved security management measures, assure that opportunities for interoperability are not adversely affected; and

''(B) provide effective governmentwide management and oversight of the related information security risks, including coordination of information security efforts throughout the civilian, national security, and law enforcement communities;

''(3) provide for development and maintenance of minimum controls required to protect Federal information and information systems; and

''(4) provide a mechanism for improved oversight of Federal agency information security programs.

''§ 3532. Definitions

''(a) Except as provided under subsection (b), the definitions under section 3502 shall apply to this subchapter.

''(b) As used in this subchapter the term—

''(1) 'information technology' has the meaning given that term in section 5002 of the Clinger-Cohen Act of 1996 (40 U.S.C. 1401); and

''(2) 'mission critical system' means any telecommunications or information system used or operated by an agency or by a contractor of an agency, or other organization on behalf of an agency, that—

''(A) is defined as a national security system under section 5142 of the Clinger-Cohen Act of 1996 (40 U.S.C. 1452);

''(B) is protected at all times by procedures established for information which has been specifically authorized under criteria established by an Executive order or an Act of Congress to be classified in the interest of national defense or foreign policy; or

''(C) processes any information, the loss, misuse, disclosure, or unauthorized access to or modification of, would have a debilitating impact on the mission of an agency.

''§ 3533. Authority and functions of the Director

''(a)(1) The Director shall establish governmentwide policies for the management of programs that—

''(A) support the cost-effective security of Federal information systems by promoting security as an integral component of each agency's business operations; and

''(B) include information technology architectures as defined under section 5125 of the Clinger-Cohen Act of 1996 (40 U.S.C. 1425).

''(2) Policies under this subsection shall—

''(A) be founded on a continuing risk management cycle that recognizes the need to—

''(i) identify, assess, and understand risk; and

''(ii) determine security needs commensurate with the level of risk;

''(B) implement controls that adequately address the risk;

''(C) promote continuing awareness of information security risk; and

''(D) continually monitor and evaluate policy and control effectiveness of information security practices.

''(b) The authority under subsection (a) includes the authority to—

''(1) oversee and develop policies, principles, standards, and guidelines for the handling of Federal information and information resources to improve the efficiency and effectiveness of governmental operations, including principles, policies, and guidelines for the implementation of agency responsibilities under applicable law for ensuring the privacy, confidentiality, and security of Federal information;

''(2) consistent with the standards and guidelines promulgated under section 5131 of the Clinger-Cohen Act of 1996 (40 U.S.C. 1441) and sections 5 and 6 of the Computer Security Act of 1987 (40 U.S.C. 1441 note; Public Law 100–235; 101 Stat. 1729), require Federal agencies to identify and afford security protections commensurate with the risk and magnitude of the harm resulting from the loss, misuse, or unauthorized access to or modification of information collected or maintained by or on behalf of an agency;

''(3) direct the heads of agencies to—

''(A) identify, use, and share best security practices;

''(B) develop an agency-wide information security plan;

''(C) incorporate information security principles and practices throughout the life cycles of the agency's information systems; and

''(D) ensure that the agency's information security plan is practiced throughout all life cycles of the agency's information systems;

''(4) oversee the development and implementation of standards and guidelines relating to security controls for Federal computer systems by the Secretary of Commerce through the National Institute of Standards and Technology under section 5131 of the Clinger-Cohen Act of 1996 (40 U.S.C. 1441) and section 20 of the National Institute of Standards and Technology Act (15 U.S.C. 278g–3);

''(5) oversee and coordinate compliance with this section in a manner consistent with—

''(A) sections 552 and 552a of title 5;

''(B) sections 20 and 21 of the National Institute of Standards and Technology Act (15 U.S.C. 278g–3 and 278g–4);

''(C) section 5131 of the Clinger-Cohen Act of 1996 (40 U.S.C. 1441);

''(D) sections 5 and 6 of the Computer Security Act of 1987 (40 U.S.C. 1441 note; Public Law 100–235; 101 Stat. 1729); and

''(E) related information management laws; and

''(6) take any authorized action under section 5113(b)(5) of the Clinger-Cohen Act of 1996 (40 U.S.C. 1413(b)(5)) that the Director considers appropriate, including any action involving the budgetary process or appropriations management process, to enforce accountability of the head of an agency for information resources management, including the requirements of this subchapter, and for the investments made by the agency in information technology, including—

''(A) recommending a reduction or an increase in any amount for information resources that the head of the agency proposes for the budget submitted to Congress under section 1105(a) of title 31;

''(B) reducing or otherwise adjusting apportionments and reapportionments of appropriations for information resources; and

''(C) using other authorized administrative controls over appropriations to restrict the availability of funds for information resources.

''(c) The authorities of the Director under this section may be delegated—

''(1) to the Secretary of Defense, the Director of Central Intelligence, and other agency head as designated by the President in the case of systems described under subparagraphs (A) and (B) of section 3532(b)(2); and

''(2) in the case of all other Federal information systems, only to the Deputy Director for Management of the Office of Management and Budget.

''§ 3534. Federal agency responsibilities

''(a) The head of each agency shall—

''(1) be responsible for—

''(A) adequately ensuring the integrity, confidentiality, authenticity, availability, and nonrepudiation of information and information systems supporting agency operations and assets;

''(B) developing and implementing information security policies, procedures, and control techniques sufficient to afford security protections commensurate with the risk and magnitude of the harm resulting from unauthorized disclosure, disruption, modification, or destruction of information collected or maintained by or for the agency; and

''(C) ensuring that the agency's information security plan is practiced throughout the life cycle of each agency system;

''(2) ensure that appropriate senior agency officials are responsible for—

''(A) assessing the information security risks associated with the operations and assets for programs and systems over which such officials have control;

''(B) determining the levels of information security appropriate to protect such operations and assets; and

''(C) periodically testing and evaluating information security controls and techniques;

''(3) delegate to the agency Chief Information Officer established under section 3506, or a comparable official in an agency not covered by such section, the authority to administer all functions under this subchapter including—

''(A) designating a senior agency information security official who shall report to the Chief Information Officer or a comparable official;

''(B) developing and maintaining an agencywide information security program as required under subsection (b);

''(C) ensuring that the agency effectively implements and maintains information security policies, procedures, and control techniques;

''(D) training and overseeing personnel with significant responsibilities for information security with respect to such responsibilities; and

''(E) assisting senior agency officials concerning responsibilities under paragraph (2);

''(4) ensure that the agency has trained personnel sufficient to assist the agency in complying with the requirements of this subchapter and related policies, procedures, standards, and guidelines; and

''(5) ensure that the agency Chief Information Officer, in coordination with senior agency officials, periodically—

''(A)(i) evaluates the effectiveness of the agency information security program, including testing control techniques; and

''(ii) implements appropriate remedial actions based on that evaluation; and

''(B) reports to the agency head on—

''(i) the results of such tests and evaluations; and

''(ii) the progress of remedial actions.

''(b)(1) Each agency shall develop and implement an agencywide information security program to provide information security for the operations and assets of the agency, including operations and assets provided or managed by another agency.

''(2) Each program under this subsection shall include—

''(A) periodic risk assessments that consider internal and external threats to—

''(i) the integrity, confidentiality, and availability of systems; and

''(ii) data supporting critical operations and assets;

''(B) policies and procedures that—

''(i) are based on the risk assessments required under subparagraph (A) that cost-effectively reduce information security risks to an acceptable level; and

''(ii) ensure compliance with—

''(I) the requirements of this subchapter;

''(II) policies and procedures as may be prescribed by the Director; and

''(III) any other applicable requirements;

''(C) security awareness training to inform personnel of—

''(i) information security risks associated with the activities of personnel; and

''(ii) responsibilities of personnel in complying with agency policies and procedures designed to reduce such risks;

''(D)(i) periodic management testing and evaluation of the effectiveness of information security policies and procedures; and

''(ii) a process for ensuring remedial action to address any significant deficiencies; and

''(E) procedures for detecting, reporting, and responding to security incidents, including—

''(i) mitigating risks associated with such incidents before substantial damage occurs;

''(ii) notifying and consulting with law enforcement officials and other offices and authorities;

''(iii) notifying and consulting with an office designated by the Administrator of General Services within the General Services Administration; and

''(iv) notifying and consulting with an office designated by the Secretary of Defense, the Director of Central Intelligence, and other agency head as designated by the President for incidents involving systems described under subparagraphs (A) and (B) of section 3532(b)(2).

''(3) Each program under this subsection is subject to the approval of the Director and is required to be reviewed at least annually by agency program officials in consultation with the Chief Information Officer. In the case of systems described under subparagraphs (A) and (B) of section 3532(b)(2), the Director shall delegate approval authority under this paragraph to the Secretary of Defense, the Director of Central Intelligence, and other agency head as designated by the President.

''(c)(1) Each agency shall examine the adequacy and effectiveness of information security policies, procedures, and practices in plans and reports relating to—

''(A) annual agency budgets;

''(B) information resources management under the Paperwork Reduction Act of 1995 (44 U.S.C. 101 note);

''(C) performance and results based management under the Clinger-Cohen Act of 1996 (40 U.S.C. 1401 et seq.);

''(D) program performance under sections 1105 and 1115 through 1119 of title 31, and sections 2801 through 2805 of title 39; and

''(E) financial management under—

''(i) chapter 9 of title 31, United States Code, and the Chief Financial Officers Act of 1990 (31 U.S.C. 501 note; Public Law 101–576) (and the amendments made by that Act);

''(ii) the Federal Financial Management Improvement Act of 1996 (31 U.S.C. 3512 note) (and the amendments made by that Act); and

''(iii) the internal controls conducted under section 3512 of title 31.

''(2) Any significant deficiency in a policy, procedure, or practice identified under paragraph (1) shall be reported as a material weakness in reporting required under the applicable provision of law under paragraph (1).

''(d)(1) In addition to the requirements of subsection (c), each agency, in consultation with the Chief Information Officer, shall include as part of the performance plan required under section 1115 of title 31 a description of—

''(A) the time periods; and

''(B) the resources, including budget, staffing, and training,

which are necessary to implement the program required under subsection (b)(1).

''(2) The description under paragraph (1) shall be based on the risk assessment required under subsection (b)(2)(A).

''§ 3535. Annual independent evaluation

''(a)(1) Each year each agency shall have performed an independent evaluation of the information security program and practices of that agency.

''(2) Each evaluation under this section shall include—

''(A) an assessment of compliance with—

''(i) the requirements of this subchapter; and

''(ii) related information security policies, procedures, standards, and guidelines; and

''(B) tests of the effectiveness of information security control techniques.

''(3) The Inspector General or the independent evaluator performing an evaluation under this section including the Comptroller General may use any audit, evaluation, or report relating to programs or practices of the applicable agency.

''(b)(1)(A) Subject to subparagraph (B), for agencies with Inspectors General appointed under the Inspector General Act of 1978 (5 U.S.C. App.) or any other law, the annual evaluation required under this section or, in the case of systems described under subparagraphs (A) and (B) of section 3532(b)(2), an audit of the annual evaluation required under this section, shall be performed by the Inspector General or by an independent evaluator, as determined by the Inspector General of the agency.

''(B) For systems described under subparagraphs (A) and (B) of section 3532(b)(2), the evaluation required under this section shall be performed only by an entity designated by the Secretary of Defense, the Director of Central Intelligence, or other agency head as designated by the President.

''(2) For any agency to which paragraph (1) does not apply, the head of the agency shall contract with an independent evaluator to perform the evaluation.

''(3) An evaluation of agency information security programs and practices performed by the Comptroller General may be in lieu of the evaluation required under this section.

''(c) Not later than 1 year after the date of enactment of this subchapter, and on that date every year thereafter, the applicable agency head shall submit to the Director—

''(1) the results of each evaluation required under this section, other than an evaluation of a system described under subparagraph (A) or (B) of section 3532(b)(2); and

''(2) the results of each audit of an evaluation required under this section of a system described under subparagraph (A) or (B) of section 3532(b)(2).

''(d)(1) Each year the Comptroller General shall review—

''(A) the evaluations required under this section (other than an evaluation of a system described under subparagraph (A) or (B) of section 3532(b)(2));

''(B) the results of each audit of an evaluation required under this section of a system described under subparagraph (A) or (B) of section 3532(b)(2); and

''(C) other information security evaluation results.

''(2) The Comptroller General shall report to Congress regarding the results of the review required under paragraph (1) and the adequacy of agency information programs and practices.

''(3) Evaluations and audits of evaluations of systems under the authority and control of the Director of Central Intelligence and evaluations and audits of evaluation of National Foreign Intelligence Programs systems under the authority and control of the Secretary of Defense—

''(A) shall not be provided to the Comptroller General under this subsection; and

''(B) shall be made available only to the appropriate oversight committees of Congress, in accordance with applicable laws.

''(e) Agencies and evaluators shall take appropriate actions to ensure the protection of information, the disclosure of which may adversely affect information security. Such protections shall be commensurate with the risk and comply with all applicable laws.''.

SEC. 1403. RESPONSIBILITIES OF CERTAIN AGENCIES.

(a) DEPARTMENT OF COMMERCE.—Notwithstanding section 20 of the National Institute of Standards and Technology Act (15 U.S.C. 278g–3) and except as provided under subsection (b), the Secretary of Commerce, through the National Institute of Standards and Technology and with technical assistance from the National Security Agency, as required or when requested, shall—

(1) develop, issue, review, and update standards and guidance for the security of Federal information systems, including development of methods and techniques for security systems and validation programs;

(2) develop, issue, review, and update guidelines for training in computer security awareness and accepted computer security practices, with assistance from the Office of Personnel Management;

(3) provide agencies with guidance for security planning to assist in the development of applications and system security plans for such agencies;

(4) provide guidance and assistance to agencies concerning cost-effective controls when interconnecting with other systems; and

(5) evaluate information technologies to assess security vulnerabilities and alert Federal agencies of such vulnerabilities as soon as those vulnerabilities are known.

(b) DEPARTMENT OF DEFENSE AND THE INTELLIGENCE COMMUNITY.—

(1) IN GENERAL.—Notwithstanding section 3533 of title 44, United States Code (as added by section 1402 of this Act), the Secretary of Defense, the Director of Central Intelligence, and other agency head as designated by the President, shall, consistent with their respective authorities—

(A) develop and issue information security policies, standards, and guidelines for systems described under subparagraphs (A) and (B) of section 3532(b)(2) of title 44, United States Code (as added by section 1402 of this Act), that provide more stringent protection than the policies, principles, standards, and guidelines required under section 3533 of such title; and

(B) ensure the implementation of the information security policies, principles, standards, and guidelines described under subparagraph (A).

(2) MEASURES ADDRESSED.—The policies, principles, standards, and guidelines developed by the Secretary of Defense and the Director of Central Intelligence under paragraph (1) shall address the full range of information assurance measures needed to protect and defend Federal information and information systems by ensuring their integrity, confidentiality, authenticity, availability, and nonrepudiation.

(c) DEPARTMENT OF JUSTICE.—The Department of Justice shall review and update guidance to agencies on—

(1) legal remedies regarding security incidents and ways to report to and work with law enforcement agencies concerning such incidents; and

(2) lawful uses of security techniques and technologies.

(d) GENERAL SERVICES ADMINISTRATION.—The General Services Administration shall—

(1) review and update General Services Administration guidance to agencies on addressing security considerations when acquiring information technology; and

(2) assist agencies in—

(A) fulfilling agency responsibilities under section 3534(b)(2)(E) of title 44, United States Code (as added by section 1402 of this Act); and

(B) the acquisition of cost-effective security products, services, and incident response capabilities.

(e) OFFICE OF PERSONNEL MANAGEMENT.—The Office of Personnel Management shall—

(1) review and update Office of Personnel Management regulations concerning computer security training for Federal civilian employees;

(2) assist the Department of Commerce in updating and maintaining guidelines for training in computer security awareness and computer security best practices; and

(3) work with the National Science Foundation and other agencies on personnel and training initiatives (including scholarships and fellowships, as authorized by law) as necessary to ensure that the Federal Government—

(A) has adequate sources of continuing information security education and training available for employees; and

(B) has an adequate supply of qualified information security professionals to meet agency needs.

(f) INFORMATION SECURITY POLICIES, PRINCIPLES, STANDARDS, AND GUIDELINES.—

(1) IN GENERAL.—Notwithstanding any provision of this title (including any amendment made by this title)—

(A) the Secretary of Defense, the Director of Central Intelligence, and other agency head as designated by the President shall develop such policies, principles, standards, and guidelines for mission critical systems subject to their control;

(B) the policies, principles, standards, and guidelines developed by the Secretary of Defense, the Director of Central Intelligence, and other agency head as designated by the President may be adopted, to the extent that such policies are consistent with policies and guidance developed by the Director of the Office of Management and Budget and the Secretary of Commerce—

(i) by the Director of the Office of Management and Budget, as appropriate, to the mission critical systems of all agencies; or

(ii) by an agency head, as appropriate, to the mission critical systems of that agency; and

(C) to the extent that such policies are consistent with policies and guidance developed by the Director of the Office of Management and Budget and the Secretary of Commerce, an agency may develop and implement information security policies, principles, standards, and guidelines that provide more stringent protection than those required under section 3533 of title 44, United States Code (as added by section 1402 of this Act), or subsection (a) of this section.

(2) MEASURES ADDRESSED.—The policies, principles, standards, and guidelines developed by the Secretary of Defense and the Director of Central Intelligence under paragraph (1) shall address the full range of information assurance measures needed to protect and defend Federal information and information systems by ensuring their integrity, confidentiality, authenticity, availability, and nonrepudiation.

(g) ATOMIC ENERGY ACT OF 1954.—Nothing in this title (including any amendment made by this title) shall supersede any requirement made by or under the Atomic Energy Act of 1954 (42 U.S.C. 2011 et seq.). Restricted Data or Formerly Restricted Data shall be handled, protected, classified, downgraded, and declassified in conformity with the Atomic Energy Act of 1954 (42 U.S.C. 2011 et seq.).

SEC. 1404. TECHNICAL AND CONFORMING AMENDMENTS.

(a) IN GENERAL.—Chapter 35 of title 44, United States Code, is amended—

(1) in the table of sections—

(A) by inserting after the chapter heading the following:

''SUBCHAPTER I—FEDERAL INFORMATION POLICY'';

and

(B) by inserting after the item relating to section 3520 the following:

''SUBCHAPTER II—INFORMATION SECURITY

''Sec.
''3531. Purposes.
''3532. Definitions.
''3533. Authority and functions of the Director.
''3534. Federal agency responsibilities.
''3535. Annual independent evaluation.'';

and

(2) by inserting before section 3501 the following:

''SUBCHAPTER I—FEDERAL INFORMATION POLICY''.

(b) REFERENCES TO CHAPTER 35.—Chapter 35 of title 44, United States Code, is amended—

(1) in section 3501—

(A) in the matter preceding paragraph (1), by striking ''chapter'' and inserting ''subchapter''; and

(B) in paragraph (11), by striking ''chapter'' and inserting ''subchapter'';

(2) in section 3502, in the matter preceding paragraph (1), by striking ''chapter'' and inserting ''subchapter'';

(3) in section 3503, in subsection (b), by striking ''chapter'' and inserting ''subchapter'';

(4) in section 3504—

(A) in subsection (a)(2), by striking ''chapter'' and inserting ''subchapter'';

(B) in subsection (d)(2), by striking ''chapter'' and inserting ''subchapter''; and

(C) in subsection (f)(1), by striking ''chapter'' and inserting ''subchapter'';

(5) in section 3505—

(A) in subsection (a), in the matter preceding paragraph (1), by striking ''chapter'' and inserting ''subchapter'';

(B) in subsection (a)(2), by striking ''chapter'' and inserting ''subchapter''; and

(C) in subsection (a)(3)(B)(iii), by striking ''chapter'' and inserting ''subchapter'';

(6) in section 3506—

(A) in subsection (a)(1)(B), by striking ''chapter'' and inserting ''subchapter'';

(B) in subsection (a)(2)(A), by striking ''chapter'' and inserting ''subchapter'';

(C) in subsection (a)(2)(B), by striking ''chapter'' and inserting ''subchapter'';

(D) in subsection (a)(3)—

(i) in the first sentence, by striking ''chapter'' and inserting ''subchapter''; and

(ii) in the second sentence, by striking ''chapter'' and inserting ''subchapter'';

(E) in subsection (b)(4), by striking ''chapter'' and inserting ''subchapter'';

(F) in subsection (c)(1), by striking ''chapter, to'' and inserting ''subchapter, to''; and

(G) in subsection (c)(1)(A), by striking ''chapter'' and inserting ''subchapter'';

(7) in section 3507—

(A) in subsection (e)(3)(B), by striking ''chapter'' and inserting ''subchapter'';

(B) in subsection (h)(2)(B), by striking ''chapter'' and inserting ''subchapter'';

(C) in subsection (h)(3), by striking ''chapter'' and inserting ''subchapter'';

(D) in subsection (j)(1)(A)(i), by striking ''chapter'' and inserting ''subchapter'';

(E) in subsection (j)(1)(B), by striking ''chapter'' and inserting ''subchapter''; and

(F) in subsection (j)(2), by striking ''chapter'' and inserting ''subchapter'';

(8) in section 3509, by striking ''chapter'' and inserting ''subchapter'';

(9) in section 3512—

(A) in subsection (a), by striking ''chapter if'' and inserting ''subchapter if''; and

(B) in subsection (a)(1), by striking ''chapter'' and inserting ''subchapter'';

(10) in section 3514—

(A) in subsection (a)(1)(A), by striking ''chapter'' and inserting ''subchapter''; and

(B) in subsection (a)(2)(A)(ii), by striking ''chapter'' and inserting ''subchapter'' each place it appears;

(11) in section 3515, by striking ''chapter'' and inserting ''subchapter'';

(12) in section 3516, by striking ''chapter'' and inserting ''subchapter'';

(13) in section 3517(b), by striking ''chapter'' and inserting ''subchapter'';

(14) in section 3518—

(A) in subsection (a), by striking ''chapter'' and inserting ''subchapter'' each place it appears;

(B) in subsection (b), by striking ''chapter'' and inserting ''subchapter'';

(C) in subsection (c)(1), by striking ''chapter'' and inserting ''subchapter'';

(D) in subsection (c)(2), by striking ''chapter'' and inserting ''subchapter'';

(E) in subsection (d), by striking ''chapter'' and inserting ''subchapter''; and

(F) in subsection (e), by striking ''chapter'' and inserting ''subchapter''; and

(15) in section 3520, by striking ''chapter'' and inserting ''subchapter''.

SEC. 1405. EFFECTIVE DATE.

This title and the amendments made by this title shall take effect 30 days after the date of enactment of this Act.

KENNEDY (AND OTHERS) AMENDMENT NO. 3473

Mr. LEVIN (for Mr. KENNEDY (for himself, Mrs. BOXER, Mr. L. CHAFEE, Mr. DASCHLE, Mr. DODD, Mr. DURBIN, Mrs. FEINSTEIN, Mr. GRAHAM, Mr. HARKIN, Mr. JEFFORDS, Mr. LEAHY, Mr. LEVIN, Mr. SCHUMER, Mr. SMITH of Oregon, Mr. TORRICELLI, Mr. WELLSTONE, Mr. WYDEN, and Mr. REED)) proposed an amendment to the bill, S. 2549, supra; as follows:

At the appropriate place, insert the following:

TITLE ___—LOCAL LAW ENFORCEMENT ENHANCEMENT ACT OF 2000

SEC. ___01. SHORT TITLE.

This title may be cited as the ''Local Law Enforcement Enhancement Act of 2000''.

SEC. ___02. FINDINGS.

Congress makes the following findings:

(1) The incidence of violence motivated by the actual or perceived race, color, religion, national origin, gender, sexual orientation, or disability of the victim poses a serious national problem.

(2) Such violence disrupts the tranquility and safety of communities and is deeply divisive.

(3) State and local authorities are now and will continue to be responsible for prosecuting the overwhelming majority of violent crimes in the United States, including violent crimes motivated by bias. These authorities can carry out their responsibilities more effectively with greater Federal assistance.

(4) Existing Federal law is inadequate to address this problem.

(5) The prominent characteristic of a violent crime motivated by bias is that it devastates not just the actual victim and the victim's family and friends, but frequently savages the community sharing the traits that caused the victim to be selected.

(6) Such violence substantially affects interstate commerce in many ways, including—

(A) by impeding the movement of members of targeted groups and forcing such members to move across State lines to escape the incidence or risk of such violence; and

(B) by preventing members of targeted groups from purchasing goods and services, obtaining or sustaining employment or participating in other commercial activity.

(7) Perpetrators cross State lines to commit such violence.

(8) Channels, facilities, and instrumentalities of interstate commerce are used to facilitate the commission of such violence.

(9) Such violence is committed using articles that have traveled in interstate commerce.

(10) For generations, the institutions of slavery and involuntary servitude were defined by the race, color, and ancestry of those held in bondage. Slavery and involuntary servitude were enforced, both prior to and after the adoption of the 13th amendment to the Constitution of the United States, through widespread public and private violence directed at persons because of their race, color, or ancestry, or perceived race, color, or ancestry. Accordingly, eliminating racially motivated violence is an important means of eliminating, to the extent possible, the badges, incidents, and relics of slavery and involuntary servitude.

(11) Both at the time when the 13th, 14th, and 15th amendments to the Constitution of the United States were adopted, and continuing to date, members of certain religious and national origin groups were and are perceived to be distinct ''races''. Thus, in order to eliminate, to the extent possible, the badges, incidents, and relics of slavery, it is necessary to prohibit assaults on the basis of real or perceived religions or national origins, at least to the extent such religions or national origins were regarded as races at the time of the adoption of the 13th, 14th, and 15th amendments to the Constitution of the United States.

(12) Federal jurisdiction over certain violent crimes motivated by bias enables Federal, State, and local authorities to work together as partners in the investigation and prosecution of such crimes.

(13) The problem of crimes motivated by bias is sufficiently serious, widespread, and interstate in nature as to warrant Federal assistance to States and local jurisdictions.

SEC. ___03. DEFINITION OF HATE CRIME.

In this title, the term ''hate crime'' has the same meaning as in section 280003(a) of the Violent Crime Control and Law Enforcement Act of 1994 (28 U.S.C. 994 note).

SEC. ___04. SUPPORT FOR CRIMINAL INVESTIGATIONS AND PROSECUTIONS BY STATE AND LOCAL LAW ENFORCEMENT OFFICIALS.

(a) ASSISTANCE OTHER THAN FINANCIAL ASSISTANCE.—

(1) IN GENERAL.—At the request of a law enforcement official of a State or Indian tribe, the Attorney General may provide technical, forensic, prosecutorial, or any other form of assistance in the criminal investigation or prosecution of any crime that—

(A) constitutes a crime of violence (as defined in section 16 of title 18, United States Code);

(B) constitutes a felony under the laws of the State or Indian tribe; and

(C) is motivated by prejudice based on the victim's race, color, religion, national origin, gender, sexual orientation, or disability or is a violation of the hate crime laws of the State or Indian tribe.

(2) PRIORITY.—In providing assistance under paragraph (1), the Attorney General shall give priority to crimes committed by offenders who have committed crimes in more than 1 State and to rural jurisdictions that have difficulty covering the extraordinary expenses relating to the investigation or prosecution of the crime.

(b) GRANTS.—

(1) IN GENERAL.—The Attorney General may award grants to assist State, local, and Indian law enforcement officials with the extraordinary expenses associated with the investigation and prosecution of hate crimes. In implementing the grant program, the Office of Justice Programs shall work closely with the funded jurisdictions to ensure that the concerns and needs of all affected parties, including community groups and schools, colleges, and universities, are addressed through the local infrastructure developed under the grants.

(2) APPLICATION.—

(A) IN GENERAL.—Each State desiring a grant under this subsection shall submit an application to the Attorney General at such time, in such manner, and accompanied by or containing such information as the Attorney General shall reasonably require.

(B) DATE FOR SUBMISSION.—Applications submitted pursuant to subparagraph (A) shall be submitted during the 60-day period beginning on a date that the Attorney General shall prescribe.

(C) REQUIREMENTS.—A State or political subdivision of a State or tribal official applying for assistance under this subsection shall—

(i) describe the extraordinary purposes for which the grant is needed;

(ii) certify that the State, political subdivision, or Indian tribe lacks the resources necessary to investigate or prosecute the hate crime;

(iii) demonstrate that, in developing a plan to implement the grant, the State, political subdivision, or tribal official has consulted and coordinated with nonprofit, nongovernmental victim services programs that have experience in providing services to victims of hate crimes; and

(iv) certify that any Federal funds received under this subsection will be used to supplement, not supplant, non-Federal funds that would otherwise be available for activities funded under this subsection.

(3) DEADLINE.—An application for a grant under this subsection shall be approved or disapproved by the Attorney General not later than 30 business days after the date on which the Attorney General receives the application.

(4) GRANT AMOUNT.—A grant under this subsection shall not exceed $100,000 for any single jurisdiction within a 1 year period.

(5) REPORT.—Not later than December 31, 2001, the Attorney General shall submit to Congress a report describing the applications submitted for grants under this subsection, the award of such grants, and the purposes for which the grant amounts were expended.

(6) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this subsection $5,000,000 for each of fiscal years 2001 and 2002.

SEC. ___05. GRANT PROGRAM.

(a) AUTHORITY TO MAKE GRANTS.—The Office of Justice Programs of the Department of Justice shall award grants, in accordance with such regulations as the Attorney General may prescribe, to State and local programs designed to combat hate crimes committed by juveniles, including programs to train local law enforcement officers in identifying, investigating, prosecuting, and preventing hate crimes.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this section.

SEC. ___06. AUTHORIZATION FOR ADDITIONAL PERSONNEL TO ASSIST STATE AND LOCAL LAW ENFORCEMENT.

There are authorized to be appropriated to the Department of the Treasury and the Department of Justice, including the Community Relations Service, for fiscal years 2001, 2002, and 2003 such sums as are necessary to increase the number of personnel to prevent and respond to alleged violations of section 249 of title 18, United States Code (as added by this title).

SEC. ___07. PROHIBITION OF CERTAIN HATE CRIME ACTS.

(a) IN GENERAL.—Chapter 13 of title 18, United States Code, is amended by adding at the end the following:

"§ 249. Hate crime acts

''(a) IN GENERAL.—

''(1) OFFENSES INVOLVING ACTUAL OR PERCEIVED RACE, COLOR, RELIGION, OR NATIONAL ORIGIN.—Whoever, whether or not acting under color of law, willfully causes bodily injury to any person or, through the use of fire, a firearm, or an explosive or incendiary device, attempts to cause bodily injury to any person, because of the actual or perceived race, color, religion, or national origin of any person—

''(A) shall be imprisoned not more than 10 years, fined in accordance with this title, or both; and

''(B) shall be imprisoned for any term of years or for life, fined in accordance with this title, or both, if—

''(i) death results from the offense; or

''(ii) the offense includes kidnaping or an attempt to kidnap, aggravated sexual abuse or an attempt to commit aggravated sexual abuse, or an attempt to kill.

''(2) OFFENSES INVOLVING ACTUAL OR PERCEIVED RELIGION, NATIONAL ORIGIN, GENDER, SEXUAL ORIENTATION, OR DISABILITY.—

''(A) IN GENERAL.—Whoever, whether or not acting under color of law, in any circumstance described in subparagraph (B), willfully causes bodily injury to any person or, through the use of fire, a firearm, or an explosive or incendiary device, attempts to cause bodily injury to any person, because of the actual or perceived religion, national origin, gender, sexual orientation, or disability of any person—

''(i) shall be imprisoned not more than 10 years, fined in accordance with this title, or both; and

''(ii) shall be imprisoned for any term of years or for life, fined in accordance with this title, or both, if—

''(I) death results from the offense; or

''(II) the offense includes kidnaping or an attempt to kidnap, aggravated sexual abuse or an attempt to commit aggravated sexual abuse, or an attempt to kill.

''(B) CIRCUMSTANCES DESCRIBED.—For purposes of subparagraph (A), the circumstances described in this subparagraph are that—

''(i) the conduct described in subparagraph (A) occurs during the course of, or as the result of, the travel of the defendant or the victim—

''(I) across a State line or national border; or

''(II) using a channel, facility, or instrumentality of interstate or foreign commerce;

''(ii) the defendant uses a channel, facility, or instrumentality of interstate or foreign commerce in connection with the conduct described in subparagraph (A);

''(iii) in connection with the conduct described in subparagraph (A): the defendant employs a firearm, explosive or incendiary device, or other weapon that has traveled in interstate or foreign commerce; or

''(iv) the conduct described in subparagraph (A)—

''(I) interferes with commercial or other economic activity in which the victim is engaged at the time of the conduct; or

''(II) otherwise affects interstate or foreign commerce.

''(b) CERTIFICATION REQUIREMENT.—No prosecution of any offense described in this subsection may be undertaken by the United States, except under the certification in writing of the Attorney General, the Deputy Attorney General, the Associate Attorney General, or any Assistant Attorney General specially designated by the Attorney General that—

''(1) he or she has reasonable cause to believe that the actual or perceived race, color, religion, national origin, gender, sexual orientation, or disability of any person was a motivating factor underlying the alleged conduct of the defendant; and

''(2) he or his designee or she or her designee has consulted with State or local law enforcement officials regarding the prosecution and determined that—

''(A) the State does not have jurisdiction or does not intend to exercise jurisdiction;

''(B) the State has requested that the Federal Government assume jurisdiction;

''(C) the State does not object to the Federal Government assuming jurisdiction; or

''(D) the verdict or sentence obtained pursuant to State charges left demonstratively unvindicated the Federal interest in eradicating bias-motivated violence.

''(c) DEFINITIONS.—In this section—

''(1) the term 'explosive or incendiary device' has the meaning given the term in section 232 of this title; and

''(2) the term 'firearm' has the meaning given the term in section 921(a) of this title.''.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The analysis for chapter 13 of title 18, United States Code, is amended by adding at the end the following:

''249. Hate crime acts.''.

SEC. ___08. DUTIES OF FEDERAL SENTENCING COMMISSION.

(a) AMENDMENT OF FEDERAL SENTENCING GUIDELINES.—Pursuant to its authority under section 994 of title 28, United States Code, the United States Sentencing Commission shall study the issue of adult recruitment of juveniles to commit hate crimes and shall, if appropriate, amend the Federal sentencing guidelines to provide sentencing enhancements (in addition to the sentencing enhancement provided for the use of a minor during the commission of an offense) for adult defendants who recruit juveniles to assist in the commission of hate crimes.

(b) CONSISTENCY WITH OTHER GUIDELINES.—In carrying out this section, the United States Sentencing Commission shall—

(1) ensure that there is reasonable consistency with other Federal sentencing guidelines; and

(2) avoid duplicative punishments for substantially the same offense.

SEC. ___09. STATISTICS.

Subsection (b)(1) of the first section of the Hate Crimes Statistics Act (28 U.S.C. 534 note) is amended by inserting ''gender,'' after ''race,''.

SEC. ___10. SEVERABILITY.

If any provision of this title, an amendment made by this title, or the application of such provision or amendment to any person or circumstance is held to be unconstitutional, the remainder of this title, the amendments made by this title, and the application of the provisions of such to any person or circumstance shall not be affected thereby.

HATCH AMENDMENT NO. 3474

Mr. HATCH proposed an amendment to the bill, S. 2549, supra; as follows:

At the appropriate place, insert the following:

SEC. ___. COMPREHENSIVE STUDY AND SUPPORT FOR CRIMINAL INVESTIGATIONS AND PROSECUTIONS BY STATE AND LOCAL LAW ENFORCEMENT OFFICIALS.

(a) STUDIES.—

(1) COLLECTION OF DATA.—

(A) DEFINITION OF RELEVANT OFFENSE.—In this paragraph, the term ''relevant offense'' means a crime described in subsection (b)(1) of the first section of Public Law 101–275 (28 U.S.C. 534 note) and a crime that manifests evidence of prejudice based on gender or age.

(B) COLLECTION FROM CROSS-SECTION OF STATES.—Not later than 120 days after the date of enactment of this Act, the Comptroller General of the United States, in consultation with the National Governors' Association, shall select 10 jurisdictions with laws classifying certain types of offenses as relevant offenses and 10 jurisdictions without such laws from which to collect the data described in subparagraph (C) over a 12-month period.

(C) DATA TO BE COLLECTED.—The data described in this paragraph are—

(i) the number of relevant offenses that are reported and investigated in the jurisdiction;

(ii) the percentage of relevant offenses that are prosecuted and the percentage that result in conviction;

(iii) the duration of the sentences imposed for crimes classified as relevant offenses in the jurisdiction, compared with the length of sentences imposed for similar crimes committed in jurisdictions with no laws relating to relevant offenses; and

(iv) references to and descriptions of the laws under which the offenders were punished.

(D) COSTS.—Participating jurisdictions shall be reimbursed for the reasonable and necessary costs of compiling data collected under this paragraph.

(2) STUDY OF RELEVANT OFFENSE ACTIVITY.—

(A) IN GENERAL.—Not later than 18 months after the date of enactment of this Act, the Comptroller General of the United States shall complete a study and submit to Congress a report that analyzes the data collected under paragraph (1) and under section 534 of title 28, United States Code, to determine the extent of relevant offense activity throughout the United States and the success of State and local officials in combating that activity.

(B) IDENTIFICATION OF TRENDS.—In the study conducted under subparagraph (A), the Comptroller General of the United States shall identify any trends in the commission of relevant offenses specifically by—

(i) geographic region;

(ii) type of crime committed; and

(iii) the number and percentage of relevant offenses that are prosecuted and the number for which convictions are obtained.

(b) ASSISTANCE OTHER THAN FINANCIAL ASSISTANCE.—At the request of a law enforcement official of a State or a political subdivision of a State, the Attorney General, acting through the Director of the Federal Bureau of Investigation and in cases where the Attorney General determines special circumstances exist, may provide technical, forensic, prosecutorial, or any other assistance in the criminal investigation or prosecution of any crime that—

(1) constitutes a crime of violence (as defined in section 16 of title 18, United States Code);

(2) constitutes a felony under the laws of the State; and

(3) is motivated by animus against the victim by reason of the membership of the victim in a particular class or group.

(c) GRANTS.—

(1) IN GENERAL.—The Attorney General may, in cases where the Attorney General determines special circumstances exist, make grants to States and local subdivisions of States to assist those entities in the investigation and prosecution of crimes motivated by animus against the victim by reason of the membership of the victim in a particular class or group.

(2) ELIGIBILITY.—A State or political subdivision of a State applying for assistance under this subsection shall—

(A) describe the purposes for which the grant is needed; and

(B) certify that the State or political subdivision lacks the resources necessary to investigate or prosecute a crime motivated by animus against the victim by reason of the membership of the victim in a particular class or group.

(3) DEADLINE.—An application for a grant under this subsection shall be approved or disapproved by the Attorney General not later than 10 days after the application is submitted.

(4) GRANT AMOUNT.—A grant under this subsection shall not exceed $100,000 for any single case.

(5) REPORT AND AUDIT.—Not later than December 31, 2001, the Attorney General, in consultation with the National Governors' Association, shall—

(A) submit to Congress a report describing the applications made for grants under this subsection, the award of such grants, and the effectiveness of the grant funds awarded; and

(B) conduct an audit of the grants awarded under this subsection to ensure that such grants are used for the purposes provided in this subsection.

(6) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated $5,000,000 for each of the fiscal years 2001 and 2002 to carry out this section.

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NOTICES OF HEARINGS

COMMITTEE ON INDIAN AFFAIRS

Mr. CAMPBELL. Mr. President, I would like to announce that the Committee on Indian Affairs will meet on Thursday, June 22, 2000 at 11 a.m. in room 485 of the Russell Senate Building to mark up the following: S. 2719, to provide for business development and trade promotion for Native Americans; S. 1658; to authorize the construction of a Reconciliation Place in Fort Pierre, South Dakota; and S. 1148, to provide for the Yankton Sioux Tribe and the Santee Sioux Tribe certain benefits of the Missouri River Pick-Sloan Project; to be followed by a hearing, on the Indian Trust Resolution Corporation.

Those wishing additional information may contact committee staff at 202/224–2251.

COMMITTEE ON RULES AND ADMINISTRATION

Mr. MCCONNELL. Mr. President, I wish to announce that the Committee on Rules and Administration will meet at 9:30 a.m., Tuesday, June 27, 2000, in Room SR–301 Russell Senate Office Building, to receive testimony on the operations of the Library of Congress and the Smithsonian Institution.

For further information concerning this meeting, please contact Lani Gerst at the Rules Committee on 4–6352.

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DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES APPROPRIATIONS ACT, 2001

On June 15, 2000, the Senate amended and passed H.R. 4475, as follows:

Resolved, That the bill from the House of Representatives (H.R. 4475) entitled ''An Act making appropriations for the Department of Transportation and related agencies 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 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 Winter Special 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; and to make grants to carry out the Small Community Air Service Development Pilot Program under section 41743 of title 49, United States Code; 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: 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, United States Code, subject to the normal reprogramming guidelines.

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	3,000,000
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;
Danbury-Norwalk Rail Line Re-Electrification project;
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.), the Secretary of Transportation (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 LANDS.—An institution of higher education that is issued a waiver under subsection (a) may use revenues derived from the use, operation, or disposal of that land only for weather-related and educational purposes that include benefits for aviation.

(d) 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 of Transportation 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 of Transportation 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.''.

SEC. 345. 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''.

SEC. 346. CAP AGREEMENT FOR BOSTON ''BIG DIG''. No funds appropriated by this Act may be used by the Department of Transportation to cover the administrative costs (including salaries and expenses of officers and employees of the Department) to authorize project approvals or advance construction authority for the Central Artery/Third Harbor Tunnel project in Boston, Massachusetts, until the Secretary of Transportation and the State of Massachusetts have entered into a written agreement that limits the total Federal contribution to the project to not more than $8,549,000,000.

SEC. 347. PARKING SPACE FOR TRUCKS. (a) FINDINGS.—Congress finds that—

(1) in 1998, there were 5,374 truck-related highway fatalities and 4,935 trucks involved in fatal crashes;

(2) a Special Investigation Report published by the National Transportation Safety Board in May 2000 found that research conducted by the National Highway Traffic Safety Administration suggests that truck driver fatigue is a contributing factor in as many as 30 to 40 percent of all heavy truck accidents;

(3) a 1995 Transportation Safety Board Study found that the availability of parking for truck drivers can have a direct impact on the incidence of fatigue-related accidents;

(4) a 1996 study by the Federal Highway Administration found that there is a nationwide shortfall of 28,400 truck parking spaces in public rest areas, a number expected to reach 39,000 by 2005;

(5) a 1999 survey conducted by the Owner-Operator Independent Drivers Association found that over 90 percent of its members have difficulty finding parking spaces in rest areas at least once a week; and

(6) because of overcrowding at rest areas, truckers are increasingly forced to park on the entrance and exit ramps of highways, in shopping center parking lots, at shipper locations, and on the shoulders of roadways, thereby increasing the risk of serious accidents.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that Congress and the President should take immediate steps to address the lack of safe available commercial vehicle parking along Interstate highways for truck drivers.

SEC. 348. STUDY OF ADVERSE EFFECTS OF IDLING TRAIN ENGINES. (a) STUDY REQUIRED.—The Secretary of Transportation shall provide under section 150303 of title 36, United States Code, for the National Academy of Sciences to conduct a study on noise impacts of railroad operations, including idling train engines on the quality of life of nearby communities, the quality of the environment (including consideration of air pollution), and safety, and to submit a report on the study to the Secretary. The report shall include recommendations for mitigation to combat rail noise, standards for determining when noise mitigation is required, needed changes in Federal law to give Federal, State, and local governments flexibility in combating railroad noise, and possible funding mechanisms for financing mitigation projects.

(b) REPORT.—Not later than one year after the date of the enactment of this Act, the Secretary of Transportation shall transmit to Congress the report of the National Academy of Sciences on the results of the study under subsection (a).

SEC. 349. Within the funds made available in this Act, $10,000,000 shall be for the costs associated with construction of a third track on the Northeast Corridor between Davisville and Central Falls, Rhode Island, with sufficient clearance to accommodate double stack freight cars, to be matched by the State of Rhode Island or its designee on a dollar-for-dollar basis and to remain available until expended; $2,000,000 shall be for a joint United States-Canada commission to study the feasibility of connecting the rail system in Alaska to the North American continental rail system; $400,000 shall be allocated for passenger rail corridor planning activities to fund the preparation of a strategic plan for development of the Gulf Coast High Speed Rail Corridor; and $250,000 shall be available to the city of Traverse City, Michigan comprehensive transportation plan.

SEC. 350. (a) FINDINGS.—The Senate makes the following findings:

(1) The United States Coast Guard in 1999 saved approximately 3,800 lives in providing the essential service of maritime safety.

(2) The United States Coast Guard in 1999 prevented 111,689 pounds of cocaine and 28,872 pounds of marijuana from entering the United States in providing the essential service of maritime security.

(3) The United States Coast Guard in 1999 boarded more than 14,000 fishing vessels to check for compliance with safety and environmental laws in providing the essential service of the protection of natural resources.

(4) The United States Coast Guard in 1999 ensured the safe passage of nearly 1,000,000 commercial vessel transits through congested harbors with vessel traffic services in providing the essential service of maritime mobility.

(5) The United States Coast Guard in 1999 sent international training teams to help more than 50 countries develop their maritime services in providing the essential service national defense.

(6) Each year, the United States Coast Guard ensures the safe passage of more than 200,000,000 tons of cargo cross the Great Lakes including iron ore, coal, and limestone. Shipping on the Great Lakes faces a unique challenge because the shipping season begins and ends in ice anywhere from 3 to 15 feet thick. The ice-breaking vessel MACKINAW has allowed commerce to continue under these conditions. However, the productive life of the MACKINAW will end in 2006.

(7) Without adequate funding, the United States Coast Guard would have to radically reduce the level of service it provides to the American public.

(8) The allocation to the Committee on Appropriations of the Senate of funds available for the Department of Transportation and related agencies for fiscal year 2001 was $1,600,000,000 less than the allocation to the Committee on Appropriations of the House of Representatives of funds available for that purpose for that fiscal year. The lower allocation compelled the Subcommittee on Transportation of the Committee on Appropriations of the Senate to recommend reductions from the funding requested in the President's budget on funds available for the Coast Guard, particularly amounts available for acquisitions, that may not have been imposed had a larger allocation been made, or had the President's budget not included $212,000,000 in new user fees on the maritime community. The difference between the amount of funds requested by the Coast Guard for the Acquisition, Construction, and Improvements account and the amount made available by the Committee on Appropriations of the Senate for those acquisitions conflicts with the high priority afforded by the Senate to Acquisition, Construction, and Improvements procurements, which are of critical

national importance to commerce, navigation, and safety.

(9) Due to shortfalls in funds available for fiscal year 2000 and unexpected increases in personnel benefits and fuel costs on the 2000 operating expenses account, the Commandant of the Coast Guard has announced reductions in critical operations of the Coast Guard by as much as 30 percent in some areas of the United States. If left unaddressed, these shortfalls may compromise the service provided by the Coast Guard to the public in all areas, including drug interdiction and migrant interdiction, aid to navigation, and fisheries management.

(b) SENSE OF SENATE.—It is the sense of the Senate that—

(1) the committee of conference on the bill H.R. 4425 of the 106th Congress, making appropriations for military construction, family housing, and base realignment and closure for the Department of Defense for the fiscal year ending September 30, 2001, or any other appropriate committee of conference of the second session of the 106th Congress, should approve supplemental funding for the Coast Guard for fiscal year 2000 as soon as is practicable; and

(2) upon adoption of this bill by the Senate, the conferees of the Senate to the committee of conference on the bill H.R. 4475 of the 106th Congress, making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2001, provided there is sufficient budget authority, should—

(A) recede from their disagreement to the proposal of the conferees of the House of Representatives to the committee of conference on the bill H.R. 4475 with respect to funding for Acquisition, Construction, and Improvements;

(B) provide adequate funds for operations of the Coast Guard in fiscal year 2001, including activities relating to drug and migrant interdiction and fisheries enforcement; and

(C) provide sufficient funds for the Coast Guard in fiscal year 2001 to correct the 30 percent reduction in funds for operations of the Coast Guard in fiscal year 2000.

SEC. 351. For the purpose of constructing an underpass to improve access and enhance highway/rail safety and economic development along Star Landing Road in DeSoto County, Mississippi, the State of Mississippi may use funds previously allocated to it under the transportation enhancements program, if available.

SEC. 352. Section 1214 of Public Law 105–178, as amended, is further amended by adding a new subsection to read as follows:

''(s) Notwithstanding sections 117 (c) and (d) of title 23, United States Code, for project number 1646 in section 1602 of Public Law 105–178—

''(1) the non-Federal share of the project may be funded by Federal funds from an agency or agencies not part of the United States Department of Transportation; and

''(2) the Secretary shall not delegate responsibility for carrying out the project to a State.''.

SEC. 353. ADDITIONAL SANCTION FOR REVENUE DIVERSION. Except as necessary to ensure public safety, no amount appropriated under this or any other Act may be used to fund any airport-related grant for the Los Angeles International Airport made to the City of Los Angeles, or any inter-governmental body of which it is a member, by the Department of Transportation or the Federal Aviation Administration, until the Administration—

(1) concludes the investigation initiated in Docket 13–95–05; and

(2) either—

(A) takes action, if necessary and appropriate, on the basis of the investigation to ensure compliance with applicable laws, policies, and grant assurances regarding revenue use and retention by an airport; or

(B) determines that no action is warranted.

SEC. 354. Hereafter, the New Jersey Transit commuter rail station to be located at the intersection of the Main/Bergen line and the Northeast Corridor line in the State of New Jersey shall be known and designated as the ''Frank R. Lautenberg Transfer Station'': Provided, That the Secretary of Transportation shall ensure that any and all applicable reference in law, map, regulation, documentation, and all appropriate signage shall make reference to the ''Frank R. Lautenberg Transfer Station''.

TITLE IV

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.

This Act may be cited as the ''Department of Transportation and Related Agencies Appropriations Act, 2001''.

—

MEASURE PLACED ON CALENDAR—H.R. 8

Mr. HATCH. Mr. President, I ask unanimous consent that H.R. 8 be placed on the Senate calendar.

The PRESIDING OFFICER. Without objection, it is so ordered.

—

MEASURE PLACED ON CALENDAR—S. 2753

Mr. HATCH. Mr. President, I ask unanimous consent that S. 2753, introduced earlier today by Senator DASCHLE and others, be placed on the calendar.

The PRESIDING OFFICER. Without objection, it is so ordered.

—

MEASURE READ THE FIRST TIME—S. 2752

Mr. HATCH. Mr. President, I understand that S. 2752, introduced by Senator THOMPSON today, is at the desk. I ask for its first reading.

The PRESIDING OFFICER. The clerk will state the bill by title.

The assistant legislative clerk read as follows:

A bill (S. 2752) to amend the North Korea Threat Reduction Act of 1999 to enhance congressional oversight of nuclear transfers to North Korea, and to prohibit the assumption by the United States Government of liability for nuclear accidents that may occur at nuclear reactors provided to North Korea.

Mr. HATCH. Mr. President, I now ask for its second reading and object to my own request.

The PRESIDING OFFICER. Objection is heard.

—

ORDERS FOR TUESDAY, JUNE 20, 2000

Mr. HATCH. Mr. President, I ask unanimous consent that when the Senate completes it business today, it stand in adjournment until 9:10 a.m. on Tuesday, June 20. I further ask that on Tuesday, immediately following the prayer, the Journal of the proceedings be approved to date, the morning hour be deemed to have expired, the time for the two leaders be reserved for their use later in the day, and that Senator GRASSLEY be recognized in morning business for up to 10 minutes, to be followed by Senator BIDEN for 10 minutes, and the Senate then resume consideration of the Department of Defense authorization bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

—

PROGRAM

Mr. HATCH. Mr. President, for the information of all Senators, the Senate will convene at 9:10 a.m. tomorrow and will shortly thereafter resume debate on the DOD authorization bill with the Dodd amendment in order regarding a Cuban commission. Also in the morning period, Senator MURRAY will offer her amendment relative to abortion. However, under a previous order, these votes and votes relative to hate crimes will occur in a back-to-back sequence at 3:15 p.m.

—

ADJOURNMENT UNTIL 9:10 A.M. TOMORROW

Mr. HATCH. 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 6:45 p.m., adjourned until Tuesday, June 20, 2000, at 9:10 a.m.

EXTENSIONS OF REMARKS

TRIBUTE TO ALBERTA STONECIPHER

HON. JOHN SHIMKUS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, June 19, 2000

Mr. SHIMKUS. Mr. Speaker, I rise before you today to recognize Alberta Stonecipher of Bethalto, IL. Mrs. Stonecipher is the mother of nine children, and has eleven grandchildren and six great-grandchildren. She has made it her responsibility to be an active participant in the Madison County Chapter of Mothers Against Drunk Driving (MADD).

Despite the fact that Mrs. Stonecipher has not lost one of her own to a drunk driver, she asked her children for Mother's Day to donate their money to MADD instead of buying her gifts. As a result, her family donated $125 to the fight against drunk driving.

I want to thank Mrs. Stonecipher for finding such an important cause and devoting herself to it. Her dedication to helping those who have been a victim to drunk driving and to helping stop it is truly remarkable.

TRIBUTE TO LINDA DeWITT

HON. LANE EVANS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, June 19, 2000

Mr. EVANS. Mr. Speaker, choose a major cause in the Galesburg area and you would find Linda DeWitt. She fought for union causes, women's issues and a host of community oriented programs and projects.

Linda DeWitt was a long time union activist and worker at Protexall in Galesburg, Illinois. She was the President of her local union, UNITE Local 920 for more than 20 years. She was also the chairwoman of the board of the Chicago and Central States Joint Board of UNITE and the President of the Galesburg Trades and Labor Council.

Linda died on May 15th.

When Linda wasn't at work at Protexall hemming or pressing pants—a job she did for 28 years—Linda was doing union work. If she wasn't involved in matters relating her union UNITE, you could find her at the Galesburg Labor Temple tending to matters there. Or perhaps tending to matters involving the Midwest Employees Credit Union, which she chaired.

Linda ran the Labor Assembly in Galesburg and that meant running the bingo to keep the place going. She ran the bingo and did the cooking. She was the chair of the Bingo Board for 18 years. Linda put everything into making sure that the bingo was fun. She was creative in coming up with new ideas, games and prizes to make bingo more than just a game. Many people believe Linda lived at the union hall.

Linda was proud that Galesburg had one of the oldest Labor Day Parades in the country. She was the principal organizer of that parade for many years.

According to her co-workers, Linda had the ability to fit 36 hours worth of accomplishments into a 24-hour day. Linda was always gracious and kind-hearted—always thinking of others and trying to help them before herself.

During her battle with a brain tumor, the Peoria Journal Star did a feature about Linda's struggle. The article depicted Linda's attitude and her religious faith. Incredibly Linda characterized her illness as a win-win situation. But Linda was always a person who could find light in dark situations.

One of her fellow union members of UNITE Local 920 said she will always remember Linda telling her to ''just keep smiling''. That says it all about Linda DeWitt.

Linda was quoted as saying that she's tried to live her life ''where people can say I've done good.'' There can be no question about all the good that Linda DeWitt has been a part of throughout her entire life.

She was always dedicated to her family and her work and she did so much for her union and the community.

Her passing is a tremendous loss for West Central Illinois, the community of Galesburg, her union and her family.

HONORING FORESTVILLE ELEMENTARY SCHOOL'S SIXTH GRADE TEACHERS, DR. JUDITH ISAACSON, AND PRINCIPAL DAVE KULP

HON. THOMAS M. DAVIS

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 19, 2000

Mr. DAVIS of Virginia. Mr. Speaker, I rise today to honor the faculty of Forestville Elementary School, particularly its sixth grade teachers, Assistant Principal Dr. Judith Isaacson, and Principal Dave Kulp. I join the sixth grade class of 2000 in saluting the wonderful job they have done and their tireless dedication to their students.

Forestville Elementary has flourished in the twenty years since opening its doors in 1980. It is currently in the top six percent of elementary schools, statewide, with regard to Standards of Learning passage. But is greatest accomplishment by far is the education and values that Forestville instills into each and every student that walks through its halls and studies in its classrooms.

This elementary school is leaping into the 21st century by taking full advantage of today's technology and using it to its full potential in the classroom. It has a fully equipped information center which includes CD–ROM, laser disc, and telecommunications stations. Each day, students use classroom computers to accomplish tasks that integrate technology use into all curriculum areas.

Forestville Elementary does not only educate its students in the use of the latest technology, but also emphasizes some of the most important life lessons a child can learn—the joy of helping others and a commitment to the community in which he or she lives. There is a school wide ''buddy'' program where younger children are paired with older ones who listen to them read aloud, help them complete special projects, and accompany them on field trips. Also, an active outreach program provides school supplies, food, clothing, gifts, and other needed materials to the school's adopted ''sister'' school, a local homeless shelter, and victims of natural disasters.

Forestville also encourages children to learn by example—their parents'. The parents in this community work closely with the school on activities such as Project HUG, a reading program for first and second grade students which gives trained parent volunteers the opportunity to work with students who need reinforcement of skills. Over 100 percent regularly volunteer to help children in the computer labs.

And, of course, none of this would be possible without the loving dedication of faculty and staff like Dr. Judith Isaacson and Principal Dave Kulp. These individuals help to create an enthusiastic environment that not only encourages the students to pursue their studies with vigor, but also helps them develop a love of learning that will stay with them throughout their lives. The faculty and staff are the people who bring Forestville's Core Knowledge Sequence to life in the classroom, ensuring that each student has a solid, coherent foundation in history, geography, mathematics, science, language arts, and the fine arts. They are the people who are teaching these children to have a sharp mind, an honest heart, and a strong sense of duty to both their community and their country. I am glad to see that the education of the future leaders of the 21st century are in these very capable hands.

Mr. Speaker, in conclusion, I would like to commend Forestville Elementary and all its faculty and staff for the outstanding job they have done with these students. On behalf of the sixth grade class, thank you for your hard work, dedication, and endless support.

PERSONAL EXPLANATION

HON. JIM McDERMOTT

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Monday, June 19, 2000

Mr. McDERMOTT. Mr. Speaker, I was absent and unable to vote the afternoon of June 15, 2000. I would have voted in favor of the Sanders of Vermont amendment (rollcall No. 286). I would have voted in favor of the motion to recommit (rollcall No. 287). I would have voted against the Nethercutt amendment (rollcall No. 288). I would have voted against the Weldon amendment (rollcall No. 289). I would have voted in favor of the motion to recommit (rollcall No. 290). I would have voted against final passage (rollcall No. 291).

● 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.

TRIBUTE TO SHELLY BAUGH

HON. JOHN SHIMKUS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, June 19, 2000

Mr. SHIMKUS. Mr. Speaker, I rise before you today to share the story of a young woman from Centralia, IL, Shelly Baugh. Shelly's father served his country honorably and was killed during the Vietnam conflict when she was only 3 months old.

Until recently, she had spent her life trying to find any details out about her father, Pvt. Richie Githins. Twelve years ago a man who had served with her father made contact with her. His name was Chuck Gregoire of Allen Park, MI. Since then Shelly and Chuck have spent many hours together talking about her brave father. The pair also traveled to Vietnam together to see the place where her father was killed at gun point.

With yesterday being Flag Day, and with Father's Day just around the corner, Shelly's story is especially poignant. It is easy to get caught up in our day-to-day struggles, that we sometimes forget what is truly important—our family and our spirit. Shelly never forgot these values.

I want to take this opportunity to say thank you to Shelly for keeping the story of her father alive. Her father gave the ultimate sacrifice to protect our flag and our way of life. Shelly has fought hard to capture and remember her father's spirit. To both of them, I say thank you for a job well done.

HONORING DOUG HARRISON

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 19, 2000

Mr. RADANOVICH. Mr. Speaker, I rise today to honor Doug Harrison for his 30 years of outstanding community service with the Fresno Metropolitan Flood Control District and Fresno County.

Mr. Harrison is the General Manager-Secretary of the Fresno Metropolitan Flood Control District, having served in that capacity since 1972. The American Waterworks Association recognized his work in urban run-off quality research as the best water resources research of 1988. Also, Mr. Harrison was acknowledged by the State Water Resource Control Board in 1993 for federal Clean Water Act program assistance. Subsequently, he was named by the American Public Works Association as one of the Top Ten Public Works Leaders in the nation in 1993; and, Manager of the Year, 1999, by the California Special Districts Association.

Mr. Harrison has spoken nationally on urban storm water and flood control issues, including frequent testimony before the Congress of the United States and the California State Legislature. He has also published numerous articles and was a contributing author for a national water resources policy white paper developed by the National Water alliance for the Bush Administration.

He also serves as a Board Member of the San Joaquin River Conservancy. He is currently serving as a member of the Board of Directors of the Association of California Water Agencies, and is also the past President and a current Board Member of the National Association of Flood and Storm Water Management Agencies.

Mr. Speaker, it is my pleasure to honor Doug Harrison for his 30 years of service with the Fresno Metropolitan Flood Control District and Fresno County. I urge my colleagues to join me in wishing Mr. Harrison many more years of continued success.

TRIBUTE TO RICHARD H. MARRIOTT

HON. ROBERT T. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 19, 2000

Mr. MATSUI. Mr. Speaker, I rise in tribute to Richard H. Marriott, former mayor of Sacramento. One of our area's most outstanding citizens, Mr. Marriott passed away on Sunday, June 4, 2000, due to complications with cancer and heart problems. As his friends and family gather for his memorial service, I ask all of my colleagues to join with me in commemorating his life and many accomplishments.

Born in Ely, NE, Richard Marriott was one of four children of the former Anna Gertude Bernard and Joseph E. Marriott. He graduated from Nevada City Union High School in 1935, and he earned his bachelor's degree in English from the University of San Francisco in 1940. He went on to perform his graduate work at the University of California, Berkley.

Richard Marriott's distinguished political career began in 1959 at a time when there was no district system in local politics. Starting in 1968, he began the first of two terms as mayor of Sacramento.

In 1975, he was appointed by then-Governor, Jerry Brown, to the State Unemployment Insurance Appeals Board. Four years later, the governor named him deputy secretary of the Health and Welfare Agency. He retired from public service in 1982.

As a city councilman, Richard Marriott made a name for himself in championing the defense of organized labor. As mayor, he continued that pursuit. In addition to fighting for workers' rights, he served as editor and manager of the Valley Union Labor Bulletin. According to former mayor Phillip Isenberg, Mr. Marriott was the only modern mayor to come from organized labor.

Among various other accolades, Richard Marriott was credited with establishing prevailing wage rates for plumbers and other craftsmen on the City Hall payroll. This helped to ensure they were paid equitably with their unionized counterparts in the private sector.

In a time when the mayor's position was mainly a ceremonial job, Richard Marriott fought to extend the position's influence. He fought for his beliefs and worked to represent the citizens of Sacramento. His career was truly exemplary, and he stands out as one of Sacramento's finest public servants.

Mr. Speaker, as Richard Marriott's friends and family gather for his memorial service, I am honored to pay tribute to a much admired and respected man of our community. He touched so many others with his conviction and dedication to his family and the city of Sacramento. I ask all of my colleagues to join with me in wishing Mr. Marriott's family our deepest condolences for their great loss.

PERSONAL EXPLANATION

HON. RONNIE SHOWS

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Monday, June 19, 2000

Mr. SHOWS. Mr. Speaker, I was away from the floor of the House on Thursday, June 15, 2000 to attend to official business in my congressional district and was unable to cast recorded votes on roll calls 280 through 291, relating to Interior and Related Agencies Appropriations for Fiscal Year 2001.

Mr. Speaker, I regret not being able to vote on any of these rollcalls, but I particularly regret being unable to cast my vote against the Slaughter amendment to provide additional federal funding for the National Endowment for the Arts.

The visual and performing arts are important to me, but I do not believe it is appropriate for the federal government to have a major role in subsidizing the arts. The NEA is at fault for having funded blasphemous endeavors that offer no redeeming benefit to our community. Attempts by NEA officials to assure me that these offenses will no longer occur have not been convincing. Furthermore, I cannot justify this funding at a time when we are trying to preserve Social Security and Medicare and pay of our crushing national debt.

Fortunately, the NEA increases approved by the Slaughter amendment were erased in a subsequent amendment that was approved by voice vote.

Mr. Speaker, had I been present for rollcalls 280 through 291, I would have cast the following votes:

Rollcall 280: ''Aye'' on the Hansen amendment to the Dicks amendment, to remove the reference to the planning and management of national monuments.

Rollcall 281: ''No'' on Dicks amendment, to add a new section to provide that any limitation imposed by the bill which is 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.

Rollcall 282: ''Aye'' on the Stearns amendment, to reduce the amount for NEA by 2 percent and to transfer the money to the fire management account.

Rollcall 283: ''No'' on the Slaughter amendment, to increase the amount of the deferral for Clean Coal Technology by $22 million from $67,000,000 to $89,000,000.

Rollcall 284: ''No'' on the Obey motion, that the Committee rise.

Rollcall 285: Quorum call in Committee.

Rollcall 286: ''No'' on the Sanders amendment, to provide $10 million in funding for the creation of a Home Heating Oil Reserve.

Rollcall 287: ''No'' on the Doggett motion, that the Committee rise.

Rollcall 288: ''Aye'' on the Nethercutt amendment, to prohibit funds in the act to be used to implement any section added by a previous specified amendment except for activities related to planning and management of national monuments.

Rollcall 289: ''Aye'' on the Weldon amendment, to ensure that the case regarding Indian

gaming brought by Florida and Alabama against the Department of the Interior is fully adjudicated before the Secretary of the Interior is permitted to publish the procedures that would allow tribes to establish casinos under regulations that by-pass tribal-state compacts.

Rollcall 290: ''No'' on the motion to recommit with instructions.

Rollcall 291: ''Yea'' on passage.

TRIBUTE TO JANICE CALLARMAN

HON. JOHN SHIMKUS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, June 19, 2000

Mr. SHIMKUS. Mr. Speaker, I rise before you today to recognize Janice Callarman of Mt. Vernon, IL. After 41 years of teaching she is retiring.

Over her distinguished career, Mrs. Callarman has taught in Saginaw, TX, Watertown, MA, and at Casey Jr. High School and Lincoln Grade School in Mt. Vernon, IL. She has been dedicated to, and responsible for educating and shaping the lives of countless number of students.

As a former teacher myself, I want to thank her for all she has done. She has committed her life to one of the most difficult, yet most rewarding tasks. I wish her the best in her retirement. She will be missed.

CONGRATULATING AMORETTE YANG

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 19, 2000

Mr. RADANOVICH. Mr. Speaker, I rise today to congratulate and honor Amorette Yang, who has achieved national recognition for exemplary volunteer service in her community. Amorette of Clovis, California, has been named one of California's top honorees in The 2000 Prudential Spirit of Community Awards program, an annual honor conferred on the most impressive student volunteers in each State, the District of Columbia, and Puerto Rico. Ms. Yang will be recognized with a bronze Distinguished Finalist medallion.

Ms. Yang is involved in numerous volunteer activities. Her most recent activities include the Hmong American Women's Association, Inc., Model for Hmong International New Year Cultural Events, Adopt a Highway, Clovis High Tutoring Program, College Church of Christ Nursery, College Church of Christ a cappella choir ''In His Steps,'' CUSD Elementary Cheer Camp Coach, and CUSD Leadership Camp facilitator. With all of her volunteer accomplishments, Ms. Yang still is able to maintain a high grade point average.

The program that has brought this young role model to our attention—The Prudential Spirit of Community Awards—was created by the Prudential Insurance Company in partnership with the National Association of Secondary School Principals in 1995 to impress upon all youth volunteers that their contributions are extremely important and highly valued, and to inspire others to follow their example. In only 5 years, the program has become the Nation's largest youth recognition effort based solely on community service, with nearly 75,000 youngsters participating since its inception.

Mr. Speaker, I rise to congratulate Amorette Yang, who has received national recognition for exemplary volunteer service in her community. I urge my colleagues to join me in wishing Amorette Yang many more years of continued success.

DEPARTMENT OF THE INTERIOR; AND RELATED AGENCIES APPROPRIATIONS ACT, 2001

SPEECH OF

HON. F. JAMES SENSENBRENNER, JR.

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 15, 2000

The House in Committee of the Whole House on the State of the Union 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:

Mr. SENSENBRENNER. Mr. Chairman, I wish to comment on the Department of Energy's (DOE) Fossil Energy and Energy Conservation Research and Development (R&D), and Clean Coal Technology provisions in H.R. 4578, the Department of Interior and Related Agencies Appropriations Act for Fiscal Year 2001. H.R. 4578 represents the hard work of Mr. REGULA and the members of the Appropriations Subcommittee and Committee and I appreciate their diligence.

The Science Committee has responsibility for setting authorization levels for funding civilian research at the DOE. The Committee has passed two authorization bills which address DOE fiscal year 2001 funding: (1) H.R. 1655, the DOE Research, Development, and Demonstration Authorization Act of 1999; and (2) H.R. 1656, the DOE Commercial Application of Energy Technology Authorization Act of 1999. H.R. 4578 appropriates $535.6 million for Energy Conservation R&D programs, while H.R. 1655 and H.R. 1656 provide a combined $623.2 million for similar programs. Furthermore, H.R. 1655 and H.R. 1656 provide $442.4 million for Fossil Energy R&D, and H.R. 4578 provides $410.4 million for similar accounts. Although H.R. 4578 does not fully fund these accounts to their authorized levels, Chairman REGULA has made a serious effort to fund R&D in a tight fiscal framework. Despite the shortfall in R&D funding, I am pleased the bill does provide $11.7 million for the Science Committee's Energy Efficiency Science Initiative.

I am also pleased to see that section 330 of H.R. 4578 contains the Knollenberg amendment that prohibits the use of funds to propose or issue rules, regulations, decrees or orders for implementing the Kyoto Protocol to the UN Framework Convention on Climate Change prior to Senate ratification. Mr. KNOLLENBERG's language assures taxpayers that Senate ratification must precede actions to implement the Kyoto Protocol. Given the glaring problems with this unfunded, unsigned, and unratified Protocol, such a limitation is proper and necessary and I commend the Appropriations Committee for including it in H.R. 4578.

HONORING PRO FOOTBALL GREAT MICHAEL GREEN

HON. CHRISTOPHER COX

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 19, 2000

Mr. COX. Mr. Speaker, 15 years ago, our colleague from California, Mr. Badham, who represented Newport Beach before I had that honor, rose in this chamber to commemorate the 10th Anniversary of an important community event in Orange County. The event was premised on the ''simple act of doing something nice for someone for no reason.'' Today, 25 years after the people of Orange County first decided to do something nice for someone for no reason, I'm pleased to report that ''Irrelevant Week'' and Orange County altruism are both thriving.

Irrelevant Week XXV is honoring Michael Green, from Northwestern State in Louisiana, who was selected 254th in the NFL draft. He is headed for the Chicago Bears, where—at six feet tall and 189 pounds—he will have trouble eclipsing the legend of Refrigerator Perry. Such long odds do not dampen the enthusiasm of community leaders like Paul Salata, who put this all together. That's because they recognize that all fame is fleeting, that humility is a virtue, and that even the last-round NFL draft pick is a significantly better athlete that most Members of Congress.

Today, my colleague Mr. ROHRABACHER shares with me the honor of representing the City of Newport Beach, and he joins me in congratulating all of those involved in this celebration, which has now, we can all agree, outgrown its name—for there is little in this world today that is more relevant to our spirit of community and our common humanity than doing nice things for other people. On behalf of the United States Congress and the people of Orange County whom it is my privilege to represent, congratulations to everyone associated with Irrelevant Week XXV, for being more relevant than you care to admit.

TRIBUTE TO OPERATION FIRST CHOICE

HON. JOHN SHIMKUS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, June 19, 2000

Mr. SHIMKUS. Mr. Speaker, I rise before you today to recognize ''Operation First Choice''. This group of Mt. Vernon, IL, residents recently received the ''Make a Difference Day'' Award sponsored by USA Weekend magazine.

They are a volunteer group set in place to offer area kids a chance at excelling in various activities, helping many who might be considered at-risk off the streets and out of trouble. The group consists of the Police Athletic League, Young Marines, and others.

I want to take this opportunity to thank the volunteers of ''Operation First Choice'' for their commitment to serving as positive role models. They truly are making a difference every day in the lives of the kids of Mt. Vernon and Jefferson County.

LEROY COLLINS: HERO OF THE STRUGGLE

HON. JOHN LEWIS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 19, 2000

Mr. LEWIS of Georgia. Mr. Speaker, the Civil Rights Movement is replete with examples of men and women who risked great personal harm and displayed unwavering courage in the face of danger. Men and women whose names many not be as familiar to us as the names of Dr. Martin Luther King, Jr. or James Farmer, but who nevertheless made huge contributions to the struggle for freedom. One such person was LeRoy Collins, former governor of Florida, whose mediation skills and nonviolent nature helped Alabama avoid a second Bloody Sunday.

As we all know, the first attempt by marches to cross the Edmund Pettus Bridge on that fateful day—March 7, 1965, Bloody Sunday—was met with unconscionable violence initiated by Alabama state troopers. As plans were made for the second attempt, many expected the worst. Dr. King, who would lead the march, met with LeRoy Collins. Collins was the director of the Justice Department's Community Relations Service and was sent by President Johnson to mediate the situation. After speaking with King, Collins struck a deal with state and local officials designed to avoid a repeat of Bloody Sunday. We would be allowed to cross the Edmund Pettus Bridge but we could not go on to Montgomery.

Later that day, with Alabama State troopers looking on, two thousand people led by Dr. King peacefully marched across the Edmund Pettus Bridge. Once they reached the bottom of the other side they stopped, prayed and sang ''We Shall Overcome.''

The nonviolent nature of our second march was in no small measure a result of LeRoy Collins' courage and prudence. God only knows what harm may have been suffered on that day if a deal had not been brokered. I will never forget LeRoy Collins. He is truly a hero of the struggle.

THE UNITED STATES COAST GUARD

HON. WILLIAM D. DELAHUNT

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, June 19, 2000

Mr. DELAHUNT. Mr. Speaker, where I come from, generations of otherwise well-adjusted people have suffered the ill effects of the well-known ''Curse of the Bambino.'' Since the Red Sox traded Babe Ruth, life has never quite been the same, although I am one of those with deep, quite faith that the Curse of the Bambino officially expires as we enter the new millennium.

But I would like to discuss with you a different kind of curse. Call it the ''Curse of the Can-Do''. This curse afflicts the United States Coast Guard, and its long, proud tradition of never turning down a call for help. Of never shirking new responsibility. Even when the gas tank is literally on empty.

It's too late for the Red Sox to get Babe Ruth back. But we still have an opportunity to ensure the readiness of the Coast Guard to discharge its lifesaving mission. I take the House floor tonight to thank my colleagues who in the last few days have helped lead us in that direction—but also to warn that we're still sailing into a very stiff wind.

Last month, this House took historic steps to shore up Coast Guard resources to save lives, prevent pollution, fight drugs, help the economy, respond to natural disasters, and enhance national security. It's up to us to see these efforts through.

The FY2000 Transportation Department appropriations bill passed recently by the full House would reverse more than a decade of chronic underfunding that has made it nearly impossible for the Coast Guard to do the work the Congress has assigned it. For the first time in recent memory, there is now genuine hope that we can adequately safeguard the lives and livelihoods of those who live and work on or near the water.

From the small harbors of New England to the ice floes of Alaska; from the Great Lakes to the Gulf Coast to the banks of the Mississippi; I commend Chairman YOUNG and Ranking Member OBEY of the Appropriations Committee, and Chairman WOLF and Ranking Member SABO of the Transportation Subcommittee.

Their leadership has underscored the stark fact that the demands on the Coast Guard has vastly outpaced its resources. That there is no longer margin for error. And that the consequences of any such error is literally a life-and-death matter.

Despite the fact that there are no more Coast Guard personnel today than there were in 1967, it is indisputable that—day in and day out—no public agency works harder. Or smarter.

During the 1990s, the Coast Guard reduced its workforce by nearly 10 percent—and operated within a budget that rose by only one percent in actual dollars. Over this period, it also has responded to a half-million SOS calls, an average of 65,000 each year—and in the process, has saved 50,000 lives. Every year, the Coast Guard performs 40,000 inspections of U.S. and foreign merchant vessels; ensures the safe passage of a million commercial vessels through our ports and waterways; responds to 13,000 reports of water pollution; inspects a thousand offshore drilling platforms, conducts 12,000 fisheries enforcement boardings, and prevents 100,000 pounds of cocaine from reaching America's shores.

Two centuries of experience have taught us to rely on the professionalism, judgment, compassion, commitment and courage of the U.S. Coast Guard. From hurricanes to airplace crashes, from drug smugglers to foreign factory trawlers, the Coast Guard is always on call—just as it has been for 200 years.

We have learned to trust the Coast Guard with all we hold dear—our property, our natural resources and our lives. In Washington, a long way from the winds and the whitecaps, it has been tempting to task the Coast Guard with new and burdensome missions. Far too tempting.

Historically, the Coast Guard has discharged whatever duties it was assigned. As a Service originally created in 1790 to regulate maritime duties, its responsibilities have—appropriately—grown with the changing needs and technology of the times.

As co-chair of the House Coast Guard Caucus, along with Representatives HOWARD COBLE and GENE TAYLOR, I have had grave doubts for a long time.

Most recently, much has been made of the demands on the Coast Guard for work in the area of illegal drug interdiction. As a former prosecutor, I'm all for fighting the drug war and have fully supported calling upon the Coast Guard to step up its interdiction efforts—but not at the expense of its core mission, the saving of human life.

We can't just wish away the costs, and I'm not ready to start treating search-and-rescue like a luxury we can do without—any more than you can move cops off the beat, then complain about street crime.

We have stretched the Cost Guard so thin for so long that it can barely be expected to fulfill its credo, Semper Paratus—''always prepared''. And there are scores of new missions in the wings.

This year, the Coast Guard was the only federal agency to earn an ''A'' from the independent Government Performance Project for operating with unusual efficiency and effectiveness. That assessment placed the Coast Guard at the very top of 20 Executive Branch agencies because its ''top-notch planning and performance budgeting overcame short staffing and fraying equipment.''

It all came down, they concluded, to that Curse of Can-Do. ''The Coast Guard,'' they said, ''is a CAN–DO organization whose 'CAN' is dwindling while its 'DO' is growing''

This can't continue. Not when the average age of its deepwater cutters is 27 years old, making this force the second oldest major naval fleet on the globe. Not when fixed-wing aircraft deployments have more than doubled, and helicopter deployments are up more than 25 percent—without any increase in the number of aircraft, pilots or crews.

Not when duty officers suffer chronic fatigue because staffing constraints permit only four hours of sleep at night. Not when the Commandant testifies before Congress that there's not enough fuel to power his boats and planes.

And not when Coast Guard radio communications units are 30 years old, like the one described in a recent news account that began this way:

> If you dial 911, say the word 'fire' and run outside, a fire engine will show up at your driveway. If you pick up the handset on your VHF–FM radio, say the work 'Mayday' and jump overboard, you could very well drown or die of hypothermia.

Study after study has documented these hazards. A recent Interagency Task Force concluded that ''block obsolescence . . . presents a threat that [the Coast Guard] could soon be overwhelmed by a mismatch between its missions and the quantity and quality of the assets to carry them out.''

A 1997 General Accounting Office review was even more blunt. It projected $90 million annual reductions in operating expenses just to bridge the gap. GAO was alarmed by ''the sheer size of the gap and the dwindling number of available efficiency-related options.''

Where I'm from, a marine distress call is an urgent plea for emergency law enforcement and rescue personnel. When oil spills jeopardize economic as well as environmental resources; when frozen rivers trap heating oil barges; when the well-being of both fish and fishermen are threatened; when offshore danger strikes, we know were to turn.

That's why when the ink dried on the House DOT appropriation, there was reason for new and genuine hope. Like having Pedro Martinez in the starting rotation, it felt like this really could be the year.

The DOT bill approved recently for next year increases Coast Guard accounts by nearly $600 million, a 15 percent boost. It also includes $125 million to help modernize aging airplanes, helicopters and motor lifeboats—and upgrade, rather than abandon, Coast Guard stations and the communities they serve.

Years from now, the 395 House colleagues who voted for the DOT bill can look back and take satisfaction from the knowledge that they helped saved a life, a coastal community, an international alliance—or maybe even a marine species or two.

But that old curse still hovers over the Coast Guard. Just this week, the Senate Subcommittee came in $200 million lower.

The timing could not be worse. The Senate action followed two rounds of Coast Guard cutbacks for the current fiscal year, reducing cutter days and flight hours by 10 percent.

Why? Because the Coast Guard responded to natural disasters, but the Congress failed to pass emergency supplemental funding. And because a variety of overdue personnel benefits, for everything from housing to health care, were mandated by the 2000 Defense Authorization—but with no money to pay for them.

There's more. The good news is a new effort, through the pending Military Construction bill, to restore $800 million in supplemental funding. But since only a third of that is designated as ''emergency expenses,'' the baseline for future Coast Guard budgets, next year and beyond, would be seriously compromised.

So I express gratitude for the progress made in this chamber thus far. But also to raise a warning flag about the two challenges immediately ahead.

Specifically, I urge my colleagues to hold firm in conference on the House-approved allocation in the Transportation Appropriation bill. And then to recede to Senate conferees regarding the $800 million in the MilCon measure.

That's what it will take for the Coast Guard to do the job we have assigned it to do. To contain oil spills. To catch smugglers. And, most important of all, to save lives.

CHINA PNTR

HON. WILLIAM M. THOMAS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 19, 2000

Mr. THOMAS. Mr. Speaker, we have recently voted to establish permanent normal trade relations with China, which I believe will provide economic opportunities for us and further advance reforms that will promote democratization and hopefully improve human rights in that region.

China recently negotiated to become a member of the World Trade Organization, a union of 135 nations who will require China to follow established trade rules. China has agreed to lower tariffs and duties on many products imported from foreign countries including the United States. These lowered tariffs will increase American exports, expand opportunities for our businesses, and create new jobs. If we had not granted permanent normal trade relations with China, we would have lost these economic benefits to other countries that would trade with China.

Increased trade with China will create new jobs and stimulate the economy in my district. Lowered tariffs will apply to California's Central Valley agricultural products, such as almonds, oranges, grapes, and cotton. In a few years, China will reduce its tariff on almonds from 30 to 10 percent, on oranges from 40 to 12 percent, and on grapes from 40 to 13 percent. China will also import millions of additional tons of cotton at a low duty. These lowered tariffs and duties will lead to lower prices for Chinese citizens who will demand more products, necessitating increased production in the Valley. New agricultural jobs will support this increased production.

We are already reaping abundant benefits from trade with other countries. Since July of 1999, Kern County alone has shipped over 220,000 tons of cotton to Mexico. Production, transportation, and marketing of cotton for Mexico have generated numerous jobs in the Central Valley. Because China's population is significantly greater than that in the other countries with whom we trade, the amount of products we will export there will also be significantly greater.

Not only will increased trade benefit our economy, but it will also help further the expansion of freedoms in China. In any nation, this process take times. Our own nation's history attests to this fact. The rights guaranteed in our Constitution have not always been granted to everyone. For example, slavery, with all of its abuses, we practiced for 78 years after the ratification of the Constitution. Eighty-three years after the Constitution, the Fifteenth Amendment theoretically granted suffrage to all people, regardless of ''race, color, or previous condition of servitude,'' but these rights continued to be denied to people of color. Our country progressed over time to expand and guarantee equal protection of rights under the law.

Just as the expansion of freedoms has progressed over time throughout the history of the United States, so it will take time for China to extend more freedoms to its citizens. China is just starting the process we have been pursuing for over two centuries, and they are in a different situation than was the United States at its foundation. Chinese leaders do not regard the individual as, in the words of our Declaration of Independence, ''endowed by their Creator with certain unalienable Rights.'' Their government does not derive its ''just Power from the Consent of the Governed.'' The Chinese have still to develop a real understanding of the value of the individual.

Communist Party control over the financial future of Chinese citizens is weakening. Millions of people are migrating away from state-owned enterprises to work in private businesses. At these businesses, they experience improved working conditions and higher wages. They are less dependent on the government, can make their own choices, and thereby have more personal control over their lives. As this movement into the private sector continues, more people will come to expect and demand the reforms necessary to guarantee individual rights.

Exposure to international trade rules will enable the Chinese to appreciate establishing rule of law within their country. Increased trade with all nations will acquaint Chinese citizens with innovation and new technology from sources outside their government. These ideas will increase their awareness of the rights and freedoms to which they are entitled. Chinese citizens may in time pressure their leaders for reforms that will guarantee these rights and freedoms. Our trade relations will allow us to support the Chinese people if they choose to push for these reforms.

For all of these reasons, I am pleased that the House has voted for permanent normal trade relations with China. The bill is now in the Senate, where I am hopeful it will pass so that the United States and China together can secure the benefits of a more open trade relationship.

TRIBUTE TO MATT LINWONG

HON. JOHN SHIMKUS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, June 19, 2000

Mr. SHIMKUS. Mr. Speaker, I rise before you today to commend Matt Linwong, a freshman at Mt. Vernon Township High School in Mt. Vernon, IL, for his academic achievement. He recently scored a perfect 800 in English on the SAT and a near perfect 750 in math.

As a result, Matt has been accepted to the Illinois Math and Science Academy in Aurora, IL, which is a school for 10th–12th grade Illinois students who excel in mathematics and science. I want to wish Matt the best as he begins this new chapter in his life. He is an amazing young student who I know will go far and do great things.

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

SPEECH OF

HON. NANCY L. JOHNSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 15, 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:

Mrs. JOHNSON of Connecticut. Mr. Chairman, I rise today to urge my colleagues to vote to move this bill forward but also to express my concerns about what I consider to be seriously inadequate funding levels for education, health, and job training.

Chairman JOHN PORTER did an admirable job constructing this bill considering the difficult 302(B) allocation he was given in the budget resolution. I opposed that resolution because it inadequately funded so many agencies. But as in years past, the Senate has more generous subcommittee allocations and therefore will fund many programs at higher levels than the House. Furthermore, the

President has consistently advocated higher spending levels, though he has funded them through unacceptable taxes and cuts in key programs that members of both parties reject. Hence, as this bill moves through the process of Senate consideration and then the House-Senate conference, allocation levels will rise to what I believe will be sound funding levels appropriately funded. Therefore I vote in favor of this bill to move it forward in the process. I would note that last year's House Labor-HHS proposal provided only $35.6 billion for education programs while the President proposed a total of $37.1 billion. Ultimately, the process produced a bill that provided $38 billion for education and tied to that level of funding was greater flexibility so communities could meet their own needs. I have no doubt the same result will occur again this year which is why I am willing to put aside my concerns with this specific bill and move this legislation forward.

H.R. 4577 provides funding increases for a number of programs of importance, including many health initiatives. I am very proud that Chairman PORTER has targeted community health centers for support as these facilities are the only source of affordable health care in many neighborhoods. Helping people secure health insurance should be a priority for this Congress, but that health insurance will not be helpful unless people have a medical facility they can use. The House proposal increases funding by $81.3 million, $31 million more than the President's request.

This legislation also provides critical funding increases for programs that help communities provide HIV/AIDS education and prevention services. We must be vigilant in our battle against the spread of this disease. H.R. 4577 provides $130 million for the Ryan White AIDS Prevention and Education programs, $5 million above the President's request.

In some cases, our bill is far more generous than the Senate. The House provides $86 million more than the Senate and $156 million more than the President for the Centers for Disease Control. While we were not able to provide the full 15% increase previously agreed to for NIH, Chairman PORTER's bill does increase funding by 5%, the same as the President requested. Chairman PORTER also has made a commitment to work toward the full 15% increase in conference with the Senate. The House bill is also much more generous to SAMHSA providing $50 million more than the Senate, a $60 million increase over last year. SAMHSA funding is critical to helping deliver substance abuse and mental health services to communities.

JOB TRAINING/WELFARE

While I am very happy to see an increase in funding for Job Corps programs, residential facilities that provide job training, placement and support services to at-risk youth, I am deeply concerned about funding cuts to many of our other job training programs. While the economy is experiencing its highest rates of growth in our history and unemployment and welfare rolls are at an all time low, job training is more important than ever. Many families moving off public assistance can only become economically independent and secure with help to develop their skills and to win their battles against addiction. They urgently need these job training programs if they are going to successfully transition off of welfare. The cuts to the one-stop career centers as well as WIA adult training grants are both going to undermine our effort to move families off of welfare and to help low wage workers move up the skill and wage ladder. I urge my colleagues to visit a one step center in their district to see how effective they are.

Another area of great concern is the underfunding of the Social Services Block Grant, used by states to fill funding gaps in their social welfare programs. States use SSBG to fund domestic violence shelters, adoption services, meals-on-wheels, elderly and disabled services and child and adult protective services to name a few. During the debate over welfare reform, Congress guaranteed the states that it would fund SSBG at $2.38 billion and that states could transfer 10% of their TANF dollars into SSBG to develop the support network necessary to families in transition from dependence to independence. However, to pay for last year's transportation bill, SSBG's authorization was cut to $1.7 billion and the transfer was reduced to 4.25%. While the level is lower than that I advocate for in my legislation, H.R. 4481, the House actually funded SSBG at its new authorization level of $1.7 billion. The Senate however cuts the program by $1.1 billion to $600 million. A cut of this magnitude will be devastating to the community organizations that serve some of our most needy constituents. I urge my colleagues to restore full funding to $2.38 billion and the transfer to 10%.

EDUCATION

The House proposal provides additional resources to many important education programs but its failure to increase the allocation for Title I should be of concern to all Members. Both the President and the Senate provided increases which would enable us to reach as many as 260,000 more children. Further, H.R. 4577 would fund the Teacher Empowerment Act, a block grant of the Eisenhower Professional Development program, Goals 2000 and the President's class-size reduction program, at $1.75 billion instead of the proposed $2 billion authorization level. If Republicans are going to advocate for block granting similar pots of money—which I support—we must adequately fund the whole. As we have seen with TANF, Congress must abide by our promises and fully fund these programs if the new flexibility granted is to matter to kids, teachers and taxpayers. This cut of $300 million sets a very dangerous precedent for those who strongly support block grants and I hope my colleagues will reconsider this funding level.

However, there are many programs which received increased funding from the Committee. The bill increases the average Pell Grant to $3,500, its highest level in history. Republicans have increased the Pell Grant, which saw cuts when the Democrats controlled both the White House and the Congress, by $1,200, or 50% since assuming the majority in 1995. Further, while the bill doesn't provide the additional $2 billion in funding agreed to by the House for IDEA, it does increase funding by $500 million. If there is one program that comes up in every meeting I have had with teachers and administrators in my district, it is IDEA. The increase of $500 million is a step in the right direction. I also applaud the Head Start increase of $400 million or 7.5% and the TRIO program increase of an additional $115 million over FY00.

Given the challenge presented to the committee by the budget resolution, they did a commendable job on this bill. However, many of its funding levels are inadequate and must grow through the process or I will vote against sending this bill to the President. Again, I will support this proposal because I believe that in the end we will have a bill that reflects our priorities—education, health care, and job training.

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, 2001

SPEECH OF

HON. RON LEWIS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 14, 2000

The House in Committee of the Whole House on the State of the Union 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:

Mr. LEWIS of Kentucky. Mr. Chairman, I move to strike the last word and rise to support this amendment that helps provide for our states and local communities.

While I support all the funding increases in this amendment, the increase in the Payment in Lieu of Taxes program is of particular interest. Last year, we approved an amendment to increase PILT by twenty million dollars and came out of conference with a ten million dollar increase. This amendment will add ten million dollars to last year's appropriation, the base amount in this legislation.

The federal government has a responsibility in law to help support local governments in areas where the federal government owns the land, thus removing it from the local tax base. We all know, despite the hard work and tough decisions of Chairman REGULA's subcommittee, that appropriations for PILT have not kept up with the authorized amounts. An increase of ten million dollars will not close this gap, but it will provide much-needed assistance to local governments.

For the residents and government of Edmonson County in my district in Kentucky, the support from PILT is essential. Edmonson County is home to Mammoth Cave National Park. While the park draws many visitors to this rural area, Edmonson County's small population and low per capita income make it difficult for local taxpayers to provide basic services, from waste management to emergency services. The support from an increase in PILT will keep the cost of these services more bearable to local taxpayers.

PILT funds help support a 24-hour ambulance service for the National Park and county residents. Federal land ownership has contributed to the isolation of much of Edmonson County. When major transportation routes expanded in the past, the county was bypassed in favor of areas with a larger property tax base to support the projects. Equitable PILT payments are needed to add to the tax base Edmonson County has given up for the National Park as the area faces new challenges for economic development.

The situation faced by Edmonson County is far from unique. As the federal government continues to place responsibilities on local

governments, PILT increases are necessary to relieve local taxpayers across the country, most of them in rural areas. The Bureau of Land Management reports property taxes would provide local governments with one dollar and forty-eight cents per acre. PILT payments are far below that amount per acre. It is difficult to explain to constituents why PILT appropriations have not followed the amounts authorized when they have not even come close. It is difficult to explain why Congress creates new programs when we are not funding the ones already in existence.

I strongly urge my colleagues to support this amendment. By doing so you add $10 million dollars to PILT to aid local taxpayers in rural areas and fulfill a pledge made by the federal government.

COMMENDING THE T.C. WILLIAMS HIGH SCHOOL CREW TEAM

HON. JAMES P. MORAN

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 19, 2000

Mr. MORAN of Virginia. Mr. Speaker, today I commend the Women's Lightweight Eight Crew of T.C. Williams High School in Alexandria, VA, for their fine season this spring. The T.C. lightweight crew captured gold medals at the Virginia State Championships, the prestigious Stotesbury Cup Regatta in Philadelphia, and the Scholastic Rowing Association of America championship. They followed these triumphs with a silver medal at the Canadian Secondary Rowing Association Championship at St. Catherine's, Ontario.

Their success this year continues a tradition of strong lightweight rowing at T.C. Williams High School. The Women's Eight has captured gold medals at Stotesbury and the Scholastic Rowing Association for three of the last four years.

This lightweight crew excels not only athletically but in their academic work as well. The crew has a collective grade point average that is close to 4.0. Crew members are: Jo Beck, Mary Higgins, Carter Kidd, Riley McDonald, Janie Roden, Kaitlin Donley, Catherine Freeman, Anna Gullickson, and Clare McIntyre.

The coach of the Women's Lightweight Eight, Steve Weir, completed his 25th year coaching women at T.C. Steve has had unparalleled success, winning the Stotesbury Cup for lightweights 12 out of 18 attempts. Parents of the girls who row for Steve say that he has had a major impact on their lives both athletically and in other aspects through the example of his integrity and devotion to excellence.

I am very proud of Steve Weir and his fine crew.

IN HONOR OF NAOMI GRAY

HON. NANCY PELOSI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 19, 2000

Ms. PELOSI. Mr. Speaker, I rise to acknowledge Naomi Gray's contributions to the Citizens' Advisory Commission to the Golden Gate National Recreation Area and Point Reyes National Seashore as she steps down after nearly six years of service. Ms. Gray has been a consistent leader in the fight to make our National Parks a treasure for all of our citizens. Throughout her entire illustrious career, she has sought to make our world more just, and it is my honor to commend this dedicated San Franciscan.

Naomi Gray served as one of the original members of the Board of Directors of the Fort Mason Foundation, which oversees one of the first urban National Parks in the country. On the Board, Naomi consistently worked to ensure that the Center offered programs and services of interest to persons from a wide variety of cultural backgrounds.

Because of her outstanding service at the Forest Mason Foundation and her years of dedicated community activism, Secretary of the Interior Bruce Babbitt selected Naomi in 1994 to sit on the Citizens' Advisory Commission to the Golden Gate National Recreation Area and Point Reyes National Seashore. On this commission, she served as chair of the Diversity Committee and as a member of the Presidio Committee. She brought to the Commission a concern for how our National Parks are perceived and how they can be made more welcoming to minority communities. Her work helped to open the Golden Gate National Recreation Area to all of our citizens.

Naomi's work on the Citizens' Advisory Commission is just one of her many activities in public service. She has worked much of her life to advance the cause of public health. After serving as the Director of Field Services for the Planned Parenthood Federation of America, she became the first women Vice-President of the organization. With Planned Parenthood, she coordinated the work of more than 250 family planning affiliates in the United States and consulted with many international family planning programs.

In 1985, San Francisco established its first Health Commission, and Naomi was selected as a founding member. Naomi became a Vice-President of the Commission, chaired its Budget Committee, and worked to strengthen and improve the Department of Public Health's Affirmative Action programs. Her service was so exemplary that, upon her retirement from the Commission, Mayor Frank Jordan was moved to declare October 8, 1992, as ''Naomi Gray Day'' in San Francisco.

Ms. Gray has also dedicated her significant talent and energy to working on issues of importance to the African-American community. In 1991 she helped establish the Sojourner Truth Foster Family Service Agency to care for African-American foster children and later founded the Urban Institute for African-American Affairs. She is the founder of the Black Coalition on AIDS, a member of the Black Chamber of Commerce, a member and past President of the San Francisco Black Leadership Forum, and has served on San Francisco's African-American Child Task Force.

Mr. Speaker, Naomi Gray's thoughtful contributions to the Citizens' Advisory Commission will be sorely missed. Undoubtedly, however, she will continue her work on behalf of the people of San Francisco in a new forum and with renewed energy. She is a tireless fighter, and our City is fortunate to have her. I wish her all of the best.

TRIBUTE TO NADIA SHAKOOR

HON. JOHN SHIMKUS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, June 19, 2000

Mr. SHIMKUS. Mr. Speaker, I rise before you today to commend Nadia Shakoor of Springfield, IL for being selected as a finalist in the Intel International Science and Engineering Fair. She was one of 1,200 students from over 40 countries who traveled to Detroit, MI to compete for more than $2 million in awards and scholarships.

As a teacher myself, I want to recognize Nadia for her academic achievement. Her success has not come without hard work though. I applaud her for her motivation and desire to learn and grow.

I wish Nadia the best as she continues her education. I know success will follow her wherever she may go.

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, 2001

SPEECH OF

HON. MARK GREEN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 15, 2000

The House in Committee of the Whole House on the State of the Union 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:

Mr. GREEN of Wisconsin. Mr. Chairman, I submit the following resolutions for the RECORD.

Whereas, our National Forests were established in the 1920's for multiple use including soil and water protection, recreation, and timber production, and;

Whereas, harvesting is an integral component of multiple-use management of forest lands, and;

Whereas, it is not in the best interest of sustainable ecosystem management to ban commercial logging on National Forests, and;

Whereas, the health of adjoining private and other public forest lands would be in jeopardy if National Forest lands were allowed to become overstocked and subject to insect and disease infestations, and unnecessary fuel build-up were allowed to create the potential for disastrous wild fires, and;

Whereas, timber harvested on the National Forests is vital to many local and regional economies, including that of Vilas County, and;

Whereas, Whereas, Wisconsin's National Forests are not producing below cost timber sales and are not virgin forests, and;

Whereas, there would be an increase in pressure to harvest County Forest Lands and private lands in the area if harvesting ceases on the National Forests within the state, and;

Whereas, the State Forester of Wisconsin is also opposed to the halting of commercial logging on National Forests.

Now, therefore, be it resolved, That the Vilas County Board of Supervisors is opposed to the National Forest Restoration Act and other legislative proposals which propose

halting commercial logging on the National Forests.

Be it further resolved, That copies of this resolution be forwarded to the Governor, to Wisconsin's Representatives and Senators in the United States Congress, George Meyer, Secretary of the Department of Natural Resources, Gene Francisco, State Forester, the Wisconsin County Forests Association, and the President of the United States.

Respectfully submitted by: Vilas County Forestry, Recreation, & Land Committee.

RESOLUTION NO. 14–00

Whereas, the counties of Wisconsin support sound forest management policies, which assure that the National Forests of Wisconsin are available for multiple uses such as recreation, logging, and the protection of wildlife, and

Whereas, when the Federal Government created the Chequamegon and Nicolet National Forests, they promised the forests would be made available for multiple uses by the people of Wisconsin and

Whereas, President Clinton and the National Forest Service have recently proposed the Roadless initiative, which would place up to 74,000 acres of the Nicolet and Chequamegon Forests of limits to logging and motorized recreation, and

Whereas, This program, along with other restrictions already placed on the national Forests will have an adverse effect on the economy of the entire state, and

Whereas, the Board of Directors of the Wisconsin Counties Association (WCA), have unanimously passed a resolution stating vehement opposition to the Roadless plan, and

Whereas, the National Forest Service is currently revising its Land and Resource Management Plan, which could place even more restrictions on use and access of the National Forests, and

Whereas, the National Forest Resource Committee, made up of concerned parties from around the Great Lakes Region, led by WCA and including logging companies, recreation enthusiasts, policy makers and others, has been formed to fight against further restrictions on use of the National Forests.

Therefore be it resolved, That the Oconto County Board of supervisors does hereby:

1. Oppose programs such as the Roadless Initiative that place unwanted and unnecessary restrictions on use and access of the National Forests, and

2. Advocate a new Land and Resource Management Plan which would rollback several costly, unnecessary restrictions on National Forest use and access, and

3. Support the efforts of the National Forest Resource Committee in its fight to ensure that such goals are met.

Be it further resolved, That a copy of this resolution be forwarded to the Wisconsin Counties Association, the Governor, the U.S. Congressman who represents Oconto County, and U.S. Senators Russ Feingold and Herb Kohl.

RESOLUTION

Whereas, the counties of Wisconsin support sound forest management policies, which assure that the National Forests of Wisconsin are available for multiple uses such as recreation, logging, and the protection of wildlife; and

Whereas, when the Federal Government created the Chequamegon and Nicolet National forests, they promised the forests would be made available for multiple uses by the people of Wisconsin; and

Whereas, President Clinton and the National Forest Service have recently proposed the Roadless Initiative, which would place up to 74,000 acres of the Nicolet and Chequamegon Forests off-limit to logging and motorized recreation; and

Whereas, this program, along with other restrictions already placed on the National Forests, will have an adverse effect on the economy of the entire state; and

Whereas, the Board of Directors of the Wisconsin Counties Association (WCA), have unanimously passed a resolution stating vehement opposition to the Roadless Plan; and

Whereas, the National Forest Service is currently revising its Land and Resource Management Plan, which could place even more restrictions on use and access of the National Forests; and

Whereas, the National Forest Resource Committee, made up of concerned parties from around the Great Lakes Region, led by WCA and including logging companies, recreation enthusiasts, policy-makers and others, has been formed to fight against further restrictions on use of the National Forests.

Now, therefore, be it resolved, That the Forest County Board of Supervisors does hereby:

1. adamantly oppose programs such as the Roadless Initiative that place unwanted and unnecessary restrictions on use and access of the National Forest use and access; and

2. advocate a new Land and Resources Management Plan which would roll back several costly, unnecessary restrictions on National Forest use and access; and

3. support the efforts of the National Forest Resource Committee in its fight to ensure that such goals are met.

Be it further resolved, that a copy of this resolution be forwarded to the Wisconsin Counties Association, the Governor, Congressman Mark Green, and U.S. Senators Russ Feingold and Herb Kohl.

RESOLUTION

Whereas, the United States Forest Service is in the process of developing their Forest Plan Revision with respect to the Ten Year Plan for use of the Nicolet National Forest; and

Whereas, a significant portion of all management alternatives proposed for the national forest land based in Forest County is allocated for research and restrictive use in all of the alternatives of the plan that are presently being developed; and

Whereas, the Forest County economy and recreational activities depend upon use of the national forest; and

Whereas, the proposed Ten Year Plan will result in more land going into restrictive use, non-motorized use, of wilderness areas; and

Whereas, Forest County objects to the allocation of any more land going into such limited uses; and

Whereas, heretofore, when land was purchased from Forest County by the Forest Service, it was represented by said Forest Service that the land to be purchased was to be utilized for timber production as well as other multiple uses. The proposed Ten Year Plan varies considerably from such representations; and

Whereas, Florence County has adopted a similar Resolution objecting to the present revisions of the Nicolet Forest Ten Year Plan; and

Whereas, it is appropriate for the Forest County Board of Supervisors to object to the proposed revisions in the Ten Year Plan with respect to the Nicolet National Forest.

Now, therefore, be it resolved by the Forest County Board of Supervisors, That said Board strenuously objects to any land under Federal ownership being used for anything other than multiple use and management for timber production.

Be it further resolved, That a true and correct copy of this Resolution, upon its adoption, shall be forwarded by the County Clerk to appropriate representatives of the United States Forest Service so that Forest County's position on the matter can be made known.

RESOLUTION NO. 41–2000

Whereas, the Nicolet and Chequamegon National Forests are two large public forests of great interest and concern to the residents of northern Wisconsin, including those of Oneida County, and

Whereas, these Forests provide forest products, recreational opportunities, clean air and water, and scenic beauty to said residents, and

Whereas, the Nicolet and Chequamegon are currently going through a planning process which will dictate their future management policies and objectives, and

Whereas, there are several initiatives emanating from sources outside northern Wisconsin which are attempting to sway the planning process and thereby the future management of the forests to include large roadless areas and to eliminate commercial harvesting of forest products, and

Whereas, these proposals would negatively impact the economy of Northern Wisconsin and the ability of both the residents and visitors to Northern Wisconsin to travel through and enjoy these National Forests, and

Whereas, when the Federal government sought to purchase the lands for these forests in the early part of the 20th century it made an agreement with the local governments that these lands would provide stability for the local economy through sound resource management, and

Whereas, by locking up large areas of the forest and thereby curtailing the recreational potential and the production of forest products, this promise would be broken, and

Whereas, roadless areas also prevent the forest from being protected from the dangers of fire and large tracts of overmature timber are subject to disease and insect outbreaks, so

Now, therefore, be it resolved, That the Oneida County Board of Supervisors go on record in support of the production of forest products from the National Forests in a sustainable forestry initiative in conjunction with the concept of multiple use management, and

Be it further resolved, That the Oneida County Board of Supervisors go on record in opposition of roadless area initiatives which preclude citizens reasonable access to the recreational and aesthetic amenities of their forest, and

Be it further resolved, That this resolution be forwarded to United States Forest Service, U.S. Senator Herb Kohl, U.S. Senator Russ Feingold, U.S. Representative Dave Obey, U.S. Representative Mark Green, State Senator Roger Breske, State Representative Joe Handrick, State Representative Lorraine Seratti, Wisconsin D.N.R. Secretary George Meyer and the Wisconsin County Forests Association.

[From the Chequamegon Nicolet Chapter, Local 2165, National Federation of Federal Employees, International Assoc. of Machinists and Aerospace Workers]

ROADLESS INITIATIVE OPPOSITION

Chequamegon Nicolet National Forest employees ask that Wisconsin forests be excluded from the ''Roadless Conservation'' plan from Washington.

Employees say the Draft EIS is flawed, greatly underestimates detrimental economic impact and fails to specify any beneficial environmental impact.

Call Art Johnson at 715–762–5112 for more information.

RESOLUTION

Whereas, The Chequamegon-Nicolet National Forest has only 5 miles of road building, but 55 miles of road obliteration per year.

Whereas, The Chequamegon-Nicolet road system has not been a major public concern on the Chequamegon-Nicolet.

Whereas, The Chequamegon-Nicolet wilderness areas are important, but are underutilized and make up only 1% of the recreational use of the Forests.

Whereas, The Chequamegon-Nicolet's recent Notice of Intent to revise the Management Plan did not identify roadless areas as a topic.

Whereas, The Draft EIS of the Proposed Roadless Conservation plan from Washington does not identify nor analyze beneficial or detrimental impacts on timber, economies, recreation, or ecosystem protection on the Chequamegon-Nicolet National Forest, as required by NEPA and 40 CFR 1500–08.

Whereas, The negative impact on timber sales will cause an estimated job loss of 75 local jobs per year and an economic loss of nearly $75 million to Wisconsin's economy, the cumulative impacts will be much greater.

Whereas, The Union is concerned about the loss of jobs; and concerned about a lack of relevant, specific information in the Draft EIS;

Therefore, The Union suggests that the Chequamegon-Nicolet National Forest be eliminated from the proposed Roadless Conservation plan and that these issues be analyzed by the ongoing revision of the Forest Management Plan.

Passed unanimously at the May 18 membership meeting.

[From Forestry in Wisconsin—A New Outlook, Official Report of the Wisconsin Commercial Forestry Conference Held at Milwaukee, March 1928]

FEDERAL ACTIVITIES IN WISCONSIN FORESTRY

(By L.F. Kneipp, Asst. Chief Forester, U.S.F.S., Washington, DC, 1928)

The present Federal forestry activities affecting Wisconsin consist of: Silvicultural Research (Lake States Forest Experiment Station, St. Paul) and Forest Products Research (Forest Products Laboratory, Madison). Taxation studies and co-operation in fire control, educational activities and planting is also being conducted. Establishment of a National Forest.

Establishment of a National Forest.—The redemption of the lost provinces of forestry, i.e. the 81 million acres of now unproductive lands, presents special and peculiar problems, for on these lands new forests, in large degree, must be built from the ground up by heavy initial investments which for long periods of time will produce little or no cash returns. To permit of Federal co-operation in this work of forest reclamation the Clarke-McNary Law provides that with the prior consent of the state, lands may be purchased by the Federal government and permanently administered as national forests. This provision is an extension of an elaboration of the so-called Weeks' Law under which the United States has purchased almost three million acres of land in the Appalachian chain from New Hampshire to Alabama.

The purpose of the United States in buying these lands is to restore them to a condition of maximum forest productivity by intensive management, planting, fire protection, etc.; to make them sources of permanent timber supply and bases for permanent wood-using industries and communities. As these processes go forward research and experimentation will develop and eventually the areas will be concrete demonstrations of the best principles and methods of forest management and thus examples to other owners of forest lands. There is no selfish purpose in this proposal, no cleverly concealed invasion of state powers, but solely a desire to contribute toward the solution of a problem of national concern which in some states is so staggering in its proportions that the probable maximum effort by the states and its citizens will only partially alleviate the situation.

The field of Federal forest ownership is found in those parts of the lost provinces which offer little or no prospect of private action or of county or state action. If private initiative or county or state initiative is able adequately to cope with the situation, there is no need for Federal intervention. If, however, neither private, county, or state agencies are prepared to carry out the necessary and desirable steps then there is room for effective participation by the Federal government.

Wisconsin has its lost provinces of forestry in abundant measure. The estimated area of depleted and unproductive land seems to be not far from 10 million acres of which most is situated in a roughly triangular area based on the north boundary of the state and within which the acreage of improved farm land is at a minimum. There was a time when these lands supported a wealth of timber that was one of the glories of the state, but only pitiful remnants of that wealth remain today and little is being done to effectively replace it.

Nevertheless, these lands are a great potential source of wealth and social service. Their capacity to produce timber has been demonstrated and is unquestioned. They lie in relatively close proximity to what eventually will be probably the greatest timber consuming center of the nation. Developed as forests they will afford the means for outdoor recreation for which there will be increasing need as the population multiplies and the strains of modern existence increase. To the State of Wisconsin these lands are both a challenge and an opportunity.

Under the provisions of the Clarke-McNary Act a program of forest land purchases has been evolved which provides roughly for the acquisition of approximately two million, five hundred thousand acres in the states of Michigan, Minnesota, and Wisconsin. The so-called Woodruff-McNary Bill, which has passed both houses of Congress and may by this time have become a law, establishes a fiscal policy for carrying out this program.

The act of consent of the State of Wisconsin establishes a maximum area of 500,000 acres and requires in addition the consent and concurrence not only of the Governor, the Director of the Conservation Commission, and the Commissioner of Public Lands, but that of the county commissioners of the counties in which purchases are to be made as well. The determination of the extent to which Federal ownership of forest lands would be desirable in Wisconsin rests therefore with the state and county officials.

Preliminary and rather superficial studies have shown that in Wisconsin there are at least six areas within the provisions and purposes of the Clarke-McNary Law could be made fully effective. These are as follows:

1. An area of approximately 200,000 acres in Forest, Oneida, and Vilas Counties of which part is on the drainage of the Wisconsin River and where white pine, hemlock, and hardwoods are important types.

2. An area of approximately 150,000 acres situated in the extreme northeast corner of Price County with possible minor extensions into Iron County or Oneida County. This area is on the drainange of the Flambeau River and was at one time characterized by excellent stands of white pine, hemlock, and hardwoods.

3. An area of approximately 150,000 acres in Peshtigo and Oconto Counties principally of sandy plains type and supporting a typical pine stand.

4. An area of virtually denuded land, perhaps 100,000 acres in extent, situated in Bayfield County between Moqua and Iron River.

5. An area of approximately 100,000 acres situated in the eastern parts of Jackson and Monroe Counties. Primarily of the sandy plains type.

6. An area of approximately 150,000 acres lying diagonally across the southeastern corner of Douglas County and northwestern corner of Washburn County and the northeastern corner of Burnett County.

Only one of these areas has as yet been definitely proposed by the Federal government. That is the one in Forest, Oneida, and Vilas Counties and thus far the consent of Forest County has not been secured. As to the others, they are merely possibilities.

The foregoing sketches briefly the Federal forest policy as laid down in the Clarke-McNary Act and financed in the Woodruff-McNary Bill, and the possible applications of that policy in a co-operative private, State, and Federal effort to solve Wisconsin's idle land problem.

The Lake States Forest Experiment Station is the Federal Government's effort to create a body of dependable facts about the growing and utilization of timber crops. The Forest Service has already established 11 regional forest experiment stations, including the Lake States Station at St. Paul. The activities of the Station extend to Wisconsin, Michigan and Minnesota. Its task is not unlike that of agricultural experiment stations except that it deals with forest crops instead of agricultural crops. It carriers on investigations into the nature of the different kinds of forests found in the region, their adaptability to certain soils, their growth and yield, and methods of securing their regrowth after cutting; it studies forest fires, their occurrences, causes and factors controlling their spread; it studies methods for planting up land that does no come up naturally to forest—from the collection of seed and raising forest nursery stock to planting out under conditions most adapted for the success of the plantations; it is co-operating with the College of Agriculture of the University of Wisconsin, particularly in a thorough understanding of the forest fire situation in the state, and in determining the growth that takes place in the hardwood hemlock forests after selective logging.

The Forest Products Laboratory at Madison, operated by the U.S. Forest Service in co-operation with the University of Wisconsin, is a national institution but is performing much research of direct importance to Wisconsin forestry. The Laboratory's function in a broad way is to so improve the processes of forest utilization that the full use-value of wood is realized. The three main phases of the Laboratory's research program consist in determining the physical and chemical properties of the many native species of woods, finding the requirements of various uses in terms of these wood properties, and adapting the one to the other as far as possible through scientific manipulation of growth and manufacturing processes. It is conducting experiments to develop better designs of wood products, better kiln drying and air seasoning methods, better preservative treatments, and better wood glues and fastenings; and it is carrying on studies to improve methods of manufacturing pulp and paper from wood and methods of logging, milling and lumber grading.

While the number of research units is nearly adequate, the present amount and stability of their appropriations is quite inadequate to deliver all the facts on which to build a complete forest policy. Hence the McSweeney-McNary Bill, now pending in Congress. This bill aims to do for forestry research what the Clarke-McNary Act is already doing for forest protection and administration, namely, to lay down an adequate program for the next ten years and to provide for its execution in co-operation with all agencies concerned.

HISTORICAL DEVELOPMENT OF THE NICOLET NATIONAL FOREST

(By J. Terry Moore)

''National Forests exist today because the people want them. To make them accomplish the most good the people themselves must make clear how they want them run. Gifford Pinchot in Use of the National Forests. May 1907.''—

The birth of Wisconsin's first national forest was no easy task. The process required a lengthy series of approvals at the federal, state, and local levels before the purchase of land could even begin. One rejection could have derailed the process. This paper focuses on the events leading to the establishment of the original purchase unit that eventually became the Nicolet National Forest, with some attention given to the people who made things happen. The time period covered is from summer 1927 through the end of 1928. The sources of information are the files of The Rhinelander Daily News, The Forest County Republican, The Vilas County News Review, the records of Forest, Oneida, and Vilas counties, the Forest Service, and the Marathon County Historical Society, curators of the personal papers of J.D. Mylrea, President of the Thunder Lake Lumber Co.

Authority for establishing National Forests by purchase of land comes from the Act of March 1, 1911 commonly known as the Weeks Act. When passed the Weeks Act stated that no land could be purchased ''until the legislature of the State in which the land lies shall have consented to the acquisition of such land by the United States for the purpose of preserving the navigability of navigable streams.'' This was known as enabling legislation and gave the states latitude to set conditions on the size or approval process for purchase areas. The Weeks Act was later modified by the passage of the Clark-McNary Act (June 7, 1924) which authorized purchase land for National Forests when such lands would promote a future timber supply. Citing the Clark-McNary authority, the Wisconsin legislature enacted legislation on June 26, 1925, empowering the United States to acquire land, not exceeding 100,000 acres, for the establishment of a national forest. The legislation required ''that any tract or tracts so selected shall be first approved by the governor, the commissioners of public lands, and the conservation commissioner.'' In June of 1927 the state's legislation was amended authorizing an additional 400,000 acres of purchase bringing the total to 500,000 acres. Two additional changes were made. The original language requiring approval of each tract was changed by substituting the words ''boundaries of any area so selected'' for the statement ''any tract or tracts so selected''. A new requirement that any ''areas so selected be approved by the county boards of each of the counties in which lands were to be purchased'', was added.

The Legislative actions by the Federal and State governments set the stage for the Forest Service to advance a proposal to establish a ''purchase unit'', the term applied to the areas selected and approved per the enabling legislation. According to an article in The Rhinelander Daily News, November 10, 1927, Colonel W.B. Greeley, then Chief of the Forest Service was in Madison to confer with L.B. Nagler, Wisconsin Conservation Director, on the proposal to establish a 500,000 acre purchase in Forest, Oneida, and Vilas counties. The articles also stated that representatives of the Forest Service would be contacting the three county boards to determine their position on the proposed purchase unit.

The November 11, 1927 issue of the Rhinelander Daily News contained an editorial reporting that the proposed purchase unit had received the full support of the Forest Service, the State Conservation Commission, and the Governor of Wisconsin. The editorial supported the proposal and urged the three county boards to approve the action during their annual meetings scheduled for the next week.

''If approved by the county boards, the action will be a long step forward in the reforestation program. The Federal government will buy worthless land, good only for forestry, from the present owners. When merchantable timber is produced, it will be cut and sold and a large part of the proceeds will be turned back to the town in which the land is located.''

The editorial recognized one negative factor, that the land would not produce income while the forest was being restored but The Rhinelander Daily News did not view this as a valid objection, however, because the cut-over lands were going tax delinquent and the counties would lose revenue in either case.

On November 16, 1927, E.W. Tinker who was then a Forest Service lands assistant in the Denver, Region 2 office and Crosby Hoar of the Superior National Forest in Duluth, Minnesota arrived in Rhinelander to discuss the proposal with the Forests, Oneida, and Vilas County boards during their annual meetings. Tinker and Hoar appeared before the Oneida board in the morning and the Vilas board in the afternoon of the same day. Their reception was enthusiastic, and both boards quickly passed resolutions approving the purchase unit under a suspension of the normal rules of procedure. Later in the week Tinker and Hoar addressed the Forest County Board, but were not successful, as the Forest County Board tabled the motion for further consideration.

An editorial in the November 27, 1928, issue of The Rhinelander Daily News reported that Forest county withheld action on the proposed forest reserve on the advice of C.L. Harrington, Superintendent of Forestry of the State Conservation Commission. Harrington advised the board that approval of the federal proposal would remove lands from the tax base forever because the federal government had no funds to implement management on the acquired lands. Mr. Harrington also objected to the action on the basis that it would delegate to the federal government a program which belonged properly to the state. The editorial agreed in part that there would be a period of loss of income while the lands were restored, but strongly supported the action taken by the Oneida County Board. The editorial concluded with a request to Mr. Harrington ''refrain from misleading the people of northern Wisconsin who have an opportunity to get the cut-over lands back into their best use—forestry.''

An editorial in the November 29, 1927 issue of The Rhinelander Daily News states that the paper had received dispatches from Madison to the effect that the State Conservation Commission was heartily in favor of the proposed federal forest reserve. The editorial said that the message from Madison could ''be interpreted in no other fashion than that which indicates the commission's displeasure with the activities of C.L. Harrington in appearing before the Forest County Board.'' The Daily News editorial also cited an editorial from the Antigo Journal which states:

''The Antigo Journal urges Forest county to convene in special session and cancel their former action and to act favorably on the matter. Langlade county will join in on the forest project when they are asked, but Langlade county had not been contacted by the forest service. The Journal supports the proposed forest based on future values of the land 25 to 30 years hence.''

In tabling the issue of a federal forest, the Forest County Board did not dismiss the idea out of hand. In later meetings they agreed to discuss the matter further at the February 1928 board meeting. That discussion resulted in two significant actions. First that the question of a federal forest would be put to a county wide referendum at the spring elections scheduled for April 3, 1928; and second that the county board would sponsor a public information meeting on the issue prior to the election.

The March 15, 1928 edition of The Forest County Republican reported the substance of the public meeting held March 14, 1928, at the Court House in Crandon, Wisconsin. Representing the Forest Service were L.A. Kneipp, Assistant Chief Forester from Washington, D.C., and E.W. Tinker from the Denver, Colorado Region 2 office, that at that time, had responsibility for Forest Service activities in the Lakes States area. The State of Wisconsin was represented by O.C. Lemke, Wausau, Wisconsin, a member of the Wisconsin Conservation Commission; Col. L.B. Nagler, Conservation Director, Madison, Wisconsin, and C.L. Harrington, Wisconsin Chief Forester, Madison, Wisconsin. Numerous county board officials were present as well as citizens from Antigo, Rhinelander, and Park Falls, Wisconsin. The article specifically notes that the representatives from Park Falls were present as part ''of a move to get this proposed national forest established in Price county, in case the voters of Forest county turned down the proposition.''

At the completion of the public meeting the fate of the future Nicolet National Forest rested with the voters of Forest County. This position was highlighted in an editorial appearing in The Forest Republican, March 29, 1928.

''There are several counties in the state who only wish that the voters of Forest county will turn down the proposed proposition so that they will get a chance to secure this forest reserve for their county. The Forest Republican believes that if we turn it down and the reserve goes to some other county; we will regret it later when the benefits begin to accrue to the counties entertaining it.''

On April 3, 1928, the voters of Forest county approved the establishment of a purchase unit in Forest County. The referendum passed in all precincts in the county with the exception of the town of Alvin. At the May 2, 1928 county board meeting, the Forest County Board voted unanimously to approve the federal forest reserve. The board approved a purchase unit as proposed, except it did not include any of the proposed purchase area within the town of Alvin. Forest County action led to establishment of a three county purchase unit encompassing approximately 148,480 acres within the boundary proposed by the Forest Service.

While Forest County action appeared to be the last approval required to advance the proposal to the National Forest Reservation Commission in Washington, D.C., for final

approval, one more hurdle appeared at the last moment. The state's legislation authorized the State Land Commission, composed of the state treasurer, secretary of state, and attorney general, to ''sell and convey for a fair consideration to the United States any state land within such areas'' (i.e. State School Trust Lands). An article in the May 17, 1928, Rhinelander Daily News reported that the State Land Commission had refused to approve the plan for national forest lands in Wisconsin. The article reported that the objection was based on a concern that some of the state lands secured loans to school districts in each of the counties. While the objection of the land commission was not reported as final, the delay was enough to prevent the proposed purchase unit from coming before the National Forest Reservation Commission's May meeting. Since the National Forest Reservation Commission met only twice per year, in May and December, the last minute objection effectively delayed the proposal.

Six days later, The Rhinelander Daily News reported that the State Land Commission approved federal forest areas in Bayfield, Forest, Oneida, Price, and Vilas counties. The Land Commission adopted a position accepting the plan for federal forests, but specified that lands securing loans in the forest area would not be included in the transfer to the federal government. The Daily News report concluded with the statement that Colonel Nagler, director of conservation, telegraphed to the federal forest body that the land commission had approved the transfer.

On December 12, 1928, the National Forest Reservation Commission approved the establishment of the Oneida Purchase Unit, consisting of approximately 148,480 acres (or 232 square miles) in Forest, Oneida, and Vilas counties under authority of Section 6 of the Clark-McNary Act. The reasons for acquisition were stated as: ''(a) Timber production; (b) determination and demonstration of best principles of forest management in the region; (c) stabilization of waterflow.''

My conclusions drawn from this history are that the Nicolet and Chequamegon National Forests exist in Wisconsin today because of the support of the people in the counties where the forests are located. Three factors influenced my findings: (1) The process for approval of the original purchase units placed the ultimate approval authority in the hands of local officials, i.e. the county boards; (2) While there was some opposition at the local level, the majority opinion not only endorsed the idea of national forests, but had counties actively competing for the opportunity to have portions of the authorized 500,000 acres of forest purchase located within their counties; (3) Local supporters were motivated by the belief that the long term economic gains that would result from the federal government's acquisition, restoration, and management of the ''cut-over'' lands would exceed the short term losses of a reduced county tax base, or any of the alternative management strategies then proposed for the cut-over lands.

PERSONAL EXPLANATION

HON. RUBEN HINOJOSA

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, June 19, 2000

Mr. HINOJOSA. Mr. Speaker, my participation in the June 15th White House Strategy Session on Educational Excellence for Hispanic Students caused me to miss Rollcall votes 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290 and 291. Had I been present I would have voted as follows:

Rollcall #278, Providing for the consideration of H.R. 4635, Department of Veterans Affairs and Housing and Urban Development Appropriations, FY 2001—Nay.

Rollcall #279, Nethercutt (WA) Amendment to the Dicks Amendment that sought to strike reference to the planning and management of national monuments—Department of the Interior Appropriations for FY 2001 (H.R. 4578)—No.

Rollcall #280, Hansen of Utah Amendment to Dicks Amendment that sought to strike reference to the planning and management of national monuments—Department of the Interior Appropriations for FY 2001 (H.R. 4578)—No.

Rollcall #281, Dicks of Washington Amendment that exempts activities otherwise authorized by law to the planning and management of national monuments or activities related to the Interior Columbia Basin Ecosystem Management Plan from any limitations imposed under the Act—Department of the Interior Appropriations for FY 2001 (H.R. 4578)—Aye.

Rollcall #282, Stearns of Florida Amendment (as modified) that sought to decrease National Endowment for the Arts funding by $1.9 million or approximately 2% and increase wildlife fire management funding accordingly—Department of the Interior Appropriations for FY 2001 (H.R. 4578)—No.

Rollcall #283, Slaughter of New York Amendment that defers an additional $22 million of prior year clean coal technology funding—Department of the Interior Appropriations for FY 2001 (H.R. 4578)—Aye.

Rollcall #284, Obey Motion that the Committee Rise—Department of the Interior Appropriations for FY 2001 (H.R. 4578)—Aye.

Rollcall #286, Sanders of Vermont Amendment No. 29 printed in the CONGRESSIONAL RECORD that sought to make available $10 million to establish a northeast home heating oil reserve and transfer strategic petroleum reserve funding for this purpose—Department of the Interior Appropriations for FY 2001 (H.R. 4578)—Aye.

Rollcall #287, Doggett motion that the Committee Rise—Department of the Interior Appropriations for FY 2001 (H.R. 4578)—Aye.

Rollcall #288, Nethercutt of Washington Amendment that implements the previously agreed to Dicks amendment except for activities related to planning and management of national monuments—Department of the Interior Appropriations for FY 2001 (H.R. 4578)—No.

Rollcall #289, Weldon of Florida Amendment No. 48 printed in the CONGRESSIONAL RECORD that sought to prohibit any funding to be used to publish Class III gaming procedures under part 291 of title 25, Code of Federal Regulations—Department of the Interior Appropriations for FY 2001 (H.R. 4578)—No.

Rollcall #290. Dicks motion to recommit the bill to the Committee on Appropriations with instructions to report it back with an amendment to increase funding for the National Endowment for the Arts by $15 million, the National Endowment for the Humanities by $5 million, and Office of Museum Services by $2 million—Department of the Interior Appropriations for FY 2001 (H.R. 4578)—Aye.

Rollcall #291, Passage—Department of the Interior Appropriations for FY 2001 (H.R. 4578)—Nay.

INAUGURAL ADDRESS OF PRESIDENT CHEN SHUI-BIAN

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, June 19, 2000

Mr. GILMAN. Mr. Speaker, I want to bring to the attention of my colleagues the May 20, 2000, Inaugural Address of President Chen Shui-Bian of Taiwan. President Chen has laid out a solid vision of Taiwan's future and his speech deserves wide dissemination.

The United States is pleased with the flourishing on Taiwan of a fully-fledged, multi-party democracy which respects human rights and civil liberties. It is hoped that Taiwan will serve as an example to the PRC and others in the region in this regard and will encourage progress in the furthering of democratic principles and practices, respect for human rights, and the enhancement of the rule of law.

The Congress looks forward to a broadening and deepening of friendship and cooperation with Taiwan in the years ahead for the mutual benefit of the peoples of the United States and Taiwan.

In closing, Mr. Speaker, I want to wish President Chen, Vice President Lu, and the people of Taiwan the very best in the future.

Mr. Speaker, I submit President Chen's Inaugural Address for insertion in the RECORD.

INAUGURAL ADDRESS OF PRESIDENT CHEN SHUI-BIAN, MAY 20, 2000

Leaders of our friendly nations, honored guests and compatriots from Taiwan and abroad; This is a glorious moment; it is also a moment of dignity and hope.

I thank our honored guests, who have come here from afar, as well as those friends from around the world who love democracy and care about Taiwan, for sharing this glorious moment with us.

We are here today, not just to celebrate an inauguration, but to witness the hard-won democratic values, and to witness the beginning of a new era.

On the eve of the 21st Century, the people of Taiwan have completed a historic alternation of political parties in power. This Is not only the first of its kind in the history of the Republic of China, but also an epochal landmark for Chinese communities around the world. Taiwan has not only set a new model for the Asian experience of democracy, but has also added a moving example to the third wave of democracy the world over.

The election for the 10th-term President of the Republic of China has clearly shown the world that the fruits of freedom and democracy are not easily come by. Twenty-three million people with an unwavering will have allayed enmity with love, overcome intimidation with hope, and conquered fear with faith.

With our sacred votes, we have proven to the world that freedom and democracy are indisputable universal values, and that peace is humanity's highest goal.

The outcome of Taiwan's Year 2000 presidential election is not the victory of an individual or a political party. It is a victory of the people, a victory for democracy, because we have, while at the focus of global attention, transcended fear, threats and oppression and bravely risen to our feet together.

Taiwan stands up, demonstrating a firmness of purpose and faith in democracy. Taiwan stands up, representing the self-confidence of the people and the dignity of the country. Taiwan stands up, symbolizing the quest for hope and the realization of dreams.

Dear compatriots, let's always remember this moment; let's always remember to value and feel gratitude for it, because the fruits of democracy did not come out of the blue. It was realized by going through many perils and dangers, and by experiencing countless hardships. If not for the fearless sacrifice of our democratic forebears, if not for the unswerving faith of the tens of millions of Taiwanese people in freedom and democracy, we could not possibly be standing on our beloved land today and celebrate a glorious occasion that belongs to all the people.

Today, it is as if we are standing before a fresh new gate in history. In the process of democratization, the Taiwanese people have created a brand-new key to our shared destiny. The new century's gates of hope are soon to open. We are humble but not submissive. We are full of self-confidence but not the slightest bit of self-satisfaction.

Since that moment on March 18 when the election results came to light, I have accepted the mandate of all Taiwanese people in a most earnest and humble frame of mind, and have vowed to devote all my efforts, understanding and courage to assuming the heavy responsibility of this country's future.

I personally understand that the significance of the alternation of political parties and the peaceful transition of power lies not in that it is a change of personnel or political parties. Nor that it is a dynastic change. Rather, it is the return of state and government power to the people through a democratic procedure. The people are the true masters of the country, which no individual or political party can possess. From the head of state to the rank-and-file civil servant—the government exists for all the people and serves all the people.

The alternation of political parties does not mean an all-out negation of the past. We should be fair in evaluating the contributions made by those in power throughout the ages. Mr. Lee Teng-hui deserves our highest praise and heartfelt honor for his promotion of democratic reforms and for his excellent performance during his twelve years of leadership.

Taiwan society has rallied and participated energetically in the election. Despite the diverse views and stances, all individuals share the same intent—to come forward for the sake of their political ideas and the country's future. We believe that the end of an election is the beginning of reconciliation. After the curtain falls on emotional campaigns, rationality should prevail. Under the supreme principles of national interests and the welfare of the people, those in power and in opposition should both fulfill their duties by the people and realize the ideals of fair competition in party politics, as well as the checks and balances of democratic politics.

A democratic society with fair competition, tolerance and trust is the strongest impetus for a nation's development. Placing national interests above those of political parties, we should solidify the will of the people and seek consensus among the ruling and opposition parties, to promote the country's development and reforms.

''A government for all people'' and ''rule by the clean and upright'' were my promises to the people during the election period. It is also an important key for Taiwan society in stepping over its fault lines and exalting to a higher level in the future.

The spirit of a ''government for all people'' lies in the fact that ''government exists for the people.'' The people are the masters and shareholders of the state. The government should rule on the basis of majority public opinion. The interests of the people are absolutely above those of any political party or individual.

I have always taken pride in being a member of the Democratic Progressive Party, but from the moment I take my oath and assume the president's post, I will put all my efforts into fulfilling my role as a ''president for all people.'' As in the formation of the new government, we employ people according to their talents and do not discriminate on the basis of ethnicity, gender or party affiliation. We will also place the welfare of the populace as our primary goal in future.

The topmost initiatives of my promise to ''rule by the clean and upright'' are to eliminate ''black gold''—the involvement of organized crimes in politics—and to eradicate vote-buying. For a long time, the Taiwanese people have been deeply repelled by money politics and the interference of organized crime. A grassroots vote-buying culture has also robbed the people of their right to elect the wise and the able. These have tainted the development of Taiwan's democracy.

Today, I am willing to promise hereby that the new government will eliminate vote-buying and crack down on ''black gold'' politics, so that Taiwan can rise above such downward sinking forces. We must give the people a clean political environment.

In the area of government reforms, we need to establish a government that is clean, efficient, farsighted, dynamic, highly flexible and responsive, in order to ensure Taiwan's competitiveness in the face of increasingly fierce global competition. The age of ''large and capable'' governments has now passed, replace by ''small and effective'' governments, which have established partnership relations with the people. We should accelerate the streamlining of government functions and organization and actively expand the role of public participation.

This will not only allow the public to fully utilize their energy but also significantly reduce the government's burden. Similar partnership relations should also be set up between the central and local governments. We want to break the authoritarian attitudes from the days of centralized, money-controlled power. We want to realize the spirit of local autonomy, where the local and central governments share resources and responsibilities, where ''the central government will not do what the local governments can do.'' Whether in the east, west, north or south, or whether on Taiwan Proper or on offshore islands, all will get balanced, pluralistic development, and the gap between urban and rural areas will decrease.

Of course, we should understand that the government is no panacea for all problems. The driving force for economic development and societal progress comes from the people. Over the past half-century, the Taiwanese people have toiled hard to create an economic miracle that has won global applause, and to lay the foundation for the survival and development of the Republic of China. Today, facing the impact of the fast-changing information technologies and trade liberalization, Taiwain's industrial development must move toward a knowledge-based economy. High-tech industries need to be constantly innovative, while traditional industries need to undergo transformation and upgrading.

The future government should not necessarily play the role of a ''leader'' or ''manager.'' On the contrary, it should be the ''supporter'' and ''service-provider'' as expected by private enterprises. The responsibility of a modern government is to raise administrative efficiency, improve the domestic investment environment, and maintain financial order and stock market stability, so as to allow economic development to move toward full liberalization and internationalization with fair competition. By observing these principles, the vitality of the public will naturally bloom and create a new phase in Taiwan's economic miracle.

Apart from consolidating our democratic achievements, promoting government reforms, and raising economic competitiveness, the new government's foremost objective should be to adhere to public opinion and implement reforms, so that the people on this land can live in more dignity, more self-confidence and better quality.

Let our society be not only safe, harmonious and prosperous, but also meet the principles of fairness and justice. As we cultivate the ever-growing abilities of our citizens, we will let our next generation learn in an environment filled with happiness and hope.

The 21st Century will be a time when ''the right to a quality life'' and ''refined lifestyles'' are much emphasized. The government will have to bring up solutions for all issues relating to the people's lives, such as social order, social welfare, environmental protection land planning, waste treatment, cleaning up rivers and community-building. It will also have to implement these solutions thoroughly.

At present, we need to immediately improve social order and environmental protection, which are important indicators of the quality of life. Building a new social order, we will let the people live and work in peace and without fear. Finding a balance ecological preservation and economic development, we will develop Taiwan into a sustainable green silicon island. The integrity of the judiciary is a staunch line of defense for democratic politics and social justice. An impartial, independent judicial system is a safeguard for social order and a defender of the people's rights. At present, we still have a long way to go in our judicial reforms. Our compatriots should continue to give the judiciary their calls to action and their ardent expectations. At the same time, we should also restrain our administrative authority and give the judiciary room to operate independently and without interference.

Human resources are Taiwan's most important resources. Talent is the foundation of the country's competitiveness, while education is a long-term plan for empowering the people. We will seek a consensus among the ruling and opposition parties, academia and the public to carry on with educational reforms and build a healthy, proactive, lively and innovative education system, which will allow Taiwan to cultivate first-class, outstanding talents amid the fierce international competition. We will let Taiwan move gradually toward a ''learning organization'' and a ''knowledge-based society.'' We will also encourage people to take up lifetime learning to fully develop their potential and creativity.

Grassroots community organizations have now been developing around the country, working to explore and preserve the history, culture, geography and ecology of their localities. These are all part of Taiwan culture, whether they are local cultures, mass cultures or high cultures. Due to special historical and geographical factors, Taiwan possesses a wealth of diversified cultural elements. But cultural development is not something that can bring immediate success. Rather, it has to be accumulated bit by hit. We must open our hearts with tolerance and respect, so that our diverse ethnic groups and different regional cultures communicate with each other, so that Taiwan's local cultures connect with the cultures of Chinese-speaking communities and other world cultures, and create a new milieu of ''a cultural Taiwan in a modern century.''

The September 21 earthquake that occurred last year brought to our land and our compatriots an unprecedented catastrophe, the pain of which is yet to heal. The new government will brook no delay in the reconstruction of disaster areas, including industrial and spiritual recovery. We will work to

ensure that care is extended to every victim and rebuild every destroyed place. Here, we would also like to express our highest respect again for all individuals and non-governmental organizations that have selflessly contributed to the rescue and reconstruction work after disaster. Amid the fierce power of Nature, we have seen Taiwan's most beautiful compassion, strongest faith and greatest trust. Our compatriots have been injured and wounded during the September 21 earthquake, but with the spirit of a ''volunteer Taiwan,'' Taiwan's new family will stand up resolutely on its feet once again.

Dear compatriots, 400 years ago, Taiwan was called ''Formosa''—the beautiful island—for its lustrous landscape. Today, Taiwan is manifesting the elegance of a democratic island, once again attracting global attention, as the people on this land create a new page in our history.

We believe that the Republic of China, with its democratic achievements and technological and economic prowess, can certainly continue to play an indispensable role in the international community. In addition to strengthening the existing relations with friendly nations, we want to actively participate in all types of international non-governmental organizations. Through humanitarian care, economic cooperation, cultural exchanges and various other methods, we will actively participate in international affairs, expand Taiwan's room for survival in the international arena, and contribute to the welfare of the international community. Besides, we are also willing to promise a more active contribution in safeguarding international human rights. The Republic of China cannot and will not remain outside global human rights trends. We will abide by the Universal Declaration of Human Rights, the International Convention for Civil and Political Rights, and the Vienna Declaration and Program of Action. We will bring the Republic of China back into the international human rights system.

The new government will request the Legislative Yuan to pass and ratify the International Bill of Rights as a domestic law of Taiwan, so that it will formally become the ''Taiwan Bill of Rights.'' We hope to set up an independent national human rights commission in Taiwan, thereby realizing an action long advocated by the United Nations. We will also invite two outstanding non-governmental organizations, the International Commission of Jurists and Amnesty International, to assist us in our measures to protect human rights and make the Republic of China into a new indicator for human rights in the 21st Century.

We firmly believe that in any time or any corner of the world, the meaning and values of freedom, democracy and human rights cannot be ignored or changed.

The history of the 20th Century left us with a major lesson—that war is a failure of humanity. Waged for whatever purpose or whatever imperious reasons, war is the greatest harm to freedom, democracy and human rights. Over the past one hundred plus years, China has suffered imperialist aggression, which left indelible wounds in her history. Taiwan's destiny has been even more arduous, tormented by brute force and the rule of colonialist regimes. These similar historical experiences should bring mutual understanding between the people on both sides of the Taiwan Strait, setting a solid foundation for pursuing freedom, democracy and human rights together. However, due to long periods of separation, the two sides have developed vastly different political systems and lifestyles, obstructing empathy and friendship between the people on the two sides, and even creating a wall of divisiveness and confrontation.

Today, as the Cold War has ended, it is time for the two sides to cast aside the hostilities left from the old era. We do not need to wait further because now is a new opportunity for the two sides to create an era of reconciliation together.

The people across the Taiwan Strait share the same ancestral, cultural, and historical background. While upholding the principles of democracy and parity, building upon the existing foundation, and constructing conditions for cooperation through goodwill, we believe that the leaders on both sides possess enough wisdom and creativity to jointly deal with the question of a future ''one China.''

I fully understand that as the popularly elected 10th-term President of the Republic of China, I must abide by the Constitution, maintain the sovereignty, dignity and security of our country, and ensure the well-being of all citizens. Therefore, as long as the CCP regime has no intention to use military force against Taiwan, I pledge that during my term of office, I will not declare independence, I will not change the national title, I will not push forth the inclusion of the so-called ''state-to-state'' description in the Constitution, and I will not promote a referendum to change the status quo in regards to the question of independence or unification. Furthermore, the abolition of the National Unification Council or the Guidelines for National Unification will not be an issue.

History has illustrated that war will only create hatred and enmity, with absolutely no benefit to the development of mutual relations. Chinese people emphasize the difference between statesmanship and hegemony, believing in the philosophy that a government which employs benevolence ''will please those near and appeal to those from afar,'' and ''when those afar will not submit, then one must practice kindness and virtue to attract them.'' Such Chinese wisdom will remain universal words of value.

Under the leadership of Mr. Deng Xiaoping and Mr. Jiang Zemin, the mainland has created a miracle of economic openness. In Taiwan, over a half century, not only have we created a miracle economy, we have also created the political marvel of democracy. On such a basis, as long as the governments and people on both sides of the Taiwan Strait can interact more, following the principles of ''goodwill reconciliation, active cooperation, and permanent peace,'' while at the same time respecting the free choice of the people and excluding unnecessary obstacles, both sides of the Strait can make great contributions to the prosperity and stability of the Asia Pacific Region. Both sides will also create a glorious civilization for the world's humanity.

Dear compatriots, we hope so much to share the moving scene of this moment with all Chinese-speaking people around the world. The wide Ketagelan Boulevard before us was bristling with security guards only a few years ago. The building behind me used to be the Governor General's Mansion during the colonial era. Today, we gather here to extol the glory and joy of democracy with songs of the earth and the voice of the people. With a little reflection, our compatriots should be able to appreciate the deep and far-reaching meaning of this moment:

Authoritarianism and force can only bring surrender for one time, while democracy and freedom are values that will endure forever. Only by adhering to the will of the people can we pioneer the paths of history and build enduring architecture.

Today, as a son of a tenant farmer and with a poor family background, I have struggled and grown on this land and, after experiencing defeat and tribulation, I have finally won the trust of the people to take up the great responsibility leading the country. My individual achievements are minor, but the message is valuable because each citizen of Formosa is a ''child of Taiwan'' just like me. In whatever difficult environment, Taiwan will be like a selfless, loving mother, who never stops giving us opportunities and who helps us achieve our beautiful dreams.

The spirit of the ''child of Taiwan'' reveals to us that even though Taiwan, Penghu, Kinmen and Matsu are tiny islands on the rim of the Pacific, the map of our dreams knows no limits. It extends all the way to the end of the horizon, as long as our 23 million compatriots fear no hardship and move forward hand in hand.

Dear compatriots, this magnificent moment belongs to all the people. All grace and glory belongs to Taiwan—our eternal Mother. Together, let's extend our gratitude to the earth and respect to the people. Long live freedom and democracy! Long live the people of Taiwan! We pray for the prosperity of the Republic of China, and for the health and happiness of all compatriots and all honored guests!

PERSONAL EXPLANATION

HON. MICHAEL E. CAPUANO

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, June 19, 2000

Mr. CAPUANO. Mr. Speaker, due to prior commitment in my District, I was forced to return to Massachusetts on Thursday, June 15th, 2000. I was therefore unable to cast a vote on rollcall votes 288, 289, 290, and 291. Had I been present, I would have voted 'nay' on rollcall 288, 'nay' on rollcall 289, 'nay' on rollcall 290 and 'nay' on rollcall 291.

PERSONAL EXPLANATION

HON. TIM ROEMER

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 19, 2000

Mr. ROEMER. Mr. Speaker, due to a family commitment I was unable to cast the following House Rollcall votes on June 15, 2000: No. 285, a quorum call; No. 286, on the amendment offered by Representative SANDERS; and No. 287, a motion that the committee rise.

Had I been present, I would have voted ''present'' on rollcall No. 285, ''aye'' on rollcall No. 286, and ''aye'' on rollcall No. 287.

NEW JERSEY SENATE OBJECTS TO SCHOOL-TO-WORK

HON. BOB SCHAFFER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Monday, June 19, 2000

Mr. SCHAFFER. Mr. Speaker, I rise today to call attention to a resolution recently approved by the New Jersey Senate. Approved on May 10, 1999, Senate Resolution #73 expresses the objection to the State Senate to the School-to-Work provisions being developed by the New Jersey Department of Education.

State Senators Joseph Kyrillos, William Gormley, Scott Garrett, and Guy Talarico

achieved a significant victory for quality local education by putting the New Jersey Senate on record opposing the federal School-to-Work curriculum and its goals.

The concerns expressed in this resolution cut to the heart of education reform today: Basic academics, local control, unlimited student opportunity and sufficient, quality instructional time are at the forefront of local education efforts and threatened by School-to-Work. New Jersey is clearly concerned about a radical restructuring of its education system around federal workforce development, ''applied learning'' and limited student choice. Other states and the Congress should take note of New Jersey's courageous stand.

Mr. Speaker, I hereby submit for the RECORD New Jersey Senate Resolution #73 and commend its content to our colleagues.

Thank you, Mr. Speaker.

SENATE RESOLUTION NO. 73

STATE OF NEW JERSEY—208TH LEGISLATURE, INTRODUCED FEBRUARY 25, 1999

(Sponsored by: Senator Joseph M. Kyrillos, Jr., District 13 (Middlesex and Monmouth), Senator William L. Gormley, District 2 (Atlantic), Co-Sponsord by: Senators Cardinale and Inverso)

(Synopsis: Expresses the objection of the Senate to the school-to-work provisions being developed by the DOE)

A Senate Resolution expressing this House's objections to the school-to-work proposal being developed by the Department of Education.

Whereas, The Department of Education is developing a new chapter of administrative code to implement the core curriculum content standards and the Statewide assessment system which will fundamentally reform public education in New Jersey and

Whereas, A number of the proposals incorporated in the code represent new graduation requirements for public schools students and since the current requirements for graduation were initially established by the Legislature under chapter 7C of Title 18A of the New Jersey Statues, a revision of those standards of the magnitude incorporated within the proposed code and which represent a fundamental change in the educational requirements for secondary school students should undergo legislative review; and

Whereas, The new code provisions will not be formally proposed, according to the timetable set forth by the Department of Education, until August 1999; and

Whereas, The new code provisions emphasize career education and include three phases in this area: career awareness in kindergarten through grade 4; career exploration in grades 5 through 8, with the development of individual career plans during this phase; and career preparation in grades 9 through 12, with students being required to identify a career major, from a list of fourteen majors, prior to the start of the eleventh grade; and

Whereas, The new code provisions require that eleventh and twelfth grade students, for a minimum of one day per week or the equivalent thereof, participate in a structured learning experience which is linked to the student's career plan and which could include volunteer activities, community service, paid or unpaid employment opportunities, school-based enterprises, or participation in an apprenticeship program; and

Whereas, The new code provisions will make school-to-work a requirement for all students in the State, and will result in the loss of 20% of academic instructional time, putting students at a competitive disadvantage in collegiate academic programs; and

Whereas, The school-to-work component of the new code provisions will result in limiting students' choices far too early in their lives and imposing job specific skills training on the educational system at the expense of instructional time in academic subjects; now, therefore,

Be It Resolved by the Senate of the State of New Jersey:

1. This House objects to the school-to-work provisions incorporated into the new chapter of administrative code being developed by the Department of Education to implement the core curriculum content standards and the Statewide assessment system. This House urges that school-to-work provisions be eliminated and that local boards of education be allowed to determine the necessity and nature of any career program for their own school district.

2. The Secretary of the Senate shall transmit a duly authenticated copy of this resolution to the State Board of Education and the Commissioner of Education.

STATEMENT

This resolution expresses the objection of the Senate to the school-to-work provisions incorporated into the new chapter of administrative code being developed by the Department of Education to implement the core curriculum content standards and the Statewide assessment system. The resolution also urges that school-to-work provisions be eliminated and that local boards of education be permitted to determine the necessity and nature of any career program for their own school district. According to the department's timetable, the new chapter of administrative code is not scheduled to be formally proposed until August, 1999.

The school-to-work provisions being developed by the department represent a fundamental shift in the way the children of New Jersey will be educated. The school-to-work provisions emphasize career education and include three phases: career awareness in kindergarten through grade 4; career exploration in grades 5 through 8, with the development of individual career plans during this phase; and career preparation in grades 9 through 12, with students being required to identify a career major, from a list of fourteen majors, prior to the start of the eleventh grade. Eleventh and twelfth grade students would be required to participate in a structured learning experience which could include volunteer activities, community service, paid or unpaid employment opportunities, school-based enterprises, or participation in an apprenticeship program. The structured learning experience would be linked to the student's career plan and would be required of every student for a minimum of one day per week or the equivalent thereof, resulting in a 20% loss of academic instructional time. The school-to-work proposal would limit students' choices too early in their lives and impose job specific skills training on the educational system at the expense of instructional time in academic subjects.

PERSONAL EXPLANATION

HON. NYDIA M. VELAZQUEZ

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, June 19, 2000

Ms. VELAZQUEZ. Mr. Speaker, during Roll Call votes numbered 282–291, I was unavoidably detained. If I had been present during Roll Call #282, I would have voted ''NO''. If I had been present during Roll Call #283, I would have voted ''YES''. If I had been present during Roll Call #284, I would have voted ''YES''. If I had been present during Roll Call #285, I would have voted ''PRESENT''. If I had been present during Roll Call #286, I would have voted ''YES''. If I had been present during Roll Call #287, I would have voted ''YES''. If I had been present during Roll Call #288, I would have voted ''NO''. If I had been present during Roll Call #289, I would have voted ''NO''. If I had been present during Roll Call #290, I would have voted ''YES''. If I had been present during Roll Call #291, I would have voted ''NO''.

CELEBRATION OF JUNETEENTH

HON. CARRIE P. MEEK

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 19, 2000

Mrs. MEEK of Florida. Mr. Speaker, Father, I stretch my hand to thee—no other help I know. Oh my rose of Sharon, my shelter in the time of storm. My prince of peace, my hope in this harsh land. We bow before you this morning to thank you for watching over us and taking care of us. This morning you touched us and brought us out of the land of slumber, gave us another day—thank you Jesus. We realize that many that talked as we now talked—this morning when their names were called—failed to answer. Their voices were hushed up in death. Their souls had taken flight and gone back to the God that gave it, but not so with us.

Now Lord, when I've come to the end of my journey; when my praying days are done and time for me shall be no more; when these knees have bowed for the last time; when I too, like all others must come in off the battlefield of life; when I'm through being bucked and scorned, I pray for a home in glory.

When I come down the river to the river of Jordan, hold the river still and let your servant cross over during the calm. Father, I'll be looking for that land where Job said the wicked would cease from troubling us and our weary souls would be at rest; over there where a thousand years is but a day in eternity, where I'll meet with loved ones and where I can sing praises to thee; and we can say with the saints of old, Free at Last, Free at Last, thank God almighty, I am free at last. Your servants prayer for Christ sake. Amen!

Mr. Speaker, this traditional prayer is similar to prayers recited across the south as many African Americans and others celebrate the 19th of June. The deep south spiritual faith of the enslaved is reflected in this traditional prayer and continues to speak for us of the unquenchable hope that American slaves possessed for freedom.

Juneteenth, or June 19th, 1865, is considered the date when the last slaves in America were freed. Although the rumors of freedom were widespread prior to this, actual emancipation did not come until General Gordon Granger rode in Galveston, Texas and issued General Order No. 3, on June 19, almost two and a half years after President Abraham Lincoln signed the Emancipation Proclamation. Unfortunately, news of the emancipation was brutally suppressed due to the overwhelming influence of powerful slave owners.

President Lincoln issued the Emancipation Proclamation on September 22, 1862, notifying the states in rebellion against the Union

that if they did not cease their rebellion and return to the Union by January 1, 1863, he would declare their slaves forever free. Needless to say, the proclamation was ignored by those states that seceded from the Union.

Furthermore, the proclamation did not apply to those slave-holding states that did not rebel against the Union. As a result, about 800,000 slaves were unaffected by the provision of the proclamation. It would take a civil war to enforce the Emancipation Proclamation and the 13th Amendment to the U.S. Constitution to formally outlaw slavery in the United States.

For many African Americans, Juneteenth has come to symbolize what the 4th of July symbolizes to all Americans—FREEDOM! Annually, on June 19th, in more than 200 cities in the United States, African Americans celebrate this great event. Texas is the only state that has made Juneteenth a legal holiday. Some cities sponsor week-long celebrations, culminating on June 19th, while others hold shorter celebrations.

The anniversary of freedom was not to be forgotten by people who had spent their entire lives in bondage—people for whom the lash had been a common punishment, but whose sting had been compared with the pain of family separations, the indignity of compelled deference, the thought that only the grave would bring emancipation. So in the ensuing years, the joyous events of June 19, 1865, were reenacted, becoming as Juneteenth celebrations. Best Sunday dress, American flags, thankful prayer, music, baseball games and massive quantities of food characterized these African-American gatherings.

Juneteenth not only symbolizes the end of slavery, it also serves as a historical milestone reminding Americans of the triumph of the human spirit over the cruelty of slavery. It honors those African-American ancestors who survived the inhumane institution of bondage, as well as demonstrating pride in the marvelous legacy of resistance and perseverance.

When the blacks in the south heard the news that they were set free, they sang, danced and prayed. There was much rejoicing and jubilation that their life long prayers had finally been answered. Many of the slaves left their masters upon being freed, in search of family members, economic opportunities or simply because they could. They left with nothing but the clothes on their backs and hope in their hearts.

Listen to this account of a former slave—Susan Ross. ''When my oldest brother heard we were free, he gave a whoop, ran, jumped a high fence, and told mommy good-bye. Then he grabbed me up and hugged me and said, 'Brother is gone, don't expect you'll ever see me any more,' I don't know where he went, but I never did see him again.''

Freedom meant more than the right to travel freely. It meant the right to name one's self and many freedmen gave themselves new names. County courthouses were overcrowded as blacks applied for licenses to legalize their marriages. Emancipation allowed ex-slaves the right to assemble and openly worship as they saw fit. As a result, a number of social and community organizations were formed, many originating from the church. Freedom implied that for the first time, United States laws protected the rights of blacks. There was a run on educational primers as freed men and women sought the education they had for so long been denied them.

The Bureau of Refuges, Freedmen and Abandoned Lands, commonly known as the Freedmen's Bureau, was founded by Congress in March 1865, to provide relief services for former slaves. Schools and churches were established and became centers of the newly-freed communities. The promise of emancipation gave freedmen optimism for the future; few realized slavery's bitter legacy was just beginning to unfold and that equality was to remain an elusive dream.

Ex-slaves entered freedom under the worst possible conditions. Most were turned loose penniless and homeless, with only the clothes on their back. Ed-slaves were, as Frederick Douglas said ''free, without roofs, to cover them, or bread to eat, or land to cultivate, and as a consequence died in such numbers as to awaken the hope of their enemies that they would soon disappear.'' But we did not disappear. We celebrate today not only freedom, but the triumph of the human spirit and the legacy of a people whose struggle for equality continues even today.

Mr. Speaker, I urge my colleagues to join me in recognizing this great celebration.

PERSONAL EXPLANATION

HON. MIKE McINTYRE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 19, 2000

Mr. McINTYRE. Mr. Speaker, on Thursday, June 16, 2000, I was unavoidably absent for rollcall votes 285 through 291. Had I been present I would have voted ''present'' on rollcall vote 285, ''yes'' on rollcall vote 286, ''yes'' on rollcall vote 287, ''no'' on rollcall 288, ''yes'' on rollcall 289, ''yes'' on rollcall 290, and ''no'' on rollcall 291.

COMMENDING PRESIDENT KIM DAE-JUNG ON HIS HISTORIC QUEST FOR PEACE AND RECONCILIATION

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, June 19, 2000

Mr. RANGEL. Mr. Speaker, I rise to commend President Kim Dae-Jung of the Republic of Korea for his historic efforts toward peace and reconciliation on the Korean peninsula.

By extending the hand of friendship in summit meetings with Chairman Kim Jong Il of the Democratic Peoples' Republic of Korea, President Kim Dae-Jung has shown himself as a courageous visionary committed to the improvement of relations with the North. The agreement reached by the two leaders on humanitarian and economic cooperation represent a bold step toward resolving a half-century of conflict.

As we prepare to depart on a Presidential Mission to Korea to commemorate the 50th anniversary of the Korean War, I am filled with hope for the future of all the peoples of that great land.

On behalf of president Clinton and the people of the United States, I join with my former comrades-in-arms, the men of the 503d Field Artillery Battalion who fought in defense of freedom and democracy in Korea in extending our congratulations to President Kim Dae-Jung and our best wishes for success in his great mission of peace.

A TRIBUTE TO JUNETEENTH INDEPENDENCE DAY

HON. TAMMY BALDWIN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Monday, June 19, 2000

Ms. BALDWIN. Mr. Speaker, I rise today in order to pay tribute to Juneteenth Independence Day. June 19, 1865 is the date that the news of freedom reached slaves in Texas; two and a half years after President Abraham Lincoln signed the Emancipation Proclamation. This holiday is now celebrated throughout our country as a time of joy, remembrance, and reflection.

It is my sincere hope that all Americans recognize this as a day of freedom . . . freedom to learn one's history . . . freedom to shape one's own identity . . . freedom to control one's own life. In Wisconsin's Second Congressional District, Juneteenth will be recognized with a wonderful celebration organized by the Nehemiah Community Development Corporation. This annual celebration includes beautiful cultural exhibits, colorful dancing, delicious food, exciting entertainment, music and much more! I want to commend the organizers of this and other important celebrations taking place in Wisconsin and throughout the United States.

Former U.S. Representative Barbara Jordan captured the aspirations of many who recognize the important symbolism of this day. She said, ''What the people want is simple. They want an American as good as its promise.'' How true her words are. Locally and nationally, the struggle for equality continues, but this holiday offers hope for a better future.

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, 2001

SPEECH OF

HON. JOHN JOSEPH MOAKLEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 15, 2000

The House in Committee of the Whole House on the State of the Union 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:

Mr. MOAKLEY. Mr. Chairman, I rise in favor of the Sanders amendment to create a home heating oil reserve in the Northeast.

As many of you know, last winter we had a severe oil crisis in the Northeast. Low temperatures combined with record high prices left thousands of Massachusetts residents struggling to pay enormous heating bills.

Middle income families saw their utility bills triple while lower income families had to choose between heating their homes and feeding their children.

Those of us who witnessed these hardships want to do all we can to make sure they never, ever happen again.

The chill of winter may seem a long way off, Mr. Chairman, but heating your home is not a luxury. In fact, for many in the Northeast, it is a matter of life and death.

By creating this oil reserve, we can help cushion oil prices from the shocks of inadequate supply and steep demand and, in doing so, prevent working families from suffering through such a drastic hike in prices.

I thank Representative SANDERS for his leadership.

PERSONAL EXPLANATION

HON. ZOE LOFGREN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 19, 2000

Ms. LOFGREN. Mr. Speaker, on Thrusday June 15 I had the privilege to attend the high school graduation of my daughter in California and so I was unable to cast the following votes during consideration of H.R. 4578, The Department of Interior and Related Agencies Appropriations bill.

On Rollcall No. 278 (Rule on VA/HUD Approps) I would have voted: *''No''.*

INTERIOR APPROPS

On Rollcall No. 279 (Nethercutt amendment to Dicks amendment) I would have voted: ''*no*'';

On Rollcall No. 280 (Hansen amendment to Dicks amendment) I would have voted: ''*no*'';

On Rollcall No. 281 (Dicks amendment Columbia River Basin) I would have voted: ''*aye*'';

On Rollcall No. 282 (Stearns amendment to cut NEA funding) I would have voted: ''*no*'';

On Rollcall No. 283 (Slaughter amendment Re Clean Coal Funding) I would have voted: ''*aye*'';

On Rollcall No. 284 (Obey motion that the Committee Rise) I would have voted: ''*aye*'';

On Rollcall No. 285 (Quorum Call);

On Rollcall No. 286 (Sanders amendment to create a Home Heating Oil Reserve) I would have voted: ''*aye*'';

On Rollcall No. 287 (Doggett motion that the Committee Rise) I would have voted: ''*aye*'';

On Rollcall No. 288 (Nethercutt amendment Re national monuments) I would have voted: *''no''*';

On Rollcall No. 289 (Dave Weldon amendment Re Indian Gaming in Florida) I would have voted: ''*no*'';

On Rollcall No. 290 (Motion to recommit with instructions) I would have voted: ''*aye*'';

On Rollcall No. 291 (Final Passage Interior Approps—passed 204—172) I would have voted: ''*no*''.

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 Tuesday, June 20, 2000 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

JUNE 21

9:30 a.m.
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

Armed Services
To hold hearings to examine security failures at Los Alamos National Laboratory; to be followed by a closed hearing (SH–219).
SH–216

10 a.m.
Judiciary
To hold hearings on improving the National Instant Criminal Background Check System.
SD–226

Agriculture, Nutrition, and Forestry
Banking, Housing, and Urban Affairs
To hold joint hearings on S. 2697, to reauthorize and amend the Commodity Exchange Act to promote legal certainty, enhance competition, and reduce systemic risk in markets for futures and over-the-counter derivatives.
SD–106

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.
Indian Affairs
Business meeting to consider S. 1658, to authorize the construction of a Reconciliation Place in Fort Pierre, South Dakota; S. 1148, to provide for the Yankton Sioux Tribe and the Santee Sioux Tribe of Nebraska certain benefits of the Missouri River Basin Pick-Sloan project; and S. 2719, to provide for business development and trade promotion for Native Americans; to be followed by a hearing on Indian Trust Resolution Corporation.
Room to be announced

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

4:30 p.m.
Foreign Relations
To hold hearings on the nominations of John Edward Herbst, of Virginia, Ambassador to the Republic of Uzbekistan; Carlos Pascual, of the District of Columbia, to be Ambassador to Ukraine; Lawrence George Rossin, of California, to be Ambassador to the Republic of Croatia; and Ross L. Wilson, of Maryland,to be Ambassador to the Republic of Azerbaijan.
SD–419

JUNE 22

10 a.m.
Judiciary
Business meeting to markup S. 2448, to enhance the protections of the Internet and the critical infrastructure of the United States; S. 353, to provide for class action reform, and the proposed Violence Against Women Act.
SD–226

Foreign Relations
To hold hearings on the nominations of Rust Macpherson Deming, of Maryland, to be Ambassador to the Republic of Tunisia; Mary Ann Peters, of California, to be Ambassador to the People's Republic of Bangladesh; Janet A. Sanderson, of Arizona, to be Ambassador to the Democratic and Popular Republic of Algeria; and E. Ashley Wills, of Georgia, to be Ambassador to the Democratic Socialist Republic of Sri Lanka, and to serve concurrently and without additional compensation as Ambassador to the Republic of Maldives.
SD–419

2 p.m.
Judiciary
Criminal Justice Oversight Subcommittee
To hold hearings on the threat of fugitives to safety, law, and order.
SD–226

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

Appropriations
Business meeting to markup proposed legislation making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2001.
SH–216

3 p.m.
Foreign Relations
International Operations Subcommittee
To hold hearings to examine the role of security in the Department of State foreign service promotion process.
SD–419

JUNE 27

9:30 a.m.
Energy and Natural Resources
Business meeting to consider pending calendar business.
SD–366

Rules and Administration
To hold hearings on the operations of the Library of Congress and the Smithsonian Institution.
SR–301

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.
Energy and Natural Resources
Business meeting to consider pending calendar business.
SD–366

10 a.m.
Finance
Business meeting to markup proposed legislation relating to the marriage tax penalty.
SD–215

Judiciary
To hold hearings on the struggle for justice for former U.S. World War II POW's.
SD–226

2 p.m.
Judiciary
Technology, Terrorism, and Government Information Subcommittee
To hold hearings on countering the changing threat of international terrorism.
SD–226

2:30 p.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

JUNE 29

10 a.m.
Energy and Natural Resources
Forests and Public Land Management Subcommittee
To hold oversight hearings on the United States Forest Service's Draft Environmental Impact Statement for the Sierra Nevada Forest Plan amendment, and Draft Supplemental Environmental Imapct Statement for the Interior Columbia Basin Ecosystem Management Plan.
SD–366

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

2:30 p.m.
Energy and Natural Resources
Forests and Public Land Management Subcommittee
To hold oversight hearings on the Draft Environmental Impact Statement implementing the October 1999 announcement by the Presidnet to review approximately 40 million acres of national forest for increased protection.
SD–366

Indian Affairs
To hold oversight hearings on risk management and tort liability relating to Indian matters.
SR–485

JULY 19

2:30 p.m.
Indian Affairs
To hold oversight hearings on activities of the National Indian Gaming Commission.
SR–485

JULY 26

2:30 p.m.
Energy and Natural Resources
Forests and Public Land Management Subcommittee
To hold oversight hearings on potential timber sale contract liability incurred by the government as a result of timber sale contract cancellations.
SD–366

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

CANCELLATIONS

JUNE 21

11 a.m.
Foreign Relations
Business meeting to consider pending calendar business.
SD–419

JUNE 22

9:30 a.m.
Commerce, Science, and Transportation
To hold hearings to examine issues dealing with aviation and the internet, focusing on purchasing airline tickets through the internet, and whether or not this benefits the consumer.
SR–253

10 a.m.
Health, Education, Labor, and Pensions
To hold hearings to examine medical device reuse.
SD–430

Daily Digest

Senate

Chamber Action

Routine Proceedings, pages S5313–S5382

Measures Introduced: Five bills and one resolution were introduced, as follows: S. 2749–2753, and S. Con. Res. 124. **Pages S5360–61**

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, and to prescribe personnel strengths for such fiscal year for the Armed Forces, taking action on the following amendments proposed thereto: **Pages S5325–56**

Adopted:

Warner (for McCain) Amendment No. 3458, to clarify the duty of the Department of Veterans Affairs to assist claimants for benefits. **Page S5326**

Levin (for Dodd) Amendment No. 3459, to authorize the Secretary of Veterans Affairs to furnish headstones or markers for marked graves of, or to otherwise commemorate, certain individuals. **Page S5326**

Warner Amendment No. 3460, to add $30,000,000 for the Navy for the procurement of Gun Mount modifications; and to offset the increase by reducing by $30,000,000 the amount authorized to be appropriated for the Navy for procurement for aircraft ($13,100,000 from the amount for the block modification upgrade program for P–3 aircraft, $9,000,000 from the amount for the H–1 series to reclaim and convert aircraft from the aerospace maintenance and regeneration center, and $7,900,000 from the amount for procurement of SH–60R aircraft). **Page S5326**

Levin (for Cleland/Coverdell) Amendment No. 3461, to provide, with an offset, $8,000,000 for research, development, test, and evaluation for the Air Force for Electronic Warfare Development for the Precision Location and Identification Program. **Pages S5326–27**

Warner Amendment No. 3462, to add $30,000,000 for the Navy for the procurement of CIWS MODS for block 1B modifications; and to offset the increase by reducing by $30,000,000 the amount authorized to be appropriated for the Navy for procurement for the block modification upgrade program for the P–3 aircraft. **Page S5327**

Levin (for Landrieu) Amendment No. 3463, to require a report on submarine rescue support vessels. **Page S5327**

Warner Amendment No. 3464, to require a GAO-convened independent study of the OMB Circular A–76 process. **Page S5327**

Levin (for Feinstein) Amendment No. 3465, to authorize a land conveyance, Los Angeles Air Force Base, California. **Pages S5327–28**

Warner (Santorum) Amendment No. 3466, to provide an additional amount of $92,000,000 for the procurement of remanufactured AV–8B aircraft for the Navy; and to offset the increase by reducing the amount provided for the procurement of UC–35 aircraft for the Navy by $33,400,000, by reducing the amount provided for the procurement of automatic flight control systems for EA–6B aircraft by $17,700,000, and by reducing the amount provided for engineering change proposal 583 for FA–18 aircraft for the Navy by $40,900,000. **Page S5328**

Levin (for Landrieu) Amendment No. 3467, to make available, with an offset, $5,000,000 for research, development, test, and evaluation for the Navy for the Information Technology Center and Human Resource Enterprise Strategy. **Page S5328**

Warner Amendment No. 3468, to increase the authorization of appropriations for the Marine Corps for procurement by $2,000,000 for night vision (M203 tilting brackets), by $2,000,000 for 5/4T truck high mobility multipurpose wheeled vehicles (including $1,500,000 for recruiter vehicles), and by $6,000,000 for the mobile electronic warfare support system; and to offset the total amount of the increase by reducing the authorization of appropriations for the Army for other procurement for the family of medium tactical vehicles by $10,000,000. **Pages S5328–29**

Levin (for Kennedy) Amendment No. 3469 (to Amendment No. 3383, agreed to by the Senate on June 14, 2000), to make a technical correction. **Page S5329**

Warner Amendment No. 3470, to modify the management and per diem requirements for members subject to lengthy or numerous deployments; and to authorize extensions of TRICARE managed care support contracts. **Page S5329**

Levin (for Schumer/Bennett) Amendment No. 3471, to require reports on the progress of the Federal Government in developing information assurance strategies. **Pages S5329–30**

Warner (for Thompson/Lieberman) Amendment 3472, to reform Government information security by strengthening information security practices throughout the Federal Government. **Pages S5330–32**

Pending:

Smith (of NH) Amendment No. 3210, to prohibit granting security clearances to felons. **Page S5325**

Warner/Dodd Amendment No. 3267, to establish a National Bipartisan Commission on Cuba to evaluate United States policy with respect to Cuba

Levin (for Kennedy) Amendment No. 3473, to enhance Federal enforcement of hate crimes. **Pages S5334–38**

Hatch Amendment No. 3474, to provide for a comprehensive study and support for criminal investigations and prosecutions by State and local law enforcement officials. **Pages S5338–56**

A unanimous-consent agreement was reached providing for further consideration of the bill on Tuesday, June 20, 2000. **Page S5382**

Messages From the House: **Page S5360**

Measures Placed on Calendar: **Page S5382**

Statements on Introduced Bills: **Pages S5361–63**

Additional Cosponsors: **Pages S5363–64**

Amendments Submitted: **Pages S5364–72**

Notices of Hearings: **Page S5372**

Additional Statements: **Pages S5358–60**

Text of H.R. 4475, as Previously Passed: **Pages S5372–82**

Enrolled Bills Signed: **Page S5360**

Adjournment: Senate convened at 1 p.m., and adjourned at 6:45 p.m., until 9:10 a.m., on Tuesday, June 20, 2000. (For Senate's program, see the remarks of the Acting Majority Leader in today's Record on page S5382.)

Committee Meetings

No committee meeting were held.

House of Representatives

Chamber Action

Bills Introduced: 2 public bills, H.R. 4691–4692; 1 private bill, H.R. 4693; and 2 resolutions, H. Con. Res. 356–357, were introduced. **Page H4674**

Reports Filed: No Reports were filed today.

H.R. 946, to restore Federal recognition to the Indians of the Graton Rancheria of California (H. Rept. 106–677);

H.R. 2778, to amend the Wild and Scenic Rivers Act to designate segments of the Taunton River in the Commonwealth of Massachusetts for study for potential addition to the National Wild and Scenic Rivers System, amended (H. Rept. 106–678);

H.R. 3084, to authorize the Secretary of the Interior to contribute funds for the establishment of an interpretative center on the life and contributions of President Abraham Lincoln, amended (H. Rept. 106–679);

H.R. 4690, making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 2001 (H. Rept. 106–680);

H. Res. 527, providing for consideration of H.R. 4201, to amend the Communications Act of 1934 to clarify the service obligations of noncommercial educational broadcast stations (H. Rept. 106–681); and

H. Res. 528, providing for consideration H.J. Res. 90, withdrawing the approval of the United States from the Agreement establishing the World Trade Organization (H. Rept. 106–682). **Page H4674**

Speaker Pro Tempore: Read a letter from the Speaker wherein he designated Representative Biggert to act as Speaker pro tempore for today. **Page H4595**

Recess: The House recessed at 12:35 p.m. and reconvened at 2:00 p.m. **Page H4595**

Suspensions: The House agreed to suspend the rules and pass the following measures:

President Abraham Lincoln Interpretive Center: H.R. 3084, amended, to authorize the Secretary of the Interior to contribute funds for the establishment of an interpretative center on the life and contributions of President Abraham Lincoln; **Pages H4597–H4600**

Designating Segments of the Taunton River as a Wild and Scenic River: H.R. 2778, to amend the Wild and Scenic Rivers Act to designate segments of the Taunton River in the Commonwealth of Massachusetts for study for potential addition to the National Wild and Scenic Rivers System;

Pages H4600–01

Cat Island National Wildlife Refuge, Louisiana: H.R. 3292, amended, to provide for the establishment of the Cat Island National Wildlife Refuge in West Feliciana Parish, Louisiana;

Pages H4601–02

Mississippi Band of Choctaw Indians 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 clearing the measure for the President;

Pages H4602–03

Indians of the Graton Rancheria Restoration Act: H.R. 946, to restore Federal recognition to the Indians of the Graton Rancheria of California;

Pages H4603–05

Importance of Responsible Fatherhood: H. Res. 522:, expressing the sense of the House of Representatives regarding the importance of responsible fatherhood; Pages H4605–10

Support for the Financial Action Task Force on Money Laundering: H. Res. 495, expressing the sense of the House regarding support for the Financial Action Task Force on Money Laundering, and the timely and public identification of noncooperative jurisdictions in the fight against international money laundering. Pages H4610–13

Recess: The House recessed at 3:39 p.m. and reconvened at 4:09 p.m. Page H4613

VA, HUD, and Independent Agencies Appropriations: The House completed general debate and began considering amendments to H.R. 4635, 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. Pages H4613–15

Rejected the Waxman amendment that sought to allow the transfer of veterans health administration funding to the Department of Justice for administrative and legal expenses in support of tobacco litigation (rejected by a recorded vote of 197 ayes to 207 noes, Roll No. 293). Pages H4632–51

Points of order sustained against the Filner amendment no. 21 printed in the Congressional Record that sought to provide $900 million for enhanced educational assistance under the Montgomery GI bill. Pages H4627–29

Rejected the Waxman motion to rise by a recorded vote of 138 ayes to 243 noes, Roll No. 292.

Pages H4639–40

H. Res. 525, the rule that provided for consideration of the bill was agreed to on June 15.

Supporting the Ideals of the Modern Olympics: The House agreed to H. Res. 259, supporting the goals and ideals of the Olympics. Pages H4651–52

Violence in the Republic of Zimbabwe. The House agreed to H. Res. 500, expressing the sense of the House of Representatives concerning the violence, breakdown of rule of law, and troubled preelection period in the Republic of Zimbabwe. Agreed to amend the preamble. Pages H4652–54

Concern for Freedom of Speech and the Independent Media in the Russian Federation. The House agreed to H. Con. Res. 352, 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. Pages H4654–56

Amendments: Amendments ordered printed pursuant to the rule appear on pages H4675–76.

Quorum Calls—Votes: Two recorded votes developed during the proceedings of the House today and appear on pages H4639–40 and H4650–51. There were no quorum calls.

Adjournment: The House met at 12:30 p.m. and adjourned at 11:50 p.m.

Committee Meetings

NONCOMMERCIAL BROADCASTING FREEDOM OF EXPRESSION ACT

Committee on Rules: The Committee granted, by voice vote, a modified closed rule, providing 1 hour of debate on H.R. 4201, Noncommercial Broadcasting Freedom of Expression Act of 2000. The rule provides that the amendment recommended by the Committee on Commerce now printed in the bill shall be considered as adopted. The rule provides for consideration of the amendment in the nature of a substitute, printed in the Congressional Record, if offered by Representative Markey or his designee, which shall be considered as read and debatable for 1 hour equally divided between the proponent and an opponent. Finally, the rule provides one motion to recommit with or without instructions. Testimony was heard from Representatives Tauzin and Markey.

WTO—WITHDRAWING U.S. APPROVAL

Committee on Rules: The Committee granted, by voice vote, a closed rule providing 2 hours of debate on H.J. Res. 90, withdrawing the approval of the United States from the Agreement establishing the World Trade Organization, equally divided among and controlled by the chairman and ranking member of the Committee on Ways and Means, Representative Paul of Texas, and Representative DeFazio of Oregon. Testimony was heard from Representative Crane.

COMMITTEE MEETINGS FOR TUESDAY, JUNE 20, 2000

(Committee meetings are open unless otherwise indicated)

Senate

Committee on Agriculture, Nutrition, and Forestry: business meeting to consider pending calendar business, 9 a.m., SR–328A.

Committee on Appropriations: Subcommittee on Interior, business meeting to markup proposed legislation making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2001, 2:15 p.m., SD–124.

Committee on Banking, Housing, and Urban Affairs: Subcommittee on Housing and Transportation, to hold hearings to examine proposals to promote affordable housing, 9:30 a.m., SD–538.

Committee on Energy and Natural Resources: business meeting to consider pending calendar business, 10:15 a.m., SH–216.

Committee on Finance: Subcommittee on International Trade, to hold hearings to examine issues dealing with the World Trade Organization, 10 a.m., SD–215.

Committee on Foreign Relations: to hold hearings on the nomination of Owen James Sheaks, of Virginia, a Career Member of the Senior Executive Service, to be an Assistant Secretary of State, 3 p.m., S–116, Capitol.

Committee on Health, Education, Labor, and Pensions: to hold hearings on the overview of Federal service programs, 9:30 a.m., SD–430.

House

Committee on Appropriations, to mark up the Energy and Water Development appropriations for fiscal year 2001, 9:30 a.m., 2359 Rayburn.

Subcommittee on Foreign Operations, Export Financing and Related Programs, to mark up appropriations for fiscal year 2001, following full Committee meeting, H–140 Capitol.

Committee on Banking and Financial Services, hearing on Internet Gambling and H.R. 4419, Internet Gambling Funding Prohibition Act, 10 a.m., 2128 Rayburn.

Committee on the Judiciary, Subcommittee on Commercial and Administrative Law, to mark up the following bills: H.R. 3312, Merit Systems Protection Board Administrative Dispute Resolution Act of 1999; and H.R. 1924, Federal Agency Compliance Act, 10:30 a.m., 2237 Rayburn.

Subcommittee on Crime, hearing on H.R. 4167, Innocence Protection Act of 2000, 1:30 p.m., 2141 Rayburn.

Committee on Resources, to mark up the following measures: H. Res. 415, expressing the sense of the House of Representatives that there should be established a National Ocean Day to recognize the significant role the ocean plays in the lives of the Nation's people and the important role the Nation's people must play in the continued life of the ocean; S. 986, Griffith Project Prepayment and Conveyance Act; H.R. 1113, Colusa Basin Watershed Integrated Resources Management Act; H.R. 1142, Landowners Equal Treatment Act of 1999; S. 1275, Hoover Dam Miscellaneous Sales Act; H.R. 1787, Deschutes Resources Conservancy Reauthorization Act of 1999; 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; H.R. 2919, National Underground Railroad Freedom Center 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. 3160, Common Sense Protections for Endangered Species Act; H.R. 3241, to direct the Secretary of the Interior to recalculate the franchise fee owed by Fort Sumter Tours, Inc., a concessioner providing service to Fort Sumter National Monument in South Carolina; H.R. 3595, to increase the authorization of appropriations for the Reclamation Safety of Dams Act of 1978; H.R. 3661, General Aviation Access Act; H.R. 3676, Santa Rosa and San Jacinto Mountains National Monument Act of 2000; H.R. 3919, Coral Reef Conservation and Restoration Partnership Act of 2000; H.R. 4063, Rosie the Riveter-World War II Home Front National Historical Park Establishment of 2000; H.R. 4148, Tribal Contract Support Cost Technical Amendments of 2000; and H.R. 4389, to direct the Secretary of the Interior to convey certain water distribution facilities to the Northern Colorado Water Conservancy District, 11 a.m., 1324 Longworth.

Subcommittee on Fisheries Conservation, Wildlife and Oceans, to mark up the following measures: H. Res. 415, expressing the sense of the House of Representatives that there should be established a National Ocean Day to recognize the significant role the ocean plays in the lives of the Nation's people and the important role the Nation's people must play in the continued life of the ocean; H.R. 4286, to provide for the establishment of the Cahaba River National Wildlife Refuge in Bibb County, Alabama; and H.R. 4442, National Wildlife Refuge System Centennial Act; followed by a hearing on H.R. 3407, Keystone Species Conservation Act and H.R. 4320, Great Ape Conservation Act of 2000, 9 a.m., 1334 Longworth.

Committee on Rules, to consider the following: a measure making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 2001; and H.R.

4516, making appropriations for the Legislative Branch for the fiscal year ending September 30, 2001, 5 p.m., H–313 Capitol.

Committee on Science, to continue hearings on the Young Report, Part II, 1 p.m., 2318 Rayburn.

Committee on Transportation and Infrastructure, Subcommittee on Aviation, hearing on FAA Implementation of the Aviation Medical Assistance Act of 1998 (should Defibrillators be required on aircraft and at airports), 9:30 a.m., 2167 Rayburn.

Subcommittee on Economic Development, Public Buildings, Hazardous Materials and Pipeline Transportation, to mark up the following: H.R. 1959, to designate the Federal building located at 743 East Durango Boulevard in San Antonio, Texas, as the ''Adrian A. Spears Judicial Training Center''; H.R. 3323, to designate the Federal building located at 158–15 Liberty Avenue in Jamaica, Queens, New York, as the ''Floyd H. Flake Federal Building''; H.R. 4519, Baylee's Law; H.R. 4608, to designate the United States courthouse located at 220 West Depot Street in Greeneville, Tennessee, as the ''James H. Quillen United States Courthouse''; GSA's repair and alteration; GSA's design program; GSA's non-courthouse construction program; and three out-of-cycle leases, 1 p.m., 2253 Rayburn.

Committee on Ways and Means, Subcommittee on Oversight, hearing on Disclosure of Political Activities of Tax-Exempt Organizations, 2 p.m., 1100 Longworth.

Next Meeting of the **SENATE**

9:10 a.m., Tuesday, June 20

Senate Chamber

Program for Tuesday: After the recognition of two Senators for speeches, Senate will continue consideration of S. 2549, Defense Authorization, with certain Senators recognized to offer amendments. Votes will occur on certain amendments beginning at 3:15 p.m.; following which, Senate will begin consideration of S. 2522, Foreign Operations Appropriations.

(Senate will recess from 12:30 p.m. until 2:15 p.m. for their respective party conferences.)

Next Meeting of the **HOUSE OF REPRESENTATIVES**

9 a.m., Tuesday, June 20

House Chamber

Program for Tuesday: Consideration of H.R. 4201, Noncommercial Broadcasting Freedom of Expression Act (modified closed rule, one hour of debate);

Consideration of H.J. Res. 90, withdrawing the approval of the United States from the Agreement establishing the World Trade Organization (closed rule, two hours of debate);

Consideration of Suspensions:

(1) H.R. 4601, Debt Reduction Reconciliation Act;

(2) H.R. 3859, Social Security and Medicare Safe Deposit Box Act;

(3) H.R. 2815, Presentation of Congressional Gold Medal to the Apollo 11 Astronauts Neil A. Armstrong, Buzz Aldrin, and Michael Collins; and

(4) H.R. 2938, Designation of John Brademas Post Office in South Bend, Indiana; and

Consideration of H.R. 4635, VA, HUD, and Independent Agencies Appropriations Act, 2001 (continue consideration).

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