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House of Representatives

The House met at 9 a.m.

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer: Almighty God, at times as true believers we seem aliens in a hostile land. Confirm us in our calling to be Your people.

As sojourners on our way to Your eternal dominions, we can be so pre-occupied ourselves that we are not as attentive as You would have us be to the human dramas that surround us each day.

At other times we are so distracted by flash bulbs and public opinion and so captivated by passing things that we lose our way on the path of integrity and truth. Purify us by Your Holy Spirit.

Keep away from us all worldly desires that wage war against the soul of this Nation. During this our earthly pilgrimage deepen our commitment to truly know one another and assist each other along the way.

Raise us up beyond self-doubt and suspicion with informed and good conscience that we may be freed to move on accomplishing Your holy will in ordinary deeds. You live and love in us now and forever. Amen.

THE JOURNAL

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

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

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from California (Ms. WOOLSEY) come forward and lead the House in the Pledge of Allegiance.

Ms. WOOLSEY led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Repub-

lic for which it stands, one nation under God, indivisible, with liberty and justice for all.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair will entertain 1-minute at the end of the legislative day today.

GENERAL LEAVE

Mr. ROGERS. 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. 4690, and that I may include tabular and extraneous material.

The SPEAKER. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS ACT, 2001

The SPEAKER. Pursuant to House Resolution 529 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 4690.

□ 0904

IN THE COMMITTEE OF THE WHOLE

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

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee of the Whole rose on Thursday, June 22, 2000, the amendment by the

gentlewoman from Colorado (Ms. DEGETTE) had been disposed of and the bill was open for amendment from page 35, line 8, through page 35, line 14.

Pursuant to the order of the House of that day, no further amendment to the bill shall be in order except pro forma amendments offered by the chairman and ranking member of the Committee on Appropriations or their designees for the purpose of debate and amendments printed in the CONGRESSIONAL RECORD on or before June 22, 2000, which may be offered only by the Member who caused it to be printed or his designee, shall be considered read, shall not be subject to amendment (except pro forma amendments for the purpose of debate), and shall not be subject to a demand for a division of the question.

Before consideration of any other amendment, it shall be in order to consider the amendment offered by the gentleman from California (Mr. WAXMAN) to section 110, which shall be debatable only for 40 minutes, equally divided and controlled by the proponent and an opponent.

AMENDMENT OFFERED BY MR. WAXMAN

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. WAXMAN:

Page 37, line 11, after the period, insert the following:

The preceding sentence shall not apply to litigation filed before January 1, 2000, that has received funding under section 109 of Public Law 103-317 (28 U.S.C. 509 note).

The CHAIRMAN. Pursuant to the order of the House of Thursday, June 22, 2000, the gentleman from California (Mr. WAXMAN) and a Member opposed each will control 20 minutes.

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

Mr. WAXMAN. Mr. Chairman, I yield myself 4 minutes.

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.



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H5039

I am offering this amendment with the gentleman from Illinois (Mr. EVANS), the ranking member of the Committee on Veterans' Affairs; the gentleman from Utah (Mr. HANSEN); the gentleman from Massachusetts (Mr. MEEHAN); and the gentlewoman from Michigan (Ms. STABENOW). This is the third time this week we have offered an amendment to an appropriations bill to allow the Department of Veterans Affairs and the Justice Department to continue their tobacco lawsuit. The first time we offered our amendment to the VA-HUD bill, we lost on a close vote of 197-207. The second time we offered the amendment, we reached an agreement with the gentleman from New York (Mr. WALSH), the subcommittee chairman, and prevailed on a voice vote. I thought that this issue had been resolved. I thought the House had determined that the veterans and America's taxpayers deserved their day in court. The Federal lawsuit would be decided by a judge and a jury in a court based on the merits of the case, not by Congress through legislative riders.

Unfortunately, I was wrong. The bill before us today, the Commerce-State-Justice appropriations bill, would undo the agreement we reached on Tuesday. Once again, it contains a rider that would defund the Federal tobacco lawsuit.

During the debate over the past few days, we have learned several things. First, we have learned that stopping the Federal lawsuit is unfair to veterans. In 1998, Congress made a promise to veterans when we took the funds that were directed at veterans for cigarette-related disabilities and used it for highways. Congress said, We'll go to the courts and get money from the tobacco companies. If we adopt the language in this bill without our amendment, we will be going back on this promise. This is simply wrong.

That is why our amendment is strongly supported by the Veterans of Foreign Wars, the Paralyzed Veterans of America, the Disabled American Veterans, and AMVETS. We have also learned that defunding the Federal lawsuit is unfair to America's seniors. Each year Medicare spends \$20 billion treating tobacco-related illnesses. The Federal lawsuit could potentially recover these costs, extending the solvency of the Medicare trust fund for years. That is why our amendment is strongly supported by the National Committee to Preserve Social Security and Medicare and other seniors' organizations.

In effect, we have a simple choice. We can stand with an industry that has lied to the American people for decades, or we can stand with our Nation's veterans and our senior citizens. I ask my colleagues to think about what we are going to do. We are about to take the unprecedented action of stopping the judicial process in the middle of a pending case. And we are about to take this action for an industry that is the

least deserving industry in America, for an industry that has targeted our children, for an industry that manipulated nicotine to keep smokers addicted, for an industry that has deceived and lied to the public for decades.

Our amendment is drawn very narrowly. It does not allow the Justice Department to seek funding from other agencies to sue the gun industry, the gambling industry, or any other industry. All our amendment says is that this new policy should not be applied retroactively to halt pending litigation that commenced in reliance on the current law. In effect, the amendment is nothing more than a savings clause that would allow the tobacco suit to continue. Our amendment raises exactly the same issue we debated on Monday and decided on Tuesday. Today, as we did on Tuesday, we should stand with our veterans and our seniors, not the tobacco companies.

I urge my colleagues to support the amendment.

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

The CHAIRMAN. Is the gentleman from Kentucky opposed to the amendment?

Mr. ROGERS. I am, Mr. Chairman.

The CHAIRMAN. The gentleman from Kentucky is recognized for 20 minutes.

Mr. ROGERS. Mr. Chairman, I yield myself 7 minutes.

Mr. Chairman, what this argument is about today is unlike what has been argued before in this body on this matter. This debate is about what was the intent of the Congress in 1995 when we passed the act in this bill that allowed the Department of Justice to be reimbursed from other agencies for extraordinary expensive cases.

What was on the table at that time was a lawsuit by a company against the Navy when the Navy canceled the A-12 aircraft contract. It was a multi-billion-dollar lawsuit. Justice came to us and said, Would you please put in your bill a provision that allows the Navy to reimburse Justice for representing it in this massive lawsuit against the government.

We said, Okay, we'll do that. Never in anyone's wildest imagination on the floor of this body was it anticipated that that statute would be used by the Government to initiate lawsuits, to sue people willy-nilly. Why? Because the Justice Department has a Civil Rights Division of some 1,039 lawyers with hundreds of millions of dollars to spend in filing lawsuits. Why would they need this kind of money to file a lawsuit?

No, the Congress intended when we passed that statute to enable the Justice Department to be able to represent the Government when it was sued, not when it was the suer. Now the Government has filed three of these lawsuits using this statute contrary to the intent of the Congress, thumbing its nose at the Congress and saying, We will decide how we're going to spend the

money you gave us from the taxpayers. We don't care what you thought when you passed the statute. That is the attitude of the Justice Department.

Since the section was enacted, so-called 109, they have received roughly \$324 million in reimbursements, almost all of which has been for just two massive lawsuits, the A-12 airplane case I mentioned, and the Winstar Savings and Loan cases where Justice was defending the Government against \$33 billion in claims. Clearly, section 109 is an important tool to protect the Government and the taxpayer and should stay on the books. Without it, Justice would not have been able to mount credible defenses in critical cases and the Government could have suffered billions of dollars in losses.

What we do in the bill is clarify Congressional intent. We say, Look, what we meant when we gave you that authority in 1995 was to defend the Government against these massive claims, not to initiate lawsuits. And the bill does ensure that the money would be used for defensive litigation which was the justification provided by the Justice Department when it sought from us this special authority and the understanding of Congress when we provided that authority. It is the reasonable approach, and it is the right thing to do. It ensures that funding provided for other programs in this and other appropriations bills are not diverted in the future for proactive lawsuits as have been done to the tune of over \$8 million so far.

Nothing in this bill restricts or prevents Justice from continuing any lawsuit, ongoing or prospective. Let them do what they will. We give them hundreds of millions of dollars with 1,034 lawyers in the Civil Rights Division to pursue civil actions. Nothing in the bill would restrict or prevent that.

□ 0915

This bill contains in fact \$147 million to pay for those huge numbers of lawyers within the Civil Division to carry out affirmative cases, as the government sees fit.

The Waxman amendment would modify this bill, to allow the government to continue raiding the budgets of other agencies for four proactive cases that were filed about Justice just before this year and which are being paid through the inappropriate use of section 109 authority.

It would prohibit the use of section 109 for proactive cases filed after the beginning of the year.

In so doing, the Waxman amendment by itself acknowledges that, in fact, section 109 is for defensive purposes only. But the gentleman says we acknowledge that, but give us a break this time for all cases filed before the beginning of the year, the statute is either for defensive purposes or it is not. If it is for defensive purposes, it acknowledges the intent of the Congress in 1995 that it was for defensive purposes.

If it was for defensive purposes then, the government was wrong to use these funds to file any lawsuits since 1995, so I reject out of hand the argument that this statute ought to be modified so that we could protect and cover the rear ends of those at Justice that made the decision that was contrary to the intent of Congress, wrong and should not be rewarded, as this amendment would do by giving them an excuse, giving them an out and saying yes, it is for defensive purposes, but we are going to forgive you this time. Sorry, sorry about that. The law is the law. This was for defensive purposes, the Justice Department has violated it, and the gentleman wants to reward them on this floor, and I suggest that we shall not do that.

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

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

Mr. Chairman, support for continuing the tobacco lawsuit should not be a partisan issue, and this amendment has bipartisan support.

Mr. Chairman, I yield 3 minutes to one of the great bipartisan leaders in this House, the gentleman from Utah (Mr. HANSEN).

Mr. HANSEN. Mr. Chairman, I appreciate my colleague yielding the time to me. Mr. Chairman, I rise today in support of this amendment, because I honestly believe in my heart of hearts that the lawsuit against tobacco must be continued. Most of us have been to Gettysburg and have walked those hallowed fields of that place, and I often marvel that so many are willing to give their lives for a cause that they believe in. What makes Gettysburg even more important it was truly the turning point of the Civil War and began the tough road to reunification of the United States.

Mr. Chairman, we find ourselves in a turning point of another war, and that is the war against youth smoking. For decades, the tobacco companies have lied to us here in Congress, lied to the people of this great land and continually targeted the American children. There surely must be accountability for these actions.

Many of my colleagues on this side of the aisle are naturally wary of government lawsuits and in the vast majority of the cases, I agree with them; however, I also know that my colleagues on this side of the aisle were properly incensed when the definition of the words like "is" were twisted to avoid responsibility.

Mr. Chairman, I would say to my colleagues on this side of the aisle that the tobacco companies have consistently done the same word manipulation for decades and have consistently avoided responsibility.

I believe that the time has come to demand responsibility, and this is why I am supporting this amendment. I also know that many of my colleagues are concerned over the potential for future abuse of this authority, including the

possibility that this or another administration may follow the advice of gun control extremists and pursue a lawsuit against the firearms industry. To those who share my concern on that issue, I implore them to read this amendment, it very clearly prohibits any future use of section 109 authority for such purposes.

The amendment allows only one exemption, the tobacco lawsuit. This amendment assures that the executive branch cannot file any lawsuits that were not already active and receiving section 109 funds before the start of this year. There is only one lawsuit that fits that description, the tobacco lawsuit and all other lawsuits are prohibited.

I urge my colleagues on both sides of the aisle to support this meritorious amendment. It is important to the health of our children and the future health of our grandchildren.

Mr. ROGERS. Mr. Chairman, I yield 2½ minutes to the gentleman from North Carolina (Mr. HAYES).

Mr. HAYES. Mr. Chairman, there is strong bipartisan opposition to this bill and I absolutely recognize my friends' right to take their position, but let me focus on the facts for a moment. Mr. Chairman, I rise today to urge my colleagues to oppose this amendment.

This amendment jeopardizes the appropriations authority granted to Congress by the Constitution, and it will set a precedent that the administration, the President will determine spending instead of the Congress. I ask my colleagues to consider the precedent that this amendment will set with respect to our authority in Congress to determine the spending levels for our country.

Attorney General Reno herself testified before the Senate that the Federal Government did not have the authority to bring the very lawsuit that my colleagues are advocating today. The law says the suit cannot be won, the money will be wasted, money that should be spent on veterans health care.

In 1997, again, I say Ms. Reno testified that there was no legal basis to recover. The States have the authority and have a recovery of \$246 billion that will be jeopardized by this amendment.

The White House has failed to enact its desired 55 cent per pack Federal cigarette tax increase. The Attorney General shamelessly files the very same suit she explicitly admitted was groundless. This is ridiculous. Tobacco manufacturers never dupe the Federal Government.

Washington has known for decades that smoking is dangerous. Since 1964, every pack sold in the United States has carried a mandated label warning of the risk of smoking. Nobody wants people to be harmed by smoking, especially no one wants children smoking, nor can Washington claim that it somehow acquired individual smokers right to sue.

In 1997, the Department of Veterans Affairs rejected on the grounds that

veterans assumed risk of smoking, a claim allegedly by former members of the Armed Forces in Washington freely distributed cigarettes 10 years after placing warning labels on the packages.

Mr. Chairman, in 1947 a law was granted saying the Supreme Court in the United States may sue third parties to recoup health care costs but this is about insurance companies saving veterans health care money.

To sum up, history and legal precedent do not support this amendment. The law and history say we will lose, save this money for health care, for veterans and any other group supported by this Congress. Strongly oppose the Waxman amendment on legal ground.

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

Mr. Chairman, the veterans organizations support our amendment, because they want that money to be brought back into veterans health care.

Mr. Chairman, I yield 3 minutes to the gentleman from Illinois (Mr. EVANS) one of the great champions on behalf of veterans in this institution, and the ranking Democrat on the Committee on Veterans Affairs.

Mr. EVANS. Mr. Chairman, I want to thank the gentleman for yielding me the time.

Mr. Chairman, this week the House passed an amendment to the VA-HUD appropriations bill that enables the Department of Justice to pursue its pending litigation against the tobacco industry. This lawsuit seeks to recover billions of dollars spent by the VA and other Federal agencies to treat tobacco-related illnesses.

A rider in this appropriations bill which would block the Justice Department from accepting these funds is a mirror image of the VA-HUD rider. The amendment I join with the gentleman from California (Mr. WAXMAN) and my other colleagues in supporting today 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 evidence that tobacco-related illnesses are linked to nicotine addiction developed during the military service, the Republican leadership of the House effectively denied veterans the opportunity to seek legitimate compensation from the Department of Veterans Affairs.

Instead, this House passed a sense of Congress Resolution that the Attorney General and I quoted "should take all steps necessary to recover from tobacco companies amounts corresponding to the costs which have been incurred by the VA for treatment of tobacco-related illness of veterans."

Mr. Chairman, it seems our leadership would seek to walk away from this commitment strangling even the hope of a fair settlement from the big tobacco companies for the VA medical

care system. Passing this appropriation with the proposed rider will prevent Justice from using funds in pursuit of this lawsuit would be nothing less than shameful.

If this House is not totally beholden to the tobacco industry, it would adopt this amendment. It will enable legal proceedings to go forward, and it will allow the outcome of lawsuits to be properly determined in court, not here on the floor of the House.

Earlier this week, an open letter was distributed to Members of Congress by four major veterans service organizations, AMVETS, Disabled American Veterans, Paralyzed Veterans of America, and the Veterans of Foreign Wars of the United States.

Veterans have made it clear that they support tobacco litigation that could allow a fair settlement to support VA's treatment of thousands of veterans' tobacco-related illnesses. That is why the veterans organizations who coauthor the independent budget have strongly endorsed our amendment.

Let us keep our promise to America's veterans and let this lawsuit move forward on its own merit. In the name of justice, please support the Waxman-Evans amendment.

Mr. ROGERS. Mr. Chairman, I yield 2 minutes to my distinguished colleague, the gentleman from Kentucky (Mr. LEWIS).

(Mr. LEWIS of Kentucky asked and was given permission to revise and extend his remarks.)

Mr. LEWIS of Kentucky. Mr. Chairman, 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 that 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 to try to get it.

The Justice Department needs to stop stealing veterans 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 1960s.

The Surgeon General's 1964 report details the risks of tobacco use. The American people are not as clueless 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 personal responsibility for those choices. No Federal law gives the government authority to collect Medicare funds as proposed in this lawsuit.

Mr. Chairman, 3 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 the civil lawsuit ended its 5-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 a Federal Government to recover. It is already making money off of tobacco use and this administration only wants more.

The absurdity of this legislation 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 its role in appropriating how tax dollars are to be spent.

Mr. WAXMAN. Mr. Chairman, I yield 3 minutes to the gentleman from Iowa (Mr. GANSKE), a respected physician Member of the House, one of the great leaders on public health issues.

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

Mr. GANSKE. Mr. Chairman, I have a great deal of respect for the chairman of the full committee, the gentleman from Kentucky (Mr. ROGERS), as well as the chairman of the subcommittee; but we disagree. As a physician on this Floor, I have been asked many medical questions related to diseases caused by tobacco that is affecting members and their families.

Tobacco is an addicting substance that causes lethal disease. It certainly has not spared our colleagues or their families. Big tobacco is trying to stymie a Federal lawsuit that seeks to recover costs of treatment of the tobacco-related diseases that the Federal taxpayers have subsidized. This includes the care of Members of Congress and their families, as well as other Federal employees, veterans, and Medicare beneficiaries.

□ 0930

The States recover damages against big tobacco based on their share of Medicaid. The Federal Government should too. The VA spends \$4 billion annually on treatment of tobacco-related illness. Medicare spends \$20.5 billion per year on tobacco-related illnesses.

Big tobacco has known about the addictive lethal consequences of tobacco for a long time. Their CEOs committed

perjury in testimony before Congress. Did those CEOs get punished for lying under oath? We did not even give them a slap on the wrist, and their deceitful lives have cost lives.

The Waxman-Hansen amendment is supported by veterans groups, senior organizations, and practically all the public health groups.

Mr. Speaker, this vote is about one thing: Are you for big tobacco, or are you for the American taxpayer who has paid the bill for big tobacco too long?

Big tobacco has spread a lot of money around Capitol Hill to try to get Congress to stop the Department of Justice lawsuit. Well, here is your chance to be with the AMVETS, with the VFW, with all of these health groups, and, most importantly, with the taxpayers of this country.

Vote for this amendment.

Mr. ROGERS. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from North Carolina (Mr. BALLENGER).

Mr. BALLENGER. Mr. Chairman, as a veteran of World War II, I remember all those great wonderful cigarettes that Uncle Sam gave me when I was in the service. I would like to say Ms. Reno should have tons of money because of those many things that everybody requested that she investigate but she never has.

Let me just say I am not a lawyer, but my understanding is that to recover under secondary payer provisions, Washington must show that the sales of tobacco are in and of themselves wrongful, and since the Feds have consistently regulated, subsidized, promoted and fiscally profited from tobacco products, while fully aware of the plant's health risk, such a showing would seem difficult, unless Washington admits being complicit to the wrongdoing; and a basic common law rule, my understanding is, is that one accomplice cannot sue another.

So it seems to me that money spent on this effort is an absolute waste on a cause that is going to lose, and, besides that, I think Mrs. Reno has tons of money that we begged her to use in investigating some of the White House situations, and she never has. Why should she need more money?

Mr. WAXMAN. Mr. Chairman, I yield 2 minutes to the gentleman from New Jersey (Mr. ANDREWS), a Member who is noted for his interest in fiscal responsibility and has a unique perspective on the promise made to the veterans a couple of years ago in the transportation bill.

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

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

Mr. Chairman, I rise in strong support of the Waxman amendment for reasons of equity, for reasons of futility, and for reasons of constitutionality.

The equities are obvious here. If the men and women who served in the

Armed Forces of this country contracted a disease related to tobacco when they served in those Armed Forces, and the country is paying for the care of those diseases in the form of VA health benefits, we ought to recover those costs from those who caused the disease in the tobacco industry. It is a matter of simple equity, and that is why the veterans organizations and the health organizations support this.

We want to avoid futility. Earlier this week we passed an amendment on this floor that said that the Veterans Administration could free up administrative expenses, not health expenses, but administrative expenses, and send them over to the Justice Department to help pay for the cost of this suit. If we do not pass the Waxman amendment here, that effort would have been futile, because we will undo the result of that amendment. So we would be having the VA sending money over that the Justice Department could not use. That is not a mistake, but it would be a mistake to do that.

Finally, there is a matter of constitutionality. I think it is unprecedented and terribly unwise for Members of the legislative branch to interfere and intervene in ongoing litigation brought by the Department of Justice. It is the worst kind of second guessing. It is the worst kind of abandonment of separation of powers.

The Justice Department has made a decision, in my judgment a wise decision, at our direction, to initiate complex litigation to recover these costs. For us to intervene at this point, second guess at this point, is unwise and may in fact be unconstitutional.

Let us let this litigation go forward. Let us let the taxpayers and the veterans of this country have their day in court. Let us join together and pass the Waxman amendment.

Mr. ROGERS. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from North Carolina (Mr. COBLE), the chairman of the Subcommittee on Courts and Intellectual Property of the Committee on the Judiciary.

Mr. COBLE. Mr. Chairman, I thank the distinguished chairman for yielding me time.

Mr. Chairman, it appears that the Attorney General and the Justice Department by way of this amendment is again attempting to insert the tobacco industry smack dab in the bull's eye of the target, and I guess that the command will be "fire when ready."

The tobacco industry has become the convenient and consistent whipping boy in this Congress as long as I have been here; and with each session, the opponents appear to grow more vocal and more determined to drive the final death knell into the coffin of tobacco.

Nine or 10 years ago, and I told the chairman this some time ago, I had the privilege of going through the Lorillard plant in my district; and what I learned as a result of that visit that

day was the dollars in taxes that they pay, local, State and Federal. I was educated.

The Federal Government, Mr. Chairman, as you know, has consistently regulated, subsidized, promoted and fiscally profited from tobacco. If we keep fooling around with this, we are going to drive the tobacco industry into the coffin, and then the coffin finally into the ground, and those coffers that realize millions and millions of dollars directly from tobacco will either dry up, or, in the alternative, we will have to find other sources of revenue, and then you will start hearing people kicking and screaming and crying, what happened to the tobacco money? Well, the tobacco money was gone because of the consistent buggy whipping that has been on across their backs emanating from this very Chamber, and one of these days, Mr. Chairman, it is going to come back to haunt us.

I will admit, I do not come to the well completely objective, because I represent growers and manufacturers; but let us be careful as we go about this.

Mr. WAXMAN. Mr. Chairman, I yield 2 minutes to the gentlewoman from Connecticut (Ms. DELAURO).

Ms. DELAURO. Mr. Chairman, I rise in strong support of the Waxman amendment. America's veterans have put their lives on the line for their Nation, and big tobacco should be held accountable for what they did to our veterans. Allowing the Justice Department to continue its suit against the tobacco industry 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 now suffer from tobacco-related illnesses, that to this day, I might add, the tobacco industry denies are as a result of cigarettes.

Who supports this amendment? The American Heart Association, the American Lung Association, the Campaign for Tobacco Free Kids. That is who supports it.

Let us take a look at who opposes it. Philip Morris and the big tobacco companies, the folks who stood before the committee with their hands raised and talked about their product as not being addictive. That is what they said. That is what they told the American public. The group that tells us that when today's smokers die, that the next group of folks they go to, "their replacement smokers," are 12-year-old kids. Those are their words, "replacement smokers," 12-year-old kids.

Mr. Chairman, it is time for big tobacco to pay the price for the damage that they have done. We should hold them accountable for their lies. Support veterans health care, protect our children from the tobacco industry's predatory practices. I urge Members to support the Waxman amendment today.

Mr. WAXMAN. Mr. Chairman, I want to note the contribution that the gentlewoman from Connecticut has made

as a leader on this issue in the Committee on Appropriations and commend her for her statement.

Mr. Chairman, I yield 1 minute to the gentlewoman from California (Ms. WOOLSEY), who has been so involved in public health issues.

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

Ms. WOOLSEY. Mr. Chairman, once again it appears that some individuals on the other side of the aisle would put politics before people, particularly our children. If the tobacco companies have nothing to hide, then why do they care if we have a lawsuit?

Well, since the landmark State lawsuit settlement in 1998, tobacco companies have actually increased the amount of advertising aimed at our children. They lure our children with glossy ads. They become addicted to nicotine. It leaves millions of Americans sick and dying, while the tobacco companies continue to rake in the profits and the taxpayers of this Nation pick up the tab for the health care.

Mr. Chairman, the Justice Department must have the funding to investigate big tobacco. I encourage my colleagues, vote for the Waxman amendment. Our children's lives depend on it.

Mr. WAXMAN. Mr. Chairman, I am pleased to yield 1 minute to my good friend, the gentlewoman from California (Mrs. CAPPS), who has been very involved in health issues and who before coming to the Congress was in the nursing profession.

Mrs. CAPPS. Mr. Chairman, I thank my colleague for yielding me time.

Mr. Chairman, I rise in strong support of the Waxman-Hansen amendment. I am outraged that the bill before us today would, in effect, halt the Justice Department's action to hold tobacco companies accountable. This rider would undo an agreement made just 2 days ago here on the floor of this House. That agreement would allow the Veterans Department to support DOJ's litigation.

Mr. Chairman, this rider would have the effect of giving the tobacco companies immunity. It gives them a free pass by hamstringing Justice's ability to go after them in the courts. Remember, the tobacco industry produces an addictive product that, when used as directed and intended, contributes to the death of 300,000 to 400,000 people a year, injuring hundreds of thousands more.

This industry has systematically attempted to lure children to start smoking and lied about it for years. It has manipulated the levels of nicotine to increase the addictiveness of cigarettes and lied about it for years.

Tobacco companies deserve no special treatment. They deserve to be held accountable, and that is what passing the Waxman-Hansen amendment would allow, simple justice. I urge support for this amendment.

Mr. WAXMAN. Mr. Chairman, may I inquire of the Chair how much time is

remaining and who has the right to close.

The CHAIRMAN. The gentleman from Kentucky (Mr. ROGERS) has 6 minutes remaining, the gentleman from California (Mr. WAXMAN) has 3 minutes remaining, and the gentleman from Kentucky has the right to close.

Mr. WAXMAN. Mr. Chairman, I yield 1 minute to the gentleman from Arkansas (Mr. SNYDER), another physician in the House of Representatives.

□ 0945

Mr. SNYDER. Mr. Chairman, as a family doctor and a Marine veteran, I have to ask myself now, why are the tobacco companies and their allies in Congress fighting this amendment, fighting this lawsuit in this way. Number one, they know the health costs that their product has caused, and those of us that have been in medicine have seen the lung cancer and the heart disease and the sexual impotence and all of those other problems; and we have seen those health costs. The tobacco companies know they lied to this Congress and lied to the American people about the effects of their product and the addictive quality. Finally, the tobacco companies know they targeted our men in uniform, those of us who used to open the C-rations and get the packs of cigarettes in there; we know we were targeted as we look back in time.

That information would come out in this lawsuit, how they preyed on our young men, 17 and 18 and 19 and 20 years old, addicted them to this product, at a time when we were asking them to go into combat for their country in World War II and the Korean War and the Vietnam War. That is what this lawsuit is about, and they know what it is about. They do not want to have to defend in front of a jury, having targeted those young men.

Support the Waxman amendment.

Mr. WAXMAN. Mr. Chairman, I yield 1 minute to the gentlewoman from California (Ms. PELOSI), one of the leaders of the House of Representatives.

Ms. PELOSI. Mr. Chairman, I thank the gentleman for yielding me this time and for his outstanding leadership on this very important issue.

Mr. Chairman, I rise as a member of the Committee on Appropriations to point out a certain irony here. We were told on our committee that there should be no riders in our appropriations bill this year; and yet the majority is going to great lengths to include this very dangerous rider in this particular bill. The Attorney General has stated that if this rider is there, this bill that blocks funding for the lawsuits is enacted into law, we would have no ability to continue the litigation in the tobacco suits.

Mr. Chairman, our colleagues have eloquently spoken to the \$90 billion cost, both public and private, to our economy and the many diseases that are caused by tobacco. I want to dwell

for a half a minute on our children. Approximately 5 million American children smoke. Every day, 3,000 more children become regular smokers. One out of three of these children will eventually die from tobacco-related causes. The market for cigarettes is maintained by marketing products to young people who can replace those smokers who die or quit. As a result of these tactics, the tobacco industry creates a lifetime of health problems and health costs for these children, and they should be held accountable.

Mr. Chairman, this amendment will strengthen veterans' health care, and I urge our colleagues to support it.

Mr. Chairman, I rise today in support of the Waxman/Evans/Hansen/Meehan/Stabenow amendment. This amendment will allow the Department of Justice to pursue its lawsuit against the tobacco companies and seek to recover billions of dollars in health care expenditures that tobacco has cost federal taxpayers. The Attorney General has stated that if the rider in this bill that blocks funding for the lawsuit is enacted into law, "We would have no ability to continue our litigation."

This vote boils down to a simple choice: Will we vote to protect taxpayers and allow them to have their day in court? Or will we vote to protect Big Tobacco and once again allow the tobacco companies to escape legal responsibility for all the harm they have caused.

Tobacco use is the leading cause of premature death in the United States. Over 430,000 premature deaths each year are a result of smoking related illnesses including chronic lung disease, coronary heart disease, and stroke as well as cancer of the lungs, larynx, esophagus, mouth, and bladder. This accounts for one out of five deaths, and twice the number of deaths caused by AIDS, alcohol, motor vehicles, homicide, drugs, and suicide combined.

Smoking causes or contributes to a variety of debilitating physical and medical problems. Chronic coughing, emphysema, and bronchitis are products of smoking, and smokers are more susceptible to influenza. Smokers are more likely to suffer from periodontal disease. Smoking can also cause the early onset of menopause among women, incontinence, and reduced fertility, and increases the risk of impotence by 50 percent.

Approximately 5 million American children smoke. And each day, another 3,000 children become regular smokers. One out of every three of these children will eventually die from tobacco-related causes. The market for cigarettes is maintained by marketing tobacco products to young people who can replace older smokers who die or quit. As a result of these tactics, the tobacco industry creates a lifetime of health care problems and health care costs for these children, and they should be held accountable. In addition to recovery of costs, this lawsuit seeks injunctive relief to stop the tobacco companies from marketing to children and engaging in other deceptive and illegal practices.

Tobacco-related illnesses cost the federal taxpayer approximately \$25 billion a year, excluding the federal share of Medicaid. The Medicare program pays \$20.5 billion annually to treat tobacco-related illnesses; the Veterans Administration pays \$4 billion; the Department of Defense pays \$1.6 billion; and the Indian Health Service pays \$300 million.

In addition, tobacco-related health care 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 total approximately \$90 billion each year.

Any recovery of Medicare costs from this litigation help would be deposited in the Medicare trust fund. If the lawsuit is successful, these dollars could add years to the solvency of Medicare or fund a prescription drug benefit for seniors. Veterans medical care would be strengthened as will. Voting for this amendment is the right thing to do for seniors, veterans, kids, and taxpayers. I urge my colleagues to support the Waxman/Evans/Hansen/Meehan/Stabenow amendment.

Mr. WAXMAN. Mr. Chairman, I yield myself the balance of our time.

Mr. Chairman, the gentleman from Utah (Mr. HANSEN) has made the point very clearly that this is not about other lawsuits, it is about the tobacco lawsuit alone. The gentleman from Iowa (Mr. GANSKE) and the gentlewoman from California (Mrs. CAPPS) and others who, from a medical perspective, have told us how important it is to pursue recovery for health care services. The gentleman from Illinois (Mr. EVANS) has pointed out that for the veterans, we made a promise to them, we should not betray them. We should keep that promise to reach out and get funds for veterans health care. This lawsuit against tobacco should be permitted to proceed. We should not defund it through a rider on an appropriations bill.

Mr. Chairman, I urge Members to vote for this amendment. It is the right thing to do.

Mr. ROGERS. Mr. Chairman, I yield myself the balance of our time.

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

Mr. ROGERS. Mr. Chairman, contrary to what we have heard, this amendment and this debate is not about whether one likes or believes in smoking, or whether it is good or bad for us. That is not the issue here. The issue is not whether this lawsuit has merits or not. That is what we have heard here, arguing the merits or demerits of the lawsuit. It has nothing to do with that.

The question here is whether or not the Justice Department violated the law itself in filing the lawsuit.

Last year, for the first time that I have ever recalled, Justice asked the Congress for money to file a specific lawsuit. The Congress said no; the money was denied. Justice then secretly went to three agencies and said, give us the money to file this lawsuit. They said, wait a minute, where is your authority for that? They said, well, look at section 109 of the 1995 State Commerce-Justice bill where it says that agencies can reimburse the Justice Department for representing them in court, and they dragged the money out of those agencies and filed this lawsuit.

Well, that statute that they are talking about is the crux of what we are

talking about here today. That statute merely says that the Government can be represented in court when it is sued. That was the intent of the Congress; no to be the suer. No one told the Congress that they had done this. We had to find it out on our own, and we did.

So the Department of Justice, the place supposedly where the Nation's morals are protected, the place where moral authority resides in this government, if anywhere, itself is the one that is thwarting the will of the Congress; that is, twisting words for its own purposes, that is clearly violating the intent of the Congress in passing the act in the first place.

Why was it passed in the first place? The Government was sued, a huge multibillion dollar suit by the contractor for the Navy Department when we canceled the A-12 aircraft contract. In 1995, Justice says, please, Congress, help us. Allow the Defense Department to pay us back for representing them in defending this lawsuit, and we said, we think that is a legitimate purpose, and we wrote it into our bill. That is the statute they are trying to use. Mr. Chairman, we all know, my colleagues know that that statute is for defending the Government, not suing, willy-nilly. Why? Because we provided in this bill \$147 million for them to bring lawsuits; 1,034 lawyers we hire there to file lawsuits. We are paying those lawyers to file lawsuits. This statute is for defending the Government, not suing. And yet, they would have us believe that this great moral authority at the Justice Department is right.

I say to my colleagues, the question here is not the merits of the lawsuit or any other lawsuit, the question here is the merits of the morality at the Justice Department. Does the end justify the means? They say yes; I say no. Is this a nation of laws or of men? I say laws, and the Congress better say laws. They are taking your prerogative here down there and they are using it as they choose. I say to my colleagues, reject the Justice Department's grab of other agencies' money, but more importantly, the Justice Department's seizure of power away from the Congress.

Never was it intended in this Congress in the passage of this statute that it was to be funding lawsuits filed by the Government. No one ever anticipated that or thought about it when we passed the act. The intent of the Congress is being clarified in our bill, and that is, this statute is for defensive purposes only. Reject the Waxman amendment that would legitimize and reward a Justice Department that has seized your prerogative and is acting like they are the law themselves and we do not matter.

Well, Mr. Chairman, the end does not justify the these means. I urge my colleagues to tell the Justice Department to obey the law.

Mr. DAVIS of Illinois. Mr. Chairman, I rise today to support the Waxman-Evans-Hansen-Meehan-Stabenow amendment. This amend-

ment would restore the permission of the Justice Department to use section 109 to receive funding from client agencies interested in aiding them in the tobacco litigation. The federal tobacco litigation is the only active litigation affected by this savings clause.

This bill puts the Department of Justice at a disadvantage in its case against tobacco companies.

These companies present a devastating product to this country. They target the younger generations because of their vulnerability to the admittedly addictive agent, nicotine and overwhelming amount of peer pressure. An RJR research planning memorandum says and I quote, "Realistically, if our Company is to survive and prosper, over the long term we must get our share of the youth market. . . ." A memorandum to Curtis Judge, President of Lorillard Tobacco Co. said that "The success of NEWPORT has been fantastic during the past few years. . . . [T]he base of our business is the high school student. . . ."

Our nation's credit-worthy veterans become addicted while in the service to cigarettes. The companies themselves have admitted to the addicting qualities of nicotine. S.J. Green, BATCo Director of Research reported that "The strong addiction to cigarette[s] removes freedom of choice from many individuals."

Another injustice of this market is that it targets low-income areas, who traditionally have insufficient amounts of health care. In my district I have 165,000 people who live at or below the poverty level—many of them suffer from the effects of tobacco.

The American people spend \$25 billion to treat tobacco-related illnesses while being given no choice whether to become addicted or not.

The Department of Veterans Affairs spends over \$1 billion a year treating tobacco-related illness. Therefore, it is impossible that their budget of \$4 million will be used in the litigation. Most of their money goes toward treatment of people with tobacco-induced illnesses. The bill as it stands blocks the Department of Veterans Affairs from helping the Department of Justice in this lawsuit that greatly involves them.

This is an injustice to the American people who expect the government to defend their right for healthy lives.

I support the amendment to this bill because in 1998 the promise was made on this House floor that we would "take all steps necessary to recover from tobacco companies the cost which would be incurred by the Department of Veterans Affairs for treatment of tobacco-related illnesses of veterans. It will delete the rider and give the veterans the chance to recover tens of billions of dollars for Veteran's Affairs' underfunded medical care.

This measure helps the Department of Justice's requests pay back to the Federal Government for expenses due to the misconduct of the tobacco industry by unrestricted funding for the endeavor.

It will further protect those targeted youths from being victimized for their vulnerability to addictive agents.

The House should not be vulnerable to persuasion of any measure that cuts the prosecuting of those entities that pose harm to the country.

We have the responsibility to protect the people from unnecessary health risks by keeping them aware of the health risks.

The CHAIRMAN. All time for debate on this amendment has expired.

The question is on the amendment offered by the gentleman from California (Mr. WAXMAN).

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

RECORDED VOTE

Mr. WAXMAN. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 215, noes 183, not voting 36, as follows:

[Roll No. 319]

AYES—215

Abercrombie	Green (TX)	Napolitano
Ackerman	Greenwood	Neal
Allen	Gutierrez	Nethercutt
Andrews	Hall (OH)	Oberstar
Baird	Hansen	Obey
Baldacci	Hastings (FL)	Olver
Baldwin	Hinchey	Ose
Barcia	Hinojosa	Owens
Barrett (WI)	Hobson	Pallone
Becerra	Hoefel	Pascarell
Bentsen	Holden	Pastor
Bereuter	Holt	Payne
Berkley	Hooley	Pelosi
Berry	Horn	Peterson (PA)
Bilbray	Hoyer	Porter
Bilirakis	Inslee	Portman
Blagojevich	Jackson (IL)	Pryce (OH)
Blumenauer	Jackson-Lee	Quinn
Boehlert	(TX)	Rahall
Bonior	Jefferson	Ramstad
Bono	Johnson (CT)	Regula
Borski	Kanjorski	Rivers
Boswell	Kaptur	Rodriguez
Brady (PA)	Kelly	Roemer
Brown (FL)	Kennedy	Roukema
Brown (OH)	Kildee	Royce
Calvert	Kilpatrick	Rush
Campbell	Kind (WI)	Sabo
Capps	King (NY)	Sanchez
Capuano	Kleczka	Sanders
Cardin	Kucinich	Sawyer
Carson	LaFalce	Saxton
Castle	LaHood	Scarborough
Clay	Lampson	Schaffer
Conyers	Lantos	Schakowsky
Costello	Larson	Serrano
Coyne	Lee	Shays
Crowley	Levin	Sherman
Cummings	Lewis (GA)	Sherwood
Cunningham	Lipinski	Skelton
Davis (FL)	LoBiondo	Slaughter
Davis (IL)	Lofgren	Smith (NJ)
DeFazio	Lowe	Snyder
DeGette	Luther	Stabenow
Delahunt	Maloney (CT)	Stark
DeLauro	Maloney (NY)	Strickland
Deutsches	Manzullo	Stupak
Dicks	Markey	Tauscher
Dingell	Mascara	Taylor (MS)
Doggett	Matsui	Thompson (CA)
Dooley	McCarthy (MO)	Thune
Doyle	McCarthy (NY)	Thurman
Dunn	McDermott	Traficant
Edwards	McGovern	Turner
Ehlers	McHugh	Udall (CO)
Engel	McKeon	Udall (NM)
Eshoo	McKinney	Upton
Evans	McNulty	Velazquez
Farr	Meehan	Visclosky
Fattah	Meek (FL)	Walsh
Foley	Meeks (NY)	Waters
Ford	Menendez	Waxman
Frank (MA)	Metcalf	Weiner
Franks (NJ)	Millender-McDonald	Wexler
Frelinghuysen	Miller, George	Weygand
Frost	Minge	Wilson
Galleghy	Mink	Wise
Ganske	Moakley	Wolf
Gedensson	Moore	Woolsey
Gephardt	Moran (VA)	Wu
Gilchrest	Morella	Young (FL)
Gilman	Nadler	
Gonzalez		

NOES—183

Aderholt	Gibbons	Pease
Archer	Gillmor	Peterson (MN)
Armey	Goode	Petri
Baca	Goodlatte	Phelps
Baker	Goodling	Pickering
Ballenger	Gordon	Pickett
Barr	Goss	Pitts
Barrett (NE)	Graham	Pombo
Bartlett	Granger	Price (NC)
Barton	Green (WI)	Reynolds
Bass	Gutknecht	Riley
Bateman	Hall (TX)	Rogan
Biggert	Hastings (WA)	Rogers
Bishop	Hayes	Rohrabacher
Bliley	Hayworth	Ros-Lehtinen
Blunt	Hefley	Ryan (WI)
Boehner	Herger	Ryun (KS)
Bonilla	Hill (IN)	Sandlin
Boucher	Hill (MT)	Sanford
Boyd	Hilleary	Scott
Brady (TX)	Hilliard	Sensenbrenner
Bryant	Hoekstra	Sessions
Burr	Hostettler	Shadegg
Burton	Houghton	Shaw
Buyer	Hulshof	Shimkus
Callahan	Hunter	Shows
Camp	Hutchinson	Shuster
Cannon	Hyde	Simpson
Chabot	Isakson	Sisisky
Chambliss	Jenkins	Skeen
Chenoweth-Hage	John	Smith (MI)
Clement	Johnson, Sam	Smith (TX)
Clyburn	Jones (NC)	Souder
Coble	Kingston	Spence
Collins	Knollenberg	Spratt
Combest	Kolbe	Stearns
Condit	Largent	Stenholm
Cooksey	Latham	Stump
Cramer	LaTourette	Sununu
Crane	Lewis (CA)	Sweeney
Cubin	Lewis (KY)	Talent
Danner	Linder	Tancredo
Davis (VA)	Lucas (KY)	Tanner
Deal	Lucas (OK)	Taylor (NC)
DeLay	Martinez	Terry
DeMint	McInnis	Thomas
Diaz-Balart	McIntyre	Thompson (MS)
Dickey	Mica	Thornberry
Doolittle	Miller (FL)	Tiahrt
Dreier	Miller, Gary	Toomey
Duncan	Mollohan	Vitter
Ehrlich	Moran (KS)	Walden
Emerson	Murtha	Wamp
English	Ney	Watkins
Etheridge	Northup	Watt (NC)
Everett	Norwood	Watts (OK)
Ewing	Nussle	Weldon (FL)
Fletcher	Ortiz	Weldon (PA)
Forbes	Oxley	Weller
Fossella	Packard	Whitfield
Fowler	Paul	Wicker

NOT VOTING—36

Bachus	Jones (OH)	Rangel
Berman	Kasich	Reyes
Canady	Klink	Rothman
Clayton	Kuykendall	Roybal-Allard
Coburn	Lazio	Salmon
Cook	Leach	Smith (WA)
Cox	McCollum	Tauzin
Dixon	McCrery	Tierney
Filner	McIntosh	Towns
Gekas	Myrick	Vento
Istook	Pomeroy	Wynn
Johnson, E. B.	Radanovich	Young (AK)

□ 1019

Messrs. SKEEN, SHADEGG and HILLIARD changed their vote from "aye" to "no."

Mrs. BONO, Mr. PORTMAN and Mr. CALVERT changed their vote from "no" to "aye."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

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

The CHAIRMAN. Is the gentleman the designee of the gentleman from Kentucky?

Mr. HUTCHINSON. I am, Mr. Chairman.

The CHAIRMAN. The gentleman from Arkansas is recognized for 5 minutes.

Mr. HUTCHINSON. Mr. Chairman, I thank the chairman of the committee for this recognition. I rise to discuss the issue of methamphetamine lab cleanup, an issue of great importance to my State of Arkansas and to the rest of rural America. Let me also thank the gentleman from Kentucky for including funds in the bill for meth lab cleanup for fiscal year 2001. This much needed appropriation bill that provides meth lab cleanup for 2001 will ensure that we do not find ourselves in a crisis situation again. As we all know, the DEA ran out of funds for this critical program in mid-March and many of us have been working to find additional fiscal year 2000 funds through a variety of sources. Unfortunately, the need is still pressing.

I would like to inquire whether the gentleman from Kentucky would be willing to continue working with me and other interested Members to address the fiscal year 2000 shortfall before the end of this fiscal year.

I yield to the gentleman from Wisconsin (Mr. RYAN) who has also been very active in this effort.

Mr. RYAN of Wisconsin. Mr. Chairman, I thank the gentleman from Arkansas for yielding, and I would like to thank him for his leadership on this issue. I would like to reinforce the importance of funding for meth lab cleanup for Wisconsin and the majority of rural America. Our local law enforcement agencies do not possess the resources to fund meth lab cleanup, and therefore we currently have two meth labs in my district that are sitting and waiting until funds can be made available from the DEA to clean them up. This presents a serious safety and environmental danger.

I would also like to inquire of the gentleman from Kentucky if he will work to continue to address the shortfall in the current fiscal year for the meth lab cleanup.

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

Mr. HUTCHINSON. I yield to the gentleman from Kentucky.

Mr. ROGERS. I thank both of the gentlemen for their leadership on this very important issue. It is a matter that we have been dealing with in our subcommittee now for some time attempting to find the funds to be able to adequately fight this battle. I will remain committed to working with them and with the Senate and the administration to resolve the fiscal year 2000 funding shortfall.

Mr. HUTCHINSON. I thank the gentleman for that commitment and for his leadership on this issue.

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

The CHAIRMAN. Is the gentleman the designee of the gentleman from Kentucky?

Mr. GOODLATTE. I am, Mr. Chairman.

The CHAIRMAN. The gentleman from Virginia is recognized for 5 minutes.

Mr. GOODLATTE. Mr. Chairman, I was going to say that I rise to do this, but I guess I will just say that I seek to engage in a colloquy with the chairman of the subcommittee. The chairman has been very diligent in his efforts to provide funding for various law enforcement needs. I greatly appreciate that.

One of the areas is in the category of missing and exploited children. One of the areas that is of grave concern to me and a great many other Members of Congress is the problem of child pornography and child sexual exploitation on the Internet. It is a very, very serious problem. In the past, funds have been specifically designated for the purpose of providing funding to State and local law enforcement agencies to combat this. In last year's legislation, \$6 million was so appropriated. I had intended to offer an amendment this year which provides that that \$6 million or more be specifically designated for that purpose. The gentleman from Kentucky has indicated that this can be taken care of in conference and that this money will indeed ultimately be so designated.

I hope to engage in a colloquy here to find out if indeed that is the case and he can indicate to me his plans for providing these funds for this specific purpose. They are a part of the, as I understand it, \$19 million that is for missing and exploited children in general. At this point the chairman has not earmarked any of that money, but we are concerned that this money not go somewhere else and is provided to local law enforcement for the purpose of combating this serious problem on the Internet.

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

Mr. GOODLATTE. I yield to the gentleman from Kentucky.

Mr. ROGERS. I will continue to work with the gentleman to provide funding for this program at least at last year's level.

Mr. GOODLATTE. I thank the gentleman. That is very helpful.

Mr. GREEN of Wisconsin. Mr. Chairman, I move to strike the last word.

The CHAIRMAN. Is the gentleman the designee of the gentleman from Kentucky?

Mr. GREEN of Wisconsin. Yes, Mr. Chairman.

The CHAIRMAN. The gentleman from Wisconsin is recognized for 5 minutes.

Mr. GREEN of Wisconsin. Mr. Chairman, I rise to engage the gentleman from Kentucky in a colloquy.

Mr. Chairman, this bill appropriates \$130 million for the Department of Justice to distribute to State and local governments under the Criminal Identification Technical Improvement Act.

Mr. ROGERS. If the gentleman will yield, that is correct.

Mr. GREEN of Wisconsin. Mr. Chairman, as the gentleman from Kentucky

knows, among the programs and uses that are eligible for money are those to help State and local crime laboratories in reducing the backlog in their convicted offender DNA sample databases and updating their laboratory equipment for this purpose. These criminal DNA databases are playing a vital role in tracking down the guilty and freeing the innocent.

Unfortunately, as we have heard over the last few days, many States and local governments are overwhelmed and are falling behind on getting these DNA samples logged onto their system, and they require additional funding. This is where Federal grants can make an important difference. State and local crime labs need our help to address this growing backlog.

Mr. Chairman, through this colloquy today, I hope we can send a strong message to the Justice Department urging them to give grants for these DNA sampling-related activities extra weight and every reasonable consideration.

Would the chairman of the committee agree with me on the importance of reducing the convicted offender DNA sample backlogs?

□ 1030

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

Mr. GREEN of Wisconsin. I yield to the gentleman from Kentucky.

Mr. ROGERS. Mr. Chairman, I agree with the gentleman from Wisconsin (Mr. GREEN) and appreciate his attention to this pressing issue. I would hope that the Department of Justice shares our views on this and acts accordingly.

Mr. GREEN of Wisconsin. Mr. Chairman, I thank the chairman, the gentleman from Kentucky (Mr. ROGERS), for his support and commend him on crafting a bill that addresses our crime-fighting needs.

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

Mr. GREEN of Wisconsin. I yield to the gentleman from New York.

Mr. GILMAN. Mr. Chairman, I thank the gentleman from Wisconsin (Mr. GREEN) for yielding to me and appreciate him for bringing this important issue to the floor at this time.

Mr. Chairman, earlier this year I testified before the subcommittee concerning the growing nationwide backlog of unanalyzed convicted offender DNA samples. As we are all aware, every day the use of DNA evidence is becoming a more important tool to our Nation's law enforcement personnel; and last year I began to work with the FBI, with New York Governor George Pataki and the New York State Police Department to develop a cooperative and comprehensive resolution of this problem.

Consequently, I introduced H.R. 3375, the Convicted Offender DNA Index System Support Act to assist local, State, and Federal law enforcement personnel by ensuring that crucial resources are

provided to our DNA databanks and our crime labs.

Mr. Chairman, our Nation's fight against crime is never over. The Justice Department estimates that erasing our Nation's convicted offender backlog alone could resolve at least 600 pending cases. I hope the House will pass this final legislation. Mr. Chairman, I look forward to working with the gentleman from Kentucky (Mr. ROGERS) in conference to ensure proper funding to eliminate this DNA backlog.

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

Mr. GREEN of Wisconsin. I yield to the gentleman from Kentucky.

Mr. ROGERS. Mr. Chairman, I commend the gentleman from New York (Chairman GILMAN) and the gentleman from Wisconsin (Mr. GREEN) for their interest and work in this vital issue, and I look forward to working with them to eliminate this backlog.

Mr. GILMAN. If the gentleman will continue to yield, I thank the gentleman from Kentucky (Chairman ROGERS) for his time and appreciate his efforts to address the backlog to provide our Nation's law enforcement community with the state-of-the-art equipment that is so sorely needed to fight violent crime throughout our Nation.

The CHAIRMAN. The Clerk will read. The Clerk read as follows:

SEC. 104. None of the funds appropriated under this title shall be used to require any person to perform, or facilitate in any way the performance of, any abortion.

SEC. 105. Nothing in the preceding section shall remove the obligation of the Director of the Bureau of Prisons to provide escort services necessary for a female inmate to receive such service outside the Federal facility: *Provided*, That nothing in this section in any way diminishes the effect of section 104 intended to address the philosophical beliefs of individual employees of the Bureau of Prisons.

SEC. 106. Notwithstanding any other provision of law, not to exceed \$10,000,000 of the funds made available in this Act may be used to establish and publicize a program under which publicly advertised, extraordinary rewards may be paid, which shall not be subject to spending limitations contained in sections 3059 and 3072 of title 18, United States Code: *Provided*, That any reward of \$100,000 or more, up to a maximum of \$2,000,000, may not be made without the personal approval of the President or the Attorney General and such approval may not be delegated.

SEC. 107. Not to exceed 5 percent of any appropriation made available for the current fiscal year for the Department of Justice in this Act, including those derived from the Violent Crime Reduction Trust Fund, may be transferred between such appropriations, but no such appropriation, except as otherwise specifically provided, shall be increased by more than 10 percent by any such transfers: *Provided*, That any transfer pursuant to this section shall be treated as a reprogramming of funds under section 605 of this Act and shall not be available for obligation except in compliance with the procedures set forth in that section.

SEC. 108. Section 108(a) of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 2000 (as enacted into law by section 1000(a)(1) of Public Law 106-113) shall apply for fiscal year 2001 and thereafter.

SEC. 109. Section 3024 of the Emergency Supplemental Appropriations Act, 1999 (Public Law 106-31) shall apply for fiscal year 2001.

SEC. 110. For fiscal year 2001 and thereafter, section 109 of Public Law 103-317 (28 U.S.C. 509 note) shall apply only to litigation in which the United States, or an agency or officer of the United States, is a defendant.

SEC. 111. Section 115 of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 2000 (as enacted into law by section 1000(a)(1) of Public Law 106-113) shall apply for fiscal year 2001.

AMENDMENT NO. 21 OFFERED BY MR. DAVIS OF VIRGINIA

Mr. DAVIS of Virginia. 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. DAVIS of Virginia:

Page 37, strike lines 12 through 16 (section 111).

Mr. DAVIS of Virginia. Mr. Chairman, I rise today to offer this amendment to the Commerce, State, Justice appropriation. This would allow the judicial process to move forward for a number of attorneys at the Justice Department.

Mr. Chairman, I think it is important for Members to know that the Department of Justice has violated, in my judgment, and continues to violate title 5 of the Federal Employee Pay Act, FEPA, by deliberately refusing to pay overtime to its attorney personnel. Now, DOJ knows that this policy of not paying overtime is contrary to the law, as its own Office of Legal Counsel officially advised years ago and there is a pending lawsuit on this.

The current legislation strikes down paying this year's overtime and would not be able to pay it out of this year's appropriation which would be about \$50 million, but this does not score under the CBO rulings.

Rather than coming to compliance with the law in response to a class action that has been filed against it, DOJ has now run to Congress pleading for immunity from the statutory requirement. The proposal that DOJ inserted in last year's appropriation bill and seeks again this year would make its attorney personnel the only employees within the Department of Justice who are not entitled to overtime and the only attorneys employed by the Federal Government who are not entitled to overtime. Because DOJ attorneys already are statutorily entitled to this compensation, the appropriations language DOJ seeks constitutes what is, in effect, a 20 percent to 25 percent pay cut for our Nation's prosecutors.

I think this proposal is grossly unfair. We need to remember that first-year associate salaries at the Nation's leading law firms now exceed \$120,000 a year; but new attorneys at the Department of Justice with similar credentials make approximately \$40,000 a year. While the most seasoned prosecutors at DOJ, people who have put their

career to working for the Justice Department, are capped at just over \$100,000 a year.

Many of our seasoned attorneys, the best people we are counting on in these lawsuits that we are defending and bringing across the country, U.S. attorneys offices, are making less money than first-year associates at some of the leading law firms in the country.

This legislation is a pay cut, because, in effect, it is a salary reduction, because if this lawsuit is settled or is won this year, we could not pay the money from this year.

In fairness to my good friend, the gentleman from Kentucky (Mr. ROGERS), who is the chairman of the subcommittee, this language which I said before was placed in last year's omnibus appropriations package was done so at the requests of the Department of Justice. The Department obviously fearing that the court will find for the attorneys has asked the Congress to let them off the hook again this year.

We delayed Justice for long enough. Every year, the Department of Justice attracts the best and the brightest attorneys from all the top law schools, but this is not going to continue if we are not allowed to pay these people what they are worth and what they are entitled to under the law.

These young attorneys knowing they could make hundreds of thousands of dollars more in the private sector choose to still serve the public interest. Assistant U.S. Attorneys work long hours of overtime, they have sued under existing labor laws to be compensated for that overtime; and if they win, no dollars now could be paid out this year for this year's overtime that they are paying out.

If my colleagues are worried about the potential costs, no this is not a budget issue, not a budget issue. The Congressional Budget Office has informed us that striking section 111 will have no impact on the FY2001 Federal budget, but what it will do is restore some semblance of responsibility to the Department of Justice.

Mr. Chairman, I cannot remember the last time that an agency in the executive branch so blatantly and callously asked this House to exempt them from their responsibilities. We have just been fighting over this, Justice Department going on, not paying their own employees, attorney personnel.

Once again, all the other attorneys in the other agencies are compensated; in Justice Department they are not, and they are the only Justice Department attorneys that are not. I hope that we can adopt this amendment or give some assurance that we can address this downstream from the committee chairman at this point.

Mr. MORAN of Virginia. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise in support of this amendment, as well, offered by my colleague, the gentleman from Virginia (Mr. DAVIS), to strike section 111 from

this bill. This is an issue of basic fairness for thousands of Justice Department attorneys in my district and throughout the Nation.

The Department of Justice is the only Federal agency violating Federal wage law. For the second straight year, the Justice Department has asked, and the committee has agreed, to insert into the bill a moratorium on using funds appropriated under this bill to pay overtime to Justice Department lawyers.

This moratorium is being imposed at a time when this issue was before the courts as part of a class action lawsuit brought by DOJ lawyers to force their Department to pay overtime in compliance with title 5, and it is entirely possible that the courts will rule this year in favor of the plaintiff lawyers, and then we have this language that prevents them from being able to implement the decision of the court.

These assistant U.S. Attorneys work nearly 2 million hours of overtime in one recent year, but were compensated for only 63 hours. They work 2 million hours and were compensated for 63 hours. They have to keep two separate records, one real and one phony. We are just asking that the real one be recognized instead of the phony one. The other attorneys in the other Federal agencies are getting fully compensated for overtime, and our assistant U.S. Attorneys are getting paid less than the attorneys in other Federal agencies who are doing the same work.

These attorneys who work for the Justice Department, though, have particularly difficult jobs. Many of them have to leave their homes and families for weeks at a time to try cases in distant parts of the country. They are involved in stressful cases often involving serious organized crime or complex litigation. I have heard of Department of Justice lawyers being awakened in the middle of the night to argue the merits of an emergency injunction for the Government. Some have received threats because of their work.

They perform these services at a lower salary than they can work in the private sector. As the gentleman from Virginia (Mr. DAVIS) cited, a first year law student in many of those law firms is making six figures, and these people come in at \$40,000 on average. Senior lawyers certainly on K Street are making five times what we pay these assistant U.S. attorneys for the Department of Justice.

It is not fair. The problem is that the American people are going to suffer because we are not going to be able to retain the best lawyers. We are not going to have the best representation if we do not compensate them fairly. They are treated in a manner that is completely contrary to the way that lawyers and other Federal agencies are treated, and it is just unfair.

It is not a partisan issue, Mr. Chairman. The Congressional Budget Office has advised us that section 111 will have no fiscal impact; so for any num-

ber of reasons, but the most important is fairness, I urge my colleagues to do what is fair and equitable for our Nation's Justice Department.

Ms. JACKSON-LEE of Texas. Mr. Chairman, will the gentleman yield?

Mr. MORAN of Virginia. I yield to the gentlewoman from Texas.

Ms. JACKSON-LEE of Texas. Mr. Chairman, let me say very briefly the gentleman from Virginia (Mr. MORAN) made an eloquent argument, particularly in the marketplace today. As a Member of the Judiciary Committee, and I know that we know what practice in law many years ago the salaries that compensated new law graduates, we have not bright, young people in our government agencies, bright, young people at the Department of Justice. It seems only fair that in order to keep the best and the brightest on behalf of the American people, that we should provide them with their overtime. This is a good amendment and we should support it.

Mr. MORAN of Virginia. Mr. Chairman, reclaiming my time, I thank the gentlewoman from Texas (Ms. JACKSON-LEE) very much for her comments. They were right on.

Mr. ROGERS. Mr. Chairman, I rise in opposition.

Mr. Chairman, the provision that the Davis amendment proposes to strike is identical to the provision that is in the current act. This has been in the bill now for some time. All this provision does is to ensure that the Department of Justice, especially the U.S. Attorneys, are not hit with a huge funding shortfall in 2001. We are talking \$50 million to \$70 million that they would have to eat if something were not done in this bill.

The bill does not currently include any funds to pay overtime to lawyers at the Department of Justice. These attorneys like most other professionals in the Federal Government, have never been paid overtime, never. None of the professionals in the Government are paid overtime. While the issue of whether Department of Justice attorneys are entitled to overtime is a part of the lawsuit that is now pending and ongoing, the provision in this bill in no way affects the ongoing litigation.

What this provision does do is to ensure that the Department of Justice, particularly U.S. Attorneys, are not hit with a funding shortfall of as much as \$50 million in 2001 should the lawsuit be decided in favor of the attorneys who have sued for overtime.

Mr. Chairman, that kind of a shortfall would trigger massive furloughs and reductions in force throughout the Department and in every U.S. Attorney's office in the country. Nor does this provision prejudice future congressional action. In fact, it is an issue that Congress needs to look at both from a policy and a funding perspective.

On the policy side, the issue is whether Congress, in fact, intended to provide overtime pay for Department

of Justice lawyers. In addition, the funding ramifications of paying overtime have to be considered. As a group, Department of Justice attorneys are compensated at the top end of the Federal pay scale; an average attorney salary is over \$94,000; and for assistant U.S. attorneys, which have their own pay scale, the average is even higher.

As a result, payment of overtime will be a very significant cost to the taxpayer; and in the bill, we have maintained the status quo while the litigation goes on; and at the same time we give Congress the opportunity to further study this issue of whether or not fiscally or as a matter of policy to allow overtime to DOJ lawyers.

In the meantime, let us keep the status quo and do not prejudice the outcome, and I urge a rejection of this amendment.

□ 1045

The CHAIRMAN. The question is on the amendment offered by the gentleman from Virginia (Mr. DAVIS).

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

Mr. DAVIS of Virginia. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to House Resolution 529 further proceedings on the amendment offered by the gentleman from Virginia (Mr. DAVIS) will be postponed.

The CHAIRMAN. The Clerk will read. The Clerk read as follows:

SEC. 112. Section 286 of the Immigration and Nationality Act (8 U.S.C. 1356) is amended by adding at the end the following new subsections:

“(t) GENEALOGY FEE.—(1) There is hereby established the Genealogy Fee for providing genealogy research and information services. This fee shall be deposited as offsetting collections into the Examinations Fee Account. Fees for such research and information services may be set at a level that will ensure the recovery of the full costs of providing all such services.

“(2) The Attorney General will prepare and submit annually to Congress statements of the financial condition of the Genealogy Fee.

“(3) Any officer or employee of the Immigration and Naturalization Service shall collect fees prescribed under regulation before disseminating any requested genealogical information.

“(u) PREMIUM FEE FOR EMPLOYMENT-BASED PETITIONS AND APPLICATIONS.—The Attorney General is authorized to establish and collect a premium fee for employment-based petitions and applications. This fee shall be used to provide certain premium-processing services to business customers, and to make infrastructure improvements in the adjudications and customer-service processes. For approval of the benefit applied for, the petitioner/applicant must meet the legal criteria for such benefit. This fee shall be set at \$1,000, shall be paid in addition to any normal petition/application fee that may be applicable, and shall be deposited as offsetting collections in the Immigration Examinations Fee Account. The Attorney General may adjust this fee according to the Consumer Price Index.”.

SEC. 113. During the current fiscal year, the Attorney General may not certify any amount for appropriation under section 1817(k)(3)(A)(i) of the Social Security Act (42

U.S.C. 1395i(k)(3)(A)(i)) to the Health Care Fraud and Abuse Control Account for any purpose of the Department of Justice, unless the Attorney General has notified the Committees on Appropriations, at least 15 days in advance, of the amount and purpose involved.

AMENDMENT NO. 24 OFFERED BY MS. JACKSON-LEE OF TEXAS

Ms. JACKSON-LEE of Texas. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 24 offered by Ms. JACKSON-LEE of Texas:

Page 39, after line 8, insert the following:

SEC. 114. Section 286 of the Immigration and Nationality Act (8 U.S.C. 1356) is amended—

(1) in subsection (d), by striking “\$6” and inserting “\$8”; and

(2) by striking subsection (e).

Mr. ROGERS. Mr. Chairman, I reserve a point of order against the amendment.

The CHAIRMAN. The gentleman from Kentucky reserves a point of order.

The gentlewoman from Texas is recognized for 5 minutes on her amendment.

Ms. JACKSON-LEE of Texas. Mr. Chairman, as the summer months begin, many more Americans will be traveling overseas, and we have found out through the complaints of the traveling public that as they come back into the country, the low number of inspectors has caused an enormous traffic jam that really makes their trip less enjoyable and less efficient and shows that the American Government cannot do our job.

The President's budget includes language that would increase the current user fee from \$6 to \$8 and would increase the current user fee to that amount and would lift the cruise ship exemption and institute an \$8 cruise ship fee from passengers whose journeys originate in Mexico, Canada and the United States, territorial possessions of the United States, or any adjacent island in the United States.

This amendment will pay for 154 inspectors at new airport terminals. Current construction at San Francisco, Detroit, Miami and Philadelphia international airports will increase the number of international gates and primary inspection booths. In my own city of Houston, where there is a need for as much as 113 inspectors, we have a very small number of 68.

With the anticipated increase in international travelers at each location, INS will require additional inspectors in order to process all passengers within 45 minutes. Mr. Chairman, if you could imagine, the lines get longer and longer and longer and the wait gets longer and longer and longer; and our United States citizens and others coming into this country are inconvenienced more and more and more. They look to the United States to be an efficient, well-oiled working

machine. I think this simple increase is not a burden in order to create a more efficient system and to protect the traveling public.

Mr. Chairman, we need this amendment in order to pay for these additional immigration inspectors at these busy airports and hubs. I met with the INS Commission, and I know that this is a severe problem. As I noted, in my own home city of Houston, Texas, that the lines are long and airlines and airports are in serious danger of losing business. The lack of the adequate number of immigration inspectors, particularly during these summer months when we have the July 4th weekend coming up, is an important matter to fix. Let us remedy this problem and pass this amendment.

POINT OF ORDER

Mr. ROGERS. Mr. Chairman, I make a point of order against the amendment because it proposes to change existing law and constitutes legislation in an appropriations bill and violates clause 2 of rule XXI.

The CHAIRMAN. Does any Member wish to be heard on the point of order?

Ms. JACKSON-LEE of Texas. Mr. Chairman, I would like to be heard on the point of order.

Mr. Chairman, let me note that in this legislation, the section that I am amending, the Immigration and Nationality Act, is being amended in section 111 with a genealogy fee, and I note I am doing the same thing, so I would ask that the point of order be lifted and that this amendment be allowed to be voted on.

The CHAIRMAN. Does any Member wish to be heard further on the point of order?

If not, the Chair is ready to rule. The Chair finds that the amendment proposes directly to change the Immigration and Nationality Act. As such, it constitutes legislation, in violation of clause 2(c) of rule XXI.

The point of order is sustained.

The Clerk will read.

The Clerk read as follows:

This title may be cited as the “Department of Justice Appropriations Act, 2001”.

TITLE II—DEPARTMENT OF COMMERCE AND RELATED AGENCIES

TRADE AND INFRASTRUCTURE DEVELOPMENT

RELATED AGENCIES

OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

SALARIES AND EXPENSES

For necessary expenses of the Office of the United States Trade Representative, including the hire of passenger motor vehicles and the employment of experts and consultants as authorized by 5 U.S.C. 3109, \$26,433,000, of which \$1,000,000 shall remain available until expended: *Provided*, That not to exceed \$98,000 shall be available for official reception and representation expenses.

AMENDMENT NO. 31 OFFERED BY MR. OBEY

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 31 offered by Mr. OBEY:

Page 39, line 21, after the dollar amount, insert the following: "(increased by \$1,300,000)".

Page 41, line 8, after the dollar amount, insert the following: "(increased by \$17,700,000)".

Page 41, line 13, after the dollar amount, insert the following: "(increased by \$6,300,000)".

Page 41, line 14, after the dollar amount, insert the following: "(increased by \$9,900,000)".

Page 41, line 16, after "Service," insert the following: "\$1,500,000 shall be for transfer to the Department of Agriculture for trade compliance activities,".

Page 71, line 1, after the dollar amount, insert the following: "(increased by \$3,000,000)".

Mr. ROGERS. Mr. Chairman, I reserve a point of order against the amendment.

The CHAIRMAN. The gentleman from Kentucky reserves a point of order.

The gentleman from Wisconsin is recognized for 5 minutes on his amendment.

Mr. OBEY. Mr. Chairman, 2 weeks ago the House passed the bill on China trade policy. I did not support that bill; the majority did. I am not here to enter into another argument about what we should have done on that bill, but I do believe if we are going to enter into that type of trade relationship with China, or any other country, that we have to rigorously enforce the agreement to ensure the full benefit for American companies, American workers, and American farmers.

The problem is that this appropriations bill, which is produced by the majority party, which pushed so hard for eliminating the application of Jackson-Vanik to China, provides no additional funding to the agencies charged with oversight, monitoring and enforcement of that trade agreement.

The office of U.S. Trade Representative, the Department of Commerce, the Department of State, the Department of Agriculture simply need additional resources to make sure that the Chinese implement and comply with that signed agreement. They have a record of not complying; and without vigilant monitoring and enforcement of that agreement by American agencies, U.S. workers, companies and consumers will have no assurance that they are going to receive the benefits that they are allegedly going to receive under that proposition.

The administration's request for the trade compliance initiative was a modest \$22 million in total to support compliance efforts with China and to more rigorously enforce ongoing trade agreements. Of the amount, \$16.2 million is budgeted for the Commerce Department, \$3 million for State, \$1.3 million for the Trade Representative's Office, and \$1.5 million for the Department of Agriculture.

This amendment simply provides the full amount requested by the administration, including the amount requested and not provided in the agri-

culture bill for USDA's role in monitoring and enforcing trade agreements.

What is not included in my amendment today, but what I believe needs to be considered as we move through the process, is funding for the additional oversight and monitoring of functions that were proposed in conjunction with the PNTR bill by the gentleman from Michigan (Mr. LEVIN) and the gentleman from Nebraska (Mr. BEREUTER). My amendment would simply be the first step in ensuring that expanding trade with China and any current or future trade partner is carried out with the least cost and the most return to U.S. consumers, workers, and companies.

Again, the majority party in this bill has provided no additional funding to the Department of Commerce and the other trade agencies to enforce the U.S. trade laws and implement safeguard provisions, providing no assurance to U.S. companies and workers who could be hurt by a flood of imports from China.

I would point out that what this bill does, for instance, is it doubles resources for import surge monitoring; it increases by 25 percent the number of analysts working on expedited dumping and subsidy investigations; it triples the number of compliance officers in Washington working on China; and for the first time, it would put compliance officers on the ground in China and create an office devoted to China dumping cases.

In addition, it would double the number of compliance officers in Washington working on Japan and put compliance officers on the ground there also. It would add 10 analysts to Japan dumping cases. I have experienced that personally with a problem affecting a company in my own district.

It would also create a technical assistance center to help small businesses and unions understand available trade remedies, and it would help collect data necessary to file the required cases.

I would point out that, in my view, this bill is underfunded by at least \$1 billion in meeting our peacekeeping responsibilities, our responsibilities to the Weather Service and other agencies under NOAA, law enforcement, Legal Services and the like; and I think this is just a small restoration of what we will eventually be required before the President is willing to affix his signature on this bill.

The CHAIRMAN. The time of the gentleman from Wisconsin (Mr. OBEY) has expired.

(By unanimous consent, Mr. OBEY was allowed to proceed for 1 additional minute.)

Mr. OBEY. Mr. Chairman, I would also say that I have a letter from our friend, Jerry Jasinowski, at the National Association of Manufacturers, which is in support of the full administration request for these items, and I would simply quote two paragraphs:

We do not want our members to be on the alert for compliance problems only to find

out that the administration lacks the resources to bring about enforcement actions on the issues we raise. It is important that the administration be able to act when we see problems. Therefore, I strongly urge you to support the administration's request for \$26.6 million in funding for expanded compliance and enforcement, particularly the Commerce Department's Market Access and Compliance Initiative, into which we will be feeding the problems we uncover.

This increase in Commerce's Market Access and Compliance funding in the fiscal 2001 budget is the minimum that will translate foreign commitments into more exports for U.S. firms and more high paying job opportunities for Americans. Candidly, we would like to see even more. We need this program to ensure we receive the benefits of China's entry into the WTO.

Mr. Chairman, it just seems to me that if this House passed that effort 1 week ago, it, at a minimum, has an obligation to do this and then to follow on with the additional protections suggested by the gentleman from Nebraska (Mr. BEREUTER) and the gentleman from Michigan (Mr. LEVIN) down the line.

Mr. ROGERS. Mr. Chairman, I intend to assert the point of order; but before doing so, let me rise in opposition to the amendment.

Mr. Chairman, the bill provides an increase of \$13 million over the current level for the U.S. Trade Representative, International Trade Administration, and International Trade Commission. This funding continues the overseas presence of the foreign commercial service at the current level of operations. Likewise, the bill provides full base funding for the Department of State to continue current their overseas staffing levels.

If there is a requirement for personnel with specific expertise in trade monitoring, there is certainly room within the overall funding level to redirect funds to that priority. So there is plenty of money in this bill for the purposes for which the gentleman is concerned.

POINTS OF ORDER

Mr. ROGERS. Mr. Chairman, I make a point of order against the amendment because it is in violation of section 302(f) of the Congressional Budget Act of 1974. The amendment would provide new budget authority in excess of the subcommittee allocation made under section 302(b), and is not permitted under section 302(f) of the act.

I ask for a ruling.

The CHAIRMAN. Does any Member wish to be heard on the point of order?

Mr. OBEY. Mr. Chairman, I would like to be heard.

Mr. Chairman, as I indicated earlier, many times on this floor now the decision of the Republican leadership to cut over \$1 billion in needed programs in this bill out of the President's budget request was caused by their desire to pass a whole series of tax packages which, among other things, gave \$200 billion in tax relief to the wealthiest

400 Americans last week, and under those circumstances, because there is no—

Mr. ROGERS. Mr. Chairman, I have a further point of order.

The CHAIRMAN. The gentleman will state his point of order.

Mr. ROGERS. Mr. Chairman, we are supposedly addressing the Chair on the point of order only, is that not correct?

The CHAIRMAN. The gentleman from Kentucky is correct.

Mr. OBEY. Mr. Chairman, I am addressing the point of order; but they will be my words, not those of the gentleman from Kentucky, or else we will be here a long time. I can strike the last word and go on forever, if the gentleman wants me to.

The CHAIRMAN. The Chair will hear the gentleman from Wisconsin out on the point of order.

Mr. OBEY. The point I was making before I was interrupted is that because the majority party has chosen to put first their requirement to take every possible dollar and put it into tax cuts for the wealthiest 2 percent of people in this country, that means that we do not have sufficient room to fund the programs that are necessary in this bill in order to get a presidential signature.

□ 1100

Therefore, I regretfully have to concede the gentleman's point of order.

The CHAIRMAN. The gentleman concedes the point of order, and the point of order is sustained.

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

Mr. Chairman, before we move on, I do want to say just a few words about the matter that we have just been discussing. The distinguished chairman of the subcommittee and I have discussed this matter briefly, and I understand the budget constraints under which he is working. I hope, however, that we do not translate those constraints into an argument that the amount provided herein is adequate for the compliance efforts that are needed in terms of trade legislation, including China PNTR. Because that is simply not correct.

If the administration request is not met eventually in terms of USTR, here is what would happen. This relates to critical legislation relating to trade. The USTR would not be able to fund 13 trade compliance positions, including seven related to China; I repeat, 13 trade compliance positions, including seven related to China. We simply cannot abide that. The economic relationship with China, as well as with other countries, is a complex one, and we simply have to meet the challenges of compliance.

In terms of the Commerce Department, if the administration request is not met, what it means is that Commerce will not be able to fund 19 enforcement officers in the market access compliance unit devoted to China enforcement and monitoring; and 16 trade analysts for import administration. In-

deed, Commerce, which did not receive cost of living increases, will have to decrease staff in import administration and in the market access compliance unit. There are other ramifications in this bill for the ITC.

So I would simply urge that while the point of order has been upheld, and the gentleman from Wisconsin (Mr. OBEY), having fought the good fight, reluctantly has to acquiesce because of the shape of the budget resolution, that as this matter moves through the process, there will be an effort, and a successful one, to meet our obligations. We cannot pass trade legislation that involves major compliance and enforcement issues and then not provide the administration with the wherewithal to carry out those obligations. As Mr. Jasinowski said, that would be bad for the business community. It will be bad for the entire community, for the workers and the businesses of this country.

Mr. Chairman, I would like it understood that as far as the gentleman from Nebraska (Mr. BERTEUTER) is concerned, I am sure, and the vast majority of us, we will not yield until this matter is attended to.

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

Mr. Chairman, I would like to see if my chairman, the gentleman from Kentucky (Mr. ROGERS) would enter into a colloquy.

Mr. ROGERS. Mr. Chairman, if the gentleman will yield, I would be delighted to.

Mr. SERRANO. Mr. Chairman, I have been certainly trying to work closely with the gentleman on making this bill a better bill and making this process a better process, but I am a little troubled by any limitation of speaking time. So I would ask if the gentleman would consider, as a gentleman to a gentleman, on any point of order the gentleman may have, just withholding that point of order, reserving his right to it, and allowing everyone else to speak on it so we do not engage in something that may look like stifling of opposition on some of the issues.

I certainly wanted to speak on the last amendment; I know I can do it by striking the last word, but by the gentleman cutting off the debate as he did, I think he just creates a situation over here that we do not need at this time.

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

Mr. SERRANO. I yield to the gentleman from Kentucky.

Mr. ROGERS. Mr. Chairman, I would be happy to do that. However, yes we did that, and the debate went on interminably on items that were stricken on a point of order. I want to be lenient and to be fair, but there is a limit; we have a clock to deal with.

Mr. SERRANO. Mr. Chairman, reclaiming my time, I understand that, but I am not a big fan of curtailing time, and I am also not a big fan of a process which starts off with letting everybody speak under the 5-minute

rule and then stopping people at the end of the bill from speaking more than they are allowed to. I think it is wrong, and I think it makes it worse if people, on a point of order, are cut off immediately so that they have to find unique ways of speaking on an issue that they should have spoken on when the amendment was on the floor.

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

Mr. SERRANO. I yield to the gentleman from Kentucky.

Mr. ROGERS. Mr. Chairman, we can work together on this.

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

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

Mr. OBEY. Mr. Chairman, let me simply note for observation by the gentleman from Kentucky that the Rules of the House allow Members, if the majority decides to proceed under an open rule and under the 5-minute rule, the Rules of the House allow Members to strike the last word any time they want in order to make their points. All the gentleman from New York (Mr. SERRANO) is suggesting is that it makes more sense to have those remarks come in direct relationship to an amendment rather than having to strike the last word after the amendment has been disposed of.

We did not put this bill together on the minority side, it is put together on the majority side, and it should not be surprising that those in the minority who have no opportunity to, in fact, change the content of the bill at least want an opportunity to explain their concerns about it, which is what the normal amendment process is supposed to be all about.

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

Mr. SERRANO. I yield to the gentleman from Kentucky.

Mr. ROGERS. Mr. Chairman, yesterday, I do not think anyone can say that we were not completely lenient. I mean we sat here listening to maybe an hour and a half or 2 hours at one point.

Mr. OBEY. Mr. Chairman, I fully agree with that.

Mr. ROGERS. We spent time listening to people who spoke on a matter that everyone knew was subject to a point of order and we allowed that to take place. I want to continue to be as lenient as possible and will do so to work with my colleagues, but we must bear in mind that we have to finish this bill before eternity strikes us.

Mr. SERRANO. Mr. Chairman, reclaiming my time, there is a point here that yesterday on the Justice part of the bill everyone got a chance to speak and it seems like we are going to curtail on other parts. We are either blessed or cursed by the fact that our bill covers a lot of areas, and I think all areas deserve time.

As far as time, we really have until October before we have to panic.

AMENDMENT NO. 61 OFFERED BY MR. ENGLISH

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 61 offered by Mr. ENGLISH: Page 39, line 21, after the dollar figure, insert "(increased by \$3,000,000)".

Page 55, line 11, after the dollar figure, insert "(decreased by \$3,000,000)".

Mr. ENGLISH. Mr. Chairman, I rise to offer this amendment which would appropriate an additional \$3 million for the Office of the U.S. Trade Representative. These extra funds would satisfy the USTR request to add 25 new employees to handle negotiations, monitoring, and enforcement of trade agreements. These positions within the USTR are needed to add permanent trade negotiators to several offices with four or fewer professionals, including offices for China, agriculture, environment, Africa, and economic affairs.

With the passage of Permanent Normal Trade Relations for China, this amendment is the essential next step. With an ever-increasing amount of trade activity and with the United States having entered into numerous trade relationships, including NAFTA and the WTO, we must make certain that our trading partners honor the promises and commitments that were made. Approval of these funds is critical to acquire the needed staff for monitoring and compliance of the U.S.-China bilateral agreement and China's accession to the World Trade Organization.

The amendment presents a simple choice: jobs for constituents and export-oriented firms or in industries threatened by illegal and predatory practices, or more money for administration and bureaucracy. All too often, countries do not fulfill their obligations regarding trade agreements, which results in job loss. It is imperative that we show our constituents that we are serious about protecting U.S. jobs. We need to invest now in patrolling our markets and open new ones. Congress must make certain that USTR is given the proper tools to monitor and enforce these trade agreements. The English amendment provides the necessary funding for enforcing the trade agreements that we have entered into.

Mr. Chairman, I would like to take this opportunity to review some of the new positions that would be added if this \$3 million is appropriated for USTR. USTR is proposing to add 25 new positions. Of these positions, two will be added to enforce agricultural negotiations. At a time when our farmers are struggling, we need to make sure that their needs are being met and that market access is being addressed.

If we are concerned about China, and some of the other speakers have been, one position will be added to assist in the administration of the agricultural agreement of April 1999 and the WTO market access agreement negotiated last November. There is a position that

focuses on Japan to negotiate market-opening measures under the bilateral deregulation initiative, including those on housing and energy.

If my colleagues are concerned about the environment, which many of my colleagues are, a staff person would be added to work on the WTO built-in agenda and other negotiated environmental agreements. The labor specialist would be added to work on trade-related labor issues and human rights. A policy expert would be added to carry out trade agreements with Africa, a building on the recently-passed African Growth and Opportunity Act. In addition, three positions, which focus mainly on monitoring and enforcement regarding WTO and NAFTA cases, provide and help to enforce U.S. trade laws such as sections 201, 301, special 301, GSP, and other laws relating to intellectual property, and government procurement would be provided for under this amendment.

Two policy experts would be added to specialize on economic affairs to analyze economic effects and enforcement cases. Lastly, several positions would be added to enforce and monitor existing regional arrangements.

Mr. Chairman, it is incomprehensible to me how USTR is managing to enforce these agreements with the limited staff that they already have. As trade liberalization spreads throughout the world, however we may feel about trade issues, whichever side of the debate on free and fair trade we may be on, we need to recognize that the U.S. needs to be prepared to provide the necessary resources to be our watchdog on trade. We need to help USTR here.

Mr. Chairman, this is a modest amendment, it is one that enjoys bipartisan support, and I hope that the Chamber will join me in making this commitment to free, fair, and open trade.

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

Mr. Chairman, I find this amendment interesting and in some ways, contradictory. What this amendment does is to provide about \$3 million to the U.S. Office of Trade Representative, but it really, as I understand it, does two things. It does, as the gentleman has indicated, provide additional resources to that agency to monitor trade agreements; but it also, in my view, goes beyond that and also provides additional resources for that agency to, in fact, work on new trade agreements.

Now, a lot of people in this House will have no objection to that. I personally would prefer to see solid enforcement of the trade agreements we now have before we move on to new ones.

Secondly, I would point out that, and I am not going to oppose the amendment, but I do want to highlight what I think the remaining shortcomings are that this Congress has still refused to meet, because what this does is to totally leave out additional funding for

the agency that does the real job of on-the-ground monitoring and enforcement of our trade agreements.

□ 1115

This still does not make available the resources which I sought to make available in my amendment that would triple the number of compliance officers and put compliance officers on the ground in China, and add 10 analysts to Japan dumping cases, and do a variety of things that the Commerce Department does in order to protect the interests of American companies and American workers.

So there is no real harm in the amendment, I suppose, except that the source for funding for this amendment comes from the Commerce Department itself, and in that sense will squeeze that agency's ability to meet its responsibilities.

So as I say, this is a small thing. I have no real objection to it. I do question the source. Given the problems associated with the bill, I understand why the gentleman has gone to that source. But I do not think we should kid ourselves that we have done a terrific job of enforcing trade laws and protecting American interests in those enforcement actions by adding funds only to this agency.

If we do not fund the administration request for the Commerce Department enforcement, we will have, I think, provided the stem on a fig leaf, and done little more to protect the interests of either American workers or companies.

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

Mr. Chairman, I rise in support of the amendment. USTR's appropriation under the CJS bill is \$3.2 million less than its request, and this amendment would bring its appropriations closer to its request.

This is a remarkable agency. It operates on a lean budget while charged with enormous responsibilities. USTR's annual operating budget has remained virtually level during the 1990s, and almost all budget increases since FY91 have been used to meet legislated employee pay raises and other rising costs of doing business.

Despite a no-growth budget, and even though the agency's workload has exploded, USTR has made impressive accomplishments. It has concluded a significant number of trade agreements, and has successfully resolved 25 dispute settlement cases in the first 5 years of the WTO.

With China's imminent accession to the WTO, a strong, well-funded USTR is more necessary than ever to monitor foreign compliance with WTO obligations and to enforce our rights under the WTO.

The ability of U.S. producers to export their products depends upon USTR's efforts to open foreign markets and keep them open. This leads to increased global trade, which leads to our economic prosperity. But USTR cannot fulfill its mission without these urgently needed funds. This amendment

is essential to help USTR do what Congress and the American people expect, and I urge Members to support this amendment.

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

Mr. Chairman, like the gentleman from Wisconsin (Mr. OBEY), I will not oppose the amendment, but I do understand that the funds that are very much needed for trade enforcement do come in the Commerce Department's administration.

I would like to make two points. First of all, the Commerce Department in general in this bill is starved very seriously. In fact, they claim that, in general, they are \$112 million below the money they need to operate properly.

Secondly, they are \$19 million below what they need in administration, including what Secretary Daley needed for security at the Commerce Department.

So while we do not oppose, I would hope that the gentleman from Kentucky (Chairman ROGERS) would understand that acceptance of this amendment means that we do have to try to find a few dollars later, in addition to the other dollars for the Commerce Department.

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

Mr. Chairman, I would speak in favor of this amendment, because I think it gives us an additional tool to in fact put WTO to work for us.

I want to address one very important issue where we need to put WTO to work for us in enforcement of our trade agreements. That is this emerging threat from the Airbus Industrie to the primacy of our aerospace industry.

Right now while we speak there are plans afoot for European governments to heavily subsidize, perhaps to the area of \$4 billion, the research development projects for the new generation double-deck double-aisle jumbo jet, super jumbo jet by Airbus. This appears to be clearly in violation of WTO and agreements we have reached with the European community in at least two respects: number one, it clearly shows a subsidized loan situation by which several governments in Europe have already agreed to effectively subsidize through these governmental loans this development of this aircraft; and secondly, the abject failure and refusal of the European community to show us any critical project assessment, which was required by our 1992 agreement.

Mr. Chairman, we need to use these funds to make sure that we aggressively pursue enforcement of the WTO treaties, which are now being breached, and our 1992 agreements with the European community. I believe an investigation will show that these agreements have not been honored, and that we face the loss of aerospace primacy, which is important to the thousands of Boeing workers, I must say, in my dis-

trict, but important to the whole United States economy.

Let us pass this amendment. Let us go forward to put WTO to work to keep aerospace number one in this country.

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

Mr. Chairman, I believe this is a good amendment. I would hope that Members would support it. The USTR needs more funding, and we will attempt to remedy the source that the amendment seeks in later proceedings on this bill, so I would urge support for the amendment.

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

Mr. Chairman, I also rise in strong support of the English amendment, and want to thank the gentleman from Pennsylvania (Mr. ENGLISH), my good friend, for offering this.

While I am concerned about the general funding levels for the Department of Commerce, and recognize that we are already \$19 million below the request, I do think that we need to ensure that the promises that have been made in the past, whether it be on NAFTA, whether it be on the World Trade Organization, or more recently, permanent most-favored-nation status on China, which I happened to oppose at the last issue, as well as NAFTA, be kept, now that a vote has taken place in the House of Representatives.

We need to ensure that we have adequate personnel so that we can enforce those promises, and to ensure that everyone is abiding by international trade statutes, U.S. trade statutes, so those in America who work for a living and who in 1998 made a nickel less for their average hour's worth of work than they did in 1980 are ensured that our departments are on the job and protecting their interests.

I do thank the gentleman for offering this amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania (Mr. ENGLISH).

The amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

INTERNATIONAL TRADE COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the International Trade Commission, including hire of passenger motor vehicles, and services as authorized by 5 U.S.C. 3109, and not to exceed \$2,500 for official reception and representation expenses, \$46,995,000, to remain available until expended.

DEPARTMENT OF COMMERCE

INTERNATIONAL TRADE ADMINISTRATION

OPERATIONS AND ADMINISTRATION

For necessary expenses for international trade activities of the Department of Commerce provided for by law, and engaging in trade promotional activities abroad, including expenses of grants and cooperative agreements for the purpose of promoting exports of United States firms, without regard to 44 U.S.C. 3702 and 3703; full medical coverage for dependent members of immediate families of

employees stationed overseas and employees temporarily posted overseas; travel and transportation of employees of the United States and Foreign Commercial Service between two points abroad, without regard to 49 U.S.C. 1517; employment of Americans and aliens by contract for services; rental of space abroad for periods not exceeding 10 years, and expenses of alteration, repair, or improvement; purchase or construction of temporary demountable exhibition structures for use abroad; payment of tort claims, in the manner authorized in the first paragraph of 28 U.S.C. 2672 when such claims arise in foreign countries; not to exceed \$327,000 for official representation expenses abroad; purchase of passenger motor vehicles for official use abroad, not to exceed \$30,000 per vehicle; obtaining insurance on official motor vehicles; and rental of tie lines and teletype equipment, \$321,448,000, to remain available until expended, of which \$3,000,000 is to be derived from fees to be retained and used by the International Trade Administration, notwithstanding 31 U.S.C. 3302: *Provided*, That \$62,376,000 shall be for Trade Development, \$19,755,000 shall be for Market Access and Compliance, \$32,473,000 shall be for the Import Administration, \$194,638,000 shall be for the United States and Foreign Commercial Service, and \$12,206,000 shall be for Executive Direction and Administration: *Provided further*, That the provisions of the first sentence of section 105(f) and all of section 108(c) of the Mutual Educational and Cultural Exchange Act of 1961 (22 U.S.C. 2455(f) and 2458(c)) shall apply in carrying out these activities without regard to section 5412 of the Omnibus Trade and Competitiveness Act of 1988 (15 U.S.C. 4912); and that for the purpose of this Act, contributions under the provisions of the Mutual Educational and Cultural Exchange Act shall include payment for assessments for services provided as part of these activities.

EXPORT ADMINISTRATION

OPERATIONS AND ADMINISTRATION

For necessary expenses for export administration and national security activities of the Department of Commerce, including costs associated with the performance of export administration field activities both domestically and abroad; full medical coverage for dependent members of immediate families of employees stationed overseas; employment of Americans and aliens by contract for services abroad; payment of tort claims, in the manner authorized in the first paragraph of 28 U.S.C. 2672 when such claims arise in foreign countries; not to exceed \$15,000 for official representation expenses abroad; awards of compensation to informers under the Export Administration Act of 1979, and as authorized by 22 U.S.C. 401(b); purchase of passenger motor vehicles for official use and motor vehicles for law enforcement use with special requirement vehicles eligible for purchase without regard to any price limitation otherwise established by law, \$53,833,000, to remain available until expended, of which \$1,870,000 shall be for inspections and other activities related to national security: *Provided*, That the provisions of the first sentence of section 105(f) and all of section 108(c) of the Mutual Educational and Cultural Exchange Act of 1961 (22 U.S.C. 2455(f) and 2458(c)) shall apply in carrying out these activities: *Provided further*, That payments and contributions collected and accepted for materials or services provided as part of such activities may be retained for use in covering the cost of such activities, and for providing information to the public with respect to the export administration and national security activities of the Department of Commerce and other export control programs of the United States and other

governments: *Provided further*, That no funds may be obligated or expended for processing licenses for the export of satellites of United States origin (including commercial satellites and satellite components) to the People's Republic of China, unless, at least 15 days in advance, the Committees on Appropriations of the House of Representatives and the Senate and other appropriate committees of the Congress are notified of such proposed action.

ECONOMIC DEVELOPMENT ADMINISTRATION
ECONOMIC DEVELOPMENT ASSISTANCE
PROGRAMS

For grants for economic development assistance as provided by the Public Works and Economic Development Act of 1965, as amended, and for trade adjustment assistance, \$361,879,000, to remain available until expended.

AMENDMENT OFFERED BY MS. KAPTUR

Ms. KAPTUR. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Ms. KAPTUR:

Page 43, line 24, before the period insert “: *Provided*, That of these funds, such sums as may be necessary may be used to assist, under the Public Works and Economic Development Act of 1965, communities adversely affected by the implementation of permanent normal trade relations with China”.

Mr. ROGERS. Mr. Chairman, I reserve a point of order on the amendment.

Ms. KAPTUR. Mr. Chairman, this is a very straightforward amendment that operates under the existing authorization and depends upon funds already in the bill.

Essentially, it says that if there is a community that loses its jobs to China, they have a right to be covered under the assistance programs offered by the Economic Development Administration, just as much as any community in America that might lose jobs to Mexico or to Honduras or to Taiwan. Currently all of these programs at the Department of Commerce are available under EDA for assistance to communities that have lost jobs.

Unfortunately, when China permanent normal trade relations was passed here a couple of weeks ago, there were no provisions in that bill, unlike NAFTA, for adjustment assistance to communities and individuals who will be harmed by that measure.

In fact, the U.S. International Trade Commission, an entity of our own government, estimates that the new agreement with China will eliminate more than 870,000 jobs in our country, more than three-quarters of a million jobs. Communities will be imploded from north to east, south, west, all across this country.

The amendment we are proposing operates out of such sums as may be necessary, basically using the existing authority within the bill. It does not set aside funds just for China, but it says, do not forget communities that will be harmed by the loss of jobs to China.

I would also remind my colleagues that in the report accompanying the bill, the following is stated:

The committee expects the Economic Development Administration to continue its efforts to assist communities impacted by economic dislocations related to all industry downswings and timber industry downturns due to environmental concerns at no less than the current level of effort; in other words, to assist communities that are hurt, regardless of the industry.

We certainly expect adverse impacts from the China vote. There will be beneficiaries of that vote, but for those communities that will be hurt, there is absolutely no reason not to allow those communities to be assisted through the Economic Development Administration.

If Members come from an area that knows what happened with NAFTA, then they have to support this amendment, because they need to prepare for what is likely to be coming as a result of normalizing relations with China.

For the record, let me state that this title includes \$361,879,000 for the Economic Development Administration. That is \$45 million below the administration's request, but within the committee bill itself there is \$10,500,000 that is specifically identified in the report also for trade adjustment assistance.

We would hope that for those communities that will lose their jobs to China, that that trade adjustment assistance contained in this measure would also be available to those communities that are impacted, just as it would be if a community loses its jobs to Mexico, as has happened in so many places across the country, or to Taiwan.

It does not matter where, but we should not exclude China. One of the most glaring omissions of the China debate here in the Congress was the fact that there is no reporting required of where jobs are moved from and to, there is no eligibility for dislocated workers, and no funds specifically set aside, as we did under NAFTA.

Now, unless we pass this amendment, we are going to be saying that we do not give the Department of Commerce's Economic Development Administration permission within existing authority and existing funds to assist those communities that will be heavily impacted by, as the International Trade Commission says, a loss of over 870,000 jobs to China in the near term.

So I think it would be very shortsighted not to pass this amendment. I would beg of the chairman of the subcommittee to give full consideration.

Mr. HUNTER. Mr. Chairman, will the gentlewoman yield?

Ms. KAPTUR. I yield to the gentleman from California.

Mr. HUNTER. Mr. Chairman, I want to thank the gentlewoman. I also have the same concern the gentlewoman has about job losses under PNTR. I think the amendment is an excellent one, and commend it to all of my colleagues.

Ms. KAPTUR. I want to thank the gentleman very much for his support.

Mr. ROHRBACHER. Mr. Chairman, will the gentlewoman yield?

Ms. KAPTUR. I yield to the gentleman from California.

Mr. ROHRBACHER. Mr. Chairman, I think it is important for us to note, when we look at this issue that the gentlewoman is bringing before us today, that the central issue on permanent normal trade relations to China was blurred. Time and again people talked about, well, this is a trade issue.

Well, in fact, the central core of permanent normal trade relations is a subsidy in the bill, and within that is the concept of that type of trade relation with China, in which we actually subsidize, with taxpayer dollars, through the Export-Import Bank and other government institutions, those businessmen that are investing in China.

□ 1130

In other words, a businessman who closes a factory here or refrains from investing in building jobs here and goes to Communist China can expect the Export-Import Bank and other taxpayer subsidies to, for example, give them a lower interest rate or guarantee their loans. And if we are doing that with taxpayer dollars, at least let us watch out for the American people who are paying for that.

Ms. KAPTUR. Reclaiming my time, Mr. Chairman, I thank the gentleman for his support on the amendment and would beg of the chairman inclusion of this amendment in the committee bill.

POINT OF ORDER

Mr. ROGERS. Mr. Chairman, I make a point of order against the amendment because it provides an appropriation for an unauthorized program and, therefore, violates clause 2 of rule XXI. I ask for a ruling of the Chair.

Ms. KAPTUR. I could not hear the gentleman. Could he please repeat his objection to including China under the eligible programs for communities in America that will be excluded from coverage?

The CHAIRMAN. Does the gentlewoman wish to be heard on the point of order?

Ms. KAPTUR. Mr. Chairman, I just merely asked if the gentleman could repeat what he said. I could not hear him with the din in the Chamber.

Mr. ROGERS. The reason that I asked for a ruling was that this provides an appropriation for an unauthorized program and violates clause 2 of rule XXI.

The CHAIRMAN. Does the gentlewoman wish to be heard on the point of order?

Ms. KAPTUR. I do wish to be heard on the point of order, Mr. Chairman.

I would just ask the chairman of the subcommittee, then, by what he has said to me in refusing to accept our amendment, is the gentleman saying that if a community, like Salina, Ohio, loses jobs to China, Huffy Bicycle moved to China—

The CHAIRMAN. The gentlewoman will suspend.

Ms. KAPTUR. That that community will not be eligible for EDA assistance—

The CHAIRMAN. The argument on the point of order should be directed to the Chair and not toward the chairman.

The gentlewoman is recognized.

Ms. KAPTUR. I thank the Chair for reminding me of that. I would like to ask the Chair, does this mean, then, that if a community loses jobs to China, 2,000 people in Salina, Ohio, out of work because Huffy Bicycle moved to China, that that community would not be eligible for Economic Development Administration assistance? Is that the effect of the gentleman's rejection of my request to include this amendment in the bill?

The CHAIRMAN. Does any further Member wish to be heard on the point of order? If not, the Chair is prepared to rule.

The proponent of an item of appropriation carries the burden of persuasion on a question whether it is supported by an authorization in law. Having reviewed the amendment and entertained argument on the point of order, the Chair is unable to conclude that the item of appropriation in question is authorized by law. The Chair is, therefore, constrained to sustain the point of order under clause 2(a) of rule XXI.

The Clerk will read.

The Clerk read as follows:

SALARIES AND EXPENSES

For necessary expenses of administering the economic development assistance programs as provided for by law, \$26,499,000: *Provided*, That these funds may be used to monitor projects approved pursuant to title I of the Public Works Employment Act of 1976, as amended, title II of the Trade Act of 1974, as amended, and the Community Emergency Drought Relief Act of 1977.

MINORITY BUSINESS DEVELOPMENT AGENCY MINORITY BUSINESS DEVELOPMENT

For necessary expenses of the Department of Commerce in fostering, promoting, and developing minority business enterprise, including expenses of grants, contracts, and other agreements with public or private organizations, \$27,314,000.

ECONOMIC AND INFORMATION INFRASTRUCTURE ECONOMIC AND STATISTICAL ANALYSIS SALARIES AND EXPENSES

For necessary expenses, as authorized by law, of economic and statistical analysis programs of the Department of Commerce, \$49,499,000, to remain available until September 30, 2002.

AMENDMENT NO. 56 OFFERED BY MR. COBLE

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 56 offered by Mr. COBLE:

Page 44, line 21, insert after the dollar amount the following: "(reduced by \$10,000,000)".

Page 45, line 24, insert after the dollar amount the following: "(reduced by \$40,000,000)".

Page 48, line 23, insert after the dollar amount the following: "(increased by \$133,808,000)".

Page 48, line 24, insert after the dollar amount the following: "(increased by \$133,808,000)".

Page 73, line 19, insert after the dollar amount the following: "(reduced by \$98,808,000)".

Mr. COBLE. Mr. Chairman, protection that the United States Patent Office offers to America's high-tech products protects the markets of their creators in this country and form the basis for obtaining patent protection abroad to allow these products to enter and compete in foreign markets, in other words, Mr. Chairman, creating high-wage jobs and promoting American exports.

Now, I had planned to reduce this bill by less than 1/2 of 1 percent across the board. I repeat, less than 1/2 of 1 percent was my initial goal. The parliamentarians ruled that out of order. And I am not being critical of the parliamentarians, they were simply doing their work, but by doing their work they forced me to then pick and choose; and that is what I had to do.

My amendment would increase funding for the Patent and Trademark Office by \$133,808,000, which would bring the appropriations for the agency in line with the President's budget submission. This is, by our calculations, still \$113 million short of what the PTO's budget should be based on its incoming fee revenue. The amendment is balanced by the spending reduction in other areas, which the Congressional Budget Office has assured us is neutral with respect to budget authority and outlays.

I have great respect for the distinguished gentleman from Kentucky and his able ranking member, the distinguished gentleman from New York. They worked very favorably with us on this, and I acknowledge the difficulties which they and others have faced in bringing this bill to the floor. That said, however, I emphatically believe that the Patent and Trademark Office is a Federal priority that contributes in an overwhelmingly positive way to our national economy.

The mark in this bill simply does not do the agency justice, especially in light of the fact that patent applications are increasing by 12 percent and trademark filings by another 40 percent. Given this workload, and the current funding level contemplated by H.R. 4690, the agency will be forced to deal with manpower shortages and delays in implementing modernization efforts. Patents and trademarks will issue more slowly, which will cost this country profits, growth and jobs.

My amendment is important to the American high-tech industry, the e-commerce revolution that is driving the United States economy. While I would prefer that this agency be allowed to retain all of the fees which it collects from its operations, I am willing to accept the current figure with my amendment. Again, with my amendment, Mr. Chairman, the PTO is still denied another \$113 million, which it is expected to generate in user fees in fiscal year 2001.

Finally, Mr. Chairman, I should note that the Information Technology In-

dustry Council is scoring this vote in its high-tech voting guide, and I will be submitting for the RECORD ITI correspondence, along with other letters of support, including those from the ABA and the National Association of Manufacturers.

Mr. Chairman, if I may finally say to my colleagues, we all need to know how many tax dollars are in the PTO. Not one brown penny. They are all user fees to be used exclusively to maintain and operate the Patent and Trademark Office.

Mr. Chairman, the documents I just referred to are as follows:

INFORMATION TECHNOLOGY

INDUSTRY COUNCIL,

June 21, 2000.

Hon. HOWARD COBLE,

Chairman, Subcommittee on Courts and Intellectual Property, House of Representatives, Rayburn House Office Building, Washington, DC.

DEAR CHAIRMAN COBLE: I am writing to thank you for sponsoring an amendment to reverse the Appropriations Committee's diversion of an additional \$134 million in Patent and Trademark Office (PTO) user fees over and above the \$113 million already diverted in the Administration's budget request. ITI anticipates scoring the amendment in our High Tech Voting Guide.

ITI is the association of leading U.S. providers of information technology products and services. We advocate growing the economy through innovation and support free-market policies. ITI members had worldwide revenues exceeding \$460 billion in 1999 and employ more than 1.2 million people in the United States. We use the High-Tech Voting Guide to measure Congressional support for the information technology industry and policies that foster the success of the digital economy. At the end of the 106th Congress, key votes will be analyzed to assign a "score" to every Member of Congress.

ITI's member companies already oppose the now longstanding practice of diverting PTO user fees into the general treasury and using a self-funding agency to subsidize other government operations. Unfortunately, the additional diversions approved last week by the Appropriations Committee will effectively cut 25% of the PTO's budget when the number of patent applications is growing at an unprecedented rate. The resulting increases in application pendency and decreases in quality of patents issued will act like a bottleneck on the new economy, especially in the growth areas of software and e-commerce inventions.

We urge all Members of Congress to support innovation in the new economy by voting for your amendment. Thank you for your leadership and please do not hesitate to contact ITI if we can be of assistance.

Best regards,

PHILLIP BOND,
Senior Vice President.

AMERICAN INTELLECTUAL PROPERTY
LAW ASSOCIATION,
Arlington, VA, June 9, 2000.

Hon. HAROLD ROGERS,

Chairman, House Appropriations Subcommittee on Commerce, Justice, State, the Judiciary and Related Agencies, The Capitol, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: I am writing on behalf of the more than 10,000 lawyers of the American Intellectual Property Law Association to express outrage over the action taken by your Subcommittee Tuesday evening which takes \$295 million dollars of fee revenues to be collected by the United

States Patent and Trademark Office in FY 2001 and uses these monies to fund totally unrelated federal and state programs.

The \$295 million that the Subcommittee mark will take from the Office will come from fees paid by patent and trademark applicants. This is not denying a taxpayer funded agency its requested budget; it is taking fees paid by applicants to receive services. Moreover, it is 25% of the total fee revenues that will be collected by the USPTO in fiscal year 2001!

The USPTO has received no taxpayer support since 1991. The Congress imposed enormous fee increases on patent and trademark applicants, ostensibly as a means of ensuring the continued vitality of the system. The large and small companies and individual inventors who reluctantly accepted those huge fee increases were told that the increased revenues would be used to reduce pendency, improve quality, and make the Office the envy of the industrialized world. Instead, the Office will have \$295 million of its fiscal year 2001 fee revenues spent elsewhere, only being allowed to keep an increase over this year's inadequate funding of less than 4%—hardly enough to cover inflation. This paltry, token increase does not begin to take into account the facts that:

Patent application filings are up 14%;

Trademark application filings are up 42%; and

The Office is faced with implementing the most sweeping changes in the patent law in the last 50 years.

Notwithstanding these and other significant new demands on the USPTO's scarce resources, the Subcommittee's mark ensures that the already rising patent and trademark pendencies will continue their steady upward spiral. It is inconceivable that the Congress of the United States would take steps to undermine the engine of prosperity that the patent and trademark systems represent, risking the unprecedented economic growth and jobs creation enjoyed by this great Nation during the last decade.

In the press release announcing the Subcommittee's action, you are quoted as stating that the CJS Appropriations Bill increases "funding for key national priorities" and "gives no ground in the federal war against crime and drugs." I would submit that Tuesday's Subcommittee mark declares war on the patent and trademark systems. This action by the Subcommittee is surely cutting off the blood supply of resources to the USPTO—at a time when the United States is enjoying its greatest budget surplus in the last 30 years.

The wealth generation and positive trade balance from the export of high technology goods and services depend on vibrant, robust patent and trademark systems. The benefits of these systems cannot be assumed or taken for granted. Allowing their decay will reduce high-wage jobs and high-tech exports, and will ultimately reduce the tax revenue that is the foundation for a strong and prosperous Nation. We urge you to reconsider the funding for the USPTO when the CJS spending bill is taken up at the full Appropriations Committee mark-up. America's creative community demands and deserves such fair and equitable treatment.

Sincerely,

MICHAEL K. KIRK,
Executive Director.

INTELLECTUAL PROPERTY OWNERS
ASSOCIATION,
Washington, DC, June 22, 2000.

Re vote for Coble amendment to increase funding for U.S. Patent and Trademark Office in Commerce-Justice-State Appropriations bill, H.R. 4690.

Hon. J. DENNIS HASTERT,
Speaker of the House
Washington, DC.

DEAR SPEAKER HASTERT: Our association strongly urges you to vote for the amendment to the Commerce-Justice-State bill that will be offered to day or tomorrow by Rep. Howard Coble. This amendment to free up an additional \$134 million in patent and trademark fees for use by the Patent and Trademark Office (PTO) is critically important to hi-tech, biotech and many other industries that depend on patent and trademark rights.

Intellectual Property Owners Association (IPO) represents companies and individuals who own patents, trademarks, copyrights and trade secrets. Our members obtain about 30 percent of patents that are granted to U.S. nationals and federally register thousands of trademarks each year. They pay around \$200 million a year in user fees to the PTO. Our members are largely technology-based and consumer products firms.

The drastic cut in funding for the PTO in the Commerce-Justice-State bill threatens the quality of patent examining and will cause pendency times for patent and trademark applications to rise to unacceptable levels. Patent workload is up 14 percent this year and trademark workload is up an unprecedented 40 percent. Even at the President's request level, average patent application pendency will rise to 31.7 months by 2005—a 52 percent increase in delay since 1996 that will cripple our members who rely on patenting their technology to help them compete in today's fast changing economy.

The Coble amendment is an important step toward restoring adequate funding for the PTO. We hope you will vote for it.

Sincerely,

HERBERT C. WAMSLEY,
Executive Director.

INTERNATIONAL TRADEMARK
ASSOCIATION,
Washington, DC, June 22, 2000.
ATTN: CJS Appropriations Staff Person.

DEAR MEMBER OF CONGRESS: As President of the International Trademark Association (INTA), I ask for your support on an issue of serious concern to our members. The Commerce, Justice, State (CJS) FY 2001 Appropriations bill, which you will begin considering later today, contains an allocation for the U.S. Patent and Trademark Office (PTO) that in effect diverts \$295 million in fees paid to the agency. This reduction will have a direct, immediate and devastating impact on the ability of the PTO to do its job.

Never before has the role of the PTO been so important or the challenges facing the agency been more demanding. In a thriving, technology-based economy, new products and services enter the market at a break-neck pace. It is essential that the PTO have the resources to support and sustain this economic boom. If the PTO lacks the examiners or the technology to conduct a thorough and efficient examination of the hundreds of thousands of trademark applications filed each year, this has tangible consequences for U.S. companies, as product launches are delayed and competitive opportunities lost. The government cannot allow itself to be a drag on this otherwise flourishing environment.

Indeed, Congress recognized this very fact last year when they passed landmark legisla-

tion to restructure and streamline the PTO, giving it greater autonomy and loosening the bureaucratic restrictions that hindered its ability to perform its business-oriented mission in a more business-like way. These changes—valuable as they are—mean little if Congress now denies PTO the resources to perform efficiently.

A point we have made many times before bears repeating: this is NOT taxpayer money that is being taken from the PTO. Every penny is derived from fees paid by intellectual property owners for services to be rendered by the PTO. The PTO can no longer be treated as a convenient "cash cow" to remedy budget shortages elsewhere in the government. We ask you to support an amendment by Rep. Howard Coble to restore the diverted user fees to the PTO.

Sincerely,

KIM MILLER,
President.

NATIONAL ASSOCIATION OF
MANUFACTURERS,
Washington, DC, June 12, 2000.

Hon. C. W. "BILL" YOUNG,
House Appropriations Committee,
Washington, DC.

DEAR REPRESENTATIVE YOUNG: The National Association of Manufacturers (NAM) again protests the withholding or diversion of fees paid by inventors to the Patent and Trademark Office (PTO). The NAM—18 million people who make things in America—is the nation's largest and oldest multi-industry trade association. The NAM represents 14,000 member companies (including 10,000 small and mid-sized companies) and 350 member associations serving manufacturers and employees in every industrial sector and all 50 states.

At the Appropriations Committee markup tomorrow, the NAM urges you to put all the fees collected by the PTO to their only defensible use: serving the agency's fee-paying customers. Failure to do so will produce the following effects:

Continuing the hidden tax on inventors. Worse, this bad U.S. practice undermines U.S. business leaders in their attempts to remove or reduce even higher hidden taxes on U.S. patent holders around the world.

Hurting the timeliness or quality of patents, or both. Already, it usually takes as long to issue a patent as for the semiconductor industry to develop a next-generation product. That's too long. Taking away fees only makes matters worse. At a time when the agency's workload is growing fast—patent applications are up 12 percent this year and trademark applications are up 40 percent—it must keep all the fees just to stay afloat of the huge workload.

Undermining implementation of last year's patent legislation, the most significant in half a century.

Undermining the plan of entirely self-funding patent and trademark operations. Until a decade ago, Congress had to appropriate tax dollars partially to fund the patent and trademark system. But if Congress continues to treat the PTO as a cash cow, it may need to bail the agency out with tax dollars in the future.

For all these reasons, the NAM joined almost 20 other trade and professional associations in writing to you two months ago, urging you to end the harmful practice of taking money away from the PTO. Most regrettably, last week the Commerce, State, Justice, and Judiciary Subcommittee evidently decided to withhold even more money than already proposed in the Administration's budget (documentation has not been publicly available).

Voting to do so entails accepting responsibility for deterioration of the patent system

at a time when technology is fueling the nation's economic growth. It would be hard to imagine a more shortsighted financial maneuver. The NAM urges you to reconsider the unwise diversion of patent and trademark fees.

Sincerely,

FRANKLIN J. VARGO
Vice President,
International Economic Affairs.

AMERICAN BAR ASSOCIATION, SECTION OF INTELLECTUAL PROPERTY LAW,

Chicago, IL, June 9, 2000.

Hon. C.W. BILL YOUNG,
Chairman, Committee on Appropriations, House of Representatives, Washington, DC

DEAR MR. CHAIRMAN: The Committee on Appropriations is scheduled to mark-up the Commerce, Justice, State and Judiciary appropriations bill on June 13. I am writing on behalf of the Section of Intellectual Property Law of the American Bar Association to express opposition to provisions in the bill as reported by the Subcommittee which deny authority for the United States Patent and Trademark Office (USPTO) to spend user fees to be collected in Fiscal Year 2001.

The views expressed in this letter are those of the Section of Intellectual Property Law. They have not been submitted to nor approved by the ABA House of Delegates or Board of Governors and should not, therefore, be construed as representing policy of the American Bar Association.

The Section of Intellectual Property Law opposes denying the USPTO authority to utilize, in the year in which collected, any of the revenue derived from user fees paid to fund the services provided by the Office. While we oppose any and all such withholding of user fees, we most strongly oppose the extreme degree to which the denial of user fees has been taken in the bill as reported by the Subcommittee.

The President's budget proposal calls for withholding from USPTO use \$368 million in user fees to be collected in FY 2001. After adjusting for authority to spend in FY 2001 user fees collected in previous years, the President's proposal still provides a funding shortfall of \$113 million based on anticipated user fee collections. User fees are set by law so as to produce the revenue needed to fund the services of the USPTO, and the withholding of over \$100 million—about ten percent of funding needed to run the Office—seriously jeopardizes the ability of the USPTO to support the vital areas of our economy which the Office serves.

While the President's proposal is dangerous and damaging, the Subcommittee's recommendation is disastrous. It proposes withholding still an additional \$182 million, consisting of 4134 million more from collections as projected in the President's proposal, plus \$48 million in additional fee revenue resulting from the expanded demand for the services of the Office. The net result would be funding for the USPTO at a level that is 25% less than the fees collected to run the Office.

The House Judiciary Committee, the authorizing Committee for the USPTO, asked the Under Secretary of Commerce for Intellectual Property for his assessment of the impact of the funding cuts proposed by the Subcommittee. His response is frightening. All hiring would have to be stopped. This includes not only expansion hiring to accommodate the ever growing demand for services, but also replacement hiring. As a result of such staffing reductions, services would be drastically slowed and reduced. The time delay in acting on trademark applications is expected to double, and action on patent applications would be slowed by one-third. Re-

duction and delay in services will result in a reduction in fee revenue, setting off a downward spiral that could be devastating to technological and innovative sectors which are so vital to our nation's economic and social health.

We urge you in the strongest possible terms to reject these crippling funding cuts, and to provide the USPTO funding equal to the fee revenue collected to run the Office.

Sincerely,

GREGORY J. MAIER,
Chair.

JUNE 22, 2000.

Hon. J. DENNIS HASTERT,
Speaker of the House, U.S. House of Representatives, Washington, DC.

DEAR SPEAKER HASTERT: The future competitive strength of the American economy depends upon the robustness of our high technology industries, and those industries in turn depend upon a strong patent and trademark system to secure property rights in new technologies both here and abroad. Recognizing this, Congress last year approved sweeping patent reform legislation designed to strengthen the rights of inventors, implement cost-efficient dispute resolution procedures, and facilitate implementation of "best management" principles at the Patent and Trademark Office (PTO).

These reforms were enacted into law at a critical time. However, what Congress has given with one hand, Congress is attempting to take away with the other through the appropriations process. We urge you to support restoration of the President's mark on the PTO budget, and to work with us to permanently end fee withholding so that the PTO may make full advantage of the process and structural improvements that Congress wisely enacted into law last year.

The PTO—now a fully user-fee-funded agency—is facing dramatically increasing demand for its services from inventors seeking patents, and entrepreneurs seeking protection for trademarks. In the last year, patent applications were up 14% and trademark applications were up 40%. In this environment, the quality and timeliness of examinations are directly related to the level of resources available hiring and training qualified examiners and implementing more advanced search tools. One of the objectives of the President's proposed FY '01 PTO budget is ensuring that the agency has the resources needed to reduce average patent "pendency"—the time it takes to process the typical application—from 25 months (today's figure) to 20 months. In 1990, pendency stood at 18 months.

Unfortunately, the Appropriations Committee's FY '01 PTO mark proposes to withhold almost \$295 million in fee resources that will be collected in the next fiscal year, making it impossible to achieve this goal. The fee withholdings—begun in 1991 as a deficit reduction measure—to date total \$564 million. Withholding PTO user fees in order to score "savings" in the budget may be penny wise but is pound foolish when considered against the damage to our patent and trademark system.

Both timeliness and quality of examination are already deteriorating due to the accumulated deficit of resources. These trends will only worsen under the Committee mark. The PTO today faces growing pendency (which will soon exceed 30 months), inadequate staff, and the need to improve its methods. More and better-trained examiners, improved databases, and innovations such as online processing and examination of applications are critical needs. Such measures are all the more important as the PTO is required to deal with new and complex areas of patent activity, such as business method and

software patents. Withholding PTO fees prevents such improvements.

Thank you for your attention to this issue.

Sincerely,

William T. Archey, President and CEO, American Electronics Association; Harris Miller, President, Information Technology Association of America; Rhett B. Dawson, President, Information Technology Industry Council; George Scalise, President, Semiconductor Industry Association; Ken Wasch, President, Software & Information Industry Association; Matthew J. Flanagan, President, Telecommunications Industry Association.

THE NATIONAL TREASURY
EMPLOYEES UNION,
Washington, DC, June 21, 2000.

U.S. House of Representatives, Washington, DC.

DEAR REPRESENTATIVE —: NTEU, which represents many of the employees at the Patent and Trademark Office (PTO), is extremely distressed at the Draconian cut of \$134 million from the Administration's budget proposal made by the Commerce/Justice/State Appropriations Subcommittee. This severe budget cut will do great harm to the PTO's mission and productivity. We understand Representative Howard Coble (R-NC) may offer an amendment to restore this funding. We ask you to vote YES on the Coble amendment.

As a fee-funded agency, PTO should have access to the fees it collects and PTO customers should have the service they are paying for. The diversion of these funds is simply wrong and unfair. The House should set PTO funding equivalent to the amount of fees collected and stop siphoning off these funds.

PTO is a growing agency that has struggled with limited resources to meet the highest standards of customer service. With patent and trademark applications rising this year by 12% and 40%, respectively, American inventors cannot afford to have their applications deferred, delayed and denied as they fuel the economic engine keeping our nation productive.

The reduced funding will force PTO to implement a hiring freeze which will mean that rather than reducing the time to process an application as American industry has demanded, pendency rates will skyrocket. Furthermore, these cuts will cripple the ability to implement PTO's e-commerce program. Rather than improve efficiency and lower pendency periods by electronic filing, the proposed appropriation will wreak havoc on this innovative and pro-inventor initiative.

It is an issue of human dignity to be able to lay claim to the fruits of one's intellect. Patents and trademarks are the institutional protection of intellectual property rights. The proposed appropriation denies this right to tens of thousands of American inventors. Our Union would appreciate your support on this matter.

Sincerely,

COLLEEN M. KELLEY,
National President.

AGILENT TECHNOLOGIES,
Washington, DC, June 20, 2000.

Hon. MARTIN T. MEEHAN,
U.S. House of Representatives, Washington, DC.

Re: Coble Amendment to the Commerce, State, & Justice Appropriations bill

DEAR REPRESENTATIVE MEEHAN: We write to express our strong opposition to the Commerce, State & Justice (CSJ) Appropriations bill that, we believe, will have a profound negative impact upon all U.S. innovators and companies who rely upon an efficient patent

system to secure and protect intellectual property. We urge you to support us in taking action to prevent the slowdown in technological progress and economic gains that may result if the CSJ Appropriations bill is passed in its current form.

On June 14, the Appropriations Committee gave its approval to the CSJ appropriations bill, which includes the appropriation for the U.S. Patent and Trademark Office (PTO). The President's FY 2001 Budget proposed withholding \$113 million of the fees paid by the users of the PTO's services. The current allocation diverts \$295 million of these fees away from the PTO and to taxpayer funded ventures. The repercussions of withholding \$295 million will be devastating, as it accounts for 25% of the agency's income. The potential for decreased quality and efficiency in the PTO is great, due to the possibility that: A freeze on hiring and overtime pay for current staff might tempt patent examiners, trademark lawyers and others to leave the patent office. The imposition of restrictions on training for examiners and administrators. Waiting periods on first actions on patent applications, will increase from 11 months to 15 and for trademark applications from 4.5 months to 8. 150,000 patents may be rejected for an initial examination, not allowed or not issued at all. Planned electronic filing of patent applications may be reduced or eliminated.

Agilent Technologies is very concerned about this threat to innovational productivity. To this end, Representative Howard Coble is sponsoring an amendment to the CSJ appropriations bill that will be presented to the full House. The amendment would restore funding to the \$1039 million level proposed by the Administration. Although this remains below FY 2000 levels, the restoration of some funds will help to reduce the possibility of negative outcomes outlined above.

Never before has the role of the PTO been so critical or the challenges confronting the agency been more demanding. In a thriving, technology-based economy, new products and services enter the market at a rapid pace. It is imperative that the PTO has the resources and support to maintain this economic boom.

Agilent Technologies is a diversified technology company dependent on new technologies and expanding markets. We urge you to support technology and innovation in all areas by voting in favor of a partial restoration of PTO funding through the Coble Amendment.

Sincerely,

FRANK ORLANDELLA,
Director, Federal Public Policy.

PEPSICO,
Purchase, NY, June 22, 2000.

Hon. HOWARD COBLE,
U.S. House of Representatives, Washington, DC.
Re: PTO User Fees

DEAR REPRESENTATIVE COBLE: I am writing on behalf of PepsiCo, Inc. to express our strong support for your proposed amendment to the Commerce Justice State Appropriations bill for fiscal 2001, to restore 134 million in PTO user fees to the PTO budget for 2001. We believe that the bill's proposed diversion of 295 million in user fees paid to the PTO threatens real harm to the PTO's ability to do its job and must be reversed.

Trademarks are vital to PepsiCo's business, and our user fees to the PTO in any given year are substantial. Our expectation in paying these fees is that they will be applied to PTO purposes to maintain the highest standards of operation and keep response times as short as possible. In an economy that increasingly favors the swift and reli-

able acquisition of intellectual property rights of all kinds, the PTO's function is far too important to put at risk.

PepsiCo urges you to take all appropriate action to restore this funding to the PTO.

Very truly yours,

ELIZABETH N. BILUS,
Intellectual Property Counsel.

PROCTER & GAMBLE,

To: Hon. HOWARD COBLE,
cc: Herb Robinson, Greensboro, NC
From: Gordon F. Brunner, Chief Technology Officer

Re: Support Coble Amendment to the Commerce, Justice, State and Judiciary Appropriations Bill

I write to express my deep concern regarding recent actions in the House Appropriations Committee that, I believe, will have a profound negative impact upon all U.S. innovators who rely upon an efficient patent system to secure and protect intellectual property. For this reason, I urge you to support the Coble amendment to the Commerce, Justice, State and Judiciary Appropriations bill.

The Appropriations Committee, on June 14, considered and voted upon the Commerce, State, & Justice appropriations bill, which includes the appropriation for the U.S. Patent and Trademark Office. This bill based in principle upon the President's budget submission continued what has now become a persistent policy of withholding a substantial portion of patent user fees in order to gain a scoring "savings" that can be applied to the benefit of taxpayer funded programs.

Procter & Gamble objected to this practice since it was first employed to accommodate the requirements of deficit reduction in the Omnibus Budget Reconciliation Act of 1990. Nevertheless, the President's FY 2001 budget submission proposed to withhold \$113 million in fees on top of the \$564 million that has been withheld to date. My company opposed this proposal directly and through the various associations that represent us. However, to our dismay, in its action on the 14th, the Committee increased the total amount of the withholding proposed in the President's budget. Under the Committee mark, fees appropriated to the PTO would fall short of actual collections by \$295 million. This will not only prevent the PTO from moving forward with important improvements in patent and trademark search methodology and tools, but will also result in degradation of existing capabilities.

Both timeliness and quality of examination are already suffering due to the accumulated deficit of resources, and the conditions will only worsen as a result of this action. The time it takes to process the typical application has increased from a historic low of 18 months in 1990 to 25 months today, and will soon increase to 30 months. Patent applications for new and complex technologies take even longer.

The PTO is required to deal with rapidly growing numbers of applications in diverse and intricate areas of research and discovery. The need to hire and train more examiners—and improve the search tools available to them—is critical. The issue is not merely one of providing "more money", but rather giving the PTO the benefit of the fee resources that are intended to fund the needs of the PTO.

Withholding patent user fees from the PTO is nothing less than a tax on innovation, as the PTO is fully user-fee-funded.

You can reverse this trend by supporting the Coble amendment to the Commerce, Justice, State and Judiciary Appropriations bill.

ROHM & HAAS CO.,

Arlington, VA, June 14, 2000.

Hon. J. DENNIS HASTERT,
*U.S. House of Representatives,
Washington, DC.*

DEAR MR. SPEAKER: I wanted to register the strong concern of Rohm and Haas Company over an action by the House Commerce-Justice-State Appropriations Subcommittee to divert almost \$300 million of Patent Office funding to unrelated governmental programs.

We are a research oriented company that relies upon a smooth functioning Patent Office to sustain our competitiveness. This level of diversion could erode the quality of patent examinations and cause delays in the issuance of patents and trademarks. The U.S. Patent Office is a user fee funded agency and should not be used as a source of funds for federal programs that do not otherwise meet spending caps.

I respectfully request your support for maintaining a properly funded Patent Office and not to divert its funds for other purposes. Thanks for your consideration and please feel free to contact me with any questions or comments.

Sincerely,

GEOFFREY B. HURWITZ,
Director of Government Relations.

To: The Hon. Harold Rogers, Chairman of the House Justice-State Appropriations Subcommittee, The Hon. C.Y. (Bill) Young, Chairman of the House Appropriations Subcommittee.

Cc: Members of the House of Representatives.

Date: June 12, 2000.

From: Edwin A. Suominen, Registered Patent Agent, Independent Inventor (Four U.S. Patents, additional patents pending.)

DEAR MR. CHAIRMAN: We are now enjoying record prosperity and budget surpluses thanks in large part to the phenomenal development of America's technology sector. Continuing this development requires a strong and fair patent system that protects new and exciting technologies while ensuring that those technologies are truly deserving of patent protection.

Please do not kill the goose that is laying the golden eggs! The subcommittee's proposed \$300 million diversion of one fourth of all fees paid by patent applicants, an increase to unprecedented and impossibly burdensome levels, will be a hidden "technology tax" that will limit resources available for patent examination. Q. Todd Dickinson, the Director of the U.S. Patent Office, warns us that "the last time we endured funding shortfalls and freezes of this magnitude, the recovery took over a decade."

Someday, we could wind up turning a regretful eye back to the days of our surging high-tech economy and realize that we paid a very steep price for diverting \$300 million from our patent examining operations. Crippling the operations of our patent office, and the consequent damage to our patent system, could wind up being the pinch of sand that ultimately grinds our high-tech economic miracle to a halt.

Do not let this happen! Allow the Patent Office to continue, unhindered by this proposed "technology tax," to carry out its mission, as authorized by Congress under the encouraging words of the U.S. Constitution to "promote the Progress of Science and useful Arts."

Please feel free to contact me with any questions you may have.

Respectfully,

EDWIN A. SUOMINEN.

UNITED STATES PATENT
AND TRADEMARK OFFICE,
Washington, DC, June 9, 2000.

Hon. HOWARD COBLE,
Chairman, Subcommittee on Courts and Intellectual Property, Committee on the Judiciary, House of Representatives, Washington, DC.

Hon. HOWARD BERMAN,
Ranking Member, Subcommittee on Courts and Intellectual Property, Committee on the Judiciary, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN AND MR. BERMAN: Thank you for your request for information on the impact that the recent House Appropriations Subcommittee on Commerce, Justice, State, and the Judiciary mark-up for fiscal year 2001 will have on the United States Patent and Trademark Office (USPTO) and its customers.

As you know, the importance of intellectual property has increased exponentially in the last decade, and the USPTO has been a major factor in the Nation's ability to support the current high technology growth boom. This year alone, patent and trademark filings are increasing at a dramatic rate—a 40% increase in trademark application filings and a 12% increase in patent application filings.

All of our revenues, projected to be \$1.2 billion in fiscal year 2001, are paid as fees by the knowledge-based high-tech leaders and individual entrepreneurs who rely on us to help them flourish in this economy. We are no burden to the American taxpayer. Moreover, we use activity-based cost management principles. Our fee revenues related directly to the work we do. We do not "have a surplus" or "make a profit".

The proposed mark would seriously impair our ability to effectively manage our operations and provide our customers with the quality products and services they expect and deserve. Since the mark would fund us at \$904.9 million, or about 25% less than the total fees paid by our customers, we would be forced to make significant modifications in our operations.

Specifically, we have preliminarily determined that we would have to take the following actions:

FREEZE HIRING AND REDUCE ISSUANCE AND PRINTING

We would be forced to freeze hiring and eliminate overtime for all staff, thereby reducing costs by \$56 million. This means we would not hire or replace over 1,000 staff members, including more than 600 patent examiners and trademark examining attorneys. In an agency such as ours, where the workload has grown by almost 75% since 1992, such actions would be extraordinarily counter-productive. We would also be forced to reduce spending on the preparation and printing of patents and trademark registrations by about \$12 million.

According to our current estimates, this would result in more than 48,000 patent applications being denied an initial examination, 34,000 patents not being allowed, and an additional 68,000 patents actually not issuing. In addition, approximately 60,000 trademark registrations would not issue.

Additionally, the time it takes us to render a first action on the merits of both patent and trademark applications will increase significantly. For trademark applications, the time will almost double, from 4.5 months to 8 months; for patent applications, it will increase by almost one-third, from 11.9 months to 15.8 months.

Our appellate processes would also suffer. For example, the time it takes to hear and render decisions at the Trademark Trial and Appeal Board would almost double.

For many businesses, especially high-tech, entrepreneurial start-ups, intellectual property is often their principal asset. Delays like these would significantly affect their ability to protect those assets and grow their businesses, potentially crippling critical sectors of the United States economy.

NEGATIVE IMPACT ON CONSUMERS

Besides negatively impacting patent and trademark owners, the American consumer may also be adversely affected. Since delays in examination and issuance would result in an extension of patent term under the American Inventor's Protection Act, these budget cuts could also unnecessarily prolong the terms of many patents, potentially driving up costs to all Americans, in such vital areas as health care and pharmaceuticals.

ELIMINATE PLANNED E-GOVERNMENT INITIATIVES AND REDUCE EXISTING IT ACTIVITIES

To be a viable organization in today's high technology economy, the USPTO needs to conduct much more of its business electronically. We are well on the way to doing so, most notably, with our successful electronic trademark filing system and the availability of our patent and trademark databases via the Internet. Under the proposed mark, we would have to make reductions in this area of \$37 million, which will force us to eliminate all new planned automation projects and severely curtail many of our already successful systems.

Specifically, we will be forced to significantly reduce or eliminate the planned electronic filing of patent applications, on-line database searching (with a consequent reduction in patent quality), our award-winning patents and trademarks on the Internet program, our work-at-home program, the electronic filing of assignments, and necessary upgrades or planned replacements to basic examiner computer equipment. We also would not be able to implement the replacement of our PTO Net, which is the critical backbone of our information technology system, jeopardizing our entire operation.

REDUCE QUALITY INITIATIVES AND CUSTOMER SERVICE PROGRAMS

As you also know, we make customer service and quality one of our guiding principles here at the USPTO. Unfortunately, under this proposed mark, our quality initiatives and customer service programs would have to be reduced by \$29 million. This would likely result in the elimination of support for the 87 Patent and Trademark Depository Libraries, which are located in every state in the Union, as well as drastically reduce support for the two public search facilities located in Arlington, Virginia.

Our successful quality management initiatives would be dramatically curtailed, along with quality assurance programs throughout the USPTO. Training for examiners and administrative support staff would also have to be significantly scaled back, if not eliminated. Finally, we would be unable to implement the recommendations of the Inspector General for increased staffing in our quality review program areas.

WORKFORCE IMPACTS

Our workforce here at the USPTO is among the most highly skilled and highly sought after in the New Economy, as well as the Federal Government. Cuts in areas such as overtime and training would severely weaken our ability to recruit and retain the high caliber staff, which is essential to our work.

Thank you again for all your years of steadfast support for all of us here at the United States Patent and Trademark Office and for all of those inventors and entrepreneurs who depend so heavily on our work. The intellectual property system of the

United States is the envy of the world. Unfortunately, the cuts that would result from this proposed mark-up would harm our system. The last time we endured funding shortfalls and freezes of this magnitude, the recovery took over a decade. I know you share our hope that this does not happen again.

Sincerely,

Q. TODD DICKINSON.

Director.

Mr. ROGERS. Mr. Chairman, I rise in opposition to the amendment, and I rise in reluctant opposition simply because the offerer of the amendment is such a wonderful person and a great Representative and a great Chairman of the authorizing subcommittee dealing with the Patent and Trademark Office. But I have to oppose this amendment because it does enormous damage to the other agencies from which he seeks to take these monies.

This amendment would slash the economic and statistical analysis part of the Department of Commerce by \$10 million. That is a decrease to that small office of some 20 percent. And as my colleagues may or may not know, this office is the Nation's economic accountant. That is the office that develops measures and systems to collect the data from government and private sources to measure the Nation's gross domestic product and other economic indicators. Without that office being run at full staff, we would not know what the status of the American economy is.

This bill provides \$49 million for the ESA. We froze them at the current year level. And a decrease of 20 percent to this small office would seriously impact the country's ability to provide estimates of economic growth that everyone depends upon.

Now, the amendment would also cut \$40 million from the census and the program lines within the Bureau of the Census. A decrease of 30 percent would be crippling, and I do not think we want to cripple the census at this point, do we?

But the most egregious cut would slash the Department of State Educational and Cultural Exchange program. It would cut it by almost in half, or \$98.8 million cut. That would decimate things like the Fulbright Exchange Programs and the International Visitors Program. It would bring the international dialogue that is critical to American leadership in the world to a halt. This amendment would surely cause serious reductions in force, layoffs, in these agencies, and serious layoffs.

Mr. Chairman, I have great respect and admiration and friendship for the gentleman from North Carolina (Mr. COBLE). He is one of the best friends I have in this body, and I think he does a wonderful job in the chairmanship of the subcommittee for us, but I have to strongly oppose these amendments that would slash the funding for the Nation's Economic Statistics Agency that does our gross national product and for the Department of State's Educational and Cultural Exchange Program, which includes the Fulbright

Scholarship Program, and the other cuts that I have mentioned before.

Mr. Chairman, I have to urge and strongly urge a rejection of this amendment.

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

Mr. Chairman, I will say that the gentleman from North Carolina, Greensboro, and my friend, the distinguished chairman of the important subcommittee that we are dealing with today, are two of my best friends in this institution, and I have been faced with a tough challenge, and that is I have to choose between two of my best friends. I know that conventional wisdom would say that I would come down on the side of the distinguished chairman of the subcommittee, but I am going to have to break with conventional wisdom, Mr. Chairman, and strongly support my friend, the gentleman from Greensboro, North Carolina (Mr. COBLE).

If we look at the fact that 45 percent of the gross domestic product growth in our Nation over the past 5 years has come from the technology sector of our economy, we clearly are in a position where we need to realize that the quality of life, job creation, and economic growth has hinged on our very, very important need to engage in global trade. The chairman of the Subcommittee on Courts and Intellectual Property of the Committee on Judiciary, the gentleman from North Carolina (Mr. COBLE), has, I believe, stepped forward and offered a very balanced amendment.

I am not supportive of the cuts in all the other areas that the chairman of the subcommittee has pointed out, but I do believe that we have a choice to make on our priorities; and I believe that the very important work that is done by the Patent and Trademark Office needs to be recognized and needs to be supported if we, as a Nation, are going to maintain our global competitiveness.

So I simply want to say that it was a tough choice; but I have decided to support my friend, the gentleman from North Carolina (Mr. COBLE), in this effort, because I clearly do believe that it is the right thing to do, and so I urge support of the amendment.

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

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

Mr. CONYERS. My colleagues, I would like to join the subcommittee chairman, the gentleman from North Carolina (Mr. COBLE), to make a couple of points. The Patent and Trademark Office is one of the most efficient government agencies we have, and as a fully fee-funded organization, it takes no money from the Government and has come to be treated as a cash cow.

This is incredible. Here is a successful organization that is having so far about \$500 million diverted from it, and

all we are trying to do is restore \$134 million of it because it is hurting the ability of the Patent and Trademark Office to service the creators and the inventors who are responsible for the current technology boom.

The combination of an increase in the number of patent applications and a reduction in resources has caused the time period for filing a patent and a final decision on it to grow from 19 months to 24 months in just a few years. And one reason for this is because many of the PTO examiners are leaving their government positions for more lucrative ones. The end result of this is that we could be losing our technological dominance in all of these important markets.

So if the PTO retained its fees, it could hire more examiners, shorten the period of scrutiny, and maintain our dominance. So the question is, how do we accomplish it? The answer is that, although we tried a lot of different ways of doing it, we think that this Robin Hood-type method ought to be changed.

So with this in mind, I support an amendment that returns \$134 million in user fees to the PTO. It is a very modest sum, considering that otherwise this important office would lose over \$200 million of its funds. So let us support the gentleman from North Carolina (Mr. COBLE).

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

Mr. Chairman, I offered this amendment in the full Committee on Appropriations. I had to withdraw it because there were no decent offsets, and there still are not any decent offsets. The gentleman from North Carolina knows how I feel about that. I do not think he likes these offsets either, taking it out of statistical sampling in the Census Bureau and out of cultural exchange programs.

The basic problem we are faced with is that we have a scorekeeping set of restrictions that are both arcane and inane. This is money that is paid by the users of this agency. They asked for us to put together an organization that was modern and efficient and professional so that our economy can continue to grow. This may be the Federal agency most responsible for the productivity, the innovation that is spurring our economic growth.

□ 1145

And what are we faced with? A situation where these people who have paid their user fees into this agency cannot even have that money used for the purpose for which it was intended. In fact, there is \$295 million that has been paid in in user fees, and this amendment does not even attempt to use all of that money.

What it tries to do is restore the Patent and Trademark funding up to the President's request, which is \$134 million more than what is in this appropriations bill.

I do not like these offsets, but I also know that it is not right to be crippling the Patent and Trademark Office's ability to process the patents, the trademarks, the innovation that enable us to be the leader of the global economy.

The reality is that the patents are now up by 12 percent, trademark applications are up by 42 percent. This bill has a 3 percent increase. We cannot keep pace with the demand.

Now, if this was a slow economy, if we were in some kind of a recession, if capital markets were not looking for innovative ideas, then maybe things would slow down. But the Patent and Trademark Office is simply trying to keep up with the pace of this economy and we are putting the brakes on. That is what this does, puts the brakes on.

So all we are trying to do is to enable Patent and Trademark to be able to at least partially meet the increased demand. When patents are up by more than 12 percent, trademarks are up by more than 42 percent, we ought to be able to increase to give a moderate increase in funding to the Patent and Trademark Office.

As far as these offsets, as I say, the scorekeeping is arcane and inane, but I do think some rationality will be put into the appropriations process when we get into the conference. I am sure that the Senate is going to recognize that there ought to be some increase and that, in fact, the scorekeeping just does not make sense.

If, however, this does not pass, then the PTO would be forced to operate with 25 percent less than the fees paid in by the users and it is going to cost much longer delay in the number of patents that are pending. That means that these companies and individuals cannot go out and get the kind of money they need to fund their new ideas, that people in other countries and competitors are going to be able to get the jump on them. But, most importantly, our economy is not going to be able to realize its full potential.

So this is something that makes sense. Our scorekeeping does not make sense but, hopefully, we will be able to correct that.

For that reason, I urge support of the amendment but with the caveat that I do so very reluctantly because these are lousy offsets. And I know that the gentleman suggesting this agrees that they are lousy offsets and we are going to have to fix that as the appropriations process moves forward.

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

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

Mr. HYDE. Mr. Chairman, I am a strong supporter of the Coble amendment to this bill. I urge its adoption.

Mr. Dickinson, the Patent and Trademark Office director, reports that this bill, unamended, would force the agency to institute a hiring freeze that would prevent the director from replacing roughly 600 patent examiners and

attorneys who are scheduled to leave the agency in fiscal year 2001.

The director also reports that this funding level would increase the time required for PTO to process Patent and Trademark applications. Therefore, an additional 68,000 patents would be delayed until fiscal year 2002.

We are talking about user fees. These are fees paid to the PTO. We are not asking to borrow from other sources, other funds. We are asking to retain the user fees collected by the PTO.

I am certainly for a balanced budget. And Congress has to set priorities, but this is not a good priority. This Patent and Trademark Office facilitates the economy in a way that other agencies cannot. It is important that we retain our technological edge. It is important that inventors and developers get the protection they need to encourage the innovation and the creativity and the invention. This is penny wise and pound foolish.

Do not hobble this agency. This is one of the most useful productive agencies in Government. And by allowing it to retain an additional \$133 million in fee income, this at least allows the PTO to tread water, if not to make progress.

So I strongly suggest the priority which suggests it is useful to cut funds from the Patent and Trademark Office is wrong, that we need to fully fund its operations. I support the Coble amendment.

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

Mr. HYDE. I yield to the gentleman from Kentucky.

Mr. ROGERS. Mr. Chairman, I want to state to the gentleman that, since 1994, we have increased the funding for this office by \$250 million, \$250 million over the last 5 years we have increased them.

In this current bill, we are increasing them by \$34 million. Now that is not exorbitant, but we think that the PTO has to live within the same constraints that all the other agencies of the Government must live within. They are not exempt from the regular laws of discipline that the rest of the agencies of the Government must live by.

I appreciate the fact that they are generating huge amounts of money in the fees they collect, but these are Government-authorized fees.

Mr. HYDE. Mr. Chairman, reclaiming my time, because I suspect I am running out of it, I just would say to the gentleman that, since 1992, the workload has increased 75 percent. And this is not an expenditure, it is an investment. Patents and trademarks help our economy. They forward our economy. They encourage the development.

So this is an investment, not a subtraction, and the workload requires that we keep pace. I yield back the balance of my time.

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

Mr. Chairman, I urge adoption of the amendment offered by the gentleman

from North Carolina (Mr. COBLE). The Patent Office is a little different than some other agencies in that what we are talking about here are fees that are generated by the Patent Office and we are talking about not diverting fees generated by the Patent Office.

Now, that is not an imputable principle. There are times when fees that are generated ought to be spent elsewhere. But I think it is inappropriate to suggest that the Patent Office is showing a lack of discipline when they seek simply to expend the funds that are generated as a direct result of their own efforts.

This House and the Congress as a whole increased patent fees recently. We did it as part of an overhaul of patent legislation, and one part of that was a promise that the fee increases would go for the Patent Office.

In terms of the economy, getting patents done quickly is essential. There is no good reason for delay in any Government agency, but delays in the granting of patents have a particular negative impact by the nature of the case. Uncertainty as to what is or is not patentable is not just a bad thing for individuals, it has negative effects on the whole economy.

Now, I join, I think, virtually everyone here, including the author of this bill, in not liking these offsets. I know, because I have been working with the gentleman from North Carolina (Mr. COBLE) on this, that he has tried very hard to deal with this offset issue. But I am going to vote for this amendment confident that the offsets will themselves be offset.

We have borrowed a concept from the British parliament. They have a shadow cabinet, the people who would take over the Government if the parties change hands. We have a shadow budget. Thanks to the majority, we adopt a budget early in the year in the House that no one thinks is going to be paid serious attention to.

We are going through an exercise now. We have to vote this thing out so we can get into a House-Senate conference and a negotiation with the President so the real budget will be adopted.

Now, if this were the real budget, I would not want to see these offsets. But, in the shadow budget, it does not bother me because the sun will come out when we go into the conference and these shadows will go away. But they will go away, I hope, with this House having sent a strong statement that the Patent Office should be fully funded.

That is what we are talking about here. This is not a vote, in my judgment, on the Fullbright program or other worthy programs or economic statistics. Actually, we probably ought to give more to economic statistics so the people who make these foolish budgets will be better informed and would not come up with a budget that is so inadequate. But that is not something we can address here.

What we are addressing here, I think, is a vote on whether or not the House believes that fees generated by the Patent Office's activity, fees that are necessary to keep a cutting-edge office for technology at its best level, fees that are necessary to avoid delays in this critical question of what is and is not patentable.

We have all these problems about, well, does the patent take effect right away. People should go back to the debate and remember how much controversy was generated in this House because of delays in the Patent Office. And we said at the time, if we could eliminate delays in the processing of patents, we would do away with most of the controversies that roiled this House and roiled the Senate for years. So we have a chance to do that with a relatively small amount of money in the overall budget and its revenues generated by the Patent Office.

□ 1200

So I hope that we adopt the amendment. I hope when the real budget process starts, we will restore the offsets that this amendment is forced to make by an unrealistic budget and we will both in real terms and in a very important symbolic way signify to the inventors of the United States, the most creative part of the intellectual community, that we are fully supportive of their efforts.

I thank the gentleman from North Carolina for offering the amendment.

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

Mr. Chairman, I want to thank the gentleman from North Carolina for offering this amendment, and I urge my colleagues to support it. This is really about the future of our economy. The dramatic increase that is being experienced in the growth of the number of patent applications and trademark applications is because of the Internet and the new information technology economy. As chairman of the Congressional Internet Caucus and as a member of the Subcommittee on Courts and Intellectual Property, I can tell my colleagues that the workload of anybody who works in this area is increasing dramatically and that is certainly true of the Patent and Trademark Office. It is vitally important that we allow them to keep these funds.

Yes, it is absolutely true that they are generating a great deal of funds. The reason why they are is because they are generating a dramatic increase in the number of applications. They need to turn that money around, beef up their ability to handle this, because this is the engine that is driving our economy. Unlike any past dramatic growth in the history of our country, the Internet is the largest collection of patents and trademarks and copyrights ever in the history of the world. That is really what this is about, the dramatic growth in our economy.

If we do not continue to fuel this by making sure that these applications are processed in a timely fashion and processed in a careful fashion to make sure that patents that should be issued are issued, patents that should not be issued are not issued, they have got to have the necessary resources to do this.

I urge my colleagues to support this amendment to adequately fund the Patent and Trademark Office. I commend the gentleman from North Carolina for his leadership on this issue.

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

Mr. Chairman, I would like to join the gentleman from Kentucky (Mr. ROGERS) in strong opposition to this amendment.

First of all, I agree with those who have gotten up to say that we need more money in the Patent Office. We on this side have been saying that for 2 days now, that the problem with this bill is it does not have enough money to cover a lot of areas. But this amendment opens up a discussion which we thought we had put to bed last year and that is a discussion of the census and the Census Bureau. Taking money out of here will begin to cripple the followup work and the ongoing work that the Census Bureau has to do in order to follow up everything that we funded them to do last year.

And so last year and for a couple of years, we had a bitter debate on the funding for the census; and when it was all over, I believe that we had in a bipartisan fashion done the right thing. But now that we have to look at a lot of information that is provided to us on a weekly and monthly and yearly basis, we go after the Census Bureau again with a deep cut.

The Census Bureau has told us that if they were to take any further cuts, and especially this kind of cut, employment and unemployment data, information on infant and child well-being, health insurance coverage measurements and many other of these kinds of statistics would be in danger.

I would hope that as we look at this amendment today that we commit ourselves perhaps in the future to finding another way to finding dollars for this agency and not to take it out of the Census Bureau. If we do that, we are going to reopen that discussion again; we are going to open the door for those who think that somehow Americans should not be counted every 10 years, and we are just going to cripple this agency once again.

Please keep in mind that while we gave so much energy last year to the fact that we were having this once-every-10-year count, most of the work that the Census Bureau does, it does during that period. Now by taking this cut, they would jeopardize and we would jeopardize their ability to continue this work.

Mr. Chairman, I join the gentleman from Kentucky in asking for strong op-

position to this amendment and its defeat.

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

Mr. Chairman, I rise in strong opposition to this amendment. Unfortunately, we have two tough choices here because there are two very important functions of the Government that are being debated; and we should not put them opposite each other, but that is what this amendment does.

There is no question about the need for the Patent and Trademark Office needing probably more funding. There is no question about the need of its importance in our economy. But we also have to be supportive of the census. We are talking about the economy. Alan Greenspan is given a lot of credit for presiding over our economy. How does he make his decisions? He makes his decisions about economic statistics generated by the Bureau of the Census. If this amendment were to pass, it would devastate the Census Bureau's ability to do things like the Consumer Price Index and the other economic statistics that are cranked out constantly by the Bureau of the Census.

The Census Bureau has already taken a \$51 million cut from the President's mark already. We need to do what we can to push it back up to the President's mark. But it is a tough choice we have to make between an important function, patent and trademark, but the equally important function of the Bureau of the Census. We are talking about cutting 500 jobs, but it is more than the jobs. It is what helps businesses make decisions. It is what helps, whether it is the high-tech industry or the reliable statistics flowing out constantly from the Bureau of Labor Statistics.

It does not take a lot out of the decennial census, but what it does is take out the planning for the 2010 census and especially the idea of getting rid of the long form. There was a lot of controversy earlier this year to get rid of the long form. We really want to move in that direction. What we want to move toward is something called the American Community Survey, which is something that is done on an annual basis. We just started doing that in the past couple of years, gearing up to do away with, so we will not have that long form in 2010. The idea is on a monthly basis we will collect this type of information. This would destroy that. If we are sincere about getting rid of that long form, we cannot go out and slash away at the Census Bureau.

There are many other important parts to it that would be actually devastated in this. This size cut, over 20 percent, just cannot be handled. I understand the need for the Patent and Trademark Office, but we should not do this. This amendment should be defeated at this stage. We should work with the chairman, with the full committee; and if more money becomes available, both areas should be increased.

Do not try to force one against the other. Let us accept the chairman's mark and move forward.

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

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

Mr. SAWYER. Mr. Chairman, I am as frustrated as virtually every speaker who has stood up on this floor today, as frustrated as my colleague from North Carolina with the dilemma he faces in his amendment. I strongly support what he is trying to do, and I am opposed to how he has chosen to do it. The PTO is a critical link in the infusion of new ideas and products into our economic system. Even with the increase in fees, it is the best bargain in the industrialized world. The PTO protects intellectual property inherent in America's economic growth. Without that protection, the incentives for R&D would wither. The companies that support this amendment understand that. They also understand that the delay in processing patent applications has real cost to them, dollars that could otherwise be put back into research and development and productive capacity.

At the same time in these very same companies, management analysts are tracking the economy and making decisions daily about how best to position their company and their assets, including their intellectual property, in the rapidly changing economy of the 21st century. Those analysts and managers look to the Census Bureau, the Bureau of Economic Analysis, the Bureau of Labor Statistics for the measures that tell them how the microclimates in the economy are changing and how those changes will affect their company. Without the ability to map the economy and respond to the currents therein, public and private decision-making in every kind of business and at every level of government will decay, wither and atrophy.

It is a terrible irony that this amendment in the name of improving protection of intellectual property would squander our investment in intellectual capital and infrastructure. The cuts this amendment makes to the Census Bureau and the Bureau of Economic Analysis would dramatically affect the position of fundamental economic measures like the Gross Domestic Product, the Producer Price Index, the Consumer Price Index, as well as measures of productivity and capacity utilization. Undermining the precision of these indicators will inevitably undermine the vitality of the American economy.

It is with great reluctance that I oppose this amendment. I strongly believe that our protection of intellectual property is one of those factors that draws some of the best minds in the world to American companies and to the U.S. patent system in general to protect their intellectual property. I also know that the solution this

amendment offers is as bad as the ill it sets out to cure. I question whether we have carefully explored the consequences of the proposed offsets or the equally important underlying concern about the proper expenditure of revenues raised through user fees in the PTO. Those who have raised that point do so with precision and with an emphasis on an important consequence of what we are doing here today. Both are important.

I hope that we all can find a way to work together with the gentleman from North Carolina to solve the problems facing the Patent and Trademark Office. Together, we have got to be able to find a better solution than this one.

Mrs. MEEK of Florida. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in strong opposition to the gentleman from North Carolina's amendment. I have no issue with increased funding for the Patent and Trademark Office. I am sure that they require the funds that have been given to them through a process and that process was through the gentleman from Kentucky's committee. They looked at this for quite some time, and they have come up with what they think was reasonable within the constraints of our budget. I applaud them for that.

But I take strong issue with this amendment because it takes \$40 million in offsetting funds in a cut from the Census Bureau. I must say to my colleagues that that is not a good offset, because this is the Census Bureau's everyday work that they are cutting here, their year-in and year-out work that gets done within the shadows of the decennial census that is made every 10 years. Every day we use data from these programs. There is not a day that passes that each of us does not use it. We get information from all other agencies and resources. And what is the source of it? The Census Bureau. Every day we use the Census Bureau's data to help us make decisions. These data are very important to us making decisions on every level of government, poverty, children's health care, home health care, and trade.

Someone has said the cuts may be restored later and given back to the Census Bureau. Do not bet on it. What assurances do we have that the census will be able to operate as it should?

The House mark is already \$41 million below the administration's request. And we want to cut them again? This alone would devastate the Nation's economic and demographic statistical infrastructure, eliminating all new measurement initiatives including any means of measuring e-business, improvement of export coverage, and an annual survey of minority-owned businesses. Look at all the work this body has done this year to enhance e-business. Now we are eliminating the possibility of measuring the results of this work.

If the gentleman's amendment passes, it amounts to an additional 29

percent cut. This cut will hinder the Bureau's ability to measure the Gross Domestic Product, the Index of Industrial Production, the Consumer Price Index, the Producer Price Index, employment and unemployment, health insurance coverage, employment of the disabled and child care.

Allow me to put a human face on this issue. Passage of this amendment will lead 500 Census Bureau employees into the unemployment line.

Mr. Chairman, I really do not think we completely comprehend the damage we would do to our Nation if we pass the Coble amendment. It is not an insignificant amendment. Therefore, it should stop right here on the floor of the Congress. In this day and age, \$40 million may not seem like a huge cut, but to the professionals at the Census Bureau who provide the measurement of our Nation's statistical information, this cut is devastating.

□ 1215

Mr. Chairman, I urge my colleagues to stop this devastating amendment and defeat the Coble amendment.

DAMAGE DONE BY THE COBLE CUTS TO CENSUS

The Coble Cuts from the Census Bureau \$40 million (29%) and \$10 million (20%) from the Bureau of Economic Analysis (BEA).

The Coble Cuts to the Census Bureau are from the "Other Periodic Programs" account which funds all Census Bureau activity other than the 2000 census.

The Coble Cuts to the Census Bureau would reduce the quality of: Employment and Unemployment data; Information on infant and child well-being; Health Insurance coverage measurement; Employment of the disabled measurement; Our ability to track the well-being of those aged 85 and above; and Measures of participation in welfare to work programs.

The Coble Cuts will damage key economic indicators like the: Gross Domestic Product (GDP) used to track economic growth and adjust interest rates; Index of Industrial Production; Consumer Price Index used to index wages and retirement payments like Social Security; Producer Price Index; Monthly trade statistics; Quarterly state personal income estimates used to allocate \$100 billion in federal funds; and Data on foreign direct investment as well as foreign-owned companies.

The Coble Cuts will: Force BEA to layoff 1/3 of its work force; Force the Census Bureau to let 500 analysts go; and End the measurement of e-commerce as it rapidly becomes an increasingly important part of the economy.

The Coble Cuts will directly affect the ability of many to do their jobs including: Federal Reserve Board; Council of Economic Advisors; Congressional Budget Office; Congressional Research Service; Joint Economic Committee; Economic planners for businesses and industry; Financial planners in state and local governments; and Trade associations and businesses interested in promoting international trade.

The Coble Cuts will directly impair the efficiency and stability of U.S. capital markets, private investment decisions, and U.S. federal and state budgetary and financial policies. One of the reasons the U.S. economy has

been performing so well is the availability of timely and comprehensive economic statistics. Chairman Greenspan, and his colleagues at the Federal Reserve, watch these measures closely as they decide whether or not to adjust interest rates.

COBLE CRIPPLES CENSUS

Representative COBLE is offering an amendment to the Commerce, Justice, State Appropriations bill (H.R. 4690) which would cut funding for the Census Bureau's Periodic Programs account by \$40 million—a cut of almost 30 percent. This is not a cut from the 2000 census budget, but rather a cut from the funds used to measure employment and unemployment; child welfare; hospitals and care providers; and the basic inputs to the Consumer Price Index. The Census Bureau is prohibited by law from transferring funds from any other account to cover these cuts.

The Coble amendment will also cut \$10 million, a 20 percent cut, from the funds for the Economic Statistics Administration in the Department of Commerce. Most of the ESA funds go to the Bureau of Economic Analysis (BEA) which calculates the key indicators like Gross Domestic Product (GDP) and measures of inflation used to track economic performance. These indicators are used by the Federal Reserve Board to determine interest rates, and by the Treasury to adjust the money supply.

Massive cuts to these two statistical agencies will affect the quality of information on the economy and social welfare for years to come. Such cuts would make it impossible for the Census Bureau and BEA to continue their groundbreaking work in measuring the impact of e-commerce on our economy. These cuts are likely to result in massive layoffs of trained professionals—statistical agencies spend most of their money on salaries. It will take years to replace that workforce even if the funds were replaced next year.

The goal of the Coble amendment is to return user fees to the Patent and Trademark Office (PTO) that have been reallocated to other programs, but not necessarily to the census accounts. Rep. Coble wants PTO to use these fees to increase the speed of processing applications. While that is an admirable goal, it cannot come at the expense of our basic ability to measure economic performance.

Mr. GILMAN. Mr. Chairman, I move to strike the requisite number of words, and I rise in strong opposition to this amendment which will take \$98 million, close to 50 percent of the funds, from the cultural international exchange programs. Exchange programs are among the most effective and cost-effective means we have of promoting freedom and democracy throughout the world. This is one of the most constructive programs at the State Department in terms of advancing our Nation's foreign policy.

Whereas my colleagues have set forth good reasons for supporting the Patent and Trade Office, but the gutting of the international exchange program, cutting some \$98 million from a \$213 million account, is not a reasonable offset.

There is strong bipartisan support for international exchanges, and this Congress has consistently supported that important activity.

Cutting this substantial amount from the international exchange program means that the highly respected Fulbright Scholarship program and other noteworthy exchanges which advance learning as well as our relations between our country and many others are going to be dramatically slashed.

Please bear in mind, my colleagues, that the amount appropriated for international exchanges in this bill is already \$28 million less than what was appropriated in 1994, and that is before inflation and real dollars. International exchanges have already been cut by some 30 percent. Accordingly, Mr. Chairman, I urge a no vote on the Coble amendment.

Mrs. MALONEY of New York. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in opposition to the amendment being offered by the gentleman from the State of North Carolina (Mr. COBLE). While I am sympathetic to the interests of the gentleman in the efficiency of the Patent and Trade Office, I must urge my colleagues to oppose it and to join the gentleman from Kentucky (Chairman ROGERS); the ranking member, the gentleman from New York (Mr. SERRANO); the gentleman from Florida (Chairman MILLER) of the Subcommittee on Census on which I serve as the ranking Democrat in opposing this measure.

The gentleman from North Carolina (Mr. COBLE) wants funds for the Patent and Trademark Office to increase the speed of processing applications. While that is an admirable goal, it cannot come at the expense of our basic ability to measure economic performance.

To accomplish this goal, this amendment would cut funding for the Census Bureau's Periodic Programs account by \$40 million, a cut of almost 30 percent. This is not a cut from the 2000 census budget, but rather a cut from the funds used to measure employment and unemployment, child welfare, hospitals and care providers, and the basic inputs to the Consumer Price Index.

The Coble amendment will also cut \$10 million, a 20 percent cut, from the funds for the Economic Statistics Administration and the Department of Commerce. Most of the ESA funds go to the Bureau of Economic Analysis, which calculates the key indicators like Gross Domestic Product and measures of inflation used to track economic performance.

These economic indicators are used by the Federal Reserve Board to determine interest rates and by the Treasury to adjust the money supply. Many of my colleagues, the gentleman from Virginia (Mr. MORAN) and others talked about the need to fund the patent office, because we are part of the global economy, but we need our economic indicators to help us be the leaders in this global economy, and if we do not have them, we will soon fall sharply behind.

Massive cuts to these two statistical agencies will effect the quality of in-

formation in our economy and social welfare for years to come. Such cuts would make it impossible for the Census Bureau and BEA to continue their groundbreaking work in measuring the impact of E-commerce on our economy. These cuts are likely to result in massive layoffs of trained professionals.

Earlier the gentleman from Illinois (Mr. HYDE) mentioned that there was a freeze at the Patent Office in hiring, but if these cuts go through, the professionals that we have literally been training for years would be laid off. Statistical agencies spend most of their money on salaries and in developing personnel. It will take years to replace that work force, even if the funds were replaced next year.

The Coble amendment will make deep cuts in two of the three agencies that make up the backbone of the country's ability to track and respond to changing economic conditions. The cuts in these two agencies will have effects that ripple throughout the system. It may well be important to speed up the processing of patent and trademark applications; however, if in the process of doing so, we contribute to diminishing our unprecedented economic expansion, these businesses that are supporting it will have cut off their nose in spite of their face.

As a member of the Joint Economic Committee, I recognize the importance of our key economic indicators, the chairman and members of the Federal Reserve Board regularly monitor measures such as the Gross Domestic Product, the Producer Price Index, the Consumer Price Index, measures of wage changes and productivity. Many have credited Chairman Greenspan's leadership in monitoring and responding to changes in these measures with the continued growth of our economy.

The Coble amendment has crippling cuts to the Census Bureau, and BEA appropriations will seriously degrade the quality of these indicators. These cuts will create effects that will last well into the next decade.

I urge all of my colleagues to join the gentleman from Kentucky (Chairman ROGERS) and the gentleman from New York (Mr. SERRANO), the ranking member, and the gentleman from Florida (Chairman MILLER) in voting no. There may be a need to increase our investment in the processing of patent and trademark applications, but this is not the way to do it. We must not sacrifice our ability to monitor our economy and our society for such short-term gains.

Mr. SMITH of New Jersey. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, while I have great sympathy and even supported the desire to boost the funding level for the patent office, it is the offset, the slashing of the U.S. public diplomacy programs and educational programs that leads me to oppose the Coble amendment.

By cutting educational exchange programs in half, we severely undermine the training and the education of the next generation of leaders in developing countries throughout the world.

Let me remind the Members through legislation such as the Foreign Relations Authorization Act, H.R. 3427, which I offered last year along with the gentleman from Connecticut (Mr. GEJDENSON) and the gentleman from New York (Mr. GILMAN), which became law in last November, Congress strengthened the connection between our international exchanges and the promotion of human rights and democracy around the world.

Many of our exchange programs are aimed at Nations that are burdened with impressive governments like China, Vietnam and Cambodia, whose people need continuing contact with the American government, its institutions, its educational venues and the like.

It seems to me that public diplomacy gives us the ability and then especially the ability to catch the good infection about what democracy, about what capitalism is about.

Congress, Mr. Chairman, has specifically provided scholarships for East Timorese students and for Tibetan and Burmese students who are in exile from their countries, as well as the exchange programs between the people of the U.S. and the people of Tibet.

Exchange programs, Mr. Chairman, promote international development by bringing students from those developing nations to study in America, they learn so much, they bring it back, and hopefully we get a safer and a more sane world, especially over time.

It is a great investment. It is a modest amount of money and the offset, again, notwithstanding the importance of funding adequately the patent office, this is the wrong offset. I strongly urge a no vote on the Coble amendment.

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

Mr. Chairman, the public must be confused in listening to this debate. No one has stood on this floor, no one, to say that we should not spend the money that the committee has included in the bill for the object in the Census Bureau, nobody. Everybody agrees that we are underfunding the Patent Office, including me, in this bill.

This bill is \$2.7 billion under what the committee almost to a person determines are the needs of this bill. Committee does not have that money, and they had to make hard choices. My friend and colleague, the gentleman from Virginia (Mr. MORAN), spoke passionately for this amendment, because the objective of this amendment is to ensure that the Patent Office has sufficient funds.

I agree with that objective, but I most emphatically do not agree that the solution to solving that problem is to take money from someplace where everybody also agrees the money is

needed. My colleague, the gentleman from Massachusetts (Mr. FRANK), in his inimitable fashion said this is a shadow debate about a shadow budget. What did he mean? This is not real.

It is not real, because we know in the final analysis there is going to be more money in this bill. There is not an honest person who is a Member of this House that does not know this bill is going to be higher when we adopt finally the conference report than it is today; therefore, I urge my colleagues to oppose the Coble amendment, not because I oppose the objectives of the Coble amendment, because I believe that those in this floor who support both the census funding, and I might say there is too little census funding in this bill, we ought not to take more of it and decimate the objects that the gentlewoman from New York (Mrs. MALONEY) has articulated, who has done such an incredible job on the census issues, and the gentleman from Ohio (Mr. SAWYER) who spoke earlier.

The solution is not to take money from census, the solution is to get money to the Patent and Trade Office. The gentleman from Virginia (Mr. MORAN) mentioned the arcane scoring process, where actually PTO makes money. They charge fees. They have the dollars available to them, but because we have lowered the cap, in effect, our 302(b)s, it cannot be spent. The gentleman from Kentucky (Mr. ROGERS) and the gentleman from New York (Mr. SERRANO) had to make hard choices, their hard choice was we ought not to underfund census.

We are going to look to do better for PTO as this proceeds through the process. I, therefore, come down on the side of allowing this bill to move forward, and I will tell my friends who, like me, support those in the high-tech industry, in particular, who are critically concerned about these PTOs that they are going to be lobbying heavier than those who are concerned about the census. Therefore, I am convinced that if the tactic, if you tackle that, the tactics should be let census remain as it is in the bill, confident that those who are concerned about the Patent and Trade Office, as I am, as the gentlewoman from California (Ms. LOFGREN), as the gentlewoman from California (Ms. ESHOO), who are here in front of me, we can be confident that that will be made whole in conference before it gets to the President.

I think we have more confidence in that alternative than we can be and that the census will be made whole. I urge my colleagues in conclusion to leave the bill as the committee has reported it. It is not sufficient. It is not sufficient, but we are more likely to make PTO sufficient in conference than we are census.

Both are critically necessary as every speaker has articulated on both sides of this issue. In sum, this is a tactical determination, not a substantive one, because no one disagrees with either substantive proposal. But to rob

from Peter to pay Paul, when Peter perhaps will be less attended to than Paul does not make good tactical sense.

Mr. Chairman, I urge my colleagues to oppose this amendment and support additional funding for PTO.

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

Mr. Chairman, this House should not go on record as taking these kinds of funds out of these other important programs, and I would relate to just one, the BEA, the Bureau of Economic Analysis in the Department of Commerce.

This amendment would reduce its funds by almost 20 percent. Chairman Alan Greenspan rarely goes on public record of suggesting increased funding for any agency. In the BEA, as he has suggested, for the importance of that statistical calculation, we need more money in that agency. Already we have shortchanged, we have reduced the funding for that agency in the last few years by a real 12 percent.

This amendment would take an additional 20 percent out of their funds, that is the basis of over a \$100 billion in revenue sharing. It is the basis of the projections of OMB and CBO. We should not go on record of this kind of drastic reduction in these kinds of agencies.

□ 1230

Ms. ROYBAL-ALLARD. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise this afternoon in support of the Coble amendment to restore what I think are the badly needed funds, in fact, the direct fees that are paid to the U.S. Patent and Trademark Office. This is really a fascinating debate that we are having here today in the House.

I think this is a most interesting and instructive debate that is taking place here today, and I think that every Member that has risen on the floor, whether they are in support of the amendment or rise in opposition, have made very, very important points. I guess the most important one is that this budget is not funded the way it should be.

What I want to point out are the very important things that the Patent Office does and what it means to our Nation and our Nation's economy. The Patent Office is 100 percent supported by the user fees that are paid by patent and trademark applicants and owners. Since 1992, the Congress has been withholding an increasing portion of these fees for use in other CJS agencies.

In fiscal year 2000 alone, \$116 million in PTO user fees were given to other CJS agencies. So it is not as if people are not coming to the Patent Office. They are, in increasing numbers, and they are paying the fees; but the fees are being siphoned off for other parts of the budget.

I do not think this is right. The user fees are meant to pay for the work of

the agency to which they are very directly paid.

Mr. ROGERS. Mr. Chairman, will the gentlewoman yield?

Ms. ROYBAL-ALLARD. I yield to the gentleman from Kentucky.

Mr. ROGERS. Mr. Chairman, let me correct the gentlewoman's misunderstanding of that point. The fees that are generated by the Patent Office are not used for any other agency or any other purpose. They remain in that account to be used in succeeding years. We are not siphoning off the Patent Office fees for other expenditures.

Ms. ROYBAL-ALLARD. I would ask, are 100 percent of the user fees that are paid by applicants to the PTO remaining for use in the Patent Office?

Mr. ROGERS. If the gentlewoman would continue to yield, those fees remain in the Patent Office account for use in succeeding years. They are not siphoned off to any other purpose.

Ms. ROYBAL-ALLARD. One hundred percent of fees that are paid by applicants are retained in the Patent Office; is that correct?

Mr. ROGERS. That is correct.

Ms. ROYBAL-ALLARD. So why is there a deficit? Why is there a decreasing amount of money for the Patent Office, and why are we having this debate then?

Mr. ROGERS. As I pointed out earlier, we actually increased the Patent Office expenditures in the bill by \$33 million this year. Over the last 4 years we have increased them by \$250 million. So they are not starving.

Ms. ROYBAL-ALLARD. Mr. Chairman, reclaiming my time, let me go on to talk about the importance of the office. There is a shortfall of funding for the work that needs to be done, and that is a very real part of this debate.

Increasing patent approval times, if in fact that approval time is threatened, that in and of itself can and will have a crippling effect on what we call the new economy. You cannot leave out of this debate what this new economy is producing for our Nation. The high technology and biotechnology sectors of our economy depend on prompt and high-quality patents and trademarks to protect their investments in research and development and new product production. Venture capital funding for start-up companies depend on timely patent protection and can dry up because patent times continue to soar. The result will be a bureaucratic bottleneck that chokes off the development of new breakthroughs of all kinds of things that every single Member of Congress hails and supports.

While for some this may be a little known office, the PTO is the backbone of the new economy. Many Members have talked about other agencies, Commerce, what Chairman Greenspan relies upon statistically. I would like to suggest that those statistics will not be available for use if in fact these patents cannot be approved.

We have to look at what is fueling and what is the backbone of this new

economy. I know that the Coble amendment restores \$134 million in user fees.

Finally, we need to broaden this debate and understand that this feeds intellectual property. This new economy is all about new ideas. It is about America's intellectual property; it is about ideas. They need to be funded, and we should not abort the investment that the ideas represent.

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

Mr. Chairman, I rise to speak in favor of the Coble amendment. The economic growth that we are experiencing today, the economic growth that provides the budget surpluses that we are enjoying, arises from work done in research, development and invention; and it is absolutely essential that we continue that process of research, development and invention, and that we get the patents issued promptly so that we can continue this economic boom, this economic growth which we enjoy.

I remember not too many years ago when there were long delays in the Patent Office, and this body raised the fees of the Patent Office so that we could process the inventions more rapidly. But now once again inventors and manufacturers are beginning to experience delays in the processing of their patents.

I have two letters here indicating that patents are being held up because there are insufficient personnel and facilities to process these patents. That, again, has a debilitating effect on the advancement of our economy.

Mr. Chairman, my conclusion is we must increase the funding. We must fund them the Patent and Trademark Office adequately, so that we do not have delays in processing.

In response to the chairman's comment a moment ago, I would like to ask the gentleman from Kentucky (Mr. ROGERS), is it not true that the amount of money being expended for this purpose is counted towards the cap, the allocation that is fixed in your budget? In other words, if more money were designated for the Patent and Trademark Office and everything else remained constant, you would exceed your allocation. Is that correct?

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

Mr. EHLERS. I yield to the gentleman from Kentucky.

Mr. ROGERS. That is correct.

Mr. EHLERS. Mr. Chairman, in response to that, let me just say I think the problem is not the unwillingness of the committee to increase funding. I suspect if the allocation were increased, they would do so.

As the gentleman from Maryland (Mr. HOYER) has pointed out eloquently, the allocation for this particular subcommittee is simply too low. I recognize that the subcommittee has struggled with this issue, that they have done the best they can within

their allocation, and I respect that. At the same time, I encourage this body to vote for this amendment to indicate that our priority is to make certain that these patents are processed in due time, and that they are handled rapidly enough to help the economy continue to grow.

I do this with the recognition that this will hurt other segments of the budget that also need funding; but I am confident that, as the process goes on, the Senate and the House will recognize the importance of both of these areas and that the funding will be increased to accommodate the needs in both areas.

Mr. Chairman, we are not robbing Peter to pay Paul, as the gentleman from Maryland said earlier. We are in a sense robbing Peter to pay Paul in that we are taking the money out of the fees paid to the PTO and saving them for later use simply because using them now would cause the subcommittee allocation to be exceeded.

Mr. Chairman, I urge adoption of the Coble amendment so that we can in fact continue the rapid processing of the patents in the Patent Office.

Mr. ROGERS. If the gentleman will yield further, let me make this point: the argument is that we are squeezing this agency so that they are not able to process new patent applications rapidly enough.

I would point out that 40 percent of their fee collections comes from maintenance of existing patents. And there is no significant workload associated with that, 40 percent of their fee generation. They requested \$130 million in the budget. Only \$22 million of that is for patent examiners, where they say the shortage is. The other increases they are asking for are really a lot of bells and whistles.

I have to point out, they are preparing to build an enormous marble building down the river to consolidate all of their offices in one place. I do not know of an agency of the Government that is going to have a finer place to work, and that is fine. But I am just saying that the money they requested for patent examiners, where they say the problem is, is only \$22 million. They ask for \$130 million. Where is the other \$108 million going?

Mr. EHLERS. Mr. Chairman, reclaiming my time, I appreciate the point the gentleman made, and I respect the ability of the committee to examine those issues. However, based on the information I am being given by the inventors and the researchers in the field, the additional funding for the Patent and Trademark Office is needed in order to process the new patents rapidly enough.

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

Mr. Chairman, the Patent and Trademark Office is important and worthy of support, but not by cutting the Census. The goal is worthy, but the method is not.

Now, there is no question that Democrats and Republicans have had some very fundamental differences over the decennial census; but today many of us, on both sides of the aisle, are joining together saying that there can be no further cuts to the Census. I believe we must ensure the most accurate census possible, and I have fought very hard to make that a reality in the 2000 census. Others, on the other hand, have fought an accurate census every step of the way.

Minorities, particularly Hispanics, have been disproportionately undercounted in the past, and I do not think this government should allow that to continue. Everyone deserves to be counted, every community deserves adequate and fair resources for its residents, and every American resident deserves full and fair representation.

We have come a long way toward meeting these goals, and we are working hard to achieve the most accurate decennial census in recent history, despite strong opposition from various quarters at every step in the process. Today is apparently no different. We again face an unreasonable assault on the Census Bureau, which is the source of more, much more than just the decennial census figures. After all, the money we have invested in trying to reach one of the most accurate censuses ever, this amendment would completely undermine the ability of the Census Bureau to translate that data into statistics that all segments of this country, including America's major corporations, count on for planning and decision-making.

The Census Bureau provides invaluable economic and demographic data covering employment, health insurance, and business activity. These figures have a broad range of users, in both the public and private sectors, and help decision-makers to most effectively and efficiently target our limited resources.

Let us be clear about what is at stake here: despite the worthiness of the goal, voting for this amendment would jeopardize funding for health coverage data and employment data, both, for example, which disproportionately impact Hispanics and other minorities.

Likewise, this amendment would jeopardize funding for the survey of minority-owned and women-owned businesses. This amendment ignores the needs of women, Hispanic and other minorities, and a vote against the amendment continues our fight for equal opportunity for all, whether it is fighting for health coverage for the working poor, creating new jobs for those who have been left behind in today's economic boom, or assisting those business owners who are struggling to compete in this high-tech economy.

We cannot do that without the census data that is extrapolated by the experts; and having spent all of these resources to accomplish that information, it would be amazing not to give

them the resources to be able to do the extrapolation, the statistical analysis that are incredibly important to billions of dollars of investment by the private sector, as well as by the public sector.

This amendment would have a chilling effect on the Bureau's ability to continue to provide these invaluable resources to government agencies, to business analysts, to researchers and associations that promote trade and State and local growth.

So it is much bigger than the 2000 decennial census; it is much bigger than the Census Bureau itself. This amendment takes away tools from the businesses, the very businesses that in one respect it is trying to help. This amendment takes away tools from businesses, businesses owned by all stripes of Americans, businesses owned by women, businesses owned by minorities who may be struggling to compete with domestic and foreign companies.

□ 1245

It takes away tools from the trade associations who are trying to promote trade and improve our Nation's trade deficit. Finally, it takes away tools from the policymakers who are trying to address the present needs in our communities, needs that too many in this House are willing to ignore.

Mr. Chairman, this is an amendment, despite the worthiness of its goal, that we cannot afford, and I urge Members to oppose the Coble amendment.

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

Mr. Chairman, this debate demonstrates just how dumb this bill is. We have the people who are offering the amendment, justifiably pointing out that the Patent Office ought to be fully funded because that office is key to innovation, it is key to economic progress, it is key to jobs, it is key to modernizing our economy. But because the majority party has decided that it is more important to give the 400 richest Americans \$200 billion in tax cuts over the next 10 years, and because the majority party has decided that in the minimum wage bill, for God's sake, that gives only \$11 billion worth of benefits to workers, they are going to give \$90 billion in tax relief to people who make \$300,000 a year or more; because of those stupid decisions, what they are doing is forcing us to choose which half of the economy we are going to cripple.

So we have to choose between crippling the Patent Office, because this bill steals money from the fees in order to fund other programs; so we have to choose between doing that or gutting our ability to understand what is happening in this economy by gutting the statistical capability of the United States Government to know what is really happening on unemployment, to know what is really happening on trade, to know what is really happening with respect to price changes.

Every politician from the Midwest and the Northeast on this floor is prac-

tically killing each other trying to get to the nearest microphone to crawl all over the floor about what is happening to gas prices. Then, what do they do in this amendment? They are gutting the ability of the Government to figure out what is happening, not just on gas prices, but on virtually all other price changes. This Congress passes out hundreds of billions of dollars to localities, to businesses, and to everybody else on the basis of economic statistics that are, at best, half-baked.

So this Congress is being asked to continue that idiocy because this bill is at least \$1 billion short of meeting its responsibilities. So we are having to decide which good, important, crucial government activity we are going to fund, and which one we are not.

Everybody on this floor says, oh, I am for a smaller government; and then the first time we have a problem with gas prices, they say, why does not the Government do something to control those gas prices? Why do they not stop the gouging? The first time my colleagues do not like what is happening in the crime area, you say, why does not the Government do this? So my colleagues deny the Government the resources they need, and then they cry all over the floor when they cannot do the job that they are supposed to be doing.

Mr. Chairman, this House reeks of idiocy and hypocrisy on these issues. We have a chance, because we are in an era of surpluses rather than deficits, we have a chance, if we do things right, to strengthen what needs to be strengthened in our economy, to continue this economic recovery for years to come, and at the same time, to bring along the folks in this society who are not in the top 2 percent, who have not had the big increase in income that others have had. Some of the folks are being left far behind on health care, on education, on everything else; and yet we are gutting science at the National Science Foundation. We are having this amendment which, however it comes out, we are going to cripple half the Government. What a dumb debate on what a dumb bill.

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

Mr. Chairman, in the interest of time, and we are running out of time because of the earlier commitment to be out of here on this bill at a certain hour, I wonder how many speakers are on the floor who wish yet to be heard on the amendment. There are four that I count. I wonder if we could get unanimous consent that all debate on this amendment could end at 5 after 1:00, which would allow some 15 minutes, and to be divided equally between the parties.

Mr. SERRANO. Mr. Chairman, I would have to object to that at this point.

The CHAIRMAN. Objection is heard.

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

I rise in strong support, strong support of the Coble amendment. The gentleman from North Carolina (Mr. COBLE) and I have worked diligently over the years, I would say that we probably put in thousands of hours over these last four years, in dealing with the patent issue, and I am very proud to stand with the gentleman now, and I am very proud that over our years of working on this issue, that we, last year, came together in support of a patent bill that will dramatically improve America's ability to protect our innovators.

Part of that patent bill, which passed, and I believe it passed almost unanimously, I mean overwhelmingly, I think maybe only 40 or 50 members voted against it, but in that bill was a commitment by this Congress to keep all of the funds that were generated by the Patent Office in the Patent Office, so that those people who were paying patent fees and using the patent system, since it was their resources that they were putting into the Patent Office and they were using the Patent Office's services, that those resources could then be used to make sure the system was efficient and effective, and that the Patent Office could be the best Patent Office in the world, and that our innovators would have the protection they need in order to move forward and to change our society and to uplift America's competitiveness and uplift our standard of living.

Well, here we are less than a year away from when we passed that bill; and already they are trying to change the rules of the game so that that commitment that we made on the floor overwhelmingly, that that money that comes into the patent system would be reserved in making the patent system better and for financing the patent system, already we are violating that pledge.

What the Coble amendment is about is, number one, enforcing the standards that we have set as a body and making sure we keep our word and keep our word to ourselves, keep our word to the American people, and keep our word to the innovators in this society, the innovators who are coming up with the ideas and the technology that ensures that America will have the highest standard of living, that ensures that the American people will have the jobs, and ensures that we will be a secure country because we have the technology that is far better than any adversary.

So number one, just for that alone, we should be supporting the Coble amendment. But furthermore, it talks about priorities. The last speaker spoke about the frustration; and yes, there is frustration in dealing with the system that demands that we continue on a road of fiscal responsibility, and I know how frustrating that is. But because the Republicans have maintained that standard, and insisted on it, we have a balanced budget today. Yes, we can pull our hair out and say we would

love to spend more money on all sorts of other things; but we have a balanced budget, and we are paying down the national debt, and we are making sure that the Social Security system is safe and secure, and that is because we are being responsible; and yes, it means that we have to at times choose between two priorities that are both good options, but we have to determine what our priority is.

Mr. Chairman, I am on the Committee on International Relations as well as being a member of the Committee on Science, and I know how important these exchange programs are. The gentleman's amendment suggests that we take funds from this exchange program of bringing leaders and potential leaders from overseas here so that they can see how the American system works, and I support that. I think it is an important service that we can provide and does a great deal of good. But I will tell my colleagues what does more good.

What does more good is when an American inventor has an idea and he moves forward with it and follows through and develops a new concept that might create billions of dollars' worth of wealth for the American people, and that inventor can go to our government and receive the protection that he or she deserves. That is more important than just providing a visitor's service to foreign dignitaries to this country, even though that foreign dignitaries, their visits, yes, that is an important thing that we can provide, helping to bring peace to the world, et cetera.

However, if we have to choose between options, let us choose the option of standing with the American innovators, the American technologists, the inventors. They are the ones that have ensured that in this, the beginning of the new millennium, that America is starting out ahead of the pack. They are going to make sure that our people have a good standard of living, but they are only going to do that if we make sure our Patent Office gives them the kind of protection that was given to American inventors throughout our history. That protection that we had since our country's founding is the mainspring of American progress.

Mr. Chairman, vote for the Coble amendment and stay true to those principles and select the right priority.

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

Mr. Chairman, I urge every Member of this House to support the Coble amendment. I think it is a great opportunity to take a stand for innovation in the future of America's economy.

Now, I say that mindful that the offsets that are offered in the bill are, indeed, not good ones; and I know that the gentleman himself has indicated that he does not favor the offsets that he identified. I am aware that he has tried for the last several days, and we have been kept apprised of his efforts,

to find an offset that would work and other offsets were subject to a point of order, so this is what we ended up with.

Clearly, cutting the Census is not something that we approve of on either side of the aisle at this point. Cutting the Bureau of Economic Analysis does not make any sense; none of us want to cut the Fullbrights, and I think it is true, as I am a member of the Census Caucus, that it would not be a good thing.

However, having listened to the gentleman from Massachusetts (Mr. FRANK) and the gentleman from Maryland (Mr. HOYER), I must agree that these offsets in the end are not what is going to be in this bill. In fact, we know that this side referred to this bill as veto bait. I mean this bill, as currently constituted, is not going to become law. I think it is important that we take a stand for the Patent Office.

Now, I am a member of the Subcommittee on Intellectual Property; and it is worth noting that our subcommittee has unanimously, on more than one occasion, indicated that we should keep the patent fees in the Patent Office. The patent community came up to bat and agreed that they would not object to increased fees for patents. It is not too often you find people saying, yes, charge us more, on the understanding that those fees would be used to upgrade the office so that patents would be dealt with in a timely and appropriate fashion. Well, what did we do? We raised the fees, but we did not live up to the other half of the bargain. They did not get the benefits of the fees.

Now, I have heard the chairman of the subcommittee talk about the diversion issue, and I think technically it is correct; but I think it is important to understand that, in fact, there is a diversion. Let me illustrate.

In fiscal year 1999, the Patent Office was denied \$116 million of its revenue. In fiscal year 2000, \$116 million was repaid, but they were denied \$229 million of their fees for that year.

□ 1300

So we have a rolling denial of fees, and as a consequence, the Patent Office is underfunded.

Now, why does this matter? We are going to have 600 patent examiners and attorneys leaving the Office through attrition in this next year, and we are not going to be able to replace them unless we have additional funds.

People have talked about the concern that they have about business method patents that are being issued. I am not saying that all those objections are correct. A lot of concern has been raised about patenting of the human genome, and whether we have met all the requirements under patent law as to the utility bar.

We cannot do a good job in the Patent Office if we do not have adequate tools, both personnel, also good computer systems to develop prior art. That is why these funds are very important.

I think it is time to take a stand as a Congress that we are not going to allow the funds to be diverted anymore. The administration, I am ashamed to say, has not fully funded it, but the bill is even worse than the administration. We need to stand up for innovation in this country.

Santa Clara County, my home, is number one in the number of patents issued in the world, I believe. Our unemployment rate is 1.9 percent. The two figures are not unconnected. If Members believe in the new economy, if they believe that America will be prosperous and that our prosperity will spread across our whole population, something I feel strongly about, then Members need first to stand up for the protection of innovation.

We cannot do that, we cannot begin that process, unless we support the amendment offered by the gentleman from North Carolina (Mr. COBLE). I just urge those who call themselves new economy House Members to support this amendment, understanding that in the end the offsets in the amendment will not become part of this bill.

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

Mr. Chairman, the issue here has to be addressed in terms of priorities. The operation of the Patent Office is one of the few constitutional functions to which this body addresses itself.

It is nice to have these cultural exchanges. As a member of the Committee on International Relations, we took a look at those several years ago and tried to pare down some money, saved a little money. But we really have to weigh whether or not we are going to have a lot of money spent on the cultural exchanges, or whether or not we are going to undergo a constitutional function, and that is to run the Patent Office.

But somewhere in between, the person who gets lost is the small inventor. Patent fees have gone up over the course of the last several years. In discussing this with patent attorneys, I have discovered that many people who would wish to prosecute a patent application have been stymied because of the tremendous cost used in filing for that application. Yet, the application fees have been based upon essentially what it costs to run the Patent Office.

So I associate myself with the remarks of the gentlewoman from California (Ms. LOFGREN), where she said that the patent organizations, some of them, agreed to raise their own fees in order to keep operations going smoothly at the Patent Office.

I would suggest this. I wish it were within my power so that all the money that was generated by the fees of the Patent Office stayed at the Patent Office and could be used for the prosecution of patents, to make it done ever more quickly.

We are trying to shift some funds, here. I have tremendous respect for the gentleman from Kentucky (Mr. ROGERS), and tremendous respect for the

gentleman from North Carolina (Mr. COBLE). But the gentleman from North Carolina is right in this sense, that in the patent bill that went through Congress this past year, and I had no small part in rewriting some of the provisions in it, along with the gentleman from California (Mr. ROHRBACHER), and, of course, with the leadership of the gentleman from North Carolina (Mr. COBLE), it became obvious that the purpose of the fees was to support the Patent Office.

In fact, there is a provision in that last patent bill that we passed that talked about reasonableness of fees. It is a statement by Congress that fees are to be reasonable in order to encourage entrepreneurship in this country. Now we find out that the raising of the fees was used, and money is being paid by the inventors, to go into the general revenue and to run other programs. That is wrong.

So I would suggest this. I would suggest that we vote in favor of the Coble amendment. It is extremely important that the Patent Office be able to run. If there is a problem with the Patent Office moving to the new headquarters, as has been suggested on the floor, I would further suggest that perhaps language be thrown into the conference report that prohibits the Patent Office from doing that if, in the wisdom of this body, it is determined that spending that money is not necessary.

I would therefore encourage this body to vote in favor of the amendment offered by the gentleman from North Carolina (Mr. COBLE).

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

Mr. Chairman, I rise in opposition to the Coble amendment. I agree with all of those who suggest that the Patent Office ought to have enough money, enough resources, enough activity, to operate. I agree with those who believe that we need to enhance further development and creativity, new ideas, new concepts, new techniques, new ways of doing business.

But I do not believe that we want to disrupt an activity that has been ongoing. When we look at the impact of the Coble amendment just on the Census Bureau itself, this amendment takes a \$40 million cut from nondecennial programs, representing a reduction of between 22 to 29 percent from the current House mark.

This would shut down the Economic Censuses and the Census of Governments, and cripple the mapping and address listing program that supports all Bureau surveys. It would also curtail the continuous measurement pilot program slated to replace the decennial census long form.

Combined with existing House action, the Census Bureau would be unable to deliver key economic and demographic data, as we have already heard. This cut would lead to the loss of 500 jobs in the Census Bureau, greatly disrupting the entire Census Bureau, in-

cluding the decennial census. A cut of this magnitude could indeed cause a ripple effect that could even prevent the Bureau from being able to provide redistricting data that is needed by March 31.

But if for no other reason than just simply one, all of us know how difficult it has been in many instances to convince people to fill out the long form. So we have gone all over America telling people that we needed this information, that we needed the information in order to be able to plan, to know who we are, where we are, what we need; that we needed the information for businesses to be able to determine where to put new stores, new plants. We needed the information so that we could understand the economic impact of our being.

Now we are saying even though people have provided the information, let us not do anything with it. Let us not put the resources into the Census Bureau so that they can take this information, analyze it, synthesize it, put it in shape and form, and then give it back to the American people so it can be used.

So it would seem to me that what we would be doing at that moment is simply throwing out the baby with the bath water, that we are throwing away information that has not been easy to come by. So I would urge, Mr. Chairman, that we vote down the Coble amendment.

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

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

Mr. LATHAM. I yield to the gentleman from North Carolina.

Mr. COBLE. Mr. Chairman, I thank the gentleman from Iowa for yielding to me.

Mr. Chairman, this has been a very spirited debate. I thank everyone. Again, I want to thank the chairman of the subcommittee and the ranking member for their courtesy. I appreciate everyone who has contributed.

A very brief history lesson, Mr. Chairman. In 1982, patent fees were increased 400 percent with the assurance by the administration and the Congress, "Don't worry, PTO. Keep every nickel you collect." In 1991, the patent fees were increased 67 percent to be fully self-sufficient. "Nobody is going to be coming tapping with your user fees, PTO. Do not worry about it."

It has been suggested that there has been no diversion. If there is no diversion from the PTO, we would not be here today. I am not down on Census and I am not down on statistics, but this is a day of choice. Sometimes, or strike that, oftentimes in this Chamber we are called upon to make hard choices. Today is one of those days. I opt for the Patent and Trademark Office. I urge my colleagues to do likewise.

Mr. BERMAN. Mr. Chairman, I must regretfully vote against the Coble amendment. I say

regretfully because, while I fully support the objective of the amendment, I cannot support the program cuts it uses as offsets.

The objective of the amendment is to restore to the Patent and Trademark Office (PTO) the ability to spend \$134 million in fees paid by patent and trademark applicants, and thus to restore its ability to perform critical functions. However, I do not believe that we should restore these funds by cutting in half the funds provided to the cultural and educational exchange programs operated by the Department of State.

I do not want anyone to interpret my vote against this amendment as a sign I condone the now-annual raids on PTO fees to pay for other programs. I unequivocally oppose these raids, and will work to ensure that such raids cannot and do not occur in the future.

Over the past few years, Congress has diverted to other agencies hundreds of millions of dollars in fees paid to the PTO by patent and trademark applicants. The Congress has tried to cover up these diversions by engaging in an accounting shell game, but the end result each year is the same: hundreds of millions in fees paid to the PTO go to fund other agencies. This year, the diversion has gotten totally out of control. While the President's budget for fiscal year 2001 proposed diverting "only"—and I use that word cynically—\$113 million from the PTO, the appropriators saw fit to divert another \$134 million, for an unprecedented total of almost \$250 million in diverted fees. In other words, 25 percent of the fees paid to the PTO, or 25 cents out of every dollar paid by each independent inventor, would be spent for totally unrelated purposes.

These diversions are not only an injustice to those who paid the fees, but effectively kill the goose that lays the golden egg.

The U.S. patent system, and the PTO that administers it, deserve a large measure of credit for encouraging and sustaining the current American technology boom. As our Founders clearly recognized, the availability of patent protection plays a critical role in encouraging inventiveness. Sure enough, many information, telecommunications, biotechnology, and Internet technologies are patented. And, as my colleagues are only too aware, these recent technology advances are largely responsible for the greatest economic boom our nation has ever experienced.

Don't just take my word for it: the central role of the PTO in advancing this technology boom can be seen through the array of technology companies, from IBM and Intel to Amazon.com and Sun Microsystems, that have come out in strong opposition to these funding cuts. The Information Technology Industry Council considers restoration of PTO fees important enough to score this vote in its High Tech Voting Guide. These technology companies recognize that the PTO must be adequately funded for the technology boom to be sustained.

It is not hard to see that the funding cuts made by H.R. 4690 to the PTO budget will seriously impair the PTO's ability to carry out its critical functions, including review of patents, and thus will have a deleterious effect on the American technology boom. Patents already take too long to be processed, with the pendency of a patent application currently averaging two years. Even before these funding cuts, the pendency of a patent was due to rise to 31 months by 2005. After these cuts,

will we be talking about 4 or 5 years for reviews of patent applications? Whether the pendency is two years or five, it is clearly too long to make a patent useful in Internet time. We should be shortening patent pendencies, not lengthening them.

Moreover, these cuts couldn't occur at a less opportune time. The workload of the PTO has grown by almost 75 percent since 1992. This year alone, patent and trademark filings are increasing at a dramatic rate—a 40 percent increase in trademark applications filings and a 12 percent increase in patent application filings.

The complexity of this workload has also increased dramatically. The technology boom in the United States has resulted in applications for patents on inventions in areas of technology that did not exist just a few years ago. On a daily basis, the PTO is asked to review applications for patents on such things as genetic tests, laser vision technologies, software, and Internet business methods. To ensure that it can adequately process such patents, and thus preserve the integrity of the patent system, the PTO must hire new examiners with the requisite skills in these areas, or fund extensive retraining for current examiners. For example, in the Internet business method area alone, the PTO needs to hire fifty (50) examiners with software engineering and business degrees. The diversion of fees will greatly impair the PTO's ability to handle this increasingly complex workload.

It is also important to note that the PTO is completely funded by fees paid by patent and trademark applicants. That's right: 100 percent funded by fees. The \$250 million dollars that H.R. 4690 takes away from the PTO were paid by patent and trademark applicants expecting to receive PTO services for that money. The small, independent inventor who has paid approximately \$500 to file an application or \$1500 to maintain a patent should be outraged that his money has been diverted to other programs while his patent application remains stalled in bureaucratic limbo.

In summary, I note again that diversion of PTO fees provided for in H.R. 4690 will greatly impair the PTO's ability to adequately fulfill its role in encouraging the current technology boom. Furthermore, these fee diversions are a manifest injustice to the inventors who pay them.

However, I cannot support eviscerating one valuable program to restore funds taken from another. Thus, I must regretfully vote against this.

The CHAIRMAN. The question is on the amendment offered by the gentleman from North Carolina (Mr. COBLE).

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

Mr. COBLE. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to House Resolution 529, further proceedings on the amendment offered by the gentleman from North Carolina (Mr. COBLE) will be postponed.

SEQUENTIAL VOTES POSTPONED IN THE COMMITTEE OF THE WHOLE

The CHAIRMAN. Pursuant to House Resolution 529, proceedings will now resume on those amendments on which further proceedings were postponed in

the following order: amendment No. 21 offered by the gentleman from Virginia (Mr. DAVIS); amendment No. 56 offered by the gentleman from North Carolina (Mr. COBLE).

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

AMENDMENT NO. 21 OFFERED BY MR. DAVIS OF VIRGINIA

The CHAIRMAN. The pending business is the demand for a recorded vote on amendment No. 21 offered by the gentleman from Virginia (Mr. DAVIS) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 103, noes 288, not voting 43, as follows:

[Roll No. 320]

AYES—103

Abercrombie	Fattah	Miller, George
Allen	Ford	Moran (VA)
Baldacci	Frank (MA)	Morella
Baldwin	Franks (NJ)	Nadler
Barr	Frelinghuysen	Owens
Bateman	Gejdenson	Oxley
Berkley	Gekas	Payne
Bilbray	Gilchrest	Pelosi
Bliley	Gilman	Porter
Boswell	Hall (TX)	Price (NC)
Brady (PA)	Hinchey	Rahall
Bryant	Horn	Rivers
Burton	Hoyer	Rogan
Capuano	Hunter	Sanchez
Castle	Hyde	Sanders
Clayton	Isakson	Scarborough
Conyers	Jackson (IL)	Schakowsky
Coyne	Jackson-Lee	Scott
Crowley	(TX)	Sisisky
Cummings	Johnson, Sam	Slaughter
Danner	Kelly	Smith (MI)
Davis (FL)	Kennedy	Sweeney
Davis (VA)	LaFalce	Tauscher
DeFazio	Leach	Thompson (CA)
Delahunt	Lee	Tierney
DeLauro	Lowey	Trafficant
Deutsch	Maloney (CT)	Udall (CO)
Dingell	Martinez	Wamp
Doggett	McCarthy (MO)	Waters
Dooley	McDermott	Watt (NC)
Dunn	McGovern	Weiner
Ehrlich	McHugh	Wolf
Eshoo	McKinney	Wu
Etheridge	McNulty	Young (AK)
Farr	Meehan	

NOES—288

Ackerman	Blumenauer	Chambliss
Aderholt	Blunt	Clement
Andrews	Boehlt	Clyburn
Archer	Bonilla	Coble
Armey	Bonior	Collins
Baca	Bono	Combest
Baird	Borski	Condit
Ballenger	Boucher	Cooksey
Barcia	Boyd	Costello
Barrett (NE)	Brady (TX)	Cox
Barrett (WI)	Brown (FL)	Cramer
Bartlett	Brown (OH)	Crane
Barton	Burr	Cubin
Bass	Buyer	Cunningham
Becerra	Callahan	Davis (IL)
Bentsen	Calvert	Deal
Bereuter	Camp	DeGette
Berry	Cannon	DeLay
Biggert	Capps	DeMint
Bilirakis	Cardin	Diaz-Balart
Bishop	Carson	Dickey
Blagojevich	Chabot	Doolittle

Doyle	Levin	Rush
Dreier	Lewis (CA)	Ryan (WI)
Duncan	Lewis (GA)	Ryun (KS)
Edwards	Lewis (KY)	Sabo
Ehlers	Linder	Salmon
Emerson	Lipinski	Sandlin
Engel	LoBiondo	Sanford
English	Lofgren	Sawyer
Evans	Lucas (KY)	Saxton
Everett	Lucas (OK)	Schaffer
Fletcher	Luther	Sensenbrenner
Foley	Maloney (NY)	Serrano
Forbes	Manzullo	Sessions
Fossella	Markey	Shadegg
Fowler	Mascara	Shaw
Frost	Matsui	Shays
Ganske	McCarthy (NY)	Sherman
Gephardt	McCrery	Sherwood
Gibbons	McInnis	Shimkus
Gillmor	McIntyre	Shows
Gonzalez	McKeon	Shuster
Goode	Meek (FL)	Simpson
Goodlatte	Meeks (NY)	Skeen
Goodling	Menendez	Skelton
Gordon	Metcalf	Smith (NJ)
Graham	Mica	Smith (TX)
Granger	Millender-	Snyder
Green (TX)	McDonald	Souder
Green (WI)	Miller (FL)	Spence
Greenwood	Miller, Gary	Spratt
Gutierrez	Minge	Stabenow
Gutknecht	Mink	Stark
Hall (OH)	Moakley	Stearns
Hansen	Mollohan	Stenholm
Hastings (WA)	Moore	Strickland
Hayes	Moran (KS)	Stump
Hayworth	Napolitano	Stupak
Hefley	Neal	Sununu
Hill (IN)	Ney	Talent
Hill (MT)	Northup	Tancred
Hilleary	Norwood	Tanner
Hilliard	Nussle	Taylor (MS)
Hinojosa	Oberstar	Taylor (NC)
Hobson	Obey	Terry
Hoefel	Olver	Thomas
Hoekstra	Ortiz	Thompson (MS)
Holden	Ose	Thornberry
Holt	Packard	Thune
Hooley	Pallone	Thurman
Hostettler	Pascrell	Tiahrt
Houghton	Pastor	Toomey
Hulshof	Paul	Towns
Inslie	Pease	Turner
Jefferson	Peterson (MN)	Udall (NM)
Jenkins	Peterson (PA)	Upton
John	Petri	Velazquez
Johnson (CT)	Phelps	Visclosky
Johnson, E.B.	Pickett	Vitter
Kanjorski	Pitts	Walden
Kaptur	Pombo	Walsh
Kasich	Portman	Watkins
Kildee	Pryce (OH)	Watts (OK)
Kilpatrick	Quinn	Waxman
Kind (WI)	Radanovich	Weldon (FL)
King (NY)	Ramstad	Weldon (PA)
Kingston	Regula	Weller
Klecza	Reynolds	Wexler
Knollenberg	Riley	Weygand
Kolbe	Rodriguez	Whitfield
Kucinich	Roemer	Wickert
Lampson	Rogers	Wilson
Lantos	Rohrabacher	Wise
Largent	Ros-Lehtinen	Woolsey
Larson	Roukema	
Latham	Royce	

NOT VOTING—43

Bachus	Goss	Myrick
Baker	Hastings (FL)	Nethercutt
Berman	Herger	Pickering
Boehner	Hutchinson	Pomeroy
Campbell	Istook	Rangel
Canady	Jones (NC)	Reyes
Chenoweth-Hage	Jones (OH)	Rothman
Clay	Klink	Roybal-Allard
Coburn	Kuykendall	Smith (WA)
Cook	LaHood	Tauzin
Dicks	LaTourette	Vento
Dixon	Lazio	Wynn
Ewing	McCollum	Young (FL)
Filner	McIntosh	
Gallegly	Murtha	

□ 1335

Ms. EDDIE BERNICE JOHNSON of Texas, Mrs. MCCARTHY of New York, Mrs. THURMAN, and Messrs. STUPAK, FOLEY, LOBIONDO, PETRI, QUINN,

and BOYD changed their vote from "aye" to "no."

Messrs. THOMPSON of California, FORD, CUMMINGS, Ms. DELAULO, Ms. BERKLEY, Mrs. CLAYTON, Mr. HINCHEY, Ms. BALDWIN, Mr. FARR of California, Ms. MCKINNEY, Mr. COYNE, Mr. PAYNE, Ms. RIVERS, Ms. SLAUGHTER, Messrs. CAPUANO, DELAHUNT, OWENS, LAFALCE, McNULTY, JACKSON of Illinois, WEINER, TIERNEY, MCGOVERN, CROWLEY, BALDACCI, RAHALL, Ms. LEE, Mr. DAVIS of Florida, Ms. WATERS, Ms. SCHAKOWSKY, and Mr. KENNEDY of Rhode Island changed their vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN. Pursuant to House Resolution 529, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device will be taken on each amendment on which the Chair has postponed further proceedings.

AMENDMENT NO. 56 OFFERED BY MR. COBLE

The CHAIRMAN. The pending business is the demand for a recorded vote on amendment No. 56 offered by the gentleman from North Carolina (Mr. COBLE) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

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

The vote was taken by electronic device, and there were—ayes 145, noes 223, not voting 66, as follows:

[Roll No. 321]

AYES—145

Archer	Cunningham	Houghton
Armey	Davis (VA)	Hunter
Baldwin	DeFazio	Hyde
Ballenger	DeGette	Inslee
Barcia	Delahunt	Isakson
Barr	DeMint	Johnson (CT)
Bartlett	Dickey	Johnson, Sam
Barton	Dooley	Kasich
Bass	Doolittle	Kelly
Bilbray	Dreier	King (NY)
Blumenauer	Dunn	Kingston
Boehlert	Ehlers	Largent
Bono	Ehrlich	Larson
Boucher	Eshoo	Lewis (KY)
Bryant	Farr	Lofgren
Burr	Fletcher	Lucas (OK)
Burton	Forbes	Luther
Buyer	Fossella	Manzullo
Calvert	Frank (MA)	Martinez
Camp	Goode	McCarthy (MO)
Cannon	Goodlatte	McCarthy (NY)
Castle	Goodling	McInnis
Chabot	Hall (TX)	McKeon
Clayton	Hansen	Metcalf
Coble	Hayes	Mica
Combust	Hayworth	Miller, Gary
Condit	Hefley	Minge
Conyers	Hill (MT)	Moran (KS)
Cox	Hilleary	Moran (VA)
Crane	Horn	Nadler
Cubin	Hostettler	Napolitano

Ney	Sanford
Norwood	Saxton
Ose	Schaffer
Oxley	Sensenbrenner
Paul	Sessions
Pease	Shadegg
Pelosi	Shays
Peterson (MN)	Sherman
Pitts	Shuster
Pombo	Simpson
Portman	Slaughter
Pryce (OH)	Smith (TX)
Radanovich	Spence
Ramstad	Stearns
Rohrabacher	Stump
Roukema	Tancredo
Royce	Thompson (CA)
Ryun (KS)	Thornberry

NOES—223

Abercrombie	Graham	Oberstar
Ackerman	Green (TX)	Obey
Aderholt	Green (WI)	Olver
Allen	Greenwood	Ortiz
Andrews	Gutierrez	Owens
Baca	Gutknecht	Packard
Baird	Hall (OH)	Pallone
Baldacci	Hastings (WA)	Pastor
Barrett (NE)	Hill (IN)	Payne
Barrett (WI)	Hilliard	Peterson (PA)
Bateman	Hinchey	Petri
Becerra	Hinojosa	Phelps
Bentsen	Hobson	Pickett
Bereuter	Hoeffel	Porter
Berkley	Hoekstra	Price (NC)
Berry	Holden	Quinn
Biggart	Holt	Rahall
Bilirakis	Hooley	Regula
Blagojevich	Hoyer	Reynolds
Bliley	Hulshof	Riley
Blunt	Jackson (IL)	Rivers
Bonilla	Jackson-Lee	Rodriguez
Bonior	(TX)	Roemer
Borski	Jefferson	Rogers
Boswell	Jenkins	Rush
Boyd	John	Ryan (WI)
Brady (PA)	Johnson, E. B.	Sabo
Brady (TX)	Kanjorski	Salmon
Brown (FL)	Kaptur	Sanchez
Brown (OH)	Kennedy	Sanders
Capps	Kildee	Sandlin
Capuano	Kind (WI)	Sawyer
Cardin	Klecza	Schakowsky
Carson	Knollenberg	Scott
Chambliss	Kolbe	Serrano
Clay	Kucinich	Shaw
Clement	LaFalce	Sherwood
Clyburn	Lampson	Shimkus
Collins	Lantos	Shows
Cooksey	Latham	Sisisky
Costello	Leach	Skeen
Coyne	Lee	Skelton
Cramer	Levin	Smith (MI)
Crowley	Lewis (CA)	Smith (NJ)
Cummings	Lewis (GA)	Snyder
Danner	Linder	Souder
Davis (FL)	Lipinski	Spratt
Davis (IL)	LoBiondo	Stark
DeLauro	Lowe	Stenholm
DeLay	Lucas (KY)	Strickland
Deutsch	Maloney (CT)	Sweeney
Diaz-Balart	Maloney (NY)	Talent
Dingell	Mascara	Tanner
Doggett	Matsui	Tauscher
Doyle	McCrery	Taylor (MS)
Duncan	McDermott	Terry
Edwards	McGovern	Thomas
Emerson	McHugh	Tiahrt
Engel	McIntyre	Tierney
English	McKinney	Towns
Evans	McNulty	Turner
Fattah	Meek (FL)	Udall (CO)
Foley	Meeks (NY)	Udall (NM)
Ford	Menendez	Upton
Frelinghuysen	Millender	Velazquez
Frost	McDonald	Visclosky
Ganske	Miller (FL)	Walsh
Gedjenson	Miller, George	Wamp
Gekas	Mink	Watt (NC)
Gephardt	Mollohan	Watts (OK)
Gillmor	Moore	Waxman
Gilman	Morella	Weygand
Gonzalez	Neal	Whitfield
Gordon	Northup	Wicker
	Nussle	Woolsey

NOT VOTING—66

Bachus	Berman	Boehner
Baker	Bishop	Callahan

Campbell	Hutchinson	Pomeroy
Canady	Istook	Rangel
Chenoweth-Hage	Jones (NC)	Reyes
Coburn	Jones (OH)	Rogan
Cook	Kilpatrick	Ros-Lehtinen
Deal	Klink	Rothman
Dicks	Kuykendall	Roybal-Allard
Dixon	LaHood	Scarborough
Etheridge	LaTourette	Smith (WA)
Everett	Lazio	Stabenow
Ewing	Markey	Stupak
Filner	McCollum	Sununu
Fowler	McIntosh	Tauzin
Franks (NJ)	Meehan	Taylor (NC)
Gallegly	Moakley	Thompson (MS)
Gibbons	Murtha	Vento
Goss	Myrick	Waters
Granger	Nethercutt	Watkins
Hastings (FL)	Pascarell	Wynn
Herger	Pickering	Young (FL)

□ 1344

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated for:

Mr. PEASE. Mr. Chairman, due to unforeseen circumstances, I was not able to attend the vote on the amendment to H.R. 4690 offered by Mr. COBLE today. Had I been present I would have voted "aye."

PERSONAL EXPLANATION

Mr. KUYKENDALL. Mr. Chairman, I was unavoidably detained attending my son's high school graduation and missed rollcall votes 319–321. If I had been here, I would have voted in the following manner: Rollcall 319: "Yes" (amendment to retain power to conduct tobacco litigation). Rollcall 320: "No" (amendment requiring overtime pay to Department of Justice lawyers). Rollcall 321: "Yes" (transferring fees to support Patent and Trademark Office).

Mr. WATTS of Oklahoma. Mr. Chairman, today I rise to support H.R. 4690, the Commerce Justice State Appropriations Bill. Mr. Chairman, by passing this bill the House will take an important stand against methamphetamine production across this country.

The drug, Methamphetamine, is produced in the backseats of cars, in motel rooms, in homes, and even in toilets. This drug is composed of products like battery acid, Drano, bleach, and lighter fluid. This drug can be injected, inhaled, or smoked. People around this country are actually inhaling battery acid and bleach that was mixed in somebody's toilet. The negative effects of this on the human body are horrendous: insomnia, depression, malnutrition, liver failure, brain damage, and death.

This terrible drug not only affects those who use it but can also be deadly to innocent Americans whose homes are near these labs. In my home State of Oklahoma over the past year, we have had over 1,000 methamphetamine labs explode or need to be cleaned up by the Oklahoma State Bureau of Investigation. And, every time one of these labs explodes families are exposed to toxic and lethal fumes that are disbursed to the surrounding neighborhood. Innocent young children and seniors are rushed to the emergency room to be treated for inhalation of these toxic and deadly fumes.

By passing H.R. 4690, the House will fund \$45 million to state and local law enforcement agencies to help combat methamphetamine production and meth lab cleanup. This money will start to turn back the tide against these

labs, and protect our families and neighborhoods. This money will be used to train officers to find these labs and most importantly clean the toxic remains of these labs.

Mr. Chairman, I urge my colleagues to stand with me today against this dangerous, deadly drug and support the Commerce Justice State Appropriations Bill.

Mr. ROGERS. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. PEASE) having assumed the chair, Mr. HASTINGS of Washington, 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. 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, had come to no resolution thereon.

PERMISSION FOR COMMITTEE ON APPROPRIATIONS TO FILE PRIVILEGED REPORT ON ENERGY AND WATER DEVELOPMENT APPROPRIATIONS BILL, 2001

Mr. ROGERS. Mr. Speaker, I ask unanimous consent that the Committee on Appropriations may have until midnight tonight, June 23, 2000, to file a privileged report on a bill making appropriations for energy and water development for the fiscal year ending September 30, 2001, and for other purposes.

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

There was no objection.

The SPEAKER pro tempore. All points of order are reserved.

ESTABLISHING TIME LIMITATIONS ON AMENDMENTS DURING FURTHER CONSIDERATION OF H.R. 4690, DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS ACT, 2001

Mr. ROGERS. Mr. Speaker, I ask unanimous consent that during further consideration of H.R. 4690 in the Committee of the Whole pursuant to House Resolution 529 and the order of the House of June 22, 2000, except as specified, each amendment shall be debatable only for 10 minutes equally divided and controlled by the proponent and an opponent; amendment No. 23 shall be debatable only for 30 minutes equally divided and controlled by the proponent and an opponent; and amendment No. 60 shall be debatable only for 60 minutes equally divided and controlled by the proponent and an opponent.

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

Mr. SERRANO. Mr. Speaker, reserving the right to object, let me first tell

my chairman that I will not be objecting so that he will not get a heart attack right now.

First let me say that I still have very serious problems with this process which allows people who go up front with amendments the first day or so of deliberation on a bill and certain sections of the bill to go up front to get a certain kind of attention and a certain kind of input in time and then the second part or latter parts of the bill and folks who are either junior Members or have work to do within those parts of the bill get less attention.

I would hope in the future when we sit down to deal with one of these bills, we come to some agreements early on because I just think it is unfair. However, knowing the need we have to finish this bill and being part of the gentleman's desire to keep this bill moving and improving the bill, I will not object.

However, I would like to ask the gentleman if he knows at this point specifically how many amendments we have left.

Mr. ROGERS. If the gentleman will yield, there are 36 amendments at best count we have at this moment.

Mr. SERRANO. Mr. Speaker, my understanding is that the peacekeeping amendment will be allocated 1 hour, the Hostettler guns amendment will be given 30 minutes, and then every other amendment will receive 10 minutes.

Mr. ROGERS. The gentleman is correct.

Mr. SERRANO. Mr. Speaker, I withdraw my reservation of objection.

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

Mr. SMITH of Michigan. Mr. Speaker, reserving the right to object, and I will not object, but just to express my frustration of hearing so much time spent on nongermane amendments and my amendment that is now being allocated 10 minutes is an amendment that allows the Bureau of Economic Analysis, one of the few areas that Alan Greenspan, the Chairman of the Fed, has said publicly he thinks needs more funding. The ranking member of the Committee on the Budget has indicated that he thinks the BEA needs more funding. This will preclude that kind of testimony. Two of the Republican Members that have been suggested as possible chairman of the Committee on the Budget have indicated their interest in expanding the allocation for BEA, and they will not have that opportunity at 4 p.m. Monday.

I am concerned again like the ranking member suggested that early amendments utilize so much of the time that cannot be considered any more crucial, any more important or any more dynamic as we move ahead with this budget. I simply express my concern on the decisions and the frustration on the majority leader's part and on the ranking member's part.

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

Mr. SMITH of Michigan. I yield to the gentleman from Kentucky.

Mr. ROGERS. I think that we are going to have to address the problem that is being talked about here in some fashion in the procedures under which we operate. I think the Committee on Rules is going to have to look at perhaps time limitations so that everyone is entitled and given some degree of protection that their amendment will receive adequate time and not be hogged, if you will, by the early risers on a bill. It is not fair. The only way I think we can address it is for the Committee on Rules to come up with some procedure that guarantees that if you are at the end of the bill, you can get the same kind of attention that the people at the beginning part of the bill get.

I think the gentleman makes a real legitimate point, as does the ranking member.

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

Mr. SMITH of Michigan. I yield to the gentleman from New York.

Mr. SERRANO. I want to clarify my point. I am not for time limitations. What I am for is for uniformity. While I do not like time limitations, I personally think that there is a contradiction in this House. We celebrate our democracy but we hate debate. And even if it is debate we do not like, that is part of who we are as a Nation.

My opinion is just the opposite, the 5-minute rule and just let it go. If that is what it takes, 3, 4 days, that is what it takes.

Mr. SMITH of Michigan. Mr. Speaker, reclaiming my time, on the first 12 amendments we did very well on a lot of debate, and that is part of my concern.

Mr. Speaker, I withdraw my reservation of objection.

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

There was no objection.

PROCEDURES TO BE FOLLOWED DURING FURTHER CONSIDERATION OF H.R. 4690, DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS ACT, 2001

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

Mr. ROGERS. Mr. Speaker, I would remind the Members of the procedures we will be following in the continued consideration of H.R. 4690 when we resume consideration of the bill on Monday.

I want to make it clear, last night's unanimous consent agreement outlined the procedures for the amendments to be offered. Today's unanimous consent agreement provided for a time agreement on those amendments. The amendments must be offered in regular bill order. Points of order against the amendments have not been waived.

REGARDING THE HOUSE ELECTRONIC VOTING SYSTEM

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

Mr. THOMAS. Mr. Speaker, among my duties in my capacity as chairman of the Committee on House Administration is to oversee the officers of the House and the Office of the Clerk. In the 105th Congress, we changed our voting devices. Many folks have known that for years we have used electronic, as they say, voting cards, with the board visible behind us. The old system was an analog one in which the cards were physically punched and a reader read the holes in the cards. In the 105th Congress, we installed, going from an analog, as the world is going, to a digital system. The new cards have a chip embedded in them. Since the 105th Congress, we have cast almost 1 million votes, and there have been no concerns or problems or anomalies, as we say, about the votes.

It is my institutional responsibility to inform the Members that on Wednesday, June 21st, an anomaly occurred. A Member who was not here, who had possession of their voting card, was recorded as voting. It is not analogous to any of the situations in the past about the confusion of "I didn't think I voted" or as we found, unfortunately, the potential of someone else using the card. It is a true anomaly. Members might imagine the concerns that the staff and we had about this. It was the fact that a 64-bit string of digital numerals was somehow at a particular terminal read wrong, and ironically the wrong reading coincided with another set that was in fact a card set.

You may have heard of the analogy of an eagle carrying a fish flying over the Sahara, they drop it and it hits you on the head. A billion to one, but it happened. Since Wednesday, we have tried to re-create the event in terms of dirtying up the cards, playing with the boxes, repeating a process. We have now gone through 500,000 cycles. We will continue as a fallback to cycle this to see if we can re-create the anomaly.

It is one of those situations in which you really have to say it is a statistically improbable anomaly, but it occurred. As this majority has done from the very beginning, instead of not talking about it, instead of just letting it slide, we feel it incumbent upon us to come to the floor and announce there was a statistically improbable anomaly. We cannot explain it at this time; we will do everything in our power to explain it if it is explainable. Obviously, everyone is on the alert to make sure that notwithstanding that statistically improbable anomaly, we will make sure that every vote that is recorded is recorded accurately.

LEGISLATIVE PROGRAM

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

Mr. BONIOR. Mr. Speaker, I yield to the gentleman from Texas (Mr. ARMEY) for the purposes of inquiring about the schedule for the remainder of the week and next week.

Mr. ARMEY. I thank the gentleman from Michigan for yielding.

Mr. Speaker, I am pleased to announce that the House has completed its legislative business for the week.

The House will next meet on Monday, June 26 at 12:30 p.m. for morning hour and at 2 p.m. for legislative business. We will consider a number of measures under suspension of the rules, a list of which will be distributed to Members' offices later today. On Monday, no recorded votes are expected before 6 p.m. As agreed last night, we will return to CJS appropriations at 4 p.m. on Monday. Members should expect to work late on Monday until we finish that appropriations bill.

On Tuesday, June 27, and the balance of the week, the House will consider the following measures:

H.R. 4717, the Full and Fair Political Activity Disclosure Act;

Energy and Water Appropriations Act;

H.R. 4680, the Medicare Rx 2000 Act;

H.R. 4461, Agriculture Appropriations Act, 2001;

H.R. 1304, the Quality Health-Care Coalition Act.

We also expect that the conference report to Military Construction Appropriations Act will be ready for consideration in the House next week.

Mr. Speaker, we have just completed another very productive week in the House. I want to thank my colleagues for all their hard work. Next week will also be a very busy week on the floor, so I would advise my colleagues to be prepared to work late nights throughout the week.

I wish my colleagues a restful weekend back home in their districts.

□ 1400

Mr. BONIOR. Mr. Speaker, if I might inquire of the distinguished majority leader what day he anticipates bringing the prescription drug bill to the floor of the House.

Mr. ARMEY. Mr. Speaker, let me thank the gentleman from Michigan (Mr. BONIOR) for that inquiry. It is a very important piece of legislation, and we would expect that to be on the floor Wednesday morning.

Mr. BONIOR. Wednesday morning. Let me just also ask the gentleman if it will, indeed, be the case that the minority, fully within their rights in this institution, will have the ability to offer a substitute with waivers to this bill as outlined in the letter that the gentleman from Missouri (Mr. GEPHARDT) sent the Speaker?

Mr. ARMEY. Mr. Speaker, I thank the gentleman for that inquiry. The Committee on Rules has already announced they will meet at 5:00 on Monday, and I am sure that they will, if not already be in receipt of that letter, will have it made available to them as will

the requests that will be formally presented before them at that time.

Mr. BONIOR. Having heard the answer, let me be just very blunt and honest with the gentleman this afternoon, and tell the gentleman in a heartfelt way, but in a very strong way, how seriously we regard our opportunity to offer a substitute on this bill.

We consider this issue, as many on your side, as being one of the most important issues that we will have debated in this Congress; and if rumors are accurate and true that we will not get a substitute, there will be a serious, immediate angry reaction on our side of the aisle.

This is an issue that deserves a full debate by this House with adequate time. I know we are in an appropriation period, and it is difficult to finish these bills within a time frame, but this issue I think, above many that we discuss here in this Congress, deserves the full attention of the membership, the full options at least of providing us with the opportunity to offer our proposal in a substitute form.

I say again with respect, but also with concern, that we need to protect the rights of the minority here; that we will look very, very negatively and very seriously and react in a very negative and angry way if, in fact, we were shut out from having an opportunity to discuss this issue next week.

Mr. ARMEY. The gentleman's point is well made, and I want to thank the gentleman for that.

Mr. BONIOR. I thank my colleague, and I wish him a good weekend as well.

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

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

Mr. DOGGETT. Mr. Speaker, if I might ask the majority leader, I noticed that H.R. 4717, the political disclosure measure has been added to the schedule since your original tentative schedule was posted at noon. I am so very pleased to see the leader honoring the pledge that he made to the House in June that that matter will be scheduled.

Can the gentleman give us an approximate time when he thinks that will be reached on Tuesday?

Mr. ARMEY. Again, if the gentleman from Michigan will yield.

Mr. BONIOR. I yield to the gentleman.

Mr. ARMEY. Mr. Speaker, I want to thank the gentleman from Michigan for yielding and to the gentleman from Texas, I would say that the only thing I can say with any certainty right now is that it will be on the floor. As soon as we have made a scheduling decision, we will inform the minority.

Mr. DOGGETT. If the gentleman will continue to yield, we can count, as the gentleman said in his words, with certainty that it will be up on the floor on Tuesday. Has the Committee on Rules made any announcement about when it will convene on that bill?

Mr. ARMEY. If I might be very careful here, it will be on the floor next week. I would not say right now whether exactly it would be Tuesday or Wednesday.

Mr. DOGGETT. It could be as late as Wednesday?

Mr. ARMEY. There will be an announcement regarding that. If the Committee on Rules has an announcement regarding that, I would expect them to make that on Monday.

Mr. DOGGETT. Would it be the gentleman's recommendation that there will be an opportunity to consider an amendment on a substitute to the bill as it was reported by the Committee on Ways and Means?

Mr. ARMEY. If the gentleman from Michigan continues to yield.

Mr. BONIOR. I continue to yield to the gentleman.

Mr. ARMEY. Let me just say, I will have to participate in a discussion on that. At this point, I am not prepared to even make a recommendation myself. We will have some series discussion on the matter, and I will just have to report back later how that discussion goes.

Mr. DOGGETT. Does the gentleman expect to have a recommendation or does the gentleman have one at this time concerning approximately how much time we will have to debate a matter of this importance?

Mr. ARMEY. Again, if the gentleman continues to yield, let me just say that I have just in the last day or so not had the time to focus on this; I must get focused on it. We will have that meeting, and at that time I will inform you.

Mr. DOGGETT. Let me just say, that despite our differences on arranging matters, I want to be quite sincere in expressing my appreciation for your assurance today that we will have an opportunity next week to consider this matter, and I wish the gentleman a good weekend; and we will get ready for that vigorous debate.

ADJOURNMENT TO MONDAY, JUNE 26, 2000

Mr. ARMEY. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 12:30 p.m. on Monday next for morning hour debates.

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

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. ARMEY. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday next.

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

There was no objection.

SENSE OF CONGRESS WITH REGARD TO IRAQ'S FAILURE TO RELEASE PRISONERS OF WAR

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. 275) expressing the sense of the Congress with regard to Iraq's failure to release prisoners of war from Kuwait and nine other nations in violation of international agreements, and 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?

There was no objection.

The Clerk read the concurrent resolution, as follows:

H. CON. RES. 275

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 Council 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 cease-fire 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 House of Representatives (the Senate concurring), That—

(1) the Congress—

(A) acknowledges that there remain 605 prisoners of war imprisoned 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.

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

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

Mr. Speaker, I rise to express my support for H. Con. Res. 275, and I commend the gentleman from Florida (Mr. WEXLER) for his leadership on this issue.

I extend my appreciation to the gentleman from California (Mr. ROHRABACHER), who successfully had an amendment during our committee's consideration of the resolution.

During our markup last week, the amendment of the gentleman from California (Mr. ROHRABACHER) calls on our government and those in the international community to resolve the case of U.S. Navy Lieutenant Commander Michael Speicher, who was shot down over Iraq in January of 1991.

Mr. Speaker, during the Gulf War, thousands of Kuwaitis were randomly arrested during the Iraqi occupation. The government of Kuwait compiled evidence documenting the evidence of 605 prisoners of war and submitted its files to the International Committee of the Red Cross, which passed these files on to Iraq and to the United Nations.

U.N. Security Council Resolutions 686 and 687 call for Iraq to cooperate with the ICRC in releasing all of those prisoners of war and facilitate the

search for those who remain unaccounted for. Regrettably, however, Iraq has hindered all efforts to locate and secure the release of those individuals, and Iraq has denied the ICRC access to its prisons in violation of article 126 of the third Geneva Convention to which Iraq is a signatory.

Accordingly, H. Con. Res. 275 condemns the Iraqi governments refusal to comply with the will of the international community regarding these prisoners of war and urges Iraq to fulfill both the letter and the spirit of resolution 686 and 687.

This resolution expresses the sense of Congress that our own government should continue to actively seek the release of these Kuwaiti prisoners of war as well as other prisoners of war who are still missing some 9 years after the fact.

Accordingly, I urge the adoption of H. Con. Res. 275.

AMENDMENT OFFERED BY MR. GILMAN

Mr. GILMAN. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. GILMAN:

Page 4, line 5, strike "and".

Page 4, after line 10, insert the following:

(E) urges Iraq to immediately release all information regarding the fate of United States Navy Lieutenant Commander Michael Speicher and to release Lieutenant Commander Speicher, or deliver his remains, to the International Committee of the Red Cross for return to the United States; and

Page 4, line 19, strike "and" at the end.

Page 5, line 2, strike the period and insert "; and".

Page 5, after line 2, add the following:

(C) actively and urgently work with the international community and the Government of Kuwait to actively seek information on the status of United States Navy Lieutenant Commander Michael Speicher and make every effort to expedite the release of Lieutenant Commander Speicher, or deliver his remains, from Iraq.

The amendment was agreed to.

The concurrent resolution was agreed to.

AMENDMENT TO THE 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 12th clause of the preamble, strike "and" at the end.

In the 13th clause of the preamble, strike "Now, therefore, be it" and insert "; and".

At the end of the preamble, add the following:

Whereas significant questions remain regarding the status of United States Navy Lieutenant Commander Michael Speicher, who was shot down over Iraq on January 16, 1991, during Operation Desert Storm and was declared dead by the United States Navy without the conduct of an adequate search and rescue operation, however subsequent information obtained after the Persian Gulf Conflict by United States officials has raised the possibility that Lieutenant Commander Speicher survived and was captured by Iraqi forces: Now, therefore, be it

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 H. Con. Res. 275.

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

There was no objection.

SIERRA LEONE

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

Mr. ROYCE. Mr. Speaker, I rise to bring attention to the tragic situation in Sierra Leone, where the democratically elected government of this West African country has long been under attack by rebels who have relied on the most heinous tactics, including systematically chopping off the limbs of little children. In Sierra Leone, the world is seeing pure evil.

The administration's response was to encourage a deal with the rebels, which predictably feel apart and now we have a U.N. peacekeeping operation there. Well, the fact is that this peacekeeping operation is not up to the task. Its record of incompetence includes its troops having willingly turned over weapons and equipment to the rebels. This operation remains in shambles, and more troops and resources will not address its shortcomings.

The rebels could, though, be marginalized by the Nigerian military and the defense forces of the Sierra Leone government, working with strong logistical training and other backing from the British. The U.S. should be focused on backing this effort, providing support to the Nigerian troops in Sierra Leone.

Whether African states move towards great stability is very much in question. An alternative and disastrous vision of state disintegration is looming for large parts of Africa. That is why a response to Sierra Leone is so important.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 1999, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Maine (Mr. ALLEN) is recognized for 5 minutes.

(Mr. ALLEN addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

REGARDING THE NEED FOR A COMPREHENSIVE NATIONAL ENERGY POLICY

The SPEAKER pro tempore. Under a previous order of the House, the gen-

tleman from Ohio (Mr. REGULA) is recognized for 5 minutes.

Mr. REGULA. Mr. Speaker, I rise today to address the House on the urgent need for leadership in developing a Comprehensive National Energy Policy. Those of my colleagues who have followed my floor speeches over the past 25 years know that this issue is not a new one for me. As a Member of this House during the 1970s when gasoline shortages resulted in long lines at the pump and even when the crisis subsided, I have continued to speak on the need for a balanced energy policy which provides for a diversity of energy options for Americans.

Today, Mr. Speaker, recent spikes in the world crude oil prices, the tight gasoline supply, and the resulting extremely high prices at the pump, especially across the Midwest, again focus our attention on the urgent need for a comprehensive, and I emphasize comprehensive, policy.

Today we have crossed the 50 percent threshold on oil imports. We now import 52 percent of our petroleum, and by 2020, that number is projected to reach 64 percent.

□ 1415

This number is important because, unlike in other sectors of the energy market, we are dependent on petroleum-based fuels for more than 90 percent of our transportation market, automobiles, trucks and airplanes.

In 1999, U.S. consumers used four times as much gasoline as they did 50 years ago. In the past, our tendency has been to try to solve the problem with a short-term solution, then continue with our same habits. However, I urge my colleagues to consider the long-term benefits of developing a comprehensive, balanced policy for our Nation's energy. Our Nation depends upon affordable, reliable energy in every sector to retain our strong economy. Energy is too important for us to merely hope for the best.

Mr. Speaker, today I recommend that we bring not just the Department of Energy into this debate, but the numerous other Federal agencies which have a direct impact on our Nation's energy supply through various regulations on how we produce, transport, and consume energy. These include the Department of Interior, the Department of Transportation, and the U.S. Environmental Protection Agency, to name a few. All of these agencies impact the energy we use every day. Further, the Department of Defense and the U.S. Postal Service as major users of energy must also be at the table.

Today about 85 percent of our energy use comes from traditional fuel sources, coal, oil and natural gas. The Energy Information Administration estimates that by 2020 that market share will reach nearly 90 percent. Our future use of these traditional fuels depends upon our continued research into ways to use these more efficiently, more cleanly, while, at the same time, we expand research on alternative fuels. We must do both.

We cannot ignore the fact that we have more coal in this country in Btus than the rest of the world has recoverable oil. Coal is an excellent energy source, and we should be supporting research that will ultimately provide us with zero emission coal-fired power plants.

International markets are an important component of our energy policy. As we look at the world energy situation, 2 billion people lack access to electricity. Current electric power capacity will have to triple over the next 50 years to meet this demand. The worldwide market for new power equipment is expected to be \$2 trillion per decade for at least the next 5 decades. China alone plans to construct eight to 10 power plants a year for the next 20 years, 75 percent of which will burn coal. This fact alone is the reason we must focus on continued research to develop the most energy-efficient, cleanest-burning coal technology possible.

Natural gas holds great promise in many energy sectors. First, its great abundance in the United States, as well as all of North America, together with its clean-burning attributes, make it a fuel of choice for future power generation in this country. In the fiscal year 2001 interior appropriations bills we have funded a major natural gas infrastructure program. Pipelines and refueling stations are necessary to improve access to clean, efficient domestically produced natural gas.

Our dependence on petroleum-based fuels, gasoline and diesel fuel, for our transportation sector is a more difficult situation to address. We must continue to support alternatives, including natural gas and electric vehicles.

We need to look at how we can make transportation fuels less polluting and how we can combine the use of these fuels with other cutting edge technologies and hybrid vehicles. Again, there is a focus on these efforts in the Interior appropriations bill for next year. The Interior appropriations bill has a strong focus on conservation of our energy and its end use.

While we are doing what we can to provide necessary funding for research to improve emissions and efficiency in our Nation's energy use through funding provided to the Department of Energy, we must examine other important components of our energy picture. Policies which cut off supplies and access are not for tomorrow.

I call on my colleagues on both sides of the aisle to join together to develop a truly comprehensive energy policy. Failure to do so will make today's crisis a permanent crisis.

WHY WE NEED TO ABOLISH THE DEPARTMENT OF ENERGY

The SPEAKER pro tempore (Mr. TOOMEY). Under a previous order of the House, the gentleman from Kansas (Mr. TIAHRT) is recognized for 5 minutes.

Mr. TIAHRT. Mr. Speaker, I rise today to ensure that H.R. 1649, the act to abolish the Department of Energy, does not get pushed behind a copy machine like two highly classified secret hard disk drives were recently.

In 1995, I was the leader of the House task force that first introduced the Department of Energy Abolishment Act. Back then we highlighted four principal reasons why Congress needs to eliminate the Department of Energy. Listen to the same principles which still hold true:

Number one, the DOE no longer serves as a core energy-related mission. In fact, less than 20 percent of the current Department of Energy budget is dedicated to energy-related activities.

Number two, the Department of Energy is a failed cabinet level agency, unable to meet its most basic obligations.

Number three, the Department of Energy has developed into a feeding trough for corporate welfare recipients.

Number four, DOE wastes billions of taxpayer dollars annually.

These four principles still stand true today; and unfortunately, now we can add a fifth principle, a reason why Congress must abolish this agency. That reason is that the Department of Energy has become and continues to be a serious threat to the security of this Nation.

First it was Chinagate, and now we learn that highly classified and secret materials were missing for 2 months until recently discovered behind a copying machine.

The Department of Energy has become a threat to our national security. In 1998 the House of Representatives created a Select Committee on U.S. National Security and Military and Commercial Concerns with China, also known as the Cox Committee. I have with me a copy of one of three volumes of the Cox report I am holding in my hand outlining problems within the Department of Energy.

The Cox Committee issued 38 recommendations in response to their conclusion that the security at the Department of Energy nuclear laboratories in Sandia, Los Alamos, and Lawrence Livermore do not meet even the minimal standards, and that China has stolen design information on our Nation's most advanced thermonuclear weapons.

Into the House Cox Committee, President Clinton appointed former Senator Warren Rudman, chairman of the Foreign Intelligence Advisory Board, to also evaluate security at the DOE labs. In my hand I have that report that was submitted by Senator Rudman. It has at the top "science at its best, security at its worst."

Some of the examples of the Department of Energy mismanagement as reported by the Rudman report is, one, a Department of Energy employee was dead for 11 months before the security officials realized that four classified documents were still assigned to him.

It also took 45 months to fix a broken doorknob that was stuck in an open position, allowing access to classified nuclear information. Department of Energy officials also took 35 months to write a work report to replace a lock at a weapons lab facility which contained classified information. Several months passed before the security audit team discovered that a main telephone frame door at a weapons lab had been forced open and the lock had been destroyed.

During this Congress, in separate reports, Congressman Cox and Senator Rudman have reached the same conclusion regarding the Department of Energy: the agency is incapable of reforming itself and has a culture of waste, fraud and abuse.

What does Secretary Richardson have to say about these problems? On March 9, 1999, Secretary Richardson said, "Security at the labs right now is good."

On March 14, 1999, Secretary Richardson said, "We have top notch security right now in our national labs." He also said on that day, "Our labs are very security conscious now." On March 16 he said, "Security is being tightened dramatically at the labs. This should not happen again."

What Bill Richardson said yesterday was, "What I did not take into account was that the lab culture needs more time to be changed. I did not take into account the human element," on Meet the Press on June 18, 2000.

I think this is the final straw, Mr. Speaker. On May 7, highly classified computer disks containing nuclear secrets were discovered missing from the Department of Energy lab in Los Alamos. Although the disappearance was discovered on May 7, it was not until 24 days later that the director of the lab was notified, along with the Department of Energy Secretary, Bill Richardson and the FBI. To date, no one has been fired or taken off the payroll.

While I recognize progress in the announcement this week by chairman of the Senate Committee on Armed Services of his intentions to introduce legislation to examine whether the nuclear weapons program should be turned over to the Department of Defense, what we do not need is another commission telling us what we already know.

The Department of Energy is a threat to our national security, and all defense-related functions currently housed within the Department of Energy should be transferred to the Department of Defense.

Mr. Speaker, in conclusion, I believe it is time to turn out the lights at the Department of Energy by passing H.R. 1649.

DEMOCRATIC VS. REPUBLICAN PRESCRIPTION MEDICINE PLAN

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Washington (Mr.

McDERMOTT) is recognized for 5 minutes.

Mr. McDERMOTT. Mr. Speaker, the majority leader said it on Wednesday, we will embark upon a very important bill, that is, giving prescription medications for seniors in this country. There is an enormous difference between the Republican and the Democratic plan, and I would like to lay out the differences.

The Democratic prescription medication plan is part of Medicare. It is a core benefit. The Republican plan is not a part of Medicare; it is simply a chance to buy a private insurance policy or join an HMO.

The Democratic plan is secure. Seniors can count on it, just like they count on Medicare. Under the Republican plan, your insurance company or your HMO could leave your area, disrupt your life, as they are doing today with regular benefits, while you look for another company. This is just one more example of the HMO in pharmaceuticals.

Now, the Democratic prescription plan is simple and easy. It is a part of Medicare. Under the Democratic prescription medicine plan, you will not have to change anything that you now do to get your prescriptions. You can continue to get your prescriptions from your local pharmacist, just as you do now.

On the other hand, the Republican plan is complex and difficult. The Republican plan would require you to find an insurance company or an HMO and sign up. Then you would get your prescriptions by mail order. The chairman of the committee came before the Committee on Ways and Means and held up a letter from a mail order house in Florida. All your drugs would come from Florida, and you would have to wait 8 to 10 days.

Under the Democratic plan, you would pay \$25. The one that will be brought to the floor has a guarantee of a \$25 premium. Under the Republican plan, your premium would be set by the insurance company, which would have to be high enough to cover the marketing costs and profits.

There is no guaranteed premium in the Republican plan. Seniors have already been through this with HMOs. They joined an HMO, they were going to get all these benefits. Then they took away the benefits. Then they said we have taken away the benefits, but we are going to charge you a policy premium. That is what will happen under the pharmaceutical plan of the Republicans.

The Republicans say we are going to give you choice. They really take away choice. The only choice that a senior will have is which plan do they go into, which insurance company do they sign up with.

The HMO, or the private insurance company, will limit the choice of what pharmaceuticals they receive. Now, when I am a physician and I write a prescription and I hand it to a patient

and they go to the pharmacy, I know what the patient got. But when it goes through this HMO, they could say, well, that is not on our formula. We will give you something that is close, or we will give you something that we think is just as good, and that choice of the physician and the patient will be interrupted. We will have to put an amendment on the Patient's Bill of Rights on this issue.

The other thing they take away is your choice of pharmacy. If they are a mail order house in Florida, they do not care about your local pharmacy. Your local pharmacist is out of business as far as your being able to do down there and get your medicine with the discount. You will have to pay the old high prices. In my view, the Republican plan really guarantees a benefit to insurance companies or HMOs, not to seniors.

There is no guarantee that the insurance companies will offer an affordable, and I emphasize, affordable prescription drug plan to seniors.

Now, you ask me, why is that? Well, let me tell you the specifics of the bill. Ordinarily a lot of people do not read the bill, but I do. The Republican plan guarantees profits to insurance companies and HMOs by letting them hold the Government hostage.

Page 56 of the Republican plan says that the Government will pay private plans not more than 35 percent of the cost of those medicines. So you have paid your premium through Social Security, and the 35 percent for the Government that has to cover it. But the Congressional Budget Office and the insurance companies say the plan will not work; we will not offer a plan if the Government pays only 35 percent.

So the Republicans answer that. They go around on page 40 and they say the Government may provide financial incentives, including partial underwriting of the risk to get the insurance companies to sell policies to seniors. During the markup in the committee, the chairman of the health subcommittee said that they could cover up to 99 percent. Now, if you are an insurance company out there and they offer you 35 percent, you say, I do not want that. I am going to wait until they offer me 100 percent.

It is a bad bill, and we have to pass the Democratic alternative.

□ 1430

The SPEAKER pro tempore (Mr. TOOMEY). Under a previous order of the House, the gentleman from Virginia (Mr. WOLF) is recognized for 5 minutes.

(Mr. WOLF addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

PRIVATIZATION OF ENRICHMENT INDUSTRY SHOULD BE REVERSED

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. STRICKLAND) is recognized for 5 minutes.

Mr. STRICKLAND. Mr. Speaker, I would like to share with my colleagues a sad and tragic headline from the Columbus Dispatch of yesterday. It is a headline that reads, "Piketon Plant to Close," and the subheading says, "2000 workers will lose jobs because of the shutdown." Then they say, "Less than 2 years ago, the United States Enrichment Corporation vowed to keep the Piketon plant and a sister facility in Paducah, Kentucky open until the year 2005." This is the plant that employs 2000 southern Ohio men and women.

This industry was privatized less than 2 years ago, and at the time of the privatization, they accepted an obligation, an obligation to operate both the Paducah and the Piketon sites through the year 2004. The day before yesterday, flying in the face of a recommendation from the Department of Treasury and from a strongly worded request from Secretary Richardson, the CEO of this company and the board of directors voted to close this facility. Mr. Nick Timbers, a person that I appropriately refer to as "Slick Nick" Timbers, was quoted in The Washington Post as saying, "It had to be done. It is the reason Congress privatized the company." For Mr. Timbers to utter such a statement is sheer hypocrisy. It shows that this man cannot be trusted or believed. He, as the CEO of this company, accepted an obligation, an obligation entered into through a legal agreement with the Department of Treasury, and he has broken that agreement.

In response to my criticism and the criticism of Senator VOINOVICH and Senator DEWINE from Ohio and others, Mr. Timbers was quoted in an AP story yesterday as saying, "Politicians should stop all this old, tiring finger pointing."

This is a man who negotiated through his own maneuverings a \$3.6 million golden parachute. If he is relieved of his job, he walks away with \$3.6 million and yet, he is willing to lay off thousands of hard-working Americans without giving them due consideration.

Mr. Speaker, privatization of our enrichment industry was an unwise decision. That is why next week I plan to introduce legislation to have the Government renationalize this vital industry. It provides 23 percent of the electricity output in this Nation, and this privatized company is destroying not only the enrichment industry, but the mining industry and the conversion industry as well.

Mr. Speaker, if we are not careful, if we as a Congress do not take appropriate and immediate action, it is possible that 3 or 4 or 5 years from now, this country could find itself totally dependent on foreign sources for 23 percent of our Nation's electricity. We know what dependency on foreign sources for oil does to prices. We know what gasoline is selling for today. Can we imagine how we could be brought to our knees if we were totally dependent

on Russia or other countries to provide us with the vital fuel that it takes to operate our nuclear power plants.

I do not know where the Vice President is today, but I hope he is watching C-SPAN. I do not know what the Secretary of the Treasury is doing today, but I hope he is watching C-SPAN. These individuals and others have an obligation to protect this Nation and to keep their word to these communities. I fought privatization and I lost that battle, and as a result, we find ourselves in these dreadful circumstances. But it is imperative that the Congress pay attention to this matter. We cannot let this situation continue as it is.

People who are a lot smarter and better well-informed than I am say that we ought to repurchase this industry and, thereby, protect the energy security and the future of this Nation.

SEND EDMOND POPE HOME

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. PETERSON) is recognized for 5 minutes.

Mr. PETERSON of Pennsylvania. Mr. Speaker, I rise to make sure today that everybody in this body understands a serious problem for a family in State College, Pennsylvania; and a problem for, I think, the security of this country.

On my left is Edmond and Cheri Pope. They are a couple who have lived for many years in State College, finished raising their family there, highly regarded and respected there. Edmond Pope was a businessman who traveled the world, often went to Russia to do business. Eleven weeks ago, Edmond Pope was arrested and thrown in a Russian prison. For 11 weeks, Cheri, his wife, had no communication, could not get a letter to him, could not get a phone call to him, could not get any kind of communication from him; really did not know what was happening to her husband. Visas were canceled. Finally, last week, I helped arrange a trip where two of my staff went with her. She went to visit her husband for the first time in 11 weeks. I will just read to my colleagues a little bit of a news story on that.

"On Tuesday, they met for the first time in 3 months, just a few feet from a watchful prosecutor in a Lefortovo prison. Edmond and Cheri Pope hugged and belatedly wished each other a happy 30th anniversary. Then Cheri Pope said the first thing he said to me was, 'Cheri, I didn't do anything wrong. I didn't,' and I said to him, 'I never thought for a minute you did.'"

In an emotional interview on Tuesday after that reunion, Cheri Pope said that her husband, whom the Russians had accused of spying, was strikingly thinner, and he had a rash. He had lost a lot of weight, and he has a pallor about him and some skin problems. She said, "Even though he didn't look well, he still looked beautiful to me."

The last time she saw her husband was March 14 as he was leaving their home in State College, Pennsylvania on what seemed to be another routine trip to Russia, his 27th. While Redmond Pope remained cut off from the world in one of Russia's most infamous maximum security prisons, Cheri Pope struggled through months of anguish, grasping morsels of information while trying to cut through an international maze of red tape to visit him. Over the weekend she was minutes away from boarding a plane for the long-awaited meeting, when her son called her to tell her her 74-year-old mother had passed away. What a decision Cheri had to make. She knew that she had to go and encourage her husband, and that is what she did.

Edmond Pope needs to come home. He needs to come home to his wife, to his children, to his seriously ill father of 75 years; he needs to come home so his health can be monitored and maintained. He has had cancer that was arrested, he has Graves' disease, but he needs to be monitored closely. He is not a spy. His itinerary was printed and available, his visa explained why he was there. It was his 27th trip. In fact, his friends and neighbors tell me that he spoke fondly of the Russians. He wanted to help build a business relationship between these two countries. He was helping take Russian technology and helping them commercialize it.

Edmond Pope is no spy. He does not belong in a Russian prison. I will be sending a letter to be delivered to Mr. Putin the first of this week, and it will say, President Putin, if you value our friendship, send Edmond Pope home. It will say, President Putin, if you value the growing business relationships beneficial to both of our countries, send Edmond Pope home. It will say, President Putin, if you value the many ways we aid you financially, send Edmond Pope home.

I will be asking this body, Mr. Speaker, next week to get unanimous consent to pass a Sense of the Congress resolution, again, for this Congress speaking to Mr. Putin and the Russian leaders that it is time to send Edmond Pope home.

Edmond Pope is a man who was there on sound financial business reasons. He is not a spy. He needs to be home with his family to help his grieving wife. He needs to be home to visit his father, who is seriously ill. He needs to be home to have his own health monitored, and he needs to be home so that the relationships between Russia and America continue to grow and prosper to the benefit of both.

Edmond Pope is no spy. Edmond Pope does not belong in a maximum security prison in Russia where he got very little care. Edmond Pope needs our help and our support. Mr. Putin, send him home.

PRESCRIPTION DRUG PLAN NEEDED NOW FOR OUR SENIORS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina (Mrs. CLAYTON) is recognized for 5 minutes.

Mrs. CLAYTON. Mr. Speaker, we will be considering a prescription medication plan very shortly, and there is a great need for assistance with our seniors for prescription drugs. I hope that as we do that we will consider a meaningful prescription drug plan that looks at affordability, looks at accessibility, and also looks at simplicity.

Both in rural America as well as urban America, we know there are a large number of our seniors who are making decisions about whether they can afford to buy their prescriptions, pay their rent, or buy food. They are making decisions between acquiring very basic needs. So hopefully, as we craft a bill to speak to these critical needs, we are not playing politics with the needs of seniors, that we are really designing a meaningful bill that will be helpful, easy to assess, and affordable by seniors, both in urban America as well as rural America.

Mr. Speaker, I want to speak a little bit about rural America, because that is where I come from. There is a difference. The difference comes primarily because of economies of scale, and therefore, we do not have the infrastructure that depends on the market-driven economy. We do not have large hospitals because we do not have a large accommodation of patients to support that. We do not have a mix of sophisticated specialists in those areas. So we rely on a combination of regional hospitals or tertiary hospitals or relationships with community health centers, a variety of networks to put together kind of a patchwork in providing health care to our citizens. It costs us more in rural areas just because of the lack of the economies of scale. So already, there is built in to the health services that we receive through the market system, but also the current health system assistance we receive from the Federal Government.

Now we are about to craft a prescription drug bill supposedly to help seniors who are having to make these critical decisions between being able to take their medicine that they desperately need and the food that they must have to survive, or paying their bills. So when we do this, hopefully, we take into consideration structure, affordability, and simplicity.

Mr. Speaker, if I am hearing correct, the plan that came out of the Committee on Ways and Means yesterday has a structure where it is predicated on private providers, that HMOs would be the carriers for getting the prescription assistance to rural areas.

Now, nothing would be wrong with that, because I have an HMO myself; I am fortunate enough to use an HMO that I get through my employment. But I can tell my colleagues that there

is not the large number of HMOs in rural areas. There are many rural areas where there is no HMO whatsoever. So if one is planning a system that is based on having HMOs, already we have denied rural areas from having it.

Again, when I look at the plan, it says that if there is not more than two, we would increase the incentive to have two HMOs so that there would be some competition.

□ 1445

A lot of people are going to fall through the cracks if indeed we do not put a structure there. For that reason, the Medicare structure certainly is simple, it is already known by providers, people are using it, individuals are comfortable with it, so it is a familiar assistance plan that people will use and the accessibility will be there.

The other is the cost. Again, we are going to provide senior citizens between 125 and 150 percent of poverty. Those are critical areas, but I can tell the Members that there are many people in eastern North Carolina, rural America, who are between 135 and 150 percent. If we are going to have a sliding scale based on poverty, and we are going to have a variation of a cost of those premiums, that is going to give the whole issue of affordability some serious concerns.

I doubt whether we could make the case that this would be affordable in urban areas, much less in rural areas. The variation of premium costs are more likely to be substantial, and if they are substantial, I can tell the Members, in rural areas we have lower incomes, in the same instance that persons receive their social security and they more likely are lower-income seniors, so that would also give them a problem.

So as we consider the prescription drug plan, I hope we will consider having those elements in principle that will mean affordability, accessibility, and simplicity.

The SPEAKER pro tempore (Mr. TOOMEY). Under a previous order of the House, the gentleman from Florida (Mr. FOLEY) is recognized for 5 minutes.

(Mr. FOLEY addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan (Mr. SMITH) is recognized for 5 minutes.

(Mr. SMITH of Michigan addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

GOVERNOR ROBERT P. CASEY, A LEGACY OF PUBLIC SERVICE, COMPASSION, AND COURAGE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Maryland (Mr. HOYER) is recognized for 5 minutes.

Mr. HOYER. Mr. Speaker, at the end of our journey in this life, if we can answer a few questions in the affirmative, then I believe by most measures we will have led a blessed and well-lived life: Did we try to do our best? Did we try to do the right thing? Did we try to leave this world a better place than when we entered it?

When he passed from this life on May 30, surrounded by the love of his wonderful wife of 47 years, Ellen, his children, and his many grandchildren, there was no doubt that my friend, the former Governor of Pennsylvania, Robert Casey, had lived a blessed, full, and well-lived life. Those of us touched by it should count ourselves fortunate.

As both a private citizen and a public servant, Governor Casey leaves a rich legacy that all of us should strive to emulate. He was caring, compassionate, committed, idealistic, principled, honest, devoted, articulate, tenacious, and, of course, by any measure, he was courageous.

In the famous passage from Profiles in Courage, Senator John Kennedy, whom the Governor and I both admired, wrote, and I quote, "For without belittling the courage with which men have died, we should not forget those acts of courage with which men have lived. A man does what he must, in spite of personal consequences, in spite of obstruction and dangers and pressures, and that is the basis of all human morality."

Courage, Mr. Speaker, was a recurring theme throughout Robert Casey's life. The son of a coal miner, Governor Casey put himself through law school and won a seat in the Pennsylvania State House at the age of 30 before winning two terms as State Auditor General.

He overcame three early, unsuccessful campaigns for Governor, at a time when lesser men would have quit, to win that position not once but twice, the last victory by the largest margin in the history of Pennsylvania.

In the twilight of his career, he battled a rare disease that devastated his body but never, never extinguished his spirit. In June, 1993, he became only the sixth person in the United States to undergo a heart-liver transplant. Thereafter, he not only returned to the Governor's office, but also proposed and signed one of the most comprehensive State organ donor laws in the country.

Since 1994, more than 4,000 people in Pennsylvania and surrounding regions have received lifesaving organ transplants, due in large part to Governor Casey's leadership.

No one ever doubted that Governor Casey had the courage of his convictions. He never wavered from the principles that guided his life, including his core belief that government could level the playing field and protect the most vulnerable in society. He maintained to the end a deep commitment to education, the environment, workers' rights, and the underprivileged.

The Governor took heart from Franklin Delano Roosevelt's observa-

tion that, "In our democracy, officers of the government are the servants and never the masters of the people."

During Governor Casey's service, Pennsylvania enacted mandatory recycling reform, auto insurance reform, and the Child Health Insurance Program, which, as we know, became a national model. The State also broadened special education programs, rebuilt aging water and sewer systems through the PENNVEST program, and enacted a State Superfund to reclaim hazardous waste sites.

Governor Casey, Mr. Speaker, was also instrumental in bringing family and parental leave to Pennsylvania, initiating economic development and high-tech efforts from the Philadelphia port to the new Pittsburgh airport, and overhauling the workers' compensation system.

He did not seek public service for fame or glory, he sought simply to help people. In an era of unabashed cynicism towards public service and public servants, Governor Casey reminded us of why we serve. It is fitting that upon his passing, the Pittsburgh Post-Gazette wrote that Governor Casey left an example for all Pennsylvanians: to fight for what they believe in, to be unafraid of the odds, and to nobly accept the defeats along the way.

Governor Casey's legacy endures not only in the principles he stood for and the improvements he brought to his beloved Pennsylvania, but also in the wonderful family that he and Ellen have raised. They, too, carry their father's commitment to public service and community.

Mr. Speaker, it is proper to remember a man of such worth and dignity and character. Our Nation was blessed by Governor Casey's service.

REPUBLICANS SHOULD ABANDON PRIVATE HEALTH AND PRESCRIPTION DRUG INSURANCE SCHEME

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. BROWN) is recognized for 5 minutes.

Mr. BROWN of Ohio. Mr. Speaker, I have an idea. What if we, say, break Medicare apart and ask seniors to shop in the private insurance market if they want to piece it back together. Seniors could buy one private plan to cover doctors visits, another to cover hospital stays, a third to cover home health services, and maybe a fourth to cover prescription drugs. Perhaps they could purchase an Aetna plan for outpatient care, a Kaiser plan for the physical therapy coverage, and maybe Golden Rule will offer insurance for medical equipment.

Does this sound absurd? Why is it less absurd to isolate prescription drugs and require Medicare beneficiaries to carry a separate private stand-alone you-are-on-your-own policy for that benefit?

That is what the Republican prescription drug plan is all about. It privatizes the prescription drug plan. It says to senior citizens, "Here is a voucher. Here is a little bit of money," although they give the money to the insurance company, actually not directly to the senior citizen. "Here is a plan, here is some money. Go out and find your own plan."

If the GOP prescription drug plan is a back door attempt to privatize Medicare, something that Republicans have wanted to do since 90 percent of them voted against the creation of Medicare 35 years ago, and occasionally say, in more recent years, that they want to privatize Medicare, my colleagues should come out and tell us that they want to privatize Medicare.

If their goal truly is to help America's elderly, my Republican colleagues need to go back to the drawing board. Better yet, follow our lead. The best way to complete the Medicare benefits package is to complete the Medicare benefits package. That means adding a new drug benefit to the existing Medicare program.

Medicare has worked for senior citizens in this country, half of whom had no health insurance 35 years ago. Medicare has worked for senior citizens in this country, making it probably the most popular government program in the history of this Nation. Why should we privatize it? Why should we take prescription drugs and make it into a private insurance stand-alone you-are-on-your-own kind of program?

It means we should add the new drug benefit to the existing Medicare benefits package. That is what works. We know that works. That is what this Congress should pass. Unless my colleagues can explain why the existing Medicare program somehow is not worthy of a prescription drug benefit, they should abandon their private insurance scheme and join us.

Last Friday, a week ago today, I chartered a bus and took about 20 senior citizens from Lorain County and Medina County, Ohio, on a 2½ bus trip to Windsor, Ontario, Canada. They took their prescriptions with them for medicine. Most of them were Medicare beneficiaries, some were younger than that.

They took their prescriptions with them. We got a doctor in Canada to write a similar prescription. We went to a drugstore in Windsor, Ontario, and every senior citizen on that trip, every single senior citizen on that trip, saved at least \$100 on prescriptions. On the average, the 15 or 20 senior citizens saved \$200, and some of them saved as much as \$300 to \$400 on one prescription, on the one prescription that they had brought with them.

The fact is, Canadians buy the same drugs, their drug stores sell the same dosage of the same prescription drugs made by the same company, usually an American company, for half the price that American drugstores charge. It is not the drugstores, it is the fact that

prescription drug companies, the big name brand drug companies in the United States of America, sell their drugs in Canada at half the price as they do in the United States.

We are the only country in the world, underscore that, we are the only country in the world, that allows the drug companies to unilaterally, monopolistically, discriminately sell their drugs to the United States with no interference.

In every other country in the world the prices are lower. In every other country in the world, from Germany to France to Israel to Nigeria to Brazil to Japan to England, none of those countries allows the drug companies to set their price in a monopolistic and discriminatory way. America's elderly pay twice as much for drugs as America's HMOs, big insurance companies, and the VA sell them for.

Americans buying drugs pay twice as much on the average as people in every other country in the world. Americans, in fact, pay more for their drugs out of pocket at a drugstore for the same drug than if they go into a pet store and buy the exact same drug and the exact same dosage for their pets.

Mr. Speaker, I ask that this Congress put aside the risky insurance scheme and pass a Medicare drug benefit.

THE CLINTON-GORE SECURITY GAP

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. HUNTER) is recognized for 5 minutes.

Mr. HUNTER. Mr. Speaker, the American people are viewing the Los Alamos tragedy, this latest tragedy of the losing of two hard drives in one of our most secure places in that nuclear weapons development institute, and having those hard drives lost for a long period of time, and it is still unclear exactly how long they have been lost, having them suddenly reappear behind a copy machine in a place that had been previously searched, and America debates what we should do with respect to this crisis; who should be fired, what reorganization should be made.

I think what we need to do now is to focus not just on this particular incident, but on four major occurrences that have taken place in the last 8 years that constitute in my estimation what I call the Clinton-Gore security gap.

Let me talk about the first of those things.

First, Dr. Wen Ho Lee was focused on in August of 1997 after we discovered that plans for the W-88 nuclear warhead had been stolen, and it appeared to be in the possession of the Communist Chinese. Dr. Wen Ho Lee, we focused on him and determined that he was a suspect in the theft of nuclear secrets. This was a very serious thing.

At that time, in August of 1997, the head of the FBI, Louis Freeh, met with the Clinton-Gore Department of En-

ergy head, the Secretary of Energy, then Mr. Pena, and the head of the FBI said, essentially, "This guy appears to be a spy of nuclear secrets. Right now he is sitting there with total access to America's most critical nuclear secrets. Get him out of there. Get him out of there." He said that in August of 1997.

□ 1500

A few weeks earlier, he had met with Mr. Pena, Under Secretary of Energy, Elizabeth Moler, and according to Mr. Trulock, who was the head of security, told her the same thing, get this guy out of there, he may be a spy and may be accessing this very critical material. Seventeen months later, somebody looked around at Los Alamos, after the Cox Commission had started to investigate and said, hey, the suspected nuclear spy, is he still in the nuclear weapons vault with access to our most important secrets; and somebody else slapped their forehead and said, yes, I guess he is still there.

In the series of hearings that we had on this incident, there was lots of finger pointing. Elizabeth Moler said Mr. Trulock was supposed to fire him. Mr. Trulock said that she was very definitely told to get this guy out of there and that he told her how to go about doing it. And yet the Clinton-Gore administration allowed a suspected nuclear secrets spy to stay in place for 17 months after the head of the FBI personally met with the Secretary of Energy and said these are the circumstances, get him out of there.

Secondly, Mr. Speaker, we saw one of America's corporations, Loral Corporation, transfer missile technology to China in 1996. They allowed their scientists to engage with the Communist Chinese scientists and tell them what was wrong with their missiles, the Long March missile, because a lot of them were failing. Now, that is important, because that same Long March missile, besides carrying satellites, also carries nuclear warheads, some of which are aimed at American cities. And the Loral Corporation, in fact, according to the Cox Committee, did help Communist China make their missiles more reliable. A very serious thing.

Yet a few months after that, against the recommendation of his own Justice Department, and after he had received \$600,000 in campaign contributions from Bernard Schwartz, who was the President and CEO of Loral, President Clinton gave them another waiver to launch yet another satellite in Communist China.

Also, Mr. Speaker, the Clinton-Gore administration allowed 191 supercomputers between 1987 and 1998 to go to Communist China. Now, that is dangerous because they can use those supercomputers in making and designing nuclear warheads in their nuclear weapons complex. So they have an obligation, the Clinton-Gore administration had an obligation, under the law that we have, to go over and check on

those computers and make sure they are not being used in the nuclear weapons complex. They have that right. Of the 191 supercomputers that were transferred to China in that 1-year period, they only checked on one supercomputer to make sure it was not being used to design nuclear weapons.

And lastly, Mr. Speaker, we have this case where these hard drives were taken out of this vault, and it has now been testified to that the vault custodian, the person who is supposed to identify that very small group of people who are allowed to come in, that vault custodian would sometimes leave for 2-hour time periods. This is the Clinton-Gore security gap. We have to close it with a clean sweep.

CURSE OF THE CAN-DO

The SPEAKER pro tempore (Mr. WHITFIELD). Under the Speaker's announced policy of January 6, 1999, the gentleman from Massachusetts (Mr. DELAHUNT) is recognized for 60 minutes as the designee of the minority leader.

Mr. DELAHUNT. Mr. Speaker, where I come from, in metropolitan Boston, generations of otherwise well-adjusted citizens have suffered from the ill effects of a well-known curse. It is referred to as the "Curse of the Bambino." Since the Red Sox traded Babe Ruth, life has never been quite the same, although I am one of those with deep quiet faith that the curse of the Bambino officially expires as we enter into the new millennium.

I would note, for my colleagues and friends, folks like Mr. Freedman, and the gentleman from New York (Mr. FOSSELLA), and the gentleman from New York (Mr. SWEENEY), that if they check today's American League standings, they would find that the Yankees are in second place and the Red Sox are in first.

I rise today, however, Mr. Speaker, to discuss a different kind of curse. Call it the "Curse of the Can-Do." The curse afflicts the United States Coast Guard in 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 is 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 life-saving mission. So I take to the House floor to thank some colleagues who recently have helped lead us in that direction, but also to warn that we are still sailing into a very stiff wind.

Last month, the House took historic steps to shore up Coast Guard resources to save lives, to prevent pollution, to fight drugs, to help the economy, to respond to natural disasters, and to enhance national security. Now it is up to us to see these efforts through.

The fiscal year 2001 transportation appropriation bill, passed recently by the full House, would reverse more

than a decade of chronic underfunding that has made it nearly impossible, nearly impossible, for the Coast Guard to do the work the Congress has mandated that it do. 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 flows of Alaska; from the Great Lakes to the gulf coast to the banks of the Mississippi.

I particularly want to commend the gentleman from Florida (Mr. YOUNG), the chairman of the Committee on Appropriations, and the ranking member, the gentleman from Wisconsin (Mr. OBEY); as well as the chairman of the Subcommittee on Transportation, the gentleman from Virginia (Mr. WOLF), and the ranking member, the gentleman from Minnesota (Mr. SABO). Their leadership has underscored the stark fact that the demands on the Coast Guard have vastly outpaced its resources. There is no longer margin for error, and the consequence 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. As a reminder, during the 1990s, the Coast Guard reduced its workforce by nearly 10 percent and operated within a budget that rose by only 1 percent in actual dollars. Actual dollars. Not dollars adjusted for inflation, but actual dollars. Over this period, it has also responded to a half million SOS calls, an average of approximately 65,000 each year, and, in the process, has saved 50,000 lives.

Every year the Coast Guard performs 50,000 inspections of U.S. and foreign merchant vessels. It ensures the safe passage of a million commercial vessels through our ports and waterways. Every year it responds to 13,000 reports of water pollution. Every year it inspects 1,000 offshore drilling platforms. Every year it conducts 12,000 fisheries enforcement boardings. And every year it prevents 100,000 pounds of cocaine from reaching American shores and infecting the streets and neighborhoods of our communities.

Two centuries of experience have taught us to rely on the professionalism, judgment, compassion, commitment and courage of the Coast Guard. From hurricane to airplane crashes; from drug smugglers to foreign factory trawlers, the Coast Guard is always, always, on call, just as it has been for some 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 sea and the wind and the whitecaps, it has been tempting to task the Coast Guard with new and multiple and burdensome missions. Far too tempting.

As co-chair of the Congressional Coast Guard Caucus, along with my

colleagues, the gentleman from North Carolina (Mr. COBLE) and the gentleman from Mississippi (Mr. TAYLOR), I have had grave concerns for a long time. Most recently, much has been made of the demands on the Coast Guard for their work in the area of illegal drug interdiction. As a former prosecutor, I am 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 lives.

We just cannot wish away the costs, and I am not ready to start treating search and rescue like a luxury we can do without, any more than we can move cops off the beat and then complain about street crime. We have stretched the Coast Guard so thin for so long that it can barely be expected to fulfill its credo, *Semper Paratus*, "Always Prepared." And there are scores and scores of new missions waiting 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, and I am quoting now, "because its top notch planning and performance budgeting overcame short staffing and fraying equipment." It all came down, they concluded, to what I mentioned earlier, the curse. The "Curse of the Can-Do." "The Coast Guard," they said, "is a can-do organization whose 'can' is dwindling while its 'do' is growing."

This just simply cannot continue, not when the average age of its deep water cutters is 27 years old, making this the second oldest naval fleet on the planet; 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 4 hours of sleep at night; and not when the United States Coast Guard commandant testifies before Congress that there is not enough fuel to power the United States Coast Guard fleet; and not when the Coast Guard radio communication units are 30 years old, like the one described in a recent news account that began this way, and again I am quoting: "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 word '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 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 necessary to carry them out.

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A 1997 General Accounting Office review was even more blunt. It projected \$90 million in annual reductions in operating expenses just to bridge the gap. The GAO was alarmed by the sheer size of the gap and the dwindling number of available efficiency-related options.

Well, where I am 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 where to turn, to the United States Coast Guard.

That is why when the ink dried on the House Department of Transportation appropriation, there was reason for new and genuine hope. It was like having Pedro Martinez in the starting rotation, it felt like this really could be the year.

Well, the 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 planes, helicopters, and motor lifeboats and upgrade rather than abandon Coast Guard stations in the communities that they serve.

Years from now, the 395 Members of this House who voted for that bill can look back and take satisfaction from the knowledge that they helped save a life, a coastal community, an international alliance, and maybe even a marine species or two. But that old curse still hovers over the Coast Guard, the curse of the "can do."

Just this week, the Senate came in at \$250 million less than the House appropriation. The timing could not be worse. The Senate action followed two recent rounds of Coast Guard cutbacks for the current fiscal year, reducing cutter days and flight hours by 10 percent.

I wonder if the men on the fishing vessel that are being rescued in this picture to my right would approve of a 10-percent reduction, meaning a slower response time. I ask my colleagues and the American people to reflect on this photo and the reduction that I just mentioned.

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 current defense authorization but with no money to pay for those increased costs.

There is more. The good news is a new effort through the pending military construction bill to restore \$800 million in supplemental funds. 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 rise today to express gratitude for the progress made in this chamber so 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 is what it will take for the Coast Guard to do the job we have assigned to it, to contain oil spills, to catch smugglers, and, most important of all, to save lives.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. HASTINGS of Florida (at the request of Mr. GEPHARDT) for today after 12:00 p.m. on account of official business.

Mr. POMEROY (at the request of Mr. GEPHARDT) for today and June 26 on account of official business in the district.

Mr. CANADY of Florida (at the request of Mr. ARMEY) for today on account of attending a funeral.

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. McDERMOTT) to revise and extend their remarks and include extraneous material:)

Mr. ALLEN, for 5 minutes, today.

Mr. DAVIS of Illinois, for 5 minutes, today.

Mr. McDERMOTT, for 5 minutes, today.

Mr. STRICKLAND, for 5 minutes, today.

Mrs. CLAYTON, for 5 minutes, today.

(The following Members (at the request of Mr. TIAHRT) to revise and extend their remarks and include extraneous material:)

Mr. BURTON of Indiana, for 5 minutes, June 28.

Mr. FOLEY, for 5 minutes, today.

Mr. SCHAFER, for 5 minutes, June 28.

Mr. SMITH of Michigan, for 5 minutes, today.

(The following Members (at their own request) to revise and extend their remarks and include extraneous material:)

Mr. HOYER, for 5 minutes, today.

Mr. BROWN of Ohio, for 5 minutes, today.

Mr. HUNTER, for 5 minutes, today.

ADJOURNMENT

Mr. DELAHUNT. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 3 o'clock and 20 minutes p.m.), under its previous order, the

House adjourned until Monday, June 26, 2000, at 12:30 p.m., for morning hour debates.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

8323. A letter from the Associate Administrator, Fruit and Vegetable Programs, PACA Branch, Department of Agriculture, transmitting the Department's final rule—Perishable Agricultural Commodities Act: Recognizing Limited Liability Companies [Docket No. FV99-361] received May 5, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

8324. A letter from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting the Department's final rule—Asian Longhorned Beetle; Addition to Quarantined Areas [Docket No. 00-004-2] received May 15, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

8325. A letter from the Associate Administrator, Agricultural Marketing Service, Fruit and Vegetable Programs, Department of Agriculture, transmitting the Department's final rule—Raisins Produced From Grapes Grown in California; Increase in Compensation Rate for Handlers' Services Performed Regarding Reserve Raisins [Docket No. FV00-989-2 FR] received May 15, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

8326. A letter from the Secretary of Agriculture, transmitting a draft bill, "to provide a safety net to protect agricultural producers from short-term market and production fluctuations, to encourage conservation practices, and for other purposes"; to the Committee on Agriculture.

8327. A letter from the Federal Register Liaison Officer, Office of Thrift Supervision, Department of the Treasury, transmitting the Department's final rule—Transfer and Repurchase of Government Securities [No. 2000-43] (RIN: 1550-AB38) received May 10, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

8328. A letter from the Acting Deputy Assistant Secretary for Labor-Management Standards, Employment Standards Administration, transmitting the Administration's final rule—Labor Organization Annual Financial Reports (RIN: 1215-AB29) received April 28, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

8329. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Revocation of Significant New Use Rules for Certain Chemical Substances [OPPTS-50637A; FRL-6555-8] (RIN: 2070-AB27) received May 10, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

8330. A letter from the General Counsel, Electric Rates and Corporate Regulation, Federal Energy Regulatory, transmitting the Commission's final rule—Designation of Electric Rate Schedule Sheets [Docket No. RM99-12-000; Order No. 614]—received May 2, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

8331. A letter from the Secretary, Securities and Exchange Commission, transmitting the Commission's final rule—Use of Electronic Media (RIN: 3235-AG84) received April 28, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

8332. A letter from the Director, Employment Service, Office of Personnel Management, transmitting the Office's final rule—Full Consideration of Displaced Defense Employees (RIN: 3206-AF36) received April 24, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

8333. A letter from the Regulatory Policy Officer, Bureau of Alcohol, Tobacco and Firearms, transmitting the Bureau's final rule—Implementation of Public Law 105-33, Section 9302, Relating to the Imposition of Permit Relating to the Imposition of Permit Requirements on the Manufacturer of Roll-Your-Own Tobacco (98R-370P) [T.D. ATF-424] (RIN: 1512-AB92) received April 5, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

8334. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Market Segment Specialization Program Audit Techniques Guide—Child Care Providers—received May 10, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

8335. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Market Segment Specialization Program Audit Techniques Guide—Garden Supplies—received May 10, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

8336. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Estate of Smith v. Commissioner—received May 10, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

8337. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Market Segment Specialization Program Audit Techniques Guide—Alternative Minimum Tax for Individuals—received May 10, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

8338. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Guidance Under Section 1032 Relating to the Treatment of a Disposition by an Acquiring Entity of the Stock of a Corporation in a Taxable Transaction [TD 8883] (RIN: 1545-AW53) received May 15, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

8339. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Diane Fernandez v. Commissioner—received May 15, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

8340. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Magnetic Media/Electronic Filing Program for Form 1040NR [REV. Proc. 2000-24] received May 15, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

8341. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Osteopathic Medical Oncology—received May 4, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. SMITH of Texas: Committee on the Judiciary. H.R. 4227. A bill to amend the Immigration and Nationality Act with respect to

the number of aliens granted nonimmigrant status described in section 101(a)(15)(H)(i)(b) of the Immigration and Nationality Act, to implement measures to prevent fraud and abuse in the granting of such status, and for other purposes; with an amendment (Rept. 106-692). Referred to the Committee of the Whole House on the State of the Union.

Mr. PACKARD: Committee on Appropriations. H.R. 4733. A bill making appropriations for energy and water development for the fiscal year ending September 30, 2001, and for other purposes (Rept. 106-693). Referred to the Committee of the Whole House on the State of the Union.

Mr. BLILEY: Committee on Commerce. H.R. 3906. A bill to ensure that the Department of Energy has appropriate mechanisms to independently assess the effectiveness of its policy and site performance in the areas of safeguards and security and cyber security; with an amendment (Rept. 106-696, Pt. 1). Ordered to be printed.

DISCHARGE OF COMMITTEE

Pursuant to clause 5 of rule X, the Committee on Commerce discharged. H.R. 3125 referred to the Committee of the Whole House on the State of the Union.

Pursuant to clause 5 of rule X, Committee on Science discharged from further consideration of H.R. 3906.

REPORTED BILL SEQUENTIALLY REFERRED

Under clause 5 of rule X, bills and reports were delivered to the Clerk for printing, and bills referred as follows:

Mr. BLILEY: Committee on Commerce. H.R. 4446. A bill to ensure that the Secretary of Energy may continue to exercise certain authorities under the Price-Anderson Act through the Assistant Secretary of Energy for Environment, Safety, and Health; referred to the Committee on Armed Services for a period ending not later than July 21, 2000, for consideration of such provisions of the bill as fall within the jurisdiction of that committee pursuant to clause 1(c), rule X (Rept. 106-694, Pt. 1).

Mr. BLILEY: Committee on Commerce. H.R. 3383. A bill to amend the Atomic Energy Act of 1954 to remove separate treatment or exemption for nuclear safety violations by nonprofit institutions, with amendments; referred to the Committee on Armed Services for a period ending not later than July 21, 2000, for consideration of such provisions of the bill and amendment as fall within the jurisdiction of that committee pursuant to clause 1(c), rule X (Rept. 106-695, Pt. 1).

TIME LIMITATION OF REFERRED BILL

Pursuant to clause 5 of rule X the following action was taken by the Speaker:

H.R. 3906. Referral to the Committee on Science and extended for a period ending not later than June 23, 2000.

H.R. 3906. Referral to the Committee on Armed Services extended for a period ending not later than July 12, 2000.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. MATSUI (for himself, Mr. HOYER, Mrs. MINK of Hawaii, and Mr. ABERCROMBIE):

H.R. 4729. A bill to authorize the Board of Regents of the Smithsonian Institution to plan, design, construct, and equip laboratory, administrative, and support space to house base operations for the Smithsonian Astrophysical Observatory Submillimeter Array located on Mauna Kea at Hilo, Hawaii; to the Committee on House Administration, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BISHOP (for himself, Mr. ISAKSON, Mr. LEWIS of Georgia, Ms. MCKINNEY, and Mr. COLLINS):

H.R. 4730. A bill to provide for Federal recognition of the Lower Muscogee-Creek Indian Tribe of Georgia, and for other purposes; to the Committee on Resources.

By Mr. GILMAN:

H.R. 4731. A bill to amend the Foreign Assistance Act of 1961 to provide that it is not contrary to the foreign policy interest of the United States to bring an antitrust lawsuit asserting the manipulation of energy supplies or prices, and for other purposes; to the Committee on the Judiciary, and in addition to the Committee on International Relations, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GILMAN:

H.R. 4732. A bill to require certain actions with respect to the Organization of Petroleum Exporting Countries (OPEC) or any other cartel engaged in oil price fixing, production cutbacks, or other market-distorting practices; to the Committee on International Relations, and in addition to the Committee on Banking and Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. PACKARD:

H.R. 4733. A bill making appropriations for energy and water development for the fiscal year ending September 30, 2001, and for other purposes.

By Ms. BALDWIN (for herself and Mr. PASCRELL):

H.R. 4734. A bill to establish a National Center for Military Deployment Health Research to provide an independent means for the conduct and coordination of research into issues relating to the deployment of members of the Armed Forces overseas, and for other purposes; to the Committee on Armed Services, and in addition to the Committee on Veterans' Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BECERRA (for himself, Ms. ROYBAL-ALLARD, Mr. WU, Mr. FILNER, Mr. FRANK of Massachusetts, Mr. BERMAN, Mr. UNDERWOOD, Ms. LOFGREN, Mr. WAXMAN, Ms. ESHOO, Mr. GUTIERREZ, Mr. FROST, Mr. BACA, Mr. LANTOS, Mr. NADLER, Mr. FALEOMAVAEGA, Mr. STARK, Mr. BONIOR, Mr. REYES, Ms. PELOSI, Ms. LEE, Mr. ORTIZ, Mr. RODRIGUEZ, and Mr. GONZALEZ):

H.R. 4735. A bill to allow certain individuals of Japanese ancestry who were brought forcibly to the United States from countries in Latin America during World War II and were interned in the United States to be provided restitution under the Civil Liberties Act of 1988, and for other purposes; to the Committee on the Judiciary.

By Mr. CASTLE (for himself, Mr. GOODLATTE, Mr. BOUCHER, Mr. TALENT, and Mr. WELDON of Pennsylvania):

H.R. 4736. A bill to remove civil liability barriers surrounding donating fire equipment to volunteer fire companies; to the Committee on the Judiciary.

By Mr. HUNTER:

H.R. 4737. A bill to require an inventory of documents and devices containing Restricted Data at the national security laboratories of the Department of Energy, to improve security procedures for access to the vaults containing Restricted Data at those laboratories, and for other purposes; to the Committee on Armed Services.

By Mr. KOLBE:

H.R. 4738. A bill to establish the High Level Commission on Immigrant Labor Policy; to the Committee on the Judiciary, and in addition to the Committee on Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. KUCINICH (for himself, Mr. BALDACCIO, Mr. PALLONE, and Mr. BARRETT of Wisconsin):

H.R. 4739. A bill to amend section 308 of the Clean Air Act to authorize the mandatory licensing of patents on reformulated gasoline and other fuels, and for other purposes; to the Committee on Commerce.

By Mr. SHAYS (for himself, Mr. ANDREWS, Mrs. MORELLA, Mr. ROEMER, Mr. HOUGHTON, Mr. FARR of California, Mr. LEACH, Ms. BALDWIN, Mr. HORN, Mr. BARRETT of Wisconsin, Mr. QUINN, Mr. BECERRA, Mr. PICKERING, Mr. BERMAN, Mr. LAZIO, Mr. BLAGOJEVICH, Mr. PORTER, Mr. BORSKI, Mr. BRADY of Pennsylvania, Ms. CARSON, Mr. CLAY, Mrs. CLAYTON, Mr. CLEMENT, Mr. COSTELLO, Mr. CROWLEY, Mr. CUMMINGS, Mr. DEFazio, Ms. DELAUNO, Mr. DICKS, Mr. DINGELL, Mr. DOOLEY of California, Mr. ENGEL, Mr. EVANS, Mr. FILNER, Mr. FRANK of Massachusetts, Mr. FROST, Mr. GEJDENSON, Mr. GREEN of Texas, Mr. GUTIERREZ, Mr. HALL of Ohio, Mr. HILLIARD, Mr. HINCHEY, Mr. JEFFERSON, Ms. EDDIE BERNICE JOHNSON of Texas, Mrs. JONES of Ohio, Ms. KAPTUR, Mr. KENNEDY of Rhode Island, Mr. KILDEE, Mr. KIND, Mr. LAFALCE, Mr. LANTOS, Mr. LARSON, Mrs. LOWEY, Mrs. MALONEY of New York, Mr. MALONEY of Connecticut, Mr. MARTINEZ, Ms. MCCARTHY of Missouri, Mr. MCDERMOTT, Mr. McNULTY, Mrs. MEEK of Florida, Mr. MEEHAN, Mr. MENENDEZ, Mr. GEORGE MILLER of California, Mr. MORAN of Virginia, Mr. NEAL of Massachusetts, Mr. OLVER, Mr. OWENS, Mr. PASTOR, Mr. PETERSON of Minnesota, Mr. REYES, Ms. SANCHEZ, Mr. SANDERS, Mr. SANDLIN, Mr. SAWYER, Ms. SCHAKOWSKY, Mr. SCOTT, Ms. SLAUGHTER, Mr. TIERNEY, Mr. UDALL of New Mexico, Mr. UNDERWOOD, Mr. WAXMAN, Mr. WEYGAND, and Ms. WOOLSEY):

H.R. 4740. A bill to amend the National and Community Service Act of 1990 and the Domestic Volunteer Service Act of 1973 to extend the authorizations of appropriations for the programs carried out under such Acts, and for other purposes; to the Committee on Education and the Workforce.

By Mr. UNDERWOOD (for himself, Mrs. CHRISTENSEN, Mr. ROMERO-BARCELO, Ms. NORTON, and Mr. FALEOMAVAEGA):

H.R. 4741. A bill to require that the Director of the Office of Management and Budget

explain any omission of any insular area from treatment as part of the United States in statements issued by the Office of Management and Budget; to the Committee on Resources, and in addition to the Committee on Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. WEINER (for himself and Mr. PASCRELL):

H.R. 4742. A bill to amend the Communications Act of 1934 to require the Federal Communications Commission to establish minimum standards regarding the quality of wireless telephone service and to monitor complaints regarding such service; to the Committee on Commerce.

By Mr. ROHRBACHER (for himself, Ms. KAPTUR, Mr. HUNTER, and Mr. BURTON of Indiana):

H.J. Res. 103. A joint resolution disapproving the extension of the waiver authority contained in section 402(c) of the Trade Act of 1974 with respect to the People's Republic of China; to the Committee on Ways and Means.

By Mr. KUCINICH (for himself, Mr. CONYERS, Mr. WALSH, Mr. FILNER, Mr. JACKSON of Illinois, and Ms. NORTON):

H. Con. Res. 363. Concurrent resolution expressing the sense of Congress that a day of peace and sharing should be established at the beginning of each year; to the Committee on International Relations.

By Mr. PETERSON of Pennsylvania:

H. Con. Res. 364. Concurrent resolution calling for the immediate release of Mr. Edmund Pope from prison in Russia for humanitarian reasons, and for other purposes; to the Committee on International Relations, and in addition to the Committees on Ways and Means, and Banking and Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. ROS-LEHTINEN (for herself, Mr. LANTOS, Mr. BURTON of Indiana, Mr. WEXLER, Mr. SMITH of New Jersey, Mr. ROTHMAN, and Mr. MENENDEZ):

H. Res. 531. A resolution condemning the 1994 attack on the AMIA Jewish Community Center in Buenos Aires, Argentina, urging the Argentine Government to punish those responsible, and for other purposes; to the Committee on International Relations.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 49: Mr. McNULTY, Mrs. FOWLER, and Ms. MCKINNEY.

H.R. 353: Mr. FATTAH, Mr. PITTS, Mr. BAKER, and Mr. TANCREDO.

H.R. 460: Mrs. JONES of Ohio, Mr. COSTELLO, and Mr. MEEKS of New York.

H.R. 483: Mr. CLEMENT.

H.R. 534: Mr. WYNN.

H.R. 632: Mr. LEWIS of Georgia.

H.R. 688: Mrs. BONO.

H.R. 736: Mr. STEARNS.

H.R. 755: Mr. HYDE.

H.R. 890: Ms. MCKINNEY.

H.R. 1095: Ms. ESHOO.

H.R. 1303: Ms. MILLENDER-MCDONALD.

H.R. 1322: Mr. BALDACCIO, Mr. TAYLOR of North Carolina, Mr. THUNE, Mr. FORBES, Mr. PALLONE, Mr. SHERMAN, and Mr. WEINER.

H.R. 1522: Mr. SKEEN and Mr. NETHERCUTT.

H.R. 1525: Mr. PASCRELL and Mr. HOLT.

H.R. 1590: Mr. SANDERS.

H.R. 1594: Mr. ROGAN.

H.R. 1824: Mr. HASTINGS of Washington.

H.R. 1997: Ms. WOOLSEY, Mr. BOEHLERT, Mr. HOEFFEL, Mrs. FOWLER, Mr. HUTCHINSON, Mr. LATOURETTE, Mr. MARKEY, and Mr. JEFFERSON.

H.R. 2250: Mr. BUYER, Mr. HILLEARY, and Mr. GOODE.

H.R. 2289: Mr. ARMEY.

H.R. 2411: Mr. STEARNS.

H.R. 2457: Mr. OLVER and Ms. PELOSI.

H.R. 2548: Mr. GILCHREST.

H.R. 2551: Mr. ENGLISH, Mr. DAVIS of Illinois, Mr. SHIMKUS, Mr. OLVER, and Ms. GRANGER.

H.R. 2814: Mr. KUYKENDALL.

H.R. 2892: Mr. SHADEGG.

H.R. 3142: Ms. LOFGREN.

H.R. 3161: Mr. RUSH.

H.R. 3180: Mr. HOLT and Mr. DEFazio.

H.R. 3192: Ms. EDDIE BERNICE JOHNSON of Texas, Ms. LOFGREN, Mr. WEXLER, and Mr. MOAKLEY.

H.R. 3214: Mr. TOWNS.

H.R. 3249: Mrs. LOWEY and Ms. WOOLSEY.

H.R. 3377: Ms. VELAZQUEZ and Mr. PAYNE.

H.R. 3463: Mr. COOK, Mr. DOYLE, and Mr. CAPUANO.

H.R. 3466: Mr. PRICE of North Carolina and Mr. KLECZKA.

H.R. 3492: Mr. SESSIONS and Mr. MALONEY of Connecticut.

H.R. 3610: Mr. ENGEL and Mr. MCGOVERN.

H.R. 3650: Mr. LEWIS of Georgia and Mr. McNULTY.

H.R. 3676: Mr. TAUZIN, Mr. WALDEN of Oregon, Mr. HUTCHINSON, Mr. GILCHREST, Ms. ROS-LEHTINEN, Mr. WAMP, Mr. THOMAS, Mrs. ROUKEMA, Mr. DICKEY, Mr. BURR of North Carolina, Mr. PETERSON of Pennsylvania, Mr. BILBRAY, Mr. HAYWORTH, Mr. BUYER, Mr. FOLEY, Mr. HILLEARY, Mr. WELLER, Mr. BURTON of Indiana, Mr. CAMP, Mr. MCKEON, Ms. LOFGREN, Mr. KINGSTON, Mr. HUNTER, Mr. CUNNINGHAM, Mr. LARGENT, Mr. DREIER, and Mr. HOYER.

H.R. 3700: Mr. SCOTT, Mr. BERMAN, Ms. ROYBAL-ALLARD, Mr. WELLER, Mr. METCALF, Mr. BARCIA, Mrs. CLAYTON, Mrs. CAPPS, Mr. WISE, and Ms. DANNER.

H.R. 3766: Mr. KENNEDY of Rhode Island, Mr. ORTIZ, Ms. DANNER, Mrs. CLAYTON, and Ms. MCCARTHY of Missouri.

H.R. 3826: Mr. HOLT and Ms. BROWN of Florida.

H.R. 3842: Mr. LEWIS of Georgia, Mr. MATSUI, Mr. LAMPSON, and Ms. KILPATRICK.

H.R. 3880: Mr. HASTINGS of Washington.

H.R. 3883: Ms. WATERS.

H.R. 3928: Ms. BALDWIN.

H.R. 4001: Mr. McNULTY, Mr. DOGGETT, Mr. COYNE, Ms. BROWN of Florida, Mr. NEAL of Massachusetts, Mr. BERMAN, and Mr. CUMMINGS.

H.R. 4013: Mr. BARRETT of Wisconsin, Mr. INSLEE, Mr. KUCINICH, and Mr. UDALL of New Mexico.

H.R. 4056: Mr. WYNN and Mr. BOYD.

H.R. 4066: Mr. PAYNE.

H.R. 4170: Mr. CALVERT.

H.R. 4206: Mr. PAYNE, Mr. BONIOR, Ms. MILLENDER-MCDONALD, and Ms. MCKINNEY.

H.R. 4215: Mr. OSE.

H.R. 4232: Mr. DAVIS of Virginia and Mr. MORAN of Virginia.

H.R. 4248: Ms. MILLENDER-MCDONALD.

H.R. 4259: Mr. PALLONE.

H.R. 4281: Mr. CAPUANO.

H.R. 4289: Mr. THOMPSON of California, Mr. CONDIT, Mr. PETERSON of Minnesota, Mr. LUCAS of Kentucky, Ms. SANCHEZ, Mr. ROGAN, Mr. FRANK of Massachusetts, Mr. ROEMER, and Ms. ROYAL-ALLARD.

H.R. 4328: Mr. WHITFIELD.

H.R. 4330: Mr. LOBIONDO.

H.R. 4366: Mr. SKELTON, Mr. GALLEGLY, Mrs. MINK of Hawaii, Ms. KAPTUR, and Mr. ACKERMAN.

H.R. 4434: Mr. BILIRAKIS, Mr. FOLEY, Mrs. MEEK of Florida, and Mr. CAPUANO.

H.R. 4480: Ms. JACKSON-LEE of Texas.

H.R. 4483: Mr. DOYLE and Mr. EVANS.

H.R. 4547: Mr. LATHAM, Mr. GREEN of Wisconsin, Ms. PRYCE of Ohio, and Mr. RAHALL.

H.R. 4553: Mr. SESSIONS, Mr. CALVERT, and Mrs. MYRICK.

H.R. 4566: Mr. ADERHOLT, Mr. EVANS, and Mr. BROWN of Ohio.

H.R. 4567: Mr. CAPUANO and Ms. MCKINNEY.

H.R. 4570: Mrs. FOWLER, Mr. HUTCHINSON, Mr. LATOURETTE, Mr. MARKEY, Ms. WOOLSEY, and Mr. JEFFERSON.

H.R. 4592: Mr. BRYANT.

H.R. 4593: Ms. PELOSI, Mr. HINCHEY, Mr. STARK, Mr. BONIOR, Mr. ANDREWS, Mrs. MINK of Hawaii, Mr. FARR of California, Ms. MCCARTHY of Missouri, Mr. SAWYER, Mr. KUCINICH, and Mr. WEINER.

H.R. 4596: Mr. PHELPS and Mr. FATTAH.

H.R. 4598: Mr. RANGEL, Ms. PRYCE of Ohio, Mr. MILLER of Florida, Mr. CANADY of Florida, and Mr. COOK.

H.R. 4607: Ms. LEE.

H.R. 4621: Mr. PORTER.

H.R. 4637: Ms. BERKLEY.

H.R. 4645: Mr. STARK, Mr. GEORGE MILLER of California, Mr. MCGOVERN, Ms. NORTON, Ms. MCKINNEY, Mr. HOEKSTRA, and Mr. MARKEY.

H.R. 4651: Mr. RAHALL, Mr. FROST, and Mr. MATSUI.

H.R. 4654: Mr. McNULTY, Mr. CRANE, Mr. TANCREDO, Mr. ROHRBACHER, Mrs. KELLY, and Mr. WELDON of Florida.

H.R. 4675: Ms. PELOSI, Mr. HINCHEY, Mr. NADLER, Mr. STARK, Mr. BONIOR, Mr. ANDREWS, Mrs. MINK of Hawaii, Mr. FARR of California, Ms. MCCARTHY of Missouri, Mr. SAWYER, Mr. KUCINICH, and Mr. WEINER.

H.R. 4709: Mr. BOEHLERT.

H.R. 4712: Mr. GILLMOR.

H.R. 4717: Mr. DREIER and Mr. BILBRAY.

H.J. Res. 102: Mr. KOLBE, Mr. BARRETT of Nebraska, Mr. UPTON, Mr. FOSSELLA, and Mr. KING.

H. Con. Res. 257: Mr. PRICE of North Carolina, Mr. SABO, Mr. PETERSON of Minnesota, Ms. WOOLSEY, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. STUPAK, Mr. MORAN of Kansas, and Ms. SLAUGHTER.

H. Con. Res. 308: Ms. WATERS.

H. Con. Res. 328: Ms. NORTON, Ms. WOOLSEY, Mr. TIERNEY, Mr. BLAGOJEVICH, Mr. DIXON, Mr. NEAL of Massachusetts, Mr. FRANK of Massachusetts, Mr. EVANS, Mr. EHLERS, Mr. WU, and Mr. DEFazio.

H. Con. Res. 346: Mrs. CLAYTON, Ms. LEE, Mr. MEEKS of New York, Mrs. JONES of Ohio, Mr. LEWIS of Georgia, and Ms. WATERS.

H. Con. Res. 357: Mr. GUTIERREZ, Mr. WEXLER, and Mrs. MORELLA.

Sherrod Brown, Ciro D. Rodriguez, Ruben Hinojosa, William D. Delahunt, Michael E. Capuano, Joe Baca, Michael R. McNulty, Eddie Bernice Johnson, Janice D. Schakowsky, Luis V. Gutierrez, Robert Menendez, Sanford D. Bishop, Jr., Eva M. Clayton, Alcee L. Hastings, Howard L. Berman, Danny K. Davis, Carolyn C. Kilpatrick, Gregory W. Meeks, Benjamin L. Cardin, Martin Frost, Leonard L. Boswell, Bob Etheridge, David E. Price, William (Bill) Clay, Lynn N. Rivers, Zoe Lofgren, Earl F. Hilliard, John D. Dingell, John M. Spratt, Jr., Melvin L. Watt, Brad Sherman, Patsy T. Mink, Carolyn McCarthy, Henry A. Waxman, Bobby L. Rush, Tammy Baldwin, Jay Inslee, Jim McDermott, Gary L. Ackerman, Nydia M. Velazquez, Tom Sawyer, Shelley Berkley, Tom Lantos, Chet Edwards, Patrick J. Kennedy, Bob Filner, Nita M. Lowey, Carolyn B. Maloney, George Miller, John Conyers, Jr., Carrie P. Meek, Eliot L. Engel, Grace F. Napolitano, John W. Olver, Ike Skelton, Donald M. Payne, Maurice D. Hinchey, Edolphus Towns, Paul E. Kanjorski, Xavier Becerra, Marcy Kaptur, Jerrold Nadler, Julia Carson, Barney Frank, Martin Olav Sabo, Loretta Sanchez, Sam Gejdenson, Barbara Lee, Vic Snyder, Thomas M. Barrett, Thomas H. Allen, James P. McGovern, John S. Tanner, James P. Moran, John F. Tierney, John Elias Baldacci, Diana DeGette, Elijah E. Cummings, Nick J. Rahall II, Sander M. Levin, Robert T. Matsui, John Lewis, Michael P. Forbes, Dale E. Kildee, Rush D. Holt, Martin T. Meehan, Norman D. Dicks, Neil Abercrombie, Peter A. DeFazio, Bernard Sanders, William J. Coyne, Charles W. Stenholm, Robert E. (Bud) Cramer, Jr., Richard A. Gephardt, James L. Oberstar, Marion Berry, Nick Lampson, Robert E. Andrews, Sheila Jackson-Lee, Karen L. Thurman, Ellen O. Tauscher, Ken Bentsen, Fortney Pete Stark, John J. LaFalce, Owen B. Pickett, Lloyd Doggett, Sam Farr, Cynthia A. McKinney, Rod R. Blagojevich, Dennis J. Kucinich, Jim Turner, Julian C. Dixon, James H. Maloney, William J. Jefferson, David Minge, Bennie G. Thompson, Ronnie Shows, Gary A. Condit, Baron P. Hill, Darlene Hooley, Debbie Stabenow, Steny H. Hoyer, Max Sandlin, Michael F. Doyle, Jose E. Serrano, Ron Klink, Jerry F. Costello, Corrine Brown, Ted Strickland, Joseph Crowley, Tony P. Hall, and Anthony D. Weiner.

DISCHARGE PETITIONS— ADDITIONS OR DELETIONS

The following Members added their names to the following discharge petitions:

Petition 10 by Mr. MOORE on House Resolution 508: James L. Oberstar.

AMENDMENTS

Under clause 8 of rule XVIII, proposed amendments were submitted as follows:

[As submitted on June 20, 2000]

REPRINT

H.R. 4690

OFFERED BY: MR. ALLEN

AMENDMENT NO. 2: Page 72, line 3, before the period insert “; *Provided further*, That not to exceed \$1,000,000 may be available for diplomatic activities designed to encourage

North Korea to terminate its ballistic missile program”.

[Omitted from the Record on June 22, 2000]

H.R. 4690

OFFERED BY: MR. FARR OF CALIFORNIA

AMENDMENT NO. 79: Page 51, lines 3, 16, and 17, after each dollar amount, insert the following: “(increased by \$85,772,000)”.

Page 51, line 20, after the dollar amount, insert the following: “(increased by \$18,277,000)”.

Page 51, line 21, after the dollar amount, insert the following: “(increased by \$16,343,000)”.

Page 51, line 22, after the dollar amount, insert the following: “(increased by \$35,941,000)”.

Page 51, line 24, after the dollar amount, insert the following: “(increased by \$4,500,000)”.

Page 52, line 1, after the dollar amount, insert the following: “(increased by \$4,459,000)”.

Page 52, line 2, after the dollar amount, insert the following: “(increased by \$6,243,000)”.

Page 52, line 3, after the dollar amount, insert the following: “(increased by \$9,000)”.

H.R. 4690

OFFERED BY: MS. KAPTUR

AMENDMENT NO. 80: Page 43, line 24, before the period insert “; *Provided*, That of these funds, such sums as may be necessary may be used to assist, under the Public Works and Economic Development Act of 1965, communities adversely affected by the implementation of permanent normal trade relations with China”.

H.R. 4690

OFFERED BY: MR. OBEY

AMENDMENT NO. 81: Page 39, line 21, after the dollar amount, insert the following: “(increased by \$3,167,000)”.

Page 41, line 8, after the dollar amount, insert the following: “(increased by \$1,000,000)”.

Page 41, line 13, after the dollar amount, insert the following: “(increased by \$1,000,000)”.

Page 55, line 11, after the dollar amount, insert the following: “(decreased by \$4,167,000)”.

H.R. 4690

OFFERED BY: MR. SAXTON

AMENDMENT NO. 82: Page 51, line 20, after the dollar amount insert “(increased by \$18,277,000)”.

Page 51, line 22, after the dollar amount insert “(increased by \$17,970,500)”.

Page 51, line 23, after the dollar amount insert “(reduced by \$17,856,000)”.

[Submitted June 23, 2000]

H.R. 4461

OFFERED BY: MR. ADERHOLT

AMENDMENT NO. 35: Page 91, line 11, strike “or”.

Page 91, line 25, strike the period and insert “; or”.

Page 91, after line 25, insert the following: (3) against a foreign country or foreign entity that—

(A) refuses to allow nonprofit organizations to distribute free food or medicine; or

(B) refuses to allow members of such organizations to travel to any destination within the country to oversee the distribution of such food or medicine.

DISCHARGE PETITIONS

Under clause 2 of rule XV, the following discharge petition was filed:

Petition 11. June 21, 2000, by Ms. SLAUGHTER on House Resolution 520, was signed by the following Members: Louise McIntosh Slaughter, John B. Larson, Karen McCarthy, Bill Luther, Frank Pallone, Jr., Juanita Millender-McDonald, Steven R. Rothman, Pat Danner, Joseph M. Hoeffel, Charles A. Gonzalez, Mike Thompson, Lynn C. Woolsey, David E. Bonior, Anna G. Eshoo, Lois Capps, Major R. Owens, Robert A. Weygand, Dennis Moore, Rosa L. DeLauro, Frank Mascara, Mark Udall, Tom Udall, Maxine Waters, Nancy Pelosi, Gene Green, Lane Evans,



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PROCEEDINGS AND DEBATES OF THE 106th CONGRESS, SECOND SESSION

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WASHINGTON, FRIDAY, JUNE 23, 2000

No. 81

Senate

The Senate met at 9:30 a.m., and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Gracious Father, so often we begin the work of the Senate by praying for unity. Today we search deeper into our own hearts to discover why we ask for unity and then find it difficult to accept Your gift. Today we humble ourselves and confess our profound need for Your help. Crucial issues separate Senators ideologically. Both sides in debate assume they are right. Sometimes pride fires the flames of the competitive will to win. Other times physical tiredness causes loss of control, and words may be used to demean or shame with blame. In the quiet of this moment we ask You to imbue the Senators with the controlling conviction of their accountability to You for what is said and done. We ask You to give the leaders of both parties the initiative to take the first step to break deadlocks and move toward creative compromises and achieve agreements.

Lord God, we need Your healing. Make us all as willing to receive as You are to give. Without You, we are powerless; with You, nothing is impossible. Amen.

PLEDGE OF ALLEGIANCE

The Honorable LINCOLN CHAFEE, a Senator from the State of Rhode Island, led the Pledge of Allegiance, as follows:

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

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDING OFFICER (Mr. L. CHAFEE). The Senator from Pennsylvania.

SCHEDULE

Mr. SPECTER. Mr. President, on behalf of the distinguished majority leader, Senator LOTT, I have been asked to announce that we will proceed with further consideration of the appropriations bill for the Departments of Labor, Health and Human Services, and Education. We have an amendment to be presented in a moment or two by the distinguished Senator from Missouri, Mr. BOND. We urge all Senators who have amendments to come to the floor to offer those amendments. Any rollcall votes will be considered sometime early next week under the schedule announced by the majority leader.

We are trying to move ahead with this bill. There are quite a few Senators who have stated their intention to offer amendments. Staff and I have canvassed a good many of the Members in an effort to have them come to the floor to take up their amendments. That would help in the disposition of this bill. We are going to be in session until at least close to noon today. We do know that in the early stages of bills, there is time for discussion, for debate, and later the time becomes very crowded, time is limited, and Senators may be allotted only a few minutes under time agreements. So now is the time to come to take up the issues.

The majority leader has also asked me to announce that the Senate may turn to the Department of Defense authorization bill on Monday.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER. Under the previous order, the leadership time is reserved.

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

The PRESIDING OFFICER. Under the previous order, the Senate will now

resume consideration of H.R. 4577, which the clerk will report.

The legislative clerk read as follows: A 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.

Pending:

McCain amendment No. 3610, to enhance protection of children using the Internet.

Mr. SPECTER. Mr. President, the Labor, Health and Human Services, and Education bill before the Senate today contains a program level of \$104.5 billion, an increase of \$7.9 billion or 8.2 percent over the fiscal year 2000 program level. This program level was achieved by savings in the following areas: The temporary assistance to needy families, supplemental security income, and the State children's health insurance programs. Further, savings were also achieved by advance funding an additional \$2.3 billion of education dollars into fiscal year 2002, while keeping the same overall level of advances as last year. The actual budget authority in the bill is \$97.35 billion, the full amount of the subcommittee's allocation under section 302(b) of the Budget Act.

Given the subcommittee's allocation there were inadequate resources to sufficiently fund important health, education and training programs. Therefore savings needed to be found in order to expand these high priority discretionary programs. For example, savings were achieved by shifting \$1.9 billion in unspent fiscal year 1998 State Children's Health Insurance Program (SCHIP) funds into fiscal year 2003. Currently 38 States and the District of Columbia have not spent their SCHIP funds which are due to expire on September 30, 2000. By reappropriating funds, these 38 States and the District of Columbia will have an opportunity to spend these dollars in future years.

The recommendations made in the bill both keeps faith with the budget agreement and addresses the health,

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.



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education, employment and training priorities of the Senate.

While consistent with the budget agreement, many tough choices had to be made. Senator HARKIN and I received over 1,800 requests from Members for expanded funding for programs within the subcommittee's jurisdiction. In order to stay within the allocation and balance the priorities established in the budget agreement and expressed in Member requests, we had to take a critical look at all of the programs within the bill. I want to take this opportunity to thank the distinguished Senator from Iowa, Mr. HARKIN, for his hard work and support in bringing this bill through the committee and on to the floor for full consideration by all Senators.

The programs funded within the subcommittee's jurisdiction provide resources to improve the public health and strengthen biomedical research, assure a quality education for America's children, and offer opportunities for individuals seeking to improve job skills. I'd like to mention several important accomplishments of this bill.

Nothing is more important than a person's health and few things are feared more than ill health. Medical research into understanding, preventing, and treating the disorders that afflict men and women in our society is the best means we have for protecting our health and combating disease.

Since January of 2000, the Labor-HHS Subcommittee has held nine hearings on medical research issues.

We have heard testimony from NIH Institute Directors, medical experts from across the United States, patients, family members, and advocates asking for increased biomedical research funding to find the causes and cures for diseases Alzheimer's and Parkinson's disease, ALS, AIDS, cancer, diabetes, heart disease, and many other serious health disorders. We have also heard from advocates on both sides of the stem cell debate. The bill before the Senate contains \$20.5 billion for the National Institutes of Health, the crown jewel of the Federal government. The \$2.7 billion increase over the fiscal year 2000 appropriation will support medical research that is being conducted at institutions throughout the country. This increase will continue the effort to double NIH by fiscal year 2003. These funds will be critical in catalyzing scientific discoveries that will lead to new treatments and cures for a whole host of diseases.

Head Start: To enable all children to develop and function at their highest potential, the bill includes \$6.2 billion for the Head Start program, an increase of \$1 billion over last year's appropriation. This increase will provide services to an additional 60,000 children bringing the total amount of kids served in fiscal year 2001 to 936,000. This increase will put us on track to enroll one million children in Head Start by the year 2002.

Community health centers: To help provide primary health care services to

the medically indigent and underserved populations in rural and urban areas, the bill contains \$1.1 billion for community health centers. This amount represents an increase of \$100 million over the fiscal year 2000 appropriation. These centers will provide health care to nearly 11 million low-income patients, 4.5 million of whom are uninsured.

Youth Violence Initiative: The bill includes \$1.2 billion for programs to assist communities in preventing youth violence. This initiative, begun in fiscal year 2000, will continue to address youth violence in a comprehensive way by coordinating programs throughout the Federal government to improve research, prevention, education and treatment strategies to identify and combat youth violence.

Drug demand initiative: To curb the effects of drug abuse, the bill includes \$3.7 billion for programs to help reduce the demand for drugs in this country. Funds have been increased for drug education in this Nation's schools; youth offender drug counseling, education and employment programs; and substance abuse research and prevention.

Women's health: Again this year, the committee has placed a very high priority on women's health. The bill before the Senate provides \$4.1 billion for programs specifically addressing the health needs of women. Included in this amount is \$27.4 million for the Public Health Service, Office of Women's Health, an increase of \$6.1 million over last year's funding level to continue and expand programs to develop model health care services for women, provide monies for a comprehensive review of the impact of heart disease on women, and to launch an osteoporosis public education campaign aimed at teenagers. Also included is \$253.9 million for family planning programs; \$169 million to support the programs that provide assistance to women who have been victims of abuse and to initiate and expand domestic violence prevention programs to begin; \$149.9 million for sexually transmitted diseases; \$177.5 million for breast and cervical cancer screening; and \$2.7 billion for research directed at women at the National Institutes of Health.

Medical error reduction: The Labor-HHS Subcommittee held several hearings to explore the factors leading to medical errors and received testimony from family members and patients detailing their experiences with medical mistakes. The Institute of Medicine also gave testimony and outlined findings from their recent report which indicated that 98,000 deaths occur each year because of medical errors. The bill before the Senate contains \$50 million to determine ways to reduce medical errors and also recommends that guidelines be developed to collect data related to patient safety, best practices to reduce error rates and ways to improve provider training.

LIHEAP: The bill maintains \$1.1 billion for the Low Income Home Energy

Assistance Program (LIHEAP). The bill also provides an additional \$300 million in emergency appropriations. LIHEAP is a key program for low income families in Pennsylvania and cold weather states throughout the nation. Funding supports grants to states to deliver critical assistance to low income households to help meet higher energy costs.

Aging programs: For programs serving the elderly, the bill before the Senate recommends \$2.4 billion, an increase of \$133 million over the fiscal year 2000 appropriation. Included is: \$440.2 million for the community service employment program which provides part-time employment opportunities for low-income elderly; \$325.1 million for supportive services and senior centers; \$521.4 million for congregate and home-delivered nutrition services; and \$187.3 million for the National Senior Volunteer Corps. Also, the bill provides increased funds for research into the causes and cures of Alzheimer's disease and other aging related disorders; funds to continue geriatric education centers; and the Medicare insurance counseling program.

AIDS: The bill includes \$2.5 billion for AIDS research, prevention and services. Included in this amount is \$1.6 billion for Ryan White programs, an increase of \$55.4 million; \$762.1 million for AIDS prevention programs at the Centers for Disease Control; \$60 million for global and minority AIDS activities within the Public Health and Social Services Funds; and \$85 million for benefit payments authorized by the Ricky Ray Hemophilia Trust Fund Act.

Education: To enhance this Nation's investment in education, the bill before the Senate contains \$40.2 billion in discretionary education funds, an increase of \$4.6 billion over last year's funding level, and \$100 million more than the President's budget request.

Education for disadvantaged children: For programs to educate disadvantaged children, the bill recommends \$8.9 billion, an increase of \$177.8 million over last year's level. These funds will provide services to approximately 13 million school children. The bill also includes \$185 million for the Even Start program, an increase of \$35 million over the 2000 appropriation. Even Start provides education services to low-income children and their families.

Title VI block grant: For the Innovative education program strategies State grant program, the bill contains \$3.1 billion, an increase of \$2.7 billion over fiscal year 2000. Within this amount, \$2.7 billion is to be used to assist local educational agencies, as part of their locally developed strategies, to improve academic achievement of students. Funds may be used to address the shortage of highly qualified teachers, reduce class size, particularly in the early grades, or for renovation and construction of school facilities. How the funds shall be spent is at the sole discretion of the local educational agency.

Impact aid: For impact aid programs, the bill includes \$1.030 billion, an increase of \$123.5 million over the 2000 appropriation. Included in the recommendation is: \$50 million for payments for children with disabilities; \$818 million for basic support payments, an increase of \$80.8 million; \$82 million for heavily impacted districts; \$25 million for construction and \$47 million for payments for Federal property.

Bilingual education: The bill provides \$443 million to assist in the education of immigrant and limited-English proficient students. This recommendation is an increase of \$37 million over the 2000 appropriation and will provide instructional services to approximately 1.3 million children.

Special education: One of the largest increases recommended in this bill is the \$1.3 billion for special education programs. The \$7.1 billion provided will help local educational agencies meet the requirement that all children with disabilities have access to a free, appropriate public education, and all infants and toddlers with disabilities have access to early intervention services. These funds will serve an estimated 6.4 million children age 3-21, at a cost of \$984 per child. While also supporting 580,500 preschoolers at a cost of \$672 per child.

TRIO: To improve post-secondary education opportunities for low-income first-generation college students, the committee recommendation provides \$736.5 million for the TRIO program, a \$91.5 million increase over the 2000 appropriation. These additional funds will assist in more intensive outreach and support services for low income youth.

Student aid: For student aid programs, the bill provides \$10.6 billion, an increase of \$1.3 billion over last year's amount. Pell grants, the cornerstone of student financial aid, have been increased by \$350 for a maximum grant of \$3,650. The supplemental educational opportunity grants program has also been increased by \$70 million, the work study program was increased by \$77 million and the Perkins loans programs is increased by \$30 million.

21st Century Community Learning Centers: For the 21st Century After School program, the bill provides \$600 million, an increase of \$146.6 million over last year's level. This program supports rural and inner-city public elementary and secondary schools that provide extended learning opportunities and offer recreational, health, and other social services programs. The bill also includes language to permit funds to be provided to community-based organizations.

Job training: In this Nation, we know all too well that unemployment wastes valuable human talent and potential, and ultimately weakens our economy. The bill before us today provides \$5.4 billion for job training programs, \$16.7 million over the 2000 level. Also included is \$652.4 million, an increase of

\$19.2 million for Job Corps operations; \$950 million for Adult training; and \$1.6 billion for retraining dislocated workers. Also included is \$20 million for a new program to upgrade worker skills. These funds will help improve job skills and readjustment services for disadvantaged youth and adults.

Workplace safety: The bill provides \$1.3 billion for worker protection programs, an increase of \$90 million above the 2000 appropriation. While progress has been made in this area, there are still far too many work-related injuries and illnesses. The funds provided will continue the programs that inspect business and industry, assist employers in weeding out occupational hazards and protect workers' pay and pensions.

There are many other notable accomplishments in this bill, but for the sake of time, I mentioned just several of the key highlights, so that the Nation may grasp the scope and importance of this bill.

In closing, Mr. President, I again want to thank Senator HARKIN and his staff and the other Senators on the subcommittee for their cooperation in a very tough budget year.

The PRESIDING OFFICER. Under the previous order, the Senator from Missouri, Mr. BOND, is recognized to call up an amendment regarding community health centers.

Mr. BOND. Mr. President, there is another pending amendment; is that correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. BOND. I ask unanimous consent that the amendment be set aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 3602

(Purpose: To increase funding for the consolidated health centers)

Mr. BOND. Mr. President, amendment No. 3602 is at the desk. I ask that it be called up for immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Missouri [Mr. BOND], for himself, Mr. HOLLINGS, Mr. COCHRAN, Mr. DASCHLE, Mr. HUTCHINSON, Mr. KENNEDY, Mr. DEWINE, Mrs. LINCOLN, Mr. ABRAHAM, Mr. AKAKA, Mr. ASHCROFT, Mr. BAUCUS, Mr. BINGAMAN, Mrs. BOXER, Mr. BREAUX, Mr. BRYAN, Mr. BURNS, Mr. CAMPBELL, Mr. L. CHAFEE, Mr. CLELAND, Ms. COLLINS, Mr. CRAIG, Mr. CRAPO, Mr. DODD, Mr. DORGAN, Mr. DURBIN, Mr. EDWARDS, Mr. ENZI, Mr. FEINGOLD, Mrs. FEINSTEIN, Mr. FRIST, Mr. GRAMS, Mr. INOUE, Mr. JEFFORDS, Mr. JOHNSON, Mr. KERRY, Mr. KOHL, Ms. LANDRIEU, Mr. LEAHY, Mr. LEVIN, Mr. LUGAR, Mr. MURKOWSKI, Mrs. MURRAY, Mr. ROBB, Mr. ROCKEFELLER, Mr. SANTORUM, Mr. SMITH of Oregon, Ms. SNOWE, Mr. WARNER, Mr. WELLSTONE, Mr. WYDEN, Mr. SCHUMER, Mr. LAUTENBERG, Mr. BAYH, Mr. GRASSLEY, Mr. SARBANES, Mr. ROTH, Mr. HATCH, and Mr. CONRAD, proposes an amendment numbered 3602.

Mr. BOND. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 23, line 23, strike "4,522,424,000" and replace with "4,572,424,000".

On page 92, between lines 4 and 5, insert the following:

SEC. . Amounts made available under this Act for the administrative and related expenses for departmental management for the Department of Labor, the Department of Health and Human Services, and the Department of Education shall be reduced on a pro rata basis by \$50,000,000.

Mr. BOND. Mr. President, I rise to offer what I think is a very important amendment to increase the funding this bill provides for a vital piece of our Nation's health care system—our community health centers.

This amendment, which I am very pleased to offer in conjunction with my colleague, Senator HOLLINGS of South Carolina, who has been a long-time supporter of community health centers—as was the late Senator from Rhode Island, the father of the distinguished occupant of the chair, who was a great champion of community health centers—along with a total of 58 cosponsors, would increase funding for community health centers by a total of \$50 million for this coming year. That is a \$50 million increase over that which is already included. The offset we use to fund this health center increase is a reduction in the departmental management fund for the Departments of Labor, Health and Human Services, and Education.

The managers of this bill, Senators SPECTER and HARKIN, clearly had a very difficult task in crafting this bill. There is a lot of money in it, but there are even more demands and requests for good things that this bill does. And they have to compete for the funds that, although they are significant, are still limited.

Despite the competing demands, the underlying bill has a \$100 million increase for community health centers. I sincerely commend the chairman and the ranking member for their efforts to include this very needed increase in the funding for the CHCs. At the same time, I believe very strongly that adding an additional \$50 million for health center funding is crucial to ensure that these vital health care providers have sufficient resources behind them to do everything they can to provide for the uninsured and medically underserved Americans.

All of us who have talked about health care know that the lack of access to care is perhaps the largest single health care problem that faces our Nation today.

Part of this problem is a lack of health insurance. About 44 million Americans are not covered by any type of health plan. But an equally serious part of the problem is that many people are simply unable to get access to a health care provider. Even if they have insurance, a young couple with a sick child is out of luck if they can't get in to see a pediatrician or other health care provider. In too many urban and rural communities around

the country, there just are not enough doctors to go around.

I urge my colleagues, if they have not done what I have done—and that is, to visit community health centers in their States—that they do so. You will be amazed and you will be very uplifted to see the work that is going on each and every day in these community health centers.

Community health centers in a center city, in the poorest neighborhoods, are reaching out and helping everyone—from the very young to the teenage mother perhaps with a child, or a teenager who is expecting a child, to the very elderly, who have difficulty getting around.

We see the same thing in rural areas, in some of the communities that are the hardest to access in our State. There are community health centers with dedicated physicians and nurses and health care professionals who are there to answer the health care needs of people who would have no chance of getting service were it not for the health centers.

These community health centers are truly the safety net of our health care system. For all of my colleagues, I trust they do know about these centers, but for other concerned citizens who may be watching, I suggest they find out about the community health centers in their area. What are they doing; are they serving people in need? I can tell my colleagues, based on the experience in my State, they are delivering the service to people who otherwise would not be served, were it not for these CHCs.

We all know there are problems with access to health care. There are many good ideas on additional steps we need to take. Some people want nationalized health care. Other people want new tax credits, subsidized health insurance. Others want to expand governmental health programs. Some people want to enhance insurance pooling arrangements. All of these have been proposed in an effort to make sure people have the health coverage and can get the care they need. As different and as diverse and as creative as many of these ideas are, they all have one thing in common: They are not going to be passed into law this year. All these wonderful ideas are going to come together. They are going to clash. We will look at them and talk about them, and we are going to refine them and argue about them and go down different roads. They are not going to pass this year. The breadth of the disagreement over these policy issues and the political complications of an election year make it totally unlikely that Congress will bring any of these new ideas to reality.

There is one thing we can still do this year, something we can pass into law that will make a big difference for many people who lack access to health care. What we can do is dramatically increase funding for community health centers and help them reach out to

even more uninsured and underserved Americans.

Just for the technical background, health centers are private not-for-profit clinics that provide primary care, preventive health care services in thousands of medically underserved urban and rural communities around the country. Partially with the help of Federal grants, health care centers provide basic care for about 11 million people every year, 4 million of whom are uninsured. Health centers provide care for 7 million people who are minorities, 600,000 farm workers, close to 1 out of every 20 Americans, 1 out of every 12 rural residents, 1 out of every 6 low-income children, and 1 out of every 5 babies born to low-income families.

Despite this great work, there are millions of Americans who still cannot get access to health care. The demand for the type of care these centers provide simply exceeds the resources available. Today we can help change this. There are as many as 44 million who are not covered by a health plan. We are covering about 11 million. We need to do something to make sure we serve those additional people. We are building on a program that has proven itself to be effective.

This is probably the best health care bargain we can get because these not-for-profit centers leverage the Federal dollars that go into them. They collect insurance from those who are insured. They can collect Medicare or Medicaid. They are a vehicle for providing the service. The average cost per patient served by a community health center in my State is something like \$350 a year. That is how much it costs them because of the other reimbursements and because of the efficiencies and economies of scale. That is less than \$1 a day. Not too many plans can provide so much bang for the buck, so much important delivery of health care service. This is probably the first priority of all the health care problems we are facing, and there are many. We can do something that will have a real impact on access to care and the uninsured. It is the best thing we can do to expand that safety net and pursue the search for better health care.

There are a couple of key reasons why community health centers are so important. No. 1, these dollars build on an existing program that produces results. Unlike many other health care proposals that suggest radically new and untested ideas, health centers are known entities. They do an outstanding job. They are known, respected, and trusted in their communities.

Numerous independent studies, in addition to the observations of those of us who have traveled around to visit them, confirm that community health centers provide high quality care in an efficient and cost-effective manner. Health centers truly target the health care access problem. By definition, health centers must be located in

medically underserved communities, which means places where people have serious problems getting access to health care. So health centers attack the problem right at its source—in the communities where those people live. Health centers are relatively cheap. Health centers can provide primary and preventive care for one person for less than \$1 a day, \$350 a year. That has to be one of the best health care bargains around.

This proposal is not a Government takeover of health care. Admittedly, this amendment calls for more Government spending, but unlike most other health care proposals, this funding would not go to create or expand a huge health care bureaucracy. This amendment would invest additional funds into private organizations which have consistently proven themselves to be efficient, high quality, cost-effective health care providers.

If this amendment succeeds, it will mean an overall increase in health center funding of \$150 million. That level of increase will put us on a path to double health center funding over 5 years. As my colleagues know, this same goal, doubling funding over 5 years, is what we challenge ourselves to provide to the National Institutes of Health. Through these increased funds to health centers, we continue our support for the good work that goes on in health centers. As in NIH, we have increased funding for biomedical research that produces medical innovations and develops ways to save, improve, and prolong people's lives. I have supported those efforts. In fact, the underlying bill contains funding increases for NIH that will keep us on the track for doubling NIH funding over 5 years for this, the third straight year.

But as we expand the envelope for what is possible in the world of health care, we must also ensure that more Americans have access to the most basic level of primary care services, including regular checkups, immunizations, and prenatal care. If we are not reaching some Americans, it doesn't matter how much we put into health care research. It doesn't matter how many innovations we come up with. It doesn't matter how many new drugs or new procedures or new techniques we develop. If they don't have access to the basic health care system, it is not going to help them at all.

That is why I believe it is so important to set the same noble goal we have set for research, doubling funding over 5 years, and adopt it for community health centers as well. There is widespread bipartisan support for both this 5-year plan as well as for the first-year installment. Nineteen of my Senate colleagues cosponsored what I called the REACH initiative—a resolution calling on Congress to double health center funding over 5 years.

This resolution has since been made part of the congressional budget resolution that establishes our tax and

spending goals and priorities. Sixty-seven Senators joined in my initial request for the 1-year funding increase of \$150 million. This amendment, which makes this 1-year increase a reality, has 57 cosponsors.

I am pleased to say that Gov. George W. Bush has publicly announced his support for funding increases for community health centers comparable to what this amendment would provide.

I thank my colleagues who have joined in these efforts for their support. I urge all of my Senate colleagues to support this amendment. A dramatic increase in community health center funding is one of the first and most important things Congress can do this year to truly help the uninsured and medically underserved Americans. Let us not waste the opportunity to make it happen.

I express my thanks to the chairman and ranking member of the committee.

The PRESIDING OFFICER (Mr. GORTON). The Senator from Pennsylvania is recognized.

Mr. SPECTER. Mr. President, I compliment our distinguished colleague from Missouri for offering this amendment and for his steadfast support over the years. I compliment my distinguished colleague, Senator BOND, for his continued support for community health centers. This has been a matter he has taken a special interest in and he has organized enormous support, with a letter having 67 signatories, 58 cosponsors, and reflecting a very broad consensus as to the importance of this program.

The program would add in the current fiscal year \$1.187 billion for community health centers. The Appropriations Committee has increased funding by \$100 million over fiscal year 2000. Senator BOND now wants an additional \$50 million, with an offset from administrative expenses pro rata among the three Departments.

We are prepared to accept Senator BOND's amendment. This is always a matter of finding enough money and adjusting the priorities. There is no one among the 100 Senators who knows that better than Senator BOND, because he chairs the Appropriations Subcommittee on VA, HUD, and Independent Agencies. I think his subcommittee and this subcommittee have the toughest job in funding matters. But we agree there ought to be more money in community health centers to serve people in both rural and urban areas who are disadvantaged and do not have access to primary health care.

There is nothing more important than health, so we are going to accept the amendment. When we come to conference, we may have to modify the offset as to the administrative cost, but we will do our very best to maintain the funding in this important item.

One other comment. I commented yesterday that the President had issued a veto threat after the subcommittee reported out a bill, and Senator HARKIN had some words for the

President, which I thought came better from the ranking member in the same party as the President. I made the point yesterday—and I think it is worth repeating today—about the priorities established by Members of Congress. We have contacts that the President does not have. There are 535 of us who fan out across America. Most of the Senators have fanned out already today, going back to their States to assess local needs.

The Constitution gives the Senate the authority for appropriations. Bills have to be signed by the President. But what Senator BOND has done is a good illustration of getting a broad consensus. That makes an impact upon the subcommittee when we look at our priorities. If 67 Senators sign a letter and 58 sign on as cosponsors, you wonder what happened to the other 9 in the interim. That is a very strong showing, and we intend to make that point when we do our best to honor the full \$150 million increase and as we move down to have an assessment of our priorities versus the President's priorities.

Speaking for the majority, we are prepared to accept the amendment.

Mr. BOND. Mr. President, I thank my distinguished friend from Pennsylvania, the chairman of the committee. If he really wants us to get the rest of the 67, we will be happy to go about it. But I found the chairman and the ranking member so responsive to my persuasive arguments that I didn't think they needed any more weight on this. I sincerely appreciate the willingness of the chairman to accept this.

Mr. DEWINE. Mr. President, I rise today to express my support for increased funding for Community Health Centers. These health centers offer much-needed primary and preventative health care services to hundreds of medically underserved urban and rural communities across our country.

Currently, the Labor, Health and Education Appropriations bill before us would provide \$100 million in Budget Year 2001 for these health centers. The amendment I have cosponsored with Senator BOND and Senator HOLLINGS would provide an additional \$50 million, bringing the total investment to \$150 million. This amendment, Mr. President, is very important. It deserves the Senate's support. There are millions of Americans who rely on Community Health Centers for their health care needs. We have an obligation to ensure that those necessary services are not interrupted due to a lack of sufficient federal funds.

The value of the services provided by these health centers becomes quite apparent when you consider that right now there are at least 44 million uninsured people in our nation; and of those 44 million people, Mr. President, 4 million of them receive health services from Community Health Centers. When you combine the uninsured with the under-insured, that total rises to 10 million—yes, Mr. President—10 million patients who look to these centers for health care.

In my own home state of Ohio, the Third Street Community Clinic in Mansfield and the Neighborhood Family Practice in Cleveland, for example, are just two of the 69 Community Health Centers that serve more than 200,000 Ohioans each year. In just the first three months of this year, Ohio's Community Health Centers medically treated more than 29,000 uninsured people, of whom more than 31 percent—nearly one-third—were children under 18 years of age.

These health centers provide critical health services to those who would otherwise not have access to health care providers. The centers offer prenatal care to uninsured or under-insured pregnant moms, and by doing so, are working to prevent undue adverse risks to the health of unborn babies. The health centers also provide immunizations so that young children can continue to be healthy, even those that live in medically underserved urban or rural areas.

And, in practical terms, by providing these and other types of primary and preventive care, Community Health Centers save Medicare and Medicaid dollars, because these services significantly reduce the need for hospital stays and emergency room visits.

The value of Community Health Centers should not be underestimated—nor should they be underfunded. The challenge we face today is that we have to make sure funding keeps pace with the growing numbers of Americans who will be in need of the health care services provided by these centers. To keep pace with this rapid growth, the overall budget for Community Health Centers will need to increase from \$1 billion to \$2 billion by Fiscal Year 2005. This \$1 billion increase would enable the health centers to provide care to an additional six to ten million people.

Because of the pressing need to increase funding, I am also a cosponsor of Senator BOND's REACH Initiative, which is the "Resolution to Expand Access to Community Health Care." This important Initiative would double the federal contribution for Community Health Centers over the next five years. And, the Bond/Hollings amendment to the Labor, Health, and Education Appropriations bill before us now would keep us on track of meeting this five-year plan by increasing this year's \$100 million allocation to \$150 million.

I commend my colleagues from Missouri and South Carolina for their amendment and for their tireless commitment to Community Health Centers. I urge the rest of my colleagues to support this important amendment.

Mr. HOLLINGS. Mr. President, It has been over 30 years since I set off on my hunger tour of South Carolina, where I observed first-hand the shocking condition of health care and nutritional habits in rural parts of my state. The good news is, we have come a long way since then. The bad news is, there is still much work to be done. Like the "hunger myopia" I described in my book

The Case Against Hunger, we suffer today from a sort of "health care myopia", a condition in which a booming economy and low unemployment rates mask a reality—that many Americans eke out a living in society's margins, and most of them lack health insurance. Ironically, as the stock market soars, so do the numbers of uninsured in our country, at a rate of more than 100,000 each month; 53 million Americans are expected to be uninsured by 2007.

The health care debate swirls around us, reaching fever pitch in Congress, where I have faith that we will soon reach an agreement on expanding coverage and other important issues. However, I see a need to immediately address the health care concerns of these left-behind and sometimes forgotten citizens. They cannot and should not have to wait for Congress to hammer out health care reform in order to receive the medical care so many of us take for granted. That's why I am sponsoring, along with Senator BOND, this amendment to provide an additional \$50 million for health centers in this bill. Fifty-seven cosponsors have joined us in working toward our objective. I would like to thank subcommittee chairman Sen. SPECTER and ranking member Sen. HARKIN for their advocacy on behalf of community health centers. I look forward to working with them as the bill moves to conference so that we may ensure health centers across the nation receive the support they deserve.

While ideas about health care have changed dramatically, community health centers have remained steadfast in their mission, quietly serving their communities and doing a tremendous job. Last year, community health centers served 11 million Americans in decrepit inner-city neighborhoods as well as remote rural areas, 4.5 million of which were uninsured. It's no wonder these centers have won across-the-board, bipartisan support. They have a proven track record of providing no-nonsense, preventive and primary medical services at rock-bottom costs. They're the value retailers of the health care industry, if you will, treating a patient at a cost of less than \$1.00 per day, or about \$350 annually.

Let me emphasize that this measure is a cost-saving investment, not an increase in spending. Not only are these centers providing care at low costs, but they are saving precious health care dollars. An increased investment in health centers will mean fewer uninsured patients are forced to make costly emergency room visits to receive basic care and fewer will utilize hospitals' specialty and inpatient care resources. As a consequence, a major financial burden is lifted from traditional hospitals and government and private health plans. Every federal grant dollar invested in health centers saves \$7 for Medicare, Medicaid and private insurance: \$6 from lower use of specialty and inpatient care and \$1 from reduced emergency room visits.

The value of community health centers can be measured in two other significant ways. First of all, the centers' focus on wellness and prevention, services largely unavailable to uninsured people, will lead to savings in treatment down the road. And secondly, health centers foster growth and development in their communities, shoring up the very people they serve. They generate over \$14 billion in annual economic activity in some of the nation's most economically-depressed areas, employing 50,000 people and training thousands of health professionals and volunteers.

It should also be noted that community health centers are just that—community-based. They are not cookie-cutter programs spun from the federal government wheel, but area-specific, locally-managed centers tailored to the unique needs of a community. They are governed by consumer boards composed of patients who utilize the center's services, as well as local business, civic and community leaders. In fact, it is stipulated that center clients make up at least 51% of board membership. This set-up not only ensures accountability to the local community and taxpayers, but keeps a constant check on each center's effectiveness in addressing community needs.

In South Carolina, community health centers have a long history of meeting the care requirements of the areas they serve. The Beaufort-Jasper Comprehensive Health Center in Ridgeland, the Franklin C. Fetter Family Health Center in Charleston, and Family Health Centers, Inc. in Orangeburg were among the first community health centers established in the nation. The Beaufort-Jasper Center was very innovative for its day, in the late 1960s, tackling not only health care needs, but related needs for clean water, indoor toilets and other sanitary services. Today, the number of South Carolina health centers has grown to 15. They currently provide more than 167,000 people, 38% of which are uninsured, with a wide range of primary care services. Yet despite the success story, a need to throw a wider net is obvious. Of the 3.8 million South Carolinians, nearly 600,000 have no form of health insurance. That means roughly 15% of the state population is uninsured. Another 600,000 residents are "underinsured," meaning that they do not receive comprehensive health care coverage from their insurance plans and must pay out-of-pocket for a number of specialty services, procedures, tests and medications.

South Carolina's statistics are mirrored nationwide. The swelling ranks of the uninsured are outgrowing our present network of community health centers. Adopting this amendment will ensure the reach of community health centers expands to meet increasing demand. It is our responsibility to continue providing our neediest citizens with a basic health care safety net. What better way to do that than by

building on a program with a record of positive, fiscally responsible results? Everyone can benefit and take pride in such a worthwhile investment.

Mr. KENNEDY. Mr. President, it is a privilege to be a sponsor of this important amendment to increase funding for community health centers. Each year, these centers provide quality health care to 11 million Americans in 3,000 rural and inner-city communities in all 50 states, including 4.5 million people who are uninsured. As the number of uninsured Americans across the country continues to grow, the need for the services is especially great.

Community health centers recently touched Juan Ramon Centeno's life in Worcester, Massachusetts. Mr. Centeno was 54 years old when a bilingual nurse working with Great Brook Valley Health Center arrived at the public housing project where he lived to conduct health screenings. Mr. Centeno felt ill, but because he did not have insurance or resources for medical care, he had not sought care. The nurse found that his blood pressure was high, he had risk factors for diabetes, and had not received preventive health care for many years.

Health center physicians promptly examined Mr. Centeno and found him at high risk for a cardiovascular accident. This timely intervention enabled Mr. Centeno to receive good health care and to be placed on medication through the health center pharmacy, which enables patients to obtain prescription drugs at the reduced prices available under Medicaid.

Day in and day out, community health centers are providing life-saving services like these. Yet too often, the centers are struggling to obtain the resources they need. In Massachusetts, over a dozen community health centers currently face severe financial difficulties. Congress cut Medicare reimbursement rates for the centers in 1997, in spite of the fact that the number of people eligible for their services continues to rise. The result for many health centers has been bankruptcy, low morale among the health care professionals who are dedicated to serving the poor, and great concern in the communities that this needed access to health care will be lost. It is unacceptable for Congress to permit health centers that have proved so effective for so many years to suffer such severe financial difficulties, particularly in this time of prosperity.

The Senate made a wise commitment to double the funding over the next five years for medical research at the National Institutes of Health, and it has kept that commitment. By making a similar commitment to double the funding for community health centers—ten percent of the cost of the commitment we made to medical research—we can ensure that the benefits of modern medicine will remain available to millions of low-income working families. The Senate is at its best when it approves amendments like this one

on a bipartisan basis. I intend to do all I can to see that this year's final appropriations bill, and future appropriations bills, maintain our commitment to the extraordinary work of the nation's community health centers.

The PRESIDING OFFICER. The Senator from Iowa is recognized.

Mr. HARKIN. Mr. President, this side has no objection to the amendment. In fact, we wholeheartedly support the amendment. I compliment the Senator from Missouri for his leadership, and I also compliment Senator HOLLINGS on this issue.

Community health centers are really the last sort of backstop for so many people in this country who don't have health insurance—44 million people in America don't have health insurance. Mainly, these are the ones who, right now, for their health needs really need the community health centers. We have about seven in our State of Iowa. We are opening another one this summer. About 66,000 people are served per year in the State of Iowa by our community health centers.

The really good thing—and the Senator from Missouri knows it—about community health centers is they are engaged in preventive health care, keeping people healthy in the first place, not just coming in when they are sick. They do a lot of outreach work with low-income people. They help with their diets, lifestyles, and with the medicines they need to keep them healthy. That is one of the great services they provide.

We increased the funding for community health centers over last year by \$100 million. This would add another \$50 million on to it. The need is actually even more than that, but as the Senator from Missouri knows, we have all these things we need to balance in the bill. This is a welcome addition to our community health centers.

Again, I compliment the Senator from Missouri for his leadership. We happily accept the amendment.

The PRESIDING OFFICER. Is there further debate on the amendment?

The question is on agreeing to the amendment.

The amendment (No. 3602) was agreed to.

Mr. BOND. Mr. President, I move to reconsider the vote.

Mr. HARKIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. HARKIN. Mr. President, I will soon suggest the absence of a quorum. I want Senators to know that we are open for business and for taking amendments. Senator SPECTER and I are willing to sit here and take amendments this morning. If Senators have amendments and they are around, please come. As you can see, the floor is wide open. You won't have a waiting line and you can speak for as long as you want. This is the time to come and offer amendments on this bill.

With that, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. L. CHAFEE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. L. CHAFEE. Mr. President, I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE MEDICARE OUTPATIENT DRUG ACT

Mr. L. CHAFEE. Mr. President, as many of you know, I joined Senators GRAHAM, ROBB, BRYAN, and others in introducing S. 2758, the Medicare Outpatient Drug Act of 2000 this past Tuesday.

While I strongly support S. 2758 and urge my colleagues to support it, I was very troubled by the process in this Chamber last night. We talk a good game about wanting to pass legislation on a bipartisan basis. In fact, at a Centrist Coalition meeting earlier this week, many Senators from both sides of the aisle—led by the minority leader—were talking about how the two parties should be working together to produce a prescription drug bill for our Nation's seniors.

However, the prescription drug amendment that we debated and voted on last night proved otherwise. It suggested that all the talk about bipartisanship is merely a facade. It was clear from the procedural wrangling that led to the vote on the Robb amendment that there is no intention by the Democratic leadership to work together to fashion a bipartisan compromise on a Medicare prescription drug bill.

In fact, it is my understanding that minority leader told others not to let me—one of the author's of this bill—know about this motion ahead of time. That doesn't sound very bipartisan to me.

Sadly, the amendment last night really undermines our ability to work toward a compromise to add a prescription drug benefit to Medicare. If we were really interested in producing a bipartisan bill that could be signed into law, we would be working together on a proposal rather than filing motions such as the one last night, which was destined to go down to partisan defeat.

I had high hopes when I stood with Senators GRAHAM, ROBB, BRYAN, and others on Tuesday and we announced the introduction of our Medicare Outpatient Drug Act. I had hopes that we would be able to work this bill through the legislative process, give this bill an airing at the Finance Committee, and work with Republicans and Democrats alike to fine-tune it into a product that the President could sign into law.

I think most of us here would agree it is time to update the Medicare pro-

gram to include a prescription drug benefit. I hear about this issue back in Rhode Island more than any other issue. The senior population in Rhode Island is the second largest in the Nation—second only to Florida. The seniors in my State constantly approach me about the high cost of their prescription drug bills. I expect most of us hear more about this issue from our constituents than any other.

However, filing procedural motions that are doomed to failure is not the way to achieve this important goal. I am afraid that some on the opposite side of the aisle aren't really interested in passing a Medicare prescription drug bill this year—they would rather that we do nothing and use this issue to try to defeat some of us in the fall.

Let's not hold the 39 million Medicare recipients in this country hostage to partisan politics.

I believe the legislation I introduced with Senators GRAHAM, ROBB, BRYAN, and others is one of the most responsible and comprehensive drug bills in Congress. And, more important, it would help relieve seniors of the growing burden of high prescription drug bills.

However, while I support this legislation and regretfully voted in support of the Robb amendment last night because I am committed to passing a good prescription drug bill to help our Nation's seniors, I do not believe the exercise last night was constructive. Sadly, it was quite the opposite.

I thank the Chair.

Mr. DORGAN. 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. HARKIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE DEPARTMENTS OF LABOR, HEALTH, AND HUMAN SERVICES AND RELATED AGENCIES APPROPRIATIONS, 2001—Continued

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Mr. President, I am going to be offering an amendment to the pending appropriations bill that I want to talk about this morning.

I commend the chairman, Senator SPECTER, and the ranking member, Senator HARKIN, for their work to increase funding for the National Institutes of Health. As all of us know, Congress is on track toward doubling the funding for important health research and investigation through the NIH. That is critically important to this country.

I am one of those who has been supportive of doubling the funding for the National Institutes of Health. The NIH is trying to unlock the mystery of many of the diseases that ravage the

bodies of people who are suffering from Parkinson's disease, cancer, heart disease, and so many other diseases that afflict the American people and people around the globe. The type of research that is taking place at the National Institutes of Health is exciting and vibrant and paying big dividends.

I thought I would mention, as I start, something I saw one day at the NIH called the healing garden. This was an exhibit out at the NIH campus where they had a series of plants growing in this aquarium-like device called the healing garden. I asked the folks at NIH for an explanation, and they told me about it.

They said a lot of people think modern medicines, especially the medicines that are developed through research at NIH to respond to the challenges of treating diseases, come from chemicals. But they told me that a lot of medicines come from natural substances we find all over the Earth. They were displaying some of those substances in this healing garden.

I want to describe a couple of the things they were displaying because it is interesting. NIH is gathering from around the world 50,000 to 60,000 different species of plants, shrubs, and trees and testing and evaluating what kind of properties they have to heal and treat diseases.

The common aspirin comes from the bark of a willow tree. The Chinese knew that a couple of thousand years ago. If they had a headache, they would chew the bark of a willow tree. In modern medicine, aspirin is a chemical modification of that active ingredient derived from willow tree bark. Now aspirin is produced chemically, but the bark of the willow tree was the derivative.

The java devil pepper was in the healing garden. Drugs used to treat hypertension, or high blood pressure, which were used formerly as a tranquilizer, come from the java devil pepper. Who would have guessed this connection if not for the research by the scientists who discovered it?

Agents that fight tumors, leukemias or lymphomas, come from the plant called the mayapple.

The rose periwinkle produces drugs used as anticancer agents primarily in treating Hodgkin's disease and a variety of lymphomas and leukemias.

Foxglove is used in the medications digitalis and digitoxin, which are used to treat congestive heart failure and other cardiac disorders.

Of course, we all know about aloe, an active ingredient, of course, in skin care preparations.

It is interesting that, as funding has increased for studying plants and animals, scientists at the NIH are finding quite remarkable things. Deep in the Amazon rain forest lives a frog that has a deadly toxin on its skin. They believe that from studying the toxin of that frog, they can create a painkiller that is 200 times more powerful than morphine and not addictive. Think of

that: 200 times more powerful than morphine and not addictive.

There is another frog which is very rare that has a toxin on its skin that is so deadly that a drop of it on the skin of a human being causes the heart to stop.

The scientists asked the question: If there is something this powerful that it causes a human heart to stop, can we unleash the power of that toxin to do something positive?

That is the kind of evaluation and study that is occurring at the NIH routinely.

As we double the funding for the National Institutes of Health, there are all of these wonderful scientists and researchers doing this massive amount of research—research to decode the human genome, research to grow new heart valves around parts of the heart muscle that are clogged, deep brain research to uncover the secrets of Parkinson's disease.

As all of this research occurs through the doubling of funding at NIH, we should say thanks to Senator HARKIN and Senator SPECTER for their leadership and commitment over several years to move this Congress to invest in these efforts that are so important to this country's future.

Now, let me go from that compliment to talking about how this research is dispersed across this country. There is a trend for how this research funding is allocated throughout the country that is very similar to what happens in other areas of the federal Government's research budget. The research that comes through the billions and billions of dollars that we spend—nearly \$20 billion proposed for fiscal year 2001 at the NIH alone—has historically been clustered in a few areas of the country. In most cases, big universities get big grants that make them bigger, and from around those universities, you see the development of businesses springing up from that research. You will see the result of NIH research in a few areas of the country producing very significant opportunities. Then you will see other significant parts of America with almost no research base through the NIH.

Should research be done where it is done best? Yes, of course. But the largest universities in this country, in a handful of States, get most of the research dollars in part because the grants are peer reviewed by people from the same institutions that get the grants in the first place. It becomes a self-fulfilling prophecy.

The chart I have here shows the way NIH funding is currently distribution across the country. If you look at the States in this country shown in the white shaded areas—mostly in the middle of the country—you will see that these States get very little funding for medical research.

The States shown in the blue and red areas—California, Texas, New York, Massachusetts, and so on—are the States that get most of the research grants.

This pie graph here shows what happens as a result of this imbalance. As you can see, three States get 35 percent of all of the medical research funds provided by the NIH. Institutions in three States get over a third of all the Federal dollars on medical research. In fact, one state alone received 15 percent of total NIH funds.

This little white slice shown on the chart represents 21 States that share only 3 percent of the research.

Why does that matter? If you live in one of these States, and you have Parkinson's disease, or you have breast cancer, or you have any one of a number of very serious health problems, and you want to participate in the cutting-edge medical research conducted by the NIH through one of its grantees, you may well have to travel hundreds and hundreds or perhaps thousands of miles to avail yourself of the clinical trials.

Second, there are wonderful institutions in the middle part of America that have the capability to provide unique and beneficial research on a range of issues ranging from cancer, to heart disease, to diabetes, and more through the funds we are providing at NIH. But they do not get the opportunity because the system is stacked against them.

At the NIH, we have a program called IDEa, or the Institutional Development Award program, that is intended to rectify this geographical inequity by helping historically under funded states to build their medical research capacity. IDEa is very similar to the EPSCoR program that exists in other federal agencies.

This program is under funded at NIH. The IDEa program is funded at the level of \$100 million in the House-passed bill, which I think is too low. But it is funded at only \$60 million here. That is an increase from \$40 million to \$60 million, and for that, I appreciate the efforts of Senators SPECTER and. But we ought to at least meet the House level. And we ought to do even more.

My amendment will take our proposed funding to the level of \$100 million in the House bill. Through this amendment, we will simply say that we want to encourage the distribution of research across this country to all of the centers of genius—no matter where they are—that exist.

In States such as North Dakota, Iowa, South Dakota, and up and down the farm belt, we are losing a lot of population. This map shows that. All these red blotches on this map indicate counties that have lost more than 10 percent of their population.

What you see is that the middle part of our country is being systematically depopulated. Why has that happened? Why, when you have so many people living on top of each other in apartment buildings in big cities and fighting through traffic jams just to get to and from work each day, is the middle part of our country being depopulated?

At least part of the answer to that question relates back to what we do at the Federal level. We say that \$20 billion will be made available through the National Institutes of Health to form centers of excellence for scientific research in medicine. We move that money to specific areas of the country where there is already a significant population, and from that springs economic opportunity and biotechnology companies and new jobs. We simply exacerbate all of these problems with the way we spend our money at the Federal Government.

There are centers of genius in the middle part of this country, in Minnesota and North Dakota and South Dakota and Kansas and Oklahoma. There are small centers of excellence that could do wonderful scientific research, but they do not get the funding. Why? Because the biggest States get all the money. Three States get a third of all the money through the NIH.

I am not suggesting that anything illegal is going on. It is just that we have a system that perpetuates itself and creates a circumstance where three States get fully one-third of the billions of dollars we provide for medical research and 21 other States are left to share 3 percent of the medical research. And that predicts and predetermines where the centers of excellence will be in the future.

It also, in my judgment, is unfair to all of those folks who live so far away from the biggest centers, where most of the money is moving to, because it is not going to be very easy for them to be involved in clinical trials for such things as their breast cancer, their lymphoma. They are going to have difficulty getting cutting-edge medical therapies.

That ought not be the case. I want to change that. I am hoping, with the cooperation of Senator SPECTER and Senator HARKIN, and with a new determination in the House and the Senate, that we can come to an understanding that, as we double the funding for the NIH, we can also do much better for this program at NIH called IDeA. Again, this program lets us reach out and find ways to use NIH funding all across this country, to get the best of what everyone in this country has to offer, to find all the centers of excellence that exist everywhere, and have them come to bear on research and inquiry. I am convinced that this represents our best chance to try to find ways to cure some of these diseases that ravage people who live in this country and the rest of the world.

We are making a lot of progress. With this amendment, I do not mean in any way to suggest we are not making great strides. Doubling the NIH budget is a terrific thing to do. It will produce enormous rewards for all who live in this country and those who will come after us. But it is also the case that we must do better in the distribution of this research money if we are going to be able to have access to all the best

minds this country has to offer. That is the purpose of my amendment.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SPECTER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SPECTER. Mr. President, I believe the amendment offered by the distinguished Senator from North Dakota is a meritorious amendment on institutional development within the National Institutes of Health. We have a figure of \$60 million there as part of \$2.7 billion.

The subcommittee and the full committee have been very—aggressive, is the right word—to increase NIH funding. We did it at \$2.7 billion in this bill. We had \$2.2 billion last year, \$2 billion the year before, a billion before that. I agree totally with the thrust of what the Senator wants to accomplish.

When we sit down with the House in conference, there is always a lot of give-and-take with a bill that is at \$104.5 billion. It would be my intention to do what we can to reach the figure of \$100 million, which is what the Senator wants, because I think that is the right figure. What I suggest is that the Senator give Senator HARKIN and me and the other conferees the flexibility to negotiate. There is a lot of give-and-take.

For those watching on C-SPAN, the process is, after we pass our bill, we go to a conference with the House, which has passed a bill. Then we sit down with long sheets and go over all the points and try to reach a compromise. To have that flexibility would be helpful. I know there are a number of programs the Senator from North Dakota would like to stay at the Senate figure, as opposed to the House figure which may be lower. If we could reach that accommodation, I believe we would obtain the objectives which the Senator from North Dakota wants, to give the conferees that flexibility to assert the Senate position on other matters.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Mr. President, the Senator from Pennsylvania is alluding to the analogy of the legislative process being akin to the making of sausage. Often, neither are a pretty process, so it is better, perhaps, to speak less of it. I say to the Senator from Pennsylvania that I am more concerned about the destination than I am about the route by which we get there.

He has indicated that he supports the \$100 million level in the House bill for the IDeA program. Senator HARKIN has indicated the same. For that reason, I will not proceed with my amendment, with the understanding that their intention will be to reach that level in conference.

My sense is that we are making a lot of progress. Before the Senator was in the Chamber a few moments ago, I said he and Senator HARKIN will have the undying gratitude of the American people for their persistence and relentless work to increase funding at NIH. This is very important, not just for people who live here now but for generations to come.

My concern, as we do that, is to make sure we get the full genius of all the American people working on these scientific inquiries into treating and curing these ravaging diseases. I want more funding in the IDeA program so that smaller States have the opportunity to access these grants and we can put to work their scientists and their medical schools and their communities to meet our nation's medical research goals.

I appreciate my colleague's response. I will not ask for a vote on my amendment. What I will do is ask that we handle it in conference, as the Senator has suggested.

Mr. SPECTER. Mr. President, I thank the Senator from North Dakota for his comments about what Senator HARKIN and I are trying to do—and, really, it is the whole committee and the full Senate. We will, I think, accomplish what he is looking for—the \$100 million—in the final analysis. I think the old saying that you don't want to see either sausage or legislation made may have some merit. I think when we deal with our national health, we are dealing with "prime rib." We will make some tasty morsels here for the benefit of America, I think.

Mr. President, in the absence of any other Senator in the Chamber, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DORGAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DORGAN. Mr. President, I ask unanimous consent to speak as in morning business for 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

NO APOLOGY NECESSARY

Mr. DORGAN. Mr. President, earlier this morning a Member of the Senate described the circumstances on the floor of the Senate yesterday with respect to a vote on the issue of a prescription drug benefit for Medicare. Yes, there was a vote on that issue. I want to describe why that motion was offered and the importance of it.

I also want to say that, while I certainly have the greatest respect for my colleague, this was not a circumstance where the minority leader or anyone else intended to surprise anybody. When the minority leader or any other

Senator is pursuing an agenda he believes is important for our country, he does not go desk to desk in the Chamber asking permission from anyone else to offer an amendment. That is not the way the Senate works, of course.

The minority leader believes very strongly, as does almost every single member of this caucus, and perhaps some others in the Senate, that we need to add a prescription drug benefit to the Medicare program. Life-saving miracle drugs can only perform miracles for those who can afford them. Senior citizens all too often are choosing between groceries and the prescription drugs they need. If we were to create the Medicare program today, unquestionably we would have a prescription drug benefit in that plan.

We have been very relentless in saying we believe we must add a prescription drug benefit to the Medicare program and we should do it in this Congress. We cannot and will not apologize for being relentless in that pursuit. We have had very few opportunities on the floor of this Senate to pursue our agenda. Yesterday was one of them.

If, at the end of the day, we get a bipartisan agreement to add a prescription drug benefit to the Medicare program, then we will be rewarded for our success by the senior citizens in this country who will be able to have access to the prescription drugs they need. If, at the end of the day, we do that, I guarantee that it will only be because, for the last couple of years, we have been relentless on the floor of the Senate and in the House, saying this Congress must do this.

We have had others who say, yes, we agree about the need for a prescription drug benefit, but we want to have the private insurance companies write a plan, and so on and so forth. The fact is that the private insurance companies have said publicly, and they have come to my office and said repeatedly, "We will not write a plan; we cannot write a plan." It is not within the range of financial possibilities for us to do what the majority party is proposing. In fact, one company official said, "We will write a plan that has \$1,000 in benefits, and we would have to charge \$1,200 in premiums for the plan to cover the administrative and other costs of the benefit." That is the same as having no plan, the same as doing nothing in terms of adding prescription drug coverage to Medicare.

Our goal is to find a way to solve this problem in this Congress. This Congress, with all due respect, on some of the big issues, has been a Congress of underachievers. We can do a lot better than this. We can add a prescription drug benefit to Medicare. We can pass a campaign finance reform bill. We can pass a Patients' Bill of Rights. We can pass an education bill that reduces class size and helps rebuild and renovate some of our nation's dilapidated schools. We can do these things if we put our minds to it. But somehow there is this notion by at least those who

control the agenda that what we need to do is tuck in our wings and get out of town and do as little as possible.

I don't want to belong to a Congress of underachievers. I want our Congress to do the things we ought to be doing together. Yes, a prescription drugs benefit in Medicare is one of those items. We cannot apologize for what we did yesterday. We must, at every opportunity, continue to push and coax and pull those in the Chamber who don't really want to do this to join us and fix what is wrong with respect to this Medicare program.

What is wrong, in part, is that it doesn't have coverage for prescription drugs, and there are a lot of senior citizens who are prescribed medications that will allow them to live longer and healthier lives, and they discover they can't afford them.

A woman in Dickinson, ND, who had breast cancer was told by her doctor that in order to reduce the chances of a recurrence of her breast cancer, she must take this prescription medicine. This woman, who was on Medicare and had a small fixed income, said, "Doctor, there isn't any way I can afford that medicine. There is no way. I am just going to have to take my chances." This situation faces too many senior citizens who need prescription medicine and find that they cannot afford it. That is why we must put a prescription drug benefit in the Medicare program.

Let's do something at the same time that puts some downward pressure on drug prices. Prices have risen too fast and too far on prescription drugs.

I just want to say that no one crossed any lines by not going to every desk in the Chamber about that motion yesterday. We are going to keep trying until we get enough votes in the Senate to add a prescription drug benefit in the Medicare plan. It is for a good reason. This country needs that sort of policy in place right now.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Alaska is recognized.

Mr. MURKOWSKI. I ask unanimous consent that I may speak as in morning business for a time not to exceed 20 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

TWENTY YEARS OF CONGRESSIONAL SERVICE BY DAVID GARMAN

Mr. MURKOWSKI. Mr. President, I have come to the Senate floor today to offer my congratulations and thanks to my Chief of Staff, David Kline Garman, who has dedicated his entire life to public service. Today, in fact, marks the 20th anniversary of David's service in the United States Senate.

David's public service career began even before he came to the Senate. While attending Duke University in the 1970s, he participated in Naval ROTC and during the summer of 1976

he served with the naval amphibious task force which rescued American Nationals from Beirut during the Civil War in Lebanon.

After graduating with Honors from Duke in 1979, he served in the Peace Corps working on rural water supply projects in Nepal. He came to the Senate on June 23, 1980 to work as an intern with Senator Richard Dick" Stone (D-Florida), beginning in the Senator's mail room and working his way up to assist on defense, finance, banking and energy issues.

After David attended the Democratic Convention in 1980, he began to reconsider his political affiliation and on the day Ronald Reagan was inaugurated in 1981, David joined my staff to serve as Legislative Aide on defense and foreign relations. He was soon promoted to Legislative Assistant for energy and natural resources.

In addition to his legislative expertise, David is extremely knowledgeable in the nuts and bolts of high technology. In the late 1980s he became Founding Coordinator for the U.S. Senate Microcomputer Users Group. This group was instrumental in changing Senate technology policy so that each office could decide what type of computer system it would utilize. Previously, Senate offices could only use a system selected by the Senate Computer Center.

David's broad range of intellectual interests led me to select him to join the staff of the Senate Select Committee on Intelligence when I was a Member of the Committee. He played a key role in the development of "environmental intelligence" capabilities in the intelligence community and at the national laboratories.

Some of David's best work occurred when he joined the staff of the Senate Energy and Natural Resources Committee. He was responsible for environmental issues, including the Clean Air Act, Global Climate Change Policy, energy R&D and Arctic Research, Science and Technology policy.

While David worked incredibly long hours on highly technical policy issues at the Energy Committee, he went to school at night and in 1997 earned a Master of Science in Environmental Sciences at Johns Hopkins University. That I consider a very noteworthy achievement.

Despite his many hours of work and study, David did find the time to meet a beautiful woman, Kira Finkler, and her lovely daughter Bonnie. Kira, who works on the Minority staff of the Energy and Natural Resources Committee did not allow energy policy differences to stand in the way of their relationship. They were married in December of 1998.

By this time, I had asked David to move from the Energy Committee and become my Chief of Staff. And as all Senators know, this is about the hardest job there is in a Senate office, because it is the Chief of Staff who has to get the trains to run on time. David does a superb job and I am deeply

grateful to him for how well he does his job.

I encourage his friends to join me in celebrating and recognizing this 20th anniversary.

As anyone can tell, David is a highly versatile and intelligent person who can handle almost any responsibility given to him. There are few people I know who are as capable as David. In addition to all of his substantive knowledge, David is a superb, outstanding speech writer, although he didn't write this speech. Some of the best speeches I have given were written by David.

Mr. President, there is a huge turnover of the staff on Capitol Hill. That reflects the long hours, modest pay and economically rewarding opportunities available in Washington's private sector. It is rare to find such an incredibly dedicated public policy servant as David Garman and I salute him today for 20 extraordinary years of service in the Senate and to the American people.

GAS PRICES AND GAS TAXES

Mr. MURKOWSKI. Mr. President, I rise to talk a little bit about a topic that is in the newspapers today and that has been all week; that is, the crisis concerning energy and our gasoline price structure currently prevalent throughout the country.

I think it is fair to go back and evaluate what has happened over the last 8 years in the Clinton/Gore administration.

I think it is obvious to all that the answer to our energy shortage by the Clinton administration is pretty much to put our economic destiny in the hands of the foreign oil price-fixing cartel because their answer to the shortage has been to increase oil imports and decrease domestic production.

The first time we saw this crisis coming was a few months ago. The reaction of the administration was to send the Secretary of Energy, Secretary Richardson, almost with a tin cup, to beg OPEC to increase their oil production. That was the answer.

The success of that effort is somewhat limited when you recognize that there is more pressure throughout the world to utilize oil. A consequence of that, of course, is the realization that the Asian economy is coming back, which is putting more pressure for oil in that part of the world. We found our reserves substantially lower as a consequence of the cold winter and an inadequate supply of heating oil. While we had this situation developing, it was quite evident what was going to happen behind the supply and demand curve. The demand was greater than the supply. We were pulling down our reserves faster than we were replacing them.

It is kind of interesting to see the "blame game" that is going on in Washington.

The administration is blaming the price increase on the oil companies,

and on the refiners—on anyone but themselves; on anyone other than recognizing that the Clinton/Gore administration has not really had an energy policy that has been identifiable.

The first graphic explanation is going back to a time a few years ago when the Vice President came to the Chamber and broke a tie vote to establish a 4.3 cent-per-gallon gas tax. That, I think, can certainly be reflected on as the "Gore gas tax."

Following that, we saw a series of activities by the administration that hardly would relieve the coming shortage that was evident, even at that time.

The administration has taken vast areas of the Rocky Mountain overthrust belt off limits to energy exploration. These are areas where there is a high potential for oil and gas discoveries—Colorado, Wyoming, and Montana. And other States were simply taken off limits. It is estimated that 64 percent of those areas have been removed.

There are areas in the Continental Shelf that they put off limits to energy exploration.

Furthermore, the Vice President, in a statement made in Louisiana, stated that if he were elected President, he would pursue a policy of no more leases if anyone even attempted to thwart existing leases that have been issued.

During that timeframe, the administration vetoed legislation to open up the small sliver of the Arctic Coastal Plain where reserves had been estimated as high as 16 billion barrels. That is just in my State of Alaska. It is estimated that if indeed the potential reserves were there, it would replace our current imports from Saudi Arabia over a period of 30 years.

Further, the administration has put domestic energy reserves off limits through a unilateral designation of new national monuments under the Antiquities Act.

It is a pretty simple equation. Domestic production is down 17 percent, and imports are up 14 percent.

We talk about rising gasoline prices in various areas of the country. We have talked about the refineries, and why they can't address this and continue with an uninterrupted supply at a relatively low price.

What the administration doesn't tell you is the reality—that the Environmental Protection Agency, through mandates, has caused a significant increase associated with the mandate for reformulated gasoline.

Who pays the price associated for this reformulated gasoline?

Why is it so high?

It is kind of interesting. When you go through the State of Illinois and the State of Wisconsin, you are made aware that as of June 1 there was a mandate by the Environmental Protection Agency that reformulated gasoline containing ethanol replacing MTBE be established. That costs roughly 50 cents more a gallon. You cannot use

the same gasoline in Springfield, IL, that you would use in Chicago, IL, because of the policies of the EPA.

I am not going to debate the merits of the regulation. But I will debate the reality that these regulations cost money because they require customizing, if you will, of the gasoline and the refining process.

It is kind of interesting to also note that we have lost 36 refineries in this country in the last decade. They haven't built a new refinery in almost 25 years. Why not? Obviously, it is not a very attractive business to get into, or the oil companies would be moving into it. They are moving out of them. The reason: It takes decades; in some cases not that long, but several years to get permits. The permitting process is legitimate. But if you can't basically get there from here, you are going to have very little interest in pursuing refineries.

I think it is fair to say that the administration's overzealous policies are responsible for closing some 36 regional refineries. The fact that no new ones have opened during the 8 years under the Clinton/Gore administration is a valid, understandable, legitimate reason as to why we are seeing gasoline prices in regional areas mandated by new policies from EPA prevail. The Vice President can try to shift the blame to the oil companies for higher prices, but let's not forget that he personally cast the tie-breaking vote in the Senate for higher gasoline prices.

To attempt to counteract that, we have a firm policy that is introduced in legislation which is the Republican energy production proposal for the year 2000. We recognize what has happened in this country. Today, the average price of gasoline is \$1.68 per gallon. In the Midwest, the average is \$1.87. The only way to address this responsibly is through a series of incentives that not only stimulate domestic production by opening up the overthrust belt, by opening up areas in the coastal OCS area, opening up areas in the arctic where we are likely to find significant discoveries, but have a goal in the legislation. The goal is to reduce dependence upon imports to less than 50 percent in a 10-year period of time. In the Vice President's book "Earth in the Balance," on page 73, he identifies "higher taxes on fossil fuels . . . is one of the logical first steps in changing our policy in a manner consistent with a more responsible approach to the environment"; that is, taxing higher fuels to discourage people from using fuels.

He further says it ought to be possible to establish a coordinated global program to accomplish the strategic goal of completely eliminating the internal combustion engine over, say, a 25-year period. The implications of that, of the Vice President encouraging high costs to address perhaps the elimination of the internal combustion engine, or his belief, if indeed it is his belief, that higher taxes on fossil fuel is

one of the first steps in changing our policies, certainly is occurring.

However, let's be realistic and recognize in this country our transportation system depends on oil. Don't expect modest OPEC increases to bring prices down at the pump. As we have seen in this last announcement by an increase in OPEC of 700,000 barrels a day, the market sophistication has already made a judgment. The judgment is that prices are going to continue to rise. Right after this announcement, west Texas medium crude rose 72 cents Wednesday on the New York Mercantile Exchange, up an additional 28 cents by the afternoon, where contracts for August delivery were \$31.65 a barrel. Last year at this time, oil was selling for about \$12 to \$14 a barrel.

If there are those who were misled by the assumption that energy was going to substantially be increased by this OPEC announcement, remember that 700,000 barrels a day does not come to the United States alone. Our share of that is 15 percent. That is only 109,000 barrels a day. In the District of Columbia, we consume 121,000 barrels a day, to give a comparison. The last OPEC production increase in March, which was to produce a 1.7 million-barrel increase, may have yielded roughly 500,000 barrels due to cheating on production overquota.

As we look to the future, it is amusing to recognize that the administration has now come out with what it referred to as a detailed blueprint for congressional action. Mind you, they are asking, now, for congressional action. The President has called on Congress to pass a proposal to encourage more stripper well production.

First, we don't have a proposal. There is no legislation set up. We have in the Republican package, a proposal to increase stripper well production. But now the President is saying we need to get some of these American wells back in operation.

Where has he been? We have been trying to encourage the administration to support legislation that would put in place a foreign ceiling. They have not proposed any. And now he is saying he has a program. Where is it, Mr. President? He says we need to get some of these things back in operation.

He further states that Congress is not reauthorizing Strategic Petroleum Reserve. He went into the Strategic Petroleum Reserve the other day as a consequence of an accident on the Mississippi River to keep refinery production going. He didn't ask us for authority. He has the authority. He knows he has the authority. This is another smokescreen.

We look at his concern over the supply in the Northeast corridor this coming winter. What has he done about the supply to increase it? Absolutely nothing. He has no plan, no proposal, no increased production. The President or the Vice President or his advisers simply do not understand the reality that this is a supply and demand issue. Un-

less we increase the supply, we are going to have shortages. That is evident by what we are seeing in the paper. We have \$2.33, \$2.40, and \$2.49 a gallon for gasoline in this country. This particular headline suggests that the gas price rise shakes Democrats. The reason it shakes the Democrats, and the reason this is a partisan issue, is because the Democrats and the administration simply have no plan and have not had a plan associated with the energy shortage that is occurring in this country today.

As I come to the Senate floor today to address this matter and reflect on how we are going to correct it, the simple response is that we are going to have to increase our supplies, and we will have to do it dramatically and in a timely manner. If we don't do that, we are going to continue to see an increase in the price of oil, and an increased dependence on imports. One of the frustrating things about the continued dependence on imports is from where those imports are coming.

Last year, we imported about 300,000 barrels of crude oil from Iraq. This year we are importing about 750,000 barrels from Iraq. A lot of people perhaps have forgotten we fought a war over there in 1991 and 1992. We lost 147 lives. We had roughly 427 wounded, 23 were taken prisoner.

Today, what we are doing, and this is where I am critical of our foreign policy, for all practical purposes, we are buying his oil, sending him our dollars, taking his oil, putting it in our airplanes, and going over and bombing. What kind of a foreign policy is that? It is just about that simple. Not very complex.

He is making a press release every time we bomb saying, here is how many people Americans killed in my country. He waves that around and generates more support. The dollars we are paying go to the Republican Guards for his safety and protection. And he is smuggling oil out, in addition to that which is under the auspices of the United Nations. What is he doing with the generation of funds from the smuggling of the oil? He is building up his arsenal, his capability with missiles, his capability with the biological weaponry. Here is a very bad man out there. And we are supporting his regime because we are becoming more dependent on him as a source of oil.

What does that do to strengthening stability in the Middle East? It is pretty hard to say, but it certainly represents a threat against Israel. It is well known, the disposition of Iraq and Saddam Hussein relative to the threat against Israel and the peace we all hope will come to the Middle East.

I could go on at great length. I see other Senators desiring to discuss various matters. It is my intention as chairman of the Energy and Natural Resources Committee to put together in this next week a chronology of certain portions of our negative exposure, if you will. One is on gasoline prices,

one is on refinery operations, one is on the availability and continued uninterrupted supply of natural gas.

The other is the delivery system within our electric power industry and our transmission grids. It is appropriate we start preparing ourselves for a train wreck that is going to come. We are seeing it in gasoline prices as a consequence of shortage of crude oil. We are going to see it spread, as we see in the northeastern part of the Nation which is so dependent on oil for the generation of electricity, as the summer warms up.

Last year they were paying \$10 and \$11 a barrel for oil. This year they are going to be paying over \$30. The electrical rates in the Northeast corridor are going to go up dramatically. They thought they had higher rates for fuel oil last year. They have not seen anything yet. We are going to have brown-outs this year because the capacity of the transmission lines, for all practical purposes, is just about at their maximum in certain areas.

Why haven't we built more transmission lines? FERC has been sitting for 3 years on a rate case, a rate case that is going to make a determination of whether or not it is financially beneficial for the investment in transmission lines in the sense they can recover their investment.

What about natural gas? The electric industry is moving into the area more and more and converting to natural gas, but while the supply of natural gas is abundant, we are now pulling down our reserves. Last year, our reserves were about 160 trillion cubic feet; this year, they are about 150. We are using more gas than we are finding. We are using currently about 20 trillion cubic feet. The estimate is about 30 to 35 in the next 10 years. We are not finding a replacement. So we are going to have a crunch in natural gas, and natural gas is going to go up.

It is estimated the industry is going to have to spend \$1.5 trillion to put in new infrastructure for delivery into various parts of the country. From where is the capital going to come? It is only going to come if they get an adequate return on their investment; otherwise, they are not going to build the pipelines.

This whole thing is coming to a head. The American people are beginning to wake up a little bit. The administration is beginning to point the blame to industry, to Congress, to the refiners, to anybody but themselves, because this administration has not had an energy policy of any consequence, as evidenced by the President's statement that suddenly he is concerned and suddenly he sends something to Congress—if we can identify just what this is he sent up—calling on Congress to pass a variety of administrative proposals. They do not say what the proposals are. He is a little late. It is like somebody fiddling while Rome burned.

DEPARTMENTS OF LABOR,
HEALTH AND HUMAN SERVICES
AND RELATED AGENCIES APPROPRIATIONS, 2001—Continued

Mr. MURKOWSKI. Mr. President, I have been asked by the leader to file a number of amendments as an amendment to the underlying Labor-HHS bill. The amendment is the Republican energy security package. I ask unanimous consent that it be so filed. I appreciate the willingness of the leader to file the amendment.

The PRESIDING OFFICER (Mr. ROBERTS). The Senator has the right to file an amendment.

Mr. MURKOWSKI. I thank the Chair. I yield the floor.

The PRESIDING OFFICER. The distinguished Senator from Iowa is recognized.

Mr. HARKIN. Mr. President, I am here as the ranking member on the Labor-HHS appropriations bill, which is pending this morning. We had hoped Senators would come over and offer amendments. We had a good amendment earlier by Senator BOND from Missouri. I thought we could move ahead on that, but it looks as though we have diverged to other issues.

As long as that is the case, I feel constrained also to talk about the problems we have with high gasoline prices in the Midwest.

I was listening to my colleague from Alaska speak. Quite frankly, I got to thinking about what is happening in the Midwest and upper Midwest with high gasoline prices. It occurred to me there are all kinds of rumors going around about why this is happening: There is a broken pipeline; there is a shortage of crude oil; reformulated gasoline, with ethanol is the problem—there is all this talk swirling around out there, everybody blaming everybody else.

No one knows the answers. That is why yesterday I wrote a letter to the chairman of the Senate Committee on Energy and Natural Resources asking him to hold emergency public hearings to subpoena the heads of the major oil companies, bring them to Washington and put them under oath, and then start asking them the tough questions. Then I believe we might get to the bottom of it.

I say to the chairman of the Energy Committee, use the powers of subpoena. Bring the heads of the oil companies to Washington. Maybe they do have an answer. Maybe there are logical reasons why the price of gasoline is so high. I doubt it, but let them have their say. I say put them under oath, just as we did with the tobacco company executives a few years ago. Let's put them under oath and ask them the tough questions. Let Senators from both sides ask them the questions about why we have these high and divergent gasoline prices in the upper Midwest. Maybe we can get somewhere and find answers.

I also asked the head of the Federal Trade Commission to do the same

thing: subpoena records and subpoena the oil company executives to come to Washington in an open, public hearing so that the public can hear for themselves the answers to these questions.

I want to talk for a moment about all of the claims and assertions going around that reformulated gasoline and ethanol are the cause of the increase in prices in the upper Midwest. I just heard the Senator from Alaska allude to reformulated gasoline being part of the problem. If reformulated gasoline is the problem, then why is it that we have reports that of instances where reformulated gasoline, including where ethanol is used, is actually below the price of conventional gasoline.

That has happened in Louisville, KY, and St. Louis, MO, where they have an RFG requirement, according to EPA.

EPA has said that RFG with ethanol would not be more than a penny a gallon higher than RFG without ethanol. Even that may be high. Yesterday, in Chicago, the price of conventional gasoline at wholesale was \$1.24 a gallon. The price of reformulated gasoline with ethanol was \$1.24 a gallon. It was the same price at the wholesale level. And said, in some markets, we found that reformulated gas is at a lower price than conventional gasoline. That makes sense because ethanol is now actually cheaper than gasoline.

The Senator from Alaska talked about an energy policy. One of the energy policies of this administration has been to promote the use of ethanol and renewable fuels. I know the Presiding Officer is a big supporter of ethanol, too. So is this Senator. But every time we try to promote ethanol, we are stymied by the oil companies. They have some reason why they cannot use ethanol. I will tell my colleagues why they do not want to use ethanol: Because they cannot control it, and if we continue to produce more ethanol in this country, it is going to provide an alternative to gasoline which will keep the price of gasoline down. That is purely and simply why the oil companies do not want ethanol. We have been through this battle going clear back to the Clean Air Act Amendments of 1990 and earlier.

Years ago, the oil companies put lead in their gasoline. We found out lead was causing all kinds of problems, physiological problems in kids and adults. So we had to force them to take the lead out. In order to keep the octane up, then they said: We are going to use these aromatic and toxic compounds, such as toluene, benzene, and xylene. They put that witch's brew together in the gasoline to keep the octane up.

Then we found out many of these compounds were air polluting, toxic, and carcinogenic. About that time, around 1990, we passed the Clean Air Act. We in the Senate mandated an oxygenate requirement of 3.1 percent for gasoline to clean up the air and to meet clean air standards.

That is what the Senate adopted. It went to conference. I thought we had it

settled that we were going to have 3.1 percent. The oil companies weighed in. They got that knocked down to 2.0 percent.

We may not have appreciated what they were up to. Two percent oxygen is better than nothing so we went with 2 percent. But the oil companies had something called methyl tertiary butyl ether, which they could use as an oxygenate and also that would help meet the clean air standards, at the 2-percent level. MTBE would not have been so heavily used at the 3.1 percent level because MTBE has a much lower oxygen content than ethanol.

Ethanol could do it at the 3-percent level but not MTBE. So the oil companies got back in, knocked it down to 2 percent, and guess what happened. The market was flooded with MTBE, and because the oil companies have control over it, it has kept the production of ethanol down for the last decade.

Then what did we find out? First of all, we had the lead that the oil companies pushed off on us. Then we had the aromatics and toxics which they pushed off on us. Now we have MTBE which they pushed off on us, and it is polluting water supplies all over the country. State after State is beginning to ban MTBE, such as California and other States. I assume that presently, or very shortly, we are going to have a ban on all MTBE in the United States.

They fooled us once, they fooled us twice, and they fooled us three times. Are we going to let them fool us again? Now they say they can come up with something else. Now they have something else they are going to try to put in the gasoline to meet the Clean Air Act. They want to get rid of the oxygenate requirement in fuel totally and do it their way. Then ethanol does not have a role. That is the oil companies for you. They stymied everything we have ever tried to do to provide for alternative source fuel, especially ethanol.

It costs basically the same amount of money to take oil out of the ground today as it did a year ago or a year and a half ago. It does not cost any more. Yet we see the price going up.

The International Energy Agency has pointed out we have a greater supply, than demand of oil by about 3 million barrels a day. I have always thought, if supply exceeds demand, the price goes down. The oil companies have stood that on its head. We have an excess of supply over demand by 3 million barrels a day and the price is way up.

The Senator from Alaska said that over the next—I don't know what timeframe he was using—that the oil companies would need \$1.5 trillion for new infrastructure, \$1.5 trillion for new pipelines, new refineries, new infrastructure for oil and gas. Yet we try to get a few million dollars to help ethanol production, to help biomass fuels which are renewable. We need to get a few million dollars in for the use of hydrogen in fuel cells and for fuel cell research, which would be a tremendous

alternative to burning gasoline in our cars—where you could take solar energy, in the form of direct solar energy or biomass, or hydroelectric, use that power to separate hydrogen from oxygen, take the two atoms of hydrogen off of the water, separate the hydrogen off, use that hydrogen—you can compress it, you can store it, you can pipe it—you can even liquefy it; that is a little expensive—and then you can put that through a fuel cell, it combines again with oxygen, and it makes electricity. And you use that electricity to power lights, to drive a car, to drive a bus. That is being done today.

We have buses running in Vancouver, British Columbia powered only by fuel cells. We have the technology. It is a little expensive right now, I grant that. But the more we mass-produce it, the cheaper it is going to become.

The future for energy production and energy use is not bleak; it is very bright. It is clean, it is renewable, and it is plentiful. If we can get out from underneath the grip that the oil companies have on America, if we can move ahead, instead of \$1.5 trillion for new infrastructure for oil and gas, if we just take a fraction of that amount of money and put it into fuel cell production, put it into biomass fuels and solar energy and the production of ethanol, we could have a blend of fuels in this country that would offset the increases we would need over the next 20 to 50 years.

But this Congress will not invest in it. This Congress—will not invest nor have other Congresses invested—in what is needed for clean, renewable energy in the form of hydrogen extraction for fuel cells.

As I said, we have two paths to go. We can go down that same path we have been going down with the whole carbon cycle, using more and more oil, refining it, trying to clean up the air, trying to clean up oil spills, or we can go for clean, renewable fuels like ethanol and biodiesel, and hydrogen for use in fuel cells which are much more efficient, too, by the way.

So, no, we do not have to continue to pay obeisance to the oil companies. I think maybe now, with what is happening in the upper Midwest, what we see happening around the country, maybe now Congress can start to move and make some changes in our energy policy.

The bottom line: Get the oil company executives here. Put them under oath. Ask them the tough questions. Then we will begin to get to the bottom of this.

I did not mean to really talk on energy, but I heard the Senator from Alaska talking about it and thought I should respond because I believe there is another side to this story other than just going down the pathway of promoting oil and more oil use in this country and around the world.

But as I said in the beginning, we are here because of the Labor-HHS bill and the impact it has on our society in all

of its forms: education, health, job training, medical research.

I believe one of the crucial aspects of our bill that we fund here every year on Health and Human Services is the need—the great need—we have in this country to ensure that our elderly citizens have access to quality health care. That is why the administrative costs of Medicare and the running of the program fall under our jurisdiction. The actual levels of Medicare and Social Security fall under the Finance Committee. But we are charged with the responsibility of making sure it runs and that the elderly get the kind of quality health care accessibility that they need. One of the items impacting the elderly the most in that regard today is the extremely high price of prescription drugs.

Last night, we had a crucial vote in the Senate on that issue. We had the first real vote this Congress on whether our seniors should get help with the high cost of prescription drugs. That is what the vote was about. Unfortunately, all but two of our colleagues on the Republican side joined together to defeat Senator ROBB's motion and to deny seniors the help they desperately need with high prescription drug costs.

It is too bad it fell along partisan lines. This is not a partisan issue. I have had town meetings with seniors in my State. I don't ask them whether they are Republicans or Democrats. They all come to the meetings. It tears my heart out to hear their stories of \$4,000, \$5,000, as much as \$6,000 a year that they are paying out of pocket every year for prescription drugs with no help. It should not be a partisan issue. It is too bad that all of our colleagues on the Republican side joined together to defeat it except two.

I hope it is only a temporary setback. I challenge our colleagues on the other side of the aisle to join us, to join our seniors, to join the overwhelming majority of Americans who support a Medicare drug benefit. Our seniors need real help. They don't need the kind of sugar pill that is being prescribed by the House Republican leadership.

The House Ways and Means Committee this week passed a prescription drug benefit. Quite frankly, it does not answer the problem. It is an insurance program that reimburses insurance companies, not our seniors. It is not affordable. It is not an option for seniors in all regions of the country. It is not universal. There is no guaranteed access to needed drugs and local pharmacies. There are no protections against high drug costs. Who benefits from what the House did? The drug companies and the insurance companies. The House basically said that if you are a single person and you make over \$12,500, there is no assistance to you. They are saying to the seniors of this country, if you make over \$12,500 a year, tough luck. You have to pay for it all out of pocket. A lot of the people who have incomes under \$12,500 qualify for Medicaid anyway; they get help with their drug costs.

What the Republicans in the House did only answers a need for a very narrow band of seniors—the very poor. What about the elderly who are making \$15,000 a year? They are left out in the cold. Seniors making \$20,000 a year who may still have payments on a house, maybe they have their property taxes to pay, they have heating bills, food bills, they have clothing bills. We would like to have them enjoy a little bit of their retirement years, maybe take a little vacation once in a while. They can't do that. They won't be able to do that under the House-passed bill because they will have to have an income of less than \$12,500 a year. If it is over that, even with that, the benefits go to the drug companies and insurance companies and not to the seniors.

I think our seniors have waited long enough. They have been in the waiting room long enough for this. When our seniors see the vote that was taken last night, they are going to be mad, and they have every right to be. That is the first time we voted on this. We will continue to try. We will reach across the aisle and hope to make this a bipartisan effort. Senators will have another chance to vote again on the issue of prescription drug benefits for our elderly. Hopefully, the next time we do it, we will have a different result. We can provide meaningful help for our seniors to pay the extremely high cost of drugs they are having to pay today. So many of our seniors are being forced to choose between food, heat in the wintertime, maybe even air conditioning in the summertime, a choice between that and paying for prescription drugs. It is a choice they should not have to face.

I yield the floor.

The PRESIDING OFFICER. The Senator from Virginia is recognized.

(The remarks of Mr. WARNER pertaining to the introduction of S. 2782 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. KENNEDY. Mr. President, before addressing the Senate on the matters before us in terms of education and the HHS appropriations bill, I commend my good friend from Iowa for a splendid presentation on energy policy as well as on prescription drugs. He talked with great knowledge and understanding about some of these advanced technologies which can make an enormous difference in terms of our region of the country, the Northeast. With the kinds of research he has supported and which the administration has tried to achieve with their budgets being denied by the other side, I am very hopeful that we can follow a number of those recommendations that he has made. I think they are sensible and responsible, and they can make an enormous difference on energy policy.

As always, he has summarized very completely the challenge that is before the American people on the question of prescription drugs. We had a brief debate last evening. We have been waiting some 17, 18 months to get action.

We still have not had the action by the respective committees. Given the fact that so many of our senior citizens are suffering, we want to move this process forward.

I join with the Senator from Iowa and our other colleagues, the Senator from Florida, Mr. GRAHAM, Senator ROBB, and our leader, Senator DASCHLE, who has done so much to advance this issue for us in the Senate, hoping that we can in the remaining days fashion and shape legislation that will have the support of this body. I think, as was evident last night, we still have a long way to go.

I regret very much that we are taking up the Labor-HHS-Education Appropriations bill for education, before we have completed action on the authorizing bill, the Elementary and Secondary Education Act. I am distressed by this fact because we know that education is a national priority.

We have an opportunity this year to do our part to help local communities improve their schools by strengthening the Elementary and Secondary Education Act. And, to Democrats, this is must-pass legislation.

We have tried to make this a priority in the Senate. Six weeks ago we were debating education policy. That legislation was pulled. We did receive assurances that we would get back to the debate on education policy, but we have not had that opportunity to do so. I regret it. Parents regret it and students and teachers and those involved in the education of the children of this country should regret it.

We now have before us the funding mechanisms for education. We are really putting the cart before the horse. We are talking about the funding without having the debate on what the education policy should be.

That is not the way to deal with the Federal involvement and participation in sound education policy. We have differences about how to do what we ought to fund. We have a limited role, granted. Only 7 cents out of every dollar that is expended at the local level is actually provided by the Federal Government, but this is not an unimportant funding stream.

Historically, what we have tried to do is debate these issues, resolve these questions, develop a policy, and then fund that policy. But we have not had that opportunity. This is in spite of the fact that we have had a lot of bold statements about the importance of education.

We had our majority leader in January of this year saying:

Education is going to be a central issue this year. For starters, we must reauthorize the Elementary and Secondary Education Act. That is important.

That is what I wish we had the opportunity to do. However, it has been 6 weeks since we had that legislation. We had it before the Senate 6 days, and 2 days we had debate only. We had eight amendments, and three of those were unanimously accepted. There were only

5 amendments that would not have been universally accepted by roll call votes.

We have our leader talking about the importance of education as a matter of national priority in January. At the Mayors Conference on January 29, he said:

But education is going to have a lot of attention, and it's not going to just be words.

... Education is number one on the agenda for Republicans in the Congress this year. ...

That was in 1999.

On February 1, 2000:

We're going to work very hard on education. I have emphasized that every year I've been majority leader. ... And Republicans are committed to doing that.

Then he said on February 3, 2000:

We must reauthorize the Elementary and Secondary Education Act. ... Education will be a high priority in this Congress.

Congress Daily, April 20, 2000:

... LOTT said last week his top priorities in May include an agriculture sanctions bill, Elementary and Secondary Education Act reauthorization, and passage of four appropriations bills.

And we still haven't had the reauthorization.

On May 2, the majority leader was asked:

Senator, on ESEA, have you scheduled a cloture vote on that?

Senator LOTT. No, I haven't scheduled a cloture vote. ... But education is number one in the minds of the American people all across this country and every state, including my own state.

We are still waiting for that. We had 55 different amendments on the bankruptcy bill. Why aren't we saying that education is important? Why aren't we debating it today, or this afternoon, or next Monday, and having votes on it? We are not doing that and we ought to be doing that—It is the Nation's business.

So this is an important matter for policy makers and parents. When they hear the leaders of the Senate saying it is a priority and it is important, that we ought to do it, we have to do it, we are committed to doing it, yet we never do it, they have to ask are we serious about this issue. I think these are very serious questions: Are we going to find the time to debate what is on the minds of most families in this country? How their children are going to get the best possible education? What are we going to do at the local level, State level, and Federal level to try to be able to achieve it? This is a matter of very considerable concern.

Secondly, I remind our colleagues that education is only 2.3 percent of the Federal fiscal year 2000 budget. Defense is 15 percent. Interest on the debt is 12.3 percent. Entitlements are 12.6 percent. Medicare is 6.5 percent. Medicaid is 11.1 percent. Social Security is 22.5 percent. Nondefense discretionary is 17.1 percent.

I don't think that is what American families think is a priority. This institution is about prioritizing for the

American people. How do we reflect their principal concerns in prioritizing and allocating resources in the budget? I daresay that American families want more than 2.3 percent of our Federal budget supporting education.

Now, there are those on the other side of the aisle who do not want to see that. They say they don't want any Federal participation. Some on that side have advocated the abolition of the Department of Education. They have wanted to rescind money that we have appropriated. That has been their position, and I don't agree with it.

When you see that education is only 2.3 percent of the Federal budget—if you took any part of America and brought together a group of Americans and asked them how they wanted to allocate the Federal dollars, they will talk about national security, certainly, and that is an important priority, and Medicare and Medicaid and Social Security; those are obviously matters of priority. But they would also want to make sure we were going to do more in the area of education—more than 2.3 percent. If you take what we are doing at the K-through-12 level, it is below 1 percent. The remainder of the 2.3 percent includes higher education initiatives including Pell grants and Stafford loans. If you look at what we are doing for the 53 million American children going to school every day, we are at less than 1 percent—less than 1 percent of our budget.

I think we are talking about what most families want. They want a partnership between the Federal, State, and local governments to try to find out what programs are effective and what will enhance academic achievement and accomplishment for their children. Let's invest in those programs and let's have tough accountability measures to make sure we are going to get results. That is what this side of the aisle wants to do.

This chart is reflective of what has been happening. The Federal share of education funding has declined. This shows in 1980, elementary and secondary education—it was 11.9 percent in 1980, and it was down to 7.7 percent in 1999. The second part is higher education, 15.4 percent in 1980, and down to 10.7 percent in 1999. These indicators are going down when they ought to be going up. That is basically the issue of choice.

If you look at what is happening in terms of allocation of priorities in the elementary and secondary education, we are seeing the collapse of the national commitment in terms of educating children in this country. This is wrong. We are talking about priorities, and I think this is an issue that will have to be a matter before the country in this national election.

We have seen in the eighties and coming into the nineties a gradual decline in Congress assisting local communities, at a time when there has been an exploding population in K-12. There are scarcer resources going to

assist local communities, as we have been able to acquire an increasing knowledge and awareness about efforts that are actually working and enhancing academic achievement.

That is the dilemma. That is the dilemma with the budget resolution. The Republican budget resolution allocated a certain amount of resources for the Labor-HHS-Education appropriations bill. I admire the work that has been done by my colleagues, Senator HARKIN from Iowa and Senator SPECTER from Pennsylvania. In spite of their best efforts, because there has been a reduced allocation for their budget, there is going to be a cutback in many of the programs which make a vital difference in educating the children of this country.

It does not have to be that way. Included in this budget is a tax cut of some \$718 billion over 10 years. When there is an allocation for a tax cut of \$718 billion, there is going to be a short shrift of some programs, and in this instance it is education. The American people ought to understand that. I believe it is a higher priority to invest in children and in programs that work rather than having tax breaks for wealthy individuals and corporations of this country.

This ought to be an issue during the course of this election because if we are not going to see any departure or change in the leadership in the House or the Senate, we will continue to see this decline in assisting in education. That is irrefutable.

I am going to review for the Senate what has happened to some programs that have focused on the enhancement of education. There are cutbacks by the Republican leadership in allocating resources to the Senate appropriations subcommittee because they want a large tax break over a period of years. Democrats have some tax breaks, about a third of what the Republicans want. We have about a third of the cut, but we enhance the programs that are working. That is the major difference.

This is not a time for cuts in education. We need to increase our investment in education to ensure a brighter future for the Nation's children. Unfortunately, the bill approved by the House of Representatives is a major retreat from these priorities. It slashed funding for education by \$2.9 billion below the President's request. The House bill is even worse than the bill that is before the Senate. Unless we are going to enhance some of these programs during the debate next week, then we cannot expect, when the House and Senate meet, that there is going to be a compromise that is not going to have a further diminution of our commitment than what is before the Senate at this time.

The House bill zeros out critical funds to help States turn around failing schools. It slashes funding for 21st century learning center programs by \$400 million below the President's request, denying 900 communities the op-

portunity to provide \$1.6 million for after-school activities to keep children off the streets, away from drugs and out of trouble, and help them with their studies.

Of all the requests for resources for programs by local communities, perhaps the highest number of requests is for after-school programs. They are working, they are effective, and they are keeping children out of trouble and enhancing academic achievement. These programs are being cut.

It eliminates the bipartisan commitment to help communities across the country reduce class size in the early grades. The federal Class Size Reduction program is making a difference. For example, in Columbus Ohio, class sizes in grades 1-3 have been reduced from 25 students per class to 15 students per class. We need to invest more in this program, so that communities can continue to reduce class sizes.

It cuts funding for Title I by \$166 million below the President's request, reducing or eliminating services to 260,000 educationally disadvantaged children to help them master the basics and meet high standards of achievement—260,000 fewer children will be able to benefit from that program.

It reduces the funding for the Reading Excellence Act by \$26 million below the President's request, denying services to help 100,000 children become successful readers by the end of the third grade. What sense does that make? We ought to be enhancing our effort to ensure literacy among children in our country. We know what works. Instead, they are cutting back on that effort which has been very successful.

It slashes funding for Safe and Drug Free Schools by \$51 million below the President's request, denying communities extra help to keep their students safe, healthy, and drug-free, with the development of conflict resolution programs to help schools and school teachers have more orderly, disciplined classrooms and schools. This program is used in schools all over this country. It is not going to resolve all the problems of school violence and school discipline, but it is enormously helpful and useful in trying to help teachers, parents, and officials in local communities to make schools safer and drug-free.

This bill does nothing to help communities meet the most urgent repair and modernization needs.

These needs are especially urgent in 5,000 schools across the country. We have the GAO study that says it will cost \$112 billion to repair and modernize schools so that children go to school in buildings that are modern and safe, and not overcrowded. The administration has come up with a very modest program to help schools in this effort. This effectively turns its back on that effort.

It slashes funding for GEAR UP by \$125 million below the President's re-

quest, denying more than 644,000 low-income middle and high school students the support they need for early college preparation and awareness activities.

It does nothing to increase the funding for Teacher Quality Enhancement Grants, so that more communities can recruit and retain better qualified teachers.

It slashes funding for Head Start by \$600 million below the President's budget, denying 50,000 low-income children critical preschool services.

It slashes funding for dislocated workers by \$181 million below the President's request, denying over 100,000 dislocated workers much-needed training, job search, and re-employment services.

It reduces funding for Adult Job Training by \$93 million below the President's request, denying 37,2 and the second part is higher education 00 adults job training this year.

If this program goes through, in terms of trade with China, we know there are going to be sectors of our economy that are going to do very well, but there are others that are going to be adversely impacted.

Rather than cutting back and slashing training programs for workers who are going to be dislocated, we ought to be strengthening those programs, if we are going to be fair and have a fair and balanced policy on the issues of trade. We are going in the wrong direction.

It cuts youth opportunities grants by \$200 million below the President's request, eliminating the proposed expansion to 20 new communities, reducing the current program by \$75 million, and denying 40,000 of some of the most disadvantaged youth a bridge to the skills and opportunities of our strong economy and alternatives to welfare and crime.

It slashes Summer Jobs and Year-Round Youth Training by \$21 million below the President's request, reducing the estimated number of low-income youth to be served by over 12,000.

What do you expect these young people are going to be involved in? You don't think they are going to look for other routes? And then we are going to have complaints about the problems in terms of an increase in violence and dangerous behavior when we are basically underserving and failing in terms of meeting these requirements—all because we are trying to save money for a tax break for wealthy individuals. That is the alternative.

The Senate bill does take some positive steps towards better funding for higher education.

It does increase the Pell grant by \$350 to \$3,650. This is enormously important.

The average income for those families is \$9,000. If you take children with similar academic test results—not that test results are the only indicator; but let's take those—that makes it even more extraordinary because these children who are coming from low-income

and lower-middle income families don't have the advantages that many other children have in taking these prep courses for the SATs and other college aptitude tests. But if you take children with the same academic test results, the chance for children in the lower quarter percentile to continue in higher education is 25 percent of what it would be if they were in the top third of income. Mr. President, 82 percent of children in the top third income bracket continue in higher education. And for just the children who are eligible, 25 percent of them continue in higher education from the lower income bracket.

We are finding the disparity in education increasing. We made the efforts years ago, starting in the 1960s, with Republican and bipartisan support, to try to see that there was not going to be enormous disparity in the area of education. That is increasing now. The danger we are facing is whether we are going to see it further increase in the areas of technology.

There has been a funding increase of \$1.3 billion in IDEA, which I strongly support. I remember offering the amendment last year when we had the tax bill. It was \$780 billion over 5 years, to fully fund the IDEA. That would have taken a fifth of the tax bill. And it went down in a resounding defeat. It was a pretty clear indication that the Republican leadership won't fully fund IDEA for a tax cut, but will try to fund the IDEA even if it means cutting back in some of these very important programs that reach out to the neediest children.

Once again, the Republican leadership has put block grants ahead of targeted funding for education reforms. Block grants are the wrong approach. They prevent the allocation of scarce resources to the highest education priorities. They eliminate critical accountability provisions that ensure better results for all children. The block grant approach abandons the national commitment to improve education by encouraging proven effective reforms of public schools.

Block grants are the wrong direction for education and the wrong direction for the Nation. They do nothing to encourage change in public schools.

The bill includes \$2.7 billion more for the title VI block grant, but it eliminates the Federal commitment to reducing class size. It does nothing to guarantee funds for communities to address their urgent school repair and modernization needs.

It is unconscionable to block grant critical funds that are targeted to the neediest communities to reduce class size. Under the bipartisan Class Size Reduction Program that has received bipartisan support for the past 2 years, funds are distributed based on a formula that is targeted to school districts 80 percent by poverty and 20 percent by population. But under the title VI block grant, funding is distributed based solely on population—it includes

no provisions to target the funds to high poverty districts. This is unacceptable, when it is often the neediest students that are in the largest classes.

The national class size average is just over 22 students per class. But, in many communities—especially in urban and rural communities—class sizes are much higher than the national average.

In 1998, the publication *Education Week* found that half of the elementary teachers in urban areas and 44 percent of the teachers in nonurban areas had classes with 25 or more students.

Next week, we will have the opportunity to address education in this pending Senate appropriations bill.

Democrats will offer amendments to address as many of these critical needs as possible. I intend to offer an amendment to increase funding for Title II of the Higher Education Act, to help communities recruit and train prospective teachers and put a qualified teacher in every classroom. In addition, I will offer an amendment to increase funding for skills training by \$792 million to ensure the Nation's workers get the support they need in today's workplace.

Senator MURRAY will offer an amendment to continue the bipartisan commitment we have made over the last two years to help communities reduce class size in the early grades.

Senator HARKIN and Senator ROBB will offer an amendment to ensure that communities get the help they need to meet the most urgent repair and modernization programs.

Senator DODD will offer an amendment to increase funding for the 21st Century Learning Centers Program, so more children will have the opportunity to attend after-school activities.

Senator BINGAMAN will offer an amendment to help States turn around failing schools.

Senator REED will offer an amendment to increase funding for the GEAR UP programs, so more children will be able to attend college.

Other colleagues will offer additional amendments to increase the Nation's investment in education. The time is now to invest more in education. The Nation's children and families deserve no less.

Mr. President, I want to just take a moment of the Senate's time to speak on where we are on the Patients' Bill of Rights.

The American people have waited more than 3 years for Congress to send the President a Patients' Bill of Rights that protects all patients and holds HMOs and other health plans accountable for their actions.

Every day the conference on the Patients' Bill of Rights fails to produce agreement on meaningful patient protections, 60,000 more patients endure added pain and suffering. More than 40,000 patients report a worsening of their condition as a result of health plan abuses. This is happening every single day we fail to take action.

By all accounts, Republicans are working amongst themselves on the Patients' Bill of Rights. They are working in the middle of the night, behind closed doors, to produce a partisan bill that will surely fail the test of true reform. The crocodile tears were flowing from the eyes of the Senate Republican leadership on June 8 when we took the bipartisan, House-passed Managed Care Consensus Act to the floor for its first Senate vote. That legislation, which passed the House with overwhelming bipartisan support last year, is a sensible compromise that extends meaningful protections to all patients and guarantees that health plans are held accountable when their abuses result in injury or death.

Democratic Conferees sent a letter to Senator NICKLES on June 13. In that letter, we reiterated that we remained ready to negotiate on serious proposals that provide a basis for achieving strong, effective protections. But the Assistant Majority Leader has not responded. The silence is deafening.

The gap between the Senate Republican plan and the bipartisan legislation enacted by the House in the Norwood-Dingell bill is wide. And the intransigence of the Republican conferees is preventing adequate progress.

Make no mistake. We want a bill that can be signed into law this year. There is not much time left. We need to act now. The Republican leadership continues to refuse to guarantee meaningful protections to all Americans. They continue to delay and deny action on this critical issue. This debate is about real people. It is about women, children, and families.

This issue is a very basic and fundamental issue. It is whether doctors, nurses, and families are going to make the medical decisions for patients free of the decisions of the accountants for the HMOs. That is what this bill is really all about. That is why over 300 organizations support our particular proposal: patients organizations, every women's organization, every child's advocate, every cancer prevention and treatment organization is for us, every medical organization—including strong support from the American Medical Association. None of these organizations support the Senate Republican program or the lack of progress in the conference.

A third of all the Republicans in the House of Representatives supported the Dingell-Norwood bill. Now we have effectively 49 Members of the Senate who are supporting the Dingell-Norwood legislation. To just get a majority, one would think the changes that would have to be made in this would be extremely easy. I don't think they are that complex. But we still have the Republican leadership denying us the chance to do it.

I am always interested in the silence on the other side. I asked: In this Patients' Bill of Rights, which we have basically supported on our side, which one of these guarantees do you not

want to provide for your families and for your constituents?

The first one is to protect all patients with private insurance. This is the difference. Under the Democratic proposal, there are 161 million Americans who are covered. Under the Senate Republican program, there are only 48 million. Under the bipartisan House of Representatives program, it is 161 million. We ought to be able to decide that pretty easily. Do we want to cover everyone, which is 161 million, or are we going to cover only 48 million? If you put people together in a room, they have to be able to come out with some number. The Republican bill leaves out millions of Americans. I find it absolutely extraordinary to think that we wouldn't provide protections for all Americans.

Do we want to leave out the 23 to 25 million State and local employees—teachers, firefighters, police officers, public health nurses, doctors, garbage collectors, et cetera? Do we want to leave them out? They were left out of the Senate bill sponsored by the Republicans. We included them.

Do you want to leave out those who are the self-employed—farmers, child care providers, cab drivers, people who work for companies that don't provide insurance, contract workers, workers who are between jobs and unemployed? We cover them, 12 to 15 million people. The Republican bill does not cover them.

The bipartisan legislation that we support and which we voted on in the Senate on June 8 covers everyone. But the Senate Republican leadership says "no" to farmers, truck drivers, police officers, teachers, home day care providers, fire fighters, and countless others who buy insurance on their own or work for state or local governments. Republican conferees steadfastly refuse to cover all Americans. Their flawed approach leaves out two-thirds of those with private health insurance—more than 120 million Americans.

The protections in the House-passed bill are urgently needed by patients across the country. Yet, the Republican leadership is adopting the practice of delay and denial that HMOs so often use themselves to delay and deny patients the care they need. It's just as wrong for Congress to delay and deny these needed reforms, as it is for HMOs to delay and deny needed care.

We have listened to statements on the other side that, "This is all politics. This is all politics." We are asking: What is politics, to try to include everyone? What is politics is not including them and being in the debt of the HMOs and the industry. That is the politics.

So we ask, what is it that we don't want to provide—which one of over twenty different protections? Are we going to deny access to specialists? Are we not going to permit clinical trials? Are we going to refuse women access to OB/GYNs? What about prescription drugs that doctors give; are we not

going to guarantee that? Or are we going to prohibit the gag rule so doctors can give the most accurate information on various treatments? I hope. Are we going to ensure external and internal appeals as well as accountability? Are we going to ensure emergency room access? I would think so. Which of these protections do the Republicans not want to guarantee to the American people? That is the question we are asking. The American people are entitled to an answer. Three hundred organizations that represent the American people say they are entitled to it. We ought to be doing something about it.

Every day, we find out that Americans are being harmed. We were able to get bipartisan legislation through the House of Representatives. At the dead end of our conference, the courageous Congressmen, Mr. NORWOOD and Mr. GANSKE, came over and indicated that they believe we are not making progress. They support our efforts in the Senate. Two prominent doctors who happen to be Republicans strongly support our effort in the Senate to get action.

We reject the concept that this is just a political ploy. It is interesting to me, having been here for some time, that whenever you agree with the other side, it is wonderful and you are a statesman. If you differ, you are a politician; it is done for political purposes. We have listened to that all the time. We heard it last night on prescription drugs. We heard it on hate crimes. We heard it with regard to the Patients' Bill of Rights.

The American people understand the importance of this legislation. We want to give assurances to the American people, we are not letting up on this issue. We are going to press this issue on the Patients' Bill of Rights. We are going to press it, and press it, and press it until we get the job done.

We are going to do the same with prescription drugs, so our friends on the other side ought to get familiar with it. Just as we are going to come back to the issue of minimum wage, we are going to come back to it, and back to it, and back to it, if you want to dust off your speeches already and say that that is politics.

The idea of guaranteeing someone who works 40 hours a week, 52 weeks of the year, that they are not going to live in poverty is a fairness issue which the American people understand. We ought to guarantee that minimum wage for work in America. You can name it or call it anything you want, as long as we vote on it and get it and make sure they get the fair increase they deserve.

I thought we would have the chance to get into the debate and discussion on a number of these issues, but we are not having that opportunity today. I look forward to debating the issues the first of the week.

Mr. President, Congress can pass bipartisan legislation that provides

meaningful protections for all patients and guarantees accountability when health plan abuse results in injury or death. The question is "will we"?

The American people are waiting for an answer.

The PRESIDING OFFICER. The distinguished Senator from Georgia is recognized.

MORNING BUSINESS

Mr. COVERDELL. Mr. President, I ask unanimous consent that the Senate proceed to a period of morning business with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

VICTIMS OF GUN VIOLENCE

Mr. HARKIN. Mr. President, it has been more than a year since the Columbine tragedy, but still this Republican Congress refuses to act on sensible gun legislation.

Since Columbine, thousands of Americans have been killed by gunfire. Until we act, Democrats in the Senate will read some of the names of those who lost their lives to gun violence in the past year, and we will continue to do so every day that the Senate is in session.

In the name of those who died, we will continue this fight. Following are the names of some of the people who were killed by gunfire one year ago today.

June 23, 1999:
Abdalla Al-Khadra, 23, Salt Lake City, UT;
Khari Bartigan, 18, Boston, MA;
Joseph Coats, 26, Chicago, IL;
Wendell Gray, 22, Chicago, IL;
Derwin K. Harding, 21, Oklahoma City, OK;
Hosey Hemingway, 27, Miami-Dade County, FL;
Teresa Hemingway, 30, Miami-Dade County, FL;
Steven Henderson, 17, Baltimore, MD;
Jim Johnson, 31, Dallas, TX;
Monique Trotty, 22, Detroit, MI;
Nichole Vargas, 18, Chicago, IL;
Unidentified male, San Francisco, CA.

These names come from a report prepared by the U.S. Conference of Mayors. The report includes data from 100 U.S. cities between April 20, 1999, and March 20, 2000. The 100 cities covered range in size from Chicago, IL, which has a population of more than 2.7 million, to Bedford Heights, OH, with a population of about 11,800.

Mr. President, I yield the floor.

INTERNATIONAL PARENTAL KIDNAPPING AND GERMANY

Mr. DEWINE. Mr. President, I am troubled—deeply troubled. I am troubled by a report in the Washington Post that—yet again—illustrates Germany's reluctance to return American

children who have been kidnapped by a parent and taken to Germany. The Post article details the latest event in the continuing international struggle that American Joseph Cooke has endured as he seeks the return of his children. As my colleagues may recall, German Chancellor Gerhard Schroeder recently promised President Clinton during the President's visit to Europe that Germany would help Mr. Cooke and grant him and his family visitation rights. Well, despite this promise at the highest levels government, the Kostanz Special Service for Foster Children now is limiting the access that Joseph Cooke's mother has to visiting her grandchildren—apparently as a punishment for all the recent media attention the case has received. This is outrageous, Mr. President. And it simply cannot be tolerated.

Let me take a moment to review the events that have led to where we are today on this issue. At the recent European conference on "Modern Governance in the 21st Century," President Clinton met with Chancellor Schroeder to discuss several pressing international concerns. One issue, in particular—one I had urged President Clinton to raise with the Chancellor—was the tragic situation of U.S. children being abducted by a parent and taken to Germany.

It was necessary to raise this issue with Chancellor Schroeder because parents—and not just American parents, either—have had a very difficult time getting their children back when they have been abducted and taken to Germany. Although Germany has signed the Hague Convention, our ally—yes, our ally—has not taken their obligations under the Convention seriously. In fact, from 1990 to 1998, only 22 percent of American children for whom Hague applications were filed were returned to the United States from Germany—and that percentage includes those who were voluntarily returned by the abducting parent.

Last month, I spoke on the floor about the Joseph Cooke case—a case that illustrates perfectly Germany's reluctance to return kidnapped children. In Mr. Cooke's case, his wife took their two children to Germany, and without his knowledge, turned them over to the German Youth Authority. Despite Mr. Cooke's desperate attempts to get his children back, a German court decided that they were better off with a German foster family than with their American father. Only after President Clinton's meeting with Chancellor Schroeder and only after Mr. Cooke's case received considerable publicity and media attention, did Germany agree to help Joseph Cooke.

The Germans promised to allow Mr. Cooke and his family visitation with his children. The Germans also promised to form a working group with the United States to examine pending abduction cases. Chancellor Schroeder agreed to "think about organizational and institutional consequences to be

taken" to speed up the German court process and make changes in German law to allow visitation rights for those parents previously prevented from seeing their children at all. Although the Chancellor acknowledged that it would be difficult to reverse German custody decisions, he assured President Clinton that this soon-to-be-created commission would work on providing the so-called left-behind parents access to their children.

But now, as the Washington Post reports, Germany is restricting visitation of the Cooke children's American grandmother from open, six-hour visits to supervised, two-hour visits in a psychologist's office. We must take a very tough stance against this, Mr. President. We must judge Germany by its recent actions—not its recent words—recent, empty words. We must hold Germany to its promises and see to it their government matches words with deeds and returns every single American child.

Given Germany's reversal on the visitation agreement, I am even more skeptical now about the sincerity of Germany's commitment to return kidnapped children. I say that partly because German officials have repeatedly blamed their non-compliance on the independence of their judiciary system. They say that they are reluctant to challenge court rulings because the courts are separate and independent from the parliament. Chancellor Schroeder even likened such interference to the days of Nazi Germany, when he told a German newspaper that: "We have always fought for the well-being of the children to be at the core of divorce and custody cases. That is the only standard. The times in which Germany would routinely change the decisions of the courts [during the Nazi era] are over, thank God" (Reuters, 6/1/00).

I find that argument very interesting since the United States has a very independent judiciary branch, yet we return children in 90% of all international abduction cases. And, our return rate of German children, specifically, is equally high. Even according to the German Justice Ministry's own figures, from 1995 to 1999, there were 116 cases of German parents demanding children back from the United States. Of those cases, the U.S. courts refused to return the children in only four cases. During those same five-years, there were 165 known cases in which a parent living in the United States wanted his or her children returned from Germany. Yet, in 33 of those cases, German courts declined to return the children (AP Worldstream, 6/2/00).

Mr. President, I am also concerned about Germany's offer to create a "working group" with the United States given the result of a similar promise Germany made to France. French President Jacques Chirac, who has characterized Germany as applying "the law of the jungle" in abduction

cases (The London Evening Standard, 6/1/00), repeatedly asked Germany to address the difficulty his country is having in getting French children returned. In response, Chancellor Schroeder agreed to create a "working group" between the two nations to reach some resolution. While this working group was created a year ago, results have yet to come in on its effectiveness. Given France's experience, it is crucial that we hold Chancellor Schroeder to his word and see to it that his words are not just empty promises made in an attempt to improve a tarnished image in the international community.

Assistant Secretary of State for consular affairs, Mary Ryan will be in Germany this weekend where, according to the Washington Post, "she will be raising this specific issue with every person she meets in the German government." I am encouraged to see that our State Department has indicated that it is outraged by Germany's action—perhaps now, they will take these kinds of cases seriously and take some type of significant action against Germany. Never-the-less, I urge her and our State Department and President Clinton to not take Germany's broken promises lightly. We must insist that the Germans reverse these restrictions on visitation, otherwise there is absolutely no reason to set up the commission.

Mr. President, we cannot tolerate lip service from our allies. We must hold the German government's feet to the fire. No excuses should be accepted by the parents of these children, nor by this Senate, nor by this Congress, nor by the American people. This must be a priority.

PREScription DRUG AMENDMENT OF SENATOR ROBB

Mr. REED. Mr. President, I rise today to express my disappointment with the outcome of the vote that occurred last evening here in the Senate. I am referring to the vote on Senator ROBB's amendment concerning a Medicare benefit for prescription drugs.

Last night, we had an opportunity to give millions of elderly and disabled Americans something they desperately require, a universal prescription drug benefit. Yet, this measure was defeated, mostly along party lines, by a vote of 44-53. Our nation's seniors deserve better.

The need for a prescription drug benefit under Medicare has grown each and every year. Advances in medical science have revolutionized the practice of medicine. And the proliferation of pharmaceuticals has radically altered the way acute illness and chronic disease are treated and managed.

These remarkable advances, however, have not come without a cost. Since 1980, prescription drug expenditures have grown at double digit rates and prescription drugs constitute the largest out-of-pocket cost for seniors. For millions of seniors, many of whom are living on a fixed income and do not

have a drug benefit as part of their health insurance coverage, access to these new medicines is beyond reach.

Even more alarming, it is estimated that 38 percent of seniors pay \$1,000 or more for prescription drugs annually, while 3 in 5 Medicare beneficiaries lack a dependable source of drug coverage. This lack of reliable drug coverage for today's seniors is reminiscent of the lack of hospital coverage for the elderly prior to the creation of Medicare. Back in 1963, an estimated 56 percent of seniors lacked hospital insurance coverage. Today, after all our investments in health care and prevention, 53 percent of seniors still lack a prescription drug benefit.

The need for a Medicare prescription drug benefit is a top concern for the elderly and disabled in my home state of Rhode Island. Many seniors continue to be squeezed by declines in retiree health insurance coverage, increasing Medigap premiums and the capitation of annual prescription drug benefits at \$500 or \$1000 under Medicare managed care plans. Mr. President, seniors in my state are frustrated and burdened both financially and emotionally by the lack of a reliable prescription drug benefit.

While the need for a prescription drug benefit is clear and the desire on the part of some members of Congress is there, action on Medicare prescription drug legislation has been slow. The Senate Finance Committee has held a series of hearings on the subject of Medicare prescription drugs, however, the committee to date has been unable to produce a bill.

In May, I joined Senator DASCHLE and several of my Democratic colleagues, in introducing S. 2541, the Medicare Expansion of Needed Drugs Act. This legislation seeks to provide millions of elderly and disabled Americans with an adequate, reliable and affordable source of prescription drug coverage.

The MEND Act embodies the principles that I believe are necessary for an adequate prescription drug benefit—it is voluntary, accessible to all seniors, affordable, provides a reliable benefit and is consistent with broader Medicare reform.

Last evening, the Senate had a real and possibly its only opportunity to enact a prescription drug benefit when Senator ROBB offered an amendment during the consideration of the fiscal year 2001 Labor, Health and Human Services, and Education appropriations bill that would have provided a universal Medicare prescription drug benefit to our nation's seniors. While the proposal differs slightly from the MEND Act, it embraced the principles that I view as necessary for a good benefit. Regrettably, this crucial amendment was defeated.

I sincerely hope that the stated desire of many of my colleagues to create an adequate and affordable Medicare prescription drug benefit will become a reality this year. During this time of

strong economic prosperity, we should all feel compelled to seize this opportunity to strengthen and enhance Medicare for the new millennium.

HATE CRIMES AMENDMENT

Mr. GRAMS. Mr. President, as hate-crimes legislation was recently debated and voted on by the United States Senate, I would like to briefly explain my vote on this issue. I believe that all victims of crime, and most certainly victims of violent crime, are deserving of special status. After due process has been afforded and guilt determined, perpetrators of crimes should be punished speedily for the peace of the community and to bring some measure of resolution for the victim. However, creating different classifications of victims, and rendering punishment based upon such classifications threatens the notion of "Equal Justice Under Law," the principle that adorns the United States Supreme Court building and should suffice our entire legal system.

Violence itself, whether motivated by hate, revenge, greed, lust, envy, or some other evil motivation, threatens the peace of our communities and our citizens' sense of security. The Kennedy amendment would include minor crimes against property within the definition of hate crimes, but would not have included such heinous acts as the Oklahoma City federal building bombing, or the school shooting at Columbine High School, both of which left lasting, painful memories for the local communities in Oklahoma and Colorado, and even the Nation as a whole.

Rather than focusing on the particular motivation of the criminal, Congress and the states should provide law enforcement officials the resources necessary to fully prosecute all crimes. The diligent enforcement of existing laws will serve as an effective deterrent against criminal acts motivated by bigotry and hate, or any other distasteful compulsion. A more comprehensive strategy than what is embodied in the Kennedy amendment is warranted in light of the fact that in 1998 there were 16,914 murders committed in the United States (an average of 46 every day), and of the 16,914, only thirteen were deemed to be hate crimes.

I supported the Hatch amendment, which studies how extensive the hate crimes problem is and whether these heinous crimes are being fairly and aggressively prosecuted in the same manner as other similar crimes. I also welcome the Justice Department technical and financial assistance to states which need help in pursuing and identifying hate crimes. This is a far better role for the federal government than moving to federalize all state actions against hate crimes.

The Kennedy amendment also raised concerns by experts about constitutionality. Ultimately, it threatened to create more problems in the criminal justice system than it purported to

solve, and I consequently voted "no" on the amendment and yes on the more reasonable Hatch amendment. I pledge to my constituents that I will support aggressive state prosecution of hate crimes, and I will continue to work to maintain safe communities, including actively supporting legislation that furthers that end.

INTERNET TAX MORATORIUM AND EQUITY ACT

Mr. BREAU. Mr. President, I am pleased to join my colleague, Senator DORGAN, in introducing legislation designated to address the issue of Internet sales taxation.

As a consumer, I know first-hand how popular, simple and easy it is to buy items over the Internet. In fact, the Internet saved me at Christmas when I bought last-minute gifts for my wife, four children and our two little granddaughters.

But, as a member of both the Senate Finance and Commerce committees, I also know Congress has an obligation to examine how these same, tax-free Internet sales can financially harm businesses and state governments.

Senator DORGAN's bill balances the concerns of state and local governments with the importance of maintaining easy access to Internet services. It allows state and localities to enter into an interstate compact for the purpose of simplifying their sales tax systems for remote sales. Once 20 states have joined the compact, Congress can disapprove of their efforts. If Congress does not act, those states that have joined the compact and simplified their sales tax systems, will be authorized to collect sales tax on the purchases their citizens make over the Internet.

Our proposal, recognizing that collecting taxes must not be overly burdensome for online retailers, also provides a collection fee for all Internet retailers who collect these taxes. It ensures Internet purchases are not singled out for special tax treatment at the expense of neighborhood businesses, and state and local governments. This restores equality, a key aspect of any good tax system, without placing an unfair burden on anyone. I believe that this is a fair and equitable bill that takes reasonable steps to address the concerns of both online retailers and state and local governments.

We all agree Internet access should not be taxed, and that states and localities should not be allowed to impose discriminatory taxes on the Internet. In fact, Senator DORGAN's bill extends the moratorium on these types of sales for another four years.

But, I ask, is it fair to levy sales taxes on a person who buys a book from his local bookstore, but not his neighbor who buys that same book over the Internet?

I do not think it is fair. It isn't fair to residents who must pay the local

sales tax because they don't own a computer. It isn't fair to local retailers collecting the tax who must compete with Internet retailers who don't. And, it isn't fair to the states and their local governments that are losing money they need to fight crime and fires, and to give their children a quality education.

In Louisiana, sales taxes make up 33 percent of all revenues. Economists estimate that Louisiana could lose up to \$172 million in state revenues by 2002 because Internet sales are not taxed. Other states are confronted with similar difficulties. When faced with these facts, it's no wonder two-thirds of Americans support Internet sales taxes.

The sales tax is not a new tax. It has been collected by states from their citizens for more than 100 years. It should be collected on all sales, regardless of whether they occur on Main Street or the information superhighway. I urge my colleagues to cosponsor this important piece of legislation.

Mr. CLELAND. Mr. President, I rise today in support of S. 2775. From the beginning of the debate on the Internet Tax Moratorium Act, I have fought for the sovereignty of state and local elected officials and a level playing field for on-line and off-line retailers. This bipartisan bill accomplishes both of these goals by allowing the states to work together in an Interstate Sales and Use Tax Compact to simplify and streamline the existing sales tax system in to a blended rate that will enable remote on-line and off-line sellers to collect and remit sales taxes without an undue burden. While states work toward this objective, the current tax moratorium will be extended four more years.

In addition to providing greater equity in the tax treatment of both Internet-based and Main Street businesses, this legislation also provides means for on-line retailers to pay their fair share in supporting the communities in which their employees and customers live. Local sales tax revenue contributes to the infrastructure and emergency services of these communities. Also of importance is the aid these funds provide to local education. If the high-tech community is truly looking to expand the domestic pool of eligible employees, they should be lauding this legislative approach because of the support it will provide the local, public school systems. Sales tax revenue will help educate the future programmer, software developer, or information architect for the virtual world of tomorrow.

As a former state official, I understand the important role state and local officials play in establishing public policy. Although Internet sales represent a small portion of overall consumer sales today, Net sales are increasing every day. Without a level playing field between on-line and off-line retailers, the forty-five states and

the District of Columbia that collect sales tax could be crippled by the budgetary impact.

The Internet offers a more convenient means of purchasing goods. No longer do consumers need to fight traffic, search for a parking space, and deal with sometimes unhelpful sales people in order to purchase an item. This legislation would further ease on-line purchases by removing the confusing and often misunderstood use tax remission policies of states. The consumer would be able to take care of any tax questions in one transaction.

Some of my colleagues claim that applying existing sales taxes to the Internet will destroy this powerful news, information and commerce medium. I, on the other hand, do not see any signs of a slowing of the Net. It is growing so quickly that we are running out of Internet addresses. If anything, enacting this legislation now will enable new "e-tailers" to adjust their business design to adapt to this policy. In addition, this fear completely ignores the fact that these taxes are already due. They are not collected because it is too difficult.

The National Governors Association, the National Retail Federation, and the e-Fairness Coalition are among the groups that believe this legislation is a proper approach to level the e-commerce playing field. I urge my colleagues to join with this bipartisan group in supporting the balanced approach of S. 2775 that accomplishes one of the main goals of the Internet Tax Freedom Act: to find a way to simplify the existing sales and use tax structure for remote sellers while the moratorium remains in place.

ADDITIONAL STATEMENTS

CONGRATULATING ESTONIA ON THE EIGHTIETH ANNIVERSARY OF VICTORY DAY

• Mr. DURBIN. Mr. President, June 23rd marks the 80th anniversary of Võiduhüha, or Victory Day, recalling Estonia's break from Russian control in 1920. On this holiday, Estonians commemorate the battles during the War of Independence in which military forces fought to regain Baltic control over the region. On Victory Day Estonians also celebrate the contributions of all who have fought for the cause of independence throughout their country's history.

Many lives were lost for the cause of Estonian independence. Three battles, Roopa, Venden-Ronnenberg, and finally Vonnu were the turning points that ultimately led to the defeat of the opposing army. The Tartu Peace Treaty in 1920 marked the end of centuries of struggle and finally granted independence to Estonia.

On Victory Day, Estonians also remember those who battled against the Nazis and the Soviets. From 1944 until 1991 the Soviets again occupied Estonia,

and during this time those who voiced opinions against the government were typically sentenced to 25 years in a Gulag prison, and 5 years in exile. The designation of June 23rd as Victory Day signifies that all those involved in the crusade for freedom are remembered for their efforts, and that their messages live on.

Estonia has become a strong independent country since 1991 when it again rid itself of Soviet occupation. It is a free-market economy and has established a rule of law.

This year we celebrate the 60th anniversary of the refusal by the United States to recognize Soviet domination of the Baltic states. The recognition of Estonia as free and independent is positive, but does not go far enough. What we celebrate this year is what we must help to preserve next year and the year after that. We must be sure that Estonia, Lithuania, and Latvia are admitted into NATO as an unequivocal statement of the West's support for Baltic freedom and independence.

Being the son of a Lithuanian immigrant myself, I take great pride in the accomplishments of the Baltic states. I support admitting the Baltic states into NATO and I hope my colleagues here in the Senate will support their entry also in the next round of NATO expansion.

That debate we will save for another day, but I am sure all of my colleagues can agree on the importance of Estonia's struggle for freedom and independence, and will join me in congratulating Estonia on the 80th anniversary of Victory Day.●

THE BOSTON CELTICS' "HEROES AMONG US" AWARD

• Mr. KENNEDY. Mr. President, it is a special honor for me today to pay tribute to the forty-seven outstanding individuals who have received this year's "Heroes Among Us" Award from the Boston Celtics.

These honorees are men and women of all ages who have chosen different career paths. What they all have in common is the extraordinary contributions they have made to our community. They are role models for us all. They demonstrate the fundamental importance of the individual in our society, by proving that each person can truly make a difference. All of these heroes saw a need to achieve change or take other action in order to improve the lives of others.

This past season was the third season in a row that the Boston Celtics have honored one or more these heroes at home games for the special contributions they have made to our society. In those three seasons, the Celtics have honored 114 men and women with the "Heroes Among Us" Award, which is one of many programs that the Boston Celtics Charitable Foundation has initiated. The Foundation is dedicated to improving the lives of the youths of New England through innovative outreach initiatives. The Boston Celtic

players actively participate in these programs in many ways—from washing cars, to raising funds for books for the Boston Public Schools, to cleaning up sites for the development of homes for low and middle income families in Boston.

I commend the Celtics for their commitment to improving the quality of life for the members of our community, and I commend all of these “Heroes Among Us” for their dedication and their inspiring leadership. I ask unanimous consent that the names of this year’s 47 “Heroes Among Us” may be printed in the CONGRESSIONAL RECORD.

RECIPIENTS OF THE 1999-2000 BOSTON CELTICS’
“HEROES AMONG US” AWARD

1. Charles McAfee.
2. Andre John.
3. Eric Dawson.
4. Stephen DeMasco.
5. Anthony “Rags” LaCava.
6. Scott L. Pomeroy.
7. Dr. Thomas Treadwell.
8. Robert McKean.
9. Nancy Schwoyer.
10. Dr. Louis Kunkel.
11. Robert Watson.
12. Robert Arnold.
13. Dr. Stephen Price.
14. John Kennedy.
15. Rachel Sparkowich.
16. Kathleen Brennan.
17. Jeannie Lindheim.
18. Kristen Finn.
19. Padraic Fory.
20. Jennifer Noonan.
21. Marjorie Kittredge.
22. Kelly Dolan.
23. Lindsay Amper.
24. Michael Bonadio, Sr.
25. John Pearson.
26. Thomas Forest.
27. Patrick Walker.
28. The Families of the Fallen Worcester Firefighters.
29. Billy Ryan.
30. Robert Prince.
31. Reverend Joseph Washington.
32. Nahid Moussavi.
33. Jeraldine Martinson.
34. John Paul Sullivan.
35. Ned Rimer.
36. Eric Schwarz.
37. Ann Forts.
38. Marti Wilson-Taylor.
39. Claudio Martinez.
40. Reverend Hammond.
41. Laurie and Doug Flutie.
42. Stacey Kabat.
43. Detective Tom Chace.
44. Sister Louise Kearns.
45. Sister Jean Sullivan.
46. Ellen Olmstead.
47. Ryan Belanger.●

MESSAGES FROM THE HOUSE

ENROLLED BILLS SIGNED

At 11:45 a.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:

S. 1967. An act 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 enrolled bill was signed subsequently by the President pro tempore (Mr. THURMOND).

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-9376. A communication from the Administrator of the Foreign Agricultural Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled “Adjustment of Appendices to the Dairy Tariff-Rate Import Quota Licensing Regulation for the 2000 Tariff-Rate Quota Year,” received on June 12, 2000; to the Committee on Agriculture, Nutrition, and Forestry.

EC-9377. A communication from the Administrator of the Farm Service Agency, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled “Agricultural Disaster and Market Assistance” (RIN0560-AG14) received on June 2, 2000; to the Committee on Agriculture, Nutrition, and Forestry.

EC-9378. A communication from the Administrator of the Food and Nutrition Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled “National School Lunch Program and School Breakfast Program: Identification of Blended Beef, Pork, Poultry, or Seafood Products” (RIN0584-AC92) received on June 16, 2000; to the Committee on Agriculture, Nutrition, and Forestry.

EC-9379. A communication from the Administrator of the Food Safety and Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled “Elimination of Requirements for Partial Quality Control Programs” (RIN0583-AC35) received on June 7, 2000; to the Committee on Agriculture, Nutrition, and Forestry.

EC-9380. A communication from the Under Secretary for Food, Nutrition, and Consumer Services, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled “Food Stamp Program—Payment of Certain Administrative Costs of State Agencies” (RIN0584-AB66) received on May 24, 2000; to the Committee on Agriculture, Nutrition, and Forestry.

EC-9381. A communication from the Secretary of Agriculture, transmitting, pursuant to law, the report of a rule entitled “Rural Empowerment Zones and Enterprise Communities” (RIN0503-AA20) received on May 24, 2000; to the Committee on Agriculture, Nutrition, and Forestry.

EC-9382. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Imidacloprid; Pesticide Tolerances for Emergency Exemptions” (FRL6558-4) received on June 6, 2000; to the Committee on Agriculture, Nutrition, and Forestry.

EC-9383. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Cyprodinil; Extension of Tolerance for Emergency Exemptions” (FRL6590-4) received on June 6, 2000; to the Committee on Agriculture, Nutrition, and Forestry.

EC-9384. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, six items relative to Pesticide Registration; to the Committee on Agriculture, Nutrition, and Forestry.

EC-9385. A communication from the Director of the Office of Regulatory Management

and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of four rules entitled “Cloquintocet-mexyl; Pesticide Tolerance” (FRL6592-4), “Clodinafop-propargyl; Pesticide Tolerance” (FRL6590-7), “Azinphos-Methyl, Revocation and Lowering of Certain Tolerances: Tolerance” (FRL6557-9), “Trichoderma Harzianum Rifai Strain T-39; Exemption from the Requirement of a Tolerance” (FRL6383-7) received on June 16, 2000; to the Committee on Agriculture, Nutrition, and Forestry.

EC-9386. A communication from the Associate Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled “Changes in Fees for Federal Meat Grading and Certification Service” (RIN0581-AB83) received on May 25, 2000; to the Committee on Agriculture, Nutrition, and Forestry.

EC-9387. A communication from the Associate Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled “Tobacco Fees and Charges for Mandatory Inspection; Fee Increase” (RIN0581-AB87) received on May 25, 2000; to the Committee on Agriculture, Nutrition, and Forestry.

EC-9388. A communication from the Associate Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled “Tart Cherries Grown in the States of Michigan, et al.; Authorization of Japan as an eligible Export Outlet for Diversion and Exemption Purposes” received on June 2, 2000; to the Committee on Agriculture, Nutrition, and Forestry.

EC-9389. A communication from the Associate Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled “Refrigeration Requirements for Shell Eggs” (RIN0581-AB60) received on June 2, 2000; to the Committee on Agriculture, Nutrition, and Forestry.

EC-9390. A communication from the Associate Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled “Avocados Grown in South Florida; Increased Assessment Rate” received on June 5, 2000; to the Committee on Agriculture, Nutrition, and Forestry.

EC-9391. A communication from the Associate Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled “Fluid Milk Promotion Order; Amendments to the Order” received on June 6, 2000; to the Committee on Agriculture, Nutrition, and Forestry.

EC-9392. A communication from the Associate Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled “Revision of User Fees for 2000 Crop Cotton Classification Services to Growers” received on June 6, 2000; to the Committee on Agriculture, Nutrition, and Forestry.

EC-9393. A communication from the Associate Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled “Revision of Cotton Classification Procedures for Determining Upland Cotton Color Grade” (RIN0581-AB67) received on June 9, 2000; to the Committee on Agriculture, Nutrition, and Forestry.

EC-9394. A communication from the Associate Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled “Grade Standards and Classification for American Pima Cotton” (RIN0681-AB82) received on June 9, 2000; to the Committee on Agriculture, Nutrition, and Forestry.

EC-9395. A communication from the Associate Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Kiwifruit Grown in California; Temporary Suspension of Inspection and Pack Requirements" received on June 14, 2000; to the Committee on Agriculture, Nutrition, and Forestry.

EC-9396. A communication from the Associate Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Revision of Regulations for Permissive Inspection" (RIN0581-AB65) received on June 14, 2000; to the Committee on Agriculture, Nutrition, and Forestry.

EC-9397. A communication from the Acting Administrator of the Rural Utilities Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "7 CFR 1728, 'Specifications and Drawings for Underground Electric Distribution'" received on May 24, 2000; to the Committee on Agriculture, Nutrition, and Forestry.

EC-9398. A communication from the Acting Administrator of the Rural Utilities Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "7 CFR 1710, 'General and Pre-Loan Policies and Procedures Common to Insured and Guaranteed Loans'" (RIN0572-AB52) received on May 30, 2000; to the Committee on Agriculture, Nutrition, and Forestry.

EC-9399. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Noxious Weeds; Update of Weed and Seed Lists" received on May 25, 2000; to the Committee on Agriculture, Nutrition, and Forestry.

EC-9400. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Mexican Fruit Fly Regulations; Removal of Regulated Area" received on June 8, 2000; to the Committee on Agriculture, Nutrition, and Forestry.

EC-9401. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Plum Pox" received on June 1, 2000; to the Committee on Agriculture, Nutrition, and Forestry.

EC-9402. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Pine Shoot Beetle; Addition to Quarantined Areas" received on June 14, 2000; to the Committee on Agriculture, Nutrition, and Forestry.

EC-9403. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Pork and Pork Products from Mexico Transiting the United States" received on June 14, 2000; to the Committee on Agriculture, Nutrition, and Forestry.

EC-9404. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Importation of Grapefruit, Lemons, and Oranges from Argentina" (RIN0579-AA92) received on June 15, 2000; to the Committee on Agriculture, Nutrition, and Forestry.

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. BAUCUS:

S. 2780. A bill to authorize the Drug Enforcement Administration to provide reimbursements for expenses incurred to remediate methamphetamine laboratories, and for other purposes; to the Committee on the Judiciary.

By Mr. LEAHY (for himself, Mr. BENNETT, and Mr. LIEBERMAN):

S. 2781. A bill to amend the Internal Revenue Code of 1986 to provide that a deduction equation to fair market value shall be allowed for charitable contributions of literary, musical, artistic, or scholarly compositions created by the donor; to the Committee on Finance.

By Mr. WARNER (for himself and Mr. BYRD):

S. 2782. A bill to establish a commission to examine the efficacy of the organization of the National Nuclear Security Administration and the appropriate organization to manage the nuclear weapons programs of the United States; to the Committee on Armed Services.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. LEAHY (for himself, Mr. BENNETT, and Mr. LIEBERMAN):

S. 2781. A bill to amend the Internal Revenue Code of 1986 to provide that a deduction equal to fair market values shall be allowed for charitable contributions of literary, musical, artistic, or scholarly compositions created by the donor; to the Committee on Finance.

ARTIST-MUSEUM PARTNERSHIP ACT

Mr. LEAHY. Mr. President, I rise today to introduce legislation, the "Artist-Museum Partnership Act," which would encourage the donation of original works by artists, writers and composers to museums and other public institutions, thus ensuring the preservation of these works for future generations. This bill would achieve this by restoring tax equity for artists. Artists who donate their self-created works, like art collectors who donate identical pieces, would be allowed to take a tax deduction equal to the fair market value of the work.

Under current law, art collectors who donate works to qualified charitable institutions may take a tax deduction equal to the fair market value of the work. This serves as a powerful and effective incentive for collectors to donate works to public museums, galleries, libraries, colleges and other institutions rather than keep them hidden from the public eye. Unfortunately, artists who create those same works may not take such a deduction. Instead, artists may only deduct the material cost of the work which is, in most cases, a nominal amount. This is simply unfair to artists in Vermont, and artists across the nation, who want to donate their works for posterity.

Prior to 1969, artists and collectors alike were able to take a deduction

equivalent to the fair market value of a work, but Congress changed the law with respect to artists in the Tax Reform Act of 1969. Since then, fewer and fewer artists have donated their works to museums and cultural institutions. The sharp decline in donations to the Library of Congress clearly illustrates this point. Until 1969, the Library of Congress received 15 to 20 large gifts of manuscripts from authors each year. In the four years following the elimination of the deduction, the library received only one gift. Instead, many of these works have been sold to private collectors, and are no longer available to the general public.

For example, prior to the enactment of the 1969 law, Igor Stravinsky planned to donate his papers to the Music Division of the Library of Congress. But after the law passed, his papers were sold instead to a private foundation in Switzerland. We can no longer afford this massive loss to our cultural heritage. This loss was an unintended consequence of the tax bill that should now be corrected.

Over thirty years ago, Congress changed the law for artists in response to the perception that some taxpayers were taking advantage of the law by inflating the market value of self-created works. Since that time, however, the government has cut down significantly on the abuse of fair market value determinations. Under this legislation, artists who donate their own paintings, manuscripts, compositions, or scholarly compositions, would be subject to the same new rules that all taxpayer/collectors who donate such works must now follow. This includes providing relevant information as to the value of the gift, providing appraisals by qualified appraisers, and, in some cases, subjecting them to review by the Internal Revenue Service's Art Advisory Panel.

In addition, donated works must be accepted by museums and libraries, which often have strict criteria in place for works they intend to display. The institution must also certify that it intends to put the work to a use that is related to the institution's tax exempt status. For example, a painting contributed to an educational institution must be used by that organization for educational purposes. It could not be sold by the institution for profit. Similarly, a work could not be donated to a hospital or other charitable institution, that did not intend to use the work in a manner related to the function constituting the donee's exemption under section 501 of the tax code. Finally, the fair market value of the work could only be deducted from the portion of the artist's income that has come from the sale of similar works, or related activities.

In addition to restoring tax equity for artists and collectors, this bill would also correct another disparity in the tax treatment of self-created works—the difference between how the same work is treated before and after

an artist's death. While artists may only deduct the material costs of donations made during their lifetime, donations of those same works after death are deductible from estate taxes at the fair market value of the work. In addition, when an artist dies, works that are part of his or her estate are taxed on the fair market value.

The time has come for us to correct an unintended consequence of the 1969 bill and encourage rather than discourage the donations of art works by their creators. The public benefit to the nation, when artists are encouraged to contribute their works during their lifetimes, cannot be overemphasized. It allows historians, scholars, and the public to learn directly from the artist about his or her work. From artists themselves, we can learn how a work was intended to be displayed or interpreted and what influences affected the artist.

In Vermont, we were lucky enough to have Sabra Field, a well known artist who has been creating wood block prints for the past 40 years, donate over 500 of her own original prints to Middlebury College, at their behest. With those prints, Middlebury will establish the Sabra Field Collection so that students of the college as well as Vermonters and visitors to our state will be able to view her original works on display. We Vermonters owe her our thanks for her incredible generosity. Under current law, Ms. Field, whose prints have sold for up to \$4,000 on the market, was unable to deduct the fair market value of the donated works from her taxes, as a collector of those same works would have been able to. In that instance, the public's gain was Ms. Field's loss. This legislation would create a win-win situation for all.

The Senate recently recognized the importance of the arts in our children's education when it passed a resolution designating March 2000 as "Arts Education Month." The Artist-Museum Partnership Act could make a critical difference in an artist's decision to donate his or her work, rather than sell it to a private party, where it may become lost to the public forever. I cannot think of a better way to enhance arts education than to encourage the donation of art works by living artists, a few of whom we are lucky enough to have in Vermont, to public institutions across the nation.

I want to thank my colleagues Mr. BENNETT and Mr. LIEBERMAN for co-sponsoring this bipartisan legislation. Mr. President, I would also like to submit to the record a letter from the Association of Art Museum Directors, in support of this bill.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

ASSOCIATION OF ART
MUSEUM DIRECTORS,
Washington, DC, May 25, 2000.

Hon. PATRICK LEAHY,
U.S. Senate, Washington, DC.
Hon. ROBERT BENNETT,
U.S. Senate, Washington, DC.

DEAR SENATORS LEAHY AND BENNETT. On behalf of the Association of Art Museum Directors (AAMD), I thank you for introducing legislation that would allow artists, composers and writers to take a deduction of the fair-market value of a contribution of their own work to a charitable institution.

As a result of changes to the tax code in 1969, visual artists, writers and composers can no longer take a deduction based on the fair-market value of a contribution of their own work to a charitable organization. The artists' deduction is limited to the cost of materials in preparing a work—in the case of a visual artist, canvas and paint. However, a collector, making an identical donation, may take the fair market value of the work. Also, once the artist dies, his or her spouse may contribute the work and use the fair-market value as the basis of the donation.

As a result, contributions to museums and libraries by living artists and writers have all but disappeared in the last 30 years, depriving the public of access to its cultural heritage, since many of the pieces are sold abroad or into private collections and never seen again. If instead the works were contributed to a charitable institution, the artists could, while still alive, provide interpretations and insights that would be of enormous benefit to the public in understanding 20th century art.

Artists like Chuck Close and Sam Gilliam who have achieved a considerable degree of success, would be more willing to share their work with the public through donations to major institutions. However, the benefits of the proposed legislation would not be limited to major artists and institutions.

Many smaller museums would benefit from contributions by local artists in the community who could be important in documenting geographic, ethnic, religious or regional examples of art.

The AAMD, which was founded in 1916 and represents 170 art museums nationwide, fully supports the enactment of this legislation.

Sincerely,
MILLICENT HALL GAUDIERI,
Executive Director.

By Mr. WARNER (for himself and Mr. BYRD):

S. 2782. A bill to establish a commission to examine the efficacy of the organization of the National Nuclear Security Administration and the appropriate organization to manage the nuclear weapons programs of the United States; to the Committee on Armed Services.

NATIONAL COMMISSION ON NUCLEAR SECURITY

Mr. WARNER. Mr. President, this legislation on behalf of myself and Senator BYRD, believe would establish a commission to examine the Department of Energy; National Security programs, which I believe will help restore the trust of the American people in the nuclear weapons programs of the United States.

Mr. President, 2 weeks ago, the Nation learned that two identical computer hard drives, containing highly classified nuclear weapons information, were missing at the Los Alamos National Laboratory. These computer

discs are used by the Department of Energy's Nuclear Emergency Search Team (known as NEST) to respond to incidents of nuclear terrorism or other nuclear incidents.

The Committee on Armed Services held a hearing, in both open and closed session, earlier this week to hear from the Secretary of Energy on this matter. I must tell my colleagues that I was not satisfied with all the answers provided by the Secretary during that hearing.

Sadly, this most recent incident is just one more potentially catastrophic security failure in a series of security failures at our important nuclear weapons labs. I need not remind my colleagues that it was just one year ago this week that Congress was in the midst of an intensive investigation into allegations of Chinese espionage at these very same Department of Energy labs.

Under the Rules of the Senate, the Committee on Armed Services is responsible for "the national security aspects of nuclear energy," which includes the DOE nuclear weapons labs. We take this responsibility very seriously.

That is why, today, I and Senator BYRD are sending to the desk a bill to establish a congressional commission—with commissioners to be appointed solely by the leadership of the Congress—to examine the efficacy of the current structure of DOE and to make recommendations to the Congress on whether the Department of Energy's national security programs—particularly nuclear weapons programs—should remain as a semiautonomous agency within the Department of Energy, or be moved to the Department of Defense, or possibly be established as an independent agency, as was the case with the Atomic Energy Commission.

Let me be clear, this commission will not re-examine or make recommendations regarding the internal structure of the NNSA, which was thoroughly reviewed and debated during the National Defense Authorization Conference last year. Nor will it hinder the new NNSA Administrator's efforts to fully establish his new agency. I am confident that, under General John Gordon's leadership, the internal structure of the NNSA will be sound. To the contrary, the existence of the commission will act as a safeguard against those who would seek to impede General Gordon in carrying out his statutory missions.

There is no higher calling—of any Member of this body or any President—than to protect this great Nation from the threats from nuclear weapons.

It is my intent to require this commission to report back to Congress in May of next year, to capture both the current and the forthcoming Administrations' views on where these programs should reside.

Mr. President, I ask unanimous consent that the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2782

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

SECTION 1. NATIONAL COMMISSION ON NUCLEAR SECURITY.

(a) ESTABLISHMENT.—There is hereby established a commission to be known as the "National Commission on Nuclear Security" (in this section referred to as the "Commission").

(b) ORGANIZATIONAL MATTERS.—(1)(A) Subject to subparagraph (B), the Commission shall be composed of 14 members appointed from among individuals in the public and private sectors who have recognized experience in matters related to nuclear weapons and materials, safeguards and security, counterintelligence, and organizational management, as follows:

(i) Three shall be appointed by the Majority Leader of the Senate.

(ii) Two shall be appointed by the Minority Leader of the Senate.

(iii) Three shall be appointed by the Speaker of the House of Representatives.

(iv) Two shall be appointed by the Minority Leader of the House of Representatives.

(v) One shall be appointed by the Chairman of the Committee on Armed Services of the Senate.

(vi) One shall be appointed by the ranking member of the Committee on Armed Services of the Senate.

(vii) One shall be appointed by the Chairman of the Committee on Armed Services of the House of Representatives.

(viii) One shall be appointed by the ranking member of the Committee on Armed Services of the House of Representatives.

(B) The members of the Commission may not include a sitting Member of Congress or any officer of the United States who serves at the discretion of the President.

(C) Members of the Commission shall be appointed not later than 60 days after the date of the enactment of this Act.

(2) Any vacancies in the Commission shall be filled in the same manner as the original appointment, and shall not affect the powers of the Commission.

(3)(A) Subject to subparagraph (B), the chairman of the Commission shall be designated by the Majority Leader of the Senate, in consultation with the Speaker of the House of Representatives, from among the members of the Commission appointed under paragraph (1)(A).

(B) The chairman of the Commission may not be designated under subparagraph (A) until seven members of the Commission have been appointed under paragraph (1).

(4) The Commission may commence its activities under this section upon the designation of the chairman of the Commission under paragraph (3).

(5) The members of the Commission shall establish procedures for the activities of the Commission, including procedures for calling meetings, requirements for quorums, and the manner of taking votes.

(c) DUTIES.—The Commission shall review the efficacy of the organization of the National Nuclear Security Administration, and the appropriate organization and management of the nuclear weapons programs of the United States, under the current Presidential Administration and under the Presidential Administration commencing in 2001, including—

(1) whether the requirements and objectives of the National Nuclear Security Administration Act are being fully implemented by the Secretary of Energy and Ad-

ministrator of the National Nuclear Security Administration;

(2) the feasibility and advisability of various means of improving the security and counterintelligence posture of the programs of the National Nuclear Security Administration;

(3) the feasibility and advisability of various modifications of existing management and operating contracts for the laboratories under the jurisdiction of the National Nuclear Security Administration; and

(4) whether the national security functions of the Department of Energy, including the National Nuclear Security Administration, should—

(A) be transferred to the Department of Defense;

(B) be established as a semiautonomous agency within the Department of Defense;

(C) be established as an independent agency; or

(D) remain as a semiautonomous agency within the Department of Energy (as provided for under the provisions of the National Nuclear Security Administration Act (title XXXII of Public Law 106-65)).

(d) REPORT.—(1) Not later than May 1, 2001, the Commission shall submit to Congress and to the Secretary of Defense and the Secretary of Energy a report containing the findings and recommendations of the Commission as a result of the review under subsection (c).

(2) The report shall include any comments pertinent to the review by an individual serving as the Secretary of Defense, and an individual serving as the Secretary of Energy, during the duration of the review that any such individual considers appropriate for the report.

(3) The report may include recommendations for legislation and administrative action.

(e) PERSONNEL MATTERS.—(1)(A) Each member of the Commission who is not an officer or employee of the Federal Government shall be compensated at a rate equal to the daily equivalent of the annual rate of basic pay prescribed for level IV of the Executive Schedule under section 5316 of title 5, United States Code, for each day (including travel-time) during which such member is engaged in the performance of the duties of the Commission.

(B) All members of the Commission who are officers or employees of the United States shall serve without compensation in addition to that received for their services as officers or employees of the United States.

(2) The members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Commission.

(3) Any officer or employee of the United States may be detailed to the Commission without reimbursement, and such detail shall be without interruption or loss of civil service status or privilege.

(f) INAPPLICABILITY OF FACA.—The provisions of the Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the activities of the Commission.

(g) TERMINATION.—The Commission shall terminate not later than 90 days after the date on which the Commission submits its report under subsection (d).

(h) FUNDING.—Of the amounts authorized to be appropriated by sections 3101 and 3103, not more than \$975,000 shall be available for the activities of the Commission under this section. Amounts available to the Commission under this section shall remain available until expended.

ADDITIONAL COSPONSORS

S. 1539

At the request of Mr. DODD, the name of the Senator from North Carolina (Mr. EDWARDS) was added as a cosponsor of S. 1539, a bill to provide for the acquisition, construction, and improvement of child care facilities or equipment, and for other purposes.

S. 1900

At the request of Mr. LAUTENBERG, the name of the Senator from South Carolina (Mr. HOLLINGS) was added as a cosponsor of S. 1900, a bill to amend the Internal Revenue Code of 1986 to allow a credit to holders of qualified bonds issued by Amtrak, and for other purposes.

S. 2274

At the request of Mr. GRASSLEY, the names of the Senator from Ohio (Mr. DEWINE), the Senator from Louisiana (Ms. LANDRIEU) and the Senator from Louisiana (Mr. BREAU) were added as cosponsors of S. 2274, a bill to amend title XIX of the Social Security Act to provide families and disabled children with the opportunity to purchase coverage under the medicaid program for such children.

S. 2639

At the request of Mr. KENNEDY, the name of the Senator from Nebraska (Mr. KERREY) was added as a cosponsor of S. 2639, a bill to amend the Public Health Service Act to provide programs for the treatment of mental illness.

S. 2698

At the request of Mr. MOYNIHAN, the name of the Senator from Missouri (Mr. ASHCROFT) was added as a cosponsor of S. 2698, a bill to amend the Internal Revenue Code of 1986 to provide an incentive to ensure that all Americans gain timely and equitable access to the Internet over current and future generations of broadband capability.

S. 2703

At the request of Mr. AKAKA, the name of the Senator from Connecticut (Mr. LIEBERMAN) 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. 2739

At the request of Mr. LAUTENBERG, the name of the Senator from Oklahoma (Mr. INHOFE) was added as a cosponsor of S. 2739, a bill to amend title 39, United States Code, to provide for the issuance of a semipostal stamp in order to afford the public a convenient way to contribute to funding for the establishment of the World War II Memorial.

S. RES. 294

At the request of Mr. ABRAHAM, the name of the Senator from Missouri (Mr. ASHCROFT) was added as a cosponsor of S. Res. 294, a resolution designating the month of October 2000 as "Children's Internet Safety Month".

S. RES. 304

At the request of Mr. BIDEN, the name of the Senator from Alaska (Mr. MURKOWSKI) was added as a cosponsor of S. Res. 304, a resolution expressing the sense of the Senate regarding the development of educational programs on veterans' contributions to the country and the designation of the week that includes Veterans Day as "National Veterans Awareness Week" for the presentation of such educational programs.

AMENDMENT NO. 3511

At the request of Mr. ROBERTS, the name of the Senator from Missouri (Mr. BOND) was added as a cosponsor of amendment No. 3511 proposed to S. 2522, an original bill making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2001, and for other purposes.

AMENDMENT NO. 3593

At the request of Mr. HUTCHINSON, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of amendment No. 3593 proposed to H.R. 4577, a bill 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.

AMENDMENT NO. 3602

At the request of Mr. CONRAD, his name was added as a cosponsor of amendment No. 3602 proposed to H.R. 4577, a bill 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.

AMENDMENTS SUBMITTED

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

DORGAN AMENDMENT NO. 3611

(Ordered to lie on the table.)

Mr. DORGAN submitted an amendment intended to be proposed by him to 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; as follows:

On page 54, between lines 10 and 11, insert the following:

SEC. . From amounts appropriated under this title for the National Institutes of Health, \$100,000,000 shall be made available to carry out the National Institutes of Health Institutional Development Award (IDeA) Program under section 402(g) of the Public Health Service Act (42 U.S.C. 282(g)).

TORRICELLI AMENDMENT NO. 3612

(Ordered to lie on the table.)

Mr. TORRICELLI submitted an amendment intended to be proposed by him to the bill, H.R. 4577, supra; as follows:

On page 54, between lines 10 and 11, insert the following:

SEC. . SENSE OF THE SENATE REGARDING
THE DELIVERY OF EMERGENCY
MEDICAL SERVICES.

(a) FINDINGS.—The Senate finds the following:

(1) The State of New Jersey developed and implemented a unique 2-tiered emergency medical services system nearly 25 years ago as a result of studies conducted in New Jersey about the best way to provide services to State residents.

(2) The 2-tiered system established in New Jersey includes volunteer and for-profit emergency medical technicians who provide basic life support and hospital-based paramedics who provide advanced life support.

(3) The New Jersey system has provided universal access for all New Jersey residents to affordable emergency services, while simultaneously ensuring that those persons in need of the most advanced care receive such care from the proper authorities.

(4) The New Jersey system currently has an estimated 20,000 emergency medical technicians providing ambulance transportation for basic life support and advanced life support emergencies, over 80 percent of which are handled by volunteers who are not reimbursed under the medicare program under title XVIII of the Social Security Act.

(5) The hospital-based paramedics, also known as mobile intensive care units, are reimbursed under the medicare program when they respond to advanced life support emergencies.

(6) The New Jersey system saves the lives of thousands of New Jersey residents each year, while saving the medicare program an estimated \$39,000,000 in reimbursement fees.

(7) When Congress requested that the Health Care Financing Administration enact changes to the emergency medical services fee schedule as a result of the Balanced Budget Act of 1997, including a general overhaul of reimbursement rates and administrative costs, it was in the spirit of streamlining the agency, controlling skyrocketing health care costs, and lengthening the solvency of the medicare program.

(8) The Health Care Financing Administration is considering implementing new emergency medical services reimbursement guidelines that would destabilize or eliminate the 2-tier system that has developed in the State of New Jersey.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the Health Care Financing Administration should—

(1) consider the unique nature of the emergency medical services delivery system in New Jersey when implementing new reimbursement guidelines for paramedics and hospitals under the medicare program under title XVIII of the Social Security Act; and

(2) promote innovative emergency medical service systems enacted by States that reduce reimbursement costs to the medicare program while ensuring that all residents receive quick and appropriate emergency care when needed.

EDWARDS AMENDMENT NO. 3613

(Ordered to lie on the table.)

Mr. EDWARDS submitted an amendment intended to be proposed by him to the bill, H.R. 4577, supra; as follows:

On page 27, line 24, before the period insert the following: "Provided further, That of the \$33,750,168 made available under this heading

for syphilis and chlamydia elimination, not less than 70 percent of the amount by which such \$33,750,168 is in excess of the amount made available for such purposes for fiscal year 2000 shall be used to implement the National Plan to Eliminate Syphilis".

BAYH AMENDMENT NO. 3614

(Ordered to lie on the table.)

Mr. BAYH submitted an amendment intended to be proposed by him to the bill, H.R. 4577, supra; as follows:

Beginning on page 53, strike line 12 and all that follows through line 10 on page 54.

LOTT AMENDMENT NO. 3615

(Ordered to lie on the table.)

Mr. MURKOWSKI (for Mr. LOTT) submitted an amendment intended to be proposed by him to the bill, H.R. 4577, supra; as follows:

At the end, add the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "National Energy Security and Federal Fuels Tax Relief Act of 2000".

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—The Congress finds that—

(1) increasing dependence on foreign sources of oil causes systemic harm to all sectors of the domestic United States economy, threatens national security, undermines the ability of federal, state, and local units of government to provide essential services, and jeopardizes the peace, security, and welfare of the American people;

(2) dependence on imports of foreign oil was 46 percent in 1992, but has risen to more than 55 percent by the beginning of 2000, and is estimated by the Department of Energy to rise to 65 percent by 2020 unless current policies are altered;

(3) at the same time, despite increased energy efficiencies, energy use in the United States is expected to increase 27 percent by 2020.

(4) the United States lacks a comprehensive national energy policy and has taken actions that limit the availability and capability of the domestic energy sources of oil and gas, coal, nuclear and hydro;

(5) a comprehensive energy strategy needs to be developed to combat this trend, decrease the United States dependence on imported oil supplies and strengthen our national energy security;

(6) the goal of this comprehensive strategy must be to decrease the United States dependence on foreign oil supplies to not more than 50 percent by the year 2010;

(7) in order to meet this goal, this comprehensive energy strategy needs to be multi-faceted and include enhancing the use of renewable energy resources (including hydro, nuclear, solar, wind, and biomass), conserving energy resources (including improving energy efficiencies), and increasing domestic supplies of nonrenewable resources (including oil, natural gas, and coal);

(8) however, conservation efforts and alternative fuels alone will not enable America to meet this goal as conventional energy sources supply 96 percent of America's power at this time; and

(9) immediate actions also need to be taken in order to mitigate the effect of recent increases in oil prices on the American consumer, including the poor and the elderly.

(b) PURPOSES.—This purposes of this Act are to protect the energy security of the United States by decreasing America's dependency of foreign oil sources to not more than 50 percent by the year 2010 by enhancing the use of renewable energy resources,

conserving energy resources (including improving energy efficiencies), and increasing domestic energy supplies and to mitigate the immediate effect of increases in energy prices on the American consumer, including the poor and the elderly.

TITLE I—ENERGY SECURITY ACTIONS REQUIRED OF THE SECRETARY OF ENERGY

SEC. 101. ANNUAL REPORT ON UNITED STATES ENERGY INDEPENDENCE.

(a) **REPORT.**—Beginning on October 1, 2000, and annually thereafter, the Secretary of Energy, in consultation with the Secretary of Defense and the heads of other Federal agencies, shall submit a report to the President and the Congress which evaluates the progress the United States has made toward obtaining the goal of not more than 50 percent dependence on foreign oil sources by 2010. The Secretary shall adopt as interim goals, a reduction in dependence on oil imports to not more than 54 percent by 2005 and 52 percent by 2008.

(b) **ALTERNATIVES.**—The report shall specify what specific legislation or administrative actions must be implemented to meet this goal and set forth a range of options and alternatives with a benefit/cost analysis for each option or alternative together with an estimate for the contribution that each option or alternative could make to reduce foreign oil imports. The report shall indicate, in detail, options and alternatives (1) to increase the use of renewable domestic energy sources, including conventional and non-conventional sources such as, but not limited to, increased hydroelectric generation at existing Federal facilities, (2) to conserve energy resources, including improving efficiencies and decreasing consumption, and (3) to increase domestic production and use of oil, natural gas, and coal, including any actions that would need to be implemented to provide access to, and transportation of, these energy resources.

(c) **REFINERY CAPACITY.**—As part of the reports submitted in 2000, 2005, and 2008, the Secretary shall examine and report on the condition of the domestic refinery industry and the extent of domestic storage capacity for various categories of petroleum products and make such recommendations as he believes will enhance domestic capabilities to respond to short-term shortages of various fuels due to climate or supply interruptions.

SEC. 102. REPORT OF THE NATIONAL PETROLEUM COUNCIL.

The Secretary of Energy shall immediately review the report of the National Petroleum Council submitted to him on December 15, 1999, and shall submit such report, together with any recommendations for administrative or legislative actions, to the President no later than June 15, 2000.

SEC. 103. INTERAGENCY WORK GROUP ON NATURAL GAS.

(a) **INTERAGENCY WORK GROUP.**—The Secretary of Energy shall establish an Interagency Work Group on Natural Gas (referred to as "Group" in this subsection) within the National Economic Council. The Group shall include representatives from each Federal agency that has a significant role in the development and implementation of natural gas policy, resource assessment, or technologies for natural gas exploration, production, transportation, and use.

(b) **STRATEGY AND COMPREHENSIVE POLICY.**—The Group shall develop a strategy and comprehensive policy for the use of natural gas as an essential component of overall national objectives of energy security, economic growth, and environmental protection. In developing the strategy and policy, the Group shall solicit and consider suggestions from States and local units of govern-

ment, industry, and other non-Federal groups, organizations, or individuals possessing information or expertise in one or more areas under review by the Group. The policy shall recognize the significant lead times required for the development of additional natural gas supplies and the delivery infrastructure required to transport those supplies. The Group shall consider, but is not limited to, issues of access to and development of resources, transportation, technology development, environmental regulation and the associated economic and environmental costs of alternatives, education of future workforce, financial incentives related to exploration, production, transportation, development, and use of natural gas.

(c) **REPORT.**—The Group shall prepare a report setting forth its recommendations on a comprehensive policy for the use of natural gas and the specific elements of a national strategy to achieve the objectives of the policy. The report shall be transmitted to the Secretary of Energy within six months from the date of the enactment of this Act.

(d) **SECRETARY REVIEW.**—The Secretary of Energy shall review the report and, within 3 months, submit the report, together with any recommendations for administrative or legislative actions, to the President and the Congress.

(e) **TRENDS.**—The Group shall monitor trends for the assumptions used in developing its report, including the specific elements of a national strategy to achieve the objectives of the comprehensive policy and shall advise the Secretary whenever it anticipates changes that might require alterations in the strategy.

(f) **PROGRESS REPORT.**—On June 1, 2002, and every two years thereafter, the Group shall submit a report to the President and the Congress evaluating the progress that has been made in the prior two years in implementing the strategy and accomplishing the objectives of the comprehensive policy.

TITLE II—AMENDMENTS TO ENERGY POLICY AND CONSERVATION ACT AND ACTIONS AFFECTING THE STRATEGIC PETROLEUM RESERVE

SEC. 201. AMENDMENTS TO TITLE I OF EPCA.

Title I of the Energy Policy and Conservation Act (42 U.S.C. 6211–6251) is amended—

(1) in section 161(h) (42 U.S.C. 6241), by—
(A) striking "and" at the end of (1)(A),
(B) striking "," and inserting " ; and" at the end of (1)(B), and

(C) inserting after paragraph (B) the following new paragraph:

"(C) concurs in the determination of the Secretary of Defense that action taken under this subsection will not impair national security." ; and

(D) striking "Reserve" and inserting "Reserve, if the Secretary finds that action taken under this subsection will not have an adverse effect on the domestic petroleum industry." at the end of (1) ;

(2) in section 166 (42 U.S.C. 6246), by striking "March 31, 2000" and inserting "December 31, 2003"; and

(3) in section 181 (42 U.S.C. 6251), by striking "March 31, 2000" each place it appears and inserting "December 31, 2003".

SEC. 202. AMENDMENTS TO TITLE II OF EPCA.

Title II of the Energy Policy and Conservation Act (42 U.S.C. 6261–6285) is amended—

(1) in section 256(h) (42 U.S.C. 6276(h)), by inserting "through 2003" after "1997"; and

(2) in section 281 (42 U.S.C. 6285), by striking "March 31, 2000" each place it appears and inserting "December 31, 2003".

SEC. 203. STRATEGIC PETROLEUM RESERVE STUDY AND REPORT.

The President shall immediately establish an Interagency Panel on the Strategic Petroleum Study (referred to as the "Panel" in

this section) to study oil markets and estimate the extent and frequency of fluctuations in the supply and price of, and demand for crude oil in the future and determine appropriate capacity of and uses for the Strategic Petroleum Reserve. The Panel may recommend changes in existing authorities to provide additional flexibility for and strengthen the ability of the Strategic Petroleum Reserve to respond to energy requirements. The Panel shall complete its study and submit a report containing its findings and any recommendations to the President and the Congress within six months from the date of enactment of this Act.

TITLE III—PROVISIONS TO PROTECT CONSUMERS AND LOW INCOME FAMILIES AND ENCOURAGE ENERGY EFFICIENCIES

SEC. 301. CHANGES IN WEATHERIZATION PROGRAM TO PROTECT LOW-INCOME PERSONS.

(a) The matter under the heading "ENERGY CONSERVATION (INCLUDING TRANSFER OF FUNDS)" in title II of the Department of the Interior and Related Agencies Appropriations Act, 2000 (113 Stat. 1535, 1501A–180), is amended by striking "grants;" and all that follows and inserting "grants."

(b) Section 415 of the Energy Conservation and Production Act (42 U.S.C. 6865) is amended—

(1) in subsection (a)(1) by striking the first sentence;

(2) in subsection (a)(2) by—

(A) striking "(A)";

(B) striking "approve a State's application to waive the 40 percent requirement established in paragraph (1) if the State includes in its plan" and inserting "establish", and

(C) striking subparagraph (B);

(3) in subsection (c)(1) by—

(A) striking "paragraphs (3) and (4)" and inserting "paragraph (3)",

(B) striking "\$1600" and inserting "\$2500",

(C) striking "and" at the end of subparagraph (C),

(D) striking the period and inserting " , and" in subparagraph (D), and

(E) inserting after subparagraph (D) the following new subparagraph:

"(E) the cost of making heating and cooling modifications, including replacement";

(4) in subsection (c)(3) by—

(A) striking "1991, the \$1600 per dwelling unit limitation" and inserting "2000, the \$2500 per dwelling unit average",

(B) striking "limitation" and inserting "average" each time it appears, and

(C) inserting "the" after "beginning of" in subparagraph (B); and

(5) by striking subsection (c)(4).

SEC. 302. SUMMER FILL AND FUEL BUDGETING PROGRAMS.

(a) Part C of title II of the Energy Policy and Conservation Act (42 U.S.C. 6211 et seq.) is amended by adding at the end the following:

"SEC. 273. SUMMER FILL AND FUEL BUDGETING PROGRAMS.

"(a) **DEFINITIONS.**—In this section:

"(1) **BUDGET CONTRACT.**—The term 'budget contract' means a contract between a retailer and a consumer under which the heating expenses of the consumer are spread evenly over a period of months.

"(2) **FIXED-PRICE CONTRACT.**—The term 'fixed-price contract' means a contract between a retailer and a consumer under which the retailer charges the consumer a set price for propane, kerosene, or heating oil without regard to market price fluctuations.

"(3) **PRICE CAP CONTRACT.**—The term 'price cap contract' means a contract between a retailer and a consumer under which the retailer charges the consumer the market

price for propane, kerosene, or heating oil, but the cost of the propane, kerosene, or heating oil may not exceed a maximum amount stated in the contract.

“(b) ASSISTANCE.—At the request of the chief executive officer of a State, the Secretary shall provide information, technical assistance, and funding—

“(1) to develop education and outreach programs to encourage consumers to fill their storage facilities for propane, kerosene, and heating oil during the summer months; and

“(2) to promote the use of budget contracts, price cap contracts, fixed-price contracts, and other advantageous financial arrangements;

to avoid severe seasonal price increases for and supply shortages of those products.

“(c) PREFERENCE.—In implementing this section, the Secretary shall give preference to States that contribute public funds or leverage private funds to develop State summer fill and fuel budgeting programs.

“(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section—

“(1) \$25,000,000 for fiscal year 2001; and

“(2) such sums as are necessary for each fiscal year thereafter.

“(e) INAPPLICABILITY OF EXPIRATION PROVISION.—Section 281 does not apply to this section.”.

(b) The table of contents in the first section of the Energy Policy and Conservation Act (42 U.S.C. prec. 6201) is amended by inserting after the item relating to section 272 the following:

“Sec. 273. Summer fill and fuel budgeting programs.”.

SEC. 303. ENERGY EFFICIENCY SCIENCE INITIATIVE.

There are authorized to be appropriated \$25,000,000 for fiscal year 2001 and such sums as are necessary for each fiscal year thereafter for an Energy Efficiency Science Initiative to be managed by the Assistant Secretary for Energy Efficiency and Renewable Energy in consultation with the Director of the Office of Science, for grants to be competitively awarded and subject to peer review for research relating to energy efficiency. The Secretary of Energy shall submit to the Committee on Science and the Committee on Appropriations of the House of Representatives, and to the Committee on Energy and Natural Resources and the Committee on Appropriations of the Senate, an annual report on the activities of the Energy Efficiency Science Initiative, including a description of the process used to award the funds and an explanation of how the research relates to energy efficiency.

SEC. 304. NORTHEAST HOME HEATING OIL RESERVE.

(a) AMENDMENT.—Title I of the Energy Policy and Conservation Act is amended by—

(1) redesignating part D as part E;

(2) redesignating section 181 as section 191; and

(3) inserting after part C the following new part D—

“PART D—NORTHEAST HOME HEATING OIL RESERVE

“ESTABLISHMENT

“SEC. 181. (a) Notwithstanding any other provision of this Act, the Secretary may establish, maintain, and operate in the Northeast, a Northeast Home Heating Oil Reserve. A Reserve established under this part is not a component of the Strategic Petroleum Reserve established under part B of this title. A Reserve established under this part shall contain no more than 2 million barrels of petroleum distillate.

“(b) For the purposes of this part—

“(1) the term ‘Northeast’ means the States of Maine, New Hampshire, Vermont, Massa-

chusetts, Connecticut, Rhode Island, New York, Pennsylvania, and New Jersey; and

“(2) the term ‘petroleum distillate’ includes heating oil and diesel fuel.

“AUTHORITY

“SEC. 182. To the extent necessary or appropriate to carry out this part, the Secretary may—

“(1) purchase, contract for, lease, or otherwise acquire, in whole or in part, storage and related facilities, and storage services;

“(2) use, lease, maintain, sell, or otherwise dispose of storage and related facilities acquired under this part;

“(3) acquire by purchase, exchange (including exchange of petroleum product from the Strategic Petroleum Reserve or received as royalty from Federal lands), lease, or otherwise, petroleum distillate for storage in the Northeast Home Heating Oil Reserve;

“(4) store petroleum distillate in facilities not owned by the United States;

“(5) sell, exchange, or otherwise dispose of petroleum distillate from the Reserve established under this part; and

“(6) notwithstanding paragraph (5), on terms the Secretary considers reasonable, sell, exchange, or otherwise dispose of petroleum distillate from the Reserve established under this part in order to maintain the quality or quantity of the petroleum distillate in the Reserve or to maintain the operational capability of the Reserve.

“CONDITIONS FOR RELEASE; PLAN

“SEC. 183. (a) The Secretary may release petroleum distillate from the Reserve under section 182(5) only in the event of—

“(1) a severe energy supply disruption;

“(2) a severe price increase; or

“(3) another emergency affecting the Northeast, which the President determines to merit a release from the Reserve.

“(b) Within 45 days of the date of the enactment of this section, the Secretary shall transmit to the President and, if the President approves, to the Congress a plan describing—

“(1) the acquisition of storage and related facilities or storage services for the Reserve;

“(2) the acquisition of petroleum distillate for storage in the Reserve;

“(3) the anticipated methods of disposition of petroleum distillate from the Reserve; and

“(4) the estimated costs of establishment, maintenance, and operation of the Reserve. The storage of petroleum distillate in a storage facility that meets existing environmental requirements is not a ‘major Federal action significantly affecting the quality of the human environment’ as that term is used in section 102(2)(C) of the National Environmental Policy Act of 1969.

“NORTHEAST HOME HEATING OIL RESERVE ACCOUNT

“SEC. 184. (a) Upon a decision of the Secretary of Energy to establish a Reserve under this part, the Secretary of the Treasury shall establish in the Treasury of the United States an account known as the ‘Northeast Home Heating Oil Reserve Account’ (referred to in this section as the ‘Account’).

“(b) The Secretary of the Treasury shall deposit in the Account any amounts appropriated to the Account and any receipts from the sale, exchange, or other disposition of petroleum distillate from the Reserve.

“(c) The Secretary of Energy may obligate amounts in the Account to carry out activities under this part without the need for further appropriation, and amounts available to the Secretary of Energy for obligation under this section shall remain available without fiscal year limitation.

“EXEMPTIONS

“SEC. 185. An action taken under this part—

“(1) is not subject to the rulemaking requirements of section 523 of this Act, section 501 of the Department of Energy Organization Act, or section 553 of title 5, United States Code; and

“(2) is not subject to laws governing the Federal procurement of goods and services, including the Federal Property and Administrative Services Act of 1949 (including the Competition in Contracting Act) and the Small Business Act.”.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out part D of title I of the Energy Policy and Conservation Act.

TITLE IV—PROVISIONS TO ENHANCE THE USE OF DOMESTIC ENERGY RESOURCES

Subtitle A—Hydroelectric Resources

SEC. 401. USE OF FEDERAL FACILITIES.

(a) The Secretary of the Interior and the Secretary of the Army shall each inventory all dams, impoundments, and other facilities under their jurisdiction.

(b) Based on this inventory and other information, the Secretary of the Interior and Secretary of the Army shall each submit a report to the Congress within six months from the date of enactment of this Act. Each report shall—

(1) Describe, in detail, each facility that is capable, with or without modification, of producing additional hydroelectric power. For each such facility, the report shall state the full potential for the facility to generate hydroelectric power, whether the facility is currently generating hydroelectric power, and the costs to install, upgrade, modify, or take other actions to increase the hydroelectric generating capability of the facility. For each facility that currently has hydroelectric generating equipment, the report shall indicate the condition of such equipment, the maintenance requirements, and the schedule for any improvements as well as the purposes for which power is generated.

(2) Describe what actions are planned and underway to increase the hydroelectric production from facilities under his jurisdiction and shall include any recommendations the Secretary deems advisable to increase such production, reduce costs, and improve efficiency at Federal facilities, including, but not limited to, use of lease of power privilege and contracting with non-Federal entities for operation and maintenance.

SEC. 402. EXPEDITED FERC HYDROELECTRIC LICENSING PROCEDURES.

The Federal Energy Regulatory Commission shall immediately undertake a comprehensive review of policies, procedures and regulations for the licensing of hydroelectric projects to determine how to reduce the cost and time of obtaining a license. The Commission shall report its findings within six months of the date of enactment to the Congress, including any recommendations for legislative changes.

Subtitle B—Nuclear Resources

SEC. 410. NUCLEAR GENERATION.

The Chairman of the Nuclear Regulatory Commission shall submit a report to the Congress within six months from the date of enactment of this Act on the state of nuclear power generation and production in the United States and the potential for increasing nuclear generating capacity and production as part of this nation’s energy mix. The report shall also review the status of the relicensing process for civilian nuclear power plants, including current and anticipated applications, and recommendations for improvements in the process, including, but not limited to recommendations for expediting the process and ensuring that relicensing is accomplished in a timely manner.

SEC. 411. NRC HEARING PROCEDURE.

Section 189(a)(1) of the Atomic Energy Act of 1954 (42 U.S.C. 2239(a)(1)) is amended by adding at the end the following—

“(C) HEARINGS.—A hearing under this section shall be conducted using informal adjudicatory procedures established under sections 553 and 555 of title 5, United States Code, unless the Commission determines that formal adjudicatory procedures are necessary—

- “(i) to develop a sufficient record; or
- “(ii) to achieve fairness.”.

Subtitle C—Development of a National Spent Nuclear Fuel Strategy**SEC. 415. FINDINGS.**

(a) Prior to permanent closure of the geologic repository in Yucca Mountain, Congress must determine whether the spent fuel in the repository should be treated as waste subject to permanent burial or should be considered an energy resource that is needed to meet future energy requirements;

(b) Future use of nuclear energy may require construction of a second geologic repository unless Yucca Mountain can safely accommodate additional spent fuel. Improved spent fuel strategies may increase the capacity of Yucca Mountain.

(c) Prior to construction of any second permanent geologic repository, the nation's current plans for permanent burial of spent fuel should be reevaluated.

SEC. 416. OFFICE OF SPENT NUCLEAR FUEL RESEARCH.

(a) ESTABLISHMENT.—There is hereby established an Office of Spent Nuclear Fuel Research (referred to as the “Office” in this section) within the Office of Nuclear Energy Science and Technology of the Department of Energy. The Office shall be headed by the Associate Director, who shall be a member of the Senior Executive Service appointed by the Director of the Office of Nuclear Energy Science and Technology, and compensated at a rate determined by applicable law.

(b) ASSOCIATE DIRECTOR.—The Associate Director of the Office of Spent Nuclear Fuel Research shall be responsible for carrying out an integrated research, development, and demonstration program on technologies for treatment, recycling, and disposal of high-level nuclear radioactive waste and spent nuclear fuel, subject to the general supervision of the Secretary. The Associate Director of the Office shall report to the Director of the Office of Nuclear Energy Science and Technology. The first such Associate Director shall be appointed within 90 days of the enactment of this Act.

(c) GRANT AND CONTRACT AUTHORITY.—In carrying out his responsibilities under this section, the Secretary may make grants, or enter into contracts, for the purposes of the research projects and activities described in (d)(2).

(d)(1) DUTIES.—The Associate Director of the Office shall involve national laboratories, universities, the commercial nuclear industry, and other organizations to investigate technologies for the treatment, recycling, and disposal of spent nuclear fuel and high-level radioactive waste.

(2) The Associate Director of the Office shall:

(A) develop a research plan to provide recommendations by 2015;

(B) identify technologies for the treatment, recycling, and disposal of spent nuclear fuel and high-level radioactive waste;

(C) conduct research and development activities on such technologies;

(D) ensure that all activities include as key objectives minimization of proliferation concerns and risk to health of the general public or site workers, as well as development of cost-effective technologies;

(E) require research on both reactor- and accelerator-based transmutation systems;

(F) require research on advanced processing and separations;

(G) encourage that research efforts include participation of international collaborators;

(H) be authorized to fund international collaborators when they bring unique capabilities not available in the United States and their host country is unable to provide for their support;

(I) ensure that research efforts with the Office are coordinated with research on advance fuel cycles and reactors conducted within the Office of Nuclear Energy Science and Technology.

(e) REPORT.—The Associate Director of the Office of Spent Nuclear Fuel Research shall annually prepare and submit a report to the Congress on the activities and expenditures of the Office, including the process that has been made to achieve the objectives of paragraph (b).

Subtitle D—Coal Resources**SEC. 420. COAL GENERATING CAPACITY.**

The Secretary of Energy shall examine existing coal-fired power plants and submit a report to the Congress within six months from the enactment of this Act on the potential of such plants for increased generation and any impediments to achieving such increase. The report shall describe, in detail, options for improving the efficiency of these plants. The report shall include recommendations for a program of research, development, demonstration, and commercial application to develop economically and environmentally acceptable advanced technologies for current electricity generation facilities using coal as the primary feedstock, including commercial-scale applications of advanced clean coal technologies. The report shall also include an assessment of the costs to develop and demonstrate such technologies and the time required to undertake such development and demonstration.

SEC. 425. COAL LIQUEFACTION.

The Secretary of Energy shall provide grants for the refinement and demonstration of new technologies for the conversion of coal to liquids. Such grants shall be for the design and construction of an indirect liquefaction plant capable of production in commercial quantities. There are authorized to be appropriated for the purpose of this section such sums as may be necessary through fiscal year 2004.

TITLE V—ARCTIC COASTAL PLAIN DOMESTIC ENERGY SECURITY ACT OF 2000**SEC. 501. SHORT TITLE**

This title may be cited as the “Arctic Coastal Plain Domestic Energy Security Act of 2000”.

SEC. 502. DEFINITIONS.

When used in this title the term—

(1) “Coastal Plain” means that area identified as such in the map entitled “Arctic National Wildlife Refuge”, dated August 1980, as referenced in section 1002(b) of the Alaska National Interest Lands Conservation Act of 1980 (16 U.S.C. 3142(b)(1)) comprising approximately 1,549,000 acres; and

(2) “Secretary”, except as otherwise provided, means the Secretary of the Interior or the Secretary's designee.

SEC. 503. LEASING PROGRAM FOR LANDS WITHIN THE COASTAL PLAIN.

(a) AUTHORIZATION.—The Congress hereby authorizes and directs the Secretary, acting through the Bureau of Land Management in consultation with the Fish and Wildlife Service and other appropriate Federal offices and agencies, to take such actions as are necessary to establish and implement a competitive oil and gas leasing program that will result in an environmentally sound program

for the exploration, development, and production of the oil and gas resources of the Coastal Plain and to administer the provisions of this title through regulations, lease terms, conditions, restrictions, prohibitions, stipulations, and other provisions that ensure the oil and gas exploration, development, and production activities on the Coastal Plain will result in no significant adverse effect on fish and wildlife, their habitat, subsistence resources, and the environment, and shall require the application of the best commercially available technology for oil and gas exploration, development, and production, on all new exploration, development, and production operations, and whenever practicable, on existing operations, and in a manner to ensure the receipt of fair market value by the public for the mineral resources to be leased.

(b) REPEAL.—The prohibitions and limitations contained in section 1003 of the Alaska National Interest Lands Conservation Act of 1980 (16 U.S.C. 3143) are hereby repealed.

(c) COMPATIBILITY.—Congress hereby determines that the oil and gas leasing program and activities authorized by this section in the Coastal Plain are compatible with the purposes for which the Arctic National Wildlife Refuge was established, and that no further findings or decisions are required to implement this determination.

(d) SOLE AUTHORITY.—This title shall be the sole authority for leasing on the Coastal Plain: *Provided*, That nothing in this title shall be deemed to expand or limit State and local regulatory authority.

(e) FEDERAL LAND.—The Coastal Plain shall be considered “Federal land” for the purposes of the Federal Oil and Gas Royalty Management Act of 1982.

(f) SPECIAL AREAS.—The Secretary, after consultation with the State of Alaska, City of Kaktovik, and the North Slope Borough, is authorized to designate up to a total of 45,000 acres of the Coastal Plain as Special Areas and close such areas to leasing if the Secretary determines that these Special Areas are of such unique character and interest so as to require special management and regulatory protection. The Secretary may, however, permit leasing of all or portions of any Special Areas within the Coastal Plain by setting lease terms that limit or condition surface use and occupancy by lessees of such lands but permit the use of horizontal drilling technology from sites on leases located outside the designated Special Areas.

(g) LIMITATION ON CLOSED AREAS.—The Secretary's sole authority to close lands within the Coastal Plain to oil and gas leasing and to exploration, development, and production is that set forth in this title.

(h) CONVEYANCE.—In order to maximize Federal revenues by removing clouds on title of lands and clarifying land ownership patterns within the Coastal Plain, the Secretary, notwithstanding the provisions of section 1302(h)(2) of the Alaska National Interest Lands Conservation Act (16 U.S.C. 3192(h)(2)), is authorized and directed to convey (1) to the Kaktovik Inupiat Corporation the surface estate of the lands described in paragraph 2 of the Public Land Order 6959, to the extent necessary to fulfill the Corporation's entitlement under section 12 of the Alaska Native Claims Settlement Act (43 U.S.C. 1611), and (2) to the Arctic Slope Regional Corporation the subsurface estate beneath such surface estate pursuant to the August 9, 1983, agreement between the Arctic Slope Regional Corporation and the United States of America.

SEC. 504. RULES AND REGULATIONS.

(a) PROMULGATION.—The Secretary shall prescribe such rules and regulations as may be necessary to carry out the purposes and

provisions of this title, including rules and regulations relating to protection of the fish and wildlife, their habitat, subsistence resources, and the environment of the Coastal Plain. Such rules and regulations shall be promulgated no later than fourteen months after the date of enactment of this title and shall, as of their effective date, apply to all operations conducted under a lease issued or maintained under the provisions of this title and all operations on the Coastal Plain related to the leasing, exploration, development, and production of oil and gas.

(b) **REVISION OF REGULATIONS.**—The Secretary shall periodically review and, if appropriate, revise the rules and regulations issued under subsection (a) of this section to reflect any significant biological, environmental, or engineering data which come to the Secretary's attention.

SEC. 505. ADEQUACY OF THE DEPARTMENT OF THE INTERIOR'S LEGISLATIVE ENVIRONMENTAL IMPACT STATEMENT.

The "Final Legislative Environmental Impact Statement" (April 1987) on the Coastal Plain prepared pursuant to section 1002 of the Alaska National Interest Lands Conservation Act of 1980 (16 U.S.C. 3142) and section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C)) is hereby found by the Congress to be adequate to satisfy the legal and procedural requirements of the National Environmental Policy Act of 1969 with respect to actions authorized to be taken by the Secretary to develop and promulgate the regulations for the establishment of the leasing program authorized by this title, to conduct the first lease sale and any subsequent lease sale authorized by this title, and to grant rights-of-way and easements to carry out the purposes of this title.

SEC. 506. LEASE SALES.

(a) **LEASE SALES.**—Lands may be leased pursuant to the provisions of this title to any person qualified to obtain a lease for deposits of oil and gas under the Mineral Leasing Act, as amended (30 U.S.C. 181).

(b) **PROCEDURES.**—The Secretary shall, by regulation, establish procedures for—

(1) receipt and consideration of sealed nominations for any area in the Coastal Plain for inclusion in, or exclusion (as provided in subsection (c)) from, a lease sale; and

(2) public notice of and comment on designation of areas to be included in, or excluded from, a lease sale.

(c) **LEASE SALES ON COASTAL PLAIN.**—The Secretary shall, by regulation, provide for lease sales of lands on the Coastal Plain. When lease sales are to be held, they shall occur after the nomination process provided for in subsection (b) of this section. For the first lease sale, the Secretary shall offer for lease those acres receiving the greatest number of nominations, but no less than two hundred thousand acres and no more than three hundred thousand acres shall be offered. If the total acreage nominated is less than two hundred thousand acres, the Secretary shall include in such sale any other acreage which he believes has the highest resource potential, but in no event shall more than three hundred thousand acres of the Coastal Plain be offered in such sale. With respect to subsequent lease sales, the Secretary shall offer for lease no less than two hundred thousand acres of the Coastal Plain. The initial lease sale shall be held within twenty months of the date of enactment of this title. The second lease sale shall be held no later than twenty-four months after the initial sale, with additional sales conducted no later than twelve months thereafter so long as sufficient interest in development exists to warrant, in the Secretary's judgment, the conduct of such sales.

SEC. 507. GRANT OF LEASES BY THE SECRETARY.

(a) **IN GENERAL.**—The Secretary is authorized to grant to the highest responsible qualified bidder by sealed competitive cash bonus bid any lands to be leased on the Coastal Plain upon payment by the lessee of such bonus as may be accepted by the Secretary and of such royalty as may be fixed in the lease, which shall be not less than 12½ per centum in amount or value of the production removed or sold from the lease.

(b) **ANTITRUST REVIEW.**—Following each notice of a proposed lease sale and before the acceptance of bids and the issuance of leases based on such bids, the Secretary shall allow the Attorney General, in consultation with the Federal Trade Commission, thirty days to perform an antitrust review of the results of such lease sale on the likely effects the issuance of such leases would have on competition and the Attorney General shall advise the Secretary with respect to such review, including any recommendation for the nonacceptance of any bid or the imposition of terms or conditions on any lease, as may be appropriate to prevent any situation inconsistent with the antitrust laws.

(c) **SUBSEQUENT TRANSFERS.**—No lease issued under this title may be sold, exchanged, assigned, sublet, or otherwise transferred except with the approval of the Secretary. Prior to any such approval the Secretary shall consult with, and give due consideration to the views of, the Attorney General.

(d) **IMMUNITY.**—Nothing in this title shall be deemed to convey to any person, association, corporation, or other business organization immunity from civil or criminal liability, or to create defenses to actions, under any antitrust law.

(e) **DEFINITIONS.**—As used in this section, the term—

(1) "antitrust review" shall be deemed an "antitrust investigation" for the purposes of the Antitrust Civil Process Act (15 U.S.C. 1311); and

(2) "antitrust laws" means those Acts set forth in section 1 of the Clayton Act (15 U.S.C. 12) as amended.

SEC. 508. LEASE TERMS AND CONDITIONS.

An oil or gas lease issued pursuant to this title shall—

(1) be for a tract consisting of a compact area not to exceed five thousand seven hundred sixty acres, or nine surveyed or protracted sections which shall be as compact in form as possible;

(2) be for an initial period of ten years and shall be extended for so long thereafter as oil or gas is produced in paying quantities from the lease or unit area to which the lease is committed or for so long as drilling or reworking operations, as approved by the Secretary, are conducted on the lease or unit area;

(3) require the payment of royalty as provided for in section 507 of this title;

(4) require that exploration activities pursuant to any lease issued or maintained under this title shall be conducted in accordance with an exploration plan or a revision of such plan approved by the Secretary;

(5) require that all development and production pursuant to a lease issued or maintained pursuant to this title shall be conducted in accordance with development and production plans approved by the Secretary;

(6) require posting of bond as required by section 509 of this title;

(7) provide that the Secretary may close, on a seasonal basis, portions of the Coastal Plain to exploratory drilling activities as necessary to protect caribou calving areas and other species of fish and wildlife;

(8) contain such provisions relating to rental and other fees as the Secretary may

prescribe at the time of offering the area for lease;

(9) provide that the Secretary may direct or assent to the suspension of operations and production under any lease granted under the terms of this title in the interest of conservation of the resource or where there is no available system to transport the resource. If such a suspension is directed or assented to by the Secretary, any payment of rental prescribed by such lease shall be suspended during such period of suspension of operations and production, and the term of the lease shall be extended by adding any such suspension period thereto;

(10) provide that whenever the owner of a nonproducing lease fails to comply with any of the provisions of this Act, or of any applicable provision of Federal or State environmental law, or of the lease, or of any regulation issued under this title, such lease may be canceled by the Secretary if such default continues for more than thirty days after mailing of notice by registered letter to the lease owner at the lease owner's post office address of record;

(11) provide that whenever the owner of any producing lease fails to comply with any of the provisions of this title, or of any applicable provision of Federal or State environmental law, or of the lease, or of any regulation issued under this title, such lease may be forfeited and canceled by any appropriate proceeding brought by the Secretary in any United States district court having jurisdiction under the provisions of this title;

(12) provide that cancellation of a lease under this title shall in no way release the owner of the lease from the obligation to provide for reclamation of the lease site;

(13) allow the lessee, at the discretion of the Secretary, to make written relinquishment of all rights under any lease issued pursuant to this title. The Secretary shall accept such relinquishment by the lessee of any lease issued under this title where there has not been surface disturbance on the lands covered by the lease;

(14) provide that for the purpose of conserving the natural resources of any oil or gas pool, field, or like area, or any part thereof, and in order to avoid the unnecessary duplication of facilities, to protect the environment of the Coastal Plain, and to protect correlative rights, the Secretary shall require that, to the greatest extent practicable, lessees unite with each other in collectively adopting and operating under a cooperative or unit plan of development for operation of such pool, field, or like area, or any part thereof, and the Secretary is also authorized and directed to enter into such agreements as are necessary or appropriate for the protection of the United States against drainage;

(15) require that the holder of a lease or leases on lands within the Coastal Plain shall be fully responsible and liable for the reclamation of lands within the Coastal Plain and any other Federal lands adversely affected in connection with exploration, development, production or transportation activities on a lease within the Coastal Plain by the holder of a lease or as a result of activities conducted on the lease by any of the leaseholder's subcontractors or agents;

(16) provide that the holder of a lease may not delegate or convey, by contract of otherwise, the reclamation responsibility and liability to another party without the express written approval of the Secretary;

(17) provide that the standard of reclamation for lands required to be reclaimed under this title be, as nearly as practicable, a condition capable of supporting the uses which the lands were capable of supporting prior to any exploration, development, or production activities, or upon application by the lessee,

to a higher or better use as approved by the Secretary;

(18) contain the terms and conditions relating to protection of fish and wildlife, their habitat, and the environment, as required by section 503(a) of this title;

(19) provide that the holder of a lease, its agents, and contractors use best efforts to provide a fair share, as determined by the level of obligation previously agreed to in the 1974 agreement implementing section 29 of the Federal Agreement and Grant of Right of Way for the Operation of the Trans-Alaska Pipeline, of employment and contracting for Alaska Natives and Alaska Native Corporations from throughout the State;

(20) require project agreements to the extent feasible that will ensure productivity and consistency recognizing a national interest in both labor stability and the ability of construction labor and management to meet the particular needs and conditions of projects to be developed under leases issued pursuant to this Act; and

(21) contain such other provisions as the Secretary determines necessary to ensure compliance with the provisions of this title and the regulations issued under this title.

SEC. 509. BONDING REQUIREMENTS TO ENSURE FINANCIAL RESPONSIBILITY OF LESSEE AND AVOID FEDERAL LIABILITY.

(a) **REQUIREMENT.**—The Secretary shall, by rule or regulation, establish such standards as may be necessary to ensure that an adequate bond, surety, or other financial arrangement will be established prior to the commencement of surface disturbing activities on any lease, to ensure the complete and timely reclamation of the lease tract, and the restoration of any lands or surface waters adversely affected by lease operations after the abandonment or cessation of oil and gas operations on the lease. Such bond, surety, or financial arrangement is in addition to, and not in lieu, of any bond, surety, or financial arrangement required by any other regulatory authority or required by any other provision of law.

(b) **AMOUNT.**—The bond, surety, or financial arrangement shall be in an amount—

(1) to be determined by the Secretary to provide for reclamation of the lease site in accordance with an approved or revised exploration or development and production plan; plus

(2) set by the Secretary consistent with the type of operations proposed, to provide the means for rapid and effective cleanup, and to minimize damages resulting from an oil spill, the escape of gas, refuse, domestic wastewater, hazardous or toxic substances, or fire caused by oil and gas activities.

(c) **ADJUSTMENT.**—In the event that an approved exploration or development and production plan is revised, the Secretary may adjust the amount of the bond, surety, or other financial arrangement to conform to such modified plan.

(d) **DURATION.**—The responsibility and liability of the lessee and its surety under the bond, surety, or other financial arrangement shall continue until such time as the Secretary determines that there has been compliance with the terms and conditions of the lease and all applicable law.

(e) **TERMINATION.**—Within sixty days after determining that there has been compliance with the terms and conditions of the lease and all applicable laws, the Secretary, after consultation with affected Federal and State agencies, shall notify the lessee that the period of liability under the bond, surety, or other financial arrangement has been terminated.

SEC. 510. OIL AND GAS INFORMATION.

(a) **IN GENERAL.**—(1) Any lessee or permittee conducting any exploration for, or de-

velopment or production of, oil or gas pursuant to this title shall provide the Secretary access to all data and information from any lease granted pursuant to this title (including processed and analyzed) obtained from such activity and shall provide copies of such data and information as the Secretary may request. Such data and information shall be provided in accordance with regulations which the Secretary shall prescribe.

(2) If processed and analyzed information provided pursuant to paragraph (1) is provided in good faith by the lessee or permittee, such lessee or permittee shall not be responsible for any consequence of the use or of reliance upon such processed and analyzed information.

(3) Whenever any data or information is provided to the Secretary, pursuant to paragraph (1)—

(A) by a lessee or permittee, in the form and manner of processing which is utilized by such lessee or permittee in the normal conduct of business, the Secretary shall pay the reasonable cost of reproducing such data and information; or

(B) by a lessee or permittee, in such other form and manner of processing as the Secretary may request, the Secretary shall pay the reasonable cost of processing and reproducing such data and information.

(b) **REGULATIONS.**—The Secretary shall prescribe regulations to: (1) assure that the confidentiality of privileged or proprietary information received by the Secretary under this section will be maintained; and (2) set forth the time periods and conditions which shall be applicable to the release of such information.

SEC. 511. EXPEDITED JUDICIAL REVIEW.

(a) Any complaint seeking judicial review of any provision in this title, or any other action of the Secretary under this title may be filed in any appropriate district court of the United States, and such complaint must be filed within ninety days from the date of the action being challenged, or after such date if such complaint is based solely on grounds arising after such ninetieth day, in which case the complaint must be filed within ninety days after the complainant knew or reasonably should have known of the grounds for the complaint: *Provided*, That any complaint seeking judicial review of an action of the Secretary in promulgating any regulation under this title may be filed only in the United States Court of Appeals for the District of Columbia.

(b) Actions of the Secretary with respect to which review could have been obtained under this section shall not be subject to judicial review in any civil or criminal proceeding for enforcement.

SEC. 512. RIGHTS-OF-WAY ACROSS THE COASTAL PLAIN.

Notwithstanding title XI of the Alaska National Interest Lands Conservation Act of 1980 (16 U.S.C. 3161 et seq.), the Secretary is authorized and directed to grant, in accordance with the provisions of section 28 (c) through (t) and (v) through (y) of the Mineral Leasing Act of 1920 (30 U.S.C. 185), rights-of-way and easements across the Coastal Plain for the transportation of oil and gas under such terms and conditions as may be necessary so as not to result in a significant adverse effect on the fish and wildlife, subsistence resources, their habitat, and the environment of the Coastal Plain. Such terms and conditions shall include requirements that facilities be sited or modified so as to avoid unnecessary duplication of roads and pipelines. The regulations issued as required by section 504 of this title shall include provisions granting rights-of-way and easements across the Coastal Plain.

SEC. 513. ENFORCEMENT OF SAFETY AND ENVIRONMENTAL REGULATIONS TO ENSURE COMPLIANCE WITH TERMS AND CONDITIONS OF LEASE.

(a) **RESPONSIBILITY OF THE SECRETARY.**—The Secretary shall diligently enforce all regulations, lease terms, conditions, restrictions, prohibitions, and stipulations promulgated pursuant to this title.

(b) **RESPONSIBILITY OF HOLDERS OF LEASE.**—It shall be the responsibility of any holder of a lease under this title to—

(1) maintain all operations within such lease area in compliance with regulations intended to protect persons and property on, and fish and wildlife, their habitat, subsistence resources, and the environment of, the Coastal Plain; and

(2) allow prompt access at the site of any operations subject to regulation under this title to any appropriate Federal or State inspector, and to provide such documents and records which are pertinent to occupational or public health, safety, or environmental protection, as may be requested.

(c) **ON-SITE INSPECTION.**—The Secretary shall promulgate regulations to provide for—

(1) scheduled onsite inspection by the Secretary, at least twice a year, of facility on the Coastal Plain which is subject to any environmental or safety regulation promulgated pursuant to this title or conditions contained in any lease issue pursuant to this title to assure compliance with such environmental or safety regulations or conditions; and

(2) periodic onsite inspection by the Secretary at least once a year without advance notice to the operator of such facility to assure compliance with all environmental or safety regulations.

SEC. 514. NEW REVENUES.

Notwithstanding any other provision of law, all revenues received by the Federal Government from competitive bids, sales, bonuses, royalties, rents, fees, or interest derived from the leasing of oil and gas within the Coastal Plain shall be deposited into the Treasury of the United States, solely as provided in this section. The Secretary of the Treasury shall pay to the State of Alaska the same percentage of such revenues as is set forth under the heading "EXPLORATION OF NATIONAL PETROLEUM RESERVE IN ALASKA" in Public Law 96-514 (94 Stat. 2957, 2964) semiannually to the State of Alaska, on March 30 and September 30 of each year and shall deposit the balance of all such revenues as miscellaneous receipts in the Treasury.

TITLE VI—IMPROVEMENTS TO FEDERAL OIL AND GAS LEASE MANAGEMENT

SEC. 601. TITLE.

This title may be cited as the "Federal Oil and Gas Lease Management Improvement Act of 2000".

SEC. 602. DEFINITIONS.

In this title—

(a) **APPLICATION FOR A PERMIT TO DRILL.**—The term "application for a permit to drill" means a drilling plan including design, mechanical, and engineering aspects for drilling a well.

(b) **FEDERAL LAND.**—

(1) **IN GENERAL.**—The term "Federal land" means all land and interests in land owned by the United States that are subject to the mineral leasing laws, including mineral resources or mineral estates reserved to the United States in the conveyance of a surface or nonmineral estate.

(2) **EXCLUSION.**—The term "Federal land" does not include—

(i) Indian land (as defined in section 3 of the Federal Oil and Gas Royalty Management Act of 1982 (30 U.S.C. 1702)); or

(ii) submerged land on the Outer Continental Shelf (as defined in section 2 of the

Outer Continental Shelf Lands Act (43 U.S.C. 1331)).

(c) **OIL AND GAS CONSERVATION AUTHORITY.**—The term “oil and gas conservation authority” means the agency or agencies in each State responsible for regulating for conservation purposes operations to explore for and produce oil and natural gas.

(d) **PROJECT.**—The term “project” means an activity by a lessee, an operator, or an operating rights owner to explore for, develop, produce, or transport oil or gas resources.

(e) **SECRETARY.**—The term “Secretary” means—

(1) the Secretary of the Interior, with respect to land under the administrative jurisdiction of the Department of the Interior; and

(2) the Secretary of Agriculture, with respect to land under the administrative jurisdiction of the Department of Agriculture.

(f) **SURFACE USE PLAN OF OPERATIONS.**—The term “surface use plan of operations” means a plan for surface use, disturbance, and reclamation.

SEC. 603. NO PROPERTY RIGHT.

Nothing in this title gives a State a property right or interest in any Federal lease or land.

Subtitle A—State Option To Regulate Oil and Gas Lease Operations on Federal Land

SEC. 610. TRANSFER OF AUTHORITY.

(a) **NOTIFICATION.**—Not before the date that is 180 days after the date of enactment of this Act, a State may notify the Secretary of its intent to accept authority for regulation of operations, as described in subparagraphs (A) through (K) of subsection (b)(2), under oil and gas leases on Federal land within the State.

(b) **TRANSFER OF AUTHORITY.**—

(1) **IN GENERAL.**—Effective 180 days after the Secretary receives the State's notice, authority for the regulation of oil and gas leasing operations is transferred from the Secretary to the State.

(2) **AUTHORITY INCLUDED.**—The authority transferred under paragraph (1) includes—

(A) processing and approving applications for permits to drill, subject to surface use agreements and other terms and conditions determined by the Secretary;

(B) production operations;

(C) well testing;

(D) well completion;

(E) well spacing;

(F) comunization;

(G) conversion of a producing well to a water well;

(H) well abandonment procedures;

(I) inspections;

(J) enforcement activities; and

(K) site security.

(c) **RETAINED AUTHORITY.**—The Secretary shall—

(1) retain authority over the issuance of leases and the approval of surface use plans of operations and project-level environmental analyses; and

(2) spend appropriated funds to ensure that timely decisions are made respecting oil and gas leasing, taking into consideration multiple uses of Federal land, socioeconomic and environmental impacts, and the results of consultations with State and local government officials.

SEC. 611. ACTIVITY FOLLOWING TRANSFER OF AUTHORITY.

(a) **FEDERAL AGENCIES.**—Following the transfer of authority, no Federal agency shall exercise the authority formerly held by the Secretary as to oil and gas lease operations and related operations on Federal land.

(b) **STATE AUTHORITY.**—

(1) **IN GENERAL.**—Following the transfer of authority, each State shall enforce its own

oil and gas conservation laws and requirements pertaining to transferred oil and gas lease operations and related operations with due regard to the national interest in the expedited, environmentally sound development of oil and gas resources in a manner consistent with oil and gas conservation principles.

(2) **APPEALS.**—Following a transfer of authority under section 610, an appeal of any decision made by a State oil and gas conservation authority shall be made in accordance with State administrative procedures.

(c) **PENDING ENFORCEMENT ACTIONS.**—The Secretary may continue to enforce any pending actions respecting acts committed before the date on which authority is transferred to a State under section 610 until those proceedings are concluded.

(d) **PENDING APPLICATIONS.**—

(1) **TRANSFER TO STATE.**—All applications respecting oil and gas lease operations and related operations on Federal land pending before the Secretary on the date on which authority is transferred under section 610 shall be immediately transferred to the oil and gas conservation authority of the State in which the lease is located.

(2) **ACTION BY THE STATE.**—The oil and gas conservation authority shall act on the application in accordance with State laws (including regulations) and requirements.

Subtitle B—Use of Cost Savings From State Regulation

SEC. 621. COMPENSATION FOR COSTS.

(a) **IN GENERAL.**—Subject to the availability of appropriations, the Secretary shall compensate any State for costs incurred to carry out the authorities transferred under section 610.

(b) **PAYMENT SCHEDULE.**—Payments shall be made not less frequently than every quarter.

(c) **COST BREAKDOWN REPORT.**—Each State seeking compensation shall report to the Secretary a cost breakdown for the authorities transferred.

(d) **LIMITATION ON AMOUNT.**—

(1) **IN GENERAL.**—Compensation to a State may not exceed 50 percent of the Secretary's allocated cost for oil and gas leasing activities under section 35(b) of the Act of February 25, 1920 (commonly known as the “Mineral Leasing Act”) (30 U.S.C. 191(b)) for the State for fiscal year 1997.

(2) **ADJUSTMENT.**—The Secretary shall adjust the maximum level of cost compensation at least once every 2 years to reflect any increases in the Consumer Price Index (all items, United States city average) as prepared by the Department of Labor, using 1997 as the baseline year.

SEC. 622. EXCLUSION OF COSTS OF PREPARING PLANNING DOCUMENTS AND ANALYSES.

Section 35 of the Act of February 25, 1920 (30 U.S.C. 191(b)) is amended by adding at the end the following:

“(6) The Secretary shall not include, for the purpose of calculating the deduction under paragraph (1), costs of preparing resource management planning documents and analyses for areas in which mineral leasing is excluded or areas in which the primary activity under review is not mineral leasing and development.”

SEC. 623. RECEIPT SHARING.

Section 35(b) of the Act of February 25, 1920 (30 U.S.C. 191(b)) is amended by striking “paid to States” and inserting “paid to States (other than States that accept a transfer of authority under section 610 of the Federal Oil and Gas Lease Management Act of 2000)”.

Subtitle C—Streamlining and Cost Reduction

SEC. 631. APPLICATIONS.

(a) **LIMITATION ON COST RECOVERY.**—Notwithstanding sections 304 and 504 of the Fed-

eral Land Policy and Management Act of 1976 (43 U.S.C. 1734, 1764) and section 9701 of title 31, United States Code, the Secretary shall not recover the Secretary's costs with respect to applications and other documents relating to oil and gas leases.

(b) **COMPLETION OF PLANNING DOCUMENTS AND ANALYSES.**—

(1) **IN GENERAL.**—The Secretary shall complete any resource management planning documents and analyses not later than 90 days after receiving any offer, application, or request for which a planning document or analysis is required to be prepared.

(2) **PREPARATION BY APPLICANT OR LESSEE.**—If the Secretary is unable to complete the document or analysis within the time prescribed by paragraph (1), the Secretary shall notify the applicant or lessee of the opportunity to prepare the required document or analysis for the agency's review and use in decisionmaking.

(c) **REIMBURSEMENT FOR COSTS OF NEPA OF ANALYSES, DOCUMENTATION, AND STUDIES.**—If—

(1) adequate funding to enable the Secretary to timely prepare a project-level analysis required under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) with respect to an oil or gas lease is not appropriated; and

(2) the lessee, operator, or operating rights owner voluntarily pays for the cost of the required analysis, documentation, or related study;

the Secretary shall reimburse the lessee, operator, or operating rights owner for its costs through royalty credits attributable to the lease, unit agreement, or project area.

SEC. 632. TIMELY ISSUANCE OF DECISIONS.

(a) **IN GENERAL.**—The Secretary shall ensure the timely issuance of Federal agency decisions respecting oil and gas leasing and operations on Federal land.

(b) **OFFER TO LEASE.**—

(1) **DEADLINE.**—The Secretary shall accept or reject an offer to lease not later than 90 days after the filing of the offer.

(2) **FAILURE TO MEET DEADLINE.**—If an offer is not acted upon within that time, the offer shall be deemed to have been accepted.

(c) **APPLICATION FOR PERMIT TO DRILL.**—

(1) **DEADLINE.**—The Secretary and a State that has accepted a transfer of authority under section 610 shall approve or disapprove an application for permit to drill not later than 30 days after receiving a complete application.

(2) **FAILURE TO MEET DEADLINE.**—If the application is not acted on within the time prescribed by paragraph (1), the application shall be deemed to have been approved.

(d) **SURFACE USE PLAN OF OPERATIONS.**—

The Secretary shall approve or disapprove a surface use plan of operations not later than 30 days after receipt of a complete plan.

(e) **ADMINISTRATIVE APPEALS.**—

(1) **DEADLINE.**—From the time that a Federal oil and gas lessee or operator files a notice of administrative appeal of a decision or order of an officer or employee of the Department of the Interior or the Forest Service respecting a Federal oil and gas Federal lease, the Secretary shall have 2 years in which to issue a final decision in the appeal.

(2) **FAILURE TO MEET DEADLINE.**—If no final decision has been issued within the time prescribed by paragraph (1), the appeal shall be deemed to have been granted.

SEC. 633. ELIMINATION OF UNWARRANTED DENIALS AND STAYS.

(a) **IN GENERAL.**—The Secretary shall ensure that unwarranted denials and stays of lease issuance and unwarranted restrictions on lease operations are eliminated from the administration of oil and gas leasing on Federal land.

(b) LAND DESIGNATED FOR MULTIPLE USE.—

(1) IN GENERAL.—Land designated as available for multiple use under Bureau of Land Management resource management plans and Forest Service leasing analyses shall be available for oil and gas leasing without lease stipulations more stringent than restrictions on surface use and operations imposed under the laws (including regulations) of the State oil and gas conservation authority unless the Secretary includes in the decision approving the management plan or leasing analysis a written explanation why more stringent stipulations are warranted.

(2) APPEAL.—Any decision to require a more stringent stipulation shall be administratively appealable and, following a final agency decision, shall be subject to judicial review.

(c) REJECTION OF OFFER TO LEASE.—

(1) IN GENERAL.—If the Secretary rejects an offer to lease on the ground that the land is unavailable for leasing, the Secretary shall provide a written, detailed explanation of the reasons the land is unavailable for leasing.

(2) PREVIOUS RESOURCE MANAGEMENT DECISION.—If the determination of unavailability is based on a previous resource management decision, the explanation shall include a careful assessment of whether the reasons underlying the previous decision are still persuasive.

(3) SEGREGATION OF AVAILABLE LAND FROM UNAVAILABLE LAND.—The Secretary may not reject an offer to lease land available for leasing on the ground that the offer includes land unavailable for leasing, and the Secretary shall segregate available land from unavailable land, on the offeror's request following notice by the Secretary, before acting on the offer to lease.

(d) DISAPPROVAL OR REQUIRED MODIFICATION OF SURFACE USE PLANS OF OPERATIONS AND APPLICATION FOR PERMIT TO DRILL.—The Secretary shall provide a written, detailed explanation of the reasons for disapproving or requiring modifications of any surface use plan of operations or application for permit to drill.

(e) EFFECTIVENESS OF DECISION.—A decision of the Secretary respecting an oil and gas lease shall be effective pending administrative appeal to the appropriate office within the Department of the Interior or the Department of Agriculture unless that office grants a stay in response to a petition satisfying the criteria for a stay established by section 4.21(b) of title 43, Code of Federal Regulations (or any successor regulation).

SEC. 634. REPORTS.

(a) IN GENERAL.—Not later than March 31, 2001, the Secretaries shall jointly submit to the Congress a report explaining the most efficient means of eliminating overlapping jurisdiction, duplication of effort, and inconsistent policymaking and policy implementation as between the Bureau of Land Management and the Forest Service.

(b) RECOMMENDATIONS.—The report shall include recommendations on statutory changes needed to implement the report's conclusions.

SEC. 635. SCIENTIFIC INVENTORY OF OIL AND GAS RESERVES.

(a) IN GENERAL.—Not later than March 31, 2001, the Secretary of the Interior, in consultation with the Director of the United States Geological Survey, shall publish, through notice in the Federal Register, a science-based national inventory of the oil and gas reserves and potential resources underlying Federal land and the Outer Continental Shelf.

(b) CONTENTS.—The inventory shall—

(1) indicate what percentage of the oil and gas reserves and resources is currently available for leasing and development; and

(2) specify the percentages of the reserves and resources that are on—

(A) land that is open for leasing as of the date of enactment of this Act that has never been leased;

(B) land that is open for leasing or development subject to no surface occupancy stipulations; and

(C) land that is open for leasing or development subject to other lease stipulations that have significantly impeded or prevented, or are likely to significantly impede or prevent, development; and

(3) indicate the percentage of oil and gas resources that are not available for leasing or are withdrawn from leasing.

(c) PUBLIC COMMENT.—

(1) IN GENERAL.—The Secretary of the Interior shall invite public comment on the inventory to be filed not later than September 30, 2001.

(2) RESOURCE MANAGEMENT DECISIONS.—Specifically, the Secretary of the Interior shall invite public comment on the effect of Federal resource management decisions on past and future oil and gas development.

(d) REPORT.—

(1) IN GENERAL.—Not later than March 31, 2002, the Secretary of the Interior shall submit to the President of the Senate and the Speaker of the House of Representatives a report comprised of the revised inventory and responses to the public comments.

(2) CONTENTS.—The report shall specifically indicate what steps the Secretaries believe are necessary to increase the percentage of land open for development of oil and gas resources.

Subtitle D—Federal Royalty Certainty

SEC. 641. DEFINITIONS.

In this subtitle.—

(a) MARKETABLE CONDITION.—The term “marketable condition” means lease production that is sufficiently free from impurities and otherwise in a condition that the production will be accepted by a purchaser under a sales contract typical for the field or area.

(b) REASONABLE COMMERCIAL RATE.—

(1) IN GENERAL.—The term “reasonable commercial rate” means—

(A) in the case of an arm's-length contract, the actual cost incurred by the lessee; or

(B) in the case of a non-arm's-length contract—

(i) the rate charged in a contract for similar services in the same area between parties with opposing economic interests; or

(ii) if there are no arm's-length contracts for similar services in the same area, the just and reasonable rate for the transportation service rendered by the lessee or lessee's affiliate.

(2) DISPUTES.—Disputes between the Secretary and a lessee over what constitutes a just and reasonable rate for such service shall be resolved by the Federal Energy Regulatory Commission.

SEC. 642. AMENDMENT OF OUTER CONTINENTAL SHELF LANDS ACT.

Section 8(b)(3) of the Outer Continental Shelf Lands Act (43 U.S.C. 1337(b)(3)) is amended by striking the semicolon at the end and adding the following:

“: *Provided*, That if the payment is in value or amount, the royalty due in value shall be based on the value of oil or gas production at the lease in marketable condition, and the royalty due in amount shall be based on the royalty share of production at the lease; if the payment in value or amount is calculated from a point away from the lease, the payment shall be adjusted for quality and location differentials, and the lessee shall be allowed reimbursements at a reasonable commercial rate for transportation (including transportation to the point where

the production is put in marketable condition), marketing, processing, and other services beyond the lease through the point of sale, other disposition, or delivery;”.

SEC. 643. AMENDMENT OF MINERAL LEASING ACT.

Section 17(c) of the Act of February 25, 1920 (30 U.S.C. 226(c)) (commonly known as the “Mineral Leasing Act”), is amended by adding at the end the following:

“(3) ROYALTY DUE IN VALUE.—

“(A) IN GENERAL.—Royalty due in value shall be based on the value of oil or gas production at the lease in marketable condition, and the royalty due in amount shall be based on the royalty share of production at the lease.

“(B) CALCULATION OF VALUE OR AMOUNT FROM A POINT AWAY FROM A LEASE.—If the payment in value or amount is calculated from a point away from the lease—

“(i) the payment shall be adjusted for quality and location differentials; and

“(ii) the lessee shall be allowed reimbursements at a reasonable commercial rate for transportation (including transportation to the point where the production is put in marketable condition), marketing, processing, and other services beyond the lease through the point of sale, other disposition, or delivery;”.

SEC. 644. INDIAN LAND.

This subtitle shall not apply with respect to Indian land.

Subtitle E—Royalty Reinvestment in America

SEC. 651. ROYALTY INCENTIVE PROGRAM.

(a) IN GENERAL.—To encourage exploration and development expenditures on Federal land and the Outer Continental Shelf for the development of oil and gas resources when the cash price of West Texas Intermediate crude oil, as posted on the Dow Jones Commodities Index chart is less than \$18 per barrel for 90 consecutive pricing days or when natural gas prices as delivered at Henry Hub, Louisiana, are less than \$2.30 per million British thermal units for 90 consecutive days, the Secretary shall allow a credit against the payment of royalties on Federal oil production and gas production, respectively, in an amount equal to 20 percent of the capital expenditures made on exploration and development activities on Federal oil and gas leases.

(b) NO CREDITING AGAINST ONSHORE FEDERAL ROYALTY OBLIGATIONS.—In no case shall such capital expenditures made on Outer Continental Shelf leases be credited against onshore Federal royalty obligations.

SEC. 652. MARGINAL WELL PRODUCTION INCENTIVES.

To enhance the economics of marginal oil and gas production by increasing the ultimate recovery from marginal wells when the cash price of West Texas Intermediate crude oil, as posted on the Dow Jones Commodities Index Chart is less than \$18 per barrel for 90 consecutive pricing days or when natural gas prices are delivered at Henry Hub, Louisiana, are less than \$2.30 per million British thermal units for 90 consecutive days, the Secretary shall reduce the royalty rate as production declines for—

(1) onshore oil wells producing less than 30 barrels per day;

(2) onshore gas wells producing less than 120 million British thermal units per day;

(3) offshore oil wells producing less than 300 barrels of oil per day; and

(4) offshore gas wells producing less than 1,200 million British thermal units per day.

SEC. 653. SUSPENSION OF PRODUCTION ON OIL AND GAS OPERATIONS.

(a) IN GENERAL.—Any person operating an oil well under a lease issued under the Act of February 25, 1920 (commonly known as the

"Mineral Leasing Act") (30 U.S.C. 181 et seq.) or the Mineral Leasing Act for Acquired Lands (30 U.S.C. 351 et seq.) may submit a notice to the Secretary of the Interior of suspension of operation and production at the well.

(b) **PRODUCTION QUANTITIES NOT A FACTOR.**—A notice under subsection (a) may be submitted without regard to per day production quantities at the well and without regard to the requirements of subsection (a) of section 3103.4-4 of title 43 of the Code of Federal Regulations (or any successor regulation) respecting the granting of such relief, except that the notice shall be submitted to an office in the Department of the Interior designated by the Secretary of the Interior.

(c) **PERIOD OF RELIEF.**—On submission of a notice under subsection (a) for an oil well, the operator of the well may suspend operation and production at the well for a period beginning on the date of submission of the notice and ending on the later of—

(1) the date that is 2 years after the date on which the suspension of operation and production commences; or

(2) the date on which the cash price of West Texas Intermediate crude oil, as posted on the Dow Jones Commodities Index chart is greater than \$15 per barrel for 90 consecutive pricing days.

TITLE VII—FRONTIER OIL AND GAS EXPLORATION AND DEVELOPMENT INCENTIVES

SEC. 701. TITLE.

This title may be cited as the "Frontier Exploration and Development Incentives Act of 2000".

SEC. 702. AMENDMENTS TO THE OUTER CONTINENTAL SHELF LANDS ACT.

(a) Section 8(a)(1)(D) of the Outer Continental Shelf Lands Act, (43 U.S.C. 1337(a)(1)(D)) is amended by striking the word "area;" and inserting in lieu thereof the word "area," and the following new text: "except in the Arctic areas of Alaska, where the Secretary is authorized to set the net profit share at 16½ percent. For purposes of this section, 'Arctic areas' means the Beaufort Sea and Chukchi Sea Planning Areas of Alaska."

(b) Section 8(a) of the Outer Continental Shelf Lands Act (43 U.S.C. 1337(a)) is amended by adding a new subparagraph (10) at the end thereof:

"(10) After an oil and gas lease is granted pursuant to any of the bidding systems of paragraph (1) of this subsection, the Secretary shall reduce any future royalty or rental obligation of the lessee on any lease issued by the Secretary (and proposed by the lessee for such reduction) by an amount equal to (a) 10 percent of the qualified costs of exploratory wells drilled or geophysical work performed on any lease issued by the Secretary, whichever is greater, pursuant to this Act in Arctic areas and (b) an additional 10 percent of the qualified costs of any such exploratory wells which are located ten or more miles from another well drilled for oil and gas. For purposes of this Act—'qualified costs' shall mean the costs allocated to the exploratory well or geophysical work in support of an exploration program pursuant to 26 U.S.C. as amended; 'exploratory well' shall mean either an exploratory well as defined by the United States Securities and Exchange Commission in 17 C.F.R. 210.4-10(a)(10), as amended, or a well three or more miles from any oil or gas well or a pipeline which transports oil or gas to a market or terminal; 'geophysical work' shall mean all geophysical data gathering methods used in hydrocarbon exploration and includes seismic, gravity, magnetic, and electromagnetic measurements; and, all distances shall be measured in horizontal distance. When a

measurement beginning or ending point is a well, the measurement point shall be the bottom hole location of that well."

TITLE VII—TAX MEASURES TO ENHANCE DOMESTIC OIL AND GAS PRODUCTION

Subtitle A—Marginal Well Preservation

SEC. 801. SHORT TITLE; PURPOSE; AMENDMENT OF 1986 CODE.

(a) This subtitle may be cited as the "Marginal Well Preservation Act of 2000".

(b) The purpose of section 802 is to prevent the abandonment of marginal oil and gas wells responsible for half of the domestic production of oil and gas in the United States and of section 803 is to recognize that geological and geophysical expenditures and delay rentals are ordinary and necessary business expenses that should be deducted in the year the expense is incurred.

(c) Except as otherwise expressly provided, whenever in this subtitle an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

SEC. 802. TAX CREDIT FOR MARGINAL DOMESTIC OIL AND NATURAL GAS WELL PRODUCTION.

(a) Subpart D of part IV of subchapter A of chapter 1 (relating to business credits) is amended by adding at the end the following new section:

"SEC. 45D. CREDIT FOR PRODUCING OIL AND GAS FROM MARGINAL WELLS.

"(a) **GENERAL RULE.**—For purposes of section 38, the marginal well production credit for any taxable year is an amount equal to the product of—

"(1) the credit amount, and

"(2) the qualified crude oil production and the qualified natural gas production which is attributable to the taxpayer.

"(b) **CREDIT AMOUNT.**—For purposes of this section—

"(1) **IN GENERAL.**—The credit amount is—

"(A) \$3 per barrel of qualified crude oil production, and

"(B) 50 cents per 1,000 cubic feet of qualified natural gas production.

"(2) **REDUCTION AS OIL AND GAS PRICES INCREASE.**—

"(A) **IN GENERAL.**—The \$3 and 50 cents amounts under paragraph (1) shall each be reduced (but not below zero) by an amount which bears the same ratio to such amount (determined without regard to this paragraph) as—

"(i) the excess (if any) of the applicable reference price over \$14 (\$1.56 for qualified natural gas production), bears to

"(ii) \$3 (\$0.33 for qualified natural gas production).

The applicable reference price for a taxable year is the reference price for the calendar year preceding the calendar year in which the taxable year begins.

"(B) **INFLATION ADJUSTMENT.**—In the case of any taxable year beginning in a calendar year after 2000, each of the dollar amounts contained in subparagraph (A) shall be increased to an amount equal to such dollar amount multiplied by the inflation adjustment factor for such calendar year (determined under section 43(b)(3)(B) by substituting '1999' for '1990').

"(C) **REFERENCE PRICE.**—For purposes of this paragraph, the term 'reference price' means, with respect to any calendar year—

"(i) in the case of qualified crude oil production, the reference price determined under section 29(d)(2)(C), and

"(ii) in the case of qualified natural gas production, the Secretary's estimate of the annual average wellhead price per 1,000 cubic feet for all domestic natural gas.

"(c) **QUALIFIED CRUDE OIL AND NATURAL GAS PRODUCTION.**—For purposes of this section—

"(1) **IN GENERAL.**—The terms 'qualified crude oil production' and 'qualified natural gas production' mean domestic crude oil or natural gas which is produced from a marginal well.

"(2) **LIMITATION ON AMOUNT OF PRODUCTION WHICH MAY QUALIFY.**—

"(A) **IN GENERAL.**—Crude oil or natural gas produced during any taxable year from any well shall not be treated as qualified crude oil production or qualified natural gas production to the extent production from the well during the taxable year exceeds 1,095 barrels or barrel equivalents.

"(B) **PROPORTIONATE REDUCTIONS.**—

"(i) **SHORT TAXABLE YEARS.**—In the case of a short taxable year, the limitations under this paragraph shall be proportionately reduced to reflect the ratio which the number of days in such taxable year bears to 365.

"(ii) **WELLS NOT IN PRODUCTION ENTIRE YEAR.**—In the case of a well which is not capable of production during each day of a taxable year, the limitations under this paragraph applicable to the well shall be proportionately reduced to reflect the ratio which the number of days of production bears to the total number of days in the taxable year.

"(3) **DEFINITIONS.**—

"(A) **MARGINAL WELL.**—The term 'marginal well' means a domestic well—

"(i) the production from which during the taxable year is treated as marginal production under section 613A(c)(6), or

"(ii) which, during the taxable year—

"(I) has average daily production of not more than 25 barrel equivalents, and

"(II) produces water at a rate not less than 95 percent of total well effluent.

"(B) **CRUDE OIL, ETC.**—The terms 'crude oil', 'natural gas', 'domestic', and 'barrel' have the meanings given such terms by section 613A(e).

"(C) **BARREL EQUIVALENT.**—The term 'barrel equivalent' means, with respect to natural gas, a conversion ratio of 6,000 cubic feet of natural gas to 1 barrel of crude oil.

"(d) **OTHER RULES.**—

"(1) **PRODUCTION ATTRIBUTABLE TO THE TAXPAYER.**—In the case of a marginal well in which there is more than one owner of operating interests in the well and the crude oil or natural gas production exceeds the limitation under subsection (c)(2), qualifying crude oil production or qualifying natural gas production attributable to the taxpayer shall be determined on the basis of the ratio which taxpayer's revenue interest in the production bears to the aggregate to the revenue interests of all operating interest owners in the production.

"(2) **OPERATING INTEREST REQUIRED.**—Any credit under this section may be claimed only on production which is attributable to the holder of an operating interest.

"(3) **PRODUCTION FROM NONCONVENTIONAL SOURCES EXCLUDED.**—In the case of production from a marginal well which is eligible for the credit allowed under section 29 for the taxable year, no credit shall be allowable under this section unless the taxpayer elects not to claim credit under section 29 with respect to the well."

(b) **CREDIT TREATED AS BUSINESS CREDIT.**—Section 38(b) is amended by striking "plus" at the end of paragraph (11), by striking the period at the end of paragraph (12) and inserting "plus", and by adding at the end of the following new paragraph—

"(13) the marginal oil and gas well production credit determined under section 45D(a)."

(c) **CREDIT ALLOWED AGAINST REGULAR AND MINIMUM TAX.**—

(1) IN GENERAL.—Subsection (c) of section 38 (relating to limitation based on amount of tax) is amended by redesignating paragraph (3) as paragraph (4) and by inserting after paragraph (2) the following new paragraph—

“(3) SPECIAL RULES FOR MARGINAL OIL AND GAS WELL PRODUCTION CREDIT.—

“(A) IN GENERAL.—In the case of the marginal oil and gas well production credit—

“(i) this section and section 39 shall be applied separately with respect to the credit, and

“(ii) in applying paragraph (1) to the credit—

“(I) subparagraphs (A) and (B) thereof shall not apply, and

“(II) the limitation under paragraph (1) (as modified by subclause (I)) shall be reduced by the credit allowed under subsection (a) for the taxable year (other than the marginal oil and gas well production credit).”

“(B) MARGINAL OIL AND GAS WELL PRODUCTION CREDIT.—For purposes of this subsection, the term ‘marginal oil and gas well production credit’ means the credit allowable under subsection (a) by reason of section 45D(a).”

(2) CONFORMING AMENDMENT.—Subclause (II) of section 38(c)(2)(A)(ii) is amended by inserting “or the marginal oil and gas well production credit” after “employment credit”.

(d) CARRYBACK.—Subsection (a) of section 39 (relating to carryback and carryforward of unused credits generally) is amended by adding at the end the following new paragraph—

“(3) 10-YEAR CARRYBACK FOR MARGINAL OIL AND GAS WELL PRODUCTION CREDIT.—In the case of the marginal oil and gas well production credit—

“(A) this section shall be applied separately from the business credit (other than the marginal oil and gas well production credit),

“(B) paragraph (1) shall be applied by substituting ‘10 taxable year’ for ‘1 taxable year’ in subparagraph (A) thereof, and

“(C) paragraph (2) shall be applied—

“(i) by substituting ‘31 taxable years’ for ‘21 taxable years’ in subparagraph (A) thereof, and

“(ii) by substituting ‘30 taxable years’ for ‘20 taxable years’ in subparagraph (B) thereof.”

(e) COORDINATION WITH SECTION 29.—Section 29(a) is amended by striking “There” and inserting “At the election of the taxpayer, there.”

(f) CLERICAL AMENDMENT.—The table of sections for subpart D of part IV of subchapter A of chapter 1 is amended by adding at the end the following item:

“Sec. 45D. Credit for producing oil and gas from marginal wells.”

(g) EFFECTIVE DATE.—The amendments made by this section shall apply to production in taxable years beginning after December 31, 1999.

SEC. 803. ELECTION TO EXPENSE GEOLOGICAL AND GEOPHYSICAL EXPENDITURES AND DELAY RENTAL PAYMENTS.

(a) Section 263 (relating to capital expenditures) is amended by adding at the end the following new subsection:

“(j) GEOLOGICAL AND GEOPHYSICAL EXPENDITURES FOR OIL AND WELLS.—Notwithstanding subsection (a), a taxpayer may elect to treat geological and geophysical expenses incurred in connection with the exploration for, or development of, oil or gas as expenses which are not chargeable to capital account. Any expenses so treated shall be allowed as a deduction in the taxable year in which paid or incurred.”

(b) Section 263A(c)(3) is amended by inserting “263(j),” after “263(i).”

(c)(I) The amendments made by subsections (a) and (b) shall apply to expenses

paid or incurred after the date of the enactment of this Act.

(2) In the case of any expenses described in section 263(j) of the Internal Revenue Code of 1986, as added by subsections (a) and (b), which were paid or incurred on or before the date of the enactment of this Act, the taxpayer may elect, at such time and in such manner as the Secretary of the Treasury may prescribe, to amortize the suspended portion of such expenses over the 36-month period beginning with the month in which the date of the enactment of this Act occurs. For purposes of this paragraph, the suspended portion of any expense is that portion of such expense which, as of the first day of the 36-month period, has not been included in the cost of a property or otherwise deducted.

(d) Section 263 (relating to capital expenditures), as amended by subsection (b), is amended by adding at the end the following new subsection—

“(k) DELAY RENTAL PAYMENTS FOR DOMESTIC OIL AND GAS WELLS.—

“(1) IN GENERAL.—Notwithstanding subsection (a), a taxpayer may elect to treat delay rental payments incurred in connection with the development of oil or gas within the United States (as defined in section 638) as payments which are not chargeable to capital account. Any payments so treated shall be allowed as a deduction in the taxable year in which paid or incurred.

“(2) DELAY RENTAL PAYMENTS.—For purposes of paragraph (1), the term ‘delay rental payment’ means an amount paid for the privilege of deferring the drilling of an oil or gas well under an oil or gas lease.”

Subtitle B—Independent Oil and Gas Producers

SEC. 810. 5-YEAR NET OPERATING LOSS CARRYBACK FOR LOSSES ATTRIBUTABLE TO OPERATING MINERAL INTERESTS OF INDEPENDENT OIL AND GAS PRODUCERS.

(a) Paragraph (1) of section 172(b) (relating to years to which loss may be carried) is amended by adding at the end the following new subparagraph—

“(H) LOSSES ON OPERATING MINERAL INTERESTS OF INDEPENDENT OIL AND GAS PRODUCERS.—In the case of a taxpayer—

“(i) which has an eligible oil and gas loss (as defined in subsection (j)) for a taxable year, and

“(ii) which is not an integrated oil company (as defined in section 291(b)(4)), such eligible oil and gas loss shall be a net operating loss carryback to each of the 5 taxable years preceding the taxable year of such loss.”

(b) ELIGIBLE OIL AND GAS LOSS.—Section 172 is amended by redesignating subsection (j) as subsection (k) and by inserting after subsection (i) the following new subsection—

“(j) ELIGIBLE OIL AND GAS LOSS.—For purposes of this section—

“(1) IN GENERAL.—The term ‘eligible oil and gas loss’ means the lesser of—

“(A) the amount which would be the net operating loss for the taxable year if only income and deductions attributable to operating mineral interests (as defined in section 614(d)) in oil and gas wells are taken into account, or

“(B) the amount of the net operating loss for such taxable year.

“(2) COORDINATION WITH SUBSECTION (b)(2).—For purposes of applying subsection (b)(2), an eligible oil and gas loss for any taxable year shall be treated in a manner similar to the manner in which a specified liability loss is treated.

“(3) ELECTION.—Any taxpayer entitled to a 5-year carryback under subsection (b)(1)(H) from any loss year may elect to have the carryback period with respect to such loss

year determined without regard to subsection (b)(1)(H).”

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to net operating losses for taxable years beginning after December 31, 1998.

SEC. 811. TEMPORARY SUSPENSION OF LIMITATION BASED ON 65 PERCENT OF TAXABLE INCOME.

(a) IN GENERAL.—Subsection (d) of section 613A (relating to limitation on percentage depletion in case of oil and gas wells) is amended by adding at the end the following new paragraph—

“(6) TEMPORARY SUSPENSION OF TAXABLE INCOME LIMIT.—Paragraph (1) shall not apply to taxable years beginning after December 31, 1998, and before January 1, 2005, including with respect to amounts carried under the second sentence of paragraph (1) to such taxable years.”

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 1998.

TITLE IX—TAX MEASURES TO ENHANCE THE USE OF RENEWABLE ENERGY SOURCES, IMPROVE ENERGY EFFICIENCIES, PROTECT CONSUMERS AND CONVERSION TO CLEAN BURNING FUELS

SEC. 901. CREDIT FOR ELECTRICITY PRODUCED FROM RENEWABLE RESOURCES.

(a) EXTENSION AND MODIFICATION OF PLACED-IN-SERVICE RULES.—Paragraph (3) of section 45(c) of the Internal Revenue Code of 1986 is amended to read as follows:

“(3) QUALIFIED FACILITY.—

“(A) WIND FACILITIES.—In the case of a facility using wind to produce electricity, the term ‘qualified facility’ means any facility owned by the taxpayer which is originally placed in service after December 31, 1993, and before July 1, 2004.

“(B) BIOMASS FACILITIES.—In the case of a facility using biomass to produce electricity, the term ‘qualified facility’ means, with respect to any month, any facility owned, leased, or operated by the taxpayer which is originally placed in service before July 1, 2004, if, for such month—

“(i) biomass comprises not less than 75 percent (on a Btu basis) of the average monthly fuel input of the facility for the taxable year which includes such month, or

“(ii) in the case of a facility principally using coal to produce electricity, biomass comprises not more than 25 percent (on a Btu basis) of the average monthly fuel input of the facility for the taxable year which includes such month.

“(C) SPECIAL RULES.—

“(i) in the case of a qualified facility described in paragraph (B)(i)—

“(I) the 10-year period referred to in subsection (a) shall be treated as beginning no earlier than the date of the enactment of this paragraph, and

“(II) subsection (b)(3) shall not apply to any such facility originally placed in service before January 1, 1997.

“(ii) in the case of a qualified facility described in subparagraph (B)(ii)—

“(I) the 10-year period referred to in subsection (a) shall be treated as beginning no earlier than the date of the enactment of this paragraph, and

“(II) the amount of the credit determined under subsection (a) with respect to any project for any taxable year shall be adjusted by multiplying such amount (determined without regard to this clause) by 0.59.”

(b) CREDIT NOT TO APPLY TO ELECTRICITY SOLD TO UTILITIES UNDER CERTAIN CONTRACTS.—Section 45(b) of the Internal Revenue Code of 1986 (relating to limitations and adjustments) is amended by adding at the end the following—

“(4) CREDIT NOT TO APPLY TO ELECTRICITY SOLD TO UTILITIES UNDER CERTAIN CONTRACTS.—

“(A) IN GENERAL.—The credit determined under subsection (a) shall not apply to electricity—

“(i) produced at a qualified facility placed in service by the taxpayer after June 30, 1999, and

“(ii) sold to a utility pursuant to a contract originally entered into before January 1, 1987 (whether or not amended or restated after that date).

“(B) EXCEPTION.—Subparagraph (A) shall not apply if—

“(i) the prices for energy and capacity from such facility are established pursuant to an amendment to the contract referred to in subparagraph (A)(ii);

“(ii) such amendment provides that the prices set forth in the contract which exceed avoided cost prices determined at the time of delivery shall apply only to annual quantities of electricity (prorated for partial years) which do not exceed the greater of—

“(I) the average annual quantity of electricity sold to the utility under the contract during calendar years 1994, 1995, 1996, 1997, and 1998, or

“(II) the estimate of the annual electricity production set forth in the contract, or, if there is no such estimate, the greatest annual quantity of electricity sold to the utility under the contract in any of the calendar years 1996, 1997, or 1998; and

“(iii) such amendment provides that energy and capacity in excess of the limitation in clause (ii) may be—

“(I) sold to the utility only at prices that do not exceed avoided cost prices determined at the time of delivery, or

“(II) sold to a third party subject to a mutually agreed upon advance notice to the utility.

For purposes of this subparagraph, avoided cost prices shall be determined as provided for in 18 CFR 292.304(d)(1) or any successor regulation.”.

(c) QUALIFIED FACILITIES INCLUDE ALL BIOMASS FACILITIES.—

(1) IN GENERAL.—Subparagraph (B) of section 45(c)(1) of the Internal Revenue Code of 1986 (defining qualified energy resources) is amended to read as follows—

“(B) biomass.”.

(2) BIOMASS DEFINED.—Paragraph (2) of section 45(c) of such Code (relating to definitions) is amended to read as follows—

“(2) BIOMASS.—The term ‘biomass’ means—

“(A) any organic material from a plant which is planted exclusively for purposes of being used at a qualified facility to produce electricity, or

“(B) any solid, nonhazardous, cellulosic waste material which is segregated from other waste materials and which is derived from—

“(i) any of the following forest-related resources: mill residues, precommercial thinnings, slash, and brush, but not including old-growth timber,

“(ii) poultry waste,

“(iii) urban sources, including waste pallets, crates, and dunnage, manufacturing and construction wood wastes, and landscape or right-of-way trimmings, but not including unsegregated municipal solid waste (garbage) or paper that is commonly recycled, or

“(iv) agriculture sources, including orchard tree crops, vineyard, grain, legumes, sugar, and other crop by-products or residues.”.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to electricity produced after the date of the enactment of this Act.

SEC. 902. CERTAIN AMOUNTS RECEIVED BY ELECTRIC ENERGY, GAS, OR STEAM UTILITIES EXCLUDED FROM GROSS INCOME AS CONTRIBUTIONS TO CAPITAL.

(a) Subsection (c) of section 118 of the Internal Revenue Code of 1986 (relating to special rules for water and sewerage disposal utilities) is amended—

(1) in the heading, by striking, “WATER AND SEWERAGE DISPOSAL” and inserting “CERTAIN”,

(2) in paragraph (1)—

(A) in the matter preceding paragraph (1), by striking “water or” and inserting “electric energy, gas (through a local distribution system or transportation by pipeline), steam, water, or” and

(B) in subparagraph (B), by striking “water or” and inserting “electric energy, gas, steam, water, or”,

(3) in paragraph (2)(A)(ii), by striking “water or” and inserting “electric energy, gas, steam, water, or”, and

(4) in paragraph (3)—

(A) in subparagraph (A), by inserting “such term shall include amounts paid as customer connection fees (including amounts paid to connect the customer’s line to an electric line, a gas main, a steam line, or a main water or sewer line) and” after “except that”, and

(B) in subparagraph (C), by striking “water or” and inserting “electric energy, gas, steam, water, or”.

(b) The amendments made by subsection (a) shall apply to amounts received after the date of the enactment of this Act.

SEC. 903. EXTENSION OF CREDIT FOR ELECTRICITY PRODUCED FROM STEEL COGENERATION.

(a) EXTENSION OF CREDIT FOR COKE PRODUCTION AND STEEL MANUFACTURING FACILITIES.—Section 45(c)(1) (defining qualified energy resources) is amended by striking “and” at the end of the next to last subparagraph, by striking the period at the end of the last subparagraph and inserting “, and”, and by adding at the end the following new subparagraph—

“() steel cogeneration.”.

(b) STEEL COGENERATION.—Section 45(c) is amended by adding at the end the following—

“() STEEL COGENERATION.—The term ‘steel cogeneration’ means the production of steam or other form of thermal energy of at least 20 percent of total production and the production of electricity or mechanical energy (or both) of at least 20 percent of total production (meaning production from all waste sources in subparagraphs (A), (B), and (C) from the entire facility that produces coke, iron ore, iron, or steel), provided that the cogeneration meets any regulatory energy-efficiency standards established by the Secretary, and only to the extent that such energy is produced from—

“(A) gases or heat generated during the production of coke,

“(B) blast furnace gases or heat generated during the production of iron ore or iron, or

“(C) waste gases or heat generated from the manufacture of steel that uses at least 20 percent recycled material.”.

(c) MODIFICATION OF PLACED IN SERVICE RULES FOR STEEL COGENERATION FACILITIES.—Section 45(c)(3) (defining qualified facility) is amended by adding at the end the following—

() STEEL COGENERATION FACILITIES.—In the case of a facility using steel cogeneration to produce electricity, the term ‘qualified facility’ means any facility permitted to operate under the environmental requirements of the Clean Air Act Amendments of 1990 which is owned by the taxpayer and originally placed in service after December 31, 1999, and before

January 1, 2005. Such a facility may be treated as originally placed in service when such facility was last upgraded to increase efficiency or generation capability. However, no facility shall be allowed a credit for more than 10 years of production.”.

(d) CONFORMING AMENDMENTS.—

(1) The heading for section 45 is amended by inserting “and waste energy” after “renewable”.

(2) The item relating to section 45 in the table of sections subpart D of part IV of subchapter A of chapter 1 is amended by inserting “and waste energy” after “renewable”.

(e) EFFECTIVE DATE.—The amendments made by this section shall take effect for taxable years beginning after December 31, 2001, and before January 1, 2005.

SEC. 904. FULL EXPENSING OF HOME HEATING OIL STORAGE FACILITIES.

(a) IN GENERAL.—Section 179(b) of the Internal Revenue Code of 1986 (relating to limitations) is amended by adding at the end of the following—

“(5) FULL EXPENSING OF HOME HEATING OIL STORAGE FACILITIES.—Paragraphs (1) and (2) shall not apply to section 179 property which is any storage facility (not including a building or its structural components) used in connection with the distribution of home heating oil.”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to property placed in service in taxable years beginning after the date of the enactment of this Act.”.

SEC. 905. RESIDENTIAL SOLAR ENERGY TAX CREDIT.

(a) IN GENERAL.—Subpart A of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 (relating to nonrefundable personal credits) is amended by inserting after section 25A the following new section—

“SEC. 25B. RESIDENTIAL SOLAR ENERGY PROPERTY.

“(a) ALLOWANCE OF CREDIT.—In the case of an individual, there shall be allowed as a credit against the tax imposed by this chapter for the taxable year an amount equal to the sum of—

“(1) 15 percent of the qualified photovoltaic property expenditures made by the taxpayer during such year, and

“(2) 15 percent of the qualified solar water heating property expenditures made by the taxpayer during the taxable year.

“(b) LIMITATIONS.—

“(1) MAXIMUM CREDIT.—The credit allowed under subsection (a)(2) shall not exceed \$2,000 for each system of solar energy property.

“(2) TYPE OF PROPERTY.—No expenditure may be taken into account under this section unless such expenditure is made by the taxpayer for property installed on or in connection with a dwelling unit which is located in the United States and which is used as a residence.

“(3) SAFETY CERTIFICATIONS.—No credit shall be allowed under this section for an item of property unless—

“(A) in the case of solar water heating equipment, such equipment is certified for performance and safety by the non-profit Solar Rating Certification Corporation or a comparable entity endorsed by the government of the State in which such property is installed, and

“(B) in the case of a photovoltaic system, such system meets appropriate fire and electric code requirements.

“(c) DEFINITIONS.—For purposes of this section—

“(1) QUALIFIED SOLAR WATER HEATING PROPERTY EXPENDITURE.—The term ‘qualified solar water heating property expenditure’ means an expenditure for property that uses solar energy to heat water for use in a dwelling unit with respect to which a majority of the energy is derived from the sun.

“(2) QUALIFIED PHOTOVOLTAIC PROPERTY EXPENDITURE.—The term ‘qualified photovoltaic property expenditure’ means an expenditure for property that uses solar energy to generate electricity for use in a dwelling unit.

“(3) SOLAR PANELS.—No expenditure relating to a solar panel or other property installed as a roof (or portion thereof) shall fail to be treated as property described in paragraph (1) or (2) solely because it constitutes a structural component of the structure on which it is installed.

“(4) LABOR COSTS.—Expenditures for labor costs properly allocable to the onsite preparation, assembly, or original installation of the property described in paragraph (1) or (2) and for piping or wiring to interconnect such property to the dwelling unit shall be taken into account for purposes of this section.

“(5) SWIMMING POOLS, ETC., USED AS STORAGE MEDIUM.—Expenditures which are properly allocable to a swimming pool, hot tub, or any other energy storage medium which has a function other than the function of such storage shall not be taken into account for purposes of this section.

“(d) SPECIAL RULES.—For purposes of this section—

“(1) DOLLAR AMOUNTS IN CASE OF JOINT OCCUPANCY.—In the case of any dwelling unit which is jointly occupied and used during any calendar year as a residence by 2 or more individuals the following shall apply—

“(A) The amount of the credit allowable under subsection (a) by reason of expenditures (as the case may be) made during such calendar year by any of such individuals with respect to such dwelling unit shall be determined by treating all of such individuals as 1 taxpayer whose taxable year is such calendar year.

“(B) There shall be allowable with respect to such expenditures to each of such individuals, a credit under subsection (a) for the taxable year in which such calendar year ends in an amount which bears the same ratio to the amount determined under subparagraph (A) as the amount of such expenditures made by such individual during such calendar year bears to the aggregate of such expenditures made by all of such individuals during such calendar year.

“(2) TENANT-STOCKHOLDER IN COOPERATIVE HOUSING CORPORATION.—In the case of an individual who is a tenant-stockholder (as defined in section 216) in a cooperative housing corporation (as defined in such section), such individual shall be treated as having made his tenant-stockholder's proportionate share (as defined in section 216(b)(3)) of any expenditures of such corporation.

“(3) CONDOMINIUMS.—

“(A) IN GENERAL.—In the case of an individual who is a member of a condominium management association with respect to a condominium which he owns, such individual shall be treated as having made his proportionate share of any expenditures of such association.

“(B) CONDOMINIUM MANAGEMENT ASSOCIATION.—For purposes of this paragraph, the term ‘condominium management association’ means an organization which meets the requirements of paragraph (1) of section 528(c) (other than subparagraph (E) thereof) with respect to a condominium project substantially all of the units of which are used as residences.

“(4) JOINT OWNERSHIP OF ITEMS OF SOLAR ENERGY PROPERTY.—

“(A) IN GENERAL.—Any expenditure otherwise qualifying as an expenditure described in paragraph (1) or (2) of subsection (c) shall not be treated as failing to so qualify merely because such expenditure was made with respect to 2 or more dwelling units.

“(B) LIMITS APPLIED SEPARATELY.—In the case of any expenditure described in subparagraph (A), the amount of the credit allowable under subsection (a) shall (subject to paragraph (1)) be computed separately with respect to the amount of the expenditure made for each dwelling unit.

“(5) ALLOCATION IN CERTAIN CASES.—If less than 80 percent of the use of an item is for nonbusiness residential purposes, only that portion of the expenditures for such item which is properly allocable to use for nonbusiness residential purposes shall be taken into account. For purposes of this paragraph, use for a swimming pool shall be treated as use which is not for residential purposes.

“(6) WHEN EXPENDITURE MADE; AMOUNT OF EXPENDITURE.—

“(A) IN GENERAL.—Except as provided in subparagraph (B), an expenditure with respect to an item shall be treated as made when the original installation of the item is completed.

“(B) EXPENDITURES PART OF BUILDING CONSTRUCTION.—In the case of an expenditure in connection with the construction or reconstruction of a structure, such expenditure shall be treated as made when the original use of the constructed or reconstructed structure by the taxpayer begins.

“(C) AMOUNT.—The amount of an expenditure shall be the cost thereof.

“(e) BASIS ADJUSTMENTS.—For purposes of this subtitle, if a credit is allowed under this section for any expenditure with respect to any property, the increase in the basis of such property which would (but for this subsection) result from such expenditure shall be reduced by the amount of the credit so allowed.”

(b) CONFORMING AMENDMENTS.—

(1) Subsection (a) of section 1016 of such Code is amended by striking ‘and’ at the end of paragraph (26), by striking the period at the end of paragraph (27) and inserting ‘; and’, and by adding at the end the following new paragraph:

“(28) to the extent provided in section 25B(e), in the case of amounts with respect to which a credit has been allowed under section 25B.”

(2) The table of sections for subpart A of part IV of subchapter A of chapter 1 of such Code is amended by inserting after the item relating to section 25A the following new item—

“Sec. 25B. Residential solar energy property.”

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years ending after December 31, 1999 and before December 31, 2004.

SECTION —. TEMPORARY REDUCTION OF 4.3 CENTS PER GALLON IN FUEL TAXES ON GASOLINE, DIESEL FUEL, KEROSENE, AND AVIATION FUEL.

(a) IN GENERAL.—Section 4081 of the Internal Revenue Code of 1986 (relating to imposition of tax on gasoline, diesel fuel, and kerosene) is amended by adding at the end the following new subsection:

“(f) TEMPORARY 18.4-CENT REDUCTION IN TAXES ON GASOLINE, DIESEL FUEL, AND KEROSENE.—

“(1) IN GENERAL.—During the applicable period, each rate of tax referred to in paragraph (2) shall be reduced by 18.4 cents per gallon.

“(2) RATES OF TAX.—The rates of tax referred to in this paragraph are the rates of tax otherwise applicable under—

“(A) clause (i), (ii), (iii) of subsection (a)(2)(A) (relating to gasoline, diesel fuel, and kerosene), and

“(B) paragraph (1) of section 4041(a) (relating to diesel fuel) with respect to fuel sold for use or used in a diesel-powered highway vehicle.

“(3) PROTECTING SOCIAL SECURITY TRUST FUNDS.—If upon the determination described in paragraph (1)(B), the Secretary, after consultation with the Director of the Office of Management and Budget, determines that such reduction would result in an aggregate reduction in revenues to the Treasury exceeding the Federal on-budget surplus during the remainder of the applicable period, the Secretary shall modify such reduction such that each rate of tax referred to in paragraph (2), subparagraphs (A) and (C) of section 4042(b)(1), and section 4091(e)(1) is reduced in a pro rata matter and such aggregate reduction does not exceed such surplus.

“(4) MAINTENANCE OF TRUST FUND DEPOSITS.—In determining the amounts to be appropriated to the Highway Trust Fund under section 9503 and the Airport and Airway Trust Fund under section 9502, an amount equal to the reduction in revenues to the Treasury by reason of this subsection shall be treated as taxes received in the Treasury under this section.

“(5) APPLICABLE PERIOD.—For purposes of this subsection, the term ‘applicable period’ means the period beginning after June 30, 2000, and ending before March 30, 2001.”

(b) AVIATION FUEL.—Section 4091 of the Internal Revenue Code of 1986 (relating to imposition of tax on aviation fuel) is amended by adding at the end the following new subsection:

“(e) TEMPORARY 18.4-CENT REDUCTION IN TAX ON AVIATION FUEL.—

“(1) IN GENERAL.—During the applicable period, the rate of tax otherwise applicable under subsection (b)(1) shall be reduced by 18.4 cents per gallon.

“(2) MAINTENANCE OF TRUST FUND DEPOSITS.—In determining the amounts to be appropriated to the Airport and Airway Trust Fund under section 9502, an amount equal to the reduction in revenues to the Treasury by reason of this subsection shall be treated as taxes received in the Treasury under this section.

“(3) APPLICABLE PERIOD.—For purposes of this subsection, the term ‘applicable period’ means the period beginning after June 30, 2000, and ending before March 30, 2001.”

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act.

SEC. 2. FLOOR STOCK REFUNDS.

(a) IN GENERAL.—If—

(1) before the tax reduction date, tax has been imposed under section 4081 or 4091 of the Internal Revenue Code of 1986 on any liquid, and

(2) on such date such liquid is held by a dealer and has not been used and is intended for sale,

there shall be credited or refunded (without interest) to the person who paid such tax (hereafter in this section referred to as the “taxpayer”) an amount equal to the excess of the tax paid by the taxpayer over the amount of such tax which would be imposed on such liquid had the taxable event occurred on the tax reduction date.

(b) TIME FOR FILING CLAIMS.—No credit or refund shall be allowed or made under this section unless—

(1) claim therefor is filed with the Secretary of the Treasury before the date which is 6 months after the tax reduction date, and

(2) in any case where liquid is held by a dealer (other than the taxpayer) on the tax reduction date—

(A) the dealer submits a request for refund or credit to the taxpayer before the date which is 3 months after the tax reduction date, and

(B) the taxpayer has repaid or agreed to repay the amount so claimed to such dealer or has obtained the written consent of such

dealer to the allowance of the credit or the making of the refund.

(c) **EXCEPTION FOR FUEL HELD IN RETAIL STOCKS.**—No credit or refund shall be allowed under this section with respect to any liquid in retail stocks held at the place where intended to be sold at retail.

(d) **DEFINITIONS.**—For purposes of this section—

(1) the terms “dealer” and “held by a dealer” have the respective meanings given to such terms by section 6412 of such Code; except that the term “dealer” includes a producer, and

(2) the term “tax reduction date” means April 16, 2000.

(e) **CERTAIN RULES TO APPLY.**—Rules similar to the rules of subsections (b) and (c) of section 6412 of such Code shall apply for purposes of this section.

SEC. 3. FLOOR STOCKS TAX.

(a) **IMPOSITION OF TAX.**—In the case of any liquid on which tax was imposed under section 4081 or 4091 of the Internal Revenue Code of 1986 during the applicable period, and which is held on the floor stocks tax date by any person, there is hereby imposed a floor stocks tax of 4.3 cents per gallon.

(b) **LIABILITY FOR TAX AND METHOD OF PAYMENT.**—

(1) **LIABILITY FOR TAX.**—A person holding a liquid on the floor stocks tax date to which the tax imposed by subsection (a) applies shall be liable for such tax.

(2) **METHOD OF PAYMENT.**—The tax imposed by subsection (a) shall be paid in such manner as the Secretary shall prescribe.

(3) **TIME FOR PAYMENT.**—The tax imposed by subsection (a) shall be paid on or before the date which is 6 months after the floor stocks tax date.

(c) **DEFINITIONS.**—For purposes of this section—

(1) **HELD BY A PERSON.**—A liquid shall be considered as “held by a person” if title thereto has passed to such person (whether or not delivery to the person has been made).

(2) **GASOLINE, DIESEL FUEL, AND AVIATION FUEL.**—The terms “gasoline”, “diesel fuel”, and aviation fuel have the respective meanings given such terms by sections 4083 and 4093 of such Code.

(3) **FLOOR STOCKS TAX DATE.**—The term “floor stocks tax date” means January 1, 2001.

(4) **APPLICABLE PERIOD.**—The term “applicable period” means the period beginning after April 15, 2000, and ending before January 1, 2001.

(5) **SECRETARY.**—The term “Secretary” means the Secretary of the Treasury or the Secretary’s delegate.

(d) **EXCEPTION FOR EXEMPT USES.**—The tax imposed by subsection (a) shall not apply to gasoline, diesel fuel, kerosene, or aviation fuel held by any person exclusively for any use to the extent a credit or refund of the tax imposed by section 4081 of such Code is allowable for such use.

(e) **EXCEPTION FOR FUEL HELD IN VEHICLE TANK.**—No tax shall be imposed by subsection (a) on gasoline, diesel fuel, kerosene, or aviation fuel held in the tank of a motor vehicle, motorboat, or aircraft.

(f) **EXCEPTION FOR CERTAIN AMOUNTS OF FUEL.**—

(1) **IN GENERAL.**—No tax shall be imposed by subsection (a)—

(A) on gasoline (other than aviation gasoline) held on the floor stocks tax date by any person if the aggregate amount of gasoline held by such person on such date does not exceed 4,000 gallons, and

(B) on aviation gasoline, diesel fuel, kerosene, or aviation fuel held on such date by any person if the aggregate amount of aviation gasoline, diesel fuel, kerosene, or avia-

tion fuel held by such person on such date does not exceed 2,000 gallons.

The preceding sentence shall apply only if such person submits to the Secretary (at the time and in the manner required by the Secretary) such information as the Secretary shall require for purposes of this paragraph.

(2) **EXEMPT FUEL.**—For purposes of paragraph (1), there shall not be taken into account fuel held by any person which is exempt from the tax imposed by subsection (a) by reason of subsection (d) or (e).

(3) **CONTROLLED GROUPS.**—For purposes of this subsection—

(A) **CORPORATIONS.**—

(i) **IN GENERAL.**—All persons treated as a controlled group shall be treated as 1 person.

(ii) **CONTROLLED GROUP.**—The term “controlled group” has the meaning given to such term by subsection (a) of section 1563 of such Code; except that for such purposes the phrase “more than 50 percent” shall be substituted for the phrase “at least 80 percent” each place it appears in such subsection.

(B) **NONINCORPORATED PERSONS UNDER COMMON CONTROL.**—Under regulations prescribed by the Secretary, principles similar to the principles of subparagraph (A) shall apply to a group of persons under common control where 1 or more of such persons is not a corporation.

(g) **OTHER LAW APPLICABLE.**—All provisions of law, including penalties, applicable with respect to the taxes imposed by section 4081 of such Code shall, insofar as applicable and not inconsistent with the provisions of this subsection, apply with respect to the floor stock taxes imposed by subsection (a) to the same extent as if such taxes were imposed by such section 4081.

SEC. 4. BENEFITS OF TAX REDUCTION SHOULD BE PASSED ON TO CONSUMERS.

(a) **PASSTHROUGH TO CONSUMERS.**—

(1) **SENSE OF CONGRESS.**—It is the sense of Congress that—

(A) consumers immediately receive the benefit of the 18.4-cent reduction in gas taxes under this Act, and

(B) transportation motor fuels producers and other dealers take such actions as necessary to reduce transportation motor fuels prices to reflect such reduction, including immediate credits to customer accounts representing tax refunds allowed as credits against excise tax deposit payments under the floor stocks refund provisions of this Act.

(2) **STUDY.**—

(A) **IN GENERAL.**—The Comptroller General of the United States shall conduct a study of the 18.4-cent reduction of taxes under this Act to determine whether there has been a passthrough of such reduction and what benefits have accrued, directly or indirectly, to consumers as a result of the gas tax reduction.

(B) **REPORT.**—Not later than March 30, 2001, the Comptroller General of the United States shall report to the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives the results of the study conducted under subparagraph (A).

WYDEN AMENDMENT NO. 3616

(Ordered to lie on the table.)

Mr. WYDEN submitted an amendment intended to be proposed by him to the bill, H.R. 4577, supra; as follows:

On page 33, line 16, strike the period and insert the following: “: *Provided further*, That the Director of the National Institutes of Health shall ensure, with respect to funds appropriated under this Act, that—

“(1) an entity that receives a grant or contract, made available with the appropriated

funds by the National Institutes of Health, to conduct research shall provide the Director, at intervals of time determined appropriate by the Director, with information relating to—

“(A) any pharmaceutical, pharmaceutical compound or drug delivery mechanism (including biologics and vaccines) approved by the Food and Drug Administration that is manufactured from a technology that—

“(i) is developed, in whole or in part, using the results of such research; and

“(ii) has been licensed, sold or transferred by the grantee or contractor to an organization for manufacturing purposes;

“(B) the utilization of each such technology that has been licensed, sold or transferred to another entity;

“(C) the amount of royalties, other payments, or other forms of reimbursement collected by the grantee or contractor with respect to the license, sale or transfer of each such technology; and

“(D) the aggregate amount of the specific grants or contracts that were used in the development of such transferred technology.

“(2) an annual report is prepared and submitted to the appropriate committees of Congress that contains a summary of the information provided to the Director under paragraph (1) for the period for which the report is being prepared;

“(3)(A) as a condition of receiving a grant or contract from the National Institutes of Health to conduct research, an entity shall provide assurances to the Director that such entity will, as a part of any agreement that is entered into by the entity to license, sell, or transfer any technology that is developed, in whole or in part, using the results of such research, require the repayment by the licensee, purchaser, or transferee (or the entity if the entity is using the technology in a manner described in this subparagraph) to the Director of an amount (determined under subparagraph (B)) of the funds made available through the grants or contracts as reported by the entity under paragraph (1)(D), if the licensee, purchaser, or transferee uses the technology to manufacture a pharmaceutical, pharmaceutical compound, or drug delivery mechanism (including biologics and vaccines) that is approved by the Food and Drug Administration;

“(B) the amount of the funds made available through the grant or contract to be repaid under subparagraph (A) shall be determined according to a fee schedule that—

“(i) is established by the Director; and

“(ii) shall ensure that—

“(I) the amount is based on a percentage of the net sales of the pharmaceutical, pharmaceutical compound, or drug delivery mechanism (including biologics and vaccines) that is referred to in subparagraph (A); and

“(II) the aggregate amount is limited to the aggregate amount of the funds made available through the grants or contracts involved; and

“(C) the amount described in subparagraph (B) shall be repaid to the Director, who shall deposit any such amount in an account and distribute funds from the account to the various offices of the National Institutes of Health for research conducted by the various offices, according to the scientific merit presented by the research projects involved; and

“(4)(A) with respect to an entity that is required to repay funds under paragraph (3), if the net sales of the pharmaceutical, pharmaceutical compound, or drug delivery mechanism (including biologics and vaccines) involved exceed \$500,000,000 (or the increased or decreased amount determined under subparagraph (B)) in any calendar year, the entity shall pay to the Director (as a return on the investment made by the Director through the grant or contract involved) for

such year an amount equal to 1 percent of the amount by which such net sales exceed \$500,000,000 (or such increased or decreased amount) in such year; and

"(B) the \$500,000,000 amount referred to in subparagraph (A) shall be increased or decreased, for each calendar year that ends after December 31, 2000, by the same percentage as the percentage by which the Consumer Price Index for All Urban Consumers (United States city average), published by the Bureau of Labor Statistics, for September of the preceding calendar year has increased or decreased from the Index for September of 2000."

ZIMBABWE DEMOCRACY ACT OF 2000

FRIST AMENDMENT NO. 3617

Mr. COVERDELL (for Mr. FRIST) proposed an amendment to the bill (S. 2677) to restrict assistance until certain conditions are satisfied and to support democratic and economic transition in Zimbabwe; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Zimbabwe Democracy Act of 2000".

SEC. 2. FINDINGS AND POLICY.

(1) FINDINGS.—Congress finds as follows:

(1) Deliberate and systematic violence, intimidation, and killings have been orchestrated and supported by the Government of Zimbabwe and the ruling ZANU-PF party against members, sympathizers, and supporters of the democratic opposition, farmers, and employees. The violence has resulted in death, a breakdown in the rule of law, and further collapse of Zimbabwe's economy.

(2) The lawlessness, harassment, violence, intimidation, and killings directed at the opposition and their supporters, farmers and farm employees continues at President Mugabe's explicit and public urging despite two court rulings that the occupations are illegal and must be ended.

(3) The breakdown in the rule of law has jeopardized Zimbabwe's future, including international support for programs which provide land ownership for the large number of poor and landless Zimbabweans, other donor programs, economic stability, and direct investment.

(4) The orchestrated violence and intimidation directed at opposition supporters has created and fostered an environment which seriously compromises the possibility of free and fair elections.

(5) The crisis in Zimbabwe is further exacerbated by the fact that Zimbabwe is spending millions of dollars each month on its involvement in the civil war in the Democratic Republic of Congo. Those resources could finance equitable and transparent land reform, other programs to promote economic growth and alleviate poverty, and programs to combat the spread and effects of the world's highest HIV infection rate.

(b) STATEMENT OF POLICY.—It is therefore the policy of the United States to support the people of Zimbabwe in their struggles to effect peaceful, democratic change, achieve broad-based and equitable economic growth, and restore the rule of law.

SEC. 3. PROHIBITION ON PROVISION OF ASSISTANCE OR DEBT RELIEF.

(a) PROHIBITION ON ASSISTANCE.—Except as provided in subsection (b)—

(1) no United States assistance may be provided for the Government of Zimbabwe;

(2) no indebtedness owed by the Government of Zimbabwe to the United States Government may be canceled or reduced; and

(3) the Secretary of the Treasury shall instruct the United States Executive Director to each international financial institution to oppose and vote against—

(A) any extension by the respective institution of any assistance of any kind to the Government of Zimbabwe, except for assistance to meet basic human needs and for good governance; and

(B) any cancellation or reduction of indebtedness owed by the Government of Zimbabwe to that institution.

(b) CONDITIONS FOR RESTORATION OF ELIGIBILITY FOR ASSISTANCE AND DEBT RELIEF.—The provisions of subsection (a) shall apply until the President certifies to the appropriate congressional committees that—

(1) the rule of law has been restored in Zimbabwe, including respect for ownership and title to property held prior to January 1, 2000, freedom of speech and association, and an end to the lawlessness, violence, and intimidation sponsored, condoned, or tolerated by the Government of Zimbabwe, the ruling party, and their supporters or entities;

(2) Zimbabwe has held parliamentary elections which are widely accepted by the participating parties and the duly elected are free to assume their offices;

(3)(A) Zimbabwe has held a presidential election which is widely accepted by the participating parties and the president-elect is free to assume the duties of the office; or

(B) the government has sufficiently improved the pre-election environment to a degree consistent with accepted international standards for security and freedom of movement and association;

(4) the Government of Zimbabwe has demonstrated a commitment to an equitable, legal, and transparent land reform program which should—

(A) respect existing ownership of and title to property by providing fair, market-based compensation to sellers;

(B) benefit the truly needy and landless;

(C) be based on the principle of ownership and title to all land, including communal areas;

(D) be managed and administered by an independent, nongovernmental body; and

(E) be consistent with agreements reached at the International Donors' Conference on Land Reform and Resettlement in Zimbabwe held in Harare in September, 1998;

(5) the Government of Zimbabwe is making a good faith effort to fulfill the terms of the Lusaka agreement on ending the war in the Democratic Republic of Congo; and

(6) the Zimbabwean Armed Forces and the National Police of Zimbabwe are responsible to and serve the elected civilian government.

(c) UNITED STATES ASSISTANCE DEFINED.—

(1) IN GENERAL.—Except as provided in paragraph (2), in this section, the term "United States assistance" means—

(A) any assistance under the Foreign Assistance Act of 1961 (excluding programs under title IV of chapter 2 of part I, relating to the Overseas Private Investment Corporation);

(B) sales, or financing on any terms, under the Arms Export Control Act;

(C) the licensing of exports under section 38 of the Arms Export Control Act; and

(D) the provision of agricultural commodities, other than food, under the Agricultural Trade Development and Assistance Act of 1954.

(2) EXCEPTIONS.—The term "United States assistance" does not include—

(A) humanitarian assistance, including food, medicine, medical supplies;

(B) health assistance, including health assistance for the prevention, treatment, and

control of HIV/AIDS and other infectious diseases;

(C) support for democratic governance and the rule of law;

(D) support for land reform programs consistent with subsection (b)(4);

(E) support for conservation programs; and

(F) support for de-mining programs.

(d) WAIVER.—The President may waive the provisions of subsection (a) if he determines that it is in the national interest of the United States to do so.

SEC. 4. SUPPORT FOR DEMOCRATIC INSTITUTIONS AND THE RULE OF LAW.

(a) ASSISTANCE FOR LEGAL EXPENSES.—As one component of a comprehensive approach towards supporting democratic institutions and the rule of law in Zimbabwe, the President is authorized to use funds appropriated to carry out the provisions of part I and chapter 4 of part II of the Foreign Assistance Act of 1961 to finance the legal and related expenses of—

(1) individuals and democratic institutions challenging restrictions to free speech and association in Zimbabwe, including challenges to licensing fees, restrictions, and other charges and penalties imposed on the media or on individuals exercising their right of free speech and association;

(2) individuals and democratic institutions and organizations challenging electoral outcomes or restrictions to their pursuit of elective office or democratic reforms, including fees or other costs imposed by the Government on those individuals or institutions; and

(3) individuals who are the victims of torture or otherwise victimized by political violence.

(b) AUTHORITY FOR RADIO BROADCASTING.—

(1) IN GENERAL.—The Broadcasting Board of Governors shall further the communication of information and ideas through the increased use of radio broadcasting to Zimbabwe to ensure that radio broadcasting to that country serves as a consistently reliable and authoritative source of accurate, objective and comprehensive news.

(2) TERMINATION.—The authority of this subsection shall terminate upon a certification by the President under section 3(b) that the conditions specified in that section have been satisfied.

(c) ASSISTANCE FOR DEMOCRACY TRAINING.—During fiscal year 2001, the President is authorized to use not less than \$6,000,000 of the funds made available to carry out the provisions of part I and chapter 4 of part II of the Foreign Assistance Act of 1961 for democracy and governance programs in Zimbabwe.

(d) ELECTION OBSERVERS.—It is the sense of Congress that the President should provide support, including through the National Endowment for Democracy, for international election observers to the Zimbabwean parliamentary elections in 2000 and the presidential election scheduled for 2002, including assessments of the pre-electoral environment in each case and the electoral laws of Zimbabwe.

SEC. 5. SUPPORT FOR DEMOCRATIC TRANSITION AND ECONOMIC RECOVERY.

Upon the certification made by the President under section 3(b)—

(1) up to \$16,000,000 of funds appropriated to carry out the provisions of chapter 4 of part II of the Foreign Assistance Act of 1961, is authorized to be made available, notwithstanding any other provision of law, for support for alternative schemes under the Inception Phase of the Land Reform and Resettlement Program, including costs related to acquisition of land and resettlement, meeting the standards in section 3(b)(4); and

(2) the Secretary of the Treasury shall—

(A) undertake a review of the feasibility of restructuring, rescheduling, or eliminating

the sovereign debt of Zimbabwe held by any agency of the United States Government;

(B) direct the United States Executive Director of each international financial institution to which the United States is a member to propose that such institution undertake a review of the feasibility of restructuring, rescheduling, or eliminating the sovereign debt of Zimbabwe held by that institution; and

(C) direct the United States Executive Director of each international financial institution to which the United States is a member to propose to undertake financial and technical support for Zimbabwe, especially that intended to promote Zimbabwe's economic recovery and development, the stabilization of the Zimbabwean dollar, and the viability of Zimbabwe's democratic institutions; and

(3) there shall be established a Southern Africa Finance Center located in Zimbabwe that will co-locate regional offices of the Overseas Private Investment Corporation, the Export-Import Bank of the United States, and the Trade and Development Agency for the purpose of facilitating the development of commercial projects in Zimbabwe and the southern Africa region.

SUPPORTING THE GOALS AND IDEALS OF THE OLYMPICS

CAMPBELL AMENDMENT NO. 3618

Mr. ROBERTS (for Mr. CAMPBELL) proposed an amendment to the preamble accompanying the resolution (S. Res. 254) supporting the goals and ideals of the Olympics; as follows:

In the preamble, in the tenth whereas clause, insert “, 2000” after “June 23”.

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

HUTCHISON AMENDMENT NO. 3619

Mrs. HUTCHISON proposed an amendment to the bill, H.R. 4577, supra; as follows:

On page 59, line 12, before the period insert the following: “: *Provided further*, That funds made available under this heading to carry out section 6301(b) of the Elementary and Secondary Education Act of 1965 shall be available for education reform projects that provide same gender schools and classrooms, consistent with applicable law”.

THE CALENDAR

Mr. COVERDELL. Mr. President, I ask unanimous consent that the Senate proceed to the consideration, en bloc, of the following, reported by the Governmental Affairs Committee:

H.R. 642, Calendar 612;
H.R. 643, Calendar 613;
H.R. 1666, Calendar 614;
H.R. 2307, Calendar 615;
H.R. 2357, Calendar 616;
H.R. 2460, Calendar 617;
H.R. 2591, Calendar 618;
H.R. 2952, Calendar 619;
H.R. 3018, Calendar 620;
H.R. 3699, Calendar 621;
H.R. 3701, Calendar 622;

H.R. 4241, Calendar 623;
And, S. 2043, Calendar 624.

There being no objection, the Senate proceeded to consider the bills.

Mr. COVERDELL. Mr. President, I ask unanimous consent that the bills be read a third time and passed, the motions to reconsider be laid upon the table, and that any statements relating to any of these bills be printed in the RECORD, with the above occurring en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered.

MERVYN MALCOLM DYMALLY POST OFFICE BUILDING

The bill (H.R. 642) to redesignate the Federal building located at 701 South Santa Fe Avenue in Compton, California, and known as the Compton Main Post Office, as the “Mervyn Malcolm Dymally Post Office Building” was considered, read a third time, and passed.

AUGUSTUS F. HAWKINS POST OFFICE BUILDING

The bill (H.R. 643) to redesignate the Federal building located at 10301 South Compton Avenue, in Los Angeles, California, and known as the Watts Finance Office, as the “Augustus F. Hawkins Post Office Building” was considered, read a third time, and passed.

CAPTAIN COLIN P. KELLY, JR., POST OFFICE BUILDING

The bill (H.R. 1666) to designate the facility of the United States Postal Service at 200 East Pinckney Street in Madison, Florida, as the “Captain Colin P. Kelly, Jr. Post Office” was considered, read a third time, and passed.

THOMAS J. BROWN POST OFFICE BUILDING

The bill (H.R. 2307) to designate the building of the United States Postal Service located at 5 Cedar Street in Hopkinton, Massachusetts, as the “Thomas J. Brown Post Office Building” was considered, read a third time, and passed.

LOUISE STOKES POST OFFICE

The bill (H.R. 2357) to designate the United States Post Office located at 3675 Warrensville Center Road in Shaker Heights, Ohio, as the “Louise Stokes Post Office” was considered, read a third time, and passed.

JAY HANNA “DIZZY” DEAN POST OFFICE

The bill (H.R. 2460) to designate the United States Post Office located at 125 Border Avenue West in Wiggins, Mississippi, as the “Jay Hanna ‘Dizzy’ Dean Post Office” was considered, read a third time, and passed.

WILLIAM H. AVERY POST OFFICE

The bill (H.R. 2591) to designate the United States Post Office located at 713 Elm Street in Wakefield, Kansas, as the “William H. Avery Post Office” was considered, read a third time, and passed.

KEITH D. OGLESBY STATION

The bill (H.R. 2952) to redesignate the facility of the United States Postal Service located at 100 Orchard Park Drive in Greenville, South Carolina, as the “Keith D. Oglesby Station” was considered, read a third time, and passed.

LAYFORD R. JOHNSON POST OFFICE

RICHARD E. FIELDS POST OFFICE

MARYBELLE H. HOWE POST OFFICE

MAMIE G. FLOYD POST OFFICE

The bill (H.R. 3018) to designate certain facilities of the United States Postal Service in South Carolina was considered, read a third time, and passed.

Mr. THURMOND. Mr. President, I would like to take this opportunity today to pay tribute to the late Keith Oglesby, who is being honored today through the passage of H.R. 2952, which redesignates the facility of the United States Postal Service located at 100 Orchard Park Drive in Greenville, South Carolina, as the “Keith D. Oglesby Station.”

Mr. Keith Oglesby deserves this honor which this legislation bestows. The tragic and unexpected death of Mr. Oglesby last year shocked and saddened the community of Greenville. Postal employees, his peers, and customers have requested that Mr. Oglesby be remembered in the Greenville community by the designation of this U.S. Post Office in his name. I believe that this legislation honors his life as a public servant for his community and State.

Mr. Oglesby contributed much to the improvement of the Greenville community and the State of South Carolina. He was the Postmaster of Greenville County for six years. During his lifetime and posthumously, he was awarded twice the Postal Service's top public relations honor, the Benjamin Award, given in recognition of community outreach accomplishments.

Among his many community service activities, Mr. Oglesby hosted the First Day of Issue ceremonies for the Organ & Tissue Donation Stamp. He volunteered with the Salvation Army, the March of Dimes Walk America, and the American Cancer Society Relay for Life. He was a tireless worker and community activist. He was also honored

as Volunteer of the Year in 1997 by the Greenville Family Partnership (an organization which aims to keep children safe and drug free).

I believe that Mr. Keith Oglesby deserves this honor which this legislation bestows as he was a public servant who will always be remembered in his community and the State of South Carolina where he honorably lived and served.

Mr. President, I also note today the passage of H.R. 3018, which designates various Postal facilities in South Carolina. These facilities are the United States Post Office located at 301 Main Street in Eastover, South Carolina, as the "Layford R. Johnson Post Office"; the United States Post Office located at 78 Sycamore Street in Charleston, South Carolina, as the "Richard E. Fields Post Office"; the United States Post Office located at 557 East Bay Street in Charleston South Carolina, as the "Marybelle Howe Post Office"; and the United States Post Office located at 4026 Lamar Street in (the Eau Claire community of) Columbia, South Carolina, as the "Mamie G. Floyd Post Office." These individuals have made enormous contributions to their communities and states and deserve to be recognized by having a postal facility named in their honor.

I thank the Senate for its support of these measures.

JOEL T. BROYHILL POST OFFICE

The bill (H.R. 3699) to designate the facility of the United States Postal Service located at 8409 Lee Highway in Merrifield, Virginia, as the "Joel T. Broyhill Postal Building" was considered, read a third time, and passed.

JOSEPH L. FISHER POST OFFICE BUILDING

The bill (H.R. 3701) to designate the facility of the United States Postal Service located at 3118 Washington Boulevard in Arlington, Virginia, as the "Joseph L. Fisher Post Office Building" was considered, read a third time, and passed.

LES ASPIN POST OFFICE BUILDING

The bill (H.R. 4241) to designate the facility of the United States Postal Service located at 1818 Milton Avenue in Janesville, Wisconsin, as the "Les Aspin Post Office Building" was considered, read a third time, and passed.

HECTOR G. GODINEZ POST OFFICE BUILDING

The bill (S. 2043) was considered read a third time, and passed.

The bill (S. 2043) reads as follows:
S. 2043

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

SECTION 1. DESIGNATION OF HECTOR G. GODINEZ POST OFFICE BUILDING.

The United States Post Office building located at 3101 West Sunflower Avenue in Santa Ana, California, shall be known and designated as the "Hector G. Godinez Post Office Building".

SEC. 2. REFERENCES.

Any reference in a law, regulation, map, document, paper, or other record of the United States to the United States Post Office building referred to in section 1 shall be deemed to be a reference to the "Hector G. Godinez Post Office Building".

MEASURE TO BE PLACED ON THE CALENDAR—S. 2508

Mr. COVERDELL. Mr. President, I ask unanimous consent that at such time as the Committee on Indian Affairs reports S. 2508, a bill to amend the Colorado Ute Indian Water Rights Settlement Act of 1988 to provide for a final settlement of the claims of the Colorado Ute Indian tribes, and for other purposes, the measure be referred to the Committee on Energy and Natural Resources for a period not to exceed 30 calendar days, and that if the Committee on Energy and Natural Resources has not reported the measure prior to the expiration of the 30-calendar-day period, the Energy Committee be discharged from further consideration of the measure, and that the measure be placed on the calendar.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXPANSION OF PAYMENTS OF REWARDS PROGRAM TO INCLUDE RWANDA

Mr. COVERDELL. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar 588, S. 2460.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 2460) to authorize the payments of rewards to individuals furnishing information relating to persons subject to indictment for serious violations of international humanitarian law in Rwanda, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. COVERDELL. Mr. President, I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid upon the table, and any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 2460) was read the third time, and passed as follows:

S. 2460

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

SECTION 1. EXPANSION OF REWARDS PROGRAM TO INCLUDE RWANDA.

Section 102 of the Act of October 30, 1998 (Public Law 105-323) is amended—

(1) in the section heading, by inserting "OR RWANDA" after "YUGOSLAVIA";

(2) in subsection (a)(2), by inserting "or the International Criminal Tribunal for Rwanda" after "Yugoslavia"; and

(3) in subsection (c)—

(A) by inserting "(1)" immediately after "REFERENCE.—"; and

(B) by adding at the end the following:

"(2) For the purposes of subsection (a), the statute of the International Criminal Tribunal for Rwanda means the statute contained in the annex to Security Council Resolution 955 of November 8, 1994."

ZIMBABWE DEMOCRACY ACT OF 2000

Mr. COVERDELL. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar 589, S. 2677.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 2677) to restrict assistance until certain conditions are satisfied and to support democratic and economic transition in Zimbabwe.

There being no objection, the Senate proceeded to the consideration of the bill.

AMENDMENT NO. 3617

(Purpose: To restrict assistance until certain conditions are satisfied and to support democratic and economic transition in Zimbabwe)

Mr. COVERDELL. Mr. President, Senator FRIST has a substitute amendment at the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Georgia (Mr. COVERDELL), for Mr. FRIST, Mr. FEINGOLD, and Mr. HELMS, proposes an amendment numbered 3617.

(The text of the amendment is printed in today's RECORD under "Amendments Submitted.")

Mr. FRIST. Mr. President, it is my understanding that USAID obligates most of its money for Zimbabwe through agreements with the Government of Zimbabwe. Notwithstanding this obligation procedure, it is my intention that the prohibition on assistance for the Government of Zimbabwe not cut off all assistance to Zimbabwe but only that assistance that would otherwise have been provided for the benefit of the government. Under the limitation contained in my amendment, assistance provided through non-governmental organizations may continue, even though the initial obligation of funds may have been with the government. Such assistance may only marginally benefit the government through, for example, the necessary use of providing assistance to the people of Zimbabwe. This has particular relevance to microenterprise programs which, I believe, would not be affected by the limitations in my amendment.

Mr. COVERDELL. Mr. President, I ask unanimous consent that the amendment be agreed to, the bill be read a third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 3617) was agreed to.

The bill (S. 2677), as amended, was read the third time and passed as follows:

S. 2677

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 "Zimbabwe Democracy Act of 2000".

SEC. 2. FINDINGS AND POLICY.

(a) FINDINGS.—Congress finds as follows:

(1) Deliberate and systematic violence, intimidation, and killings have been orchestrated and supported by the Government of Zimbabwe and the ruling ZANU-PF party against members, sympathizers, and supporters of the democratic opposition, farmers, and employees. The violence has resulted in death, a breakdown in the rule of law, and further collapse of Zimbabwe's economy.

(2) The lawlessness, harassment, violence, intimidation, and killings directed at the opposition and their supporters, farmers and farm employees continues at President Mugabe's explicit and public urging despite two court rulings that the occupations are illegal and must be ended.

(3) The breakdown in the rule of law has jeopardized Zimbabwe's future, including international support for programs which provide land ownership for the large number of poor and landless Zimbabweans, other donor programs, economic stability, and direct investment.

(4) The orchestrated violence and intimidation directed at opposition supporters has created and fostered an environment which seriously compromises the possibility of free and fair elections.

(5) The crisis in Zimbabwe is further exacerbated by the fact that Zimbabwe is spending millions of dollars each month on its involvement in the civil war in the Democratic Republic of Congo. Those resources could finance equitable and transparent land reform, other programs to promote economic growth and alleviate poverty, and programs to combat the spread and effects of the world's highest HIV infection rate.

(b) STATEMENT OF POLICY.—It is therefore the policy of the United States to support the people of Zimbabwe in their struggles to effect peaceful, democratic change, achieve broad-based and equitable economic growth, and restore the rule of law.

SEC. 3. PROHIBITION ON PROVISION OF ASSISTANCE OR DEBT RELIEF.

(a) PROHIBITION ON ASSISTANCE.—Except as provided in subsection (b)—

(1) no United States assistance may be provided for the Government of Zimbabwe;

(2) no indebtedness owed by the Government of Zimbabwe to the United States Government may be canceled or reduced; and

(3) the Secretary of the Treasury shall instruct the United States Executive Director to each international financial institution to oppose and vote against—

(A) any extension by the respective institution of any assistance of any kind to the Government of Zimbabwe, except for assistance to meet basic human needs and for good governance; and

(B) any cancellation or reduction of indebtedness owed by the Government of Zimbabwe to that institution.

(b) CONDITIONS FOR RESTORATION OF ELIGIBILITY FOR ASSISTANCE AND DEBT RELIEF.—The provisions of subsection (a) shall apply until the President certifies to the appropriate congressional committees that—

(1) the rule of law has been restored in Zimbabwe, including respect for ownership

and title to property held prior to January 1, 2000, freedom of speech and association, and an end to the lawlessness, violence, and intimidation sponsored, condoned, or tolerated by the Government of Zimbabwe, the ruling party, and their supporters or entities;

(2) Zimbabwe has held parliamentary elections which are widely accepted by the participating parties and the duly elected are free to assume their offices;

(3)(A) Zimbabwe has held a presidential election which is widely accepted by the participating parties and the president-elect is free to assume the duties of the office; or

(B) the government has sufficiently improved the pre-election environment to a degree consistent with accepted international standards for security and freedom of movement and association;

(4) the Government of Zimbabwe has demonstrated a commitment to an equitable, legal, and transparent land reform program which should—

(A) respect existing ownership of and title to property by providing fair, market-based compensation to sellers;

(B) benefit the truly needy and landless;

(C) be based on the principle of ownership and title to all land, including communal areas;

(D) be managed and administered by an independent, nongovernmental body; and

(E) be consistent with agreements reached at the International Donors' Conference on Land Reform and Resettlement in Zimbabwe held in Harare in September, 1998;

(5) the Government of Zimbabwe is making a good faith effort to fulfill the terms of the Lusaka agreement on ending the war in the Democratic Republic of Congo; and

(6) the Zimbabwean Armed Forces and the National Police of Zimbabwe are responsible to and serve the elected civilian government.

(c) UNITED STATES ASSISTANCE DEFINED.—

(1) IN GENERAL.—Except as provided in paragraph (2), in this section, the term "United States assistance" means—

(A) any assistance under the Foreign Assistance Act of 1961 (excluding programs under title IV of chapter 2 of part I, relating to the Overseas Private Investment Corporation);

(B) sales, or financing on any terms, under the Arms Export Control Act;

(C) the licensing of exports under section 38 of the Arms Export Control Act; and

(D) the provision of agricultural commodities, other than food, under the Agricultural Trade Development and Assistance Act of 1954.

(2) EXCEPTIONS.—The term "United States assistance" does not include—

(A) humanitarian assistance, including food, medicine, medical supplies;

(B) health assistance, including health assistance for the prevention, treatment, and control of HIV/AIDS and other infectious diseases;

(C) support for democratic governance and the rule of law;

(D) support for land reform programs consistent with subsection (b)(4);

(E) support for conservation programs; and

(F) support for de-mining programs.

(d) WAIVER.—The President may waive the provisions of subsection (a) if he determines that it is in the national interest of the United States to do so.

SEC. 4. SUPPORT FOR DEMOCRATIC INSTITUTIONS AND THE RULE OF LAW.

(a) ASSISTANCE FOR LEGAL EXPENSES.—As one component of a comprehensive approach towards supporting democratic institutions and the rule of law in Zimbabwe, the President is authorized to use funds appropriated to carry out the provisions of part I and chapter 4 of part II of the Foreign Assistance Act of 1961 to finance the legal and related expenses of—

(1) individuals and democratic institutions challenging restrictions to free speech and association in Zimbabwe, including challenges to licensing fees, restrictions, and other charges and penalties imposed on the media or on individuals exercising their right of free speech and association;

(2) individuals and democratic institutions and organizations challenging electoral outcomes or restrictions to their pursuit of elective office or democratic reforms, including fees or other costs imposed by the Government on those individuals or institutions; and

(3) individuals who are the victims of torture or otherwise victimized by political violence.

(b) AUTHORITY FOR RADIO BROADCASTING.—

(1) IN GENERAL.—The Broadcasting Board of Governors shall further the communication of information and ideas through the increased use of radio broadcasting to Zimbabwe to ensure that radio broadcasting to that country serves as a consistently reliable and authoritative source of accurate, objective and comprehensive news.

(2) TERMINATION.—The authority of this subsection shall terminate upon a certification by the President under section 3(b) that the conditions specified in that section have been satisfied.

(c) ASSISTANCE FOR DEMOCRACY TRAINING.—During fiscal year 2001, the President is authorized to use not less than \$6,000,000 of the funds made available to carry out the provisions of part I and chapter 4 of part II of the Foreign Assistance Act of 1961 for democracy and governance programs in Zimbabwe.

(d) ELECTION OBSERVERS.—It is the sense of Congress that the President should provide support, including through the National Endowment for Democracy, for international election observers to the Zimbabwean parliamentary elections in 2000 and the presidential election scheduled for 2002, including assessments, of the pre-electoral environment in each case and the electoral laws of Zimbabwe.

SEC. 5. SUPPORT FOR DEMOCRATIC TRANSITION AND ECONOMIC RECOVERY.

Upon the certification made by the President under section 3(b)—

(1) up to \$16,000,000 of funds appropriated to carry out the provisions of chapter 4 of part II of the Foreign Assistance Act of 1961, is authorized to be made available, notwithstanding any other provision of law, for support for alternative schemes under the Inception Phase of the Land Reform and Resettlement Program, including costs related to acquisition of land and resettlement, meeting the standards in section 3(b)(4); and

(2) the Secretary of the Treasury shall—

(A) undertake a review of the feasibility of restructuring, rescheduling, or eliminating the sovereign debt of Zimbabwe held by any agency of the United States Government;

(B) direct the United States Executive Director of each international financial institution to which the United States is a member to propose that such institution undertake a review of the feasibility of restructuring, rescheduling, or eliminating the sovereign debt of Zimbabwe held by that institution; and

(C) direct the United States Executive Director of each international financial institution to which the United States is a member to propose to undertake financial and technical support for Zimbabwe, especially that intended to promote Zimbabwe's economic recovery and development, the stabilization of the Zimbabwean dollar, and the viability of Zimbabwe's democratic institutions; and

(3) there shall be established a Southern Africa Finance Center located in Zimbabwe that will co-locate regional offices of the

Overseas Private Investment Corporation, the Export-Import Bank of the United States, and the Trade and Development Agency for the purpose of facilitating the development of commercial projects in Zimbabwe and the southern Africa region.

INSTITUTE FOR MEDIA DEVELOPMENT'S VOICE OF AMERICA

Mr. COVERDELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar 590, S. 2682.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 2682) to authorize the Broadcasting Board of Governors to make available to the Institute for Media Development certain materials of the Voice of America.

There being no objection, the Senate proceeded to consider the bill.

Mr. COVERDELL. Mr. President, I ask unanimous consent that the bill be read three times and passed, the motion to reconsider be laid upon the table, and any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 2682) was read the third time and passed as follows:

S. 2682

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

SECTION 1. AVAILABILITY OF CERTAIN MATERIALS OF THE VOICE OF AMERICA.

(a) AUTHORITY.—

(1) IN GENERAL.—Subject to the provisions of this Act, the Broadcasting Board of Governors (in this Act referred to as the "Board") is authorized to make available to the Institute for Media Development (in this Act referred to as the "Institute"), at the request of the Institute, previously broadcast audio and video materials produced by the Africa Division of the Voice of America.

(2) DEPOSIT OF MATERIALS.—Upon the request of the Institute and the approval of the Board, materials made available under paragraph (1) may be deposited with the University of California, Los Angeles, or such other appropriate institution of higher education (as defined in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a)) that is approved by the Board for such purpose.

(3) SUPERSEDES EXISTING LAW.—Materials made available under paragraph (1) may be provided notwithstanding section 501 of the United States Information and Educational Exchange Act of 1948 (22 U.S.C. 1461) and section 208 of the Foreign Relations Authorization Act, Fiscal Years 1986 and 1987 (22 U.S.C. 1461-1a).

(b) LIMITATIONS.—

(1) AUTHORIZED PURPOSES.—Materials made available under this Act shall be used only for academic and research purposes and may not be used for public or commercial broadcast purposes.

(2) PRIOR AGREEMENT REQUIRED.—Before making available materials under subsection (a)(1), the Board shall enter into an agreement with the Institute providing for—

(A) reimbursement of the Board for any expenses involved in making such materials available;

(B) the establishment of guidelines by the Institute for the archiving and use of the materials to ensure that copyrighted works contained in those materials will not be used

in a manner that would violate the copyright laws of the United States (including international copyright conventions to which the United States is a party);

(C) the indemnification of the United States by the Institute in the event that any use of the materials results in violation of the copyright laws of the United States (including international copyright conventions to which the United States is a party);

(D) the authority of the Board to terminate the agreement if the provisions of paragraph (1) are violated; and

(E) any other terms and conditions relating to the materials that the Board considers appropriate.

(c) CREDITING OF REIMBURSEMENTS TO BOARD APPROPRIATIONS ACCOUNT.—Any reimbursement of the Board under subsection (b) shall be deposited as an offsetting collection to the currently applicable appropriation account of the Board.

SEC. 2. TERMINATION OF AUTHORITY.

The authority provided under this Act shall cease to have effect on the date that is 5 years after the date of enactment of this Act.

COMMENDING THE REPUBLIC OF SLOVENIA FOR PARTNERSHIP WITH THE UNITED STATES AND NATO AND EXPRESSING SENSE OF CONGRESS ON SLOVENIA'S ACCESSION TO NATO

Mr. COVERDELL. I ask unanimous consent that the Senate now proceed to the immediate consideration of Calendar No. 591, S. Con. Res. 117.

The PRESIDING OFFICER. The clerk will report the concurrent resolution by title.

The legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 117) commending the Republic of Slovenia for its partnership with the United States and NATO, and expressing the sense of Congress that Slovenia's accession to NATO would enhance NATO's security, and for other purposes.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. COVERDELL. I ask unanimous consent that the concurrent resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and any statements relating to this resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Con. Res. 117) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. CON. RES. 117

Whereas on June 25, 1991, the Republic of Slovenia declared its independence;

Whereas on December 23, 1991, the Parliament of the Republic of Slovenia adopted the State's new constitution based on the values of human rights, market economy, rule of law, and democracy;

Whereas on April 7, 1992, the United States formally recognized the Republic of Slovenia;

Whereas, since its independence, Slovenia has demonstrated an excellent record on human rights;

Whereas Slovenia has developed a successful and growing market economy and enjoys

the highest per capita gross domestic product in Central and Eastern Europe;

Whereas the European Union has recognized Slovenia's economic prosperity and the strength of its democracy by initiating accession negotiations with Slovenia as well as by putting into effect Slovenia's Association Agreement with the European Union;

Whereas Slovenia has demonstrated its commitment to bring peace, security, stability, democracy, and economic prosperity to Southeastern Europe through its membership in NATO's Partnership for Peace, the Central European Initiative, the Central European Free Trade Association (CEFTA), and the Stability Pact for Southeast Europe;

Whereas Slovenia has been an active contributor to peace support operations around the world, including the NATO Stabilization Force in Bosnia and Herzegovina, NATO's Kosovo Force, and United Nations peacekeeping operations in Cyprus and Lebanon;

Whereas Slovenia made invaluable contributions to NATO's Operation ALLIED FORCE by providing NATO access and use of its airspace and ground transportation systems and by assisting the NATO efforts to provide Albanian humanitarian relief during the air campaign against Yugoslavia;

Whereas Slovenia has contributed financial and humanitarian aid to the assistance effort in Kosovo, including refuge for more than 3500 people who had fled the region as a consequence of the violence that occurred in Kosovo;

Whereas Slovenia promotes regional cooperation through its contributions to the Trilateral Multinational Land Force, a multinational brigade established with Italy and Hungary;

Whereas Slovenia, a leader in the effort to remove land mines from the war-torn regions of the former Republic of Yugoslavia, established the highly effective International Trust Fund for Demining and Mine Victims Assistance; and

Whereas the NATO Enlargement Facilitation Act of 1996, passed by the Senate on July 25, 1996, identified Slovenia, along with Poland, Hungary, and the Czech Republic, as being among the NATO applicant states most prepared for the burdens and responsibilities of NATO membership: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That (a) it is the policy of the United States to—

(1) support the integration of the Republic of Slovenia into transatlantic and European political, economic, and security institutions, including the North Atlantic Treaty Organization and the European Union; and

(2) continue and further reinforce the partnership between the United States and Slovenia, particularly their joint efforts to bring lasting peace and stability to all of Europe.

(b) It is the sense of Congress that—

(1) the Republic of Slovenia is to be commended for—

(A) its commitment to democratic principles, human rights, and rule of law;

(B) its transition from a communist, centrally planned economic system to a thriving free market economy; and

(C) its partnership with the United States and NATO during the recent conflicts that have undermined peace and stability in Southeastern Europe; and

(2) the accession of the Republic of Slovenia to full membership in transatlantic and European institutions would be an important step toward a Europe that is undivided, whole and free.

60TH ANNIVERSARY OF SOVIET EXECUTION

Mr. COVERDELL. I ask unanimous consent that the Senate now proceed to the immediate consideration of Calendar 592, S. Con. Res. 118.

The PRESIDING OFFICER. The clerk will report the concurrent resolution by title.

The legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 118) commemorating the 60th anniversary of the execution of the Polish captives by Soviet authorities in April and May 1940.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. COVERDELL. I ask unanimous consent that the concurrent resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and any statements relating to this resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Con. Res. 118) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. CON. RES. 118

Whereas 60 years ago, between April 3 and the end of May 1940, more than 22,000 Polish military officers, police officers, judges, other government officials, and civilians were executed by the Soviet secret police, the NKVD;

Whereas Joseph Stalin and other leaders of the Soviet Union, following meeting of the Soviet Politburo on March 5, 1940, signed the decision to execute these Polish captives;

Whereas 14,537 of these Polish victims have been documented at 3 sites, 4,406 in Katyn (now in Belarus), 6,311 in Miednoye (now in Russia), and 3,820 in Kharkiv (now in Ukraine);

Whereas the fate of approximately 7,000 other victims remains unknown and their graves together with the graves of other victims of communism, are scattered around the territory of the former Soviet Union and are now impossible to locate precisely;

Whereas on April 13, 1943, the German army announced the discovery of the massive graves in the Katyn Forest, when that area was under Nazi occupation;

Whereas on April 15, 1943, the Soviet Information Bureau disavowed the executions and attempted to cover up the Soviet Union's responsibility for these executions by declaring that these Polish captives had been engaged in construction work west of Smolensk and had fallen into the hands of the Germans, who executed them;

Whereas on April 28-30, 1943, an international commission of 12 medical experts visited Katyn at the invitation of the German government and later reported unanimously that the Polish officers had been shot three years earlier when the Smolensk area was under Soviet administration;

Whereas until 1990 the Government of the Soviet Union denied any responsibility for the massacres and claimed to possess no information about the fate of the missing Polish victims;

Whereas on April 13, 1990, Soviet President Mikhail Gorbachev acknowledged the Soviet responsibility for the Katyn executions;

Whereas this admission confirmed the 1951-52 extensive investigation by the United States House of Representatives Select Com-

mittee to Conduct an Investigation and Study of the Facts, Evidence, and Circumstances of the Katyn Forest Massacre and its Final Report (pursuant to House Resolution H.R. 390 and H.R. 539, 82d Congress);

Whereas that committee's final report of December 22, 1952, unanimously concluded that "beyond any question of reasonable doubt, that the Soviet NKVD (People's Commissariat of Internal Affairs) committed the mass murders of the Polish officers and intellectual leaders in the Katyn Forest near Smolensk" and that the Soviet Union "is directly responsible for the Katyn massacre"; and

Whereas that report also concluded that "approximately 15,000 Polish prisoners were interned in three Soviet camps: Kozielsk, Starobielsk, and Ostashkov in the winter of 1939-40" and, "with the exception of 400 prisoners, these men have not been heard from, seen, or found since the spring of 1940": Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That Congress hereby—

(1) remembers and honors those Polish officers, government officials, and civilians who were murdered in April and May 1940 by the NKVD;

(2) recognizes all those scholars, researchers, and writers from Poland, Russia, the United States and, elsewhere and, particularly, those who worked under Soviet and communist domination and who had the courage to tell the truth about the crimes committed at Katyn, Miednoye, and Kharkiv; and

(3) urges all people to remember and honor these and other victims of communism so that such crimes will never be repeated.

COMMENDING REPUBLIC OF CROATIA

Mr. COVERDELL. I ask unanimous consent that the Senate now proceed to the immediate consideration of Calendar 593, House concurrent resolution 251.

The PRESIDING OFFICER. The clerk will report the concurrent resolution by title.

The legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 251) commending the Republic of Croatia for the conduct of its parliamentary and Presidential election.

There being no objection, the Senate proceeded to consider the concurrent resolution, which had been reported from the Committee on Foreign Relations, with an amendment and an amendment to the preamble, as follows:

[The parts of the resolution intended to be stricken are shown in boldface brackets and the parts of the resolution intended to be inserted are shown in italic.]

Whereas the fourth Croatian parliamentary elections, held on January 3, 2000, marked Croatia's progress toward meeting its commitments as a participating state of the Organization on Security and Cooperation in Europe (OSCE) and as a member of the Council of Europe;

Whereas Croatia's third presidential elections were conducted smoothly and professionally and concluded on February 7, 2000, with the [landslide] election of Stipe Mesic as the new President of the Republic of Croatia;

Whereas the free and fair elections in Croatia, and the following peaceful and orderly

transfer of power from the old government to the new, is an example of democracy to the people of other nations in the region and a major contribution to the democratic development of southeastern Europe; and

Whereas the people of Croatia have made clear that they want Croatia to take its rightful place in the family of European democracies and to develop a closer and more constructive relationship with the Euro-Atlantic community of democratic nations: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), [That it is the sense of Congress that—

[(1) the people of the Republic of Croatia are to be congratulated on the successful elections and the outgoing Government of Croatia is to be commended for the democratic standards with which it managed the elections;

[(2) the United States should support the efforts of the new Government of Croatia to increase its work on refugee return, privatization reform, media reform, and further cooperation with the International Criminal Tribunal for Former Yugoslavia (ICTY) to set an example to other countries in the region;

[(3) the Congress strongly supports Croatia's commitment to western democratic standards and will give its full support to the new Government of Croatia to fully implement democratic reforms; and

[(4) the United States continues to promote Croatian-American economic, political, and military relations and recognizes Croatia as a loyal partner in south central Europe.

[(5) taking into consideration Croatia's contributions as a committed partner in the region, the Congress recommends establishing strategic partnership with the Republic of Croatia and supports its membership in the North Atlantic Treaty Organization's Partnership for Peace program and its accession into the World Trade Organization.]

That it is the sense of Congress that—

(1) the people of the Republic of Croatia are to be congratulated on the successful elections and the outgoing Government of Croatia is to be commended for the democratic standards with which it managed the elections;

(2) the United States should support the efforts of the new Government of Croatia to increase its work on refugee return, privatization reform, media reform, and further cooperation with the International Criminal Tribunal for Former Yugoslavia (ICTY) to set an example to other countries in the region;

(3) Congress strongly supports Croatia's commitment to western democratic standards and will give its full support to the new Government of Croatia to fully implement democratic reforms; and

(4) the United States continues to promote Croatian-American economic, political, and military relations and recognizes Croatia as a loyal partner in south central Europe.

Mr. COVERDELL. I ask unanimous consent that the committee amendment be agreed to.

The PRESIDING OFFICER. Without objection, it is so ordered.

The committee amendment was agreed to.

Mr. COVERDELL. I ask unanimous consent that the resolution, as amended, be agreed to, the amendment to the preamble be agreed to, and the motion to reconsider be laid upon the table, and any statements relating to this resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (H. Con. Res. 251), as amended, was agreed to.

The preamble, as amended, was agreed to.

EXPRESSING THE CONDEMNATIONS OF THE CONTINUED EGREGIOUS VIOLATIONS OF HUMAN RIGHTS IN THE REPUBLIC OF BELARUS

Mr. COVERDELL. I ask unanimous consent that the Senate now proceed to the immediate consideration of Calendar 594, House concurrent resolution 304.

The PRESIDING OFFICER. The clerk will report the concurrent resolution by title.

The legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 304) expressing the condemnation of the continued egregious violations of human rights in the Republic of Belarus, the lack of progress toward the establishment of democracy and the rule of law in Belarus, calling on President Alyaksandr Lukashenka's regime to engage in negotiations with the representatives of the opposition and to restore the constitutional rights of the Belarusian people, and calling on the Russian Federation to respect the sovereignty of Belarus.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. COVERDELL. I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon table, and any statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (H. Con. Res. 304) was agreed to.

The preamble was agreed to.

The PRESIDING OFFICER. The distinguished Senator from West Virginia is recognized.

Mr. BYRD. Mr. President, I ask unanimous consent to speak out of order for not to exceed 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE PROPER DECORUM OF THE SENATE

Mr. BYRD. Mr. President, I think it would be appropriate at this moment for me to say that this Presiding Officer, Senator PAT ROBERTS, is one of the best among the Presiding Officers in the Senate today. He pays attention to what is going on on the floor. Even though there may not be much going on, he is alert to what is happening on the floor.

This is the premier upper Chamber in the world today. There are 61 nations in the world that have bicameral legislative bodies today. All the others have unicameral legislative bodies. But the U.S. Senate and the Italian Senate are the only bicameral legislative bodies in the world today in which the upper Chamber is not dominated by the lower Chamber.

It is so important that this Senate be seen as a model, as a Senate in which there is decorum and order, a Senate which reveres the Chair and respects the Chair. This is one reason why I have been, of late, urging the Chair to maintain order in the well of the Senate. Now, 59 Senators out of 100 Senators today came to this body after I was majority leader of the Senate. Almost 60 percent of the Senators here today were not Members of this body when I was last majority leader of the body.

Now, what I look upon as some disorder in the Senate is when Senators get into the well and mill around. It really looks like the floor of the stock exchange, and it does not bring credit upon the Senate. I am sure that many senates throughout the States of this Nation look at this Senate as the model, look at this Senate as the body from which all senates should learn. But I fear that they see just the opposite.

I have been in the State legislature in my own State, and I have been in both houses. I have to say, frankly, that the decorum, the order within the House of Delegates in West Virginia and in the West Virginia Senate is far more to be desired than we find in that U.S. Senate. This is a situation that has really developed only during the last 10 or 12 years. I am sure that as the 59 out of the 100 Senators who came here following my last turn at the wheel as majority leader see this disorder in the Senate, where so many Senators gather in the well and they talk and they laugh and make a great deal of noise, these newest Senators probably believe that is the way it has always been. They may believe that is just normal for the Senate. But it is not.

I cannot imagine Senator Wallace Bennett, Senator George Aiken, Senator Norris Cotton, Senator Everett Dirksen, Senator Richard Russell, Senator Stuart Symington, Senator John Pastore, or Senator Joseph O'Mahoney going into the well. These were the Senators who were in this body when I came here. Senators didn't go down into the well and mill around in those days. Oh, they walked through the well, or they might walk up to the table and ask something about the vote, or they might walk up to the Parliamentarian and make some inquiry; but they didn't gather in the well and carry on long conversations. They sat in their seats. Most of them knew how they were going to vote before they came to the floor. They had already been advised by their staffs or they studied the legislation. So they didn't go into the well. I think that looks bad upon the Senate.

I don't think the Senate sets a good example when we are so oblivious to how the Senate appears to the people who are watching their televisions sets or to the people in the galleries. Hundreds of thousands of people come to Washington every year, and many of

them sit in the Senate galleries and watch the Senate. I wonder what is going through their minds when they see these Senators come in here and gather in the well and carry on loud conversations. How different it is when Senators, upon occasion, sit in their seats. How very impressive it is when the U.S. Senate acts in accordance with the standing orders and rules of the Senate.

It is the duty of the Chair to maintain order in the Senate and, of course, when there is confusion that arises in the galleries, it is the duty of the Chair—without being asked from the floor, without a point of order being made from the floor—to maintain order and decorum in the Senate.

I am trying to get the Senate to think about this and go back to the old ways, wherein Senators voted and then went to their chairs, or they voted from their desks. There is a standing order of the Senate that requires Senators to vote from their desks. I don't intend to be set-jawed about it, and if Senators want to walk through the well to see what it is we are voting on, or if they want to vote from someplace other than their own desks, I have no quarrel with that. But I think they ought to sit down. There are plenty of places where Senators can converse. We can go to the respective Cloakrooms, or we can walk outside the Chamber. So it isn't that Senators are required to avoid speaking to one another in the Chamber. We ought to be conscious that this Senate is the model—or it should be.

I hope Senators will read what I have said. They see me insist on the well's being cleared and they may think I am trying to run the Senate. Of course, I am not. I want people to revere the Senate and respect the Senate. If they respect this body, they will have more respect for the laws that we enact.

Mr. President, I ask unanimous consent that the time I have taken not be charged against my request thus far.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, again, I thank the Senator from Kansas who is a model Presiding Officer, and there are a few others in this body.

HONORING SENATOR DANIEL K. INOUE AS RECIPIENT OF THE CONGRESSIONAL MEDAL OF HONOR

Mr. BYRD. Mr. President, the strength of this Nation lies in its people. Throughout our Nation's history, American men and women have been called upon time and time again to serve the Nation in times of peril. These men and women, at great risk to themselves and without regard to their personal safety, have given their all for their Country. These are the true heroes of America.

We have some of such heroes in this body who have given so very much for their country—Senator MAX CLELAND,

Senator BOB KERREY; there are others. But today I speak of one such American hero, our esteemed colleague, DANIEL INOUE.

Like many others in this body, I have always thought of Senator INOUE as a national hero. I know of his wartime heroics in France and Italy during World War II. I know of how he fought to protect the troops with whom he served, without regard for his own life. Even though gravely wounded, Lieutenant DANIEL INOUE continued to fight, advancing alone against a machine-gun nest that had his men pinned down. I know that, upon returning home, DAN INOUE spent twenty months in Army hospitals after losing his right arm. He came home as a Captain, with a Distinguished Service Cross, a Bronze Star, a Purple Heart with cluster, and twelve other medals and citations.

After receiving his law degree at George Washington University Law School, DANNY broke into politics in 1954 with his election to the Territorial House of Representatives. After Hawaii became a State on August 21, 1959, DANNY INOUE won election to the United States House of Representatives as Hawaii's first Congressman, and was re-elected to a full term in 1960. In 1962, he was elected to represent Hawaii in the United States Senate.

I am proud to say that I am one who voted for statehood on behalf of both Alaska and Hawaii. I believe that I am the only Senator still serving here today who voted for statehood for both of these states. I am very proud of having done that. I believe that I am also one of only three members of today's Senate who were here when DAN INOUE joined this body in 1963.

I have had the pleasure of working with DANNY INOUE on many, many occasions over the years. He is a man of utmost integrity, who works tirelessly on behalf of his constituents and on behalf of the Nation. He is one Senator who was extremely supportive of me during my service as Majority Leader, as Minority Leader, as Chairman of the Appropriations Committee, and now as the Committee's Ranking Member. He is a Senator on whom I have relied for truth, for integrity, for steadfastness, for forthrightness, and as one who is highly dedicated to his work here in the Senate.

DANNY INOUE is a man who is modest about his many accomplishments here in the Senate, as well as his wartime heroics. He is not one to talk much about those things. He is a quiet, self-effacing Senator. But we are all aware of his great service to this Country throughout his adult life.

I am immensely proud of this outstanding American in our midst, and we are deeply moved that, this week, DANNY INOUE was awarded the highest military honor that can be bestowed upon any American citizen—the Congressional Medal of Honor. He has joined the ranks of the six other United States Senators who have received the

Congressional Medal of Honor, namely, Senator Adelbert Ames of Mississippi, Senator Matthew S. Quay of Pennsylvania, Senator William J. Sewell of New Jersey, Senator Francis E. Warren of Wyoming, Senator Henry A. du Pont of Delaware, and Senator J. ROBERT KERREY of Nebraska. Senator INOUE is the only United States Senator in history to receive the Medal of Honor for service in World War II.

A bit of verse comes to mind.

This I beheld, or dreamed it in a dream:
There spread a cloud of dust along a plain;
And underneath the cloud, or in it, raged
A furious battle, and men yelled, and
swords

Shocked upon swords and shields.

A prince's banner
Wavered, then staggered backward,
hemmed by foes.

A craven hung along the battle's edge
And thought, 'Had I a sword of keener
steel—

That blue blade that the king's son bears—
but this

Blunt thing!" He snapt and flung it from
his hand,

And lowering, crept away and left the field.

Then came the king's son, wounded, sore
bestead,

And weaponless, and saw the broken sword,
Hilt-buried in the dry and trodden sand,
And ran and snatched it; and with battle
shout

Lifted afresh, he hewed his enemy down,
And saved a great cause that heroic day.

DANNY INOUE has this same bravery as described of the king's son in Edward Rowland Sill's poem. DANNY INOUE is the kind of man who sees beyond the hilt-buried sword in the dry and trodden sand. He is a man who sees opportunity in the worst of situations, rather than despair. And, seizing every opportunity to advance a good cause, he acts swiftly and courageously to meet adversity head-on.

I thank the Chair again, and express to DANNY INOUE and his lovely wife, on behalf of my wife Erma and me, our congratulations, our best wishes, and our thankfulness to the Almighty for giving us two such wonderful friends—Senator and Mrs. DANIEL INOUE.

I thank the people of Hawaii for repeatedly sending DANNY INOUE to the Senate.

I express this hope, and I am sure DANIEL INOUE would say the same if he were here:

May God, the Almighty Creator, always watch over and keep the Senate of the United States, and may God always bless the United States of America.

Mr. President, I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

The PRESIDING OFFICER. In my capacity as a Senator from Kansas, I ask unanimous consent that the quorum call be dispensed with, and, without objection it is so ordered.

URGING COMPLIANCE WITH THE HAGUE CONVENTION

The PRESIDING OFFICER. In my capacity as a Senator from Kansas, I

request unanimous consent that the Senate proceed to the consideration of H. Con. Res. 293.

The clerk will report the concurrent resolution by title.

The legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 293) urging compliance with the Hague Convention on the Civil Aspects of International Child Abduction.

There being no objection, the Senate proceeded to consider the concurrent resolution.

The PRESIDING OFFICER. In my capacity as a Senator from Kansas, I ask unanimous consent that the concurrent resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and any statements relating to this resolution be printed in the RECORD, and, without objection, it is so ordered.

The resolution (S. Con. Res. 293) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

H. CON. RES. 293

Whereas the Department of State reports that at any given time there are 1,000 open cases of American children either abducted from the United States or wrongfully retained in a foreign country;

Whereas many cases of international child abductions are not reported to the Department of State;

Whereas the situation has worsened since 1993, when Congress estimated the number of American children abducted from the United States and wrongfully retained in foreign countries to be more than 10,000;

Whereas Congress has recognized the gravity of international child abduction in enacting the International Parental Kidnapping Crime Act of 1993 (18 U.S.C. 1204), the Parental Kidnapping Prevention Act (28 U.S.C. 1738a), and substantial reform and reporting requirements for the Department of State in the fiscal years 1998–1999 and 2000–2001 Foreign Relations Authorization Acts;

Whereas the United States became a contracting party in 1988 to the Hague Convention on the Civil Aspects of International Child Abduction (in this concurrent resolution referred to as the "Hague Convention") and adopted effective implementing legislation in the International Child Abduction Remedies Act (42 U.S.C. 11601 et seq.);

Whereas the Hague Convention establishes mutual rights and duties between and among its contracting states to expedite the return of children to the state of their habitual residence, as well as to ensure that rights of custody and of access under the laws of one contracting state are effectively respected in other contracting states, without consideration of the merits of any underlying child custody dispute;

Whereas article 13 of the Hague Convention provides a narrow exception to the requirement for prompt return of children, which exception releases the requested state from its obligation to return a child to the country of the child's habitual residence if it is established that there is a "grave risk" that the return would expose the child to "physical or psychological harm or otherwise place the child in an intolerable situation" or "if the child objects to being returned and has attained an age and degree of maturity at which it is appropriate to take account of the child's views";

Whereas some contracting states, for example Germany, routinely invoke article 13

as a justification for nonreturn, rather than resorting to it in a small number of wholly exceptional cases;

Whereas the National Center for Missing and Exploited Children (NCMEC), the only institution of its kind, was established in the United States for the purpose of assisting parents in recovering their missing children;

Whereas article 21 of the Hague Convention provides that the central authorities of all parties to the Convention are obligated to cooperate with each other in order to promote the peaceful enjoyment of parental access rights and the fulfillment of any conditions to which the exercise of such rights may be subject, and to remove, as far as possible, all obstacles to the exercise of such rights;

Whereas some contracting states fail to order or enforce normal visitation rights for parents of abducted or wrongfully retained children who have not been returned under the terms of the Hague Convention; and

Whereas the routine invocation of the article 13 exception, denial of parental visitation of children, and the failure by several contracting parties, most notably Austria, Germany, Honduras, Mexico, and Sweden, to fully implement the Convention deprives the Hague Convention of the spirit of mutual confidence upon which its success depends: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That Congress urges—

(1) all contracting parties to the Hague Convention, particularly European civil law countries that consistently violate the Hague Convention such as Austria, Germany and Sweden, to comply fully with both the letter and spirit of their international legal obligations under the Convention;

(2) all contracting parties to the Hague Convention to ensure their compliance with the Hague Convention by enacting effective implementing legislation and educating their judicial and law enforcement authorities;

(3) all contracting parties to the Hague Convention to honor their commitments and return abducted or wrongfully retained children to their place of habitual residence without reaching the merits of any underlying custody dispute and ensure parental access rights by removing obstacles to the exercise of such rights;

(4) the Secretary of State to disseminate to all Federal and State courts the Department of State's annual report to Congress on Hague Convention compliance and related matters; and

(5) each contracting party to the Hague Convention to further educate its central authority and local law enforcement authorities regarding the Hague Convention, the severity of the problem of international child abduction, and the need for immediate action when a parent of an abducted child seeks their assistance.

RUSSIAN FEDERATION'S TREATMENT OF ANDREI BABITSKY

The PRESIDING OFFICER. In my capacity as a Senator from Kansas, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 598, S. Res. 303.

The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 303) expressing the sense of the Senate regarding the treatment by the Russian Federation of Andrei Babitsky, a Russian journalist working for Radio Free Europe/Radio Liberty, which had been reported from the Committee on For-

eign Relations, with an amendment, as follows:

[The parts of the resolution intended to be stricken are shown in boldface brackets and the parts of the resolution intended to be inserted are shown in italic.]

S. RES. 303

Whereas Andrei Babitsky, an accomplished Russian journalist working for Radio Free Europe/Radio Liberty, a United States Government-funded broadcasting service, faces serious charges in Russia after being held captive and beaten by Russian authorities;

Whereas the mission of Radio Free Europe/Radio Liberty's bureaus in Russia is to provide Russian listeners objective and uncensored reporting on developments in Russia and around the world;

Whereas Russian authorities repeatedly denounced Mr. Babitsky for his reporting on the war in Chechnya, including his documentation of Russian troop casualties and the Russian Federation's brutal treatment of Chechen civilians;

Whereas Senate Resolutions 223 and 262 of the One Hundred Sixth Congress condemning the violence in Chechnya and urging a peaceful resolution to the conflict were adopted by the Senate by unanimous consent on November 19, 1999, and February 24, 2000, respectively;

Whereas on January 16, Mr. Babitsky was arrested by Russian police in the Chechen battle zone, was accused of assisting the Chechen forces, and was told he was to stand trial in Moscow;

Whereas Russian authorities took Mr. Babitsky to a "filtration camp" for suspected Chechen collaborators where he was severely beaten and then transferred to an undisclosed location;

Whereas on February 3, the Government of the Russian Federation announced that it had traded Mr. Babitsky to Chechen units in exchange for Russian prisoners, a violation of the Geneva Conventions to which Russia is a party;

Whereas on February 25, Mr. Babitsky was released by his captors in the Republic of Dagestan, only to be jailed by Russian officials for carrying false identity papers;

Whereas Mr. Babitsky says the papers were forced on him by his captors and used to smuggle him across borders;

Whereas Mr. Babitsky now faces charges from the Government of the Russian Federation of collaborating with the Chechens and carrying false identity papers and is not allowed to leave the city of Moscow;

Whereas on February 25, a senior advisor in Russia's Foreign Ministry published an article in The Moscow Times entitled "Should Liberty Leave?", which condemned the coverage by Radio Free Europe/Radio Liberty of the war in Chechnya, particularly reporting by Radio Free Europe/Radio Liberty correspondent Andrei Babitsky, and which stated that it would "be better to close down the branches of Radio Liberty on Russian territory";

Whereas on March 13, the Russian Ministry of the Press ordered Radio Free Europe/Radio Liberty's Moscow Bureau to provide complete recordings of broadcasts between February 15 and March 15, an action that Radio Free Europe/Radio Liberty described as "designed to intimidate us and others";

Whereas on March 14, the Russian Ministry of the Press issued a directive to prevent the broadcast of interviews from Chechen resistance leaders, an act of censorship which undercuts the ability of Radio Free Europe/Radio Liberty to fulfill its responsibilities as an objective news organization;

Whereas the treatment of Mr. Babitsky intimidates other correspondents working in

Russia, particularly those covering the tragic story unfolding in Chechnya;

Whereas Russia's evolution into a stable democracy requires a free and vibrant press; and

Whereas it is imperative that the United States Government respond vigorously to the harassment and intimidation of Radio Free Europe/Radio Liberty: Now, therefore, be it

Resolved, [That the Senate—

[(1) urges the Government of the Russian Federation to drop its charges against Mr. Babitsky;

[(2) calls upon the Government of the Russian Federation to provide a full accounting of Mr. Babitsky's detention;

[(3) condemns the Russian Federation's harassment and intimidation of Radio Free Europe/Radio Liberty and other news organizations;

[(4) calls upon the Government of the Russian Federation to adhere fully to the Universal Declaration of Human Rights, which declares in Article 19 that "everyone has the right to freedom of opinion and expression; this right includes the freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media regardless of frontiers";

[(5) urges the Government of the Russian Federation and the President of the United States to implement the recommendations in Senate Resolutions 223 and 262 of the One Hundred Sixth Congress; and

[(6) urges the President of the United States to place these issues high on the agenda for his June 4-5 summit meeting with President Vladimir Putin of the Russian Federation.]

That the Senate—

(1) urges the Government of the Russian Federation to drop its charges against Mr. Babitsky;

(2) calls upon the Government of the Russian Federation to provide a full accounting of Mr. Babitsky's detention;

(3) condemns the Russian Federation's harassment and intimidation of Radio Free Europe/Radio Liberty and other news organizations;

(4) calls upon the Government of the Russian Federation to adhere fully to the Universal Declaration of Human Rights, which declares in Article 19 that "everyone has the right to freedom of opinion and expression; this right includes the freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media regardless of frontiers"; and

(5) urges the Government of the Russian Federation and the President of the United States to implement the recommendations in Senate Resolutions 223 and 262 of the One Hundred Sixth Congress.

There being no objection, the Senate proceeded to consider the resolution.

Mr. KENNEDY. Mr. President, this resolution, S. Res. 303, which I introduced with Senator GRAMS and Senator LEAHY on May 4, expresses our deep concern about the continuing plight of the Russian journalist Andrei Babitsky. The resolution was approved unanimously by the Senate Foreign Relations Committee on June 7.

Mr. Babitsky, an accomplished journalist working for Radio Free Europe/Radio Liberty, still faces serious charges in Russia after being held captive by Russian authorities, beaten, and detained in a "filtration camp" for suspected Chechen collaborators.

The resolution asks the Russian Government to drop its trumped-up charges against Mr. Babitsky, and provide a full accounting of his detention.

In addition, the resolution states that the Senate condemns harassment and intimidation of Radio Free Europe/Radio Liberty and other news organizations. It calls upon the Russian Government to adhere fully to the Universal Declaration of Human Rights, which calls for freedom of expression worldwide.

For 10 years, Mr. Babitsky has helped fulfill the mission of Radio Free Europe/Radio Liberty to provide Russian listeners with objective and uncensored reporting. But Russian authorities, displeased with Mr. Babitsky's courageous reporting on the war in Chechnya, accused him of assisting the Chechen forces and ordered him arrested in the battle zone last January.

After six weeks in captivity, Mr. Babitsky was released, and then jailed again by Russian officials for carrying false identity papers. He says the papers were forced upon him. After an international outcry arose over his case, he was again released. But he still is not allowed to leave Moscow, and he still faces charges for carrying false papers and aiding the Chechens.

In addition, Russian authorities have continued to condemn Radio Liberty's coverage of the Chechen conflict, and have suggested that Radio Liberty should be forced to abandon its facilities in Moscow and throughout Russia. The authorities have taken steps to censor Radio Liberty and to intimidate its correspondents and others.

The United States should respond vigorously to this harassment and intimidation. The Russian government should drop its trumped-up charges against Mr. Babitsky. I urge my colleagues to support the resolution.

The PRESIDING OFFICER. In my capacity as a Senator from Kansas, I ask unanimous consent that the committee amendment be agreed to, and, without objection, it is so ordered.

The committee amendment was agreed to.

The PRESIDING OFFICER. In my capacity as a Senator from Kansas, I ask unanimous consent that the resolution, as amended, be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and any statements relating to this resolution be printed in the RECORD, and, without objection, it is so ordered.

The resolution (S. Res. 303), as amended, was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 303

Whereas Andrei Babitsky, an accomplished Russian journalist working for Radio Free Europe/Radio Liberty, a United States Government-funded broadcasting service, faces serious charges in Russia after being held captive and beaten by Russian authorities;

Whereas the mission of Radio Free Europe/Radio Liberty's bureaus in Russia is to provide Russian listeners objective and uncensored reporting on developments in Russia and around the world;

Whereas Russian authorities repeatedly denounced Mr. Babitsky for his reporting on

the war in Chechnya, including his documentation of Russian troop casualties and the Russian Federation's brutal treatment of Chechen civilians;

Whereas Senate Resolutions 223 and 262 of the One Hundred Sixth Congress condemning the violence in Chechnya and urging a peaceful resolution to the conflict were adopted by the Senate by unanimous consent on November 19, 1999, and February 24, 2000, respectively;

Whereas on January 16, Mr. Babitsky was arrested by Russian police in the Chechen battle zone, was accused of assisting the Chechen forces, and was told he was to stand trial in Moscow;

Whereas Russian authorities took Mr. Babitsky to a "filtration camp" for suspected Chechen collaborators where he was severely beaten and then transferred to an undisclosed location;

Whereas on February 3, the Government of the Russian Federation announced that it had traded Mr. Babitsky to Chechen units in exchange for Russian prisoners, a violation of the Geneva Conventions to which Russia is a party;

Whereas on February 25, Mr. Babitsky was released by his captors in the Republic of Dagestan, only to be jailed by Russian officials for carrying false identity papers;

Whereas Mr. Babitsky says the papers were forced on him by his captors and used to smuggle him across borders;

Whereas Mr. Babitsky now faces charges from the Government of the Russian Federation of collaborating with the Chechens and carrying false identity papers and is not allowed to leave the city of Moscow;

Whereas on February 25, a senior advisor in Russia's Foreign Ministry published an article in *The Moscow Times* entitled "Should Liberty Leave?", which condemned the coverage by Radio Free Europe/Radio Liberty of the war in Chechnya, particularly reporting by Radio Free Europe/Radio Liberty correspondent Andrei Babitsky, and which stated that it would "be better to close down the branches of Radio Liberty on Russian territory";

Whereas on March 13, the Russian Ministry of the Press ordered Radio Free Europe/Radio Liberty's Moscow Bureau to provide complete recordings of broadcasts between February 15 and March 15, an action that Radio Free Europe/Radio Liberty described as "designed to intimidate us and others";

Whereas on March 14, the Russian Ministry of the Press issued a directive to prevent the broadcast of interviews from Chechen resistance leaders, an act of censorship which undercuts the ability of Radio Free Europe/Radio Liberty to fulfill its responsibilities as an objective news organization;

Whereas the treatment of Mr. Babitsky intimidates other correspondents working in Russia, particularly those covering the tragic story unfolding in Chechnya;

Whereas Russia's evolution into a stable democracy requires a free and vibrant press; and

Whereas it is imperative that the United States Government respond vigorously to the harassment and intimidation of Radio Free Europe/Radio Liberty: Now, therefore, be it

Resolved, That the Senate—

(1) urges the Government of the Russian Federation to drop its charges against Mr. Babitsky;

(2) calls upon the Government of the Russian Federation to provide a full accounting of Mr. Babitsky's detention;

(3) condemns the Russian Federation's harassment and intimidation of Radio Free Europe/Radio Liberty and other news organizations;

(4) calls upon the Government of the Russian Federation to adhere fully to the Uni-

versal Declaration of Human Rights, which declares in Article 19 that "everyone has the right to freedom of opinion and expression; this right includes the freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media regardless of frontiers"; and

(5) urges the Government of the Russian Federation and the President of the United States to implement the recommendations in Senate Resolutions 223 and 262 of the One Hundred Sixth Congress.

SUPPORTING THE GOALS AND IDEALS OF THE OLYMPICS

The PRESIDING OFFICER. In my capacity as a Senator from Kansas, I ask unanimous consent that the Committee on the Judiciary be discharged from further consideration of Senate Resolution 254, and, without objection, it is so ordered.

The clerk will report the resolution by title.

The legislative clerk read as follows: A resolution (S. Res. 254) supporting the goals and ideals of the Olympics.

There being no objection, the Senate proceeded to consider the resolution.

AMENDMENT NO. 3618

(Purpose: To make a clerical amendment)

The PRESIDING OFFICER. In my capacity as a Senator from Kansas, I send an amendment to the desk.

The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Kansas [Mr. ROBERTS], for Mr. CAMPBELL, proposes an amendment numbered 3618.

In the preamble, in the tenth whereas clause, insert ", 2000" after "June 23".

The PRESIDING OFFICER. In my capacity as a Senator from Kansas, I ask unanimous consent that the amendment to the preamble be agreed to, the resolution be agreed to, the preamble be agreed to, as amended, the motion to reconsider be laid upon the table, and any statements relating to the resolution be printed in the RECORD, and, without objection, it is so ordered.

The amendment to the preamble, amendment (No. 3618) was agreed to.

The preamble, as amended, was agreed to.

The resolution (S. Res. 254) was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 254

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 Olympic Winter 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, 2000 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 Senate—

(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.

ORDERS FOR MONDAY, JUNE 26,
2000

The PRESIDING OFFICER. In my capacity as a Senator from Kansas, I ask unanimous consent that, when the

Senate completes its business today it stand in adjournment until 1 p.m. Monday, and when the Senate convenes there be a period for morning business, with Senator DURBIN controlling the time until 2 p.m. and Senator THOMAS until 3 p.m. and, without objection, it is so ordered.

ADJOURNMENT UNTIL 1 P.M.
MONDAY, JUNE 26, 2000

The PRESIDING OFFICER. In my capacity as a Senator from Kansas, under the previous order, I ask unanimous consent that the Senate stand in adjournment until 1 p.m., Monday, June 26, 2000.

There be no objection, the Senate, at 1:04 p.m., adjourned until Monday, June 26, 2000, at 1 p.m.

EXTENSIONS OF REMARKS

RETIREMENT OF GENERAL ROSSO JOSE SERRANO AS THE DIRECTOR GENERAL OF THE COLOMBIAN NATIONAL POLICE

HON. BOB BARR

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 22, 2000

Mr. BARR of Georgia. Mr. Speaker, the resignation this week of General Rosso Jose Serrano, as Director General of the Colombian National Police, has been met with sadness by those of us who have known him and assisted his efforts in the War on Drugs. He was a bright light to the United States during a dark period of U.S.-Colombian relations. His 40 years in law enforcement and his accomplishments stand as a testimony to the adage that "one man can make a difference."

General Serrano is a true hero in the War on Drugs, just as Drug Enforcement Administration (D.E.A.) Administrator Donnie Marshall termed him earlier this week. F.B.I. Director Louis Freeh accurately described General Serrano as a "Cop's Cop." I speak for many of my colleagues in this House who have been to war-torn Colombia, when I call him a "true inspiration to those who cherish the rule of law." Few men have equaled what this quiet policeman from the farmlands of north-eastern Colombia has accomplished.

I know of no other lawman who has faced down the type of ruthless druglords that General Serrano has, and lived to tell about it. At a time when Colombia was synonymous with corruption and drug crime, General Serrano stood tall to enforce the rule of law, when others hid.

In the early 1990's, General Serrano commanded the anti-narcotics agents of the world-famous D.A.N.T.I. These men and women worked hand-in-hand with our D.E.A. in fighting the drug lords in Colombia. As a result of General Serrano's leadership, and with the D.E.A.'s assistance, they dismantled the infamous Medellin Cartel and brought its vicious leader, Pablo Escobar, to final justice on the rooftop of his hiding place, in December 1993.

He then led the destruction of the Calia Cartel by arresting the leadership of this deadly drug mafia. Today, these drug lords sit in prison, awaiting extradition to courts in the United States. In Colombia, five years ago, these victories were thought to be impossible. These astounding efforts came at great cost, however, with the Colombian National Police losing over 5,000 officers to drug cartel violence.

In 1996, General Serrano was invited to testify before the United States Congress, to tell his own story of how the arrogant drug lords were brought to justice, at a time when justice was laughed at in Colombia. General Serrano accomplished this huge task despite overwhelming odds and great danger to his forces. By his plain-spoken words and his reputation for honesty, he enlisted many Congressmen, from both sides of the aisle, in supporting his anti-narcotics efforts, when the Clinton Administration withheld support.

Today, I stand in the halls of the U.S. Congress to hail the extraordinary efforts of a man who has always claimed he was just an ordinary citizen of Colombia. I take great pride in saying that Rosso Jose Serrano, the very extraordinary man from the farmlands of north-eastern Colombia, is my friend. I would like to remind the people of America that "one man can make a difference," and that in our joint war against narco-terrorism, General Serrano made that difference. The American people owe him a huge debt of gratitude.

TRIBUTE TO RALPH THOMPSON, JR.

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 22, 2000

Mr. FARR of California. Mr. Speaker, "Working Hard" is a phrase often spoken casually in conversation and this act seen exemplified is rare. However, Mr. Ralph Thompson, Jr. did prove so as an Attorney on the Monterey Peninsula. Thompson understood the value of hard work in his career as well as his personal pursuits. Over his years, Thompson dedicated his time and energy to his "labor of love"—Little League. Yet, on February 28, 2000, at the age of 80, Thompson's commitments to his laborious loves were ended.

Born in Cuyahoga Falls, Ohio, Mr. Ralph Thompson, Jr., exemplified this in his daily work ethic. After earning his law degree from Stanford University in 1948, he then moved to Carmel where he joined the Thompson & Thompson law firm. Following his initial success at Thompson & Thompson, Mr. Ralph Thompson later became a partner at Hudson, Wyckoff, Parker, and Thompson in 1961. Thompson found later acclaim, in his personal life, as a Little League coach as he was awarded the Chief Justice Phil Gibson Award from the Monterey County Bar Association for his outstanding public service.

Peers of Thompson, spoke of him highly, often noting that he would be remembered as a, "litigator with a heart." Another friend of Thompson's recounted him as being a mentor and teacher, "who taught [him] all that [he] knows[s] about practicing law." Thompson's courtroom life never strayed to his family life. Known as a 'tiger in the courtroom', he was also seen as a "warm, family man."

As we remember Mr. Ralph Thompson, let us remember his many fine accomplishments as a husband, father, coach, friend and mentor. In time, hard work pays off and leaves pride in the hearts of those who knew and loved Thompson. He is survived by his wife, Joan; his four sons, Lawrence, William, R. Cole, and Douglas; two daughters, Nancy Eskilon and Beth Carpenter; and 14 grandchildren.

CONGRATULATING THE ARMENIAN RELIEF SOCIETY

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 22, 2000

Mr. RADANOVICH. Mr. Speaker, I rise today to congratulate the Armenian Relief Society on celebrating 90 years of providing assistance to the Glendale, CA area.

As a nonprofit organization, the Armenian Relief Society provides a broad range of services to the Armenian community. It gives humanitarian aid, offers translation services, helps the homeless, and offers English as a second language classes to new immigrants. The agency also offers assistance in health care, job referrals, placement, and in finding housing.

The agency has branches in 23 counties, with 18,000 members and 1,400 volunteers in the western United States. To this day, the Armenian Relief Society is still called upon to help the Armenian people and to preserve the cultural identity of the Armenian nation.

Mr. Speaker, I want to congratulate the Armenian Relief Society as they celebrate 90 years of service. I urge my colleagues to join me in wishing the Armenian Relief Society many more years of continued success.

HONORING ELIZABETH KIMMEL-HIEKEN

HON. KEN BENTSEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 22, 2000

Mr. BENTSEN. Mr. Speaker, I rise to honor Elizabeth Kimmel-Hieken for her outstanding contributions to the community. For more than 40 years in the labor movement, Liz Kimmel has tirelessly organized workers, walked picket lines, fed the unemployed, marched for civil rights, lobbied the legislature, and pioneered the way for more women and minorities in trade unionism.

The Harris County AFL-CIO is honoring Liz on her 85th birthday this month, for her more than four decades of valuable service to the labor movement and to the greater Houston community.

Texas has been fortunate to have such a daughter. Liz Kimmel arrived in Texas in 1947 to help organize union activities. She ended up staying for the latter half of the century, and our workers, our senior citizens, the handicapped, and the poor are better off for it.

The labor movement and the community have benefitted from Liz's clarity, wisdom and constant dedication. She is among those inspiring leaders responsible for helping to eventually expand the labor movement through what was then a new, emerging public employee union, the American Federation of State, County, and Municipal Employees

• 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.

(AFSCME). She was at the forefront in leading AFSCME in Houston and Texas for two decades before her retirement.

Liz has also used her boundless energy over the years to become a stalwart in the Democratic Party. She has been a true activist, serving as a Precinct Judge, floor leader, block walker, an avid campaigner, and a successful recruiter. She has been a loyal and valuable member of the Democratic Party at the local, state, and national level for the last forty years.

Mr. Speaker, I congratulate Elizabeth Kimmel-Hieken for more than four decades of service to Texas and Harris County. Her contributions to the labor movement and politics will always be present, and her legacy shall endure.

INTRODUCTION OF THE SOUTHERN HIGH PLAINS GROUNDWATER RESOURCE CONSERVATION ACT

HON. TOM UDALL

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 22, 2000

Mr. UDALL of New Mexico. Mr. Speaker, I am pleased to introduce legislation which will bring focus to an issue that concerns the long-term economic viability of communities in much of America's heartland: the southern High plains stretching from the middle of Kansas, the Texas panhandle, Oklahoma, the eastern portion of Colorado, and the eastern counties of my home state of New Mexico.

Much of the area that I just described is farming country and much of its economy is linked to the Ogallala aquifer. The U.S. Department of Agriculture's Natural Resource Conservation Service recently determined that there are over six million acres of irrigated farmland overlying the southern Ogallala. These farms use between six and nine million acre-feet of water annually. The problem however, is that the aquifer is being depleted very quickly. In just seventeen years we have seen large areas of the southern aquifer experience a 10- to 20-foot drop in their water table. These decreased levels will negatively affect aquifers used for irrigation, and for municipal water on the southern High Plains.

The problems facing the groundwater resources on the southern High Plains is a multi-state issue with significant economic and social consequences for America. Ignoring the problem and continuing uses to go unabated invites tremendous economic dislocation for a large portion of our country.

To address this issue I am introducing the Southern High Plains Groundwater Resource Conservation Act. This bill recognizes that accurate scientific information about groundwater resources is necessary to make good decisions.

It calls upon the U.S. Geological Survey to develop mapping, modeling, and monitoring strategies for the Southern Ogallala, to provide a report to Congress and relevant states with maps and information, and to renew and update that report every year.

It also acknowledges that a sound water conservation plan must be developed on a multiyear goal. Conservation measures must be implemented over a large area in order to observe a long-term groundwater trend. This

bill would authorize the Secretary of Agriculture to provide planning assistance on a cost-share basis to states, tribes, counties, conservation districts, and other local government units to create water conservation plans designed to benefit their groundwater resource over at least 20 years.

Lastly, this bill will provide two primary forms of assistance for groundwater conservation on farms. They are a cost-share assistance program to upgrade the water use efficiency of farming equipment, and the creation of an Irrigated Land Reserve.

The cost-share program is based on the up-front costs frequently prohibitive for modern irrigation methods. It is estimated that an initial \$20,000 in Federal investment in equipment on a cost-share basis would save between 325 to nearly 490 acre-feet of water over a ten year period.

The Irrigated Land Reserve is designed to convert 10% or approximately 600,000 acres of irrigated farmland to dryland agriculture. Because dryland farming is less productive than irrigation, this bill would provide for a rental rate to farmers to ease the economic impact of changing over. When fully implemented this program can potentially save between 600,000 and 900,000 acre-feet of water per year at a cost of \$33 to \$50 per acre-foot.

There is a pressing need to conserve this valuable aquifer, we must acknowledge that this is a precious commodity that is worth saving. It's good for the southern High Plains and it's good for our Nation.

HOMER HICKAM: WEST VIRGINIA'S ROCKET BOY

HON. NICK J. RAHALL II

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 22, 2000

Mr. RAHALL. Mr. Speaker, a few years ago a blockbuster best-seller book, originally called "The Rocket Boys" was published, and shortly thereafter a movie was made based on the book, titled "October Surprise." It was a sell-out at bookstores and theaters across the Nation.

This story, written by former NASA engineer from McDowell County, West Virginia, was about a boy, his friends, and his weary but supportive parents, who was so taken by what he read about NASA's early rocket experiments commissioned by the United States Government, that he spent his childhood experimenting with homemade rockets.

His name was Homer Hickam, now a retired NASA engineer, who wrote "Rocket Boys."

On June 21, 2000 I received an official commitment from NASA detailing a long-term loan of a model of a U.S. Space Shuttle for exhibit in Coalwood, West Virginia, Homer Hickam's hometown.

I worked closely with NASA officials in this successful effort to obtain a display in recognition of the accomplishments and vision of Homer Hickam and the "Rocket Boys" from Coalwood.

The display of this U.S. Space Shuttle is a tribute to Homer Hickam, his remarkable talent, and his teenaged tenacity in making his dreams come true—not only to shoot his own rockets into space as a boy, but to take his talents and his dream to NASA itself as a grown man.

Homer Hickam is an inspiration to our youth—not only in West Virginia but the Nation—that their dreams can come true, and that they should reach for the stars.

The U.S. Space Shuttle model will come from the Marshall Space Flight Center in Alabama, and will be in place in time for the celebration of the Second Annual Rocket Boys Day Festival on June 24, 2000.

I believe, and the NASA Space officials agree, that this model is most appropriate to commemorate Mr. Hickam's work in propulsion, spacecraft design, and payload and crew training at the Marshall Center.

After the festival ends, the 13-foot scale model will be on long-term display across from the Country Corner Store on Route 16, in the heart of Coalwood, West Virginia, across the street from Homer Hickam's homeplace.

For those of you who read the book or saw the movie, you will understand the significance of placing this display across from Homer Hickam's old homeplace—the homeplace about which Mr. Hickam wrote, got a brand new furnace one day when Homer tossed a handful of unknown chemicals into the old furnace to see if they had enough explosive quality to thrust his next rocket high into the skies over McDowell County. They did, his mother got the new furnace she had always wanted, and the rest as they say is history.

RECOGNIZING BOB WILLIS

HON. JO ANN EMERSON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 22, 2000

Mrs. EMERSON. Mr. Speaker, I rise today in recognition of a dear friend and public servant who is stepping down after nearly thirty years with the U.S. Forest Service. Bob Willis has spent his life dedicated to the protection and conservation of several of our country's national forests.

Bob Willis began his career with the Forest Service in 1971 in the beautiful White River National Forest in Glenwood Springs, Colorado and in Monte Vista, Colorado in the magnificent Rio Grande National Forest. From there, Bill moved on to the Tongass National Forest in Alaska. Bob went on to "Big Sky" Country in 1976, with service in the Bitterroot and Lolo National Forests in Montana, and finally found a resting place in Rolla, Missouri in 1980 serving the Mark Twain National Forest.

Bob is the longest serving Staff Officer that Mark Twain has ever had, serving 19 years. Bob is married to Kris Swanson, also a Staff Officer on the Mark Twain National Forest. He has two daughters, Erin Willis, 22, Robin Wilson, 24, and a son-in-law, Tommy Wilson. In addition, Bob has two step-sons, Thomas England, 16, and Daniel England, 13. When he is not caring for the Mark Twain, he and his daughters show, breed, and raise Tennessee Walking Horses. Bob's responsibilities with the Mark Twain included managing the technical services within the forest, including computer systems, telecommunications, minerals and geology, special uses, land acquisitions, and real estate management.

In his retirement, Bob will remain committed to the outdoors with his favorite hobbies such as raising and caring for his horses, landscaping his new home, and playing tennis. He

is moving on to serve as a consultant in Government Relations and Environmental Management.

Bob's tenure with the Mark Twain covered the same amount of time that an Emerson has been in Congress and both Bill and I benefited by his work there. He helped us cut through the red-tape of government over the over again. Because of that help, we have been able to move projects forward that were, and are, beneficial to the people who live in the Eighth Congressional District of Missouri.

His pleasant personality often made it possible for people with very different opinions to get together and work toward common goals. That consensus building helped to make sure that the multiple-use concept for our national forests prevailed in the Mark Twain. He clearly understands that the wise use of our natural resources is not only good for local economies and jobs, but also is necessary for the health of a vibrant, growing forest.

We will miss Bob Willis. If more government employees were like him then the label "bureaucrats" would not fit! My office and I appreciate his years of service.

IN TRIBUTE TO RABBI SHIMON PASKOW

HON. ELTON GALLEGLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 22, 2000

Mr. GALLEGLY. Mr. Speaker, I rise to pay tribute to Rabbi Shimon Paskow, who is retiring after 31 years of spiritual leadership of Temple Etz Chaim in Thousand Oaks, CA.

Although the temple is not physically in my district, many of my constituents have benefited from Rabbi Paskow's spiritual leadership and human compassion. Among his many volunteer efforts, he has served as the Jewish Chaplain at the Ventura School of the California Youth Authority in Camarillo, CA. In that capacity, Rabbi Paskow has ministered to some of our most troubled youth.

Rabbi Paskow was ordained in 1959. The next year, he joined the U.S. Army and served as a Jewish Chaplain in France and Germany. Immediately, he proved his dedication and was honored by the Commanding General of the Fourth Logistical Command and the National Jewish Welfare Board for his outstanding work. In 1985, Rabbi Paskow was promoted to the rank of colonel in the U.S. Army Reserve. In 1993, he was decorated with the Meritorious Service Award.

Prior to coming to Temple Etz Chaim, Rabbi Paskow served as an Associate Rabbi of the Valley Jewish Community Center and Temple (Adat Ari El), one of the largest Conservative congregations on the West Coast.

Under his leadership, Temple Etz Chaim has grown from a membership of less than 100 families to more than 700 families today. He has been instrumental in designating sections of local cemeteries for consecrated Jewish burials. Jewish Family Service established an office in Thousand Oaks' Community Conscience Services Center through his personal efforts.

While leading the Temple Etz Chaim congregation, Rabbi Paskow also has found time to lecture to numerous college groups and serve on the faculties of several institutes of

Jewish learning. He is a member of many religious organizations, in addition to his service on secular community committees. He has authored many popular and scholarly articles that have appeared in journals and newspapers throughout the country. Rabbi Paskow appears frequently on radio and television and is listed in various Who's Who directories.

Rabbi Paskow has earned many awards for his service. Among them: In 1993, he was presented with the Torch of Learning Award by the American Friends of the Hebrew University in recognition of his commitment to youth, education, Israel, and the Jewish people. With his wife, Carol, he established a scholarship fund at the Hebrew University for students needing financial assistance. The government of Israel has honored him for promoting tours to Israel.

Rabbi and Carol Paskow have one daughter, Michelle, who was ordained a Rabbi in 1991. The couple are the proud grandparents of Aaron Daniel and Jonathan Jay Cohen.

Mr. Speaker, I know my colleagues will join me in thanking Rabbi Paskow for his many decades of service to his religion and his community, congratulate him on his retirement, and wish him and his family many more years of fulfillment.

TRIBUTE TO BENARD KULIK,
SBA'S ASSOCIATE ADMINISTRATOR
FOR DISASTER ASSISTANCE

HON. JOHN J. LaFALCE

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 22, 2000

Mr. LaFALCE. Mr. Speaker, all of us who are privileged to serve in the House work every day with senior managers in the Executive Branch, whether in connection with our oversight responsibilities, or in providing constituent services or because of federal offices or activities in our districts. Occasionally, we are fortunate enough to work with an individual who is so knowledgeable and effective in his or her area that it is difficult to imagine anyone else in their position. I rise today to report to the House the retirement of such a senior executive, Mr. Bernard Kulik, the longtime Associate Administrator for Disaster Assistance at the U.S. Small Business Administration.

Berky, as he is known to his many friends, began his long and distinguished career in public service more than forty years ago. After serving in the corporate finance division of the Securities and Exchange Commission, he joined SBA in 1964. Although Berky has held a variety of senior positions at SBA, including Director of Field Operations, Associate Administrator for Procurement Assistance, and Associate Administrator for the Office of Investment, he is without question best known for managing since 1981 the agency's Disaster Assistance Program. As Associate Administrator for Disaster Assistance, Berky oversees this vital program which provides low-interest loans to both individual and business victims of natural and other disasters throughout the United States and its possessions. These loans are indispensable for the quick recovery of both disaster victims themselves and the long-term health of their communities. SBA

has provided this assistance to homeowners and businesses in virtually every state in the Nation and all U.S. possessions.

Kulik is a native of New York City and holds degrees in economics and law from New York University. He is the recipient of numerous prestigious awards. He has twice been awarded the rank of Meritorious Executive, by President Carter in 1980 and by President Clinton in 1995. President Bush named him a Distinguished Executive in 1991. Berky has also received SBA's Gold Medal for distinguished service.

My experience in working with Berky and SBA's Disaster Loan Program goes back more than twenty years to when the Committee on Small Business, on which I served, spearheaded an effort to reorganize the program's delivery system and personnel authorities. Later, SBA located one of its four nationwide disaster bases or "Area Offices" in Niagara Falls, where I am proud to say that my constituents continue to serve disaster victims not only in their own Northeastern U.S. region, but also in other areas throughout the country, backing up their three sister offices as needed when unexpected major disasters require quick redeployment of resources.

It is no exaggeration to say that most of us here have experienced disasters of one type or another in our districts, and that we know how terrible their effects can be on our constituents. Hurricanes, floods, fires, tornadoes and other catastrophes strike quickly, often with little warning and devastating consequences. No matter how well we prepare, there will always be a need for us as a society to help our fellow citizens afflicted by disasters. Years ago, we here in Congress decided that it was wiser to have government disaster response programs ready in advance than to legislate anew with each unpredictable but inevitably recurrent catastrophe. Since the late 1970s, we have had such authorizations, programs and delivery systems in place before they were needed. SBA's Disaster Loan Program has been a key element in our response strategy and it has performed extremely well under Berky Kulik's leadership.

I recently wrote Berky that his accomplishments should be a source of great pride. He has led SBA's Disaster Loan Program through difficult reorganization and development phases, and in doing so has taken an inherently unpredictable and difficult to manage program and made it one of the best-managed in government. He has brought tremendous expertise and professionalism to difficult policy and budget deliberations in Washington. He has developed a skilled and dedicated management team and a core group of professional disaster specialists. But perhaps most important are the extraordinary numbers of people whose lives he has touched—during Berky's tenure, literally hundreds of thousands of disaster victims have received the help they desperately needed to rebuild homes and businesses ravaged by disasters of every sort.

Those of us who have worked closely with Berky on disaster issues will certainly miss that professional relationship, but all of us owe Berky our gratitude, not only for his efforts on behalf of our constituents, but for his exemplary dedication to the highest traditions of public service. I ask that all my colleagues join with me in wishing Berky the very best in his retirement after his long and distinguished career.

INTRODUCTION OF LEGISLATION TO PROVIDE TAX RELIEF FOR MUTUAL FUND SHAREHOLDERS

HON. JIM SAXTON

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 22, 2000

Mr. SAXTON. Mr. Speaker, our tax code has many features that are economically counterproductive, but few are as destructive as those aimed at personal saving and investment. The current tax system undermines personal saving and investment in many ways, but today I would like to address the tax treatment of mutual fund capital gains distributions. Middle income savers and investors involuntarily receive these distributions from their mutual funds, and must pay tax on them even though they may have sold no shares in the fund. Today, I am introducing legislation to provide a partial exclusion limiting the federal taxation of these involuntary distributions.

Essentially, the current law forces middle income savers and investors to pay tax on capital gains they have not realized. Even if the value of their shares has declined or they have owned them for only a short time, they can be slammed with a huge tax liability. As a recent Joint Economic Committee study pointed out, this tax can reduce the pre-liquidation rate of return by 10 to 20 percent. Furthermore, due to the complexity of the law, many taxpayers can easily pay this tax twice. This is unfair and undermines incentives to save and invest.

In recent years, mutual funds have enabled many ordinary Americans to share in the tremendous economic gains that resulted from the technological innovation, productivity gains, and surge in wealth of the 1990s. Tens of millions of ordinary Americans now have substantial investments in the financial markets, many of them through mutual funds. Federal policy should accommodate these efforts of our citizens to provide for their retirement security, education, housing, and other needs. Federal tax policy should not erect excessive tax barriers undermining the incentives and ability of middle income taxpayers to plan for their own needs.

Today, I am introducing legislation providing a \$3,000 tax exclusion for individuals, and a \$6,000 exclusion for couples, to shield annual capital gains distributions. When taxpayers sell their shares in the mutual fund, they would pay the tax on these gains, but these exclusions would shield most middle income taxpayers from immediate taxation and potentially double taxation on capital gains distributions. Other investors generally are not taxed on an accrual basis on their capital gains, and we should do what we can to level the playing field, and end tax discrimination against personal saving and investment. As the eminent economist Irving Fisher once wrote, "A tax on accretion penalizes those who are rising the social scale, the builders of the nation . . ." The current tax bias against thrift should be a major target of reform for the foreseeable future.

UNITED AIRLINES—US AIRWAYS MERGER

HON. JAMES T. WALSH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 22, 2000

Mr. WALSH. Mr. Speaker, I want to express my strong reservations about the proposed merger of United Airlines and US Airways. While I am a strong proponent of economic growth and development, this recently announced merger could only have a detrimental impact on Central New York air service and our economy. Congress was told by the airline industry in 1978 that deregulation would bring about greater competition, better service, and lower costs for the consumer. In many of our large, major urban centers this is exactly what happened; however, smaller urban areas haven't seen similar results. Many of these communities find themselves saddled with one dominant carrier and no competition resulting in extremely high airfares.

This combination of the two airlines would not only control about 27 percent of the U.S. market but over 50 percent of the travel market out of Syracuse, which already pays the fifteenth highest airfares in the nation. I cannot support a merger if increased travel costs, possible loss of service, and dismissal of long-time employees are part of the equation.

TRIBUTE TO ROBERT PORCHER

HON. JAMES E. CLYBURN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 22, 2000

Mr. CLYBURN. Mr. Speaker, I rise today to ask my colleagues to join me in paying tribute to Robert Porcher III, for being honored "Father of the Year" at The National Fatherhood Initiative (NFI) Annual Awards Banquet held on June 2, 2000. The National Fatherhood Initiative was founded to stimulate a national movement while confronting the growing dilemma of father absentia. NFI is dedicated to improving the lives of children by increasing the number who have involved, committed, and responsible fathers.

In a league that has been shrouded with negative media coverage on irresponsible fatherhood, Robert Porcher was one of the first athletes to take a stand for responsible parenting. He has been a humanitarian, actively participating in Detroit's United Way as the official spokesman; a philanthropist, making a lifelong commitment to provide funds enhancing public awareness, increased educational opportunities, and aid to economically disadvantaged individuals; and a mentor, providing deserving youth with scholarship assistance and recreational activities through the Robert Porcher Scholarship Award and Top of the Line Football Camp.

Always committed to his educational endeavors, Robert graduated from Cainhoy High School in Wando, South Carolina. In 1992, he matriculated at South Carolina State University where he earned a Bachelor of Science degree in criminal justice. During his outstanding collegiate career, Robert was named 1991 Walter Camp All-American and 1991 MEAC Defensive Player of the Year. He entered the

National Football League as a first-round draft pick by the Detroit Lions.

Mr. Porcher is a spectacular athlete, devoted father, advocate, humanitarian, and philanthropist. He is a man of extraordinary kindness and courage, intellect and eloquence. Mr. Speaker, please join me in honoring Robert Porcher, III, for his outstanding work as an exemplary father, athlete, and role model.

INTRODUCING THE PUBLIC INVESTMENT RECOVERY ACT OF 2000

HON. MICHAEL E. CAPUANO

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 22, 2000

Mr. CAPUANO. Mr. Speaker, today I filed the Public Investment Recovery Act of 2000. This legislation would enable the Federal Government to recover a portion of the taxpayer dollars currently used to develop pharmaceutical, biologic and genetic products.

It is important that both Congress and the pharmaceutical industry recognize that the American people, through Federal tax money, contribute substantially to the development of new drugs. Sadly, many of these same taxpayers are without prescription drug coverage and cannot afford the high costs of these medications.

Consider a recent report in the New York Times which focused on the hardships of one of our nation's senior citizens who has no prescription drug coverage. The gentleman featured in the report depends on an \$832 monthly Social Security check to survive. Tragically, these funds are not enough to pay for the eye drops he needs to battle his disabling glaucoma. Yet, the drug he so desperately needs—Xalatan—was developed with significant investment by the National Institutes of Health; an investment funded primarily by the ordinary American taxpayer.

The fact is a significant portion of the drugs sold on the market have benefited from taxpayer investment. How much? The answer is not clear; the pharmaceutical industry is protective when it comes to the costs of drug research and development. What is clear is that in 1999, alone, the top 12 drug companies made over \$27.3 billion in profits. Moreover, a study done in 1995 by the Massachusetts Institute of Technology found that 11 of the 14 drugs identified by the pharmaceutical industry as the most medically significant in the past 25 years (1970 to 1995) were developed with taxpayer dollars.

We cannot continue to fund basic research that allows the pharmaceutical industry to generate such substantial profits while consumers are required to pay excessive prices for their prescription drugs. The Public Investment Recovery Act of 2000 will recoup a portion of the initial federal seed money for the government which could then be used to finance additional research and development efforts as well as to strengthen a Medicare prescription drug benefit. As stakeholders in our national research efforts, we should not be asked to contribute to research without the benefit of having access to affordable medicine that this research yields.

HI MEADOWS AND BOBCAT GULCH FIREFIGHTERS

HON. BOB SCHAFFER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 22, 2000

Mr. SCHAFFER. Mr. Speaker, I rise today to salute the courage of the firefighters who fought the Bobcat Gulch and Hi Meadows fires in Colorado. These men and women risked the extreme dangers to aid the people of Colorado's Fourth Congressional District.

The two fires each raged for over a week before containment in the late evening of June 20. In Bobcat Gulch, the initial cause was a campfire, which grew to consume 10,600 acres before containment was achieved. A group of 821 workers, 5 helicopters, all making up 28 crews, worked diligently to overcome the uncooperating weather. Similarly, at Hi Meadow, 1,000 workers, 7 helicopters, and 71 engines battled the blaze.

These individuals deserve our gracious appreciation for pulling together as a team to help save the lives and property of people in Colorado.

INTRODUCTION OF THE MEDICAL RESEARCH INVESTMENT ACT

HON. JENNIFER DUNN

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 22, 2000

Ms. DUNN. Mr. Speaker, I rise today with my friend Mr. CARDIN of Maryland to introduce the Medical Research Investment Act.

The MRI Act increases the annual percentage-of-income limitations for individual charitable contributions for medical research from 50 percent to 80 percent. To the extent that such medical research contributions by an individual exceed the enhanced annual percentage-of-income limitation, such excess would be permitted to be carried forward for the succeeding ten taxable years, rather than for the 5 years allowed under current law. In addition, the legislation ends the unfavorable treatment of gifts of stock acquired by incentive stock options for an individual who gives publicly traded stock, earmarked for medical research, to a charitable organization during the first year after the date of exercise of the stock option. The MRI Act will prevent those taxpayers from being penalized with ordinary income tax or alternative minimum tax when they are trying to give away their wealth to help people. No longer will people have to sell \$140 worth of stock to give away \$100, or delay their contributions when that money can be put to work today curing disease.

This country stands on the threshold of an important opportunity for philanthropy. More Americans than ever, many in the high-tech industries, have been able to amass an abundance of wealth in a short time, and are eager to invest in their communities and in their nation. This legislation allows such high net worth donors, who have the capacity to contribute significantly more than they can deduct under current law, to make large charitable contributions for medical research. It also allows those same potential donors, many of whom have a large part of their wealth tied up

in stock options, to contribute their stock to a charity for medical research without incurring taxable income.

Academic research on charitable giving has found, time and again, that individuals tend to give more when the price of giving is lower. This legislation establishes the favorable tax treatment that will stimulate charitable donations of cash and property to medical research. In fact, a study by Price WaterhouseCoopers estimated that if the proposal were effective this year, the additional giving spurred by this bill would be \$180.4 million in 2000—over a 4 percent increase in charitable giving by individuals for medical research. Over 5 years, it would inspire over \$1 billion dollars in additional medical research. In my home state of Washington alone, the increase in the first year would be \$3.67 million.

Increased investment in medical research consistently results in an improvement in the health of Americans and in the health of America itself. For instance, increases in life expectancy in the 1970's and 1980's were worth \$57 trillion to America. Indeed, improvements in health have accounted for almost one-half of the actual gain in American living standards in the past 50 years. It is anticipated that if medical research reduced deaths from cancer by just one-fifth, it would be worth \$10 trillion to Americans. Personal, medical, and insurance expenditures would be reduced, as would public expenditures for Medicare, Medicaid, and other governmental medical assistance programs. Losses in national productivity due to illness would be reduced as well. In a country where cancer costs the nation in excess of \$107 billion annually, diabetes costs us \$105 billion annually, and Parkinson's Disease in excess of \$25 billion annually, there is certainly room for improvement in health. Quick and steady improvement is only possible with increased funding of research.

Today at the introduction of this bill, Cathy and Caity Rigg of Enumclaw, Washington joined us to tell their story. Caity is 8 years old and suffers from juvenile diabetes. She and her mother Cathy have been tireless advocates for increasing both government and private funds to find a cure for diabetes. Under this bill, we will greatly enhance the available funds for research. I am attaching Caity's remarks since I believe that she, more so than anyone, can attest to the difficulties of living with a debilitating disease.

Mr. Speaker, the time to act—to secure the significant gifts that many individuals are anxious to donate to charities—is now. We are entering an era of explosive growth in knowledge that will substantially advance scientists' ability to understand, prevent, and cure disease. I hope I can count on the support of each Member of Congress to pass this bipartisan bill. It is crucial to the health of every American.

Thank you Congresswoman Jennifer Dunn. Thank you to all the congress members here today for remembering kids like me.

My name is Caity Rigg and I'm 8 years old. I've had diabetes for 4 years now. In second grade last year we had our 100th day of school. My teacher asked if I had \$100 to spend what would I do with it. I wrote that I would give it to the doctors so they could find a cure for my diabetes.

I still take 4 shots of insulin every day in my tummy, legs and arms to keep me alive. Sometimes it hurts really bad and I cry but Mom always hugs me. I poke my fingers to

get blood all day long so I can see if I need food or medicine. When I need food I sometimes feel really bad and my head gets dizzy.

I see nurse Julie at school every day to check my blood sugar. Some days its good but some days I need juice or a shot in my arm. I don't want to do it anymore, but I have to so I don't go blind or lose an arm or leg or something bad. Mom promises there is no diabetes in heaven, but I want to get rid of it before then.

Please help me by passing the Medical Research Investment Act so that more money will be donated to help scientists and doctors find a cure for me and other children who have to go through what I do.

Thank You!!

RECOGNITION OF AMSA ON THE OCCASION OF ITS 30TH ANNIVERSARY

HON. BUD SHUSTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 22, 2000

Mr. SHUSTER. Mr. Speaker, as Chairman of the Transportation and Infrastructure Committee, I wish to take this opportunity to congratulate the Association of Metropolitan Sewerage Agencies (AMSA) on the occasion of its 30th Anniversary. AMSA is the only association exclusively representing the nation's municipal wastewater treatment agencies. As front-line environmental practitioners that serve the majority of the population, AMSA members protect our nation's valuable water resources by treating and reclaiming wastewater to meet the ambitious goals of the Clean Water Act. Congress should celebrate their role in the remarkable revitalization of America's waters during the past 30 years. While the population served by publicly-owned treatment works has risen 40 percent since 1970, water quality has improved dramatically, in large part due to the fine work of AMSA's membership. In addition to their primary responsibility for collecting and treating the Nation's domestic, commercial, and industrial wastewater, AMSA member agencies play a major part in their local communities, often leading watershed management efforts, promoting pollution prevention, water conservation and recycling, and providing resources for environmental restoration.

AMSA was established in 1970 by representatives of 22 municipal wastewater treatment agencies. Since then, AMSA's 30 years of participation, growth and cooperation has helped ensure a strong federal, state and local partnership to attain the important goals of the Clean Water Act: to protect the chemical, biological and physical health of our nation's streams, lakes, rivers, estuaries and coasts.

Today, AMSA's 245 members serve the majority of the population connected to municipal wastewater systems and reclaim 18 billion gallons of wastewater each day. AMSA is a nationally recognized leader in environmental policy and works closely with Congress and the U.S. Environmental Protection Agency, lending unparalleled technical expertise and information on pollution prevention, air quality, wastewater treatment, ecosystem health, and utility management.

In recent years, AMSA has been actively involved in a broadening array of environmental laws and regulations, including water infrastructure funding, nonpoint source pollution,

and urban wet weather flows, providing valuable testimony to Congress, as it considers legislation to improve the nation's waters. As Chairman of the House Transportation & Infrastructure Committee, I am in a good position to observe that AMSA is meeting the goals of its founders by pursuing every opportunity to develop and implement scientifically based, technically sound, and cost-effective environmental programs.

AMSA's active membership, prominence as a nationally recognized leader in environmental policy and close working relationship with the EPA and Congress will undoubtedly allow it to help shape the course of environmental protection in the next century. Once again, I congratulate AMSA on this important milestone as an organization and also for America's environment.

**BILL BRADY HONORED FOR 40
YEARS OF SERVICE**

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 22, 2000

Mr. KANJORSKI. Mr. Speaker, I rise today to pay tribute to my good friend Bill Brady, who will retire June 30 after serving 19 years as the postmaster of Wilkes-Barre, Pennsylvania, and with a total of 40 years and one month of government service.

Bill is truly an example of a dedicated public servant who has taken on as his mission in life the efficient delivery of mail, and he has become an institution in Northeastern Pennsylvania.

Mr. Brady is a graduate of Duryea High School and a four-year veteran of the Air Force. He received his bachelor of science degree from the University of Scranton in 1971.

Mr. Brady began his postal career as a distribution clerk in Scranton in January 1966. In 1973, he became a U.S. postal inspector and was stationed in Illinois, New York and Wilkes-Barre. In 1980, he left the Inspection Service and became manager of retail sales and services at the Wilkes-Barre sectional facility office. In April 1981, he went to the post office in Hazleton, Pennsylvania, as superintendent of postal operations, and served for six months in that position before assuming his present duties.

During his career at Wilkes-Barre, he has also been assigned to higher-level positions as acting director of mail processing at the Lehigh Valley Postal Facility, director of field operations for the Harrisburg Division and director of marketing for the Harrisburg Division.

As the Postal Service has changed and become more technologically advanced, Bill has adapted, always keeping customer service upmost in his mind.

Mr. Brady is a past president of the Luzerne County Chapter of Postmasters and is a member of the National Association of Postmasters of the United States, having served as national chairman of the Postmaster Representative Committee for four years. He is also a member of Pennsylvania NAPUS Postmasters and has been active in numerous professional associations during his postal career.

Mr. Speaker, I am pleased to call Mr. Brady's public service to the attention of the House of Representatives, and I send my best wishes on the occasion of his retirement.

IN SPECIAL RECOGNITION OF
THOMAS AND MARY LOU GALLAGHER
ON THE OCCASION OF
THEIR FIFTIETH WEDDING ANNIVERSARY

HON. PAUL E. GILLMOR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 22, 2000

Mr. GILLMOR. Mr. Speaker, today I recognize a very special couple from Ohio's Fifth Congressional District. Mr. Speaker, on Saturday, June 24, 2000, in the presence of many of their family members, neighbors, and friends, Thomas and Mary Lou Gallagher will celebrate a milestone day in their lives. On June 24, in Sandusky, Ohio, Thomas and Mary Lou will celebrate their fiftieth wedding anniversary.

Mr. Speaker, the celebration of the sanctity of marriage is one of our most cherished and time-honored traditions. Throughout the ages, husbands and wives have reaffirmed their trust, faith, and, most importantly, love for each other on their wedding anniversaries. On this most treasured day, we, as their friends, neighbors, coworkers, and family members, have the opportunity to recognize them for their commitment, their sharing, and their love for each other.

The day on which two people are united in marriage is much more than simply a ceremony, with wedding vows and the exchanging of rings. It is the true union of two individuals who then become one, inseparable entity. It is the common bond and an unwavering dedication to each other that will help the marriage through good times and bad.

Mr. Speaker, for the past fifty years, Thomas and Mary Lou have shown how love, compassion, and conviction are the cornerstones of their long and lasting marriage. Their strong commitment to each other is an example for each of us to follow.

Mr. Speaker, at this time, I would ask my colleagues in the 106th Congress to stand and join me in paying very special tribute to Thomas and Mary Lou Gallagher on the occasion of their fiftieth wedding anniversary. May the love and happiness they have found stay with them far into the future. Again, best wishes and congratulations on fifty wonderful years together.

TO HONOR DR. RICHARD GOODE

HON. ANNA G. ESHOO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 22, 2000

Mr. ESHOO. Mr. Speaker, I'm pleased to bring to the attention of my colleagues an honor recently bestowed upon one of my most distinguished constituents, Dr. Richard Goode, M.D. Dr. Goode was recently presented with the Lifetime Achievement Award by the Alumni Association of the University of California at Santa Barbara for his contributions to improved hearing.

Dr. Goode graduated from UCSB with his B.A. degree in 1958. As an undergraduate, he was elected President of the Associated Students, and was presented with the "Honor Copy" of the yearbook "La Cumbre" at his

commencement ceremonies. The leadership skills he developed during his years at UCSB clearly set the stage for his subsequent successes in the medical profession.

Dr. Goode is a highly regarded professor and physician in our community. He has served on the surgery faculty of Stanford University School's of Medicine for over thirty years and has led the Division of Otolaryngology at the Veterans Affairs Palo Alto Healthcare System. He has served as President of the American Academy of Otolaryngology—Head and Neck Surgery, and of the American Academy of Facial Plastic and Reconstructive Surgery.

Notwithstanding all these wonderful achievements, it is his work in developing hearing technologies that has brought him the greatest recognition. Dr. Goode has developed many devices that are used regularly by ear, nose, and throat specialists, most notably the Goode T-Tube. He has had a successful business career founding two companies which manufacture high-tech hearing devices.

Public service is an important component of Dr. Goode's career. He's a member of the Food and Drug Administration's Ear, Nose, and Throat Medical Device Panel and he serves with distinction on the National Institutes of Health Communicative Disorders Review Committee.

Mr. Speaker, representing my constituent Dr. Richard Goode is one of the great privileges of serving in the House of Representatives. I'm proud to bring his accomplishments and recognition as recipient of the UCSB Alumni Association Lifetime Achievement Award to the attention of my colleagues and ask that the entire House join me in honoring him today.

HONORING BISHOP R.T. JONES JR.,

HON. ROBERT A. BRADY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 22, 2000

Mr. BRADY of Pennsylvania. Mr. Speaker, I rise to honor the life and work of Bishop R.T. Jones Jr. A staple of the Philadelphia Public School System, Bishop Jones has devoted his life to serving the people of Philadelphia.

Bishop Jones founded the Christian Tabernacle Church of God in Christ in Chester, Pennsylvania where he served as pastor for nine years. He has served as the Bishop of Delaware and as District Superintendent for Southeastern Pennsylvania under the late Bishop R.T. Jones Sr. Bishop Jones currently serves as the founding president of the Philadelphia Azusa Fellowship, Co-Chairman of the Philadelphia Interfaith Clergy Association, Chairman of the Shriners Children's Medical Center's Community Advisory Committee and as Chairman of the Christian Tabernacle Improvement and Development Corporation's Board of Directors.

Aside from his religious service, Mr. Jones has proven himself to be a valuable manager for the Philadelphia Housing Authority. During his eight years with PHA, he has received numerous accolades for his management abilities.

R.T. Jones Jr. has held positions of great importance throughout the Philadelphia area and has received numerous awards and

achievements. Among those who know him personally he is not only thought of as a great teacher and great preacher but as a child of God.

INTRODUCTION OF THE EQUAL ACCESS TO MEDICARE HOME HEALTH CARE ACT OF 2000

HON. JAMES P. MCGOVERN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 22, 2000

Mr. MCGOVERN. Mr. Speaker, I rise today to join my colleagues—VAN HILLEARY, ROBERT A. WEYGAND, and JOHN PETERSON—in introducing the Equal Access to Medicare Home Health Care Act of 2000. This is an important piece of legislation that will extend the solvency of Medicare to home health care agencies across the country.

Mr. Speaker, Medicare is one of the most important and most popular programs ever implemented in our history. President Lyndon Johnson enacted Medicare into law in 1965. His signature was a statement that older Americans will not go without healthcare once they retire. He told us: "No longer will older Americans be denied the healing miracle of modern medicine. No longer will illness crush and destroy the savings that they have so carefully put away over a lifetime so that they might enjoy dignity in their later years. No longer will young families see their own incomes, and their own hopes, eaten away simply because they are carrying out their deep moral obligations to their parents, and to their uncles, and their aunts. And no longer will this Nation refuse the hand of justice to those who have given a lifetime of service and wisdom and labor to the progress of this progressive country."

President Johnson was right. Today, millions of seniors participate in Medicare and this Congress is engaged in a debate to expand the program. One of the most important benefits provided by Medicare to seniors is home health care. Today, over 30 million seniors take advantage of the Medicare home health benefit. This benefit is vital to these seniors because it gives them independence. They can receive treatment in the comfort of their own homes. It is also cost effective. Without home health care, seniors would have to receive their care in the more costly settings of nursing homes or hospitals.

But patient care is in danger because of the actions of Congress. In 1997, Congress passed—without my vote—the Balanced Budget Act (BBA). The net effect of this bill was to cut over \$200 billion out of Medicare. Home health care was not spared from these vicious cuts. According to the Congressional Budget Office (CBO), Medicare spending on home health care dropped 45% in the last two fiscal years—from \$17.5 billion in 1998 to \$9.7 billion in 1999—far beyond the original amount of savings sought by the BBA. Across the country, these cuts have forced over 2,500 home health agencies to close and over 500,000 patients to lose their services.

The provisions in the BBA hit my home state of Massachusetts particularly hard. The home health provisions in the BBA attempted to cut the fraud, waste and abuse in the home health care business. Massachusetts, among

other Northeastern states, has a very efficient home health care system. Yet the BBA hurt Massachusetts very badly. To date, 28 home health agencies have closed, 6 more have turned in their Medicare provider numbers and chosen to opt out of the Medicare program, and 12 more have been forced to merge in order to consolidate their limited resources. In 1998, those agencies still able to serve Medicare patients had \$164 million in net operating losses. Over 10,000 patients have lost access to home health care service in Massachusetts because of the cuts in the BBA. As a result, many patients are relying on their family, most of them untrained to provide the care needed by their loved one, or are moving into more costly nursing homes and hospitals.

This bill that I am introducing today with my colleagues will provide some relief for this ailing industry, thereby allowing these agencies to resume treating seniors in the best way possible. Specifically, this bill addresses four shortcomings. These shortcomings were either caused by the cuts in the BBA or were identified by agencies as reasons why they cannot continue to treat Medicare patients.

First, our bill eliminates the 15% cut in Medicare home health payments. The BBA mandated that home health payments be cut by 15% on October 1, 2000. In 1999, Congress delayed implementation of that cut by one year. However, this cut will be implemented on October 1, 2001. This cut will further devastate this industry. The five national home health associations agree that this cut must be eliminated, and this bill ensures its elimination.

Second, the Equal Access to Medicare Home Health Care Act of 2000 provides relief for overpayments. The BBA mandated that the Health Care Financing Administration (HCFA) create a new payment structure, called the Perspective Payment System (PPS). While HCFA developed the PPS, the agency instituted an Interim Payment System (IPS). Thousands of agencies incurred overpayments during their first year of IPS implementation because they were not notified of their per beneficiary limits until long after these limits were imposed. With regard to IPS overpayments, HCFA does not dispute that beneficiaries were eligible for the services received and that the costs incurred were reasonable. Currently, agencies can opt into a 12-month extension with interest (approximately 13%). If an agency needs more than 12 months, it must request that extension from either the fiscal intermediary or the HCFA regional office. This bill gives agencies an automatic three-year, interest free extension, thereby allowing agencies to have the funds on hand to treat their patients.

Third, our bill provides an extra payment to home health agencies for transportation in rural areas and for security in high crime areas. Thousands of seniors who receive home care services live in rural areas, and the costs to treat these people are high. Agencies incur the travel costs in order to reach these patients and they cannot treat as many people in a single day because of the physical distance between patients. Rural patients deserve the same access to home care as non-rural areas, and this bill will allow agencies that serve rural areas to continue providing service to these areas. Specifically, this bill adds 10% to the base payment for patients in rural areas. Studies show that delivery of

home health services in rural areas is 12 to 15% more costly than average. This 10% add-on to the base payment for rural agencies will help insure care for needy beneficiaries in rural areas by easing the fiscal burden of agencies to treat these patients. Additionally, many agencies operate in high-risk areas and must provide security services to ensure the safety of their home care workers. This provision would reimburse these agencies for the costs of providing such services. The costs eligible for reimbursement would be determined by the Secretary of Health and Human Services, implemented nine months after the date of enactment of the bill.

Fourth, the Equal Access to Medicare Home Health Care Act of 2000 provides access to telemedicine for home health agencies. Technology is improving by leaps and bounds. Telemedicine allows doctors and other health care professionals to examine and sometimes treat a patient through an interactive terminal, like a television. Some home health agencies are already examining patients using telemedicine. Medicare, however, does not reimburse for home health care telemedicine visits, primarily because it is unclear how and to what extent these visits should be reimbursed. For this reason, this bill requires HCFA to study these visits and to report their findings to Congress. This bill also allows home health agencies to list on their cost reports any telemedicine services provided. Cost reporting will provide the data necessary to develop a fair and reasonable Medicare reimbursement policy for home health telemedicine and bring the benefits of modern science and technology to our nation's seniors.

This bill is an important step in continuing the vital home health services provided by Medicare. The BBA hurt home health services, yet, today, Medicare is the most solvent it has ever been. Our nation is experiencing the biggest economic expansion in the history of the world. We must have the political will to improve the systems that provide the necessary services to everyone in this great country. The Equal Access to Medicare Home Health Care Act of 2000 will do just that.

HONORING MR. BOB RUCKER

HON. GARY A. CONDIT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 22, 2000

Mr. CONDIT. Mr. Speaker, I rise today to recognize my good friend, Bob Rucker, and congratulate him for being named Citizen of the Year by the Greater Merced Chamber of Commerce for his outstanding service to the community and his commitment to our future.

Bob is one of Merced County's finest individuals. He readily engages in any and all civic matters to the benefit of all residents of Merced County. His commitment to build the University of California, Merced, campus is commendable. He has dedicated countless hours working to improve the transportation infrastructure of Merced County as well as working to remove graffiti from our neighborhoods.

Bob is a problem solver. He works well in coordinating the efforts of city, county and state officials to improve the quality of life in Merced. He is a tireless advocate on behalf of the business interests in the Merced community. It is my distinct privilege to recognize

Bob, and I ask that my colleagues rise and join me in saluting Bob Rucker as Merced's Citizen of the Year.

**HONORING STEVE DAVIS,
AVIATION LEADER**

HON. CHRISTOPHER COX

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 22, 2000

Mr. COX. Mr. Speaker, today I join with each of my colleagues in recognizing Steve Davis for his extraordinary contributions to American aviation, his dedication to his country, and his commitment to excellence.

In just three years, we will celebrate the 100-year anniversary of the first powered flight by man. On December 17, 1903, Orville and Wilbur Wright broke the bonds of earth after conquering serious technological and scientific obstacles. But the biggest obstacle they faced was the absolute certainty of those around them that it "simply couldn't be done." Bishop Wright said, during a sermon in 1890, "If God meant man to fly, he would have given him wings." Yet, just 13 years after their own father ordained it impossible, the Wright Brothers proved that perseverance and faith can overcome even the greatest of seeming impossibilities.

Steve Davis is one of those rare men who, like the Wright Brothers, never listened to those who told him it "couldn't be done." As a Navy pilot in Vietnam, a key leader with Frank Borman at Eastern Airlines, the founder of his own airline, and a respected leader among his aviation colleagues in Orange County, Steve Davis has long been in the forefront of aviation. He has taken on each challenge with the absolute certainty that nothing is impossible.

Steve Davis has proven to every American that, with the right attitude, even the greatest obstacles can be overcome. Steve gives 110 percent effort, 100 percent of the time. He has served his country with distinction, his industry with honor, and his friends and family with love.

Steve Davis's efforts and can-do optimism are appreciated by all who know him. In behalf of every one of us in the United States Congress, as well as all of the people of Orange County whom it is my privilege to represent, I am honored to extend to Steve Davis a hearty "thank you" and warmest congratulations for a job well done—and a shining example for all of us to follow.

**A SPECIAL TRIBUTE TO TOFT'S
DAIRY ON THE OCCASION OF ITS
ONE-HUNDREDTH ANNIVERSARY
CELEBRATION**

HON. PAUL E. GILLMOR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 22, 2000

Mr. GILLMOR. Mr. Speaker, it is with great pleasure that I rise today to pay special tribute to an outstanding business in Ohio's Fifth Congressional District. On Friday, June 23, 2000, Toft's Dairy will host an Old Fashioned Ice Cream Social to celebrate its one-hundredth birthday.

Toft's Dairy began in 1900, in Sandusky, Ohio, as the dream of Chris and Matilda Toft. The Toft's venture into the dairy business began as they started selling milk to customers in their rural area. With a great deal of hard work and determination, the Toft family was able to obtain a horse and wagon and began hauling large containers of milk to the city of Sandusky.

In 1935, the Toft family began to further expand its operation and purchased the Oswald Dairy. With the acquisition of this retail dairy, the Toft Dairy operation began and would continue as the business that we know today. Over the years, many members of the Toft family began to work in the dairy as it expanded its size and scope in serving the Sandusky area.

Toft's Dairy continued its efforts to diversify and grow as it began to pasteurize and homogenize milk and make its own ice cream. The 1960s and 70s brought enormous growth to the dairy as the company added new products, property, and equipment. In fact, in 1968, Toft's Dairy was the first dairy in the area to bottle milk in gallon plastic jugs.

Mr. Speaker, Toft's Dairy is the second oldest dairy still in business in the state of Ohio. That is quite an accomplishment. And, Toft's Dairy is the only locally owned and operated dairy on the Lake Erie shoreline between Lorain and Toledo. Toft's supplies products to more than 250 schools and 1,200 customers.

Mr. Speaker, it is often said that America succeeds due to the ingenuity and hard work of her sons and daughters. I think that is clear and true statement as the descendants of the Toft and Meisler families continue the Toft's Dairy tradition today. At this point, I would urge my colleagues in the 106th Congress to stand and join me in paying special tribute to Toft's Dairy. We congratulate you on your one-hundredth birthday and we wish you continued success far into the future.

HONORING KENNETH I. WARREN

HON. RONNIE SHOWS

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 22, 2000

Mr. SHOWS. Mr. Speaker, I would like to take a minute to tell my colleagues and the American People about my friend, Kenneth I. Warren of Mississippi. Ken is retiring this year from the Mississippi Department of Transportation where he has been working since 1963. Over these nearly four decades, Ken has been a driving force behind the incredible strides forward in transportation made in Mississippi.

It is easy to heap praise on Ken because he has contributed so much to his fellow-Mississippians over the years. Both professionally and personally, Ken has been a role model for his colleagues and friends. Whether leading the music at Porter's Chapel United Methodist Church, sharing his life at Cursillo, speaking his mind on the Transportation Research Board, or spending time with his family, Ken is always sincere, warm, and genuine.

When I arrived at the Mississippi Department of Transportation as Transportation Commissioner in 1988, Ken had already been around for 25 years, and he was more than willing to share his knowledge and offer his

advice. Ken leaves a void at MDOT that will not be easily filled.

I look forward to many more years of friendship and interaction with Ken Warren. It will not be through MDOT. Ken is moving on. But, our friendship will continue. To Ken Warren I say thank you for serving Mississippi in the fashion you did and for the contributions you have made to your state and nation.

**THE NEA'S POLITICAL
PRODUCTIONS**

SPEECH OF

HON. BOB SCHAFFER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 15, 2000

Mr. SCHAFFER. Mr. Speaker, in recent weeks, the House has spent considerable time discussing the Fiscal Year 2001 appropriations bills, and I have joined my colleagues in debating the best uses of the American taxpayers' hard-earned money. As we evaluate the Department of the Interior Appropriations bill, I believe it is necessary to bring to light an egregious misuse of taxpayer dollars.

In 1965, President Lyndon Johnson created a program intended to advance and promote artistic endeavors in this country called the National Endowment for the Arts (NEA). On the surface, this seems a worthwhile cause. After all, who doesn't want to support ballet, theater, paintings and sculpture designed to enlighten and uplift audiences?

I am a strong supporter of the arts. In fact my office sponsors an art competition so students in my district can compete in the nationwide art competition sponsored by this House. I believe in supporting local artists to express their artistic talents. That is why I find it unfortunate NEA funding is often misused to support endeavors not intended to uplift and enlighten, but to advance ideas that are clearly obscene, anti-family and sacrilegious. This is more than unfortunate. It is unacceptable.

Just this past April, the Irondale Ensemble Project performed the play "The Pope and The Witch" at the Theater for New City in New York's East Village. This production was written by Dario Fo, an Italian satirist, communist and anti-Catholic activist. "The Pope and The Witch," portrays a paranoid pope addicted to heroin who is influenced by a witch dressed as a nun. As the play unfolds, various positions in the Catholic clergy are portrayed in an extremely sacrilegious manner including the portrayal of a drug-addicted pontiff promoting abortion and the legalization of drugs. In the play, he is gunned down by his own church. Fo's production maliciously describes the teachings of the Catholic Church and trivializes the role of its clergy, glorifying the use of narcotics. This production is offensive and a reprehensible use of hard-earned taxpayer dollars.

Is this the type of "art" the NEA had in mind when it gave the Irondale Ensemble Project a \$15,000 grant and the Theater for the New City a \$12,000 grant? As the representative of Colorado's Fourth Congressional District, I cannot approve \$27,000 of taxpayer money being allocated to a political production which attacks Catholicism and promotes illegal drug use. This is a travesty and complete violation of the trust the American people have placed in the Congress to spend their money wisely.

Mr. Speaker, I support the amendment to reduce the NEA's funding offered by Mr. STEARNS of Florida. Mr. STEARNS amendment would shift a small amount—2 percent—of the NEA funds to wildland fire management. The NEA is funded at \$98 million. Private funds for the arts are in excess of \$ 10 billion. This is \$10,098,000,000 for the arts. Mr. Speaker, just outside of my hometown of Ft. Collins, Colorado a massive wildfire is raging, destroying homes and wildlife habitat. This is only one of thousands of wildfires not just in the West, but the entire United States. Is 2 percent too much to ask for a serious threat which is affecting thousands of people? Is 2 percent too much to ask for when you contrast my plea with the highly offensive and political "productions" the taxpayers are involuntarily funding through the NEA? Clearly, such a small transfer is not too much to ask, and is the right and responsible action for Congress to take. How can anyone argue seriously for more funding for productions like "The Pope and The Witch" against fire management funds?

The Stearns amendment is a concerted effort to regain those federal dollars that were so egregiously misused. The amendment sends a clear message to the NEA: Congress will not support the use of taxpayer dollars to promote anti-Catholic hate speech or any other anti-religious bigotry. I am outraged, not only as a Catholic, but as a citizen of this country founded on principles of religious tolerance. The government of the United States has no place in financially endorsing the efforts of a communist playwright in his political mission of defaming a sacred institution which is embraced by millions of Americans.

Mr. Speaker, I am an ardent defender of free speech, and believe firmly in the right of free Americans to speak against any virtue, yet we must not confuse the right to "free speech" with the perversion of "subsidized speech." Mr. Fo's right to say what he will clearly does not entail a right to public funding. In fact the greater offense is to the conscientious Americans forced to subsidize Fo's bigotry at the hands of the NEA's despotic administrators.

It is time the United States government remove itself from the dangerous practice of supporting anti-religious campaigns of any kind whether in the name of art. The amendment is a necessary step in doing just that.

PERSONAL EXPLANATION

HON. EVA M. CLAYTON

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 22, 2000

Mrs. CLAYTON. Mr. Speaker, on Wednesday, June 21, 2000, I was unavoidably detained and missed rollcall vote No. 298.

Had I been present, the following is how I would have voted: Rollcall No. 298 (H. Res. 528) "yea". "Providing for consideration of H.J. Res. 90; Withdrawing the Approval of the Congress from the Agreement Establishing the World Trade Organization."

HINCHEY AMENDMENT

SPEECH OF

HON. JOSEPH CROWLEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 21, 2000

Mr. CROWLEY. Mr. Chairman, I strongly support the amendment offered by the gentleman from New York Mr. HINCHEY.

Congressman HINCHEY has been a tireless crusader for the rights of our nation's veterans, and this amendment highlights this fact by forcing the VA to abandon its flawed funding formula for providing for the health care needs of America's veterans.

Under the current system, VERA bases its resource allocation on sending more dollars to areas where there are more veterans—not where the needs are the greatest.

While that may sound rationale—the result has been horrendous for areas of the country like Queens and the Bronx, where I represent.

The facts bare out that increasingly more VA dollars are going to the South and Southwest portions of the country where more veterans live—veterans who are often younger and healthier. The result is less resources in the areas of the country, like New York City, where the veterans are older, sicker, and in more desperate need of care.

I held a recent veterans Town Hall meeting in my district at the Eastern Paralyzed Veterans Association office in Jackson Heights.

There, a constituent informed me of a VA hospital he saw while on vacation in Florida.

It was a state of the art facility, with plenty of doctors and nurses on call—and no patients.

They informed me that the place was virtually empty—but they have the best money can buy.

In New York City, meanwhile, we continue to see lay-offs of the professional doctors and nurses at our VA hospitals and clinics; long lines for care; and a far too high ratio of nurses per patient.

I am not saying that we should deprive our veterans in the South and Southwest part of the country their fair share of resources—all we ask for this amendment is that the VA provide equal treatment and resources to all veterans regardless of where they reside.

It is a shame that the VERA system has pitted veterans in one region of the country versus veterans in other regions.

Therefore, I am supportive of the Hinchey amendment to prohibit any federal funds from implementing or administering the VERA system.

I ask all of my colleagues from throughout the nation to support this amendment that has caused so much pain for so many veterans.

IN HONOR OF THE LATE ROBERT TRENT JONES, SR.

HON. ANNA G. ESHOO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 22, 2000

Mrs. ESHOO. Mr. Speaker, I rise to honor the life of one of the legendary figures in the world of golf, Robert Trent Jones, Sr. When Trent Jones died last week at the age of 93,

he was regarded as the greatest golf course designer in history and the patriarch of the first family of golf.

His accomplishments in golf course construction and design are stunning in both their scope and beauty. He created more than 350 courses and remodeled more than 150 others. In a profession where designing a half-dozen well-regarded courses is an achievement, 79 of Trent Jones's courses were used for national championships including the U.S. Open. Every continent in the world hosts one of his courses, and he was fond of saying, "The sun never sets on a Robert Trent Jones golf course."

The U.S. Open was played so many times on a Robert Trent Jones, Sr. course he became inextricably linked to this premier golf event. He was known as the "Open Doctor" because he frequently was called to change a course in anticipation of it hosting the world's top golfers at the Open.

And while the "Open Doctor" was a name he was pleased to be called in public, he was just as proud of the names he was called by golfers, privately muttered under their breath as they finished a round on one of his courses. Trent Jones believed a golfer needed to attack a course—and the course should attack back. His courses were beautiful to look at, but a challenge to play. He believed par meant par. To break par one should be an extraordinary golfer.

Golf is a game where stories and legends have a particular importance. Trent Jones enjoyed the stories professional golfers told about his courses and the challenge they presented. The great Ben Hogan called one of his courses a "monster" and at a reception for Hogan's U.S. Open victory Mr. Hogan told Mr. Jones's wife, Lone, "If your husband had to play this course for a living, he'd be on the breadline." Twenty years later at another U.S. Open a professional golfer said the course was too difficult. When the pro was asked what the course was missing he said, "Eighty acres of corn and a few cows."

In a now legendary story, at the 1954 U.S. Open, golfers were complaining that a hole Trent Jones had redesigned for the tournament was too difficult. Jones, himself an outstanding golfer, played the hole prior to the tournament with the club pro, the tournament chair and another golfer. Other Open golfers gathered around the tee in eager anticipation of tee shots going into a huge water hazard Jones had placed in front of the green.

After the first three golfers teed off and made it to the green, Mr. Jones swung a 4-iron and promptly made a hole in one. Turning to the golfers around him he said, "Gentlemen, the hole is fair. Eminently fair."

Mr. Speaker, in addition to all of these achievements, Robert Trent Jones, Sr. was the head of perhaps golfing's greatest dynasty. His two sons, Robert Trent Jones, Jr. and Rees Jones are also world famous golf course designers and are icons in the golfing world.

Robert Trent Jones, Sr. died last week on the eve of the 100th U.S. Open at Pebble Beach in California. The tournament, won by Tiger Woods, was one of the most memorable played and signaled the arrival of an outstanding champion.

One legend departing and one just arriving. Trent Jones would have understood the beauty and harmony of that. He knew that was

what the game of golf was about. He knew that was what life was about. And if you ever walk one of his courses, you will see that his work reflected those truths.

Mr. Speaker, I ask you and my House colleagues to join me in honoring the life of Robert Trent Jones, Sr. and express our condolences to his two sons, Bobby and Rees and their families. Robert Trent Jones, Jr. and his wife, Clairborne, are distinguished members of my Congressional District and I consider them to be a part of my family as well.

THE JING LYMAN CIVIC LEADERSHIP AWARD

HON. ANNA G. ESHOO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 23, 2000

Ms. ESHOO. Mr. Speaker, members of the American Leadership Forum have come to Washington, DC this week to hold what they call a "gathering." ALF's senior fellows have come from around the nation to meet and reflect on the idea of civic engagement, develop projects to increase civic involvement and to announce the recipient of a prestigious award being given for the first time.

The award is called the Jing Lyman Civic Leadership Award. It is named after Jing Lyman, one of the most outstanding individuals I've ever had the privilege to know. She is a national treasure and one of America's great women.

Her contributions to our nation and its communities are numerous. Of particular note are her activities that reflect the values of the American Leadership Forum for which Jing has served as National Board Chair. In several organizations, Jing's role was creator and leader. She was the founder and board president of the National Organization for Women's Enterprise, Inc. She was a founding member and chair of the Women and Foundations organization. She was a founding member and executive committee member of the Stanford Midpeninsula Urban Coalition, and she was a founding member and the first director of the Midpeninsula Citizens for Fair Housing.

Mr. Speaker, the recipient of the American Leadership Forum's first Jing Lyman Award will be selected based on his or her substantial accomplishments in innovative community building and for building bridges beyond his or her own sphere or influence. Throughout her life, Jing Lyman has developed groundbreaking organizations in her community to connect women to the opportunities our society offers, and she has continually expanded her sphere of influence beyond Stanford University in order to build housing for the poor and disadvantaged throughout the community.

While working on these civic activities Jing Lyman has been an active member of the Stanford University community. She has been a steady and devoted partner to Stanford University's President Emeritus Richard Lyman. Together they have been an inspiration to thousands of Stanford students. They are my close friends and my frequent advisors.

Another great American woman, Eleanor Roosevelt, wrote, "Friends, you and me. You brought another friend. And then there were three. We started our group, our circle of

friends. And like that circle, there is no beginning or end." Jing Lyman's achievements have reflected this simple dynamic. She has not only accomplished a great deal, but she has gained innumerable friends and admirers along the way. The projects and organizations she has founded and advanced, will live long beyond ourselves.

Mr. Speaker, I ask you and our colleagues to join me in extending our congratulations to Jing Lyman on the occasion of this inaugural award, and to convey the gratitude of the American people and their Congress for the extraordinary and lasting contributions she has made to our Nation.

AMERICAN RED CROSS BLOOD SERVICES IN CONNECTICUT CELEBRATES ITS 50TH YEAR!

HON. JAMES H. MALONEY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Friday, June 23, 2000

Mr. MALONEY of Connecticut. Mr. Speaker, it is an honor to bring to the attention of the House of Representatives and the American people the celebration of an event, and the history of an activity, that has gone on now for fifty years. Today and tomorrow, June 22nd and 23rd, 2000, the American Red Cross Blood Services, Connecticut Region, is marking its fiftieth anniversary of blood collections in Connecticut.

In 1950, at the Danbury Teacher's College, now the campus of Western Connecticut State University, in my congressional district, the first efforts to collect blood in Connecticut began. During that year, about 10,000 pints of whole blood were taken using sterile glass bottles. In 1999, nearly 160,000 pints were collected using sterile plastic collection kits.

We have come a long way in advancing this very necessary program. Not only is the Red Cross to be congratulated for its efforts, but the people of Connecticut are to be commended for supporting the program and making the collections possible. The American Red Cross Blood Services continues to serve Connecticut's hospital Banking and Financial patients as the only provider of blood products to our state's 33 hospitals, as well as providing this and other forms of assistance in their disaster relief efforts.

Mr. Speaker, on behalf of the people of Connecticut's 5th District and the state as a whole, I congratulate the American Red Cross, and in particular, the American Red Cross Blood Services, Connecticut Region, for their commitment to our area and for the wonderful service they provide to all of us on a daily basis.

A RUSH TO DEATH IS NEVER NECESSARY

HON. MAJOR R. OWENS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, June 23, 2000

Mr. OWENS. Mr. Speaker, Gary Graham (Shaka Sankofa) was exterminated by the State of Texas yesterday, June 22, 2000. He was killed with a lethal injection despite that

fact that there are many reasons to doubt the guilty verdict which placed him on death row. Gary Graham clearly deserved more time alive to investigate fully all of the irregularities surrounding his trial. Since death is irreversible and human life is sacred, time should not have been rushed. The American people and their powerful State Governors should fully note recent developments which indicate that a large percentage of the people on death row are probably not guilty. Gross inadequacies in the criminal justice system are generating deadly mistakes. In my opinion there are too many people who approve of the death penalty as a just punishment for certain crimes. At the same time almost no American citizens approve of the execution of innocent victims. Gary Graham was the 222nd person executed in Texas since the state resumed capital punishment in 1982. He was the 135th person executed during the present Governor's tenure. Mr. Speaker, the Rap poem below summarizes this disgracefully sad situation.

CREDO OF THE EXECUTIONER

When in doubt
Just let them die
Ambitious Governors
Never cry
Witness eyes
Never lie
Bargain basement lawyers
Refuse to pry
Treat the truth
Like a spy
Voters yell for blood
Compassion is swept away
In a primitive flood
Savages satisfied
Delighted that so many
In great Texas
Have already died
When in doubt
Kill them first
Then publicly pray
Moral indignation
Soon fades away.

RECOGNIZING THE CHINATOWN HEALTH CLINIC

HON. NYDIA M. VELAZQUEZ

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, June 23, 2000

Ms. VELAZQUEZ. Mr. Speaker, I rise today with great honor to recognize the achievements of an outstanding organization that provides excellent services in New York's 12th Congressional District. The Chinatown Health Clinic (CHC), located in the Lower East Side of Manhattan, was selected as one of the winners of this year's "Models That Work" competition sponsored by the U.S. Department of Health and Human Services, for their Primary Care Mental Health Bridge Program (PCMH).

The Chinatown Health Clinic is a non-profit, community based health care facility established in 1971 to provide health care services to the New York City Asian community. CHC provide access to quality and culturally sensitive health care and health education services. It advocates on behalf of the Asian community who, due to cultural, language, education or financial barriers, may not have access to basic health care services or health education activities.

The Bridge Program was created by the Chinatown Health Clinic in response to the

significant barriers to delivering mental health to the Asian American community. CHC has a 27 year history of providing bilingual and bicultural outpatient primary cares services and it contributes to the Bridge Program by conducting educational outreach activities in the community about mental health, substance abuse, and providing concrete services to patients who may need financial assistance or social services.

As you can see, the recognition made to the Bridge Program by the Department of Health and Human Services is indeed well deserved. I commend the Chinatown Health Clinic for its hard work and continuous commitment with the Asian community and would like to personally congratulate them on this significant achievement.

HAPPY 50TH ANNIVERSARY TO
DANIEL AND BERNITA O'CONNER

HON. JAMES A. BARCIA

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, June 23, 2000

Mr. BARCIA. Mr. Speaker, throughout our lives we receive countless blessings and among these, the greatest gift is that of love. Today, I am proud to be able to pay tribute to two people who have cherished this gift and demonstrated their love and devotion to one another each and every day over the past fifty years.

On June 24th, two extraordinary people, Daniel and Bernita O'Conner are celebrating their golden wedding anniversary. Together with their children Patrick, Daniel and Erin, their grandchildren Danielle, Caitlin and Meaghan, and a number of friends that their years of work and community involvement have brought them, they will celebrate this most special of days.

After meeting at Sacred Heart Church in Kawkawlin, Michigan, these two young people soon fell in love. They were married on June 24, 1950 in Essexville, Michigan, and ever since that day, Daniel and Bernita have shared a wonderful life together. They have found happiness as lifelong companions. As nurturing parents, tireless workers, selfless community leaders and lifelong Democrats, the O'Connors truly represent all that is right in this country.

Daniel and Bernita are not only dedicated to each other and their family, but they are also dedicated to their church. They have always been active in the Catholic Church, including several parishes in my district. Holy Trinity in Bay City, St. John the Evangelist in Essexville and Sacred Heart in Kawkawlin, have been fortunate to have the O'Connors as members. Their commitment to their faith and strong family values makes them excellent role models for everyone who crosses their paths.

Mr. Speaker, in these days of disintegrating families, it is reassuring to see a strong, stable marriage built on love, respect and trust. Their lives together have been a blessing to each other, and an inspiration for those of us fortunate enough to know them. I urge you and all of our colleagues to join me in wishing Daniel and Bernita O'Conner the happiest of anniversaries, on this their fiftieth, and many more to come. May God's continued blessing be upon them and their beautiful family.

TRIBUTE TO STATE SENATOR
ROBERT LAMUTT'S WORK ON E-
SIGNATURE LEGISLATION

HON. BOB BARR

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 23, 2000

Mr. BARR of Georgia. Mr. Speaker, today, I would like to honor a leader from the Seventh District of Georgia State Senator Robert Lamutt. Senator Lamutt is a true leader in providing state regulations on electronic commerce, commonly known as "e-commerce."

The Internet has experienced phenomenal growth since its inception. It has become a tool with which millions daily access more information than in any single library, communicate with friends, or purchase goods from retailers located all over the world. As e-commerce continues to boom, it has become imperative to enact federal and state legislation that will enable, enhance, and protect future Internet users.

The greatest barrier to regulating electronic transactions has been the lack of consistent rules governing the use of electronic signatures ("e-signatures"). For the past two years, the National Conference of Commissioners on Uniform State Law, an organization comprised of e-commerce experts, has been working to develop a uniform system for the use of e-signatures for all 50 states. Their product, the Uniform Electronic Transaction Act, is in the final stages of review. When the UETA is completed, it will be used by state legislatures to enact the legislation and establish the uniformity necessary for the interstate use of e-signatures.

As a Georgian, I am proud these new standards were in part crafted from Georgia Senate Bill 62, signed into law by our Governor on April 19, 2000. This legislation grants "e-transactions" the legitimacy of traditional, paper-based transactions. Senator Robert Lamutt, R-Marietta, was the bill's primary sponsor. Senator Lamutt's insight and understanding helped define one of the more difficult aspects of the bill. Instead of focusing on limiting the scope of competitive solutions, the Georgia bill looked at defining e-signatures from a minimalist perspective. The language clarifies that just because something is done electronically, it is still legally binding. It was this "real" solution to a complex issue that enabled the UETA drafting committee to move toward its final draft.

Mr. Speaker, I rise to recognize Georgia Senator Lamutt's pioneering work on this issue. He is a tremendous asset to Marietta, the State of Georgia and indeed, the nation. I am most proud of his approach in creating greater uniformity in electronic transactions, electronic records and electronic signatures. This insight will inevitably lead to greater, legally binding e-commerce, and will help us in the Congress as we endeavor to develop federal legislation regarding this important aspect of interstate commerce, and as H.R. 1714, the e-signature bill passed by the House on June 14, 2000, moves forward.

REAL SOLUTIONS TO VIOLENT
CRIME

HON. DAVE WELDON

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 23, 2000

Mr. WELDON of Florida. Mr. Speaker, the immediate reaction of the advocates of additional gun control to violence we see in our communities is to call for new, more restrictive gun controls on law-abiding Americans. The American people are smarter than that. In fact recent survey's have shown that the American people don't believe additional gun control laws passed by the Congress will reduce crime. The American people know that criminals, by definition, are not law abiding citizens. Criminals are law-breakers and if they are not willing to abide by laws against murder and robbery, they are not going to comply with a new law that would require that they go down to the local police station and register their firearms. To believe that they would do such a thing is lunacy.

Mr. Speaker, the solution to our problems is two part. To address the near-term problem of violent crime we need to lock up criminals, including those who use guns in the commission of a crime. Examples of where this has been initiated in various states shows that this works. Second, we need to emphasize in our society that life has value, that life is not expendable.

Many Americans may recall just a few months ago, the stand-off between police and Joseph C. Palczynski, the Maryland man who killed four people and held three others hostage in Baltimore this past March. Let's take a look at this guy's criminal record, and ask whether or not this man should have been out on the streets. (According to Wash Times)

In 1988 he was convicted of battery and sentenced to two years probation. In 1989, he assaulted a 16 year-old girl and was subsequently sentenced to four years in jail. However, he was somehow let out and in 1991 he beat up his girlfriend, while she attended high school. In 1992, following another domestic violence complaint by a girlfriend, and after holding police at bay for 16 hours, he was arrested on two outstanding warrants including a weapons violation charge. In 1995 he received a 10 year suspended sentence for the battery of another girlfriend's father.

On March 4, 2000, he was arrested on assault charges in a domestic-violence incident and released the next day on a \$7,500 bond. Just 2 days later, on March 7, he murdered three people with a gun bought by a friend and on March 8 murdered another person. On March 17-21, he held police at bay while holding a family hostage.

AL GORE and his liberal friends in Congress have a solution to prevent this crime in the future: gun registration.

The American people are not stupid. They recognize this as an opportunist's attempt to exploit this situation to advance their anti-Second Amendment agenda. Their solution has no relation to the crime and is no solution.

Common sense says this guy should never have been out on the streets. The real solution is to ensure that these types of criminals are kept behind bars, not impose new restrictions on the Second Amendment rights of law abiding citizens.

Let's turn to another tragedy, for which liberals have proposed as a solution, additional restrictions on the Second Amendment. It is important that we look at the circumstances and see if their solution would have addressed the problem.

In early March, a six year old boy brought a gun to school and shot a six year old little girl. This is an unspeakable tragedy and my heart goes out to the little girl's family. No one should have their little girl taken from them in a senseless act of violence. At its root, this tragedy is a reflection of moral decay in our society. It reflects a lack of value on human life in American society today.

As we as a nation consider a response to this tragedy, it is important to look at the specific events that led to this tragedy. The six year old who shot his classmate was living with his uncle in a crack house. The boy's father is in jail for a burglary charge. ABC's Nightline indicates that the boy's father had at least five children by four different women. The mother had been evicted from her apartment. The gun the boy used was sitting out in a bedroom, underneath some sheets and was a stolen gun. It has been reported that the gun may have been traded for drugs. The father described his son as enjoying violent movies and television shows. And, teachers described the boy as aggressive and a bully. They also stated that he had been suspended from school twice, once for fighting and a second time for stabbing a little girl with a pencil.

Mr. Clinton has already laid the blame for this tragedy at the feet of Congress for not approving his gun control proposals. The reality is his gun proposals would have done nothing to stop this tragedy, and he refuses to admit that the problem in this case runs much deeper into the soul of this individual, his relatives, and our nation. Mr. Clinton's statement is a shameful exploitation of this tragedy to secure support for legislation that would have done nothing to prevent this tragedy. Too often the media and politicians point to the need for additional gun control as the "solution" because they do not have any other answers or lack the will to consider the root causes that lead to these tragedies.

It appears that this child was raised in a culture of violence with little respect for the rights of others, including the right to life. The blame for this tragedy rests primarily with the parents who failed to teach this child to respect life and others. Also, the peddlers of violence in our society are also partly to blame. Professor William Allen, at Michigan State University, said it best when he stated, "When you have 6 year olds shooting 6 year olds, you are not talking about crimes anymore, you're talking about moral decay."

We are dealing with a cultural meltdown. Many are proposing simple, quick fix solutions. However, we must recognize that there are no quick fixes to such a tragedy. At the root of this tragedy is a corruption of the heart and soul of our nation. We must work to restore a value on life.

We must counter the message that some adults in our society are sending is that some life is expendable. Children learn from our actions. Not only do many of our movies, music lyrics, and video games portray life as expendable, but many of the actions of adults in our society convey this message as well. When our children see adults, including political leaders, advocating the acceptance of drugs, eu-

thanasia, partial-birth abortions, and abortion on demand, adults devalue life and teach our young people that life is expendable.

Today, we must ask ourselves if we will have the courage to confront the root causes of violence. I am once again reminded of the comments made by Mother Teresa in 1994, when she stated "Our children depend on us for everything—their health, their nutrition, their security, their coming to love and know God. For all of this, they look to us with trust, hope, and expectation. But often father and mother are so busy they have no time for their children . . . So their children go to the streets and get involved in drugs or other things. We are talking of love of the child, which is where love and peace must begin." We as a nation must heed this advice.

We must work to renew in our society a respect for the value that human life has. Only if society places a higher value on life will we be able to make serious progress in reducing the violence in our society.

DEBT REDUCTION RECONCILIATION ACT OF 2000

SPEECH OF

HON. GARY G. MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 20, 2000

Mr. GARY MILLER of California. Mr. Speaker, I rise in support of H.R. 4601 the "Debt Reduction Reconciliation Act of 2000." It is time for the U.S. Congress and the President to start living the way American families do.

When a family owes money on a credit card, loan, or car, they pay a price to borrow that money—an interest rate. Interest rates make the purchase made by that credit card or loan or the car more expensive; hence, there is a financial incentive to pay the debt off as quickly as possible. Unfortunately, it seems that too many members of Congress and this President have forgotten what interest rates and debt really mean.

Our refusal to be mindful of simple accounting methods has resulted in the rapid accumulation of surplus revenues in the U.S. Treasury Department's operating cash accounts. At the same time, we have a public debt of \$3.54 trillion. However, we currently lack the mechanism needed to apply these surplus funds to the debt quickly. At this time, the Treasury may only issue less debt, reverse auctions, or purchase debt instruments. While these tools are useful, specific economic conditions influence which method can be employed at what exact time, limiting the options of the Treasury Department.

A more flexible solution is needed, and we have one in H.R. 4601. The "Debt Reduction Reconciliation Act of 2000" would protect the on-budget surplus revenues collected during the remainder of fiscal year 2000 and appropriate them for debt reduction by depositing them in a designated "off budget Public Debt Reduction Account." By moving the surplus out of the Treasury's operating cash accounts, appropriators would not be tempted to spend money they do not really have.

The "Public Debt Reduction Account" would give the Treasury flexibility to use its existing debt reduction tools in the most effective manner. Surplus revenues deposited in this ac-

count would remain available until utilized for debt reduction. Most importantly, the Treasury would be able to schedule reverse auctions at the most advantageous times, make funds available to brokers buying back debt on the open markets, or decrease the size of new debt issues—depending on which mechanism, or combination of tools, proves most cost effective.

It is also important to note that H.R. 4601 applies only to the surpluses for this current fiscal year. The "Public Debt Reduction Account" is not intended to become an automatic allocation as other accounts are, and in no way would this bill tie the hands of appropriators in the future.

Too often, we state that policy goals are worthy of implementation—some time in the not so near future. Right now, our economy is robust and healthy. In fact, Federal Reserve Chairman Greenspan's biggest concern is that our economy is growing too quickly. It is this rapid economic growth that has helped to create the surpluses we are discussing, and we should address this issue now.

We must also consider what we have to gain by focusing on debt reduction: an improved credit rating; no more interest payments, and most importantly, the renewed faith of the American people who will finally be able to see that their government lives by the same set of standards.

Do not believe the hyperbole that you will hear from the other side of the aisle. Without H.R. 4601, we will continue to spend and spend. Never in the history of the modern Presidency and Congress has there been an on-budget surplus that wasn't spent. In addition, without this bill the Treasury will continue to lack the financial mechanisms to apply surplus funds to the debt in a manner that is expedient and efficient.

Over the last few months, many of us have written about the need to reduce the debt. We've spoken about it in committees and here on the floor. In fact, many of you supported the goal of debt reduction by voting for the budget resolution. It is time for us to support a tangible, realistic solution.

This Administration has tried to argue that no solution exists. Not only is that statement incorrect, it is also grossly misleading. What the President really wants is the ability to spend every penny that comes into the Treasury.

I feel that we owe the taxpayers of this nation a lot more. After all, the surplus is the result of their hard work and willingness to pay taxes. We need to ask ourselves, "what would the families in my district do if they were suddenly able to pay off money they owe?" For me, that answer is simple. I urge support of H.R. 4106.

CONGRESSIONAL RECORD STATEMENT OF CONGRESSMAN JOHN D. DINGELL HONORING THE MONROE EVENING NEWS ON THE OCCASION OF ITS 175TH ANNIVERSARY

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, June 23, 2000

Mr. DINGELL. Mr. Speaker, today I recognize and pay tribute to The Monroe Evening

News. The longest continuously published newspaper in Michigan. The Monroe Evening News traces its roots back to 1825 when it was first published by Edward D. Ellis as The Michigan Sentinel. The 175 year history of this distinguished paper is one in which the people of Monroe County take great pride.

The Monroe Evening News has survived and flourished because it has changed with the times while remaining true to the journalistic values first put forth by Mr. Ellis. Perhaps the most significant change in The Monroe Evening News occurred in 1994 when the employees acquired a majority stake in the paper. In 1999, the employees bought all of the remaining shares, making it one of only two newspapers in the country to be owned, in its entirety, by its employees. Employee ownership will preserve for future generations the controlling local interest that characterized its first 175 years.

With such a long history, The Monroe Evening News has seen many changes. In 1987, the publication delivered its first Saturday morning edition. The success of the Saturday morning edition led the paper to publish a Sunday morning edition only two years later. Today, The Monroe Evening News is published seven days a week. In 1998 another major change occurred, The Monroe Evening News built a state-of-the-art printing facility. This new printing plant enabled the paper to adopt a computerized, full color layout. Before the plant was constructed, the paper was published on two printing presses that were built in 1924 and 1932, believed to be the oldest in the country.

Through 175 years of change and progress, the one constant at The Monroe Evening News has been its journalistic commitment to objectivity and fairness. These values reflect those of the community the paper serves and account for the growth and success it has enjoyed.

Mr. Speaker, I would ask my colleagues to rise with me in tribute to a fine institution, The Monroe Evening News.

TRIBUTE TO THE 50TH ANNIVERSARY OF THE KOREAN WAR ON BEHALF OF VFW POST 4379 AND THE 23RD VFW DISTRICT OF CALIFORNIA

HON. KEN CALVERT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 23, 2000

Mr. CALVERT. Mr. Speaker, today I commemorate the 50th Anniversary of the Korean War. This Saturday, June 25th, the Winchester Veterans of Foreign Wars Post 4379 and the 23rd VFW District will celebrate the 50th Anniversary of the Korean War to "Honor America's Heroes."

On June 30th, 1950, President Truman ordered United States ground forces into South Korea and a naval blockade of the Korean coast. Only a few days earlier, North Korean forces had crossed the 38th parallel invading South Korea and capturing the South Korean capital of Seoul.

One of the war's most dramatic battles, Chosin, saw 17 Medals of Honor and 70 Navy Crosses awarded, more than any single U.S. action. The Marines and other Allied troops

saw nearly 2,400 of their own killed and 10,000 wounded or frostbitten. And yet, this is often called the "forgotten war" by our veterans, who found themselves returning to an indifferent home front keeping their experiences to themselves.

Well, I say "NO MORE," Mr. Speaker! And ask that my home district of Riverside County, California and the whole nation open their minds and hearts to the stories of our Korean War veterans—that they join in the celebration. The sacrifice that service men and women have selflessly accepted over the centuries deserve at least that much. I offer my most heartfelt appreciation to the veterans of VFW Post 4379 and the 23rd VFW District.

NEW SPIRIT OF GREEK-TURKISH COOPERATION IN NATO

HON. DAVID L. HOBSON

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, June 23, 2000

Mr. HOBSON. Mr. Speaker, there has been a remarkable step forward in the rapprochement between Greece and Turkey over the past two weeks as our two NATO allies have cooperated militarily as part of NATO's Dynamic Mix exercise in the eastern Mediterranean.

Greek-Turkish military cooperation during this exercise marks a historic turning point. For the first time, 150 Turkish soldiers landed on a Greek beach as part of an alliance wargame to practice repelling an enemy assault on a NATO ally in its southern region. Turkish troops landed near where the Greeks began their 1821 war of independence against the Ottoman ancestors of modern day Turkey. As part of the maneuvers, Turkish warplanes also landed at a Greek airbase for the first time since 1972.

Improved relations between Greece and Turkey started with low-level talks on non-contentious matters and were given a boost by mutual outpourings of assistance when destructive earthquakes struck both countries last year. Military cooperation between Greek and Turkish forces—which had been stalled by intractable disputes over the Aegean sea, airspace, sovereignty, militarization of islands, and Cyprus, since the early 1970s—could pave the way for further progress on bilateral problems. Although the two allies have not yet tackled these complex issues, their commitment to cooperation in NATO maneuvers in the eastern Mediterranean is an encouraging sign.

Turkey made the first gesture on Aegean disputes this time by agreeing to file flight plans for its military aircraft participating in the exercise, a Greek demand even though the 1944 International Civil Aviation Organization accords do not require military aircraft flying in international airspace to do so. Greece accepted the goodwill offer by allowing the flight plans to be filed in NATO's southern region headquarters in Italy, rather than in Athens.

Turkey is one of the staunchest NATO allies and continues to field the largest standing army in the Alliance after the United States. Turkey anchored NATO's southern flank from the time it joined the Alliance in 1952 through the demise of the Soviet Union in 1991. Turkey hosted NATO's southeastern land and air

commands at Izmir, while counterpart headquarters in Larissa, Greece, were stood up just last fall. Turkey has played consistently in NATO exercises in the region, despite Greek boycotting of the maneuvers over disputed Aegean airspace and militarization of its islands.

Greek-Turkish military cooperation in NATO's southern region is crucial for the Alliance to shore up its defenses in the eastern Mediterranean, respond to potential crises in the Middle East, and promote stability in the Balkan region. Our allies in the eastern Mediterranean have already become the new front line states for post Cold War conflicts, such as the Gulf War, the conflict in Bosnia, and the war in Kosovo. Further military gestures to circumvent longstanding Aegean disputes, such as Turkey's compromise this time, will strengthen bilateral relations between two key allies and bolster NATO's ability to defend its southern region in the 21st century.

HIGH NEED HOSPITAL MEDICARE RATE RELIEF ACT

HON. JOHN J. DUNCAN, JR.

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Friday, June 23, 2000

Mr. DUNCAN. Mr. Speaker, I recently introduced the High Need Hospital Medicare Rate Relief Act of 2000 to address the unintended consequences of the Balanced Budget Act of 1997. It had a disproportionate impact on hospitals that serve especially large numbers of Medicare and Medicaid patients. These hospitals are located in our most rural communities and in our largest urban areas and include sole rural hospitals and large academic medical centers.

What they have in common is the overwhelming amount of care they provide to our Country's elderly and poor, insured and uninsured. It is their service mission that distinguishes them and now puts them at grave financial risk.

With the revenue stream heavily weighted toward Medicare and Medicaid, these 600 or so safety net hospitals are more dependent on federal and state reimbursement than any other hospitals. They have relatively few commercially insured patients, and therefore, little or no ability to offset Medicare costs. This financial problem is exacerbated by the large numbers of uninsured patients that rely on these same providers for care.

We are talking about the providers that make up the Nation's health care safety net. The High Need Hospital Medicare Rate Relief Act of 2000 defines these hospitals as ones whose combined Medicare and Medicaid inpatient days exceed 65 percent and whose Medicare disproportionate share percentage exceeds 40 percent. The Act targets relief to these high-need hospitals through two separate payment mechanisms.

First, this bill directs the Secretary of Health and Human Services to calculate a qualifying hospital's market basket update—or inflation adjustment—for federal fiscal years 2001 and 2002 as if there had not been a 1.8 percentage reduction in the market basket adjustment for fiscal year 2000. By restoring the rate base at these hospitals for purposes of calculating future year rates, this proposal would partially offset the accumulated cuts inflicted by the

Balanced Budget Agreement, which are compounded each year due to Medicare's rate setting methodology.

Second, since there is no uniform measurement of uncompensated care, this legislation provides a 2 percent adjustment to the Medicare inpatient rates of high-need hospitals to reflect the added costs incurred by providing large amounts of uncompensated care. The rate supplement is authorized for three years, with the expectation that new federal and state insurance initiatives will gradually reduce the number of uninsured patients.

The High Need Hospital Medicare Relief Act of 2000 targets relief to safety net hospitals across the Country from Tennessee to California and ensures that vulnerable patients have continued access to essential health care services.

THE NATIONAL AND COMMUNITY SERVICE AMENDMENTS ACT OF 2000

HON. CHRISTOPHER SHAYS

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Friday, June 23, 2000

Mr. SHAYS. Mr. Speaker, I rise in strong support of the National and Community Service Amendments Act of 2000 which I have introduced today with my colleague from New Jersey, Mr. ANDREWS.

As a strong fiscal conservative, I believe National Service is one of the wisest and least costly investments our government can make. Every \$1 spent on AmeriCorps generates \$1.66 in benefits to the community; every full-time AmeriCorps member generates an average of 12 additional volunteers.

AmeriCorps is one of the most successful experiments in state and local control the federal government has ever embarked upon: two-thirds of AmeriCorps funding goes directly to Governor-appointed state commissions which then make grants to local non-profits.

Through service, Americans of all ages gain a sense of commitment to their community and their country which will prove valuable for their entire lives.

Since 1994 more than 150,000 Americans have served as AmeriCorps members in all 50 states. They have taught, tutored, or mentored more than 2.5 million students; recruited, supervised, or trained more than 1.6 million volunteers; built or rehabilitated more than 25,000 homes; provided living assistance to more than 208,000 senior citizens; and planted more than 52 million trees.

National Service is a powerful force in every state in the Union. This year, my state alone has nearly 14,000 National Service members solving problems and helping people. Of that total, AmeriCorps is providing 790 people the opportunity to dedicate a year to community service. Learn and Serve America creates the opportunity for 6,500 students from kindergarten through college to dedicate their time, and the National Senior Service Corps brings together 6,300 seniors to contribute their time as Foster Grandparents, Senior Companions or Retired and Senior Volunteers.

The National and Community Service Amendments Act of 2000 reauthorizes the Corporation for National Service and the programs it administers: the National Senior Serv-

ice Corps, AmeriCorps, and Learn and Serve America.

This bill has been drafted in close consultation with more than 200 community service groups. It is a simple extension of the existing program, with a few key improvements.

This bill codifies the cost-cutting Grassley agreement reached in 1996 under which the Corporation lowered its average cost per AmeriCorps member to \$15,000 for Fiscal Year 1999, including a \$4,725 education award to finance college or repay student loans, and a mere \$7,421 for a living allowance.

The reauthorization expands the cost-cutting "Education Award Only" model, through which the Corporation provides only the education award, and the sponsoring organization provides all other support.

It also codifies the existing prohibition on AmeriCorps grants to federal agencies and expands the type of student loans that may be repaid with the education award.

This bill broadens the scope of the National Senior Service Corps by lowering the minimum age from 60 to 55 so more volunteers may participate, and by increasing the definition of "low income" from 125 to 150 percent of the poverty line so more can be served by Foster Grandparents and Senior Companions.

These improvements will make National Service better than it has ever been.

AmeriCorps members are not only helping meet the immediate needs in our communities, they are also teaching, through their example, the importance of serving and helping others. As a former Peace Corps volunteer, I know the significance of this long-lasting lesson.

Our youth want so desperately to take hold of their destiny and work to ensure a brighter and more prosperous future. There is so much they can do—all they need is the opportunity.

HONORING THE FRIEDENS CHURCH OF CHRIST IN IRVINGTON, ILLINOIS

HON. JOHN SHIMKUS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, June 23, 2000

Mr. SHIMKUS. Mr. Speaker, today I recognize the Friedens Church of Christ in Irvington, Illinois. They recently celebrated their 110th anniversary.

The anniversary was marked with a celebration and the display of the Bible which was donated to the congregation in 1919 by Kaiser Wilhelm II, former emperor of Germany. The Bible, which was autographed by the Kaiser, is the oldest in the area, and was given to their pastor, Rev. Rauch, who had previously served as pastor of the Evangelical Church in Berlin that was attended by Wilhelm II.

I would like to take this opportunity to encourage them and thank them for their many years of ministry. I wish the church continued growth and another 110 years of service.

HONORING BOBBY MITCHELL'S TEN YEARS OF SERVICE TO THE LEUKEMIA & LYMPHOMA SOCIETY

HON. THOMAS M. DAVIS

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 23, 2000

Mr. DAVIS of Virginia. Mr. Speaker, it gives me great honor to rise today to pay tribute to Bobby Mitchell's ten years of service to the Leukemia & Lymphoma Society. Before contributing to the Leukemia & Lymphoma Society, Bobby starred for the Cleveland Browns and Washington Redskins of the National Football League (NFL) from 1958–1968. His prolific football career earned him election to the Hall of Fame in 1983. Today, Bobby Mitchell serves as the Assistant General Manager for the Washington Redskins. In addition to his managerial duties, Bobby has made defeating leukemia a goal of his since his pro-football days.

Bobby's motivation to beat leukemia, is linked to the death of a friend, Ernie Davis, a leukemia victim. Ironically, former Heisman trophy winner, Davis, was traded from the Washington Redskins to the Cleveland Browns in 1961 for Bobby Mitchell. To prevent leukemia from seizing other gifted citizens lives, Bobby joined forces with David Timko, Executive Director of the Leukemia & Lymphoma Society, in 1990. Their mission was to raise money for leukemia research to help find a cure for this dreadful disease. As a solution, Bobby proposed hosting a golf and tennis tournament featuring members of the football and basketball Hall of Fame. Through Bobby's dedication, the event has become the nation's largest annual gathering of Hall of Famers.

Since the Hall of Fame Golf & Tennis Classic's inception a decade ago, the tournament has drawn such legendary names as Joe Namath, Bill Russell, and Oscar Robertson. Their presence has assisted in raising over \$1.5 million for leukemia research. Thanks to these philanthropic contributions, we can now generate public awareness, provide support programs for patients and their families, and educate health professionals about the latest advances in leukemia diagnosis and treatment. I am confident that Bobby and his fellow Hall of Famers have brought us one step closer to a cure.

It gives me great pleasure to announce that the 10th anniversary of the Bobby Mitchell Chrysler Plymouth Hall of Fame Golf & Tennis Classic will take place on the weekend of July 8th and 9th at the Lansdowne Resort in Lansdowne, Virginia. Players and fans alike will join in remembering Tom Landry, legendary coach of the Dallas Cowboys and winner of two super bowls, himself a leukemia victim. Seeing a celebrated citizen in Tom Landry pass away, highlights the need for more Bobby Mitchell's who are willing to help find a cure for leukemia.

Mr. Speaker, in closing I would like to thank Bobby Mitchell for his ten years of service to the Leukemia & Lymphoma Society. In hosting the Hall of Fame Golf & Tennis Classic for the last ten years, Bobby has led a revolution of football and basketball Hall of Famers against the dreadful disease of leukemia. With his leadership and selfless dedication to the

cause, valuable funds have been raised for leukemia research. I know my colleagues join me in honoring Bobby Mitchell for this ten years of service to the Leukemia & Lymphoma Society.

HONORING THE UNITED STATES
COAST GUARD CUTTER CONIFER

HON. STEVEN T. KUYKENDALL

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 23, 2000

Mr. KUYKENDALL. Mr. Speaker, today I recognize the United States Coast Guard Cutter CONIFER, currently homeported on Terminal Island in San Pedro, California. Today the CONIFER will be decommissioned after 57 years of distinguished service.

A member of the Coast Guard's Buoy Tender fleet, the CONIFER was commissioned on May 4, 1943. Throughout the years, many have relied upon the Coast Guard Cutter CONIFER to perform lighthouse service visits and renovations, service weather data gathering buoys, perform law enforcement operations, assist with national defense, protect the environment, and perform search and rescue missions.

The CONIFER has had an illustrious history, patrolling the nation's waterways and ensuring the safety of those navigating the high seas. Shortly after being commissioned, the Conifer was called upon to patrol the North Atlantic during World War II. Nearly six decades later, it was the CONIFER serving as the On Scene Commander in charge of search and rescue efforts following the crash of Alaska Airlines flight 261 off Point Mugu in January. She and her crew have served the country with honor and distinction.

Based in San Pedro the last 14 years, the CONIFER has patrolled the waters of southern California. The seafaring men and women of the Conifer have touched the lives of many during her tenure in San Pedro. We are grateful for her service.

Honor, Respect, and Devotion to Duty, these are the core values of the United States Coast Guard. The CONIFER exemplified these values during her service to the nation and southern California over the last 57 years.

For nearly six decades, the CONIFER has served the nation with great diligence and distinction. I commend the men and women who have served aboard the CONIFER over the years. I also commend Lieutenant Commander Jeff Loftus and his crew for their service to southern California. Your contributions to the community are deeply appreciated. We look forward to the Coast Guard's continued presence in the region when the Coast Guard Cutter George COBB assumes the CONIFER's duties this fall.

HONORING THE 50TH ANNIVERSARY
OF THE KOREAN WAR

HON. CIRO D. RODRIGUEZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, June 23, 2000

Mr. RODRIGUEZ. Mr. Speaker, this Sunday, June 25 will be the 50th anniversary of

the commencement of the Korean War. I join my colleagues, veterans, their families and all Americans in forever memorializing those who fought and died in the quest for freedom in South Asia.

Millions today live in freedom and thrive in economic prosperity as a direct result of the U.S. and our U.N. allies intervening in Korea and taking a stand on the 38th parallel. For that sacrifice, I applaud the thousands of veterans who risked and sacrificed their lives so others could be free. Your service will stand as a permanent reminder of our nation's commitment to securing freedom and liberty for all.

Last week we saw a historic meeting which many regard as the first step towards reuniting North and South Korea. While eventual reunification would still take many years of patient diplomacy, such an event looks more and more like a reality. I am hopeful that we can close this chapter and bring home our troops who continue to face danger along the de-militarized zone (DMZ).

All across the country, Americans have been and will be commemorating the Korean War. I commend all those who take time out from their everyday lives to pay homage to those who served and sacrificed in Korea. I express my hope that across San Antonio, in South Texas, all over the U.S. and around the world, Americans will make every effort to remember the price we paid in that conflict.

Earlier this session, the House unanimously passed H.J. Res. 86, recognizing the 50th Anniversary of the outbreak of the Korean War. The bill was subsequently enacted into law. It expresses congressional recognition of the significance of the 50th Anniversary of the Korean War. The resolution expresses gratitude for members of the Armed Forces who served in the Korean War, especially those who died in action or remain unaccounted for. Finally, the resolution calls upon the President to issue a proclamation recognizing the Korean War and those who fought in it, and to call on the country to observe the anniversary with appropriate ceremonies and activities.

I look forward to this and future opportunities that we have to remember those who fought and sacrificed so that the U.S. and her allies could live in peace.

TRIBUTE TO SAM SUPLIZIO —
TRULY A BASEBALL LEGEND

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Friday, June 23, 2000

Mr. McINNIS. Mr. Speaker, It is with great pride and pleasure that I would like to take this moment to honor Sam Suplizio for being inducted into the American Baseball Coaches Association Hall of Fame. Sam has dedicated a significant portion of his life to the great American game of Baseball. His many successes as a player and coach make him most deserving of this Hall of Fame induction as well as the praise and esteem of this great body. For these reasons, I feel it is proper that we pay tribute to him now.

Sam's devotion to baseball started with his stellar career as a player. He got his start as an All-American Center Fielder for the University of New Mexico, where he had a three-year varsity career. To further his playing ca-

reer, Sam was drafted in 1953 by the New York Yankees. While with the Yankee's organization, Sam earned such honors as Eastern League's best defensive outfielder and was recognized as a league all-star.

Sam began his coaching career as a manager for the Dodgers' Thomasville affiliate. After a short stint with the Dodgers, Sam moved to Grand Junction, Colorado where he landed a job coaching the Grand Junction Eagles, a job that provided him with 20 years of success. Sam's coaching career has also steered him overseas, where he headed the World Port tournament in Rotterdam, Holland and instructed teams in both Europe and Israel. In all, Sam has spent 46 years as a player or coach in professional baseball. His professional career has seen him serve as a coach/instructor for the Milwaukee Brewers and the Anaheim Angels.

Mr. Speaker, Sam Suplizio is truly an American baseball legend. His dedication and devotion to the great American game of baseball are unparalleled and should not go without recognition. Beyond his remarkable career in baseball, Sam has been a pillar of the community in Grand Junction and a role model for many. His love for the game is eminently worthy of this body's recognition even as he receives this prestigious award from the American Baseball Coaches Association. Great job Sam! Your community is very proud of you!

HONORING ALVERNE MAYHEW
FOR OUTSTANDING SERVICE TO
THE COMMUNITY

HON. ROSA L. DeLAURO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Friday, June 23, 2000

Ms. DeLAURO. Mr. Speaker, It gives me great pleasure today to pay tribute to a remarkable individual who has left an indelible mark on our community, my dear friend, Al Mayhew. On Sunday, June 25, friends, family and colleagues will gather to recognize his many accomplishments as he celebrates his retirement.

Al's dedication and commitment to his country and his community is inspiring. After entering the United States Air Force in 1939, Al served for twenty years, stationed in Europe, North Africa, the Middle East, the Pacific and North America. During the course of World War II, as a pilot, Al completed 45 missions with the 301st Fighter Squadron of the 332nd Fighter Group. As a man with many interests, Al's professional career is truly remarkable. Upon coming to New Haven, Al began a twenty year career at Pratt & Whitney, and later took on a part-time position at Lincoln Bassett Elementary School as a tutor for four years. For the past twelve years, Al has been working with the Elderly Services Department of the City of New Haven where he has become a familiar face throughout our community. A leading advocate for seniors, Al has given them a strong voice in the City of New Haven—one which will never be forgotten.

Today, at the age of 79, Al will retire from his professional life, though it is our hope that he continues to remain active in the New Haven area. In addition to the variety of professional positions he has held, throughout his life, Al has also been involved in a myriad of

civic organizations. As a member of the Literacy Volunteers of America, Retired Senior Volunteer Program, Community Action Agency Nutrition Program, and a board member of the South Central Connecticut Agency on Aging, to name just a few, Al's compassion and efforts have made a real difference in the lives of many of our community's most vulnerable citizens. For over sixty years, Al has dedicated himself, both professionally and as a volunteer, to improving the quality of life for our children and families. His exceptional record of service should serve as an example for us all.

I have had the distinct privilege of working with Al and I am honored to call him my friend. It is with great pride that I join his wife, Judith, their seven children, friends, and colleagues to congratulate Al. I also extend my sincere thanks and appreciation for his many contributions to our community and best wishes for continued health and happiness.

TRIBUTE TO VIRGINIA BEST ADAMS

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 23, 2000

Mr. FARR of California. Mr. Speaker, I rise today to honor the accomplishments of my dear friend, Mrs. Virginia Best Adams, who passed away on January 29, 2000 at the age of 96. Mrs. Adams will be remembered for her love and dedication for Yosemite as well as her shared compassion for music. As a child, Virginia Adams spent her childhood doting over the natural beauty of Yosemite, and later as an adult it would be there that she would meet and marry the love of her life, Ansel Adams. Through her many accomplishments, Mrs. Adams will best be remembered for her contribution to the Monterey Peninsula culture.

As a devoted mother, Virginia Adams will be remembered well by her daughter Ann Helms. Ms. Helms noted that her mother was, "One of her dearest friends from the time [she] was a teenager on." Helms attributes this sacred friendship to her family's shared love for reading and history.

Known within the family circle as, "Nini", Virginia Adams will be remembered formidably for her favorite shade of green. This shade of green, identified as, "a little bit brighter than forest green", is highlighted in Mrs. Adam's living room draperies. Later, this trademark green was used in the cover of a CD titled, "Nini Green".

In addition to her daughter, Mrs. Adams is survived by her son, Dr. Michael Adams; five grandchildren and four great-grandchildren. Mrs. Adam's curiosity for the natural world will be missed, but will not die as we acknowledge the contributions she has made upon music. Mr. Speaker, at this time I ask you and our distinguished colleagues to join me in honoring the distinguished attributes of Mrs. Virginia Adams.

IN RECOGNITION OF THE 50TH ANNIVERSARY OF COOL CREST

HON. KAREN MCCARTHY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Friday, June 23, 2000

Ms. MCCARTHY. Mr. Speaker, this weekend, June 23–25, marks the 50th anniversary of Cool Crest Garden Golf and Game Room. This venerable complex is the oldest family entertainment center in Missouri's Fifth District. This Independence, MO business has provided families and teens a high quality, fun, and safe area to spend time seven days a week.

Cool Crest opened in 1950 with two miniature golf courses and sprawling manicured gardens in the countryside of Eastern Jackson County. Today, apartment complexes and businesses have replaced the fields as the area around Cool Crest developed. King and Inez Patterson owned and operated the business from its beginnings, and Inez continued to operate Cool Crest after the 1986 death of her husband. The business was in the Patterson family for 46 years before Inez sold it to Frank and Jennifer Licausi in 1997. In keeping with longstanding tradition which demonstrates her commitment to the company, Inez continues to work in the gardens. Because it remains a family-owned business, Cool Crest maintains its unique personal touch with its customers.

Over the years the business has expanded to include two more miniature golf courses and a state of the art game center. Through all the years, the fun, family-oriented atmosphere and safe environment remained constant. Because of Cool Crest, Independence and surrounding area families have a secure area where kids can play miniature golf and video games away from gangs, violence, drugs, and other negative influences. The miniature golf courses are challenging and unique, as they are surrounded by the flowing beauty of manicured gardens. Various challenges found on the courses include a moving rocket, an animatronic alligator, and the Eiffel Tower. The video games are cutting-edge to keep players of all ages satisfied.

I applaud the vision and dedication of the Patterson and Licausi families. The efforts of the Licausi's will ensure Cool Crest's mission to provide quality family entertainment in a clean, unique, and safe environment is afforded to all of its visitors.

Cool Crest truly is a local landmark, and I congratulate Patterson and the Licausi families on their first half century of keeping families entertained and safe. I am confident the next 50 years will be as memorable and productive in the established Cool Crest tradition.

HONORING HELEN RESTINO, UPON RETIREMENT FROM THE TOWN OF HOOSICK HOUSING AUTHORITY

HON. JOHN E. SWEENEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, June 23, 2000

Mr. SWEENEY. Mr. Speaker, I rise today to honor Mrs. Helen Restino as she retires from

her service to the town of Hoosick Housing Authority. Mrs. Restino, of Hoosick Falls New York, retires after 27 years of dedicated duty. During that time, she brought happiness to many senior citizens in the 21nd congressional district. Her housing programs are nationally recognized and greatly appreciated by the local community.

Mrs. Restino positively impacted the town of Hoosick. As executive director of the Housing Authority, Helen provided general supervision over all administrative and business affairs. She managed the "Housing Project", directed and coordinated the administration of the Section 8 Voucher Program, and supervised the Low and Moderate Income Conventional Housing Program. Helen directed all aspects of the Housing Authority's daily operations and activities, including finance, procurement, maintenance, property management, modernization, personnel management, planning and development, and resident and community relations.

I commend Mrs. Restino for her outstanding performance over the course of her career. As a direct result of her actions, the town of Hoosick Housing Authority was recognized four times for superior achievement by the U.S. Department of Housing and Urban Development. Her organization won the Certificate of Excellence in Management Operations and High Performer Designation in 1995 and 1996, the Outstanding Performance Award in 1998, and Secretary's Commendation as High Performer in 1999. Mrs. Restino has set the example for all other housing authorities.

Mrs. Restino's most important role was in bringing joy to senior citizens who reside in the housing authority's centers. She undertook her job with fairness and compassion for all. The concerns of the residents were always Helen's top priority. Her enthusiasm, professionalism, and dedication to duty will be missed by all.

Mr. Speaker, please join me in thanking Helen Restino for her selfless service to the town of Hoosick Falls and congratulating her as she retires. Also, please join me in wishing her the very best of luck in all her future endeavors.

HONORING GEORGE DING-FELDER

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Friday, June 23, 2000

Mr. McINNIS. Mr. Speaker, I would like to take a moment to recognize an exceptional man, George Ding-Felder. In February, George was recognized as the "Heat Hero" in honor of his outstanding achievements in the area of drunk driving arrests. For his efforts in this area, George is eminently deserving of the thanks and admiration of this great body. George became a state trooper in 1995 and has served with great distinction ever since. As proof, look no farther than his record in combating drunk driving. In 1999 alone, he had 130 DUI/DUID arrests. It is obvious that George and his untiring efforts to help his community have made a real difference. He personifies the spirit that this award stands for and we all can learn from the example he has set.

It is clear why this outstanding American was chosen as the recipient of the "Heat

Hero" award. His efforts in the fight against drunk driving have made his community a safer place. In fact, his commitment to this important cause has probably saved many a life. I think that we all owe George a debt of gratitude for his service to the state. Due to George's dedication, it is clear that Colorado is a better and safer place. Your community, state and nation are grateful for your dedicated service, George.

THE INTERNATIONAL ENERGY
FAIR PRICING ACT, H.R. 4732

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, June 23, 2000

Mr. GILMAN. Mr. Speaker, today I am introducing "The International Energy Fair Pricing Act of 2000" which will help to ensure that this Administration adopts a consistent and comprehensive policy of opposition to the Organization of Petroleum Exporting Countries, OPEC and other similar cartels.

In the ongoing energy crisis facing this nation, it keeps the spotlight where it belongs—on this international energy cartel. With the enactment of this measure, the Administration will no longer be able to go back to business as usual in supporting back room arrangements and cartel-like behavior.

It specifically directs the President to make a systematic review of its bilateral and multilateral policies and those of all international organizations and international financial institutions to ensure that they are not directly or indirectly promoting the oil price fixing activities policies and programs of OPEC.

It would require the Administration to launch a policy review of the extent to which international organizations recognize and or support OPEC and to take this relationship into account in assessing the importance of our relationship to these organizations. It would set up a similar review of the programs and policies of the Agency for International Development to ensure that this agency has not indirectly or inadvertently supported OPEC programs and policies.

Finally, it would examine the relationship between OPEC and multilateral development banks and the International Monetary Fund and mandates that the U.S. representatives to these institutions use their voice and vote to oppose any lending or financial support to any country that provides support for OPEC activities and programs.

A copy of the bill follows:

H.R. 4732

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 "International Energy Fair Pricing Act of 2000".

SEC. 2. FINDINGS.

The Congress finds the following:

(1) The Organization of Petroleum Exporting Countries (OPEC), in its capacity as an oil cartel, has been a critical factor in withholding production from the market and driving up oil prices approximately 300 percent from January 1999 to June 2000.

(2) Nationwide, gasoline prices have increased approximately 60 cents a gallon since the beginning of 1999 with crude oil

prices increasing 48 cents over this same time period.

(3) The Department of Energy's weekly survey showed the average cost of gasoline in the United States increased 5 cents a gallon to \$1.68 from the second to the third week of June 2000, a record high for a fourth week in a row.

(4) Price declines in the cost of oil in April 2000, following the March 2000 OPEC meetings, have been reversed because OPEC output did not meet global demand and supply conditions. When OPEC members met in March 2000, quotas were not set high enough for refiners around the world to rebuild crude stocks depleted by winter heating demand.

(5) Crude oil stocks in the United States are only 31,000,000 barrels above the lowest operational inventories ever observed in recent times (the equivalent of 2 days of refinery operations) and 20,000,000 barrels under the normal range for the month of June.

(6) The United States needs to make a systematic review of its bilateral and multilateral policies and those of all international organizations and international financial institutions to ensure that these policies are not directly or indirectly supporting the oil price fixing activities, policies, and programs of OPEC.

SEC. 3. POLICY OF THE UNITED STATES.

(a) **POLICY WITH RESPECT TO INTERNATIONAL ORGANIZATIONS.**—It shall be the policy of the United States that the extent to which each international organization supports, or otherwise recognizes, OPEC will be an important determinant in the relationship between the United States and this organization.

(b) **POLICY WITH RESPECT TO INTERNATIONAL FINANCIAL INSTITUTIONS.**—It shall be the policy of the United States that the extent to which each international financial institution supports or otherwise recognizes OPEC, will be an important determinant in the relationship between the United States and the institution.

(c) **POLICY WITH RESPECT TO THE ENERGY AND DEVELOPMENT ACTIVITIES.**—The United States should carefully review all the energy development projects and programs administered by the United States Agency for International Development in developing countries to ensure that these projects and programs do not indirectly or inadvertently support the activities of OPEC.

SEC. 4. POLICY TOWARD THE INTERNATIONAL FINANCIAL INSTITUTIONS.

(a) **REPORT TO THE CONGRESS ON ACTIVITIES OF THE INTERNATIONAL FINANCIAL INSTITUTIONS.**—No later than 90 days after the date of the enactment of this Act, the President shall transmit to the Congress a report that contains the following:

(1) A description of any loan, guarantee, or technical assistance provided or to be provided by any international financial institution that does or would directly or indirectly support any activity or program of OPEC or any other cartel, or any member of OPEC or any other cartel, engaging in production cutbacks or other market-distorting practices.

(2) A description of the energy sector loans of, technical assistance provided by, and policies of each international financial institution, and an analysis of the extent to which the loans, assistance, or policies promote the complete dismantlement of international oil price fixing arrangements and the development of a market-based system for the exploration, production, and marketing of petroleum resources.

(b) **UNITED STATES POSITION IN INTERNATIONAL FINANCIAL INSTITUTIONS.**—The United States Executive Directors at each international financial institution shall use

the voice, vote, and influence of the United States to oppose the provision of any loan, guarantee, or technical assistance by the institution that would directly or indirectly support the activities and programs of OPEC or any other cartel, or any member of OPEC or any other cartel, engaging in production cutbacks or other market-distorting practices.

SEC. 5. REPORT RELATING TO THE ORGANIZATION FOR ECONOMIC COOPERATION AND DEVELOPMENT (OECD).

Not later than 90 days after the date of the enactment of this Act, the President shall prepare and transmit to Congress a report that—

(1) describes the efforts of the Organization for Economic Cooperation and Development (OECD) to review the market-distorting practices of international cartels, including OPEC, and recommends specific actions that the member countries of the OECD can undertake to combat such practices; and

(2) describes actions to be taken by the United States to ensure that the OECD expands upon its activities and programs regarding the operation of international cartels.

SEC. 6. AMENDMENT TO THE FOREIGN ASSISTANCE ACT OF 1961.

Section 106 of the Foreign Assistance Act of 1961 (22 U.S.C. 2151d) is amended by adding at the end the following:

"(g)(1) In carrying out the activities under this chapter, the President shall—

"(A) ensure that amounts made available to carry out this chapter are not used to support, directly or indirectly, the programs, activities, and policies of the Organization of Petroleum Exporting Countries (OPEC), or any other cartel, or any member of OPEC or any other cartel, if OPEC or such other cartel engages in oil price fixing; and

"(B) certify annually to the appropriate congressional committees that the requirement of subparagraph (A) has been met for the prior fiscal year. "(2) In this subsection—

"(A) the term 'appropriate congressional committees' means—

"(i) the Committee on International Relations and the Committee on Banking and Financial Services of the House of Representatives; and

"(ii) the Committee on Foreign Relations and the Committee on Banking, Housing, and Urban Affairs of the Senate; and

"(B) the term 'oil price fixing' has the meaning given such term in section 7(2) of the International Energy Fair Pricing Act of 2000."

SEC. 7. DEFINITIONS.

In this Act:

(1) **INTERNATIONAL FINANCIAL INSTITUTION.**—The term "international financial institution" has the meaning given in section 1701(c)(2) of the International Financial Institutions Act.

(2) **OIL PRICE FIXING.**—The term "oil price fixing" means participation in any agreement, arrangement, or understanding with other countries that are oil exporters to increase the price of oil or natural gas by means of, inter alia, limiting oil or gas production or establishing minimum prices for oil or gas.

(3) **OPEC.**—The term "OPEC" means the Organization of Petroleum Exporting Countries.

(4) **PETROLEUM RESOURCES.**—The term "petroleum resources" includes petroleum and natural gas resources.

PERSONAL EXPLANATION

HON. LOUISE McINTOSH SLAUGHTER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, June 23, 2000

Ms. SLAUGHTER. Mr. Speaker, I was unable to be present for rollcall votes 315, 316, 317, and 318, amendments to H.R. 4690, a bill making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for Fiscal Year 2001.

Had I been present, I would have voted yes or aye on each of these votes.

Campbell amendment; Reduce Federal Prison System spending: No. 315, "aye".

Hinchey amendment; Fund Economic Development Administration: No. 316, "aye".

Scott amendment; Increase funds for Boys and Girls Clubs in public housing: No. 317, "aye".

DeGette amendment; Abortion for women in prison: No. 318, "aye".

**CANADA'S MEDICINE WON'T CURE
U.S. SYSTEM**
HON. SAM JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, June 23, 2000

Mr. SAM JOHNSON of Texas. Mr. Speaker, I would like to insert for the RECORD and excellent editorial written by the Republican Conference Chairman J.C. Watts. His editorial ran in the Dallas Morning News on Sunday, June 11, 2000.

Mr. Watts correctly identifies the pitfalls of Congress adopting any health care system that resembles Canada's failed socialist system. Americans told us in 1994 that they do not want a national takeover of our health care system. We must stop any one-size-fits-some government run program and embrace a concept that gives seniors a plan that best fits their own needs.

That is why Republicans have drafted a Medicare prescription drug bill that will provide needed medicine to our nation's seniors. It is a private based plan that will give seniors access to affordable, reliable and quality health care because I believe seniors should never have to choose between food and medicine.

[From the Dallas Morning News, June 11, 2000]

CANADA'S MEDICINE WON'T CURE U.S. SYSTEM
(By J.C. Watts)

While it certainly is true that grass often looks greener on the other side of the fence, anyone who has gotten a closer view can tell you where the crabgrass grows. That couldn't be any truer than in the debate over prescription drug prices.

Those who are making political hay by holding up Canada's system of health care on the basis of cheaper drug prices are playing a false and dangerous game of bait and switch. The truth is that Canada's drug prices are linked to a system of health care that no American would settle for. Don't trust anyone who pretends to sell you one without the other.

Just as Democrats say Americans should flock to Canada for drugs, Canadians already flock to the United States for treatment.

The Canadian government uses a big-government approach that rations health care and discourages new medical technology. As a result, Canadians wait three times longer for cancer treatments and nearly 12 weeks to see a specialist. Canada also strongly controls the prices of innovative medicines, which has discouraged investment in research to develop medicines.

Worse yet, the Canadian government won't pay for many of the latest breakthrough medications. For example, a number of top-selling drugs that are widely used by seniors in the United States—drugs that treat ailments such as arthritis, osteoporosis and allergic rhinitis—aren't reimbursed by some of Canada's biggest provincial health plans that provide prescription drug coverage to the poor, elderly and disabled.

Canadians also face longer waits in gaining access to new medicines produced by Canadian drug makers. The Canadian government typically takes about a year and a half to approve a new drug for sale—that is at least 6 months longer than it takes here at home. Then, each provincial government in Canada takes additional time in deciding whether the new medicine will be placed on its list of reimbursable drugs.

Even after approval, it can take almost two years for officials in Canada to place a medicine on the provincial reimbursement list. Typically, elderly patients with serious health problems don't have that kind of time to spare.

A recent report from the highly regarded Fraser Institute in Vancouver found that 76 percent of Canadians believe their health care system is "in crisis." Seventy-one percent said changes are needed because health care needs aren't being met. The study also found that Canadian patients often are forced to use the medicines selected by the government solely for cost reasons. Patients who would respond better to the second, third or fourth drug developed for a specific condition often are denied the preferred drug and are stuck with the government-approved "one-size-fits-all" drug.

Perhaps most significant, however, is the fact that Canada's system of establishing artificially low drug prices has resulted in Canadian drug makers investing less in their own research and development of promising new medicines. And foreign companies often are reluctant to introduce new drugs in Canada because of price controls. That means Canadians' access to lifesaving new drugs is limited.

Yet this Canadian-style health care with prescription drug benefits is what some in Washington are proposing for America.

Just recently, we Republicans proposed a plan that modernizes Medicare and adopts a prescription drug coverage benefit. Unlike a one-size-fits-all plan, the plan is a market-based solution that gives Medicare beneficiaries real bargaining power through private health plans to purchase drugs at discount rates, and it guards against escalating out-of-pocket drug costs by setting a monetary ceiling beyond which Medicare would pay 100 percent of beneficiaries' drug costs.

Our plan is 100 percent voluntary and preserves current coverage for seniors who want to keep what they have, while extending to other beneficiaries the choice of several competing prescription drug plans. By rejecting the big-government approach, our plan not only would provide a needed prescription drug benefit, it also would ensure continued innovation and the development of lifesaving drug therapies by American pharmaceutical companies.

Today, America's pharmaceutical industry, which is being criticized in the current debate, spends about \$24 billion on the research and development of more than 1,000

new medicines that could combat a wide range of diseases. But that effort comes with a cost—it takes 12 to 15 years and an average of \$500 million to bring each drug from the laboratory to the market.

For every dollar that American pharmaceutical companies earn in drug sales, 20 cents is reinvested in developing newer, better drugs. In many instances, American companies invest the money and research time in discovering medicines that Canada and other countries then turn around and reproduce at a cost of a few pennies per pill. The reality is that the Canadian system works because of the free-market practices of the United States and other nations.

America sets the global standard for creating new medicines. Let's keep it that way, so that all Americans and the rest of the world can continue to reap the healthful benefits of our home-grown ingenuity.

**HONORING MIGUEL LAGUNA FOR
OUTSTANDING SERVICE TO THE
COMMUNITY**
HON. ROSA L. DeLAURO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Friday, June 23, 2000

Ms. DeLAURO. Mr. Speaker, it is with great pleasure that today I join people from the Greater New Haven area, to pay tribute to one of our most outstanding community members, Miguel Laguna. Miguel will be retiring after a twenty-six year career as the Executive Director of Crossroads, Inc., a bilingual drug rehabilitation program.

Crossroads has been an invaluable asset to area residents since its inception in 1973 and Miguel has been the driving force behind its success. Through his commitment, dedication, and most importantly, compassion, Crossroads has grown from its original 25-bed capacity to its current capacity of 101. In only twenty-five years, this is indeed a remarkable achievement. With Miguel's foresight and leadership, Crossroads has continually met the ever-changing needs of individuals seeking to recover from chemical dependence. The development of a women's program, the eventual extension of services to pregnant and parenting women, and the addition of contracts with the Department of Corrections and Office of Alternative Sanctions has allowed Crossroads to reach out to our entire community. Crossroads offers some of our most vulnerable citizens the services and programs they need to live happy, productive lives. Though originally serving primarily Latino clients, Crossroads now serves a culturally diverse population, making a real difference in the lives of hundreds of area residents.

Miguel has not only had a tremendous impact on our community professionally, but in his civic life as well. Throughout his time in New Haven, he has served on a variety of boards, commissions and task forces aimed at enriching the lives of our children and families. Whether as a police commissioner, a member of the Mayor's Task Force on AIDS, the National Puerto Rican Coalition, or the Regional Planning Committee for Mental Health, Miguel has demonstrated a unique commitment to public service. His unparalleled dedication is reflected in the myriad of local, state, and national awards which have been presented to him throughout his career.

Tonight, friends, family, colleagues, and community members will gather to salute the many accomplishments of Miguel Laguna as he retires from his position as Executive Director of Crossroads. It is both an honor and a privilege for me to extend my sincere thanks and appreciation for his many contributions to the City of New Haven and send my best wishes for continued health and happiness as he enjoys his retirement.

REAUTHORIZATION OF THE NATIONAL AND COMMUNITY SERVICE AMENDMENTS ACT OF 2000

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 23, 2000

Mr. FARR of California. Mr. Speaker, "Volunteerism," as defined by the American Heritage Dictionary—"To give or offer to give on one's own initiative." The time has come for Congress to recognize the lasting contribution of volunteerism in America by passing the National and Community Service Amendments Act of 2000. This bill reauthorizes the national service programs administered or funded by the Corporation for National Service, including AmeriCorps, AmeriCorps*VISTA, the National Senior Service Corps, Learn and Serve America, and the Points of Light Foundation. These public-private partnerships are transforming our communities and successfully challenging our citizenry to make something greater of themselves.

As communities and as a nation we are stronger and healthier because of the volunteers the Corporation for National Service provides. They tackle problems like illiteracy, crime, and poverty while instilling a commitment to public service in Americans of all ages, in every community nationwide. Our society works precisely because lots of folks are out there are helping other folks in many different ways. In fact, we have a social contract to help each other.

In this country, we have young people in need of basic reading and writing skills, we have teenagers in need of mentors and role models, we have home-bound seniors in need of food and companionship, we have families in need of homes, and we have communities in need of disaster assistance. Solutions to these problems can best be found when individuals, families, and communities come together in service to their neighbors and fellow citizens. We can make a difference, but volunteers are critical to finding these solutions and touching these lives.

That's where the Corporation for National Service comes in. National Service volunteers fill these needs by providing the essential people power at the local level. In my own state of California, we have more than 145,000 people of all ages and backgrounds working in 289 national service projects. Nationwide, more than 40,000 Americans served in AmeriCorps in 1998-99, bringing the total number of current and former members to more than 100,000.

They have taught, tutored, and mentored more than 2.6 million children, served 564,000 at-risk youth in after school programs, operated 40,500 safety patrols, rehabilitated 25,180 homes, aided more than 2.4 million

homeless individuals, and immunized 419,000 people. And, they have accomplished all this while generating \$1.66 in benefits for each \$1.00 spent.

Volunteers also have a profound impact on the communities they work in by embodying the values of public service for all. Studies have found that people are more likely to volunteer if they know someone who volunteers regularly or were involved as a youth in an organization using volunteers. AmeriCorps members generate an average of 12 additional volunteers around the nation! Not only are they helping our communities, they are setting an example for others to follow.

It's time we reclaimed the bipartisan tradition of support of national service that has long been the hallmark of American politics. Members of Congress now have a unique opportunity to separate policy from politics and reach a bipartisan consensus on the value of our national service programs. At this time of great concern about the future of our youth, it's essential that as many as possible be called upon to do something more challenging and rewarding—service to their fellow citizens. Support for the Corporation for National Service will build a stronger nation and ensure a brighter future for us all.

HONORING MISS NOELLE SCHILLER, DISTRICT WINNER OF RESPECTEEN SPEAK FOR YOURSELF AWARD

HON. JOHN E. SWEENEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, June 23, 2000

Mr. SWEENEY. Mr. Speaker, today I honor Miss Noelle Schiller, an outstanding young student and District Winner of this year's RespecTeen Speak for Yourself Award. RespecTeen's program encouraged students to write a letter to their Representative in Congress. Miss Schiller is an eighth grade student at Millbrook Junior/Senior High School in Upstate New York. Her award-winning letter compassionately outlined the problem and detailed her selfless action concerning homeless children in our nation.

Miss Schiller's letter described the way she personally assisted homeless children in America. Through a church sponsored program, Noelle collected items which would be of use to homeless children. Her words speak best to the impact of these small gifts: "The articles seemed like so little, but to these children they mean so much." As a member of the United States House of Representatives Housing and Community Opportunity Subcommittee, I share Noelle's desire to find safe and affordable housing for all. I applaud her leadership in this noble cause.

I commend Miss Schiller's interest and enthusiasm in addressing one of this country's most serious issues. RespecTeen's Speak for Yourself program encourages students like Noelle to learn more about America's government. The purpose of the letter writing project was to learn more about our democratic system of government and encourage young people to interact with government officials. The program obviously had a positive impact on Noelle and provided her first hand experience of our democratic process.

Noelle and her parents, Katherine and James, reside in Salt Point, New York, within the 22nd Congressional District. In honor of her superior achievement, RespecTeen awarded Miss Schiller a United States Savings Bond. Noelle is an intelligent young student who deserves high praise.

Mr. Speaker, please join me in congratulating Noelle Schiller on her receipt of the RespecTeen Speak for Yourself Award. Also, please join me in wishing her the very best of luck in all her future endeavors.

REMEMBERING THE KOREAN WAR

HON. KAREN MCCARTHY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Friday, June 23, 2000

Ms. MCCARTHY of Missouri. Mr. Speaker, today I join my constituents in the Fifth District of Missouri in remembrance and in commemoration of the 50th anniversary of the Korean war. On June 25, 1950 North Korea attacked South Korea. An emergency session was called by the United Nations Security Council resulting in 22 nations joining forces in the first United Nations initiative to preserve peace and harmony. President Truman sent our troops to Korea as part of that United Nations peace keeping effort to preserve democracy and repel communism.

This nation must always be cognizant of the message stated on the 50th Anniversary Korean War Commemorative Flag "Freedom Is Not Free". We welcome home every Korean veteran and salute their valiant efforts on our Nation's behalf I rise today to remember and honor the 54,268 United States military who tied in the Korean conflict. We must never forget that 8,207 are missing in action, and only 3,450 returned of the 7,000 prisoners taken.

Let us pray for prisoners of war and those missing in action. We must continue to seek information about missing soldiers and provide families with long awaited news and closure to years of unanswered questions. This nation must always remember and be appreciative of our brave sons and daughters who answer the call. Today our military stationed in South Korea continue to stand ready and vigilant. I salute them for their valiant service.

In January I had the opportunity to travel to South Korea and visit the Korea Demilitarized Zone. During my journey I learned a great deal about the importance of a continued U.S. role in the region. The trip was a very real reminder that peace and stability still elude us.

This month the world witnessed the first Korean Summit, a historical meeting for a region divided since 1945. South Korea's President Kim Dae-jung traveled to North Korea and met with Kim Jon 71, leader of North Korea. The talks resulted in a signed agreement, initiating steps for reunification. As the world watches with cautious optimism we hope for a long-term relationship that will bring peace and stability. While today Secretary of State Madeleine Albright announced United States troops will remain in South Korea indefinitely despite the improved relations in the region, we wait for the day when we can bring our United States soldiers home to their families.

Thank you to all the Korean veterans, their families and those who continue to serve.

HONORING AGENT BLAKE L.
BOTELER

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Friday, June 23, 2000

Mr. McINNIS. Mr. Speaker, I would like to take a moment to recognize an exceptional man, Blake L. Boteler, of Colorado Springs, Colorado. In June, Mr. Boteler was recognized as one of America's finest at the seventh annual "TOP COPS" awards. The "TOP COPS" award recognizes law enforcement officers that have demonstrated outstanding acts of heroism and exceptional service to their community. Mr. Boteler won the award because of his considerable efforts to help his community in the war against drugs. Mr. Boteler personifies the goals that this award stand for and we all can learn from the example he has set.

Mr. Boteler is an agent with the Bureau of Alcohol, Tobacco and Firearms who was recognized for the "Top Cop" award because of the heroism he showed in fighting the flow of narcotics and weapons in to this country by a well known outlaw motorcycle gang. Using his tactical skills, he successfully infiltrated the gang and helped apprehend several suspects, effectively ending the gang's reign. His perseverance eventually paid off and as his efforts were instrumental in helping the State of Colorado serve 26 warrants and prosecute 40 defendants. The gang was eventually disbanded and Agent Boteler seized over 225 weapons and other paraphernalia.

Agent Boteler had this to say when he learned that he was a recipient of this award: "I was honored to have this investigation considered so highly, especially considering the fact of all the hard work and sacrifices made on a daily basis by members of this nation's law enforcement community that are equally deserving of this award." Because of the dedication of this outstanding American, I think it is all together fitting that this distinguished body pay tribute to him.

It is obvious why Mr. Boteler was chosen as the recipient of the "TOP COPS" award. I think that we all owe him a debt of gratitude for his service to the state. Due to Mr. Boteler's dedication, it is clear that Colorado is a better place.

IN HONOR OF ANDERSON COUNTY,
AN ALL-AMERICA COMMUNITY

HON. LINDSEY O. GRAHAM

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 23, 2000

Mr. GRAHAM. Mr. Speaker, it gives me great pleasure to rise today to honor Anderson County, South Carolina, a recipient of the 2000 All-America City Award, a distinction that recognizes communities whose citizens work together to identify and tackle community-wide challenges and achieve uncommon results. This award recognizes communities where true American spirit is hard at work, where safety and quality of life are priorities. The community of Anderson County exemplifies all of these characteristics.

The All-America City Award program was founded in 1949, and is one of our country's

oldest and most respected community recognition award programs. Only ten communities in the United States are chosen each year for this prestigious award. Anderson County is one of those communities, and has done much to improve the lives of the people who reside there.

Some examples of how the citizens of Anderson County work together to better their community are through the Hanna-Westside Extension Campus, the Anderson Sports and Entertainment Center, the Alliance for a Healthy Future campaign, Anderson Area YMCA, the Anderson Free Clinic, the Westside Community Center, Partners for a Healthy Community and AnMed Healthy Futures Trust. These organizations have all made dramatic and innovative improvements in the lives of the people of Anderson County.

In particular, Anderson County's Hanna-Westside Extension Campus was created to improve the learning environment and education at an inner-city high school. This initiative transformed the high school into a career and technology center where students learn to be successful in the work place.

The Alliance for a Healthy Future campaign also worked to raise \$12 million for six organizations and helped build the state's first residential home for the terminally ill, transformed an abandoned elementary school into a community center, expanded medical services for the poor and made a new YMCA complex a reality.

Anderson County is one of only two communities from the Southeast to win this prestigious award this year. The recipients of this award are the communities that represent the "backbone of America", and are great examples of success. Anderson County, as well as the other winning communities, shows how citizens, government, businesses and non-profit organizations can join together to address their local issues and achieve unparalleled results.

The community of Anderson County has made an invaluable contribution to development in the state of South Carolina and the United States as a whole. I am proud to honor Anderson's achievement as a 2000 All-America City and wish them continued success and prosperity.

A TRIBUTE TO THE NATION OF
GUYANA

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, June 23, 2000

Mr. TOWNS. Mr. Speaker, on this the 34th anniversary of the independence of Guyana, I would like to pay tribute to the government and people of the extraordinary nation. Although this year marks the 34th anniversary of Guyana's independence, it would be misleading to assume that Guyana's sense of nationhood only began with the grant of independence 34 years ago.

Guyana's sense of nationhood existed over 500 years ago, among the Amerindian tribes that inhabited its tropical rainforest. It existed among the African warriors such as Kofi, Attah, Accabree, who launched their war of liberation in 1763. It existed among Indian indentured workers such as Rambarran,

Pooran, Harry, and Surajballi who forfeited their lives in the struggle to improve working conditions on the sugar plantations.

Nationalism has existed in the literature of the Guyanese people. It has existed in the poetry of Martin Carter and Arthur Seymour; in the novels of Edgar Mittelholzer, Wilson Harris and Jan Carew; in the patriotic music of R.G.G. Potter, Valery Rodway, and Halley Bryant; in the rhythm of the Indian Tassa drums and the African bongos drums; and the call and response of the Guyanese folk songs.

Nature has been generous to the nation of Guyana. It has endowed her with an extensive network of over 40 rivers and creeks, and over 276 waterfalls, including Kaieteur Falls, which has a direct perpendicular drop of 741 feet. The land is richly endowed with natural resources—fertile agricultural lands; extensive savannahs; rich fishing and shrimping grounds; over 500 species of tropical hardwoods including greenheart, mora, baromalli, purpleheart, and crabwood, and a wide variety of minerals including gold, diamonds, bauxite, manganese, titanium, columbite/tantalite, copper and nickel.

In spite of its rich history of struggle and extensive natural resources, Guyana faces formidable political, social and economic problems. In the 1950s, Guyana had one of the most progressive movements in the Caribbean, based upon the principles of Guyanese nationalism and socialism. However, in 1955 the political movement split, ushering in two decades of racial antagonism. Racial divisions have stymied economic development, creating an environment of instability and uncertainty. In spite of an impressive growth rate during the last decade, Guyana still remains one of the poorest and least developed nations in the Western hemisphere.

The Guyanese people are a resourceful, gifted and resilient people who are capable of confronting and overcoming the formidable problems that confront them. The historian Rodway described agricultural cultivation in Guyana as a daily struggle with the sea in front and the flood behind. The historian Walter Rodney has noted how the African slaves built the sugar plantations by moving "one hundred million tons of heavy water-logged clay with shovel in hand, while enduring conditions of perpetual water and mud." The historian Eusi Kaywana has noted that the Berbice rebellion of 1763 predated the American Revolution of 1776, the French Revolution of 1789, the French Revolution of 1791, the Paris commune of 1848 and the Russian Revolution of 1917.

Ironically, the policy of the U.S. government has been one of suspicion and hostility towards the governments of Guyana. We conspired with the British in 1960 to suspend the constitution, and to destabilize the government of Cheddie Jagan between 1957 and 1964. When President Burnham implemented socialist policies in the 1970s, we discouraged U.S. foreign investment, bilateral aid and multilateral loans to Guyana.

It is time for the U.S. government to change its policy towards the nation of Guyana. Guyana has become an attractive location for foreign investment. There is a stable political environment that is committed to private enterprise; there is a system of Parliamentary democracy with free elections and an independent Judiciary; there is a substantial natural resource base; there has been radical

and substantial economic growth over the last decade; there is preferential access to the Caribbean, Latin America, North America and European markets; there is a skilled and trainable labor force proficient in the English language. Guyana is an investment opportunity whose time has come.

FOREIGN TRUST-BUSTING ACT

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, June 23, 2000

Mr. GILMAN. Mr. Speaker, today I am introducing the Foreign Oil Trust-Busting Act, H.R. 4731.

Crude oil prices are going through the roof, and gasoline prices are following them.

Do illegal activities by foreign oil producers lie at the heart of the problem? I believe they do. Can we do something about those illegal activities? I believe we can.

Every day the activities of American firms are subjected to antitrust examination in foreign countries. Every day the activities of foreign entities are subject to examination by the competition authorities of our Nation. This is so because if a price fixing cartel, or other restraint on trade adversely affects our Nation, we are entitled to act to protect our own interests.

Yet, even though everyone knows that the Organization of Petroleum Exporting Countries openly and blatantly manipulates the price of oil, no action is taken against it. OPEC likes to keep energy prices high enough to fund their own economies, yet not too high, so as to keep us "hooked" on oil and to keep us from making renewable or other alternatives economical. By the same token, they are not adverse to periodic and temporary diminutions in energy prices. Those gyrations cause havoc in our own oil patch, as wells are taken out of production and production is in fact lost permanently.

Given these open manipulations of the market, which clearly seem to violate the antitrust laws, and which certainly have an impact on the American economy, why is not legal pressure brought to bear on the members of OPEC?

During the energy crisis of the 1980's the International Association of Machinists did in fact bring suit against OPEC. It was dismissed because the so-called "Act of State" doctrine was invoked by the United States Court of Appeals in *IAM v. OPEC*, 649 F.2d 1354 (9th Cir. 1981).

The "Act of State" doctrine is a discretionary legal doctrine that encourages courts to withhold legal judgement regarding the official actions of foreign states. The theory is that the official acts of foreign states are more sensitively addressed by the political branches of government.

The Act of State doctrine was invoked in the 1960's to prevent actions against the government of Cuba in an expropriation case.

The Congress passed the "Second Hickenlooper Amendment" to forbid the application of the doctrine unless a suggestion that it was appropriate to apply it was filed on behalf the President of the United States; in such cases the Court would have the discretion to apply the doctrine. Thus, the Congress per-

mitted a case that had already been filed to go forward. The constitutionality of the provision was upheld in *Banco Nacional de Cuba v. Farr*, 383 F.2d 166 (2d Cir. 1966).

It is my judgement that the Courts should be allowed to proceed to try antitrust cases against states and other foreign entities manipulating the price or supply of energy without reference to the Act of State doctrine. It would not upset our foreign relations if such a case proceeded, and if it did, it would be worth it, given the potential that the enforcement of antitrust laws would have in busting up OPEC.

This judgement about foreign policy is one that the Congress and not the Courts should make.

It is one thing for high gas prices to result, as they do in Europe, in revenues flowing to the government. That is their decision to make. It is quite another thing for the profits from artificially high prices to unjustly enrich foreign potentates. That is what is happening now. Diplomatic niceties will have to take a back seat. Too much damage is being inflicted on our economy.

I recognize that there may be other barriers to a successful lawsuit against OPEC members, but those barriers need to be dealt with in other Committees, and I welcome the prospect of working on those barriers with the Committees of jurisdiction.

In the interim, we know that the barrier of the "Act of State Doctrine" must be dealt with, and I urge my colleagues who care about high oil prices to join me in cosponsoring this bill.

A copy of the bill follows:

H.R. 4731

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 "Foreign Trust Busting Act".

SEC. 2. FINDINGS.

Congress finds that—

(1) it is in the foreign policy interest of the United States for there to be a free market in energy on an international basis;

(2) a principal reason for high energy prices in the United States is international price fixing that has evaded review under the antitrust laws of the United States because of foreign policy considerations and technical impediments in these laws that prevent the effective enforcement of United States law with respect to international price fixing in the energy market; and

(3) among these foreign policy and technical impediments is the discretionary federal act of state doctrine which has been used to bar a lawsuit directed at stopping the manipulation of energy supplies and prices because of concern that such litigation might interfere in the foreign policy of the United States.

SEC. 3. PURPOSES.

The purposes of this Act are—

(1) to establish that the foreign policy interest of the United States would be advanced, rather than impeded or complicated, if foreign entities, including foreign cartels and foreign countries participating in such cartels, were held responsible for energy supply and price manipulation that affects the United States economy; and

(2) to eliminate barriers to the effective application of United States antitrust laws to foreign entities that have manipulated energy supplies or prices.

SEC. 4. AMENDMENT TO FOREIGN ASSISTANCE ACT OF 1961 RELATING TO JURISDICTION OF UNITED STATES COURTS IN CERTAIN ANTITRUST CASES.

Section 620(e)(2) of the Foreign Assistance Act of 1961 (22 U.S.C. 2370(e)(2)) is amended—

(1) by striking "(2) Notwithstanding" and inserting "(2)(A) Notwithstanding";

(2) by striking "": *Provided*, That this subparagraph shall not be applicable (1)" and inserting "": except, that this subparagraph shall not be applicable";

(3) by striking "or other taking, or (2)" and inserting the following: "or other taking.

"(B)(i) Notwithstanding any other provision of law, no court in the United States shall decline on the ground of the federal act of state doctrine to make a determination on the merits relating to an action under any antitrust laws in a case asserting the manipulation of energy supplies or prices, except that this subparagraph shall not be applicable"; and

(4) by adding at the end the following:

"(ii) In this subparagraph, the term 'antitrust laws' has the meaning given it in subsection (a) of the first section of the Clayton Act (15 U.S.C. 12(a)), except that such term includes section 5 of the Federal Trade Commission Act (15 U.S.C. 45) to the extent such section 5 applies to unfair methods of competition.".

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

SPEECH OF

HON. TOM UDALL

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 20, 2000

The House in Committee of the Whole House on the State of the Union 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

Mr. UDALL of New Mexico. Mr. Chairman, I am disappointed with yet another poison apple that we have been given by the majority to vote on—H.R. 4635, the FY 2001 VA-HUD-Independent Agencies Appropriations Act.

Although this bill is \$2 billion more than the FY 2000 appropriation it is still more than \$6 billion below the President's request. In addition, this funding bill follows the FY 2001 congressional budget resolution, which provides for inadequate resources for discretionary investments. I agree with my colleagues and with the administration that we need realistic levels of funding for critical programs that Americans, and New Mexicans, expect their government to perform and provide. Specifically in the areas of education, law enforcement, research and technology, adequate health care, the administration of Social Security and Medicare, and veteran programs.

Mr. Chairman, this bill hurts many constituencies throughout my district, as well as those in the districts of my colleagues. The Appropriations Committee has eliminated the Corporation for National and Community Service. In doing so, 62,000 Americans, including participants in my district, would be denied the opportunity to meet pressing education, public safety, and environmental needs in exchange for help with college costs through participation in AmeriCorps. This funding bill would also prevent students from participating in

service-learning programs that provide academic benefits, along with the opportunity to learn responsible citizenship.

Besides eliminating funding for the Corporation for National and Community Service, it also cuts key housing programs which currently provide crucial services to my constituents in northern New Mexico and throughout my district.

Other than the reduction of funding, this bill also denies the request for 120,000 new rental assistance vouchers, a \$78 million cut in elderly and disabled housing, and a \$28 million cut in HOPWA, the program which provides housing assistance for people with HIV/AIDS, a group in need of housing assistance.

Mr. Chairman, other housing programs being cut or reduced include the Home Program and the HOPE VI funds that replace distressed housing projects and operating subsidies for housing authorities.

What really disappoints me, Mr. Speaker, is that this bill also makes substantial cuts below the FY 2000 level in the Community Development Block Grant Program. This \$295 million cut will result in 12,000 fewer jobs being created and 36,000 fewer people receiving housing rehabilitation, construction, and home buyer assistance. It also fails to provide funds for regional empowerment zones or the new markets initiative.

I want to now shift this conversation toward our veterans, to the men and women who put their lives on the line to protect the liberties and security of our nation. This country should not turn its back on these courageous men and women and should provide them with the benefits and resources they so rightly deserve.

I am opposed to any reduction in minor construction funding, which would adversely affect all VA operations, ranging from patient safety and maintenance in VA medical centers to gravesite development in some national cemeteries. In addition, I am also opposed to the provision included in the legislation to prohibit the VA from transferring funds to the Department of Justice to support litigation against tobacco companies. The VA spends more than \$1 billion annually treating veterans suffering from tobacco-related conditions and is committed to helping the Federal Government recover these funds. Therefore, the VA should receive their share of any recoveries as a result of the litigation and apply that share toward medical services for our veterans.

On the environmental side, the VA-HUD-appropriations bill contains funding cuts for environmental protection, contains anti-environmental riders and blocks the EPA from investigating environmental justice claims. For years, the most vulnerable in our Nation have borne the brunt of environmental pollution from hazardous practices. I believe that all citizens have a fundamental right to a clean environment and this legislation does not provide that right.

The President has already indicated that if this bill, in its present form, arrives at his desk for signature it will receive a veto.

I'm tired and I know the constituents in my district are tired of the majority crafting appropriation bills which fail to properly address the needs of our country and its programs.

I will continue working with my colleagues on the other side of the aisle to construct funding bills that are based on a balanced approach and maintain fiscal discipline while providing appropriate tax cuts, protecting the sol-

vency of Medicare and Social Security, and funding for critical programs important to all of us. However, we are not going to get there if we keep sending the President inadequate funding bills that do not take the balanced approach.

Mr. Chairman, if the leadership continues to ask Members of Congress to support these "poison apple" appropriation bills, I will have to continue to vote against them. For the reasons I have outlined today and for the other deficiencies contained in this legislation, I have to oppose passage of this appropriations bill.

PERSONAL EXPLANATION

HON. THOMAS M. BARRETT

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Friday, June 23, 2000

Mr. BARRETT of Wisconsin. Mr. Speaker, on Thursday, June 15th, I was unable to vote on rollcall # 278, concerning a resolution (H. Res. 525) providing for the consideration of H.R. 4635, the Departments of Veterans Affairs and Housing and Urban Development Appropriations for FY2001. Had I been present, I would have voted "nay."

SPRINT-WORLDCOM MERGER

HON. MICHAEL G. OXLEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, June 23, 2000

Mr. OXLEY. Mr. Speaker, as a strong supporter of free markets and the Sprint-WorldCom merger, I wish to bring the lead editorial from today's Wall Street Journal to the attention of my colleagues.

On both sides of the Atlantic, there persists a certain regulatory bias against large corporate combinations. I believe regulators commit an error when they scrutinize such alliances on a regional basis instead of taking a global perspective. Such mergers offer efficiencies and synergies very much in demand in the age of instant global communications.

Again, Mr. Speaker, I submit the following editorial.

[From the Wall Street Journal, June 23, 2000]
SUPER MARIO SMOTHERS

Look out, Mario Monti is in town. While it seems unlikely that U.S. unemployment will shoot up right away to German levels or Silicon Valley will suddenly take on the lugubriousness of a French panel in charge of setting lawn mower standards, you can't be too careful when the European Commission's "competition" czar is visiting.

Mr. Monti arrived in Washington yesterday to bring us his unique perspective on the pending Spring-WorldCom merger. His meeting agenda included Janet Reno and Joel Klein and the FCC's Bill Kennard. No wonder the markets went all languid yesterday.

Though Internet services aren't a big part of this landmark deal, Mr. Monti has decided to grab the opportunity to make WorldCom cough up UU-Net, its wholly owned Internet backbone carrier, which hauls a large share of Europe's web traffic. Never mind that others are rapidly adding backbone capacity. Never mind that this new investment is more likely to dry up if Europe is seen pun-

ishing those who successfully invested in the past. Mr. Monti has decided WorldCom's share is "too big" according to some static gauge of industry concentration. It's not his job to notice other dynamic factors in a rapidly advancing industry that make his gauge irrelevant.

It's hard to say what's worse, Mr. Monti's academic rigidity or the Clinton Justice Department's notion that it can fine-tune "innovation" to a fare-thee-well.

We'll wait to be apprised of Justice's full reasoning for aligning with Mr. Monti in trying to scuttle the merger. The latest leaks say Justice is taking its advice from the company's long-distance competitors Qwest and Level Three Communications. Let's see: These other companies fear that WorldCom would be a formidable competitor, so the Justice Department is opposing the deal as . . . anticompetitive?

Whatever he comes up with for this one, antitrust chief Joel Klein has lately been on a bender claiming that his ministrations are necessary to free up technological advance, which apparently is something lacking in our economy. Perhaps we need more lessons on this from dynamic Europe.

What seems to be missing on both sides of the Atlantic is a little humility. These days the best minds in industry are regularly caught flat-footed by change. Why should somebody who hung around with Bill Clinton at Renaissance Weekend or graduated first in his class from some finishing school have any better handle on the direction of markets and technology?

At some point the danger is going to manifest itself in lost jobs and opportunities for middle-class voters. If businesses are not allowed to move forward, they stagnate and die. If enough businesses are blocked from moving ahead, the whole economy slows down. That's a voting issue.

WorldCom is a good example. Bernie Ebbers assembled a nice collection of telecommunications assets, but he didn't see how important wireless would be. Who did? Cell coverage and bandwidth are improving so rapidly that wireless is becoming many people's primary phone. Unless he can cajole regulators to sign off on the acquisition of Sprint's wireless business, he doesn't have a viable strategy.

One reason Europe is Europe and we're not is that our companies have been free to adapt. The Founding Fathers granted us rights so we wouldn't be in the position of arguing with our rulers for our freedom on a case-by-case basis. These rights extend even to companies and their shareholders, and just any old reason for blocking their private strategies shouldn't be good enough.

Indeed, it would be quite a feat if our trustbusters manage single-handedly to bring European-style corporate stasis to the U.S. economy, but they're working on it. We're not talking just about the Microsofts, WorldComs, AOL-Time Warners and other businesses that make the evening news. Late last year the FTC scuttled a Pathmark merger just as the company was trying to break out of the pack by bringing modern supermarkets to the inner city. Last month Pathmark filed for Chapter 11. Too bad for Harlem, which was just about to get a new store.

Hmm, maybe we know why the Europeans sent Mr. Monti to Washington after all. It's part of their comeback plan to offload their antitrust hang-ups on U.S. companies so their own economies can catch up. Only in a Clinton presidency could they think such a strategy might take wing.

Daily Digest

Senate

Chamber Action

Routine Proceedings, pages S5713–S5761

Measures Introduced: Three bills were introduced, as follows: S. 2780–2782. **Page S5735**

Measures Passed:

Mervyn Malcolm Dymally Post Office Building: Senate passed H.R. 642, to redesignate the Federal building located at 701 South Santa Fe Avenue in Compton, California, and known as the Compton Main Post Office, as the “Mervyn Malcolm Dymally Post Office Building”, clearing the measure for the President. **Page S5752**

Augustus F. Hawkins Post Office Building: Senate passed H.R. 643, to redesignate the Federal building located at 10301 South Compton Avenue, in Los Angeles, California, and known as the Watts Finance Office, as the “Augustus F. Hawkins Post Office Building”, clearing the measure for the President. **Page S5752**

Captain Colin P. Kelly, Jr. Post Office: Senate passed H.R. 1666, to designate the facility of the United States Postal Service at 200 East Pinckney Street in Madison, Florida, as the “Captain Colin P. Kelly, Jr. Post Office”, clearing the measure for the President. **Page S5752**

Thomas J. Brown Post Office Building: Senate passed H.R. 2307, to designate the building of the United States Postal Service located at 5 Cedar Street in Hopkinton, Massachusetts, as the “Thomas J. Brown Post Office Building”, clearing the measure for the President. **Page S5752**

Louise Stokes Post Office: Senate passed H.R. 2357, to designate the United States Post Office located at 3675 Warrensville Center Road in Shaker Heights, Ohio, as the “Louise Stokes Post Office”, clearing the measure for the President. **Page S5752**

Jay Hanna “Dizzy” Dean Post Office: Senate passed H.R. 2460, to designate the United States Post Office located at 125 Border Avenue West in Wiggins, Mississippi, as the “Jay Hanna ‘Dizzy’ Dean Post Office”, clearing the measure for the President. **Page S5752**

William H. Avery Post Office: Senate passed H.R. 2591, to designate the United States Post Office located at 713 Elm Street in Wakefield, Kansas, as the “William H. Avery Post Office”, clearing the measure for the President **Page S5752**

Keith D. Oglesby Station: Senate passed H.R. 2952, to redesignate the facility of the United States Postal Service located at 100 Orchard Park Drive in Greenville, South Carolina, as the “Keith D. Oglesby Station”, clearing the measure for the President **Page S5752**

Marybelle H. Howe Post Office: Senate passed H.R. 3018, to designate the United States Post Office located at 557 East Bay Street in Charleston, South Carolina, as the “Marybelle H. Howe Post Office”, clearing the measure for the President **Page S5752**

Joel T. Broyhill Postal Building: Senate passed H.R. 3699, to designate the facility of the United States Postal Service located at 8409 Lee Highway in Merrifield, Virginia, as the “Joel T. Broyhill Postal Building”, clearing the measure for the President **Page S5753**

Joseph L. Fisher Post Office Building: Senate passed H.R. 3701, to designate the facility of the United States Postal Service located at 3118 Washington Boulevard in Arlington, Virginia, as the “Joseph L. Fisher Post Office Building”, clearing the measure for the President. **Page S5753**

Les Aspin Post Office Building: Senate passed H.R. 4241, to designate the facility of the United States Postal Service located at 1818 Milton Avenue in Janesville, Wisconsin, as the “Les Aspin Post Office Building”, clearing the measure for the President. **Page S5753**

Hector G. Godinez Post Office Building: Senate passed S. 2043, to designate the United States Post Office building located at 3101 West Sunflower Avenue in Santa Ana, California, as the “Hector G. Godinez Post Office Building”. **Page S5753**

International Humanitarian Law Violations: Senate passed S. 2460, to authorize the payment of

rewards to individuals furnishing information relating to persons subject to indictment for serious violations of international humanitarian law in Rwanda.

Page S5753

Zimbabwe Democracy Act: Senate passed S. 2677, to restrict assistance until certain conditions are satisfied and to support democratic and economic transition in Zimbabwe, after agreeing to the following amendment proposed thereto: Pages S5753–55

Coverdell (for First) Amendment No. 3617, in the nature of a substitute.

Page S5753

Voice of America Materials: Senate passed S. 2682, to authorize the Broadcasting Board of Governors to make available to the Institute for Media Development certain materials of the Voice of America.

Page S5755

Slovenia Accession to NATO: Senate agreed to S. Con. Res. 117, commending the Republic of Slovenia for its partnership with the United States and NATO, and expressing the sense of Congress that Slovenia's accession to NATO would enhance NATO's security

Page S5755

Execution of Polish Captives Anniversary: Senate agreed to S. Con. Res. 118, commemorating the 60th anniversary of the execution of Polish captives by Soviet authorities in April and May 1940.

Page S5756

Commending Republic of Croatia: Senate agreed to H. Con. Res. 251, commending the Republic of Croatia for the conduct of its parliamentary and presidential elections, after agreeing to a committee amendment in the nature of substitute.

Pages S5756–57

Condemning Human Rights Violations: Senate agreed to H. Con. Res. 304, expressing the condemnation of the continued egregious violations of human rights in the Republic of Belarus, the lack of progress toward the establishment of democracy and the rule of law in Belarus, calling on President Alyaksandr Lukashenka's regime to engage in negotiations with the representatives of the opposition and to restore the constitutional rights of the Belarusian people, and calling on the Russian Federation to respect the sovereignty of Belarus.

Page S5757

International Child Abduction: Senate agreed to H. Con. Res. 293, urging compliance with the Hague Convention on the Civil Aspects of International Child Abduction.

Page S5758–59

Russian Treatment of Andrei Babitsky: Senate agreed to S. Res. 303, expressing the sense of the Senate regarding the treatment by the Russian Fed-

eration of Andrei Babitsky, a Russian journalist working for Radio Free Europe/Radio Liberty, after agreeing to a committee amendment in the nature of a substitute.

Pages S5759–60

Olympic Goals Support: Committee on the Judiciary was discharged from further consideration of S. Res. 254, supporting the goals and ideals of the Olympics, and the resolution was then agreed to, after agreeing to the following amendment proposed thereto:

Pages S5760–61

Roberts (for Campbell) Amendment No. 3618 (to the preamble), to designate June 23, 2000 as the anniversary of the founding of the modern Olympic movement.

Page S5760

Labor/HHS/Education Appropriations—Agreement: Senate continued consideration of H.R. 4577, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2001, taking action on the following amendments proposed thereto: Pages S5713–21, S5725–30

Adopted:

Bond Amendment No. 3602, to increase funding for the consolidated health centers.

Pages S5715–19

Pending:

McCain Amendment No. 3610, to enhance protection of children using the Internet.

Page S5713

Senate will resume consideration of the bill, and pending amendment, on Monday, June 26, 2000.

Colorado Ute Settlement Act Amendments—Agreement: A unanimous-consent agreement was reached providing that when the Committee on Indian Affairs reports S. 2508, to amend the Colorado Ute Indian Water Rights Settlement Act of 1988 to provide for a final settlement of the claims of the Colorado Ute Indian Tribes, the bill then be referred to the Committee on Energy and Natural Resources.

Page S5763

Messages From the House:

Page S5734

Communications:

Pages S5734–35

Statements on Introduced Bills:

Pages S5735–37

Additional Cosponsors:

Pages S5737–38

Amendments Submitted:

Pages S5738–52

Additional Statements:

Pages S5733–34

Adjournment: Senate convened at 9:30 a.m., and adjourned at 1:04 p.m., until 1 p.m., on Monday, June 26, 2000. (For Senate's program, see the remarks of the acting majority leader in today's Record on page S5761.)

Committee Meetings

(Committees not listed did not meet)

Committee on the Judiciary: On Thursday, June 22, Subcommittee on Criminal Justice Oversight concluded hearings to examine the threat of fugitives to safety, law, and order, after receiving testimony from

Senator Dorgan; John W. Marshall, Director, and Israel Brooks, Jr., Marshall for the District of South Carolina, both of the United States Marshall Service, Department of Justice; Edward T. Norris, Baltimore Police Department, Maryland; Patrick Sullivan, Sheriff of Arapahoe County, Colorado, on behalf of the National Sheriffs' Association; and Kevin M. Horton, Massachusetts State Police, Framingham.

House of Representatives

Chamber Action

Bills Introduced: 13 public bills, H.R. 4729–4732, 4734–4742; and 4 resolutions, H.J. Res 103, H. Con. Res. 363–364, and H. Res 531, were introduced. **Pages H5083–84**

Reports Filed: Reports were filed today as follows.

H.R. 4227, to amend the Immigration and Nationality Act with respect to the number of aliens granted nonimmigrant status described in section 101(a)(15)(H)(i)(b) of the Immigration and Nationality Act, to implement measures to prevent fraud and abuse in the granting of such status, amended (H. Rept. 106–692);

H.R. 4733, making appropriations for energy and water development for the fiscal year ending September 30, 2001 (H. Rept. 106–693).

H.R. 4446, to ensure that the Secretary of Energy may continue to exercise certain authorities under the Price-Anderson Act through the Assistant Secretary of Energy for Environment, Safety, and Health; referred sequentially to the House Committee on Armed Services for a period ending not later than July 21, 2000 (H. Rept. 106–694, Pt. 1);

H.R. 3383, to amend the Atomic Energy Act of 1954 to remove separate treatment or exemption for nuclear safety violations by nonprofit institutions, amended; referred sequentially to the House Committee on Armed Services for a period ending not later than July 21, 2000 (H. Rept. 106–695, Pt. 1); and

H.R. 3906, to ensure that the Department of Energy has appropriate mechanisms to independently assess the effectiveness of its policy and site performance in the areas of safeguards and security and cyber security, amended H. (Rept. 106–696, Pt. 1).

Page H5083

Commerce, Justice, State, the Judiciary, and Related Agencies Appropriations: The House considered amendments to 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. **Pages H5039–72**

Agreed To:

Waxman amendment that allows reimbursement to the Justice Department for litigation filed before January 1, 2000, that has received funding under section 109 of Public Law 103–317, thereby allowing the Veterans Administration to transfer funding for the lawsuit against tobacco companies (agreed to by a recorded vote of 215 ayes to 183 noes, Roll No. 319); and **Pages H5039–46**

English amendment No. 61 printed in the Congressional Record that increases funding for USTR trade monitoring staff by \$3 million and decreases Commerce Department General Administration funding accordingly. **Pages H5051–53**

Rejected:

Davis amendment No. 21 printed in the Congressional Record that sought to strike the Department of Justice's exemption to the payment of overtime to its attorneys (rejected by a recorded vote of 103 ayes to 288 noes, Roll No. 320); and

Pages H5047–49, H5070–71

Coble amendment No. 56 printed in the Congressional Record that sought to increase funding for the Patent and Trademark Office by \$133.8 million and decrease the Economic and Statistical Analysis, Bureau of the Census, and Educational and Cultural Exchange Program accounts accordingly (rejected by a recorded vote of 145 ayes to 223 noes, Roll No. 321). **Pages H5055–70, H5071**

Points of order sustained against:

Jackson-Lee amendment No. 24 printed in the Congressional Record that sought to institute an \$8 user fee for certain cruise ship passengers. **Page H5049**

Obey amendment No. 31 printed in the Congressional Record that sought to increase funding for trade compliance activities; **Pages H5049–51**

Kaptur amendment that sought to make available funding for communities adversely affected by the implementation of permanent normal trade relations with China; **Pages H5054–55**

H. Res. 529, the rule that is providing for consideration of the bill was agreed to on June 22.

Further Consideration of Commerce, Justice, State, the Judiciary, and Related Agencies Appropriations: Agreed that during further consideration of H.R. 4690 in the Committee of the Whole pursuant to H. Res. 529 and the order of the House of June 22, 2000, except as specified, each amendment shall be debatable only for 10 minutes; that amendment No. 23 shall be debatable only for 30 minutes; and that amendment No. 60 shall be debatable for 60 minutes.

Page H5072

Late Report—Energy and Water Appropriations: Committee on Appropriations received permission to have until midnight tonight to file a privileged report on a bill making appropriations for energy and water development for the fiscal year ending September 30, 2001.

Page H5072

Legislative Program: The Majority Leader announced the Legislative Program for the week of June 26.

Pages H5073–74

Meeting Hour—Monday, June 26: Agreed that when the House adjourns today, it adjourn to meet at 12:30 p.m. on Monday, June 26 for morning-hour debates.

Page H5074

Calendar Wednesday: Agreed to dispense with the Calendar Wednesday business of Wednesday, June 28.

Page H5070

Prisoners of War Held in Iraq: The House agreed to H. Con. Res. 275, expressing the sense of the Congress with regard to Iraq's failure to release prisoners of war from Kuwait and nine other nations in violation of international agreements. Agreed to amend the concurrent resolution and agreed to amend the preamble.

Pages H5074–75

Amendments: Amendments ordered printed pursuant to the rule appear on page H5085.

Quorum Calls—Votes: Three recorded votes developed during the proceedings of the House today and appear on pages H5045–46, H5070–71, and H5071. There were no quorum calls.

Adjournment: The House met at 9:00 a.m. and adjourned at 3:30 p.m.

Committee Meetings

DOE PROGRAM—DEVELOP PERMANENT GEOLOGIC REPOSITORY

Committee on Commerce: Subcommittee on Energy and Power held a hearing to examine the status of the Department of Energy program to develop a permanent geologic repository at Yucca Mountain, Nevada for spent nuclear fuel and high-level radioactive

waste. Testimony was heard from Representatives Gibbons and Berkley; Ivan Itkin, Director, Office of Civilian Radioactive Waste Management, Department of Energy; Carl Paperiello, Deputy Executive Director, Materials Research and State Programs, NRC; Steve Page, Director, Office of Radiation, EPA; Debra S. Knopman, member, U.S. Nuclear Waste Technical Review Board; and a public witness.

COMBATING MONEY LAUNDERING

Committee on Government Reform: Subcommittee on Criminal Justice, Drug Policy and Human Resources held a hearing on Combating Money Laundering Worldwide. Testimony was heard from the following officials of the Department of the Treasury: William F. Wechsler, Special Advisor to the Secretary and Deputy Secretary for Money Laundering; James F. Sloan, Director, Financial Crimes Enforcement Network; and James C. Varrone, Acting Deputy Assistant Commissioner, Office of Investigations, U.S. Customs Service; the following officials of the Department of Justice: Mary Lee Warren, Deputy Assistant Attorney General, Criminal Division; and Edward M. Guillen, Chief, Financial Operations Section, DEA; and public witnesses.

OVERSIGHT—AIRLINE INDUSTRY—STATE OF COMPETITION

Committee on the Judiciary: Concluded oversight hearings on the State of Competition in the Airline Industry: Part 2. Testimony was heard from Tom Walker, Commissioner, Department of Aviation, Chicago, Illinois; and public witnesses.

CONGRESSIONAL PROGRAM AHEAD

Week of June 26 through July 1, 2000

Senate Chamber

On *Monday and Tuesday*, Senate will resume consideration of H.R. 4577, Labor/HHS/Education.

During the remainder of the week, Senate may resume consideration of S. 2549, Defense Authorization, and any other cleared legislative and executive business, including appropriation bills, when available.

Senate Committees

(Committee meetings are open unless otherwise indicated)

Special Committee on Aging: June 26, to hold hearings on the hardships that dialysis patients endure and the options for improving the government's oversight, 1:30 p.m., SD–628.

Committee on Armed Services: June 27, to hold hearings on the nominations of Lt. Gen. Tommy R. Franks, United States Army, to be General; and Lt. Gen. William

F. Kernan, United States Army, to be General, 9:30 a.m., SR-222.

Committee on Commerce, Science, and Transportation: June 28, to hold hearings to examine airline customer service, 9:30 a.m., SR-253.

Committee on Energy and Natural Resources: June 27, business meeting to consider pending calendar business, 9:30 a.m., SD-366.

June 27, Subcommittee on Energy Research, Development, Production and Regulation, to hold hearings on the April 2000 GAO report entitled "Nuclear Waste Cleanup—DOE's Paducah Plan Faces Uncertainties and Excludes Costly Cleanup Activities", 2:30 p.m., SD-366.

June 28, Full Committee, business meeting to consider pending calendar business, 9:30 a.m., SD-366.

June 29, Subcommittee on Forests and Public Land Management, 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 Impact Statement for the Interior Columbia Basin Ecosystem Management Plan, 10 a.m., SD-366.

June 29, Subcommittee on National Parks, Historic Preservation, and Recreation, 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 of land to Sequoia National Park; and S. 2512, to convey certain Federal properties on Governors Island, New York, 2:30 p.m., SD-366.

Committee on Environment and Public Works: June 28, business meeting to mark up S. 2437, to provide for the conservation and development of water and related resources, to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States; and other pending calendar business, 9:30 a.m., SD-406.

June 29, Subcommittee on Fisheries, Wildlife, and Drinking Water, to hold hearings on pending issues in the implementation of the Safe Drinking Water Act, 9:30 a.m., SD-406.

June 29, Subcommittee on Superfund, Waste Control, and Risk Assessment, to hold hearings on S. 2700, to amend the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 to promote the cleanup and reuse of brownfields, to provide financial assistance for brownfields revitalization, to enhance State response programs, 2 p.m., SD-406.

Committee on Finance: June 28, business meeting to mark up proposed legislation relating to the marriage tax penalty, 10 a.m., SD-215.

Committee on Foreign Relations: June 27, to hold hearings on the nomination of Karl William Hofmann, of Maryland, to be Ambassador to the Togolese Republic; Howard Franklin Jeter, of South Carolina, to be Ambassador to the Federal Republic of Nigeria; John W. Limbert, of Vermont, to be Ambassador to the Islamic Republic of Mauritania; Roger A. Meece, of Washington, to be Ambassador to the Republic of Malawi; Donald Y.

Yamamoto, of New York, to be Ambassador to the Republic of Djibouti; and Sharon P. Wilkinson, of New York, to be Ambassador to the Republic of Mozambique, 2:30 p.m., SD-419.

June 28, Subcommittee on Near Eastern and South Asian Affairs, to hold hearings to examine the liberation of Iraq, 9 a.m., SD-419.

June 28, Full Committee, business meeting to consider pending calendar business, 11 a.m., SD-419.

June 28, Subcommittee on European Affairs, to hold hearings to examine the treatment of U.S. business in Central and Eastern Europe, 2 p.m., SD-419.

Committee on Governmental Affairs: June 29, Permanent Subcommittee on Investigations, to hold hearings to examine the nationwide crisis of mortgage fraud, 9:30 a.m., SD-342.

June 29, Full Committee, to hold oversight hearings to examine the rising oil prices and the efficiency and effectiveness of the Executive Branch Response, 1 p.m., SD-342.

June 30, Permanent Subcommittee on Investigations, to continue hearings to examine the nationwide crisis of mortgage fraud, 9:30 a.m., SD-342.

Committee on Health, Education, Labor, and Pensions: June 27, to hold hearings to examine reprocessing of single-use medical devices, 10 a.m., SD-430.

Committee on Indian Affairs: June 28, 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, 2:30 p.m., SR-485.

Committee on the Judiciary: June 27, business meeting to consider the nomination of John W. Darrah, of Illinois, to be United States District Judge for the Northern District of Illinois; the nomination of Paul C. Huck, of Florida, to be United States District Judge for the Southern District of Florida; the nomination of Joan Humphrey Lefkow, of Illinois, to be United States District Judge for the Northern District of Illinois; the nomination of George Z. Singal, of Maine, to be United States District Judge for the District of Maine; S. 2448, to enhance the protections of the Internet and the critical infrastructure of the United States; and S. 353, to provide for class action reform, 9 a.m., SD-226.

June 27, Subcommittee on Immigration, to hold hearings to examine the border crisis in Arizona, and the impact on the state and local communities, 2 p.m., SD-226.

June 27, Full Committee, to resume oversight hearings to examine the 1996 campaign finance investigations, 2 p.m., SH-216.

June 28, Full Committee, to hold hearings on the struggle for justice for former U.S. World War II POW's, 10 a.m., SD-226.

June 28, Subcommittee on Technology, Terrorism, and Government Information, to hold hearings on countering the changing threat of international terrorism, 2 p.m., SD-226.

June 29, Full Committee, business meeting to consider pending calendar business, 10 a.m., SD-226.

Committee on Rules and Administration: June 27, to hold hearings on the operations of the Library of Congress and the Smithsonian Institution, 8:30 a.m., SR-301.

House Chamber

To be announced.

House Committees

Committee on Agriculture, June 27, to consider H.R. 4541, Commodity Futures Modernization Act of 2000, 10 a.m., 1300 Longworth.

June 28, hearing on the following: H.R. 4502 Water Pollution Program Improvement Act of 2000; and EPA's proposed Total Maximum Daily Load rules on agriculture and silviculture, 10 a.m., 1300 Longworth.

June 29, hearing to review factors affecting domestic and international agricultural input prices, 10 a.m., 1300 Longworth.

Committee on Appropriations, June 30, Subcommittee on the District of Columbia, hearing on Management Reform in the District Government, 10 a.m., 2359 Rayburn.

Committee on Armed Services, June 27, Subcommittee on Military Procurement, hearing on Navy submarine force structure and modernization plans, 10 a.m., 2118 Rayburn.

June 27, Subcommittee on Military Readiness, hearing on Defense Logistics Reengineering Initiatives, 2 p.m., 2212 Rayburn.

June 28, full Committee, hearing on the National Missile Defense Program, 10 a.m., 2118 Rayburn.

June 29, Special Oversight Panel on Terrorism, hearing on terrorism and threats to U.S. interests in Latin America, 2 p.m., 2216 Rayburn.

June 29, Subcommittee on Military Research and Development, hearing on the Navy's radar development program, including fleet requirements and ballistic missile defense, 10 a.m., 2118 Rayburn.

Committee on Banking and Financial Services, June 27, hearing on H.R. 4490, First Accounts Act of 2000, 10 a.m., 2128 Rayburn.

June 28, to mark up H.R. 4419, Internet Gambling Funding Prohibition Act, 10 a.m., 2128 Rayburn.

June 29, to mark up H.R. 4585, Medical Financial Privacy Protection Act, 10 a.m., 2128 Rayburn.

Committee on Commerce, June 27, Subcommittee on Health and Environment, hearing on Medicare's Management: Is HCFA's Complexity Threatening Patient Access to Quality Care? 10 a.m., 2123 Rayburn.

June 28, full Committee, hearing on Summer Energy Concerns for the American Consumer, 10 a.m., 2123 Rayburn.

June 28, Subcommittee on Oversight and Investigations, hearing on Weaknesses in Classified Information Security Controls at DOE's Nuclear Weapon Laboratories, 2 p.m., 2322 Rayburn.

Committee on Education and the Workforce, June 27, Subcommittee on Early Childhood, Youth, and Families, hearing on Examining the National Environmental Education Act, 9:30 a.m., 2175 Rayburn.

June 27, Subcommittee on Oversight and Investigations, hearing on Employment Standards Administration Under GPRA, 2 p.m., 2175 Rayburn.

June 29, Subcommittee on Postsecondary Education, Training, and Life Long Learning: and the Subcommittee

on Human Resources of the Committee on Ways and Means, joint hearing on Welfare Reform: Assessing the Progress of Work-Related Provisions, 2 p.m., 2175 Rayburn.

Committee on Government Reform, June 27, Subcommittee on Government Management, Information and Technology, hearing on Implementation of the Nazi War Crimes Disclosure Act, 10 a.m., 2154 Rayburn.

June 28, full Committee, hearing on Rising Fuel Prices and the Appropriate Federal Response, 1 p.m., 2154 Rayburn.

June 28, Subcommittee on the Postal Service, to mark up pending business, 12 p.m., 2247 Rayburn.

June 30, Subcommittee on Criminal Justice, Drug Policy and Human Resources, hearing on Protecting the Southwest Border, 9 a.m., 2247 Rayburn.

June 30, Subcommittee on the District of Columbia, hearing on Beyond Community Standards and a Constitutional Level of Care? A Review of Services, Costs, and Staffing Levels at the Corrections Medical Receiver for the District of Columbia Jail, 10 a.m., 2154 Rayburn.

Committee on House Administration, June 28, to consider pending business, 3 p.m., 1310 Longworth.

Committee on International Relations, June 27, hearing on OPEC's Policies: A Threat to the U.S. Economy, 10:45 a.m., 2172 Rayburn.

June 28, Subcommittee on Asia and the Pacific, hearing on U.S. Assistance to Micronesia and the Marshall Islands: A Question of Accountability, 2 p.m., 2172 Rayburn.

June 28, Subcommittee on the Western Hemisphere, hearing on Development, Growth and Poverty Reduction in Latin America: Assessing the Effectiveness of Assistance, 1:30 p.m., 2200 Rayburn.

June 29, full Committee, hearing on Infectious Diseases: A Growing Threat to America's Health and Security, 10 a.m., 2172 Rayburn.

Committee on the Judiciary, June 27, to continue mark up of H.R. 1248, Violence Against Women Act; and to mark up the following bills: H.R. 3380, Military Extraterritorial Jurisdiction Act of 1999; H.R. 1349, Federal Prisoner Health Care Copayment Act of 1999; H.R. 3918, Immigration Reorganization and Improvement Act of 1999; H.R. 4194, Small Business Merger Fee Reduction Act of 2000; and H.R. 2558, Prison Industries Reform Act of 1999, 9:30 a.m., 2141 Rayburn.

June 28, to continue oversight hearings on Solutions to Competitive Problems in the Oil Industry: Part 3, 9:30 a.m., 2141 Rayburn.

June 29, Subcommittee on Commercial and Administrative Law, hearing on the following bills: H.R. 4267, Internet Tax Reform and Reduction Act of 2000; H.R. 4460, Internet Tax Simplification Act of 2000; and H.R. 4462, Fair and Equitable Interstate Tax Compact Simplification Act of 2000, 10 a.m., 2237 Rayburn.

June 29, Subcommittee on Courts and Intellectual Property, oversight hearing on The Internet and Federal Courts: Issues and Obstacles, 10 a.m., 2141 Rayburn.

June 29, Subcommittee on Crime, oversight hearing on the U.S. Marshals Service, 9:30 a.m., 2226 Rayburn.

June 29, Subcommittee on Immigration and Claims, oversight hearing on Evaluating the Religious Worker Visa Programs, 10 a.m., B-352 Rayburn.

Committee on Resources, June 27, Subcommittee on National Parks, and Public Lands, to mark up the following bills: H.R. 3632, Golden Gate National Recreation Area Boundary Adjustment Act of 2000; H.R. 3745, Effigy Mounds National Monument Additions Act; and H.R. 4583, to extend the authorization for the Air Force Memorial Foundation to establish a memorial in the District of Columbia or its environs; followed by hearing on the following bills: H.R. 3190, Oil Region National Heritage Area Act; H.R. 4187, to assist in the establishment of an interpretive center and museum in the vicinity of the Diamond Valley Lake in southern California to ensure the protection and interpretation of the paleontology discoveries made at the lake and to develop a trail system for the lake for use by pedestrians and nonmotorized vehicles; and H.R. 4521, to direct the Secretary of the Interior to authorize and provide funding for rehabilitation of the Going-to-the Sun Road in Glacier National Park, to authorize funds for maintenance of utilities related to the Park, 10 a.m., 1324 Longworth.

June 28, full Committee, to mark up the following bills: H.R. 755, Guam War Restitution Act; S. 1030, to provide that the conveyance by the Bureau of Land Management of the surface estate to certain land in the State of Wyoming in exchange for certain private land will not result in the removal of the land from operation of the mining laws; S. 1288, Community Forest Restoration Act; S. 1508, Indian Tribal Justice Technical and Legal Assistance Act of 1999; H.R. 2296, to amend the Revised Organic Act of the Virgin Islands to provide that the number of members on the legislature of the Virgin Islands and the number of such members constituting a quorum shall be determined by the laws of the Virgin Islands; H.R. 2462, Guam Omnibus Opportunities Act; H.R. 2671, Yankton Sioux Tribe and Santee Sioux Tribe of Nebraska Development Trust Fund Act; H.R. 3033, to direct the Secretary of the Interior to make certain adjustments to the boundaries of Biscayne National Park in the State of Florida; 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. 3693, Castle Rock Ranch Acquisition Act of 2000; H.R. 4148, Tribal Contract Support Cost Technical Amendments of 2000; H.R. 4275, Colorado Canyons National Conservation Area and Black Ridge Canyons Wilderness Act of 2000; H.R. 4286, to provide for the establishment of the Cahaba River National Wildlife Refuge in Bibb County, Alabama; H.R. 4340, Mineral Revenue Payments

Clarification Act of 2000; H.R. 4404, to permit the payment of medical expenses incurred by the United States Park Police in the performance of duty to be made directly by the National Park Service, to allow for waiver and indemnification in mutual law enforcement agreements between the National Park Service and a State or political subdivision when required by State law; H.R. 4442, National Wildlife Refuge System Centennial Act; and H.R. 4579, Utah West Desert Land Exchange Act of 2000, 11 a.m., 1324 Longworth.

June 29, Subcommittee on Fisheries Conservation, Wildlife and Oceans, to mark up H.R. 4320, Great Ape Conservation Act of 2000, 10 a.m., 1334 Longworth.

June 29, Subcommittee on Forests and Forest Health, oversight hearing on Forest Service Performance Measures, 2 p.m., 1334 Longworth.

June 29, Subcommittee on Water and Power, oversight hearing on the CALFED program, 2 p.m., 1324 Longworth.

Committee on Rules, June 26, to consider the following: H.R. 4680, Medicare RX 2000 Act; and H.R. 4733, making appropriations for energy and water development for the fiscal year ending September 30, 2001, 5 p.m., H-313 Capitol.

Committee on Science, June 29, Subcommittee on Space and Aeronautics, hearing on Financing Commercial Space Ventures, 10 a.m., 2318 Rayburn.

Committee on Transportation and Infrastructure, June 29, Subcommittee on Aviation, hearing on Cost Overruns and Delays in the FAA's Wide Area Augmentation System and Related Radio Spectrum Issues, 9:30 a.m., 2167 Rayburn.

Committee on Ways and Means, June 27, Subcommittee on Human Resources, to mark up H.R. 4678, Child Support Distribution Act of 2000, 1 p.m., B-318 Rayburn.

June 27, Subcommittee on Social Security, hearing on the Social Security Government Pension Offset, 10 a.m., B-318 Rayburn.

June 28, full Committee, to mark up H.J. Res. 99, disapproving the extension of the waiver authority contained in section 402(c) of the Trade Act of 1974 with respect to Vietnam, 10:30 a.m., 1100 Longworth.

June 29, Subcommittee on Oversight, hearing on Complexity in Administration of Federal Tax Laws, 10 a.m., 1100 Longworth.

Joint Meetings

Conference: June 27, meeting of conferees on H.R. 1554, to amend the provisions of title 17, United States Code, and the Communications Act of 1934, relating to copyright licensing and carriage of broadcast signals by satellite, 4:15 p.m., SC-5, Capitol.

Next Meeting of the SENATE

1 p.m., Monday, June 26

Senate Chamber

Program for Monday: After the recognition of two Senators for speeches and the transaction of any morning business (not to extend beyond 3 p.m.), Senate will resume consideration of H.R. 4577, Labor/HHS/Education Appropriations.

Next Meeting of the HOUSE OF REPRESENTATIVES

12:30 p.m., Monday, June 26

House Chamber

Program for Monday: Consideration of H.R. 4690, Commerce, Justice, State, and the Judiciary Appropriations (continue consideration).

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