United States
of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE *106th* CONGRESS, SECOND SESSION

Vol. 146 WASHINGTON, MONDAY, JUNE 26, 2000 *No. 82*

House of Representatives

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

□

DESIGNATION OF SPEAKER PRO TEMPORE

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

WASHINGTON, DC,
June 26, 2000.

I hereby appoint the Honorable STEVEN T. KUYKENDALL to act as Speaker pro tempore on this day.

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

□

MORNING HOUR DEBATES

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

The Chair recognizes the gentleman from Florida (Mr. STEARNS) for 5 minutes.

□

UNITED STATES AIR FORCE IN KOSOVO

Mr. STEARNS. Mr. Speaker, last month the May 15 edition of Newsweek ran an article regarding Kosovo and the damage assessment data that was gathered by NATO and the United States Air Force. While some of the accusations in the article raised concerns on both sides of the issue, I believe, Mr. Speaker, it misses the point, and, that is, the outstanding job accomplished by our men and women of the United States Air Force.

What many fail to realize is that the Air Force was practically engaged in a major theater war. Thirty-eight thousand sorties were flown during the 78-day operation with two aircraft lost to enemy fire. At the beginning of Operation Allied Force, the average number of sorties flown per day was 200. That number increased to 1,000 by the end of that conflict. Furthermore, the United States expended over 23,315 munitions with the United States Air Force accounting for 91 percent of that amount. That in itself, Mr. Speaker, is a logistics success story.

Over 20,000 Air Force personnel were deployed in Operation Allied Force. The operation also included 13 percent of Air Force fighter aircraft, 16 percent of bombers and 28 percent of tanker aircraft. At the same time, United States Air Force equipment and personnel were deployed to Northern Watch in Iraq, Southwest Asia, Central and South America, and various Pacific operations. In fact, Mr. Speaker, we have over 260,000 military personnel in over 100 countries. Our military has been deployed more times during this administration than the entire Cold War period.

I am concerned that the Newsweek article chose not to highlight the major effort in which the United States Air Force engaged over those 78 days, but the outstanding performance continued after hostilities ceased as Air Force officials delved into an in-depth analysis of the warfare data.

This article in Newsweek dated May 15, this year, attempts to persuade the reader that NATO, the Pentagon and United States Air Force officials purposely misstated the number of tanks, artillery and armored personnel carriers destroyed in Operation Allied Force. However, the author based his assertions on a so-called suppressed report. In reality, his information was likely provided by way of an initial ground survey conducted by NATO itself.

This initial survey documented actual on-site findings of damaged or destroyed equipment. But let me emphasize a point here. This survey was conducted after 78 days of aerial combat operations where the battlefield, of course, can drastically change from day to day. Furthermore, it is common practice for any army to remove as much as possible of its equipment and damage from the battlefield as soon as possible.

Let me emphasize that this data project was conducted by NATO itself, with the support of the United States Air Force. Obviously since the Air Force conducted most of the offensive operations, its involvement was crucial to gathering accurate data. The project was also designed as an assessment of weapons targeting, their impact and effectiveness, and, of course, not just counting armor damage.

The data released by NATO was the result of a thorough methodology composed of ground survey, mission reports, cockpit videos, satellite and other imagery and, of course, intelligence reports. This data also had to factor in decoy use, multiple strikes on a target, and, of course, unconfirmed strikes. As a result, the data released was in fact more conservative than initial battle damage assessments. That is precisely the point of this in-depth analysis, to get an accurate picture of what happened so you can learn and adapt for future conflicts.

The Newsweek article does raise a few questions, but if one looks at the entire picture of this operation, that person will see the Herculean effort shouldered by the United States Air Force. In the end, the Serbs retreated. The Air Force mission was accomplished, which, of course, is the real message for all Americans, that the Air Force did its job and did it well.

We can be proud of these men and women and their commitment to serve their country and fight for a people whom they did not

know. I commend the United States Air Force, and all the other armed services in support of Operation Allied Force.

□

IN OPPOSITION TO H.R. 4680, REPUBLICAN PRESCRIPTION DRUG BENEFIT BILL

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

Mr. BENTSEN. Mr. Speaker, later this week the Republican leadership will bring to the floor a bill purporting to be a new prescription drug benefit for America's senior citizens. In reality, it is a bill which is fatally flawed, providing a political fig leaf for Republicans while providing false hope to the senior citizens we all represent who are feeling increasingly pinched by ever rising prescription drug costs.

Mr. Speaker, the Republican bill fails both in its structure and its scope, and it as well as any plausible alternative as proposed by Democrats is subject to an artificial monetary constraint imposed by the Republicans in their budget resolution which is both disingenuous and hypocritical.

In their desire to do anything but create a real prescription drug benefit under Medicare, the Republicans' Rx proposal creates a Rube Goldberg structure that involves subsidizing insurance companies to do what they do not want to do while creating a new government bureaucracy in Medicare. The Republican plan is modeled after the Medicare Choice structure of enticing private insurers to take over the administration and delivery of benefits in lieu of Medicare for a profit. It pays insurers to create a prescription drug plan, but, while it limits the coverage, it does not limit the premiums that can be charged to senior citizens. And it empowers this new bureaucracy, the Medicare Benefits Administration, to increase the taxpayer subsidy to the insurance companies if they are unable to develop a plan which meets both the basic structure and is affordable. Thus, monthly premiums to seniors are allowed to rise far higher than the $40 a month assumed by the authors of this flawed bill, and insurers are entitled to higher taxpayer subsidies if they cannot make enough money.

Mr. Speaker, your own press secretary told the New York Times this Sunday that the insurance market for prescription drugs for senior citizens would develop because under your leadership's plan it would be, quote, awash in money. For the record, Mr. Speaker, that is the taxpayers' money. The fact that the Congressional Budget Office scored this proposal at all is astounding given the open-ended nature of the program. But perhaps they see something the Republican sponsors missed or are not telling us; that is, the program will not cost too much because health insurance companies do not like it and will not do it. And like Medicare Choice, once you start restricting the Federal subsidy, profits dry up and insurance companies pull out. Just witness the exodus from Medicare managed care after the 1997 Balanced Budget Act restricted the ever increasing adjusted average per capita cost.

The Republican leadership's prescription drug plan were it to ever be enacted into law would fail because it is designed in such a way that senior citizens will not be able to afford the premiums and insurance companies will not be able to make a profit. Moreover, it spends taxpayer dollars to subsidize insurance companies to do what they do not want to do and what Medicare can do and that Congress will ultimately restrict.

Mr. Speaker, I hope that the Republicans give an opportunity for a fair substitute that brings the benefit of prescription drugs to America's senior citizens.

□

SOCIAL SECURITY

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

Mr. SMITH of Michigan. Mr. Speaker, I want to take a couple of minutes to talk about one of America's most important programs and that is Social Security. Looking at this chart, we see the pie graph of all of the Federal Government's $1.8 trillion Federal spending. The bottom piece of pie represents Social Security. Social Security now is 20 percent of everything that the Federal Government spends. Medicare is at 11 percent, and both programs are growing very rapidly in terms of outlays. Senior programs now utilize over 50 percent of total Federal spending. Because of the demographics, because of the fact that individuals are living longer and because of the slowing down of the birthrate over the years the problem is exacerbated. When the baby boomers retire we will have this exceptionally large number of individuals born shortly after World War II retire. They will change status from paying tax into the Social Security System to retirees that take out, along with the fact of increasing life span that is going to additionally complicate the challenges of keeping Social Security and Medicare solvent.

In this morning's Washington Post, a news piece quoted Vice President GORE as saying that Governor Bush's plan, if he does what he says and protects all current retirees against having any cut in benefits, it would take 14 years off the already short life, and Social Security would go bankrupt by 2023. This statement is false. Most every bill introduced in the House and Senate in fact do make sure there is no reduction in retirees benefits. To the contrary, the Vice President is suggesting that we take the Social Security surplus and pay down the debt held by the public. That means, if you will excuse the analogy, using one credit card account to pay down another credit card account. Mr. GORE is suggesting, taking the Social Security Trust Fund surplus money and using that money to pay back another debt, a debt held by the public. But that does nothing to solve the long term solvency. At such time there is less Social Security tax revenue coming in than is required to pay benefits, in about 2014, the debt starts increasing again and as you see on this chart, debt soars, and we leave our kids and grand kids a huge mortgage. That is why it is so important that we have some structural changes to keep Social Security solvent.

I hope what the Vice President was quoted in the newspaper was not a correct quote, because the statement has been repeatedly demonstrated as false by the Social Security actuaries themselves.

There are several plans. In fact, most of the plans that have been introduced in the Senate, most of the plans that have been introduced in the House are plans that reflect what Governor Bush has suggested. That is they actually make sure that we do not cut benefits for existing retirees and we do not cut benefits for near-term retirees. I will give a few examples. The Senate bipartisan Social Security plan introduced in the Senate by six Senators; the gentleman from Ohio (Mr. KASICH's) plan; and my Social Security proposal contains no changes to the benefit levels of current retirees and all of these proposals have been certified by the Social Security Administration as keeping Social Security solvent. So to play light with such an important program I think does a disservice. It would have been my hopes that President Clinton and Vice President GORE would have taken the opportunity in the last 2 years to move ahead with plans and proposals to keep Social Security solvent. With White House leadership, we could have done that this year. It is going to take the leadership of a President to bring Democrats and Republicans together to make sure that we save this important program. Simply by creative financing such as adding ''I.O.U.s'' to the trust fund, that does not honestly deal with the fact that there is going to be less revenues coming in than what is needed to pay benefits is a disservice because it does not solve the problem.

Briefly, I want to go over my Social Security proposal, the Social Security Solvency Act for 2000. It allows workers to invest a portion of their Social Security taxes in their own personal retirement accounts. I start at 2.5 percent. It may be appropriate that government defines limits on how you invest that money to make sure they are safe investments. It won't take much investment wetdown to make sure that it brings in more money than the 1.7 percent that economist predict workers can expect as a return on the payroll

taxes paid in that they will get through their retirement years from Social Security. 1.7 percent is what the economist predict you are going to get in your retirement years. We can do better than that in a CD at your local bank. The problem is that government doesn't save and invest your money, it spends it.

But I think the other important consideration is that the Supreme Court has said that there is no obligation of the Federal Government to give you Social Security benefits. The Social Security tax is a separate tax. Benefits is a decision made by Congress and the President. That is why when we have gotten in trouble in several times, such as in 1977, again in 1983, we increased taxes and cut benefits. Let us not let that happen again.

The highlights of my bi-partisan Social Security bill, H.R. 3206, are as follows:

Allows workers to own and invest a portion of their Social Security taxes by creating Personal Retirement Savings Accounts (PRSAs);

PRSA investment starts at 2.5% of wages and gradually increases;

PRSA limited to a variety of safe investments;

Uses surpluses to finance PRSAs;

No increases in taxes or government borrowing;

PRSA account withdrawals may begin at 59½ while the eligibility age for fixed benefits is indexed to life expectancy;

Tax incentive for workers to invest an additional $2,000 each year;

Gradually slows down benefit increases for high income retirees by changing benefit indexation from wage growth to inflation;

Divides PRSA contributions between couples to protect low income and non-working spouses;

Widows or widowers benefit increased to 110% of standard benefit payment;

Repeals the Social Security earnings test;

Scored by the Social Security Administration to keep Social Security solvent; and

Maintains a Trust Fund reserve.

□

EMERGENCY SUPPLEMENTAL FOR FISCAL YEAR 2000

The SPEAKER pro tempore. Under the Speaker's announced policy of January 19, 1999, the gentlewoman from North Carolina (Mrs. CLAYTON) is recognized during morning hour debates for 5 minutes.

Mrs. CLAYTON. Mr. Speaker, it has been more than 8 months since my State, North Carolina, was struck by Hurricane Floyd, one of three hurricanes to hit our State in succession. And it has been more than 3 months since the House passed H.R. 3908, the emergency supplemental for this fiscal year. Mr. Speaker, we are beyond an emergency. In Eastern North Carolina we are now in a crisis. Title III of the bill includes $2.2 billion for assistance in the wake of the hurricanes. Those disaster relief provisions are urgently needed.

States like North Carolina, hit hard by the hurricanes and flooding of last fall, critically need that support for their recovery and rebuilding efforts. North Carolina suffered the worst devastation in its history.

The bill contains $77.4 million in additional funds for FEMA to be used for short-term emergency housing, home buyouts and relocation assistance; $42 million targets funds for USDA and $25 million in funds for HUD, to be used for long-term housing needs, new rural rental housing, rental assistance grants, mutual self-help housing grants and rural housing assistance grants; $33.3 million in funds for the SBA. The bill also contains $25.8 million in funds for EDA, to be used for vital economic recovery needs, disaster loans, planning assistance, public works grants and capitalization of revolving loan funds.

In addition, the bill contains critical funding for agriculture, funding to help our farmers through the forgiveness of marketing loans made by the Commodity Credit Corporation, supplemental funding for crop insurance, and $77.5 million in urgently needed funding for staffing and other needs of the Farm Service Agency. The bill contains funding to assist our fishermen who suffered untold losses from the hurricanes. Funding for dredging, snagging, clearing and debris removal at navigation projects is also included. And the bill has funding to study the dike at Princeville, a town completely destroyed by the flooding.

Mr. Speaker, America is at its best when its citizens are at their worst. When government can and does help, it makes a difference in the lives of our citizens. The lives of the people of Eastern North Carolina were forever changed when Hurricanes Dennis, Floyd and Irene struck. In some instances, the damage reached 175 miles inland, away from the shore, leaving a swath of death, destruction and despair never before seen in my State. Whether their lives were unalterably changed now rests largely in the hands of Congress.

When we passed the emergency bill in the House, the bipartisan support provided to relieve the suffering experienced by the flooding in these States gave hope that the things that are common to us are far stronger than the things on which we differ.

Mr. Speaker, there remains an emergency in North Carolina. It is an emergency in every sense of the word, an unexpected predicament, a crisis, a situation that caught North Carolina and other States entirely by surprise. The destruction is enormous, the needs are great, the situation is urgent.

I urge the House and the Senate to get together and send us a conference report.

□

RECESS

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

Accordingly (at 12 o'clock and 50 minutes p.m.), the House stood in recess until 2 p.m.

□ 1400

□

AFTER RECESS

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

□

PRAYER

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

Lord God, You hold all in good order. Yet You give us the freedom of choice and the realm of good conscience.

Be with Your people today, especially our leaders in religion, in government, and in all civil service.

Help us to maintain good conduct in ourselves and in this Nation. Provide us with insight into our own behavior.

Guided by Your Spirit, make us accountable for our deeds before Your eternal tribunal and in the public forum of respectful performance.

May this, the House of Representatives of the United States, do all in its power to maintain good conduct among its citizens.

May we, by our behavior, find credence among other nations so that they observe our good works and glorify You, our God, as our protector, now and forever.

Amen.

□

THE JOURNAL

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

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

□

PLEDGE OF ALLEGIANCE

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

Mr. TRAFICANT led the Pledge of Allegiance as follows:

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

□

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate has passed without amendment bills and concurrent resolutions of the House of the following titles:

H.R. 642. An act to redesignate the Federal building located at 701 South Santa Fe Avenue in Compton, California, and known as the Compton Main Post Office, as the ''Mervyn Malcolm Dymally Post Office Building''.

H.R. 643. An act to redesignate the Federal building located at 10301 South Compton Avenue, in Los Angeles, California, and known

as the Watts Finance Office, as the ''Augustus F. Hawkins Post Office Building''.

H.R. 1666. An act to designate the facility of the United States Postal Service at 200 East Pinckney Street in Madison, Florida, as the ''Captain Colin P. Kelly, Jr. Post Office''.

H.R. 2307. An act to designate the building of the United States Postal Service located at 5 Cedar Street in Hopkinton, Massachusetts, as the ''Thomas J. Brown Post Office Building''.

H.R. 2357. An act to designate the United States Post Office located at 3675 Warrensville Center Road in Shaker Heights, Ohio, as the ''Louise Stokes Post Office''.

H.R. 2460. An act to designate the United States Post Office located at 125 Border Avenue West in Wiggins, Mississippi, as the ''Jay Hanna 'Dizzy' Dean Post Office''.

H.R. 2591. An act to designate the United States Post Office located at 713 Elm Street in Wakefield, Kansas, as the ''William H. Avery Post Office''.

H.R. 2952. An act to redesignate the facility of the United States Postal Service located at 100 Orchard Park Drive in Greenville, South Carolina, as the ''Keith D. Oglesby Station''.

H.R. 3018. An act to designate certain facilities of the United States Postal Service in South Carolina.

H.R. 3699. An act to designate the facility of the United States Postal Service located at 8409 Lee Highway in Merrifield, Virginia, as the ''Joel T. Broyhill Postal Building''.

H.R. 3701. An act to designate the facility of the United States Postal Service located at 3118 Washington Boulevard in Arlington, Virginia, as the ''Joseph L. Fisher Post Office Building''.

H.R. 4241. An act to designate the facility of the United States Postal Service located at 1818 Milton Avenue in Jamesville, Wisconsin, as the ''Les Aspin Post Office Building''.

H. Con. Res. 293. Concurrent resolution urging compliance with the Hague Convention on the Civil Aspects of International Child Abduction.

H. Con. Res. 304. Concurrent resolution 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.

The message also announced that the Senate has passed with amendments in which the concurrence of the House is requested, a concurrent resolution of the House of the following title:

H. Con. Res. 251. Concurrent resolution commending the Republic of Croatia for the conduct of its parliamentary and presidential elections.

The message also announced that the Senate has passed bills and concurrent resolutions of the following titles in which the concurrence of the House is requested:

S. 2043. An act to designate the United States Post Office building located at 3101 West Sunflower Avenue in Santa Ana, California, as the ''Hector G. Godinez Post Office Building''.

S. 2460. An act to authorize the payment of rewards to individuals furnishing information relating to persons subject to indictment for serious violations of international humanitarian law in Rwanda, and for other purposes.

S. 2677. An act to restrict assistance until certain conditions are satisfied and to support democratic and economic transition in Zimbabwe.

S. 2682. An act to authorize the Broadcasting Board of Governors to make available to the Institute for Media Development certain materials of the Voice of America.

S. Con. Res. 117. Concurrent resolution 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.

S. Con. Res. 118. Concurrent resolution commemorating the 60th anniversary of the execution of Polish captives by Soviet authorities in April and May 1940.

□

BIG OIL COMPANIES GOUGING AMERICAN CONSUMERS

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

Mr. TRAFICANT. Mr. Speaker, for months, big oil companies have been averaging 350 percent profits. Averaging 350 percent.

And after all that, finally the EPA says, and I quote: We suspect gouging by the big oil companies.

No kidding, Sherlock.

The truth is these stumbling, bumbling, crepitating nincompoops at the EPA could not find buffalo chips in bottled water.

Beam me up.

It is time to pass H.R. 3902, that slaps a $100 million fine on oil companies that gouge American consumers. Mr. Speaker, money is all they understand.

Mr. Speaker, I yield back a message to the OPEC countries. The next time they are attacked by Saddam Hussein, call UNICEF, not Uncle Sam.

□

A CALL FOR INVESTIGATION OF THE FBI AND JUSTICE DEPARTMENT IN THE NORTHERN DISTRICT OF OHIO

(Mr. TRAFICANT asked and was given permission to address the House for 3 minutes.)

Mr. TRAFICANT. Mr. Speaker, I am under investigation in the Northern District of Ohio by the United States Justice Department, the Federal Bureau of Investigation, and the Internal Revenue Service. They have targeted me for 20 years.

They suborned perjury in my first trial, where I am the only American in the history of the country to have defeated the Justice Department in a RICO case pro se, and they have never forgotten it and they have targeted me ever since.

The bottom line is there may be an indictment any day. But during this period of time where I have been targeted, I have been investigating the Federal Bureau of Investigation and the Justice Department in the Northern District of Ohio. FBI agents in the northern district of Ohio have been on the payroll of the Mob. They have been bank rolled by the Mob. In fact, the Mob had directed the first indictment of JIM TRAFICANT.

Mr. Speaker, in addition, I have credible evidence and an affidavit that supports the fact that an individual informant has charged the FBI with asking him to commit murder. I will be presenting these matters to a respective committee of Congress asking for a committee investigation with full subpoena powers to back up the affidavits that I have before me.

So, Mr. Speaker, having taken this time, I thank the Chair for allowing me to make such a statement.

□

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

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

□

PRESIDENTIAL THREAT PROTECTION ACT OF 2000

Mr. COBLE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R., 3048) to amend section 879 of title 18, United States Code, to provide clearer coverage over threats against former Presidents and members of their families, and for other purposes, as amended.

The Clerk read as follows:

H.R. 3048

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 ''Presidential Threat Protection Act of 2000''.

SEC. 2. REVISION OF SECTION 879 OF TITLE 18, UNITED STATES CODE.

(a) IN GENERAL.—Section 879 of title 18, United States Code, is amended—

(1) by striking ''or'' at the end of subsection (a)(2);

(2) in subsection (a)(3)—

(A) by striking ''the spouse'' and inserting ''a member of the immediate family''; and

(B) by inserting ''or'' after the semicolon at the end;

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

''(4) a person protected by the Secret Service under section 3056(a)(6);'';

(4) in subsection (a)—

(A) by striking ''who is protected by the Secret Service as provided by law,''; and

(B) by striking ''three years'' and inserting ''5 years''; and

(5) in subsection (b)(1)(B)—

(A) by inserting ''and (a)(3)'' after ''subsection (a)(2)''; and

(B) by striking ''or Vice President-elect'' and inserting ''Vice President-elect, or major candidate for the office of President or Vice President''.

(b) CONFORMING AMENDMENTS.—

(1) HEADING.—The heading for section 879 of title 18, United States Code, is amended by striking ''protected by the Secret Service''.

(2) TABLE OF SECTIONS.—The item relating to section 879 in the table of sections at the beginning of chapter 41 of title 18, United States Code, is amended by striking ''protected by the Secret Service''.

SEC. 3. CLARIFICATION OF SECRET SERVICE AUTHORITY FOR SECURITY OPERATIONS AT EVENTS AND GATHERINGS OF NATIONAL SIGNIFICANCE.

Section 3056 of title 18, United States Code, is amended by adding at the end the following:

''(e) Under the direction of the Secretary of the Treasury, the United States Secret Service is authorized to coordinate the design, planning, and implementation of security operations for any special event of national significance, as determined by the President or the President's designee.''.

SEC. 4. NATIONAL THREAT ASSESSMENT CENTER.

(a) ESTABLISHMENT.—The United States Secret Service (hereinafter in this section referred to as the ''Service''), at the direction of the Secretary of the Treasury, may establish the National Threat Assessment Center (hereinafter in this section referred to as the ''Center'') as a unit within the Service.

(b) FUNCTIONS.—The Service may provide the following to Federal, State, and local law enforcement agencies through the Center:

(1) Training in the area of threat assessment.

(2) Consultation on complex threat assessment cases or plans.

(3) Research on threat assessment and the prevention of targeted violence.

(4) Facilitation of information sharing among all such agencies with protective or public safety responsibilities.

(5) Programs to promote the standardization of Federal, State, and local threat assessments and investigations involving threats.

(6) Any other activities the Secretary determines are necessary to implement a comprehensive threat assessment capability.

(c) REPORT.—Not later than one year after the date of the enactment of this Act, the Service shall submit a report to the committees on the judiciary of the Senate and the House of Representatives detailing the manner in which the Center will operate.

SEC. 5. ADMINISTRATIVE SUBPOENAS WITH REGARD TO PROTECTIVE INTELLIGENCE FUNCTIONS OF THE SECRET SERVICE.

(a) IN GENERAL.—Section 3486(a) of title 18, United States Code, is amended—

(1) so that paragraph (1) reads as follows: ''(1)(A) In any investigation of—

''(i)(I) a Federal health care offense or (II) a Federal offense involving the sexual exploitation or abuse of children, the Attorney General; or

''(ii) an offense under section 871 or 879, or a threat against a person protected by the United States Secret Service under paragraph (5) or (6) of section 3056, if the Director of the Secret Service determines that the threat constituting the offense or the threat against the person protected is imminent, the Secretary of the Treasury;

may issue in writing and cause to be served a subpoena requiring the production and testimony described in subparagraph (B).

''(B) Except as provided in subparagraph (C), a subpoena issued under subparagraph (A) may require—

''(i) the production of any records or other things relevant to the investigation; and

''(ii) testimony by the custodian of the things required to be produced concerning the production and authenticity of those things.

''(C) A subpoena issued under subparagraph (A) with respect to a provider of electronic communication service or remote computing service, in an investigation of a Federal offense involving the sexual exploitation or abuse of children shall not extend beyond—

''(i) requiring that provider to disclose the name, address, local and long distance telephone toll billing records, telephone number or other subscriber number or identity, and length of service of a subscriber to or customer of such service and the types of services the subscriber or customer utilized, which may be relevant to an authorized law enforcement inquiry; or

''(ii) requiring a custodian of the records of that provider to give testimony concerning the production and authentication of such records or information.

''(D) As used in this paragraph, the term 'Federal offense involving the sexual exploitation or abuse of children' means an offense under section 1201, 2241(c), 2242, 2243, 2251, 2251A, 2252, 2252A, 2260, 2421, 2422, or 2423, in which the victim is an individual who has not attained the age of 18 years.'';

(2) in paragraph (3)—

(A) by inserting ''relating to a Federal health care offense'' after ''production of records''; and

(B) by adding at the end the following: ''The production of things in any other case may be required from any place within the United States or subject to the laws or jurisdiction of the United States.''; and

(3) by adding at the end the following:

''(5) At any time before the return date specified in the summons, the person or entity summoned may, in the United States district court for the district in which that person or entity does business or resides, petition for an order modifying or setting aside the summons, or a prohibition of disclosure ordered by a court under paragraph (6).

''(6)(A) A United State district court for the district in which the summons is or will be served, upon application of the United States, may issue an ex parte order that no person or entity disclose to any other person or entity (other than to an attorney in order to obtain legal advice) the existence of such summons for a period of up to 90 days.

''(B) Such order may be issued on a showing that the things being sought may be relevant to the investigation and there is reason to believe that such disclosure may result in—

''(i) endangerment to the life or physical safety of any person;

''(ii) flight to avoid prosecution;

''(iii) destruction of or tampering with evidence; or

''(iv) intimidation of potential witnesses.

''(C) An order under this paragraph may be renewed for additional periods of up to 90 days upon a showing that the circumstances described in subparagraph (B) continue to exist.

''(D) Whoever knowingly violates an order under this paragraph shall be fined under this title or imprisoned not more than 5 years, or both.

''(7) A summons issued under this section shall not require the production of anything that would be protected from production under the standards applicable to a subpoena duces tecum issued by a court of the United States.

''(8) If no case or proceeding arises from the production of records or other things pursuant to this section within a reasonable time after those records or things are produced, the agency to which those records or things were delivered shall, upon written demand made by the person producing those records or things, return them to that person, except where the production required was only of copies rather than originals.

''(9) A subpoena issued under paragraph (1)(A)(i)(II) or (1)(A)(ii) may require production as soon as possible, but in no event less than 24 hours after service of the subpoena.

''(10) As soon as practicable following the issuance of a subpoena under paragraph (1)(A)(ii), the Secretary of the Treasury shall notify the Attorney General of its issuance.''.

(b) CONFORMING AMENDMENTS.—

(1) SECTION HEADING.—The heading for section 3486 of title 18, United States Code, is amended by striking:

''in Federal health care investigations''.

(2) TABLE OF SECTIONS.—The item relating to section 3486 in the table of sections at the beginning of chapter 223 of title 18, United States Code, is amended by striking:

''in Federal health care investigations''.

(3) CONFORMING REPEAL.—Section 3486A, and the item relating to that section in the table of sections at the beginning of chapter 223, of title 18, United States Code, are repealed.

(c) TECHNICAL AMENDMENT.—Section 3486 of title 18, United States Code, is amended—

(1) in subsection (a)(4), by striking ''summoned'' and inserting ''subpoenaed''; and

(2) in subsection (d), by striking ''summons'' each place it appears and inserting ''subpoena''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from North Carolina (Mr. COBLE) and the gentleman from Ohio (Mr. TRAFICANT) each will control 20 minutes.

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

GENERAL LEAVE

Mr. COBLE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the bill under consideration.

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

There was no objection.

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

Mr. Speaker, H.R. 3048, the Presidential Threat Protection Act of 2000, was introduced by the chairman of the Crime Subcommittee, the gentleman from Florida (Mr. MCCOLLUM) and is the product of close collaboration between the gentleman from Florida and the staff of the Subcommittee on Crime and the Secret Service.

The bill addresses several problems that the Director of the Secret Service raised at an oversight hearing held by the Subcommittee on Crime last year.

The subcommittee reported the bill favorably by voice vote in March and the full Committee on the Judiciary reported the bill favorably by voice vote last month.

The principal purpose of the bill is to clarify the Secret Service's jurisdiction to investigate threats made against former Presidents or their families and the immediate families of the President, Vice President, President-elect, the Vice President-elect and major candidates for the offices of President or Vice President.

Under current law, Mr. Speaker, for the Secret Service to investigate a threat made against one of these persons, that person must be receiving Secret Service protection at the time the threat is made. Should a former President decline Secret Service protection, as has occurred in the past, threats made against him would not be Federal crimes and so could not be investigated by the Secret Service.

This problem will be exacerbated in the future by a decision Congress made in 1994 that Secret Service protection for former Presidents and their spouses terminate 10 years after the President leaves office.

To remedy this problem, H.R. 3048 will amend current law to make it a Federal crime which the Secret Service is authorized to investigate for any person to threaten any current or former President, the current Vice President, the President-elect, or Vice President-elect, or the immediate family of such person, regardless of whether the Secret Service is protecting the person at the time the threat is made.

This section of the bill will expand current Secret Service authority so that it may investigate threats made against the immediate family of major candidates for the office of President or Vice President. Under current law, the Secret Service may only investigate threats made against the candidate and his or her spouse. The bill will also clarify the Agency's authority to plan security for events of national significance such as an economic summit of G7 ministers or a meeting of the WTO, for example.

In recent years, the President has directed the Service to participate in the design, planning and implementation of security operations at special events of national significance. In some cases, however, none of the persons traditionally protected by the Service may be present at these events or present at all times during the event. Therefore, the Service's authority to coordinate the security for these events is unclear.

As the Service is the preeminent law enforcement agency in the world when it comes to expertise in planning security operations, it is appropriate that this expertise be brought to bear in the planning for events of this magnitude. This bill will make that authority clear.

H.R. 3048 also authorizes the Secret Service to use administrative subpoenas in limited situations. Administrative subpoenas are subpoenas issued by a law enforcement agency rather than a United States court. Administrative subpoenas are authorized by the Attorney General under current law for investigations of drug crime, Federal health care offenses, or cases involving child abuse and child sexual exploitation.

The Service has requested administrative subpoena authority for investigations of threats made against the President and its other protectees. There is no question that if the Service is delayed for several days in obtaining a subpoena it needs, such as when the courts are closed over a weekend or during a Federal holiday, the trail of a potential assassin could be lost. It seems reasonable to me to allow the Service to issue these types of subpoenas, but only in threat cases.

This bill would give the Secretary of the Treasury the authority to issue such a subpoena, but only upon the determination of the Director of the Secret Service that a threat against one of its protectees is imminent. Further, the power is limited to requesting only the production of records and other tangible things. The subpoena may not be used to obtain the testimony of any person, except for the person who is the custodian of the records for an organization.

This bill also creates a means by which a citizen can challenge an administrative subpoena in the courts, something for which current law does not specifically provide.

The Secret Service is one of our Nation's oldest and best law enforcement agencies. We need to give it the statutory authority and investigative tools it needs to do the job that Congress has given it. This bill will help do that.

Mr. Speaker, I urge all of my colleagues to support it.

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

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

Mr. Speaker, I want to start out by commending the gentleman from North Carolina (Mr. COBLE), the gentleman from Virginia (Mr. SCOTT), the Committee on the Judiciary, the gentleman from Florida (Mr. MCCOLLUM), the gentleman from Illinois (Mr. HYDE), and the gentleman from Michigan (Mr. CONYERS) on a bill that passed the Committee on the Judiciary unanimously, not only of its import but the significance of it in this timely fashion as we approach a season of presidential elections.

□ 1415

I too rise in strong support of H.R. 3048. It reflects that bipartisanship, and it is a pleasure to see such bipartisanship here in the House.

As the gentleman from North Carolina (Mr. COBLE) has stated, the bill would amend current law to make it clear that it is a Federal crime, a Federal crime which the Secret Service is authorized to investigate, for any person to threaten any current or former President, Vice President, or immediate family member of that person, notwithstanding the fact that the Secret Service may not be at that time, in fact, protecting the person that the threat is made on.

It also expands current Secret Service authority to investigate threats made against the immediate family of candidates for the office of President or Vice President. Under current law, the protection covers only the candidates and their spouses.

Another provision of the bill authorizes the Secret Service to participate in the planning, coordination, and implementation of security operations at events and gatherings of national significance, even if the President or Vice President is not scheduled to attend.

In light of the Secret Service's expertise, second to none in the area of planning security operations of this type and its responsibilities in protecting diplomats, it makes for sound public policy to authorize the agency to participate in such planning and coordination, as they did at summit meetings such as the G–7 economic ministers meeting held here not so long ago.

The bill also provides, as the gentleman from North Carolina (Mr. COBLE) had so eloquently explained, a limited-use administrative subpoena authority by the Secret Service where there has been a threat against the President, a former President, or other persons protected by the Secret Service.

I would just like to close by saying that the Secret Service is a very noble agency. I think they do a tremendous job for the American people. I believe this bill is fitting, and I want to commend the Committee on the Judiciary for its unanimous vote and its bipartisanship in addressing it in this season.

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

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

The SPEAKER pro tempore (Mr. PETRI). The question is on the motion offered by the gentleman from North Carolina (Mr. COBLE) that the House suspend the rules and pass the bill, H.R. 3048, as amended.

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

A motion to reconsider was laid on the table.

□

PRIBILOF ISLANDS TRANSITION ACT

Mr. SHERWOOD. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3417) to complete the orderly withdrawal of the National Oceanic and Atmospheric Administration from the civil administration of the Pribilof Islands, Alaska, as amended.

The Clerk read as follows:

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 referred to as the ''Pribilof Islands Transition Act''.

SEC. 2. PURPOSE.

The purpose of this Act is to complete the orderly withdrawal of the National Oceanic and Atmospheric Administration from the civil administration of the Pribilof Islands, Alaska.

SEC. 3. FINANCIAL ASSISTANCE FOR PRIBILOF ISLANDS UNDER FUR SEAL ACT OF 1966.

Public Law 89–702, popularly known and referred to in this Act as the Fur Seal Act of 1966, is amended by amending section 206 (16 U.S.C. 1166) to read as follows:

''SEC. 206. FINANCIAL ASSISTANCE.

''(a) GRANT AUTHORITY.—

''(1) IN GENERAL.—Subject to the availability of appropriations, the Secretary shall provide financial assistance to any city government, village corporation, or tribal council of St. George, Alaska, or St. Paul, Alaska.

''(2) USE FOR MATCHING.—Notwithstanding any other provision of law relating to matching funds, funds provided by the Secretary as assistance under this subsection may be used by the entity as non-Federal matching funds under any Federal program that requires such matching funds.

''(3) RESTRICTION ON USE.—The Secretary may not use financial assistance authorized by this Act—

''(A) to settle any debt owed to the United States;

''(B) for administrative or overhead expenses; or

''(C) for contributions authorized under section 5(b)(3)(B) of the Pribilof Islands Transition Act.

''(4) FUNDING INSTRUMENTS AND PROCEDURES.—In providing assistance under this subsection the Secretary shall transfer any funds appropriated to carry out this section to the Secretary of the Interior, who shall obligate such funds through instruments and procedures that are equivalent to the instruments and procedures required to be used by the Bureau of Indian Affairs pursuant to title IV of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.).

''(5) PRO RATA DISTRIBUTION OF ASSISTANCE.—In any fiscal year for which less than all of the funds authorized under subsection (c)(1) are appropriated, such funds shall be distributed under this subsection on a pro rata basis among the entities referred to in subsection (c)(1) in the same proportions in which amounts are authorized by that subsection for grants to those entities.

''(b) SOLID WASTE ASSISTANCE.—

''(1) IN GENERAL.—Subject to the availability of appropriations, the Secretary shall provide assistance to the State of Alaska for designing, locating, constructing, redeveloping, permitting, or certifying solid waste management facilities on the Pribilof Islands to be operated under permits issued to the city of St. George and the city of St. Paul, Alaska, by the State of Alaska under section 46.03.100 of the Alaska Statutes.

''(2) TRANSFER.—The Secretary shall transfer any appropriations received under paragraph (1) to the State of Alaska for the benefit of rural and Native villages in Alaska for obligation under section 303 of Public Law 104–182, except that subsection (b) of that section shall not apply to those funds.

''(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary for fiscal years 2001, 2002, 2003, 2004, and 2005—

''(1) for assistance under subsection (a) a total not to exceed—

''(A) $9,000,000, for grants to the city of St. Paul;

''(B) $6,300,000, for grants to the Tanadgusix Corporation;

''(C) $1,500,000, for grants to the St. Paul Tribal Council;

''(D) $6,000,000, for grants to the city of St. George;

''(E) $4,200,000, for grants to the St. George Tanaq Corporation; and

''(F) $1,000,000, for grants to the St. George Tribal Council; and

''(2) for assistance under subsection (b), such sums as may be necessary.

''(d) LIMITATION ON USE OF ASSISTANCE FOR LOBBYING ACTIVITIES.—None of the funds authorized by this section may be available for any activity a purpose of which is to influence legislation pending before the Congress, except that this subsection shall not prevent officers or employees of the United States or of its departments, agencies, or commissions from communicating to Members of Congress, through proper channels, requests for legislation or appropriations that they consider it necessary for the efficient conduct of public business.

''(e) IMMUNITY FROM LIABILITY.—Neither the United States nor any of its agencies, officers, or employees shall have any liability under this Act or any other law associated with or resulting from the designing, locating, contracting for, redeveloping, permitting, certifying, operating, or maintaining any solid waste management facility on the Pribilof Islands as a consequence of having provided assistance to the State of Alaska under subsection (b).

''(f) REPORT ON EXPENDITURES.—Each entity which receives assistance authorized under subsection (c) shall submit an audited statement listing the expenditure of that assistance to the Committee on Appropriations and the Committee on Resources of the House of Representatives and the Committee on Appropriations and the Committee on Commerce, Science, and Transportation of the Senate, on the last day of fiscal years 2002, 2004, and 2006.

''(g) CONGRESSIONAL INTENT.—Amounts authorized under subsection (c) are intended by Congress to be provided in addition to the base funding appropriated to the National Oceanic and Atmospheric Administration in fiscal year 2000.

SEC. 4. DISPOSAL OF PROPERTY.

Section 205 of the Fur Seal Act of 1966 (16 U.S.C. 1165) is amended—

(1) by amending subsection (c) to read as follows:

''(c) Not later than 3 months after the date of enactment of the Pribilof Islands Transition Act, the Secretary shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Resources of the House of Representatives a report that includes—

''(1) a description of all property specified in the document referred to in subsection (a) that has been conveyed under that subsection;

''(2) a description of all Federal property specified in the document referred to in subsection (a) that is going to be conveyed under that subsection; and

''(3) an identification of all Federal property on the Pribilof Islands that will be retained by the Federal Government to meet its responsibilities under this Act, the Convention, and any other applicable law.''; and

(2) by striking subsection (g).

SEC. 5. TERMINATION OF RESPONSIBILITIES.

(a) FUTURE OBLIGATION.—

(1) IN GENERAL.—The Secretary of Commerce shall not be considered to have any obligation to promote or otherwise provide for the development of any form of an economy not dependent on sealing on the Pribilof Islands, Alaska, including any obligation under section 206 of the Fur Seal Act of 1966 (16 U.S.C. 1166) or section 3(c)(1)(A) of Public Law 104–91 (16 U.S.C. 1165 note).

(2) SAVINGS.—This subsection shall not affect any cause of action under section 206 of the Fur Seal Act of 1966 (16 U.S.C. 1166) or section 3(c)(1)(A) of Public Law 104–91 (16 U.S.C. 1165 note)—

(A) that arose before the date of the enactment of this Act; and

(B) for which a judicial action is filed before the expiration of the 5-year period beginning on the date of the enactment of this Act.

(3) RULE OF CONSTRUCTION.—Nothing in this Act shall be construed to imply that—

(A) any obligation to promote or otherwise provide for the development in the Pribilof Islands of any form of an economy not dependent on sealing was or was not established by section 206 of the Fur Seal Act of 1966 (16 U.S.C. 1166), section 3(c)(1)(A) of Public Law 104–91 (16 U.S.C. 1165 note), or any other provision of law; or

(B) any cause of action could or could not arise with respect to such an obligation.

(4) CONFORMING AMENDMENT.—Section 3(c)(1) of Public Law 104–91 (16 U.S.C. 1165 note) is amended by striking subparagraph (A) and redesignating subparagraphs (B) through (D) in order as subparagraphs (A) through (C).

(b) PROPERTY CONVEYANCE AND CLEANUP.—

(1) IN GENERAL.—Subject to paragraph (2), there are terminated all obligations of the Secretary of Commerce and the United States to—

(A) convey property under section 205 of the Fur Seal Act of 1966 (16 U.S.C. 1165); and

(B) carry out cleanup activities, including assessment, response, remediation, and monitoring, except for postremedial measures such as monitoring and operation and maintenance activities, related to National Oceanic and Atmospheric Administration administration of the Pribilof Islands, Alaska, under section 3 of Public Law 104–91 (16 U.S.C. 1165 note) and the Pribilof Islands Environmental Restoration Agreement between the National Oceanic and Atmospheric Administration and the State of Alaska, signed January 26, 1996.

(2) APPLICATION.—Paragraph (1) shall apply on and after the date on which the Secretary certifies that—

(A) the State of Alaska has provided written confirmation that no further corrective action is required at the sites and operable units covered by the Pribilof Islands Environmental Restoration Agreement between the National Oceanic and Atmospheric Administration and the State of Alaska, signed January 26, 1996, with the exception of postremedial measures, such as monitoring and operation and maintenance activities;

(B) the cleanup required under section 3(a) of Public Law 104–91 (16 U.S.C. 1165 note) is complete;

(C) the properties specified in the document referred to in subsection (a) of section 205 of the Fur Seal Act of 1966 (16 U.S.C. 1165(a)) can be unconditionally offered for conveyance under that section; and

(D) all amounts appropriated under section 206(c)(1) of the Fur Seal Act of 1966, as amended by this Act, have been obligated.

(3) FINANCIAL CONTRIBUTIONS FOR CLEANUP COSTS.—(A) On and after the date on which section 3(b)(5) of Public Law 104–91 (16 U.S.C. 1165 note) is repealed by this Act, the Secretary may not seek or require financial contribution by or from any local governmental entity of the Pribilof Islands, any official of such an entity, or the owner of land on the Pribilof Islands, for cleanup costs incurred pursuant to section 3(a) of Public Law 104–91 (as in effect before such repeal), except as provided in subparagraph (B).

(B) Subparagraph (A) shall not limit the authority of the Secretary to seek or require financial contribution from any person for costs or fees to clean up any matter that was caused or contributed to by such person on or after March 15, 2000.

(4) CERTAIN RESERVED RIGHTS NOT CONDITIONS.—For purposes of paragraph (2)(C), the following requirements shall not be considered to be conditions on conveyance of property:

(A) Any requirement that a potential transferee must allow the National Oceanic and Atmospheric Administration continued access to the property to conduct environmental monitoring following remediation activities.

(B) Any requirement that a potential transferee must allow the National Oceanic and Atmospheric Administration access to the property to continue the operation, and eventual closure, of treatment facilities.

(C) Any requirement that a potential transferee must comply with institutional controls to ensure that an environmental cleanup remains protective of human health or the environment that do not unreasonably affect the use of the property.

(D) Valid existing rights in the property, including rights granted by contract, permit, right-of-way, or easement.

(E) The terms of the documents described in subsection (d)(2).

(c) REPEALS.—Effective on the date described in subsection (b)(2), the following provisions are repealed:

(1) Section 205 of the Fur Seal Act of 1966 (16 U.S.C. 1165).

(2) Section 3 of Public Law 104–91 (16 U.S.C. 1165 note).

(d) SAVINGS.—

(1) IN GENERAL.—Nothing in this Act shall affect any obligation of the Secretary of Commerce, or of any Federal department or agency, under or with respect to any document described in paragraph (2) or with respect to any lands subject to such a document.

(2) DOCUMENTS DESCRIBED.—The documents referred to in paragraph (1) are the following:

(A) The Transfer of Property on the Pribilof Islands: Description, Terms, and Conditions, dated February 10, 1984, between the Secretary of Commerce and various Pribilof Island entities.

(B) The Settlement Agreement between Tanadgusix Corporation and the city of St. Paul, dated January 11, 1988, and approved by the Secretary of Commerce on February 23, 1988.

(C) The Memorandum of Understanding between Tanadgusix Corporation, Tanaq Corporation, and the Secretary of Commerce, dated December 22, 1976.

(e) DEFINITIONS.—

(1) IN GENERAL.—Except as provided in paragraph (2), the definitions set forth in section 101 of the Fur Seal Act of 1966 (16 U.S.C. 1151) shall apply to this section.

(2) NATIVES OF THE PRIBILOF ISLANDS.—For purposes of this section, the term ''Natives of the Pribilof Islands'' includes the Tanadgusix Corporation, the St. George Tanaq Corporation, and the city governments and tribal councils of St. Paul and St. George, Alaska.

SEC. 6. TECHNICAL AND CLARIFYING AMENDMENTS.

(a) Public Law 104–91 and the Fur Seal Act of 1966 are amended by—

(1) striking ''(d)'' and all that follows through the heading for subsection (d) of section 3 of Public Law 104–91 and inserting ''sec. 212.''; and

(2) moving and redesignating such subsection so as to appear as section 212 of the Fur Seal Act of 1966.

(b) Section 201 of the Fur Seal Act of 1966 (16 U.S.C. 1161) is amended by striking ''on such Islands'' and insert ''on such property''.

(c) The Fur Seal Act of 1966 is amended by inserting before title I the following:

''SECTION 1. SHORT TITLE.

''This Act may be cited as the 'Fur Seal Act of 1966'.''.

SEC. 7. AUTHORIZATION OF APPROPRIATIONS.

Section 3 of Public Law 104–91 (16 U.S.C. 1165 note) is amended—

(1) in subsection (f) by striking ''1996, 1997, and 1998'' and inserting ''2001, 2002, 2003, 2004, and 2005''; and

(2) by adding at the end the following:

''(g) LOW-INTEREST LOAN PROGRAM.—

''(1) CAPITALIZATION OF REVOLVING FUND.—Of amounts authorized under subsection (f) for each of fiscal years 2001, 2002, 2003, 2004, and 2005, the Secretary may provide to the State of Alaska up to $2,000,000 per fiscal year to capitalize a revolving fund to be used by the State for loans under this subsection.

''(2) LOW-INTEREST LOANS.—The Secretary shall require that any revolving fund established with amounts provided under this subsection shall be used only to provide low-interest loans to Natives of the Pribilof Islands to assess, respond to, remediate, and monitor contamination from lead paint, asbestos, and petroleum from underground storage tanks.

''(3) NATIVES OF THE PRIBILOF ISLANDS DEFINED.—The definitions set forth in section 101 of the Fur Seal Act of 1966 (16 U.S.C. 1151) shall apply to this section, except that the term 'Natives of the Pribilof Islands' shall include the Tanadgusix and Tanaq Corporations.''.

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

The Chair recognizes the gentleman from Pennsylvania (Mr. SHERWOOD).

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

Mr. Speaker, the chairman of the Committee on Resources, the gentleman from Alaska (Mr. YOUNG), introduced H.R. 3417, the Pribilof Islands Transition Act, following a hearing on the ongoing transition of the communities of St. Paul and Saint George, Alaska, from Federal to private ownership.

St. Paul and Saint George are located on isolated islands in the Bering Sea that are also the breeding grounds of the north Pacific fur seal. The islands were settled when Russian fur seal traders forcibly kidnapped, relocated, and enslaved native Alaskan Aleuts to continue to conduct fur seal harvests.

This bill provides payments to the municipal governments, village corporations, and tribal councils on the islands. This money will compensate them for the funds they spent to build harbors and to repair and replace transferred property that was inadequate to provide public service. The bill also authorizes funds to complete the environmental cleanup of the mess the government left on the islands during its 120 year reign.

Finally, the bill establishes what NOAA must do before its responsibilities on the islands are terminated. This bill makes good on our promises to a group of Native Americans. I urge an ''aye'' vote on H.R. 3417.

Mr. Speaker, I submit for the RECORD a communication from the chairman of the Committee on Resources to the ranking member of the committee.

U.S. HOUSE OF REPRESENTATIVES,
COMMITTEE ON RESOURCES,
Washington, DC, June 26, 2000.

Hon. GEORGE MILLER,
Ranking Democratic Member, Committee on Resources, Washington, DC.

DEAR MR. MILLER: The purpose of H.R. 3417 is to complete the transition of the Pribilof Islands, Alaska, from being a ward of the state to being an independent and, hopefully, successful community with the same independent responsibilities of any other community in the United States. The bill establishes the parameters for ending the special relationship between National Oceanic and Atmospheric Administration (NOAA) and the Pribilofs. After all the actions required in this legislation are taken, it is my intention that NOAA will not be expected to have any responsibilities to the communities on the Pribilof Islands in addition to those that it would have to any other community in the United States.

The Pribilof Islands, St. Paul and St. George, are located in the Bering Sea 800 miles west-southwest of Anchorage, Alaska. The Islands are the breeding grounds of the North Pacific Fur Seal. The Islands were discovered in 1786 by Russian explorers who were searching for the fur seal breeding grounds. To exploit the fur seals for their pelts, the Russians relocated and enslaved Aleuts from islands that lie to the south. These Native Alaskans were experienced seal hunters, and the pelts were tremendously valuable in China, Russia, and Europe.

When the Federal Government acquired Alaska in 1867, the purchase included the Pribilof Islands. In 1868, the Islands were declared to be a special Federal Reserve for purposes of management and preservation of fur seals and other fur-bearing species. The Federal Government contracted with private firms for the harvest of fur seals and the Aleuts continued to conduct the harvests as employees of these firms. It is estimated that the Federal Government's portion of the profit from the fur seal trade paid for the purchase price of Alaska in roughly 20 years. Later the government ran the fur seal harvests directly, but never allowed other business interests to develop on the Islands.

By 1983, the fur seal harvest and the profits to the Federal government had diminished dramatically, but Federal expenditures on the Islands had risen to $6.3 million annually. NOAA estimates that 95 percent of those expenditures were for municipal and social services. After negotiations with the Administration, Congress adopted the Fur Seal Act Amendments of 1983. These amendments adopted a scheme proposed by NOAA to complete the government withdrawal activities on the Island that were not related to fur seal management. NOAA Administrator Anthony J. Calio best laid out this scheme in a November 1, 1982, letter to all Island residents. This letter states:

''To ensure a smooth transition and to foster development of a new and expanded economic base, [NOAA] propose[s] to provide a one-time payment of $20 million, to be placed in trust, which will provide you with the resources necessary for general community expenses during the interim period, as well as working capital so badly needed for economic development. . . .

''As you know, harbor facilities will be vital to the success of your efforts to establish a viable economic base. In order for our proposal to be successful, we must have assurance of State [of Alaska] support for these harbor facilities. The proposed $20 million fund is contingent on a firm State commitment. . . .

''The National Marine Fisheries Service has substantial property holdings on the Islands. [NOAA] propose[s] to transfer this property, with a few exceptions, . . . , to the Islands. In the future, community and municipal services will be provided by Island organizations, and this property, which includes land, buildings, equipment and supplies, it vital to the provision of such services.

''Under [the NOAA] proposal, the Islands would be responsible for conducting the annual seal harvest and for the associated marketing of the seal skins. To assure the long-term success of this effort, we will provide all resources needed to conduct the 1983 harvest. Commencing in 1983 all [U.S. shares of] skins, seals and byproducts . . . will belong to the Islanders and when sold should provide you with the resources needed to successfully conduct future harvests. . . .

''The phase out of the Pribilof Islands Program will significantly reduce associated Federal jobs. We would except some of these jobs would naturally transfer to the Island-operated seal harvest and marketing and for the provision of Island services. During the harbor facility construction period, we can

foresee many employment opportunities and once the fishing or other industries come on line, job possibilities should expand significantly.''

A Memorandum of Intent signed by Calio and Island leaders were also included with this letter. This memorandum states: ''The parties hereto recognize the State of Alaska's appropriation of the monies necessary to construct boat harbors on St. Paul and St. George Island . . . is an indispensable contribution to achieving the goal of self sufficiency on the Pribilof Islands.''

Administrator Calio also laid out this plan in May 19, 1983, testimony on H.R. 2840, an Administration-drafted bill to provide for the orderly termination of Federal management of the Pribilof Islands before the Merchant Marine and Fisheries Committee. He stated the NOAA proposal, which was reflected in the bill, would ''Create a $20 million fund to replace annual Federal appropriations which, when combined with a state initiative to construct harbors on both islands, would give the Pribilovians the resources needed to make the transition to a self-sustaining economy; to transfer most real and personal property owned by the Federal Government to the islanders; to transfer responsibility for the fur seal harvest to the islanders; and to help the islanders get job training.'' Later in that testimony he again reiterated the importance of harbor construction to the success of this scheme, when he said, ''The transfer of Federal property on the islands and the appropriation of the $20 million, in concert with State contributions for the construction of harbors on each island, will give the Pribilovians the unique opportunity to develop a diversified and enduring economy.''

The State of Alaska also testified at that hearing. The State witness made clear that, though Governor Sheffield had requested $10.4 million for harbor construction, those funds had not been approved and may not be sufficient to complete the projects even if approved. The State also noted that:

''. . . given the checkered history of the Federal Government's relationship to the Pribilovians, there is a moral if not legal obligation that should not be overlooked.

''. . . we perceive the conception that the State of Alaska will simply fill the void created by the Federal Government's abrupt departure. We can make no such commitment . . . the economic, social and infrastructure requirements of the Pribilofs are immense . . .

''. . . the Federal Government must be willing to upgrade existing facilities to minimum State health and safety standards.''

The Fur Seal Act Amendments of 1983 were adopted. The Federal Government did create and fund the $20 million Trust Fund. The State of Alaska did not commit to, nor did it fund, construction of new harbors on the Islands. Real and personal property has been transferred by the Federal Government, but the municipalities maintain that it failed to meet the Islands public infrastructure needs. In 1984, the Senate failed to ratify the Fur Seal Treaty, thus ending fur seal harvests. Since three legs of the stool failed, most of the $20 million was used to fund harbor construction, infrastructure repair and replacement, and social benefit needs. This delayed the development of a self-sufficient economy on the Islands.

In 1976, NOAA entered into a Memorandum of Understanding (MOU) with TDX and Tanaq which identified the tracts of property the government intended to retain. Under Section 3(e) of ANCSA, the government was directed to retain the ''smallest practicable tracts enclosing land actually used in connection with the administration of a Federal installation.'' Therefore, the MOU served to let the village corporations know which lands were unavailable for selection under ANCSA.

Pursuant to Section 205 of the 1983 Amendments, NOAA entered into a Transfer of Property Agreement with the municipal governments, village corporations and tribal councils on the Islands and the State of Alaska to receive a portion of the property that was originally scheduled to be retained by NOAA. This agreement has withstood a court challenge, and most of the property has been transferred. Unfortunately, environmental contamination on much of the property has prevented the highest and best economic use of the land, and in other cases delayed the transfer altogether. NOAA and the State of Alaska signed the Pribilof Islands Environmental Restoration Agreement (Two Party Agreement). This document in conjunction with the cleanup requirements set forth in Public Law 104–91 govern NOAA's ongoing cleanup.

It is clear that the failure to construct harbors, transfer property, complete the environmental cleanup, or provide adequate municipal infrastructure, and the elimination of revenue from the fur seal harvest doomed to failure the transition scheme laid out by NOAA and adopted by Congress in 1983. To make good on the 1983 commitments, H.R. 3417 provides additional resources to the Islanders, and sets out the terms under which NOAA non-fur seal management responsibilities end. The bill provides grants to Island entities and grants to the State to construct solid waste management facilities. The bill also terminates NOAA's economic and municipal responsibilities after it has obligated whatever funds are appropriated for the authorized grants, completed the environmental cleanup, and transferred property under the TOPA.

I hope this letter clarifies for you the reason for, and intent of, H.R. 3417. I appreciate your support for this legislation.

Sincerely,

DON YOUNG,
Chairman, Committee on Resources.

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

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

Mr. Speaker, the gentleman from Pennsylvania has properly explained the bill, and I am pleased to rise in support of this important legislation sponsored by the gentleman from Alaska.

As Members of this body know, the chairman of the Committee on Resources is a forceful advocate for his Alaska constituents. The bill before the House today is improved in numerous respects from the version reported by the committee last April. As a result of the changes made to accommodate NOAA's concerns, it is my understanding the administration now supports the bill as amended.

There is also an attempt here to strike a responsible balance in this bill. There are now caps in the amounts authorized for the economic assistance grants to the Aleut Natives and to local governments, and I urge the Members of the House to support the bill.

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

GENERAL LEAVE

Mr. SHERWOOD. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks, and to include extraneous material on H.R. 3417, the bill now under consideration.

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

There was no objection.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Pennsylvania (Mr. SHERWOOD) that the House suspend the rules and pass the bill, H.R. 3417, as amended.

The question was taken.

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

The yeas and nays were ordered.

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

□

NEOTROPICAL MIGRATORY BIRD CONSERVATION ACT

Mr. SHERWOOD. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 148) to require the Secretary of the Interior to establish a program to provide assistance in the conservation of neotropical migratory birds, as amended.

The Clerk read as follows:

S. 148

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 ''Neotropical Migratory Bird Conservation Act''.

SEC. 2. FINDINGS.

Congress finds that—

(1) of the nearly 800 bird species known to occur in the United States, approximately 500 migrate among countries, and the large majority of those species, the neotropical migrants, winter in Latin America and the Caribbean;

(2) neotropical migratory bird species provide invaluable environmental, economic, recreational, and aesthetic benefits to the United States, as well as to the Western Hemisphere;

(3)(A) many neotropical migratory bird populations, once considered common, are in decline, and some have declined to the point that their long-term survival in the wild is in jeopardy; and

(B) the primary reason for the decline in the populations of those species is habitat loss and degradation (including pollution and contamination) across the species' range; and

(4)(A) because neotropical migratory birds range across numerous international borders each year, their conservation requires the commitment and effort of all countries along their migration routes; and

(B) although numerous initiatives exist to conserve migratory birds and their habitat, those initiatives can be significantly strengthened and enhanced by increased coordination.

SEC. 3. PURPOSES.

The purposes of this Act are—

(1) to perpetuate healthy populations of neotropical migratory birds;

(2) to assist in the conservation of neotropical migratory birds by supporting conservation initiatives in the United States, Latin America, and the Caribbean; and

(3) to provide financial resources and to foster international cooperation for those initiatives.

SEC. 4. DEFINITIONS.

In this Act:

(1) ACCOUNT.—The term ''Account'' means the Neotropical Migratory Bird Conservation Account established by section 9(a).

(2) CONSERVATION.—The term ''conservation'' means the use of methods and procedures necessary to bring a species of neotropical migratory bird to the point at which there are sufficient populations in the wild to ensure the long-term viability of the species, including—

(A) protection and management of neotropical migratory bird populations;

(B) maintenance, management, protection, and restoration of neotropical migratory bird habitat;

(C) research and monitoring;

(D) law enforcement; and

(E) community outreach and education.

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

SEC. 5. FINANCIAL ASSISTANCE.

(a) IN GENERAL.—The Secretary shall establish a program to provide financial assistance for projects to promote the conservation of neotropical migratory birds.

(b) PROJECT APPLICANTS.—A project proposal may be submitted by—

(1) an individual, corporation, partnership, trust, association, or other private entity;

(2) an officer, employee, agent, department, or instrumentality of the Federal Government, of any State, municipality, or political subdivision of a State, or of any foreign government;

(3) a State, municipality, or political subdivision of a State;

(4) any other entity subject to the jurisdiction of the United States or of any foreign country; and

(5) an international organization (as defined in section 1 of the International Organizations Immunities Act (22 U.S.C. 288)).

(c) PROJECT PROPOSALS.—To be considered for financial assistance for a project under this Act, an applicant shall submit a project proposal that—

(1) includes—

(A) the name of the individual responsible for the project;

(B) a succinct statement of the purposes of the project;

(C) a description of the qualifications of individuals conducting the project; and

(D) an estimate of the funds and time necessary to complete the project, including sources and amounts of matching funds;

(2) demonstrates that the project will enhance the conservation of neotropical migratory bird species in the United States, Latin America, or the Caribbean;

(3) includes mechanisms to ensure adequate local public participation in project development and implementation;

(4) contains assurances that the project will be implemented in consultation with relevant wildlife management authorities and other appropriate government officials with jurisdiction over the resources addressed by the project;

(5) demonstrates sensitivity to local historic and cultural resources and complies with applicable laws;

(6) describes how the project will promote sustainable, effective, long-term programs to conserve neotropical migratory birds; and

(7) provides any other information that the Secretary considers to be necessary for evaluating the proposal.

(d) PROJECT REPORTING.—Each recipient of assistance for a project under this Act shall submit to the Secretary such periodic reports as the Secretary considers to be necessary. Each report shall include all information required by the Secretary for evaluating the progress and outcome of the project.

(e) COST SHARING.—

(1) FEDERAL SHARE.—The Federal share of the cost of each project shall be not greater than 25 percent.

(2) NON-FEDERAL SHARE.—

(A) SOURCE.—The non-Federal share required to be paid for a project shall not be derived from any Federal grant program.

(B) FORM OF PAYMENT.—

(i) PROJECTS IN THE UNITED STATES.—The non-Federal share required to be paid for a project carried out in the United States shall be paid in cash.

(ii) PROJECTS IN FOREIGN COUNTRIES.—The non-Federal share required to be paid for a project carried out in a foreign country may be paid in cash or in kind.

SEC. 6. DUTIES OF THE SECRETARY.

In carrying out this Act, the Secretary shall—

(1) develop guidelines for the solicitation of proposals for projects eligible for financial assistance under section 5;

(2) encourage submission of proposals for projects eligible for financial assistance under section 5, particularly proposals from relevant wildlife management authorities;

(3) select proposals for financial assistance that satisfy the requirements of section 5, giving preference to proposals that address conservation needs not adequately addressed by existing efforts and that are supported by relevant wildlife management authorities; and

(4) generally implement this Act in accordance with its purposes.

SEC. 7. COOPERATION.

(a) IN GENERAL.—In carrying out this Act, the Secretary shall—

(1) support and coordinate existing efforts to conserve neotropical migratory bird species, through—

(A) facilitating meetings among persons involved in such efforts;

(B) promoting the exchange of information among such persons;

(C) developing and entering into agreements with other Federal agencies, foreign, State, and local governmental agencies, and nongovernmental organizations; and

(D) conducting such other activities as the Secretary considers to be appropriate; and

(2) coordinate activities and projects under this Act with existing efforts in order to enhance conservation of neotropical migratory bird species.

(b) ADVISORY GROUP.—

(1) IN GENERAL.—To assist in carrying out this Act, the Secretary may convene an advisory group consisting of individuals representing public and private organizations actively involved in the conservation of neotropical migratory birds.

(2) PUBLIC PARTICIPATION.—

(A) MEETINGS.—The advisory group shall—

(i) ensure that each meeting of the advisory group is open to the public; and

(ii) provide, at each meeting, an opportunity for interested persons to present oral or written statements concerning items on the agenda.

(B) NOTICE.—The Secretary shall provide to the public timely notice of each meeting of the advisory group.

(C) MINUTES.—Minutes of each meeting of the advisory group shall be kept by the Secretary and shall be made available to the public.

(3) EXEMPTION FROM FEDERAL ADVISORY COMMITTEE ACT.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the advisory group.

SEC. 8. REPORT TO CONGRESS.

Not later than October 1, 2002, the Secretary shall submit to Congress a report on the results and effectiveness of the program carried out under this Act, including recommendations concerning how the Act might be improved and whether the program should be continued.

SEC. 9. NEOTROPICAL MIGRATORY BIRD CONSERVATION ACCOUNT.

(a) ESTABLISHMENT.—There is established in the Multinational Species Conservation Fund of the Treasury a separate account to be known as the ''Neotropical Migratory Bird Conservation Account'', which shall consist of amounts deposited into the Account by the Secretary of the Treasury under subsection (b).

(b) DEPOSITS INTO THE ACCOUNT.—The Secretary of the Treasury shall deposit into the Account—

(1) all amounts received by the Secretary in the form of donations under subsection (d); and

(2) other amounts appropriated to the Account.

(c) USE.—

(1) IN GENERAL.—Subject to paragraph (2), the Secretary may use amounts in the Account, without further Act of appropriation, to carry out this Act.

(2) ADMINISTRATIVE EXPENSES.—Of amounts in the Account available for each fiscal year, the Secretary may expend not more than 3 percent or up to $80,000, whichever is greater, to pay the administrative expenses necessary to carry out this Act.

(d) ACCEPTANCE AND USE OF DONATIONS.—The Secretary may accept and use donations to carry out this Act. Amounts received by the Secretary in the form of donations shall be transferred to the Secretary of the Treasury for deposit into the Account.

SEC. 10. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated to the Account to carry out this Act $5,000,000 for each of fiscal years 2001 through 2005, to remain available until expended, of which not less than 75 percent of the amounts made available for each fiscal year shall be expended for projects carried out outside the United States.

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

The Chair recognizes the gentleman from Pennsylvania (Mr. SHERWOOD).

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

Mr. Speaker, I am pleased to support the Neotropical Migratory Bird Conservation Act. Neotropical migrants are birds that travel across international borders and depend upon thousands of miles of suitable habitat. Each autumn some 5 billion birds from 500 species migrate between their breeding grounds in North America and their tropical homes in the Caribbean and Latin America.

Regrettably, the population of many Neotropical migratory bird species has declined to dangerously low levels. There are many reasons for this population collapse, including hazards along migratory routes, pesticide use, and loss of essential habitat.

While S. 148 will not solve all the problems facing neotropical migratory birds, it is a positive step. Under this bill, we would create a neotropical migratory bird conservation account. This account would be used to finance worthwhile conservation projects approved by the Secretary of the Interior. I urge an ''aye'' vote on S. 148.

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

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

Mr. Speaker, I support S. 148, the Neotropical Migratory Bird Conservation Act, and have cosponsored its companion in the House with the chairman of the Committee on Resources, the gentleman from Alaska (Mr. YOUNG).

As the gentleman from Pennsylvania pointed out, this is a rather dramatic migration of billions of birds that takes place every year, but the populations of many of these birds are, in fact, threatened. This legislation is designed to take a proactive approach to reversing the decline of the neotropical migratory birds' populations.

Mr. Speaker, I urge the House to support this bill.

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

GENERAL LEAVE

Mr. SHERWOOD. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and to include extraneous material on S.148, the Senate bill now under consideration.

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

There was no objection.

Mr. YOUNG of Alaska. Mr. Speaker, I am pleased to present to the House S. 148, the Neotropical Migratory Bird Conservation Act.

Neotropical migrants are birds that travel across international borders and depend upon thousands of miles of suitable habitat. Each autumn some 5 billion birds from 500 species migrate between their breeding grounds in North America and their tropical homes in the Caribbean and Latin America.

Regrettably, the population of many neotropical migratory bird species had declined to dangerously low levels. There are many reasons for this population collapse including competition among species, hazards along migration routes, pesticide use, and loss of essential habitat.

What is lacking is a strategic international plan for bird conservation, money for on-the-ground projects, public awareness, and any real cooperation between those countries where these birds live.

While S. 148 will not solve all the problems facing neotropical migratory birds, it is a positive step. Under this bill, we would create a Neotropical Migratory Bird Conservation Account. This account would be used to finance worthwhile conservation projects approved by the Secretary of the Interior.

S. 148 has been adopted by the other body, and today we are considering a modified version of that legislation. This bill supports conservation initiatives in the Caribbean, Latin America, and the United States; extends the authorization period until September 30, 2005; lowers the Federal matching requirement; reduces the amount of administrative expenses; and stipulates that not less than 75 percent of the money appropriated under this act must be spent on conservation projects undertaken outside the United States. This is simply recognition of the fact that most of the problems facing neotropical migratory birds occur in foreign migration routes and that every effort should be made to spend these limited Federal funds on conservation and not bureaucracy.

Furthermore, as the House author of H.R. 39, I do not expect that any of the money appropriated under this act will be spent on land acquisition in the United States.

Finally, I want to thank my good friend, Congressman RICHARD POMBO, for his willingness to work together on this proposal, and I compliment Senator SPENCER ABRAHAM for his tireless leadership on this important conservation measure.

I urge an "Aye" vote on S. 148.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Pennsylvania (Mr. SHERWOOD) that the House suspend the rules and pass the Senate bill, S. 148, as amended.

The question was taken.

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

The yeas and nays were ordered.

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

□

ATLANTIC STRIPED BASS CONSERVATION ACT REAUTHORIZATION

Mr. SHERWOOD. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4408) to reauthorize the Atlantic Striped Bass Conservation Act, as amended.

The Clerk read as follows:

H.R. 4408

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

SECTION 1. REAUTHORIZATION OF ATLANTIC STRIPED BASS CONSERVATION ACT.

Section 7(a) of the Atlantic Striped Bass Conservation Act (16 U.S.C. 1851 note) is amended to read as follows:

''(a) AUTHORIZATION.—For each of fiscal years 2001, 2002, and 2003, there are authorized to be appropriated to carry out this Act—

(1) $1,000,000 to the Secretary of Commerce; and

(2) $250,000 to the Secretary of the Interior.''.

SEC. 2. POPULATION STUDY OF STRIPED BASS.

(a) STUDY.—The Secretaries (as that term is defined in the Atlantic Striped Bass Conservation Act), in consultation with the Atlantic States Marine Fisheries Commission, shall conduct a study to determine if the distribution of year classes in the Atlantic striped bass population is appropriate for maintaining adequate recruitment and sustainable fishing opportunities. In conducting the study, the Secretaries shall consider—

(1) long-term stock assessment data and other fishery-dependent and independent data for Atlantic striped bass; and

(2) the results of peer-reviewed research funded under the Atlantic Striped Bass Conservation Act.

(b) REPORT.—Not later than 180 days after the date of enactment of this Act, the Secretaries, in consultation with the Atlantic States Marine Fisheries Commission, shall submit to the Committee on Resources of the House of Representatives the results of the study and a long-term plan to ensure a balanced and healthy population structure of Atlantic striped bass, including older fish. The report shall include information regarding—

(1) the structure of the Atlantic striped bass population required to maintain adequate recruitment and sustainable fishing opportunities; and

(2) recommendations for measures necessary to achieve and maintain the population structure described in paragraph (1).

(c) AUTHORIZATION.—There are authorized to be appropriated to the Secretary of Commerce $250,000 to carry out this section.

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

The Chair recognizes the gentleman from Pennsylvania (Mr. SHERWOOD).

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

Mr. Speaker, today we are considering H.R. 4408, a bill proposed by my colleague, the gentleman from New Jersey (Mr. SAXTON), to reauthorize the Atlantic Striped Bass Conservation Act.

Striped bass are an important recreational and commercial resource on the East Coast. The original Striped Bass Conservation Act was enacted in 1984. The act provides a means to enforce a single interstate management plan.

H.R. 4408 is a simple bill to reauthorize the Striped Bass Act. The bill provides funding for striped bass research that will be carried out through the National Marine Fisheries Service. H.R. 4408 authorizes a total of $4.5 million over 3 years.

Mr. Speaker, H.R. 4408 is noncontroversial and is supported by the administration. I urge an ''aye'' vote on this important conservation measure.

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

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

Mr. Speaker, the Atlantic striped bass is an important commercial and recreational fish found along the U.S. East Coast from the Saint Lawrence River in Canada to the Saint John's River in Florida.

The Atlantic Striped Bass Conservation Act was first passed in 1984, and

since then has been an effective mechanism for enforcing the interstate fishery management plan for the striped bass, and I urge my colleagues in the House to support this legislation.

Mr. SAXTON. Mr. Speaker, I am pleased that today the House is considering H.R. 4408, a bill to reauthorize the Atlantic Striped Bass Conservation Act. Striped bass are extremely important to many people on the east coast, including my home State of New Jersey. In New Jersey, commercial fishing is prohibited but recreational anglers spend a great deal of time and money pursuing striped bass. These anglers support State tourism industries, including charter boat captains and bait and tackle stores.

I introduced H.R. 4408 to continue the recovery program for this important species. The recovery of this species stands as a rare example of bringing an irreplaceable resource back from the brink of disaster. Reauthorization of the Atlantic Striped Bass Conservation Act is a critical component of the management strategy for striped bass.

The original striped bass legislation was enacted in 1984, several years after the Atlantic Coast stock of striped bass suffered a severe population crash. The Striped Bass Act provides a means to enforce a single interstate management plan through the Atlantic States Marine Fisheries Commission. As it turns out, this was the action that was needed to save the species. Over the last 16 years this program has succeeded beyond any expectations. In 1984, the outlook was truly bleak for striped bass and the fishermen who depend on them. Striper populations have since recovered to fishable levels. The stocks appear to be strong, although there is some concern that we have continued to allow overfishing in some areas.

H.R. 4408 is a simple bill to reauthorize the Striped Bass Act. The bill provides funding for the ongoing striped bass research that has been carried out through the National Marine Fisheries Service at universities such as Rutgers. The restoration program relies on this research to make informed, science-based management decisions. H.R. 4408 authorizes an additional $200,000 a year to carry out these studies. It is my hope that this additional funding will be used to focus on the predator/prey relationships between striped bass and bluefish, as required by the act.

H.R. 4408 also includes $250,000 to study the population structure of Atlantic striped bass. I am concerned that the Atlantic States Marine Fisheries Commission has allowed fishermen to overharvest the larger and older striped bass. Stock assessment data for 1998 indicate that fish over 8 years old are rare, and that the fish may have been decimated by fishing pressure. These bigger fish are not only valued by the recreational fishermen in my district, but they play an important ecological role in ensuring sufficient numbers of young fish in the next generation of striped bass. The larger fish produce proportionally more eggs, and are the most important age group during the spring spawning runs.

Despire their importance, reauthorization of the Striped Bass Act and continuing research on the species is not enough. Congress needs to provide adequate funding to NOAA and the National Marine Fisheries Service to continue regular stock assessment and data collection for this species. We also need to continue to investigate other factors that affect striped bass, such as pollution, environmental change, and competition with other species. We need the best information possible to protect the gains that we have made.

Mr. Speaker, today we have the opportunity to build upon our past successes with Atlantic striped bass, and I urge the House to support this measure.

Mr. PALLONE. Mr. Speaker, I speak today in support of the reauthorization of the Atlantic Striped Bass Conservation Act.

The Atlantic striped bass is a valuable coastal resource and one of the most important fisheries for recreational anglers—especially within the Sixth Congressional District of New Jersey. As a senior member of the Subcommittee on Fisheries Conservation, Wildlife, and Oceans, I have a long history of involvement in protecting, preserving, and enhancing the striped bass. In fact, I have sponsored legislation to designate the striped bass as a federal gamefish. This bill would prohibit the commercial harvesting of striped bass and reserve this resource for recreational catches only, therefore ensuring a healthy sustainable recreational fishery.

The recovery of the striped bass fishery since the crash of the late 1970's is a example of successful state and federal cooperation and angler support over the last two decades. By the numbers, the Atlantic striped bass fishery appears to be thriving and healthy, but maintaining these harvests will require continued coordination and careful management.

The 1998–99 harvest data show a harvest increase for both commercial and recreational fishermen over previous years. In fact, harvest levels have been increasing steadily since the moratorium on striped bass fishing was lifted in 1990. In its 1999 report to Congress, the Atlantic States Marine Fishery Commission states that the 1999 stock assessment revealed cause for concern that striped bass were fished above the target level in 1998 and 1999.

Of particular concern was the finding that fishing mortality for older (age 8 and up) fish exceeded the definition of overfishing in 1998. These age 8 and older fish represent the most important age class for recreational fishermen, and provide a large percentage of the spawning biomass.

While these stock assessment figures raise concerns about the harvest of larger fish, the fishery does not appear to be in danger of collapse in the near future. However, I believe we must take precautionary measures now to avoid that potential threat of a collapse in the future.

In 1979, Congress first authorized the Emergency Striped Bass Study as part of the Anadromous Fish Conservation Act to address the problem of declining striped bass stocks. This legislation was later expanded by the Atlantic Striped Bass Conservation Act of 1984 which ensured that the states would comply with a coast-wide fishery management plan. Since its inception, this bill has been a positive step in managing the Atlantic striped bass fishery. It is for that reason that I support passage of the Atlantic Striped Bass Conservation Reauthorization.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Pennsylvania (Mr. SHERWOOD) that the House suspend the rules and pass the bill, H.R. 4408, as amended.

The question was taken.

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

The yeas and nays were ordered.

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

□

GREATER YUMA PORT AUTHORITY PROPERTY CONVEYANCE

Mr. SHERWOOD. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3023) to authorize the Secretary of the Interior, acting through the Bureau of Reclamation, to convey property to the Greater Yuma Port Authority of Yuma County, Arizona, for use as an international port of entry, as amended.

The Clerk read as follows:

H.R. 3023

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

SECTION 1. CONVEYANCE OF LANDS TO THE GREATER YUMA PORT AUTHORITY.

(a) AUTHORITY TO CONVEY.—

(1) IN GENERAL.—The Secretary of the Interior, acting through the Bureau of Reclamation, may, in the 5-year period beginning on the date of the enactment of this Act and in accordance with the conditions specified in subsection (b) convey to the Greater Yuma Port Authority the interests described in paragraph (2).

(2) INTERESTS DESCRIBED.—The interests referred to in paragraph (1) are the following:

(A) All right, title, and interest of the United States in and to the lands comprising Section 23, Township 11 South, Range 24 West, G&SRBM, Lots 1–4, NE¼, N½ NW¼, excluding lands located within the 60-foot border strip, in Yuma County, Arizona.

(B) All right, title, and interest of the United States in and to the lands comprising Section 22, Township 11 South, Range 24 West, G&SRBM, East 300 feet of Lot 1, excluding lands located within the 60-foot border strip, in Yuma County, Arizona.

(C) All right, title, and interest of the United States in and to the lands comprising Section 24, Township 11 South, Range 24 West, G&SRBM, West 300 feet, excluding lands in the 60-foot border strip, in Yuma County, Arizona.

(D) All right, title, and interest of the United States in and to the lands comprising the East 300 feet of the Southeast Quarter of Section 15, Township 11 South, Range 24 West, G&SRBM, in Yuma County, Arizona.

(E) The right to use lands in the 60-foot border strip excluded under subparagraphs (A), (B), and (C), for ingress to and egress from the international boundary between the United States and Mexico.

(b) DEED COVENANTS AND CONDITIONS.—Any conveyance under subsection (a) shall be subject to the following covenants and conditions:

(1) A reservation of rights-of-way for ditches and canals constructed or to be constructed by the authority of the United States, this reservation being of the same character and scope as that created with respect to certain public lands by the Act of August 30, 1890 (26 Stat. 391; 43 U.S.C. 945), as it has been, or may hereafter be amended.

(2) A leasehold interest in Lot 1, and the west 100 feet of Lot 2 in Section 23 for the operation

of a Cattle Crossing Facility, currently being operated by the Yuma-Sonora Commercial Company, Incorporated. The lease as currently held contains 24.68 acres, more or less. Any renewal or termination of the lease shall be by the Greater Yuma Port Authority.

(3) Reservation by the United States of a 245-foot perpetual easement for operation and maintenance of the 242 Lateral Canal and Well Field along the northern boundary of the East 300 feet of Section 22, Section 23, and the West 300 feet of Section 24 as shown on Reclamation Drawing Nos. 1292–303–3624, 1292–303–3625, and 1292–303–3626.

(4) A reservation by the United States of all rights to the ground water in the East 300 feet of Section 15, the East 300 feet of Section 22, Section 23, and the West 300 feet of Section 24, and the right to remove, sell, transfer, or exchange the water to meet the obligations of the Treaty of 1944 with the Republic of Mexico, and Minute Order No. 242 for the delivery of salinity controlled water to Mexico.

(5) A reservation of all rights-of-way and easements existing or of record in favor of the public or third parties.

(6) A right-of-way reservation in favor of the United States and its contractors, and the State of Arizona, and its contractors, to utilize a 33-foot easement along all section lines to freely give ingress to, passage over, and egress from areas in the exercise of official duties of the United States and the State of Arizona.

(7) Reservation of a right-of-way to the United States for a 100-foot by 100-foot parcel for each of the Reclamation monitoring wells, together with unrestricted ingress and egress to both sites. One monitoring well is located in Lot 1 of Section 23 just north of the Boundary Reserve and just west of the Cattle Crossing Facility, and the other is located in the southeast corner of Lot 3 just north of the Boundary Reserve.

(8) An easement comprising a 50-foot strip lying North of the 60-foot International Boundary Reserve for drilling and operation of, and access to, wells.

(9) A reservation by the United States of 15/16 of all gas, oil, metals, and mineral rights.

(10) A reservation of 1/16 of all gas, oil, metals, and mineral rights retained by the State of Arizona.

(11) Such additional terms and conditions as the Secretary considers appropriate to protect the interests of the United States.

(c) CONSIDERATION.—

(1) IN GENERAL.—As consideration for the conveyance under subsection (a), the Greater Yuma Port Authority shall pay the United States consideration equal to the fair market value on the date of the enactment of this Act of the interest conveyed.

(2) DETERMINATION.—For purposes of paragraph (1), the fair market value of any interest in land shall be determined—

(A) taking into account that the land is undeveloped, that 80 acres of the land is intended to be dedicated to use by the Federal Government for Federal governmental purposes, and that an additional substantial portion of the land is dedicated to public right-of-way, highway, and transportation purposes; and

(B) deducting the cost of compliance with applicable Federal laws pursuant to subsection (e).

(d) USE.—The Greater Yuma Port Authority and its successors shall use the interests conveyed solely for the purpose of the construction and operation of an international port of entry and related activities.

(e) COMPLIANCE WITH LAWS.—Before the date of the conveyance, actions required with respect to the conveyance under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.), the National Historic Preservation Act (16 U.S.C. 470 et seq.), and other applicable Federal laws must be completed at no cost to the United States.

(f) USE OF 60-FOOT BORDER STRIP.—Any use of the 60-foot border strip shall be made in coordination with Federal agencies having authority with respect to the 60-foot border strip.

(g) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of property conveyed under this section, and of any right-of-way that is subject to a right of use conveyed pursuant to subsection (a)(2)(E), shall be determined by a survey satisfactory to the Secretary. The cost of the survey shall be borne by the Greater Yuma Port Authority.

(h) DEFINITIONS.—

(1) 60-FOOT BORDER STRIP.—The term ''60-foot border strip'' means lands in any of the Sections of land referred to in this Act located within 60 feet of the international boundary between the United States and Mexico.

(2) GREATER YUMA PORT AUTHORITY.—The term ''Greater Yuma Port Authority'' means Trust No. 84–184, Yuma Title & Trust Company, an Arizona Corporation, a trust for the benefit of the Cocopah Tribe, a Sovereign Nation, the County of Yuma, Arizona, the City of Somerton, and the City of San Luis, Arizona, or such other successor joint powers agency or public purpose entity as unanimously designated by those governmental units.

(3) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior, acting through the Bureau of Reclamation.

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

The Chair recognizes the gentleman from Pennsylvania (Mr. SHERWOOD).

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

Since the early 1990s, automobile and truck traffic at the United States port of entry in Yuma County, Arizona, has exceeded the capacity of the existing port of entry. The current port is located directly in the heart of the City of San Luis, just south of downtown Yuma.

☐ 1430

Mr. Speaker, H.R. 3023 was introduced on October 5, 1999, by the gentleman from Arizona (Mr. PASTOR) to improve the United States Port of Entry in Yuma County. This bill would convey to an organization known as the Greater Yuma Port Authority an area of land currently controlled by the Bureau of Reclamation consisting of approximately 330 acres just east of the city of San Luis for the purpose of the construction of a commercial Port of Entry. This land would be conveyed to the Greater Yuma Port Authority at fair market value.

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

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

Mr. Speaker, the gentleman from Pennsylvania (Mr. SHERWOOD) has explained the bill. There is not much more to say about this bill. It is a simple land transfer bill, and the land will be conveyed at a price that fairly reflects the value of the property. I urge our colleagues to support the legislation.

Mr. PASTOR. Mr. Speaker, I rise in support of H.R. 3023 and I want to personally thank Chairman YOUNG and Chairman DOOLITTLE, and Ranking Member MILLER and Ranking Member DOOLEY for there cooperation and persistence in moving this legislation so quickly. I also want to thank the Cities of Somerton, San Luis, and Yuma, the Cocopah Indian Nation, and the Bureau of Reclamation. Without the cooperation of all, we would not be considering this legislation today.

H.R. 3023 is critical to the continued economic development of Yuma, Arizona. It is relatively simple legislation, but it is a tremendous and important step toward relieving congestion at one of the busiest border crossings in our nation. It would convey a portion of land, approximately 330 acres, to the Greater Yuma Port Authority for the construction and operation of an International Port of Entry.

Since the early 1990s, the Port of Entry in Yuma County, Arizona began to experience serious delays, particularly with commercial traffic. The current Port is located directly in the heart of the City of San Luis, just south of downtown Yuma. Delays continued to grow over the years, with vehicles backing up on both sides of the border.

Then, of course, with the passage of the North American Free Trade Agreement, NAFTA, the traffic has since become such that individuals are having to wait anywhere from two to four hours to make the crossing. This is particularly true in the case of commercial vehicles.

Because of the serious impact these delays are having on commerce and the quality of life of the people in the region, I began working with the communities to develop some solution to this border crossing nightmare.

H.R. 3023 would convey to the Greater Yuma Port Authority an area of land currently controlled by the Bureau of Reclamation just east of the City of San Luis, for the construction of a commercial Port of Entry. This land, of course, would be conveyed to the Greater Yuma Port Authority at ''fair market value.''

This bill, as passed by the Committee on Resources, has been carefully crafted by all parties involved over several months. The Cities of Yuma, Somerton, and San Luis, the County of Yuma, the Cocopah Indian Nation, and the Bureau of Reclamation all contributed to the final version of this legislation. Also, the Border Patrol and the State Department were consulted. After several very lengthy and detailed meetings, all parties involved agreed with the spirit and with the letter of this legislation.

The Bureau of Reclamation had several suggested changes to the original version. These changes were primarily technical changes and the simple rearrangement of Sections and phrases to better fit the flow of the legislative intent. All of the Bureau of Reclamations suggested changes were accepted by myself and the representatives of the Greater Yuma Port Authority and were incorporated into this bill during the Subcommittee on Water and Power mark-up session.

Mr. Speaker, this is a simple land transfer which have a significant impact on the lives of people of Yuma. It will ensure a much more timely and convenient crossing for individuals and for commercial enterprises.

I strongly urge my colleagues to support H.R. 3023.

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

The SPEAKER pro tempore (Mr. PETRI). The question is on the motion

offered by the gentleman from Pennsylvania (Mr. SHERWOOD) that the House suspend the rules and pass the bill, H.R. 3023, as amended.

The question was taken.

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

The yeas and nays were ordered.

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

□

GENERAL LEAVE

Mr. SHERWOOD. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and to include extraneous material on H.R. 3023 and H.R. 4408.

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

There was no objection.

□

KEEPING SOCIAL SECURITY AND MEDICARE SOLVENT

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

Mr. SMITH of Michigan. Mr. Speaker, this afternoon the President is releasing his mid-session economic review. That review indicates that there will be over $800 billion more revenues coming into the Federal Government in the next 10 years than was projected just last January, $800 billion. There is a substantial increase in this year, 2000, of $45 billion more than we anticipated just 6 months ago. It is $64 billion more next year in 2001 than we anticipated.

That means that the Social Security ''lockbox'' as well as the Medicare ''lockbox'' that we passed last week is going to be maintained. It means that, with a little discipline from this body, we will not be spending that Social Security surplus or the Medicare trust fund surplus.

I think we are in a unique position and that unique position means that we have an opportunity now to keep Social Security and Medicare solvent. We have an opportunity to make the kind of changes that will not leave our kids and our grandkids with a huge debt and, in effect, say to them that they are going to be responsible for paying off that kind of debt, that now amounts to $5.7 trillion.

And why would they be responsible for more debt? It is because this body and the President of the United States have found it to their political advantage to simply spend more and more money.

At some time we are going to have to decide, as part of good public policy, how much taxes should be in this country, what is reasonable in terms of the percent of what a worker earns, should go for taxes. Right now, an average taxpayer, pays 41 percent of every dollar they earn in taxes.

After we decide on a reasonable level of taxation, then we have got to prioritize spending. Part of that priority has got to make sure that we keep Social Security and Medicare solvent.

□

CHURCH PLAN PARITY AND ENTANGLEMENT PREVENTION ACT

Mr. BOEHNER. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 1309) to amend title I of the Employee Retirement Income Security Act of 1974 to provide for the preemption of State law in certain cases relating to certain church plans.

The Clerk read as follows:

S. 1309

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

SECTION 1. PURPOSE.

The purpose of this Act is only to clarify the application to a church plan that is a welfare plan of State insurance laws that require or solely relate to licensing, solvency, insolvency, or the status of such plan as a single employer plan.

SEC. 2. CLARIFICATION OF CHURCH WELFARE PLAN STATUS UNDER STATE INSURANCE LAW.

(a) IN GENERAL.—For purposes of determining the status of a church plan that is a welfare plan under provisions of a State insurance law described in subsection (b), such a church plan (and any trust under such plan) shall be deemed to be a plan sponsored by a single employer that reimburses costs from general church assets, or purchases insurance coverage with general church assets, or both.

(b) STATE INSURANCE LAW.—A State insurance law described in this subsection is a law that—

(1) requires a church plan, or an organization described in section 414(e)(3)(A) of the Internal Revenue Code of 1986 and section 3(33)(C)(i) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1002(33)(C)(i)) to the extent that it is administering or funding such a plan, to be licensed; or

(2) relates solely to the solvency or insolvency of a church plan (including participation in State guaranty funds and associations).

(c) DEFINITIONS.—For purposes of this section:

(1) CHURCH PLAN.—The term ''church plan'' has the meaning given such term by section 414(e) of the Internal Revenue Code of 1986 and section 3(33) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1002(33)).

(2) REIMBURSES COSTS FROM GENERAL CHURCH ASSETS.—The term ''reimburses costs from general church assets'' means engaging in an activity that is not the spreading of risk solely for the purposes of the provisions of State insurance laws described in subsection (b).

(3) WELFARE PLAN.—The term ''welfare plan''—

(A) means any church plan to the extent that such plan provides medical, surgical, or hospital care or benefits, or benefits in the event of sickness, accident, disability, death or unemployment, or vacation benefits, apprenticeship or other training programs, or day care centers, scholarship funds, or prepaid legal services; and

(B) does not include any entity, such as a health insurance issuer described in section 9832(b)(2) of the Internal Revenue Code of 1986 or a health maintenance organization described in section 9832(b)(3) of such Code, or any other organization that does business with the church plan or organization sponsoring or maintaining such a plan.

(d) ENFORCEMENT AUTHORITY.—Notwithstanding any other provision of this section, for purposes of enforcing provisions of State insurance laws that apply to a church plan that is a welfare plan, the church plan shall be subject to State enforcement as if the church plan were an insurer licensed by the State.

(e) APPLICATION OF SECTION.—Except as provided in subsection (d), the application of this section is limited to determining the status of a church plan that is a welfare plan under the provisions of State insurance laws described in subsection (b). This section shall not otherwise be construed to recharacterize the status, or modify or affect the rights, of any plan participant or beneficiary, including participants or beneficiaries who make plan contributions.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Ohio (Mr. BOEHNER) and the gentleman from New Jersey (Mr. ANDREWS) each will control 20 minutes.

The Chair recognizes the gentleman from Ohio (Mr. BOEHNER).

GENERAL LEAVE

Mr. BOEHNER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on S. 1309.

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

There was no objection.

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

Mr. Speaker, I rise today in support of S. 1309, to clarify the status of church-sponsored health plans. Church plans are treated similarly to the health plans for the employees of State and local governments. These health plans are defined in the Employee Retirement Income Security Act, or, as we know it, ERISA, and then excluded from its provisions. This exclusion is important because of the need to protect unnecessary Government entanglement in the internal affairs of churches.

Ironically, our Federal effort to prevent Government intrusion has left the status of these church programs under State laws uncertain. State laws have developed without regard to the special characteristics of church benefit programs. Accordingly, these church programs are potentially subject to regulation by individual States, which was never intended when church plans were designed.

The impetus for the present legislation is twofold. First, from time to time, State insurance commissioners raise questions as to the need for church plans to obtain a license as an insurance company; and, secondly, due to their exclusion from ERISA, many insurance companies and health care providers are ambivalent about their capacity to contract with church plans for coverage or services.

The bill, S. 1309, attempts to solve both these problems by prohibiting a State from acquiring any church plan to obtain a license as an insurance company in that State and clarifies that a church plan should be treated as a single employer plan.

We have worked with Senator SESSIONS; the Church Alliance, the Church Pension Boards of 32 Protestant, Jewish, and Catholic denominations; the administration; and the National Association of Insurance Commissioners to revise H.R. 2183, a bill originally introduced by myself and the gentleman from New Jersey (Mr. ANDREWS) and a companion bill introduced by Senator SESSIONS in the other body.

The product of this process is S. 1309, as amended. This legislation clarifies the status of church welfare plans under certain specified State insurance law requirements, particularly the need to be licensed as an insurance company. With this clarification and the deeming of church plans to be single employer plans, churches will have greater bargaining power with health insurance companies and health network providers when purchasing coverage for their employees.

Additionally, the bill keeps intact certain regulatory responsibilities that State insurance departments presently have to protect consumers, such as regulations that prevent fraud and misrepresentations as to coverage.

Mr. Speaker, I urge my colleagues to support this measure.

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

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

Mr. Speaker, the minority does not object to the passage of this bill. I would note, for the record, that we would have preferred the bill follow regular order and have hearings and committee markups. But we certainly do not object to its passage. I support passage of the bill.

I thank my friend, the gentleman from Ohio (Mr. BOEHNER), for his cooperation with the administration, the National Association of Insurance Commissioners, and all of the interested parties in making this a reality.

As the gentleman from Ohio (Mr. BOEHNER) noted, this bill is closely patterned after H.R. 2183, which he and I introduced into the House June 14 of last year, and it accomplishes two important objectives. The first is balance.

It is important that the rights of individual plan participants in church-held plans be protected, that all of the consumer and fiduciary protections to which they are entitled are preserved. This bill does that.

It also provides for proper balance between the legitimate interests of the States and regulating the fiduciary health of health plans and projecting proper State regulation of health plans. It balances that against the need for church health plans to have similar contract authority with health plans around the country.

I believe it will, as the gentleman from Ohio (Mr. BOEHNER) just said, facilitate the negotiating position of health plans when they purchase health and health insurance services to benefit their members.

Importantly, this legislation promotes clarity. Those who would offer services to church plans, those who administer church plans, and those who benefit from church plans will now have the benefit of a clear statement of the intent of this Congress with respect to legal arrangements underlying their health plans.

This is a technical bill with a very common sense purpose. Its technicalities are a bit difficult to follow, but its purposes are very clear. We want the men and women who work for church and religious organizations around the country to have the very best protection and the very best choice of benefits that can be reasonably made available by their employer, and we want those benefits to be offered free of any entanglement by policymakers in the legitimate religious preferences of the employing organization.

Because I believe that this legislation accomplishes both of those objectives, I support it.

Mr. Speaker, we have no further speakers on our side, and I yield back the balance of my time.

Mr. RAMSTAD. Mr. Speaker, I rise in strong support of S. 1309, a bill to clarify the status of church-sponsored employee benefit plans under state law.

Currently, church-sponsored employee benefit plans are exempt from ERISA and therefore are not exempt from state insurance laws like other employer-sponsored plans. Even so, these plans have generally operated as if they were exempt from state law. It is unfair for church plans to be potentially subject to greater regulations than other employer-sponsored plans, and it does not make sense to subject church employee benefit plans to state insurance laws that are not designed or equipped to deal with these unique plans.

My home state of Minnesota is one of four states that already provides an exemption for church plans. However, church plans have no legal certainty when they provide benefits in the remaining 46 states. This has caused many insurers to refuse to do business with church plans because these plans could be considered unlicensed entities.

Last year, I heard from the Board of Pensions of the Evangelical Lutheran Church in America, headquartered in Minneapolis, about the need to clarify the status of church benefit plans. I especially appreciated the advice and counsel of Bob Rydland and John Kapanke about this urgent problem affecting more than one million clergy and lay workers across the United States.

Because the rules affecting church plans are found in the tax code, I asked Chairman ARCHER of the Ways and Means Committee, with the support of 13 bipartisan colleagues, to support a legislative correction to this problem. I am pleased this legislation before us today accomplishes our objective.

S. 1309 will clarify that church employee benefit plans are not insurance companies under state insurance laws. This bill was crafted with the help of state insurance commissioners, and it does not prevent states from enacting legislation targeted at these plans.

I am also grateful to Chairman BOEHNER and Ranking Member ANDREWS of the Education and Workforce Subcommittee on Employer-Employee Relations for their work on this important issue.

Mr. Speaker, I urge my colleagues to support this important legislation to protect the employee benefits of America's church workers.

Mr. BOEHNER. Mr. Speaker, I thank my colleague from New Jersey (Mr. ANDREWS) for his comments.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Ohio (Mr. BOEHNER) that the House suspend the rules and pass the Senate bill, S. 1309.

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

A motion to reconsider was laid on the table.

□

EXTENDING PERIOD FOR WHICH CHAPTER 12 OF TITLE 11 OF UNITED STATES CODE IS REENACTED

Mr. COBLE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4718) to extend for 3 additional months the period for which chapter 12 of title 11 of the United States Code is reenacted.

The Clerk read as follows:

H.R. 4718

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

SECTION 1. AMENDMENTS.

Section 149 of title I of division C of Public Law 105–277, as amended by Public Law 106–5 and Public Law 106–70, is amended—

(1) by striking ''July 1, 2000'' each place it appears and inserting ''October 1, 2000''; and

(2) in subsection (a)—

(A) by striking ''September 30, 1999'' and inserting ''June 30, 2000''; and

(B) by striking ''October 1, 1999'' and inserting ''July 1, 2000''.

SEC. 2. EFFECTIVE DATE.

The amendments made by section 1 shall take effect on July 1, 2000.

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

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

□ 1445

GENERAL LEAVE

Mr. COBLE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 4718, the bill under consideration.

The SPEAKER pro tempore (Mr. PETRI). Is there objection to the request of the gentleman from North Carolina?

There was no objection.

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

Mr. Speaker, Chapter XII is a specialized form of bankruptcy relief only available to family farmers. It was first extended on a temporary basis in 1986 to respond to the particularized needs of farmers in financial distress as part of the Bankruptcy Judges, United States Trustees and Family Farmer Bankruptcy Act. Following its initial extension in 1993 to September 30, 1998, it has been further extended on several occasions and is currently due to expire on July 1 in the year 2000.

As we know, the House more than a year ago passed H.R. 833, the Bankruptcy Reform Act of 1999, with an overwhelmingly bipartisan vote of 313 to 108. As one of its key provisions, H.R. 833 would make Chapter XII a permanent form of bankruptcy relief for family farmers.

The Senate counterpart to H.R. 833, which also passed with a strong bipartisan vote of 83 to 14, contains a nearly identical provision. While significant progress has been made in reconciling the House and Senate bills, final action is still required.

As we await final passage of H.R. 833, it is clear that certain sectors of the farming industry continue to suffer financial distress resulting from devastating weather conditions or other factors.

We also note, however, that the current extension of Chapter XII is due to expire on July 1. If Chapter XII is not available, farmers will be forced to seek relief under the Bankruptcy Code's other alternatives. No other form of bankruptcy relief works quite as well for farmers as does Chapter XII.

Chapter VII would require the farmer to liquidate his or her farming operation. Many farmers would simply be ineligible to file under Chapter XIII because of its debt limits.

Chapter XI is an expensive process that does not accommodate the special needs of farmers. H.R. 4718 would simply extend Chapter XII for a 3-month period, which expires on October 1, 2000. This extension will provide important protections, at least on an interim basis, to family farmers.

Upon final passage and enactment of H.R. 833, however, Chapter XII would become a permanent fixture of the Bankruptcy Code. I commend my colleague, the gentleman from Michigan (Mr. SMITH) for his continuing leadership on this matter and long-standing commitment to family farmers. I urge my colleagues to vote in favor of H.R. 4718.

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

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

Mr. Speaker, on behalf of the members of the Committee on the Judiciary on this side, today we rise in strong support of this legislation but we must also say that we consider this legislation an insult in the sense that it provides only 3 additional months for protection under Chapter XII of the Bankruptcy Code.

While I seriously doubt anyone will vote against this bill, it is shameful that we are being asked to play games yet again with the future of family farmers in America as we are witnessing one of the worst farm crisis since the birth of Chapter XII more than a decade ago.

No one disagrees that Chapter XII should be made permanent. No one. Bipartisan legislation was introduced in the other body by Senators GRASSLEY and DASCHLE and in the House by our colleagues, the gentleman from Minnesota (Mr. MINGE) and the gentleman from Michigan (Mr. SMITH).

Those bills also increase the eligibility of threshold from the current $1.5 million in aggregate debt to $3 million and give certain tax debts nonpriority status if the debtor completes the plan.

The National Bankruptcy Review Commission recommended increasing the threshold and making Chapter XII permanent, and all three provisions in those bills have been endorsed in a joint statement by the Commercial Law League of America, and National Bankruptcy Conference and the National College of Bankruptcy.

Unfortunately, it seems that the secret shadow conference has betrayed family farmers and will not include all of these provisions in the final bankruptcy legislation that is now lumbering through the process.

This stealth conference, which excludes the minority and makes decisions with industry lobbyists outside public view will, we are told, attempt to sneak its work into an unrelated conference report. No member of the public will have an opportunity to review this secret bill before the vote. Anything could be in it. We will not know until it is too late.

In fact, the sponsor of this legislation introduced a measure earlier in this Congress which would have extended Chapter XII by 6 months past the sunset date rather than merely by the 3 months in this legislation. He then introduced a bill granting only an additional 3 months. Evidently this more modest effort found favor with the Republican leadership. It attracted the cosponsorship of the chairman of the Subcommittee on the Commercial and Administrative Law and was given a fast track. Today we are repeating that farce by extending Chapter XII for another 3 months.

The gentlewoman from Wisconsin (Ms. BALDWIN) attempted to make Chapter XII permanent when the legislation was considered in the Committee on the Judiciary and was stopped by a procedural technicality, and that is the reason that we have this legislation here today. I urge my colleagues to support this legislation but I must say it is simply inadequate to address the farm crisis that is confronting so many families in America today.

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

Mr. COBLE. Mr. Speaker, I yield such time as he may consume to the gentleman from Michigan (Mr. SMITH), who has worked endlessly on this legislation.

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

Mr. SMITH of Michigan. Mr. Speaker, the gentleman from North Carolina (Mr. COBLE) and the gentleman from California (Mr. GEORGE MILLER) make very good points. Agriculture is in a very precarious situation right now. Many farmers are facing bankruptcy; and of course, that is why it is so important that we do not let the provisions in the bankruptcy law expire in 5 days as they would under existing law.

The question of whether this should be 3 months or 6 months or 9 months or permanent is a question, and I think everybody agrees that in the long run it should be permanent.

Let me explain to my colleagues why we are going ahead with my bill that calls for 3 months. It is because the bankruptcy bill itself is moving through the House and the Senate right now. There are hopes from many parties that we will conclude a bankruptcy bill and have it signed into law within the next 3 months. There is a concern from some of the House Members and some of the Senators that if we start passing legislation such as the continuation of these provisions for family farmers, it will start a lot of the other parts of the bankruptcy law that is agreed to by everybody to come to the floor to get rid of that particular problem and make those solutions permanent.

There is a hope that we can do everything and hopefully we will do it this year.

Mr. Speaker, just a comment. As a farmer from Michigan, let me comment just for a minute on the seriousness of the plight facing American agriculture, the farmers and ranchers of this Nation.

These are people that have lived most of their life getting up at sunrise and finishing work 12, 14 hours later at sunset. They have been called the backbone of our society because it has been the industriousness of hard-working family farmers that has allowed people to move off the farm and into manufacturing production that has made this country so great and so strong economically.

We are looking at an agriculture that is faced with prices that are at 30-year lows in terms of the commodity prices they are receiving for many different reasons. We are just starting to develop new farm policy to try to help farmers. This is simply one of the many tools that we give to farmers, and the provisions of Chapter XII simply say to farmers they do not have to sell their tractor and their plow and their drag

and their welder, and then try to pay off their debts. It says, look, they can keep some of that equipment and try to work it out themselves within a limited period of time.

The provisions of this bill only apply to family farmers. Chapter XII of title XI of the Bankruptcy Code is only available to these kind of family farmers. Congress temporarily extended Chapter XII for 9 months. Now we are looking at another extension of 3 months. The logic is that a farmer, like anybody else, needs particular tools to survive.

I am pleased that the gentleman from Pennsylvania (Mr. GEKAS) and this body are taking action on this legislation today. With 5 days to go before expiration, time is very short. We need to get this over to the Senate, and we need to get it to the President for his signature.

Mr. Speaker, agriculture continues to be in serious condition right now. It is the 3rd consecutive year of such hardship. Times are tough in farm country. While the rest of the economy is booming, American farmers and ranchers have not been invited to the party. Commodity prices are at record lows, export markets are weak, and no relief is expected any time soon. While the farm credit system is currently sound, there are some producers who just will not be able to make it in the short term. Bankruptcy filings by farmers have become regular occurrence.

I have visited with a lot of farmers from my district. Many are as smart as most any entrepreneur of small business. Yet because of prices, even with their efforts to lay off workers and dramatically expand their working week, their family farms may not make it.

Chapter 12 of the title 11 bankruptcy code is only available to family farmers. Last September, Congress temporarily extended chapter 12 for 9 months. Now we are looking at another extension because chapter 12 now is set to expire in five days, on July 1, 2000. H.R. 4718, will temporarily extend chapter 12 for another 3 months so that this critical option for America's family farmers does not expire.

Chapter 12 allows family farmers the option to reorganize debt rather than having to liquidate when declaring bankruptcy.

The logic is that a farmer, like anybody else that needs particular tools to survive, needs the temporary allowance to keep those farm tools. In this case, Chapter 12 allows a farmer to continue to have some of those tools of production in order to keep farming while they are reorganizing finances. I think it is important that these provisions only apply to a family farm. That is characterized under current law by a debt that does not exceed $1.5 million, 80 percent or more of the debt must be agricultural, and users of Chapter 12 must have over 50 percent of their individual gross income from agriculture and their farming operation.

I am pleased that Chairman GEKAS and this body is taking action on this legislation today. With five days to go before expiration, time is very short. Pending bankruptcy legislation (H.R. 833) now in conference between the House and Senate will make chapter 12 permanent. We hear that this bill could come to the floor any week. However, issues such as abortion and other issues are delaying any final resolve of the bankruptcy bill. Until enactment of that legislation, H.R. 4718 is necessary to extend the law beyond July 1st, its current expiration date. This legislation is needed to assure producers that this risk management tool is available to them.

Again, I thank both sides of the aisle and the chairman for moving ahead.

Mr. BEREUTER. Mr. Speaker, this Member rises today to express his support for H.R. 4718, which extends Chapter 12 of the Bankruptcy Code for three additional months until October 1, 2000. Chapter 12 bankruptcy, which allows family farmers to reorganize their debts as compared to liquidating their assets, will expire on July 1, 2000, without the passage of this measure.

This Member would thank the distinguished gentleman from Michigan (Mr. NICK SMITH) for introducing H.R. 4718. In addition, this Member would like to express his appreciation to the distinguished Chairman of the Judiciary Committee from Illinois (Mr. HENRY HYDE), and the distinguished Ranking Minority Member of the Judiciary Committee from Michigan (Mr. JOHN CONYERS, Jr.) for their efforts in expediting this measure to the House Floor today.

Chapter 12 bankruptcy has been a viable option for family farmers nationwide. It has allowed family farmers to reorganize their assets in a manner which balances the interests of creditors and the future success of the involved farmer. If Chapter 12 bankruptcy provisions are not extended for family farmers, this will have a drastic impact on an agricultural sector already reeling from low commodity prices. Not only wail many family farmers have to end their operations, but also land values will likely plunge downward. Such a decrease in land values will affect both the ability of family farmers to earn a living and the manner in which banks, making agricultural loans, conduct their lending activities. This Member has received many contacts from his constituents regarding the extension of Chapter 12 bankruptcy because of the serious situation now being faced by our nation's farm families—although the U.S. economy is generally healthy, it is clear that agricultural sector is hurting.

The gravity of this situation for family farmers nationwide makes it imperative that Chapter 12 bankruptcy is extended for at least this three-month period. Beyond this extension, it is this Member's hope that Chapter 12 bankruptcy is extended permanently as provided in the Bankruptcy Reform Act of 1999 (H.R. 833) which on May 5, 1999, passed the House by vote of 313–108, with my support. This Member is an original cosponsor of the Bankruptcy Reform Act, that was introduced by the distinguished Chairman of the Judiciary Subcommittee on Commercial and Administrative Law from Pennsylvania (Mr. GEORGE GEKAS). Moreover, the Senate also passed a version of bankruptcy reform. Unfortunately, at this time, bankruptcy reform is caught in the tangled web of an informal conference; therefore, the three-month extension for Chapter 12 bankruptcy is a necessity for our family farmers

I closing, this Member would encourage his colleagues support for H.E. 1718, which provides a three-month extension of Chapter 12 bankruptcy

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from North Carolina (Mr. COBLE) that the House suspend the rules and pass the bill, H.R. 4718.

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

A motion to reconsider was laid on the table.

□

RECESS

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

Accordingly (at 2 o'clock and 56 minutes p.m.), the House stood in recess until approximately 4 p.m.

□

□ 1600

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. SMITH of Michigan) at 4 o'clock and one minute p.m.

□

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

The SPEAKER pro tempore. 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.

□ 1601

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. PEASE (Chairman pro tempore) in the chair.

The Clerk read the title of the bill.

The CHAIRMAN pro tempore. When the Committee of the Whole rose on Friday June 23, 2000, the amendment by the gentleman from North Carolina (Mr. COBLE) had been disposed of and the bill was open for amendment from page 44, line 18 to page 44, line 22.

Pursuant to the orders of the House of Thursday, June 22, and Friday, June 23, no further amendments 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.

Amendments printed in the CONGRESSIONAL RECORD may be offered only by the Member who caused it to be printed or his designee, shall be considered read, shall be debatable for 10 minutes, except that amendment No. 23 shall be

debatable for 30 minutes and amendment No. 60 shall be debatable for 60 minutes, equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for a division of the question.

AMENDMENT NO. 74 OFFERED BY MR. SMITH OF MICHIGAN

Mr. SMITH of Michigan. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 74 offered by Mr. SMITH of Michigan:

Page 44, line 21, after the dollar amount insert the following: ''(increased by $4,350,000)''.

Page 73, line 19, after the dollar amount insert the following: ''(reduced by $8,700,000)''.

The CHAIRMAN pro tempore. Pursuant to the order of the House of Friday, June 23, 2000, the gentleman from Michigan (Mr. SMITH) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Michigan (Mr. SMITH).

Mr. SMITH of Michigan. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this amendment helps assure that we have more accurate statistics that guide over $2 trillion in State and Federal spending and hundreds of billions of dollars in wage decisions and revenue-sharing decisions.

If this amendment had been taken up last week, there were several individuals that had indicated that they would like to speak on the importance of accurately funding BEA, the Bureau of Economic Analysis. That is because we depend so much on what happens with BEA. Seventy percent of our determinations coming from the Congressional Budget Office, coming from the President's Office of management and budget, is from BEA. The ranking member of the Committee on the Budget, the gentleman from South Carolina (Mr. SPRATT) as well as two potential chairmen of that committee indicated that it is important that we adequately fund BEA. This amendment contains $4.3 million that we put into BEA to help make sure that they can do their job.

Here is the problem. They have been cut 12 percent in real terms over the last several years, and the economy is changing so dramatically that they cannot be underfunded with the freeze in personnel they have had for the last several years. It will be difficult if not impossible to do the job we need them to do.

I would just like to quote a couple of people, and I will start out with Alan Greenspan. Alan Greenspan said, and I quote, ''I am extraordinarily reluctant to advocate any increase in spending, so it's got to be either a very small amount or a very formidable argument, and I find in this case that both conditions are met.''

Mr. Chairman, I would like to quote a comment from Robert Shapiro, Under Secretary for Economic Affairs: ''Without your amendment, the bill would seriously threaten our capacity to understand and measure the rapidly changing American economy.'' Then he goes on to say, the new expanded responsibility that BEA has in this new economy and their predictions are so crucial. BEA tracks economic activity and calculates the U.S. domestic products. BEA statistics underlie virtually all economic projections in both business and government.

Mr. Chairman, I say to the gentleman from New York and the gentleman from Kentucky that I have not gone out and solicited political supporters for this amendment. This is not a very glitzy amendment. It is not very exciting. But please consider its importance. Consider the fact that, without these kinds of estimates being accurate, we are going to end up having very poor economic projections.

According to OMB and CBO, discrepancies in the current GDP data, that is what BEA does, can change estimates of government revenues by as much as $200 billion over the projection period. A recent example: in 1998, CBO projected a unified budget, listen to this, in 1998, CBO projected a unified budget deficit of $70 billion for this year based on BEA estimates. As it turns out, there is a $200 billion surplus. This $270 billion discrepancy can be largely traced to the BEA data.

Mr. Chairman, they have been doing an excellent job, but we have shortchanged them. They are 12 percent below what they were in real terms. The President suggested in his budget that we increase them by $5 million; this amendment will only mean that we increase them by $4.3 million.

I think it is important to make a quick comment on the offset. The amendment draws from the State Department's Educational and Culture Exchange Account. We did not pass the amendment when we finished last Friday to take something like $90 million out of that account. CBO informs me that they are only going to spend half of the money that they get in this account. This amendment takes only $4 million.

This account is one of the few that received a significant increase in this legislation.

While I support cultural exchange, I feel that our need for accurate data on the economy for government and business is more pressing and justifies this small transfer.

The Educational and Cultural Exchange fund would still receive slightly more funding than it got for FY 2000 under this amendment.

CONCLUSION

Chairman Greenspan of the Federal Reserve said the following of BEA in February:

We are moving into an economy, the structure of which none of us has ever seen before. . . . This means that a lot of the things we examine in the economy are very poorly represented in our current statistics. . . . [A]dditional funds could probably very effectively be spent to improve the quality of our statistics both for the private sector, which is crucial, and for those of us who have to be involved in governmental economic policy.

Alan Greenspan:

I am extraordinarily reluctant to advocate any increase in spending. So it's got to be either a very small amount or a very formidable argument. And I find, in this case, that both conditions are met.

I ask for my colleagues' support on my amendment.

Mr. Chairman, I just think it is so very important that the chairman and ranking member of this committee consider the importance of this amendment, and I hope that they will concur.

Mr. Chairman, I submit for the RECORD the letter I quoted from earlier from Mr. Robert Shapiro.

UNITED STATES DEPARTMENT OF COMMERCE, THE UNDER SECRETARY FOR ECONOMIC AFFAIRS,
Washington, DC, June 26, 2000.

Representative NICK SMITH,
306 Cannon House Office Building,
Washington, DC.

DEAR REPRESENTATIVE SMITH: Thank you for your letter asking our views on your proposal to add $4.35 million to the $43.8 million in the Appropriations Committee's FY 2001 budget for the Bureau of Economic Analysis (BEA). Without your amendment, the bill could seriously threaten our capacity to understand and measure the rapidly changing American economy.

The basic measures produced by BEA range from the Gross Domestic Product (GDP) and the balance of payments, to domestic investment and state and local income. BEA is also the world's leading statistical agency in the area of measuring the New Economy—including the development of innovative techniques to measure software as business investments; rapid quality changes in semiconductors, computers and telecommunications equipment; and productivity in banking. The quality of spending and investment decisions across government and the private sector will depend on the BEA's ability to continue these efforts.

With an additional $4.35 million in support, BEA will be able to measure additional aspects of the New Economy critical for American business and government—including the size of e-commerce markets; the output of industries such as business services, financial services and education that rely heavily on information technologies; the role of stock options in compensation; and the dimensions of investment, consumption, and wealth. Improving the accuracy of BEA's national statistics will also help end the periodic revenue surprises associated with Administration and Congressional budget forecasts, and improve the allocation of more than $100 billion a year in federal funds based on BEA state and local income estimates.

In recent Senate testimony, Federal Reserve Chairman Alan Greenspan said that BEA is one of the few areas of government that meet his conditions for increased spending. As Congress continues consideration of the Commerce, Justice, State appropriations, I hope your colleagues will seriously consider the enormous benefits to the United States from fully funding the Bureau of Economic Analysis.

Sincerely,

ROBERT SHAPIRO,
Under Secretary for Economic Affairs.

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

The CHAIRMAN pro tempore. Does the gentleman from Kentucky (Mr. ROGERS) claim the time in opposition?

Mr. ROGERS. Mr. Chairman, I do.

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

Mr. Chairman, I reluctantly rise to oppose the gentleman's amendment, well-intentioned as it is. He wants to increase the funding for economic and statistical analysis at the Commerce Department by $4.35 million.

I will be happy to work with the gentleman as we go through the process in conference with the Senate and further, but in the process this amendment would slash double that amount from the State Department's international exchange program. The funding level in the bill for exchanges provides only for wage and price increases, so any reduction to the level in the bill would be a cut into the meat of these programs, which include the Fulbright Scholarship Program and the International Visitor Program.

Exchanges like these, Mr. Chairman, foster the international dialogue that is critical to American leadership in the world and to long-term peaceful and productive relations with other countries. Exchange programs are a vital tool to advance our foreign economic and security policies, and this amendment would cut them to below a freeze level.

I do appreciate the gentleman's concerns about the economic and statistical programs of the Commerce Department, but this bill already provides funding for those programs at the current year level, which includes an increase over last year's for an initiative to update and improve statistical measurement of the U.S. economy and the measurement of international transactions. In addition, the Department of Commerce will be able to submit a reprogramming for additional funding for these programs if they feel it necessary.

I would be happy to work with the gentleman to address his concerns, and the concerns of all of us, as we continue through the process; but the proposed offset would do real damage to the exchange program at State; and, therefore, I am constrained to urge that we reject this amendment.

Mr. Chairman, I yield 1 minutes to the gentleman from New York (Mr. SERRANO).

Mr. SERRANO. Mr. Chairman, I thank the gentleman for yielding me this time, and I want to join the chairman in his comments that he has made.

Let me first say that many Members have come to me and told me that this is an area they wish would not be used for offsets. This especially cuts the Fulbright program, which has been cut by Congress by more than 25 percent in fiscal year 1995 and 1996. In addition, I am informed that this would also cut educational advising, which assists folks who are interested in attending school over here.

So, in general, while we certainly understand what the gentleman is trying to do, and under normal circumstances I probably would join him, there are many people on this side who believe that hurting this program would just not be the proper thing to do at this time.

Mr. ROGERS. Mr. Chairman, I yield myself such time as I may consume to note that I am joined in opposition by the gentleman from New York (Mr. GILMAN) of the Committee on International Relations, and by the chairman of the Subcommittee on International Operations and Human Rights, the gentleman from New Jersey (Mr. SMITH), in urging that we reject the amendment.

Mr. SMITH of Michigan. Mr. Chairman, will the gentleman yield?

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

Mr. SMITH of Michigan. I thank the gentleman from Kentucky for yielding to me, and I appreciate the Chairman's frugal manner and the fact that there are not a lot of excess appropriations in his budget. However, in this particular account, the Educational and Cultural Exchange Account, there was an increase. This amendment still leaves that account with more money than they had last year.

And, again, I would just call to the chairman's attention the fact that BEA has been cut 12 percent in real terms since 1993. It is being held flat this year, even though there are tremendous changes in our economy to calculate.

Do I understand the chairman to say that he will work, as this goes to conference and through the process, to try to more adequately fund the BEA?

Mr. ROGERS. Reclaiming my time, Mr. Chairman, the gentleman is correct. I will work with the gentleman and others to see if there is some way we can find extra money for BEA. I realize the importance of it and that they are being squeezed by this funding level. So I will work with the gentleman to see if there is something we can do along the way.

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

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from Michigan (Mr. SMITH).

The amendment was rejected.

The CHAIRMAN pro tempore. The Committee will rise informally.

The SPEAKER pro tempore (Mr. SMITH of Michigan) assumed the Chair.

□

FURTHER MESSAGE FROM THE SENATE

A message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate has passed without amendment a bill of the House of the following title:

H.R. 3903. An act to deem the vessel M/V MIST COVE to be less than 100 gross tons, as measured under chapter 145 of title 46, United States Code.

The message also announced that the Senate has passed with amendment in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 1651. An act to amend the Fishermen's Protective Act of 1967 to extend the period during which reimbursement may be provided to owners of United States fishing vessels for costs incurred when such a vessel is seized and detained by a foreign country, and for other purposes.

The message also announced that the Senate has passed a bill of the following title in which the concurrence of the House is requested:

S. 2327. An act to establish a Commission on Ocean Policy, and for other purposes.

The SPEAKER pro tempore. The Committee will resume its sitting.

□

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

The Committee resumed its sitting.

Mr. ROGERS. Mr. Chairman, I ask unanimous consent that the remainder of the bill through page 50, line 18 be considered as read, printed in the RECORD and open to amendment at any point.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

The text of the bill from page 45, line 1, through page 50, line 18, is as follows:

BUREAU OF THE CENSUS

SALARIES AND EXPENSES

For expenses necessary for collecting, compiling, analyzing, preparing, and publishing statistics, provided for by law, $140,000,000.

PERIODIC CENSUSES AND PROGRAMS

For necessary expenses to conduct the decennial census, $392,898,000 to remain available until expended: of which $24,055,000 is for Program Development and Management; of which $57,096,000 is for Data Content and Products; of which $122,000,000 is for Field Data Collection and Support Systems; of which $1,500,000 is for Address List Development; of which $115,038,000 is for Automated Data Processing and Telecommunications Support; of which $55,000,000 is for Testing and Evaluation; of which $5,512,000 is for activities related to Puerto Rico, the Virgin Islands and Pacific Areas; of which $9,197,000 is for Marketing, Communications and Partnerships activities; and of which $3,500,000 is for the Census Monitoring Board, as authorized by section 210 of Public Law 105–119.

In addition, for expenses to collect and publish statistics for other periodic censuses and programs provided for by law, $137,969,000, to remain available until expended.

NATIONAL TELECOMMUNICATIONS AND INFORMATION ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses, as provided for by law, of the National Telecommunications and Information Administration (NTIA), $10,975,000, to remain available until expended: *Provided*, That, notwithstanding 31 U.S.C. 1535(d), the Secretary of Commerce shall charge Federal agencies for costs incurred in spectrum management, analysis, and operations, and related services and such fees shall be retained and used as offsetting collections for costs of such spectrum services, to remain available until expended: *Provided further*, That hereafter, notwithstanding any other provision of law, NTIA shall not authorize spectrum use or provide any spectrum functions pursuant to the National Telecommunications and Information

Administration Organization Act, 47 U.S.C. 902–903, to any Federal entity without reimbursement as required by NTIA for such spectrum management costs, and Federal entities withholding payment of such cost shall not use spectrum: *Provided further,* That the Secretary of Commerce is authorized to retain and use as offsetting collections all funds transferred, or previously transferred, from other Government agencies for all costs incurred in telecommunications research, engineering, and related activities by the Institute for Telecommunication Sciences of NTIA, in furtherance of its assigned functions under this paragraph, and such funds received from other Government agencies shall remain available until expended.

PUBLIC TELECOMMUNICATIONS FACILITIES, PLANNING AND CONSTRUCTION

For grants authorized by section 392 of the Communications Act of 1934, as amended, $31,000,000, to remain available until expended as authorized by section 391 of the Act, as amended: *Provided,* That not to exceed $1,800,000 shall be available for program administration as authorized by section 391 of the Act: *Provided further,* That notwithstanding the provisions of section 391 of the Act, the prior year unobligated balances may be made available for grants for projects for which applications have been submitted and approved during any fiscal year.

INFORMATION INFRASTRUCTURE GRANTS

For grants authorized by section 392 of the Communications Act of 1934, as amended, $15,500,000, to remain available until expended as authorized by section 391 of the Act, as amended: *Provided,* That not to exceed $3,000,000 shall be available for program administration and other support activities as authorized by section 391: *Provided further,* That, of the funds appropriated herein, not to exceed 5 percent may be available for telecommunications research activities for projects related directly to the development of a national information infrastructure: *Provided further,* That, notwithstanding the requirements of sections 392(a) and 392(c) of the Act, these funds may be used for the planning and construction of telecommunications networks for the provision of educational, cultural, health care, public information, public safety, or other social services: *Provided further,* That notwithstanding any other provision of law, no entity that receives telecommunications services at preferential rates under section 254(h) of the Act (47 U.S.C. 254(h)) or receives assistance under the regional information sharing systems grant program of the Department of Justice under part M of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796h) may use funds under a grant under this heading to cover any costs of the entity that would otherwise be covered by such preferential rates or such assistance, as the case may be.

PATENT AND TRADEMARK OFFICE

SALARIES AND EXPENSES

For necessary expenses of the Patent and Trademark Office provided for by law, including defense of suits instituted against the Director of Patents and Trademarks, $650,035,000, to remain available until expended: *Provided,* That of this amount, $650,035,000 shall be derived from offsetting collections assessed and collected pursuant to 15 U.S.C. 1113 and 35 U.S.C. 41 and 376, and shall be retained and used for necessary expenses in this appropriation: *Provided further,* That the sum herein appropriated from the general fund shall be reduced as such offsetting collections are received during fiscal year 2001, so as to result in a final fiscal year 2001 appropriation from the general fund estimated at $0: *Provided further,* That, during fiscal year 2001, should the total amount of offsetting fee collections be less than $650,035,000, the total amounts available to the Patent and Trademark Office shall be reduced accordingly: *Provided further,* That any amount received in excess of $650,035,000 in fiscal year 2001 shall not be available for obligation: *Provided further,* That not to exceed $254,889,000 from fees collected in fiscal years 1999 and 2000 shall be made available for obligation in fiscal year 2001.

SCIENCE AND TECHNOLOGY

TECHNOLOGY ADMINISTRATION

UNDER SECRETARY FOR TECHNOLOGY/OFFICE OF TECHNOLOGY POLICY

SALARIES AND EXPENSES

For necessary expenses for the Under Secretary for Technology/Office of Technology Policy, $7,945,000.

NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY

SCIENTIFIC AND TECHNICAL RESEARCH AND SERVICES

For necessary expenses of the National Institute of Standards and Technology, $292,056,000, to remain available until expended, of which not to exceed $282,000 may be transferred to the ''Working Capital Fund''.

INDUSTRIAL TECHNOLOGY SERVICES

For necessary expenses of the Manufacturing Extension Partnership of the National Institute of Standards and Technology, $104,836,000, to remain available until expended.

CONSTRUCTION OF RESEARCH FACILITIES

For construction of new research facilities, including architectural and engineering design, and for renovation of existing facilities, not otherwise provided for the National Institute of Standards and Technology, as authorized by 15 U.S.C. 278c–278e, $26,000,000, to remain available until expended.

The CHAIRMAN pro tempore. Are there any amendments to that portion of the bill?

The Clerk will read.

The Clerk read as follows:

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

OPERATIONS, RESEARCH, AND FACILITIES

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses of activities authorized by law for the National Oceanic and Atmospheric Administration, including maintenance, operation, and hire of aircraft; grants, contracts, or other payments to nonprofit organizations for the purposes of conducting activities pursuant to cooperative agreements; and relocation of facilities as authorized by 33 U.S.C. 883i, $1,606,925,000, to remain available until expended: *Provided,* That fees and donations received by the National Ocean Service for the management of the national marine sanctuaries may be retained and used for the salaries and expenses associated with those activities, notwithstanding 31 U.S.C. 3302: *Provided further,* That in addition, $68,000,000 shall be derived by transfer from the fund entitled ''Promote and Develop Fishery Products and Research Pertaining to American Fisheries'': *Provided further,* That grants to States pursuant to sections 306 and 306A of the Coastal Zone Management Act of 1972, as amended, shall not exceed $2,000,000: *Provided further,* That, of the $1,734,925,000 provided for in direct obligations under this heading (of which $1,606,925,000 is appropriated from the General Fund, $92,000,000 is provided by transfer, and $36,000,000 is derived from deobligations from prior years), $260,561,000 shall be for the National Ocean Service, $405,383,000 shall be for the National Marine Fisheries Service, $264,561,000 shall be for Oceanic and Atmospheric Research, $621,726,000 shall be for the National Weather Service, $106,585,000 shall be for the National Environmental Satellite, Data, and Information Service, $58,094,000 shall be for Program Support, $7,000,000 shall be for Fleet Maintenance, and $11,015,000 shall be for Facilities Maintenance: *Provided further,* That not to exceed $31,439,000 shall be expended for Executive Direction and Administration, which consists of the Offices of the Undersecretary, the Executive Secretariat, Policy and Strategic Planning, International Affairs, Legislative Affairs, Public Affairs, Sustainable Development, the Chief Scientist, and the General Counsel: *Provided further,* That the aforementioned offices, excluding the Office of the General Counsel, shall not be augmented by personnel details, temporary transfers of personnel on either a reimbursable or nonreimbursable basis or any other type of formal or informal transfer or reimbursement of personnel or funds on either a temporary or long-term basis above the level of 33 personnel: *Provided further,* That no general administrative charge shall be applied against an assigned activity included in this Act and, further, that any direct administrative expenses applied against an assigned activity shall be limited to 5 percent of the funds provided for that assigned activity: *Provided further,* That any use of deobligated balances of funds provided under this heading in previous years shall be subject to the procedures set forth in section 605 of this Act.

AMENDMENT NO. 79 OFFERED BY MR. FARR OF CALIFORNIA

Mr. FARR of California. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 79 offered by Mr. FARR of California:

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)''.

Mr. ROGERS. Mr. Chairman, I reserve a point of order.

The CHAIRMAN pro tempore. Pursuant to the order of the House of Friday, June 23, 2000, the gentleman from California (Mr. FARR) and a Member opposed each will control 5 minutes.

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

Mr. FARR of California. Mr. Chairman, I yield myself such time as I may consume, and I want to thank the chairman for giving us 5 minutes on this very important amendment.

I rise with this amendment to restore the whacking that the National Oceanic and Atmospheric Administration has taken in this appropriation bill. The chairman of the subcommittee and I are fond of discussing that Kentucky does not have a lot of oceans, but I am fond of reminding everyone that this land is the land from sea to shining sea and that some of those ocean waters begin in Kentucky.

□ 1615

My amendment restores the cuts to this year's current levels. I am not asking for an increase, merely a restoration of what the current level is, meeting the status quo.

The earmark in the bill is 76 percent less than what the President requested. The subcommittee cut several programs from current levels. They cut the National Ocean Service. They cut the National Marine Fisheries Service. They cut the Oceanic and Atmosphere Research Service. They cut the National Environmental Satellite Service. They cut the Pacific Salmon Treaty program by $12 million, less than its current level funding. They cut the National Marine Sanctuary Program.

The cuts, according to NOAA, will result in staffing cuts up to a thousand of our Federal employees that will have to be laid off at a time when we are in more need of good natural science information than any other time in history. These cuts have unintended consequences.

We have programs in agriculture that need to be reviewed and need permits. We have programs in the fisheries that need to be reviewed and need permits. We have programs relating to endangered species. We have programs relating to forest management. And these staff persons are the people that review these and grant the permits that are allowed to continue in those endeavors.

If we look at where we are with NOAA, this is the 30th anniversary of that organization. We are very proud of its work here in the United States. But this bill's birthday present is kind of a slap in the face. This bill tells the story. The cuts to NOAA, essentially, went to pay for prisons.

I know it is sad that we have to cut these programs from the current expenditure because of the allocation cap given by the Republican budget resolution. That figure did not say that we had to plus up the prisons at the expense of good science.

Perhaps some cynic might suggest that the cutting of our environmental regulators will create more law breakers who have to then wait too long to get permits who violate the law and then we will have to put them in those new prisons that we are building.

I do not agree with that. I think that this Nation's inhabitants and our own economic well-being depend on our ability to have clean air and healthy oceans. These cuts promote neither, Mr. Chairman. They must be restored.

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

Mr. GEORGE MILLER of California. Mr. Chairman, I thank the gentleman from California (Mr. FARR) for offering this amendment.

He has outlined the kind of damage that the committee budget does to the National Marines Fisheries Service.

I would just point out that the budget for Fisheries Stock Assessment and Management programs will hinder our conservation efforts and hurt the commercial fishing industry on our Pacific Coast. In California, where we are facing the collapse of our groundfish stocks, the ability to collect data and to fund an observer program will be critical to the survival of this fishery and the fishing industry.

But this is not just a West Coast problem, however. Throughout the United States, fish stocks have become depleted, wetlands that are important nursery areas for young fish stocks are being destroyed and damaged due to pollution and human encroachment. At such a critical time, it seems illogical to cut the programs that fund the ocean and marine science that will lead to a better stewardship of our oceans and the sustainable use of these ocean resources.

This modest amendment is far below the administration's request for what they thought was necessary for NOAA. I urge the Members of Congress to support this amendment. This can have a long-term, devastating impact on the commercial fisheries, which are basically made up of small business people running their boats, running their family operations; and if we cannot keep these stocks up into healthy populations, then those people will be put out of business and they will lose their livelihood for themselves and their families and for their communities.

I thank the gentleman from California (Mr. FARR) for offering the amendment.

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

Mr. Chairman, I know that the gentleman from Kentucky (Mr. ROGERS) is going to reserve his point of order. We will probably lose on a technicality. But I just want to emphasize my sincere concern that, in conference, that these monies need to be restored.

The greatest populations of the United States live along the coastlines and they make their living off the coastlines. If we look at the cuts, these affect the essential coastal communities in the United States and their ability to do the job they need to do working in partnership with good Government. So these are going to have devastating impacts, particularly if we have to lay off a thousand employees who are now currently working for the Federal Government.

So I would request that the gentleman from Kentucky (Mr. ROGERS) work in a bipartisan fashion to help in conference restore these funds.

The CHAIRMAN pro tempore (Mr. PEASE). Does the gentleman from Kentucky (Mr. ROGERS) insist on his point of order?

Mr. ROGERS. Mr. Chairman, I yield myself such time as I may consume, and I rise in opposition to the amendment.

Mr. Chairman, before I make the point of order, let me say, the interest of the gentleman is appreciated, his long-term support of NOAA, but I must oppose the amendment.

The bill provides for a whole host of coastal and ocean programs, including $25.5 million for the Marine Sanctuaries program, including $3 million for construction and maintenance, the same level as current year, with the exception of a one-time-only Senate project.

Last year the bill included an enhancement of $8.6 million over the prior year. It also provides $12 million for the National Estuarine Research Reserve System and $59.2 million for the Coastal Zone Management Grant Program, the same level as in the current year.

The bill provides $58 million for the Pacific salmon recovery efforts, subject to authorization, the same amount of funding in the current year. It provides an increase of $4.2 million over the current year for the West Coast Ground Fishery, including $2 million for a new beneficiary observer program and $2 million for stock assessments, almost doubling the program.

The bill also provides $61.3 million for the National Sea Grant Program, an increase of $2 million over current year.

What it does not include is a number of new unauthorized and undefined programs. But, overall, this is a very generous bill. We will work with the gentleman from California (Mr. FARR) and others as we go along to see what may be possible.

With our tight spending constraints we are under, however, this is as far as we have been able to go at this time.

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

POINT OF ORDER

Mr. ROGERS. Mr. Chairman, reluctantly, I do 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 suballocation made under 302(b) and is not permitted under section 302(f) of the Act.

I ask for a ruling from the Chair.

The CHAIRMAN pro tempore. If there are no other Members wishing to be heard, the Chair is authoritatively guided by an estimate of the Committee on the Budget, pursuant to section 312 of the Budget Act, that an amendment providing any net increase in new discretionary budget authority would cause a breach of the pertinent allocation of such authority.

The amendment offered by the gentleman from California (Mr. FARR) would increase the level of new discretionary budget authority in the bill. As

such, the amendment violates section 302(f) of the Budget Act.

The point of order is therefore sustained. The amendment is not in order.

AMENDMENT NO. 70 OFFERED BY MRS. MINK OF HAWAII

Mrs. MINK of Hawaii. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 70 offered by Mrs. MINK of Hawaii:

Page 51, line 3, after the dollar amount insert ''(increased by $1,200,000)''.

Page 51, line 16, after the dollar amount insert ''(increased by $1,200,000)''.

Page 51, line 17, after the dollar amount insert ''(increased by $1,200,000)''.

Page 51, line 21, after the dollar amount insert ''(increased by $1,200,000)''.

Page 53, line 12, after the dollar amount insert ''(reduced by $1,200,000)''.

The CHAIRMAN pro tempore. Pursuant to the order of the House of Friday, June 23, 2000, the gentlewoman from Hawaii (Mrs. MINK) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Hawaii (Mrs. MINK).

Mrs. MINK of Hawaii. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise to offer my amendment, which simply adds $1.2 million to the National Marine Fisheries Service in order to provide needed funds for the Hawaii Longline Observer Program. Due to lack of funds, 14 observers that we had had to be cut to only a force of two observers in mid-May of this year.

The observer program began about 10 years ago to provide accurate data on the number of endangered and threatened sea turtles that are caught by the fleet of about 130 longline fishing vessels in the Pacific. They come under the jurisdiction of the United States because of the agreement that the zone which constitutes the 200 miles surrounding Hawaii is the economic zone over which we have economic as well as commercial and scientific and endangered species control.

I regret that I did not have this information in time to bring this matter to the subcommittee and to discuss it with the chairman and with the ranking member. These observers are extremely important to the proper management of the fisheries.

Under the Endangered Species Act, the National Marine Fisheries Service is responsible for evaluating the impact of the longline fishery on the endangered and threatened sea turtles. Over the past decades, several biological opinions resulted, each requiring the observer program as a condition of the ongoing operation of this longline fishery.

The most recent opinion, issued in 1998, specified that the National Marine Fisheries Service was to continue to monitor the longline fishery with this observer program. The effort is absolutely essential in order to provide us with the data necessary to make an evaluation as to the take by this fishery.

The National Marine Fisheries Service has been under a court order to monitor these endangered species, and last year the Court ordered that the Northern Pacific area actually be banned from this fishery.

Last week, when I prepared this amendment and came to the floor, it was in terms of a crisis. Today it is a calamity. I appeal to the chairman of the subcommittee and the ranking member to agree to this amendment and to allow this very minimal funding.

On Friday last week, June 23, Judge Ezra of the United States District Court ordered the National Marine Fisheries Service to provide one observer per longline fishing vessel currently fishing in the Hawaiian waters. That means 130 observers for our fleet.

Currently, the Fishery Service maintains only two observers. As I noted earlier, they fired the other 12 on May 9.

The Court has noted that the Marine Fishery Service has had a budgetary problem. But the Court clearly stated that the compliance with the National Environment Act was a legal requirement that had to be met and, therefore, ordered the National Marine Fisheries Service to comply with NEPA in an expeditious manner in order to avoid an undue burden on the fisheries.

Well, the court order requires that within 30 days there shall be one observer on each one of the longline line vessels. That is nearly impossible.

What I am hoping today that the chairman and the ranking member will agree to, this amendment, that at least we can begin a discussion with the Court, perhaps go to the Court and seek a modification of his order. He has already blocked off whole portions of the Pacific as areas that cannot be fished. What is left is a small portion of the Pacific, but even that will be involved in a ban if we cannot come up with the observers.

This 30-day mandate may be subject to appeal. It may be subject to negotiations with the Court. But one thing I do know is that if the House, together with the Senate, acts appropriately, this could certainly be a measure of support that we could take to the Court and ask for its reasonableness.

This is a $170 million industry that is going to go down the tubes. Not only the industry and our economy will be affected, but the tourists coming to Hawaii will not have the fresh fish source that it is accustomed to having when they come to Hawaii.

The United States has jurisdiction over the 200-mile economic zone. If we fail to support our fishery with some reasonable efforts, surely we want to save the turtles, but we also have to think about this fishery. And if the U.S. fishery collapses in this area, it means that the foreign fisheries that are now sending out its massive fleets will simply take over the industry and we will be subject to buying from these foreign vessels.

The species that we are talking about are tuna, swordfish, mahi-mahi, the highly-prized species that make up the gourmet meals in our industry.

I would hope that the chairman would agree to this amendment together with the ranking member.

Mr. ROGERS. Mr. Chairman, I yield myself such time as I may consume, and I rise in support of the amendment.

Mr. Chairman, the gentlewoman makes an awfully strong case. We were just informed this morning on the subcommittee of the decision of the Court. I realize that it puts everyone in a very severe bind. I think we should agree to this. I urge adoption of the amendment.

Mr. ABERCROMBIE. Mr. Chairman, I rise in support of Mrs. MINK'S amendment supporting additional funding for the National Marine Fisheries Service. It is her intent that this funding be used to support the Hawaii Longline Fisheries Observer Program, a threatened program absolutely essential to fisheries in the Pacific. The observer program is used to ensure that the longlining industry in the Pacific is not capturing, through incidental take, rare and endangered species such as leatherback sea turtles. NMFS has stated that it is mandatory that the observer program be in place to monitor the longline fishery, yet has cut this program from 13 to 2 people because of budget shortfalls. A proposed lawsuit threatens to close down the fishery entirely without observers, and we can not allow this to happen. We need to get the observers back on the boats where they belong! The Western Pacific Fishery Management Council has been supportive of the observer program as it provides important data needed for effective management. It is my understanding that the proposed budget includes funding for other observer programs, but that the Hawaiian longline observer program is sorely neglected. I urge support of this program by Congress in order to correct this oversight as a matter of fairness to fisheries in the Pacific.

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

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentlewoman from Hawaii (Mrs. MINK).

The amendment was agreed to.

☐ 1630

The CHAIRMAN pro tempore (Mr. PEASE). The Clerk will read.

The Clerk read as follows:

In addition, for necessary retired pay expenses under the Retired Serviceman's Family Protection and Survivor Benefits Plan, and for payments for medical care of retired personnel and their dependents under the Dependents Medical Care Act (10 U.S.C. ch. 55), such sums as may be necessary.

PROCUREMENT, ACQUISITION AND CONSTRUCTION (INCLUDING TRANSFERS OF FUNDS)

For procurement, acquisition and construction of capital assets, including alteration and modification costs, of the National Oceanic and Atmospheric Administration, $564,656,000, to remain available until expended: *Provided,* That unexpended balances of amounts previously made available in the

''Operations, Research, and Facilities'' account for activities funded under this heading may be transferred to and merged with this account, to remain available until expended for the purposes for which the funds were originally appropriated.

PACIFIC COASTAL SALMON RECOVERY

For necessary expenses associated with the restoration of Pacific salmon populations and the implementation of the 1999 Pacific Salmon Treaty Agreement between the United States and Canada, $58,000,000, subject to express authorization.

COASTAL ZONE MANAGEMENT FUND

Of amounts collected pursuant to section 308 of the Coastal Zone Management Act of 1972 (16 U.S.C. 1456a), not to exceed $4,000,000, for purposes set forth in sections 308(b)(2)(A), 308(b)(2)(B)(v), and 315(e) of such Act.

FISHERMEN'S CONTINGENCY FUND

For carrying out the provisions of title IV of Public Law 95–372, not to exceed $951,000, to be derived from receipts collected pursuant to that Act, to remain available until expended.

FOREIGN FISHING OBSERVER FUND

For expenses necessary to carry out the provisions of the Atlantic Tunas Convention Act of 1975, as amended (Public Law 96–339), and the Magnuson-Stevens Fishery Conservation and Management Act of 1976, as amended (Public Law 100–627), and the American Fisheries Promotion Act (Public Law 96–561), to be derived from the fees imposed under the foreign fishery observer program authorized by these Acts, not to exceed $189,000, to remain available until expended.

FISHERIES FINANCE PROGRAM ACCOUNT

For the cost of direct loans, $238,000, as authorized by the Merchant Marine Act of 1936, as amended: *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: *Provided further*, That none of the funds made available under this heading may be used for direct loans for any new fishing vessel that will increase the harvesting capacity in any United States fishery.

GENERAL ADMINISTRATION

SALARIES AND EXPENSES

For expenses necessary for the general administration of the Department of Commerce provided for by law, including not to exceed $3,000 for official entertainment, $31,392,000.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended (5 U.S.C. App. 1–11, as amended by Public Law 100–504), $21,000,000.

GENERAL PROVISIONS—DEPARTMENT OF COMMERCE

SEC. 201. During the current fiscal year, applicable appropriations and funds made available to the Department of Commerce by this Act shall be available for the activities specified in the Act of October 26, 1949 (15 U.S.C. 1514), to the extent and in the manner prescribed by the Act, and, notwithstanding 31 U.S.C. 3324, may be used for advanced payments not otherwise authorized only upon the certification of officials designated by the Secretary of Commerce that such payments are in the public interest.

SEC. 202. During the current fiscal year, appropriations made available to the Department of Commerce by this Act for salaries and expenses shall be available for hire of passenger motor vehicles as authorized by 31 U.S.C. 1343 and 1344; services as authorized by 5 U.S.C. 3109; and uniforms or allowances therefore, as authorized by law (5 U.S.C. 5901–5902).

SEC. 203. None of the funds made available by this Act may be used to support the hurricane reconnaissance aircraft and activities that are under the control of the United States Air Force or the United States Air Force Reserve.

SEC. 204. None of the funds provided in this or any previous Act, or hereinafter made available to the Department of Commerce, shall be available to reimburse the Unemployment Trust Fund or any other fund or account of the Treasury to pay for any expenses authorized by section 8501 of title 5, United States Code, for services performed by individuals appointed to temporary positions within the Bureau of the Census for purposes relating to the decennial censuses of population.

SEC. 205. Not to exceed 5 percent of any appropriation made available for the current fiscal year for the Department of Commerce in this Act may be transferred between such appropriations, but no such appropriation 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 or expenditure except in compliance with the procedures set forth in that section.

SEC. 206. (a) Should legislation be enacted to dismantle or reorganize the Department of Commerce, or any portion thereof, the Secretary of Commerce, no later than 90 days thereafter, shall submit to the Committees on Appropriations of the House of Representatives and the Senate a plan for transferring funds provided in this Act to the appropriate successor organizations: *Provided*, That the plan shall include a proposal for transferring or rescinding funds appropriated herein for agencies or programs terminated under such legislation: *Provided further*, That such plan shall be transmitted in accordance with section 605 of this Act.

(b) The Secretary of Commerce or the appropriate head of any successor organization(s) may use any available funds to carry out legislation dismantling or reorganizing the Department of Commerce, or any portion thereof, to cover the costs of actions relating to the abolishment, reorganization, or transfer of functions and any related personnel action, including voluntary separation incentives if authorized by such legislation: *Provided*, That the authority to transfer funds between appropriations accounts that may be necessary to carry out this section is provided in addition to authorities included under section 205 of this Act: *Provided further*, That use of funds to carry out this section shall be treated as a reprogramming of funds under section 605 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

SEC. 207. Any costs incurred by a department or agency funded under this title resulting from personnel actions taken in response to funding reductions included in this title or from actions taken for the care and protection of loan collateral or grant property shall be absorbed within the total budgetary resources available to such Department or agency: *Provided*, That the authority to transfer funds between appropriations accounts as may be necessary to carry out this section is provided in addition to authorities included elsewhere in this Act: *Provided further*, That use of funds to carry out this section shall be treated as a reprogramming of funds under section 605 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

SEC. 208. The Secretary of Commerce may award contracts for hydrographic, geodetic, and photogrammetric surveying and mapping services in accordance with title IX of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 541 et seq.).

SEC. 209. The Secretary of Commerce may use the Commerce franchise fund for expenses and equipment necessary for the maintenance and operation of such administrative services as the Secretary determines may be performed more advantageously as central services, pursuant to section 403 of Public Law 103–356: *Provided*, That any inventories, equipment, and other assets pertaining to the services to be provided by such fund, either on hand or on order, less the related liabilities or unpaid obligations, and any appropriations made for the purpose of providing capital shall be used to capitalize such fund: *Provided further*, That such fund shall be paid in advance from funds available to the Department and other Federal agencies for which such centralized services are performed, at rates which will return in full all expenses of operation, including accrued leave, depreciation of fund plant and equipment, amortization of automated data processing (ADP) software and systems (either acquired or donated), and an amount necessary to maintain a reasonable operating reserve, as determined by the Secretary: *Provided further*, That such fund shall provide services on a competitive basis: *Provided further*, That an amount not to exceed 4 percent of the total annual income to such fund may be retained in the fund for fiscal year 2001 and each fiscal year thereafter, to remain available until expended, to be used for the acquisition of capital equipment, and for the improvement and implementation of department financial management, ADP, and other support systems: *Provided further*, That such amounts retained in the fund for fiscal year 2001 and each fiscal year thereafter shall be available for obligation and expenditure only in accordance with section 605 of this Act: *Provided further*, That no later than 30 days after the end of each fiscal year, amounts in excess of this reserve limitation shall be deposited as miscellaneous receipts in the Treasury: *Provided further*, That such franchise fund pilot program shall terminate pursuant to section 403(f) of Public Law 103–356.

This title may be cited as the ''Department of Commerce and Related Agencies Appropriations Act, 2001''.

TITLE III—THE JUDICIARY

SUPREME COURT OF THE UNITED STATES

SALARIES AND EXPENSES

For expenses necessary for the operation of the Supreme Court, as required by law, excluding care of the building and grounds, including purchase or hire, driving, maintenance, and operation of an automobile for the Chief Justice, not to exceed $10,000 for the purpose of transporting Associate Justices, and hire of passenger motor vehicles as authorized by 31 U.S.C. 1343 and 1344; not to exceed $10,000 for official reception and representation expenses; and for miscellaneous expenses, to be expended as the Chief Justice may approve; $36,782,000.

CARE OF THE BUILDING AND GROUNDS

For such expenditures as may be necessary to enable the Architect of the Capitol to carry out the duties imposed upon the Architect by the Act approved May 7, 1934 (40 U.S.C. 13a–13b), $7,530,000, of which $4,460,000 shall remain available until expended.

UNITED STATES COURT OF APPEALS FOR THE FEDERAL CIRCUIT

SALARIES AND EXPENSES

For salaries of the chief judge, judges, and other officers and employees, and for necessary expenses of the court, as authorized by law, $17,846,000.

UNITED STATES COURT OF INTERNATIONAL TRADE

SALARIES AND EXPENSES

For salaries of the chief judge and eight judges, salaries of the officers and employees of the court, services as authorized by 5 U.S.C. 3109, and necessary expenses of the court, as authorized by law, $12,299,000.

COURTS OF APPEALS, DISTRICT COURTS, AND OTHER JUDICIAL SERVICES

SALARIES AND EXPENSES

For the salaries of circuit and district judges (including judges of the territorial courts of the United States), justices and judges retired from office or from regular active service, judges of the United States Court of Federal Claims, bankruptcy judges, magistrate judges, and all other officers and employees of the Federal Judiciary not otherwise specifically provided for, and necessary expenses of the courts, as authorized by law, $3,328,778,000 (including the purchase of firearms and ammunition); of which not to exceed $17,817,000 shall remain available until expended for space alteration projects; and of which not to exceed $10,000,000 shall remain available until expended for furniture and furnishings related to new space alteration and construction projects.

In addition, for expenses of the United States Court of Federal Claims associated with processing cases under the National Childhood Vaccine Injury Act of 1986, not to exceed $2,600,000, to be appropriated from the Vaccine Injury Compensation Trust Fund.

DEFENDER SERVICES

For the operation of Federal Public Defender and Community Defender organizations; the compensation and reimbursement of expenses of attorneys appointed to represent persons under the Criminal Justice Act of 1964, as amended; the compensation and reimbursement of expenses of persons furnishing investigative, expert and other services under the Criminal Justice Act of 1964 (18 U.S.C. 3006A(e)); the compensation (in accordance with Criminal Justice Act maximums) and reimbursement of expenses of attorneys appointed to assist the court in criminal cases where the defendant has waived representation by counsel; the compensation and reimbursement of travel expenses of guardians ad litem acting on behalf of financially eligible minor or incompetent offenders in connection with transfers from the United States to foreign countries with which the United States has a treaty for the execution of penal sentences; and the compensation of attorneys appointed to represent jurors in civil actions for the protection of their employment, as authorized by 28 U.S.C. 1875(d), $420,338,000, to remain available until expended as authorized by 18 U.S.C. 3006A(i).

FEES OF JURORS AND COMMISSIONERS

For fees and expenses of jurors as authorized by 28 U.S.C. 1871 and 1876; compensation of jury commissioners as authorized by 28 U.S.C. 1863; and compensation of commissioners appointed in condemnation cases pursuant to rule 71A(h) of the Federal Rules of Civil Procedure (28 U.S.C. Appendix Rule 71A(h)), $60,821,000, to remain available until expended: *Provided*, That the compensation of land commissioners shall not exceed the daily equivalent of the highest rate payable under section 5332 of title 5, United States Code.

COURT SECURITY

For necessary expenses, not otherwise provided for, incident to providing protective guard services and the procurement, installation, and maintenance of security equipment for the United States Courts in courtrooms and adjacent areas, including building ingress-egress control, inspection of packages, directed security patrols, and other similar activities as authorized by section 1010 of the Judicial Improvement and Access to Justice Act (Public Law 100–702), $198,265,000, of which not to exceed $10,000,000 shall remain available until expended for security systems, to be expended directly or transferred to the United States Marshals Service, which shall be responsible for administering elements of the Judicial Security Program consistent with standards or guidelines agreed to by the Director of the Administrative Office of the United States Courts and the Attorney General.

ADMINISTRATIVE OFFICE OF THE UNITED STATES COURTS

SALARIES AND EXPENSES

For necessary expenses of the Administrative Office of the United States Courts as authorized by law, including travel as authorized by 31 U.S.C. 1345, hire of a passenger motor vehicle as authorized by 31 U.S.C. 1343(b), advertising and rent in the District of Columbia and elsewhere, $58,340,000, of which not to exceed $8,500 is authorized for official reception and representation expenses.

FEDERAL JUDICIAL CENTER

SALARIES AND EXPENSES

For necessary expenses of the Federal Judicial Center, as authorized by Public Law 90–219, $18,777,000; of which $1,800,000 shall remain available through September 30, 2002, to provide education and training to Federal court personnel; and of which not to exceed $1,000 is authorized for official reception and representation expenses.

JUDICIAL RETIREMENT FUNDS

PAYMENT TO JUDICIARY TRUST FUNDS

For payment to the Judicial Officers' Retirement Fund, as authorized by 28 U.S.C. 377(o), $25,700,000; to the Judicial Survivors' Annuities Fund, as authorized by 28 U.S.C. 376(c), $8,100,000; and to the United States Court of Federal Claims Judges' Retirement Fund, as authorized by 28 U.S.C. 178(l), $1,900,000.

UNITED STATES SENTENCING COMMISSION

SALARIES AND EXPENSES

For the salaries and expenses necessary to carry out the provisions of chapter 58 of title 28, United States Code, $9,615,000, of which not to exceed $1,000 is authorized for official reception and representation expenses.

GENERAL PROVISIONS—THE JUDICIARY

SEC. 301. Appropriations and authorizations made in this title which are available for salaries and expenses shall be available for services as authorized by 5 U.S.C. 3109.

SEC. 302. Not to exceed 5 percent of any appropriation made available for the current fiscal year for the Judiciary in this Act may be transferred between such appropriations, but no such appropriation, except ''Courts of Appeals, District Courts, and Other Judicial Services, Defender Services'' and ''Courts of Appeals, District Courts, and Other Judicial Services, Fees of Jurors and Commissioners'', 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 or expenditure except in compliance with the procedures set forth in that section.

SEC. 303. Notwithstanding any other provision of law, the salaries and expenses appropriation for district courts, courts of appeals, and other judicial services shall be available for official reception and representation expenses of the Judicial Conference of the United States: *Provided*, That such available funds shall not exceed $11,000 and shall be administered by the Director of the Administrative Office of the United States Courts in the capacity as Secretary of the Judicial Conference.

SEC. 304. (a) The Director of the Administrative Office of the United States Courts (the Director) may designate in writing officers and employees of the judicial branch of the United States Government, including the courts as defined in section 610 of title 28, United States Code, but excluding the Supreme Court, to be disbursing officers in such numbers and locations as the Director considers necessary. These disbursing officers will (1) disburse moneys appropriated to the judicial branch and other funds only in strict accordance with payment requests certified by the Director or in accordance with subsection (b) of this section, (2) examine payment requests as necessary to ascertain whether they are in proper form, certified, and approved, and (3) be held accountable as provided by law. However, a disbursing officer will not be held accountable or responsible for any illegal, improper, or incorrect payment resulting from any false, inaccurate, or misleading certificate for which a certifying officer is responsible under subsection (b) of this section.

(b)(1) The Director may designate in writing officers and employees of the judicial branch of the United States Government, including the courts as defined in section 610 of title 28, United States Code, but excluding the Supreme Court, to certify payment requests payable from appropriations and funds. These certifying officers will be responsible and accountable for (A) the existence and correctness of the facts recited in the certificate or other request for payment or its supporting papers, (B) the legality of the proposed payment under the appropriation or fund involved, and (C) the correctness of the computations of certified payment requests.

(2) The liability of a certifying officer will be enforced in the same manner and to the same extent as provided by law with respect to the enforcement of the liability of disbursing and other accountable officers. A certifying officer shall be required to make restitution to the United States for the amount of any illegal, improper, or incorrect payment resulting from any false, inaccurate, or misleading certificates made by the certifying officer, as well as for any payment prohibited by law or which did not represent a legal obligation under the appropriation or fund involved.

(c) A certifying or disbursing officer (1) has the right to apply for and obtain a decision by the Comptroller General on any question of law involved in a payment request presented for certification, and (2) is entitled to relief from liability arising under this section as provided by law.

(d) The Director shall disburse, directly or through officials designated pursuant to this section, appropriations and other funds for the maintenance and operation of the courts.

(e) Nothing in this section affects the authority of the courts to receive or disburse moneys in accordance with chapter 129 of title 28, United States Code.

(f) This section shall be effective for fiscal year 2001 and hereafter.

This title may be cited as the ''Judiciary Appropriations Act, 2001''.

Mr. ROGERS (during the reading). Mr. Chairman, I ask unanimous consent that the remainder of the bill

through page 69, line 19 be considered as read, printed in the RECORD and open to amendment at any point.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

The CHAIRMAN pro tempore. Are there any amendments to those sections?

The Clerk will read.

The Clerk read as follows:

TITLE IV—DEPARTMENT OF STATE AND RELATED AGENCY

DEPARTMENT OF STATE

ADMINISTRATION OF FOREIGN AFFAIRS

DIPLOMATIC AND CONSULAR PROGRAMS

For necessary expenses of the Department of State and the Foreign Service not otherwise provided for, including expenses authorized by the State Department Basic Authorities Act of 1956, as amended, the Mutual Educational and Cultural Exchange Act of 1961, as amended, and the United States Information and Educational Exchange Act of 1948, as amended, including employment, without regard to civil service and classification laws, of persons on a temporary basis (not to exceed $700,000 of this appropriation), as authorized by section 801 of such Act; expenses authorized by section 9 of the Act of August 31, 1964, as amended; representation to certain international organizations in which the United States participates pursuant to treaties, ratified pursuant to the advice and consent of the Senate, or specific Acts of Congress; arms control, nonproliferation and disarmament activities as authorized by the Arms Control and Disarmament Act of September 26, 1961, as amended; acquisition by exchange or purchase of passenger motor vehicles as authorized by law; and for expenses of general administration, $2,689,825,000: *Provided*, That, of the amount made available under this heading, not to exceed $4,000,000 may be transferred to, and merged with, funds in the ''Emergencies in the Diplomatic and Consular Service'' appropriations account, to be available only for emergency evacuations and terrorism rewards: *Provided further*, That, in fiscal year 2001, all receipts collected from individuals for assistance in the preparation and filing of an affidavit of support pursuant to section 213A of the Immigration and Nationality Act shall be deposited into this account as an offsetting collection and shall remain available until expended: *Provided further*, That, of the amount made available under this heading, $246,644,000 shall be available only for public diplomacy international information programs: *Provided further*, That, notwithstanding any other provision of law, not to exceed $342,667,000 of offsetting collections derived from fees collected under the authority of section 140(a)(1) of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (Public Law 103–236) during fiscal year 2001 shall be retained and used for authorized expenses in this appropriation and shall remain available until expended: *Provided further*, That any fees received in excess of $342,667,000 in fiscal year 2001 shall remain available until expended, but shall not be available for obligation until October 1, 2001: *Provided further*, That advances for services authorized by 22 U.S.C. 3620(c) may be credited to this account, to remain available until expended for such services.

AMENDMENT NO. 17 OFFERED BY MR. BILBRAY

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

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 17 offered by Mr. BILBRAY:

Page 71, line 1, after the dollar amount, insert the following: ''(reduced by $500,000)''.

Page 79, line 19, after the dollar amount, insert the following: ''(increased by $500,000)''.

The CHAIRMAN pro tempore. Pursuant to the order of the House of Friday, June 23, 2000, the gentleman from California (Mr. BILBRAY) and a Member opposed each will control 5 minutes.

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

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

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

Mr. Chairman, I would like to thank the gentleman from Kentucky (Mr. ROGERS). I appreciate the fact that he has been working with us on this amendment and other related amendments that directly affect the constituency of South San Diego County.

Mr. Chairman, in my hometown of Imperial Beach, we spend our summers being greeted by this sign. It is a sign that many people in America see every once in awhile, but in I.B., sadly much too often. As a surfer and a diver, it is something that all of us who spend time in the water care a lot about, especially those of us who have children who spend time in the water.

The difference in Imperial Beach and in Coronado is that the pollution that causes this sign does not come from a factory or a business or a community in America that is not taking care of its problems. Imperial Beach and Coronado in South San Diego County has been required by the EPA and the Federal Government to clean up their act so they do not pollute their beaches.

The pollution that causes this sign comes from a foreign country crossing our international boundary and entering the United States and polluting our U.S. territorial waters and endangering the lives of children and the families of American citizens on American soil.

Mr. Chairman, these two photos are a classic example of a technology that I have been working with the chairman on, remote sensing. One will actually be able to picture here the pollution or the turbidity coming across and entering the United States. One of the problems we have in San Diego is the Tijuana River flows from the urban areas of Tijuana, Mexico, and flows north into the United States and then enters the Pacific Ocean after going through a Federal estuarine and wildlife preserve. Supposedly one of the most protected Federal lands in America is an estuary and preserve with a designation of research capabilities.

This pollution is not something new. It is something we have been putting up with since I was a child. It has become chronic over the last 20 years with the extensive growth in Mexico, and at the same time the Federal Government is requiring every city and every community in America to address its nonpoint sources coming out of its flood control channels and its storm drains.

The United States Federal Government, through the International Boundary and Water Commission, has owned a flood control channel entering the country that constitutes the largest single pollutant source in San Diego County, and I am here to ask for support for an amendment that says the Federal Government will hold itself to the same standards that it demands on everybody else. We will not allow sewage to enter this country and run down a federally owned flood control system and pollute our estuaries and our preserve areas and our beaches and our children and their playground.

Mr. Chairman, my amendment provides $500,000 to be able to develop a system so that at this flood control channel as it enters the United States, the United States will be able to defend its citizens by catching the sewage, diverting it out of the flood control system and put it into a sewage system through an outfall and treatment concept.

Without this system, without this $500,000, the citizens of the United States who live in this area are exposed to a foreign government's whim, at when they want to dump raw sewage on the United States and when they do not.

Now I strongly believe that we need to have peacekeeping and intervention all over the world, but I would ask my colleagues on both sides of the aisle, and I would ask the ranking member to consider this: Who do we owe more obligation to to defend from foreign intervention than U.S. citizens on their own soil in their own neighborhoods?

Now, understand that this is not a wealthy area. This is a working-class neighborhood. It has high minority numbers, and some of us may say, well, that is why it has been ignored for so long.

I do not think so. I think it is because we do not understand the border and the border region. I like to think that it is a misunderstanding that has caused this situation.

So I am asking that both the majority and the minority accept an amendment that says we have ignored this public health threat too long; we are willing to address this issue, and we are willing to make this commitment. Just as we make a commitment to people all over the world to stop the pollution problems that are affecting their neighborhoods, we are now finally going to address the issue here in the United States.

Again, this is not a problem being created by the people in this neighborhood. This is a threat that begins in a foreign government and then travels.

The CHAIRMAN pro tempore. The time of the gentleman from California (Mr. BILBRAY) has expired.

Mr. BILBRAY. Mr. Chairman, I ask unanimous consent for one additional minute.

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

There was no objection.

Mr. BILBRAY. Mr. Chairman, I yield myself 1 minute.

Mr. Chairman, there are a whole lot of other things that I want to work with the chairman on. We have maintenance issues at this plant. We built a $200 million plant, and it is not properly maintained; the parts are not there. But I am asking just for this amendment now as a sign that the United States will do everything it can to defend its citizens from foreign pollution on U.S. soil.

At this time, I ask both the majority and the minority, this is a chance for us to all pull together. The gentleman from California (Mr. FILNER) represents part of this area. I represent the other. Here is a chance to show true bipartisan support, true bipartisan commitment, to defending Americans and protect the environment no matter what their party affiliation, no matter what neighborhoods they live in.

Mr. Chairman, I have three amendments before the committee today which I would like to explain for my colleagues. The purpose of my amendments is very straightforward. Let me first express that I have great respect and appreciation for the subcommittee chairman, HAL ROGERS, and the challenges he's had to address in order to prepare his bill. I know that the limits of your allocation have made for difficult decisions, and I commend you for assembling such a good bill under these though circumstances. I am also very appreciative of the chairman's willingness to work with me in order to address the difficult public health and environmental problems my district faces as a result of untreated sewage flows from Mexico.

In mid-1999, at my request, the city of San Diego initiated a study to determine the usefulness of satellite remote imaging for mapping and monitoring the dispersion of sewage discharges in the United States-Mexico border region.

The objectives of this study were to (1) to demonstrate what type of remote sensing data can be useful for imaging effluent plumes, and (2) to validate information obtained by remote sensing data with field data. While the number of image sets available were limited, the results of this study indicate that all the remote sensing data types can significantly contribute to determining the contributions and extent of the sewage runoff discharges that affect the United States-Mexico border region. Among other things, this will help in isolating the true effects of the South Bay Ocean Outfall from ''false'' signals created from effluent from other shoreline sources.

The satellite images in this study, two of which I have enlarged here today for my colleagues to see, show distinct near-shore turbidity patterns as well as larger-scale patterns extending further offshore. It is helpful to understand that the major turbidity signals within the near-shore zone are linked to terrestrial effluent discharges or runoff, as opposed to the stirring up of bottom sediments by winds, waves, or tidal currents.

The image in figure 1 of the report was not preceded by any appreciable rain for more than three days. There are four areas where fresh discharge can be identified—the Tijuana River, a couple of smaller areas just south of there, the San Antonio Los Buenos treatment facility, and Los Buenos Creek. In figure 2, this image was acquired just 24 hours after a 2-day rain event, and clearly shows fresh runoff plumes from numerous sources.

Clearly, this type of imaging can yield tremendous volumes of information which will be critical in helping to monitor, track, and respond to sources of ocean pollution plumes. I have prepared an amendment (#45) that would provide $200,000 to the IBWC, for the purposes of continuing to provide this kind of satellite image monitoring. My amendment would be offset from the Department of State's Diplomatic and Consular Affairs account.

I also have at the desk another amendment which these photos will help to explain—located here in the photo, on the border, is the International Wastewater Treatment Plant. As the chairman is well aware, the IBWC has since 1998 been operating the U.S. International Wastewater Treatment Plant (IWTP), which sits along our southern border with Mexico and is presently treating up to 25 mgd of Mexican sewage to primary levels. This effluent is then discharged via the South Bay Ocean Outfall. Since this plant began operation in 1998, its operations and maintenance costs have increased considerably, as a result of several factors.

1. Pumps and other processing equipment consume large amounts of electrical power, and power costs at the IWTP are directly related to the volume of wastewater treated. Power costs at the plant have risen as a result of increased pumping needs at the IWTP, Smugglers' pump station, and Goat Canyon pump station.

2. Perhaps even more important, is the increasing recognition of the need to begin recurring nonannual preventive maintenance and testing—this includes such things as pump rebuilding, testing of electrical systems, and conveyor overhaul—the basic functions that make the plant work. What we have here is a brand new plant, which is now beginning to reach its maintenance cycles, and in some instances, cycles which were projected as 2 or 3 year are starting to be seen as annual maintenance needs.

This may sound like a lot of nuts and bolts, but the outcome is what is critical to me and my communities, Mr. Chairman, and that is whether the beaches are open and safe for people to use. To paraphrase the old saying, for want of a pump, the plant was lost—clearly, this is the situation we must avoid. The IBWC has worked hard to help keep the beaches open in the south San Diego county region, and I don't want to see that change out of maintenance needs.

I recognize that the subcommittee worked hard to level fund these Commissions at the existing FY 2000 levels, Mr. Chairman, but I believe we must find a way to provide assurances that basic maintenance needs do not result in threats to the public health and environment in the upcoming summer months. Additionally, as I have discussed with the chairman, it is important to ensure that the IBWC will have adequate funds available to operate the emergency connection to the city of San Diego's Point Loma treatment plant, in the event of an emergency need this summer.

My amendment (#16) would transfer $5.1 million to the IBWC's salaries and expenses account, for the purposes of ensuring that this routine but critical maintenance will continue to occur. I want to clarify for my colleagues that, as the chairman well knows, it is in this salaries and expenses account that operations and maintenance funds are located; this amendment is not going for additional salaries, or administrative overhead.

The offset for my amendment is provided out of the Department of State's Contributions for International Peacekeeping Activities, which is funded in the bill at $498,100,000. I don't mean to diminish the importance of our peacekeeping operations abroad, but I feel very strongly that we must first protect our own borders, in this case from the public health threat generated by flows of Mexican sewage that has been confronting my constituents for decades. Chairman ROGERS knows how strongly I feel about this, and is due a lion's share of the credit for the great work this committee has done on border environmental issues up to this point.

My third amendment (#17) addresses an issue with which the chairman is very familiar, from our ongoing discussions.

With my previous amendment on the IBWC, I talked about ensuring that the IBWC is able to continue operating the plant, which treats captured sewage. This amendment addresses what can be a far greater problem, which is the flows of renegade sewage that doesn't make it into any pipes or plants for treatment.

An odd fact of nature is that in this part of the region the watershed, rivers, and urban runoff flow north, into the United States. When there are rain events, or when Mexican infrastructure breaks, fails, or is simply turned off without warning (which happens far too often), raw sewage runs downhill into the canyons along the border and into the Tijuana Estuary, or down the Tijuana River into the flood control channel where it enters the United States and continues toward the beaches in my hometown of Imperial Beach.

All the treatment plants in the world won't end our contamination problem, if there are still significant volumes which aren't ending up ''in the pipe''. The IBWC is presently working on a plan to improve the capacity of the canyon sewage collectors which are now in place at Goat Canyon and Smuggler's Gulch, and this will certainly help.

But the biggest ''non-point'' source of the United States side (I say U.S. because clearly, as the images from this report show, runoff from Los Buenos Creek is a major problem for both Mexican and United States beaches as the current takes it northward) is the Tijuana River, which is why I've gone to Chairman ROGERS with a specific request. I believe it is essential that a diversionary structure be built in the flood control channel as it enters the United States, which could then capture renegade flows and divert them to the IWTP or other facilities for at least some level of treatment. IBWC agrees with this need, and is prepared to move forward with this project.

My amendment would provide $500,000 for this purpose to the IBWC's construction account. It is offset from the State Department's Diplomatic and Consular Programs account, which is presently funded at $2,689,000.

Mr. Chairman, I have some additional background materials, along with my full statement and amendments, which I would ask be entered into the RECORD at the appropriate point. I would urge my colleagues to support these

amendments, and would reserve the balance of my time.

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

The CHAIRMAN pro tempore. Does the gentleman from Kentucky (Mr. ROGERS) seek to claim the time in opposition?

Mr. ROGERS. Mr. Chairman, I ask unanimous consent to proceed for 3 minutes.

The CHAIRMAN pro tempore. Without objection, and without objection, the time in opposition is increased to 6 minutes as a result of the unanimous consent request of the gentleman from California (Mr. BILBRAY).

The gentleman from Kentucky (Mr. ROGERS) is recognized for 6 minutes.

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

Mr. Chairman, I want to congratulate and thank the gentleman from California (Mr. BILBRAY) for his devotion to this cause. This is a long-standing problem that is getting worse, and the gentleman has focused on this problem and devoted himself to trying to solve it. It is a vexing problem that crosses the international boundary line with Mexico and is a problem that has to be addressed really on both sides of the border, but the gentleman from California (Mr. BILBRAY) has indeed focused our attention on the problem. It is a matter that needs to be addressed; and this amendment, I think, will go a long way towards starting the effort to solve this long-standing problem.

So I am very pleased to accept the amendment on our side as a beginning point for trying to solve this long-standing problem for the residents of the entire area around San Diego and the adjoining area in Mexico.

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

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

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

Mr. FILNER. Mr. Chairman, I thank the gentleman from Kentucky (Mr. ROGERS) for yielding, and I thank the gentleman from California (Mr. BILBRAY) for offering this amendment. We represent adjacent districts. He talked about a bipartisan approach. I want to illustrate that on the floor today. The gentleman from California (Mr. BILBRAY), when he was a county supervisor in San Diego, was at the same time that I was a city councilman in San Diego. Our districts pretty much meshed; and we worked on this together for many, many, many years. We are at the point of solving these problems, and with the help of this Congress we will.

We have tried to get this diversionary structure in place. It helps protect our citizens from health hazards caused by the river of sewage; but it was built quickly and now that the international treatment plant is in operation, we must expand and improve the capacity. It has limited capacity. It clogs with silt and debris, as I am sure the gentleman from California (Mr. BILBRAY) pointed out, and it must be shut down for maintenance when the rains and other events make it exceed its capacity.

So what the amendment of the gentleman from California (Mr. BILBRAY) does is provide the funding to design improvements needed to increase its capacity, solve these problems.

I am sure the gentleman from California (Mr. BILBRAY) and I are the only two Congressmen in this House that can say that raw sewage flows through our districts; up to 50 million gallons a day.

We have a series of attempts to improve this situation, legislation that we hope will follow in the authorization process, and I thank the Chair and the gentleman for making this amendment and supporting it.

I urge my colleagues to support this amendment. In 1991, as a San Diego City Councilman, I worked with the IBWC to build a diversionary structure in the international flood control channel to capture 13 million gallons per day of sewage that flowed through the Tijuana River to our beaches. This diversionary structure helped protect our citizens from the health hazards caused by this river of sewage. But it was built quickly. Now that the International Treatment Plant is in operation, the structure must be improved and its capacity expanded. Currently, it has a limited capacity of often clogs with silt and debris. Whenever flows exceed its capacity or it must be shut down for maintenance, raw sewage flows freely throughout the Tijuana River. This amendment would provide the funding to design improvements needed to increase its capacity and solve these problems.

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

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

Mr. SERRANO. Mr. Chairman, I rise in support of the amendment, in support of the comments of the gentleman from California (Mr. FILNER). I would hope that this is the kind of issue that we can continue to solve.

Just as an aside, I thank the gentleman from California (Mr. BILBRAY) for bringing a sign in two languages.

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

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

Mr. BILBRAY. Mr. Chairman, actually I was a county supervisor which had supervision over county health; and because of all of the activities at the border, we decided when I was Chair that we needed to have it in both languages so everybody knew what was going on, including those who might have been visiting from down south.

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

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

Mr. SERRANO. Mr. Chairman, I support the gentleman from California (Mr. BILBRAY) in that. I support him in his amendment, and I hope he remembers that when we discuss another bill later on.

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

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

MR. BILBRAY. Mr. Chairman, I would like at this time to really thank the gentleman from Kentucky (Mr. ROGERS) for his cooperation on this specific issue but also with the other issues, as the gentleman from California (Mr. FILNER) has so appropriately brought up, that we have a comprehensive problem here and I look forward to working with the chairman as this bill moves forward, making sure that we address these issues, these environmental issues.

I want to sincerely thank him very much for being so sensitive to a problem that has been ignored for much too long.

Mr. ROGERS. Mr. Chairman, I want to thank the gentleman from California (Mr. BILBRAY) again for his persistence on this matter. There are other areas that he is working with our subcommittee on in this regard, and we will continue to work with the gentleman to try to help solve a massive problem on our border with Mexico.

I urge adoption of the amendment.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from California (Mr. BILBRAY).

The amendment was agreed to.

The CHAIRMAN pro tempore. Are there further amendments to this section of the bill?

The Clerk will read.

The Clerk read as follows:

In addition, not to exceed $1,252,000 shall be derived from fees collected from other executive agencies for lease or use of facilities located at the International Center in accordance with section 4 of the International Center Act, as amended; in addition, as authorized by section 5 of such Act, $490,000, to be derived from the reserve authorized by that section, to be used for the purposes set out in that section; in addition, as authorized by section 810 of the United States Information and Educational Exchange Act, not to exceed $6,000,000, to remain available until expended, may be credited to this appropriation from fees or other payments received from English teaching, library, motion pictures, and publication programs, and from fees from educational advising and counseling, and exchange visitor programs; and, in addition, not to exceed $15,000, which shall be derived from reimbursements, surcharges, and fees for use of Blair House facilities in accordance with section 46 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2718(a)).

In addition, for the costs of worldwide security upgrades, $410,000,000, to remain available until expended.

CAPITAL INVESTMENT FUND

For necessary expenses of the Capital Investment Fund, $79,670,000, to remain available until expended, as authorized in Public Law 103–236, as amended: *Provided*, That section 135(e) of Public Law 103–236 shall not apply to funds available under this heading.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended (5 U.S.C. App.), $28,490,000, notwithstanding section 209(a)(1) of the Foreign

Service Act of 1980, as amended (Public Law 96–465), as it relates to post inspections.

EDUCATIONAL AND CULTURAL EXCHANGE PROGRAMS

For expenses of educational and cultural exchange programs, as authorized by the Mutual Educational and Cultural Exchange Act of 1961, as amended (22 U.S.C. 2451 et seq.), and Reorganization Plan No. 2 of 1977, as amended (91 Stat. 1636), $213,771,000, to remain available until expended as authorized by section 105 of such Act of 1961 (22 U.S.C. 2455): *Provided*, That not to exceed $800,000, to remain available until expended, may be credited to this appropriation from fees or other payments received from or in connection with English teaching and educational advising and counseling programs as authorized by section 810 of the United States Information and Educational Exchange Act of 1948 (22 U.S.C. 1475e).

REPRESENTATION ALLOWANCES

For representation allowances as authorized by section 905 of the Foreign Service Act of 1980, as amended (22 U.S.C. 4085), $5,826,000.

PROTECTION OF FOREIGN MISSIONS AND OFFICIALS

For expenses, not otherwise provided, to enable the Secretary of State to provide for extraordinary protective services in accordance with the provisions of section 214 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 4314) and 3 U.S.C. 208, $8,067,000, to remain available until September 30, 2002.

EMBASSY SECURITY, CONSTRUCTION, AND MAINTENANCE

For necessary expenses for carrying out the Foreign Service Buildings Act of 1926, as amended (22 U.S.C. 292–300), preserving, maintaining, repairing, and planning for, buildings that are owned or directly leased by the Department of State, renovating, in addition to funds otherwise available, the Main State Building, and carrying out the Diplomatic Security Construction Program as authorized by title IV of the Omnibus Diplomatic Security and Antiterrorism Act of 1986 (22 U.S.C. 4851), $416,976,000, to remain available until expended as authorized by section 24(c) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2696(c)), of which not to exceed $25,000 may be used for domestic and overseas representation as authorized by section 905 of the Foreign Service Act of 1980, as amended (22 U.S.C. 4085): *Provided*, That none of the funds appropriated in this paragraph shall be available for acquisition of furniture and furnishings and generators for other departments and agencies.

In addition, for the costs of worldwide security upgrades, acquisition, and construction as authorized by the Secure Embassy Construction and Counterterrorism Act of 1999, $648,000,000, to remain available until expended.

EMERGENCIES IN THE DIPLOMATIC AND CONSULAR SERVICE

For expenses necessary to enable the Secretary of State to meet unforeseen emergencies arising in the Diplomatic and Consular Service pursuant to the requirement of 31 U.S.C. 3526(e), and as authorized by section 804(3) of the United States Information and Educational Exchange Act of 1948, as amended, $5,477,000, to remain available until expended as authorized by section 24(c) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2696(c)), of which not to exceed $1,000,000 may be transferred to and merged with the Repatriation Loans Program Account, subject to the same terms and conditions.

REPATRIATION LOANS PROGRAM ACCOUNT

For the cost of direct loans, $591,000, as authorized by section 4 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2671): *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974. In addition, for administrative expenses necessary to carry out the direct loan program, $604,000, which may be transferred to and merged with the Diplomatic and Consular Programs account under Administration of Foreign Affairs.

PAYMENT TO THE AMERICAN INSTITUTE IN TAIWAN

For necessary expenses to carry out the Taiwan Relations Act, Public Law 96–8, $16,345,000.

PAYMENT TO THE FOREIGN SERVICE RETIREMENT AND DISABILITY FUND

For payment to the Foreign Service Retirement and Disability Fund, as authorized by law, $131,224,000.

INTERNATIONAL ORGANIZATIONS AND CONFERENCES

CONTRIBUTIONS TO INTERNATIONAL ORGANIZATIONS

For expenses, not otherwise provided for, necessary to meet annual obligations of membership in international multilateral organizations, pursuant to treaties ratified pursuant to the advice and consent of the Senate, conventions or specific Acts of Congress, $880,505,000: *Provided*, That any payment of arrearages under this title shall be directed toward special activities that are mutually agreed upon by the United States and the respective international organization: *Provided further*, That none of the funds appropriated in this paragraph shall be available for a United States contribution to an international organization for the United States share of interest costs made known to the United States Government by such organization for loans incurred on or after October 1, 1984, through external borrowings: *Provided further*, That, of the funds appropriated in this paragraph, $100,000,000 may be made available only on a semi-annual basis pursuant to a certification by the Secretary of State on a semi-annual basis, that the United Nations has taken no action during the preceding 6 months to increase funding for any United Nations program without identifying an offsetting decrease during that 6-month period elsewhere in the United Nations budget and cause the United Nations to exceed the budget for the biennium 2000–2001 of $2,535,700,000: *Provided further*, That funds appropriated under this paragraph may be obligated and expended to pay the full United States assessment to the civil budget of the North Atlantic Treaty Organization.

AMENDMENT NO. 71 OFFERED BY MR. SERRANO

Mr. SERRANO. Mr. Chairman, I offer an amendment. I am acting as the designee of the gentleman from Wisconsin (Mr. OBEY).

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 71 offered by Mr. SERRANO: Page 77, strike the proviso beginning on line 2.

The CHAIRMAN pro tempore. Pursuant to the order of the House of Friday, June 23, 2000, the gentleman from New York (Mr. SERRANO) and a Member opposed each will control 5 minutes.

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

□ 1645

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

Mr. Chairman, as I said, I am acting as the designee of the gentleman from Wisconsin (Mr. OBEY). Let me first tell the gentleman from Kentucky (Mr. ROGERS) that it is our intention to withdraw this amendment, but we want to bring this issue up and discuss it properly.

Mr. Chairman, included in the bill is language that would withhold $100 million in regular dues to the United Nations until the United Nations certifies a no-growth budget. This is of great concern to us on this side, because we believe that this would have a significant and devastating impact on ongoing negotiations.

What happened is that last year we did something great in this bill, we were able to pay our arrears, but payment was based also on our claim that our assessment should be lower, that the dues that were assessed should be lower. Those negotiations are going on right now.

In our opinion, to put this language in the bill would just send a very bad message, not only to those folks at the U.N. and our government to have to negotiate this issue, but also to other countries who we are trying to negotiate with.

On one hand, we are telling them that it is our intent to pay our dues, at the same time we are telling them we think we are paying too much and we should not carry such a load. While that is going on, we then send a message that we will withhold amounts which, one, as I said, would just send a very bad message. It would make us look like we are negotiating in bad faith, and at the same time begin to put us again in arrears, something we are working hard and in a bipartisan fashion of last year, to try to do away with.

While it is our intent to withdraw this amendment, I would just hope that in the comments of the gentleman from Kentucky (Chairman ROGERS), if he wishes to make some, he would begin to send us the message that this is not the way we want to go, and that we have to continue to send a positive message to the U.N.

Lastly, we in this Chamber take great credit for all the activities that this country undertakes throughout the world, and I think that more and more every day we have to understand that we do not take those activities alone. In the last few years and in the last decade, we have been taking them very closely and in conjunction with the U.N. as part of members of the U.N., and we should not continue to on one hand work closely with the U.N. to deal with issues throughout the world that are of great importance to our national security and to peace and prosperity throughout the world and at the same time continue to bash the U.N.

I think that what we are seeing in this language is in fact U.N. bashing, and I will wait for some comments from the gentleman from Kentucky (Mr. ROGERS), if he has any, and then I withdraw the amendment

The CHAIRMAN pro tempore (Mr. PEASE). Does the gentleman from Kentucky (Mr. ROGERS) claim the time in opposition?

Mr. ROGERS. I do, Mr. Chairman.

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

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

Mr. Chairman, I rise in opposition. The provision that the gentleman from New York (Mr. SERRANO) proposes to strike has been a critical part of what we have been able to achieve thus far in bringing fiscal discipline and responsibility back to the United Nations.

It is part of the overall approach the Congress has taken toward the U.N. since 1997, an approach that the administration has in turn adopted; that is, to establish zero nominal growth budgets at the United Nations and other international organizations. Then once those budgets have been adopted at the U.N., to insist on a discipline to live within the budget that they have adopted.

Mr. Chairman, consider what this provision really does. Does it underfund the anticipated U.S. share of the U.N. regular budget? The answer is no. The bill contains the full $300 million for our U.N. assessment.

Does the provision require that the U.S. reopen budget issues that the U.N. already has agreed upon? The answer is no. It accepts the budget that the U.N. adopted in December, even though that budget exceeded zero nominal growth, which is what I would have preferred.

The provision that the amendment proposes to strike conditions only one-third of our dues on a simple certification by the State Department. They must certify to the Congress that the U.N. is living within the biennial budget that the U.N. members themselves adopted in December. In other words, any increase in the U.N. budget from this point forward should be accompanied by an equal offset in their spending, much the same as we are required to do here in the Congress.

It is the same provision we carried in 1997, Mr. Chairman; the same one we carried in 1998; the same one we carried in 1999. It is a well-known U.S. policy and should not come as a surprise to anybody. In previous years, the State Department made these certifications and the U.S. paid its dues in full. No arrears were created as a result of this provision. Unless people at the U.N. are already planning to bust the current U.N. budget, which they agreed to only a few short months ago, the Department should have no problem making the certifications and paying the calendar year 2000 assessment in full.

This exact, same amendment was defeated convincingly in the committee 18–34, 2 weeks ago. I urge that it be rejected again today.

Mr. HALL of Ohio. Mr. Chairman, I rise in support of the Obey amendment which will allow the United States to pay all the annual dues we owe to the United Nations this year.

Mr. Chairman, it was just last year that this Congress finally met our international obligations and paid our back dues to the U.N. We also required reforms at the U.N. which are now being implemented.

Congress just solved this problem and now, with this bill, we will go back into debt again.

The United Nations is a beacon of hope for the world. It promotes world peace and is a leader in the fight against hunger and poverty.

The Obey amendment will allow all of our 2000 U.N. dues to be paid in the year 2000. Without the Obey amendment, $100 million of the dues we owe will be late.

Mr. Chairman, great nations pay their bills on time. I would urge all Members to support the Obey amendment.

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

Mr. SERRANO. I ask unanimous consent to withdraw my amendment, Mr. Chairman.

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

There was no objection.

The Clerk will read.

The Clerk read as follows:

CONTRIBUTIONS FOR INTERNATIONAL PEACEKEEPING ACTIVITIES

For necessary expenses to pay assessed and other expenses of international peacekeeping activities directed to the maintenance or restoration of international peace and security, $498,100,000: *Provided*, That none of the funds made available under this Act shall be obligated or expended for any new or expanded United Nations peacekeeping mission unless, at least 15 days in advance of voting for the new or expanded mission in the United Nations Security Council (or in an emergency, as far in advance as is practicable): (1) the Committees on Appropriations of the House of Representatives and the Senate and other appropriate committees of the Congress are notified of the estimated cost and length of the mission, the vital national interest that will be served, and the planned exit strategy; and (2) a reprogramming of funds pursuant to section 605 of this Act is submitted, and the procedures therein followed, setting forth the source of funds that will be used to pay for the cost of the new or expanded mission: *Provided further*, That funds shall be available for peacekeeping expenses only upon a certification by the Secretary of State to the appropriate committees of the Congress that American manufacturers and suppliers are being given opportunities to provide equipment, services, and material for United Nations peacekeeping activities equal to those being given to foreign manufacturers and suppliers: *Provided further*, That none of the funds made available under this heading are available to pay the United States share of the cost of court monitoring that is part of any United Nations peacekeeping mission.

AMENDMENT NO. 62 OFFERED BY MR. JACKSON OF ILLINOIS

Mr. JACKSON of Illinois. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 62 offered by Mr. JACKSON of Illinois:

In title IV, in the item relating to ''CONTRIBUTIONS FOR INTERNATIONAL PEACEKEEPING ACTIVITIES'', after the aggregate dollar amount, insert the following: ''(increased by $240,566,000)''.

Mr. ROGERS. Mr. Chairman, I reserve a point of order.

The CHAIRMAN. The gentleman from Illinois (Mr. JACKSON) is recognized for 5 minutes.

PARLIAMENTARY INQUIRY

Mr. JACKSON of Illinois. Mr. Chairman, let me thank the gentleman from Ohio (Mr. OBEY), the ranking member and the gentleman from Kentucky (Mr. ROGERS), chairman of the full committee for allowing me the opportunity to offer this amendment.

It is my understanding, Mr. Chairman, under the ruling, we are entitled to 30 minutes on this side and the other side will have 30 minutes as well. Is that correct, Mr. Chairman?

The CHAIRMAN. No. Under the unanimous consent agreement, the gentleman from Illinois is entitled to 5 minutes and a Member in opposition has 5 minutes.

Mr. JACKSON of Illinois. Mr. Chairman, let me just get some clarification.

The CHAIRMAN. Is the gentleman from Illinois (Mr. JACKSON) offering his own amendment?

Mr. JACKSON of Illinois. Mr. Chairman, I am offering the Dixon amendment, it is the Dixon-Jackson-Crowley amendment, as his designee, Mr. Chairman. I believe it is Amendment No. 60, Mr. Chairman.

AMENDMENT NO. 60 OFFERED BY MR. JACKSON OF ILLINOIS

The CHAIRMAN. Without objection amendment 62 is withdrawn and the Clerk will designate the Dixon amendment for which the gentleman from Illinois (Mr. JACKSON) is the designee.

The text of the amendment is as follows:

Amendment No. 60 offered by Mr. JACKSON of Illinois as designee of the gentleman from California (Mr. DIXON):

In title IV, in the item relating to ''CONTRIBUTIONS FOR INTERNATIONAL PEACEKEEPING ACTIVITIES'', after the aggregate dollar amount, insert the following: ''(increased by $240,566,000)''.

The CHAIRMAN. Pursuant to the order of the House of Friday, June 23, 2000, the gentleman from Illinois (Mr. JACKSON) and a Member opposed each will control 30 minutes.

Mr. ROGERS. Mr. Chairman, just to be sure that a point of order is reserved on this amendment as well.

The CHAIRMAN. The gentleman from Kentucky (Mr. ROGERS) reserves a point of order.

The Chair recognizes the gentleman from Illinois (Mr. JACKSON) for 30 minutes.

Mr. JACKSON of Illinois. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, let me first begin by commending the distinguished gentleman from California (Mr. DIXON) for bringing the amendment that has been offered to the committee's attention. The CJS appropriations bill reduces the administration's contributions to international peacekeeping activities request of $739 million by $241 million, almost one-third.

The committee report is not amendable on the floor, the report does did not include funding for following peacekeeping missions in Africa: MINURSO in Western Sahara; UNAMSIL in Sierra Leone, Ethiopia, Eritrea populations; and phase 2 of the MONUC in the Congo.

The report languages for this bill singles out peacekeeping missions in Africa by failing to provide funding for these missions, unless it is reprogrammed for other missions. In this bill, the committee has underfunded the contributions to international peacekeeping activities and has directed the State Department, and I quote ''to take no action to extend existing missions or create new missions for which funding is not available.''

This amounts to a direction to veto U.N. peacekeeping missions. The requests by the President of $739 million would provide 25 percent, that is the U.S. portion agreed to last year, in the Helms-Biden compromise of the total estimated costs of the 15 current U.N. peacekeeping missions.

The amount approved by the committee for fiscal year 2001, $498 million, is frozen at the level appropriated for fiscal year 2000. Our distinguished chairman, the gentleman from Kentucky (Chairman ROGERS), argues that the administration and the U.N. must live within the appropriation and approve no new missions; however, this ignores the realities of international conflict, of wars and conflicts that are unpredictable and that can erupt at any given time.

Mr. Chairman, I find it quite interesting that of all of the U.N. missions, the report language, which I already indicated is unamendable on the floor, specifically singles out all of the peacekeeping missions in Africa. It does not deal with the U.N. force in Cyprus, U.N. operation in Georgia, the U.N. mission in Tazikstan, the war crimes tribunal in Yugoslavia, while funding the war crimes tribunal in Rwanda, U.N. transitional administration in East Timor, U.N. mission in Kosovo, but specifically looks at peacekeeping missions in Africa.

Mr. Chairman, with the balance of our time, I hope that during the course of this hour, we have a very informed debate to find out what is behind why African life in this report and in this bill is being treated differently than life of Europeans. We will discuss that at great length.

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

The SPEAKER pro tempore. Does the gentleman from Kentucky (Mr. ROGERS) claim the time in opposition?

Mr. ROGERS. Mr. Chairman, I do claim such time.

The CHAIRMAN. Does the gentleman reserve his point of order?

Mr. ROGERS. Mr. Chairman, yes, and I reserve the balance of my time.

Mr. JACKSON of Illinois. Mr. Chairman, I am honored to yield 5 minutes to the gentleman from Wisconsin (Mr. OBEY), the distinguished ranking member of the full committee.

Mr. OBEY. Mr. Chairman, the 21st century in terms of American lives lost was the bloodiest in our history and the meanest, except for the 19th, in which we conducted an American Civil War which put brother against brother and from which we are still suffering some of the consequences. Now, we are turning into a different century, and it is to be hoped that America's role in the world is changing somewhat. At this point, there is no other power in the world that even comes close.

We have the military might to cover any region, to reach any region, to sail any sea, to find and hit virtually any target, if we want; but we also have another role, and that role has been to try to serve not so much as a fighter, but as a separator of parties in many regional fights, in a peacekeeping role.

Now, that is going to be a very messy situation. It is not always going to work, and there will be Americans who die. But if we do it right, there will be far less for America to pay in human terms than we have seen in each of the previous two centuries; that is what we try to do through the peacekeeping operations in the United Nations.

Mr. Chairman, I do not happen to be thrilled with all of those peacekeeping operations, but I would point out one thing. We created the United Nations and we created the rules. Under those rules, when the United Nations votes for a peacekeeping operation in the security council, that requires a mandatory contribution from this country to fulfill our share of the financial burden.

We are very lucky in comparison to a number of other countries in the world, because we more often than not do not supply the troops. We supply a little cash, and we supply a lot of advice, but we supply a very tiny percentage of the troops. We ought to be grateful for that.

Now, what this bill asks us to do is to support the idea that a subcommittee of this House somehow has the right to interpose its judgment and to decide for itself just what peacekeeping operations the United Nations will support and which ones they will not.

□ 1700

Well, that is not the way it is supposed to work. I did not realize that the gentleman from Kentucky had been confirmed as our ambassador to the United Nations and also as our Secretary of State and Secretary of Defense at the same time. I kind of missed that. I did not see those headlines.

So what we have here in this bill is an attempt to say to the President of the United States and to the U.N. Security Council, ''Sorry, but regardless of the conditions in the world, you are limited to a specific dollar amount for peacekeeping operations. And the world can change overnight, but sorry, our green eye shade is more important than world considerations.'' I do not think that makes any sense, not if we are trying to preserve American power and influence; not if we are trying to prevent the loss of American lives; and not if we are trying to prevent the loss of other lives and to bring stability into the world.

So what this amendment simply tries to do is to eliminate the pretentious action on the part of this subcommittee which says that this subcommittee somehow has the right, on mandatory contributions to the United Nations, to abrogate to itself the decision as to which peacekeeping operations will be undertaken. I believe that that is an ill-advised decision. I believe, as the Washington Post describes, that that is ''playing'' at foreign policy, and I think it is extremely dangerous.

I congratulate the gentleman for offering his amendment, because in the end, we have no choice but to provide these funds under the rules which we ourselves wrote almost 50 years ago.

The CHAIRMAN pro tempore (Mr. PEASE). The gentleman from Kentucky reserves his time and his point of order.

Mr. JACKSON of Illinois. Mr. Chairman, I yield 2½ minutes to the gentlewoman from Texas (Ms. JACKSON-LEE).

(Ms. JACKSON-LEE of Texas asked and was given permission to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Mr. Chairman, I thank the gentleman from Illinois for his leadership.

Mr. Chairman, the gentleman from Wisconsin, the ranking member of the Committee on Appropriations, asked some questions that I think bear repeating, and that is whether or not we remove from the appropriate officials in the administration, the appointed United Nations ambassador, the Secretary of State, the vital responsibilities of ensuring that we adhere to our word of being a Nation of peace and not of war.

Just a few days ago, Mr. Chairman, I sat in the United Nations Security Council meeting watching the very effective work of our ambassador, arguing about ensuring that peacekeeping in the Democratic Republic of the Congo was reinforced by the U.N. Security Council, by ensuring that Uganda would restrain from any actions to the contrary. Generally the discussion of the U.N. Security Council of the U.N. was regarding peace. It was that debate that made me have a clearer understanding of the vital necessity of ensuring that the United States does not pull away from peacekeeping and continues to fund our collaborative peacekeeping efforts with the U.N.

Just a few weeks ago, several refugees in Houston went home to Kosovo. I heard the negative comments when we were in the midst of a Kosovo conflict, that we should not be involved. Yet today, however uneven as it is, there is peace in Kosovo.

Now, this legislative initiative, this appropriations bill does not provide the

funding that we need to ensure that on the continent of Africa, we can likewise have peace. There is a commitment by the United Nations Security Council; there is a commitment by other African nations to be able to provide support in areas like Sierra Leone, in areas like Ethiopia and Eritrea, where peace is imminent. How can we instruct our administration not to engage in efforts to secure such peace?

How can we do that when we have 37,000 U.S. troops as peacekeepers in South Korea? How can we do that when we have 5,500 troops in Bosnia and nearby countries participating in or contributing to the stabilization force? How can we discriminate against the peacekeeping efforts on the continent of Africa when, in Sierra Leone, arms of farmers and children are being hatcheted off?

Mr. Chairman, I think we do ourselves a disservice and we are not befitting of the name ''America'' if we say that we cannot help secure peace in the world.

I support this amendment. I congratulate the gentleman. We must be supporters of peace. Let us vote for this amendment.

The CHAIRMAN pro tempore. The gentleman from Kentucky (Mr. ROGERS) reserves his time and his point of order.

Mr. JACKSON of Illinois. Mr. Chairman, I would like to inquire of the distinguished chairman of the subcommittee as to whether or not he was going to use any of his time, because I do have a number of speakers; and if he is not going to use it, I would certainly be willing to accept of it if he is willing to offer.

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

Mr. JACKSON of Illinois. I yield to the gentleman from Kentucky.

Mr. ROGERS. Mr. Chairman, at this time I will be the only speaker, and my intent is that the gentleman would use as much time as he desires, and then I would conclude with whatever remarks I have.

Mr. JACKSON of Illinois. Mr. Chairman, I thank the gentleman.

Mr. Chairman, I yield 2 minutes to the distinguished gentleman from New York (Mr. SERRANO), the ranking member of the subcommittee.

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

Let me quickly make two points: first of all, a personal point and then an observation in general.

Personally, anyone who has followed me during these 10 years that I have been in Congress knows that I am very outspoken on my country being involved in military activities throughout the world. On many occasions, when we have been involved in the last 10 years, I have spoken against it because I have questioned what we were doing in certain places.

Secondly, I, as the gentleman from Wisconsin (Mr. OBEY) and so many of us do, recognize that the world has changed in such a way where we are truly the last strong standing superpower. So with that comes a responsibility, in my opinion; and the responsibility is especially what we have been doing the last few years throughout the world, and that is joining other countries in peacekeeping operations.

I can see no better way to use our military forces than in attempting to keep the peace rather than engaging in war. Unfortunately, the whole world has not changed the way some places have changed, and so we have areas of the world where there are serious problems still going on, and we can either stand by and allow some of these things to happen, or we can take a role.

Well, I cannot double-talk. I did not want us to take certain roles of going in and joining one side and fighting the other. But what we are doing now I think is honorable, and it is humane and it is proper, when we go in as part of the U.N. to participate with other countries in keeping the peace.

So at this point, I think it is totally improper for us in this subcommittee, in this Congress, to tell our administration to tell our leaders, and I will take the same position should there be new leadership in the future at the White House, that we should not take the role of saying, we cannot participate, and in keeping the peace.

What this bill does, and what this whole message is is that we do not care, we do not care what happens throughout the world, and we do not care what role we play.

Let me just close by repeating again. I am not one of those who supports our military actions, but I do support our peacekeeping actions.

Mr. JACKSON of Illinois. Mr. Chairman, I yield myself 1 minute.

I want to be very, very clear, Mr. Chairman. This amendment restores the President's request of $240 million to international peacekeeping activities. What this report, the bill that the Congress of the United States will be voting on in a moment specifically targets and eliminates peacekeeping in Africa. So it is okay to do peacekeeping in Europe, it is okay to do peacekeeping in other parts of the world, but we do not want you in Western Sahara, Sierra Leone, the Democratic Republic of the Congo, we do not want you anywhere else unless we will resubject this money to reprogramming and therefore, redefine all peacekeeping missions.

As of June 2000, only 826 Americans, that is 791 civilian police and 35 observers are serving in U.N. peacekeeping operations. That accounts for only 2.3 percent of the 3,535,546 U.N. peacekeepers worldwide. There are currently no American military troops serving in U.N. peacekeeping operations.

Mr. Chairman, I yield 3 minutes to the gentleman from Massachusetts (Mr. OLVER).

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

I rise in strong support for the Jackson amendment. I only wish we had more opportunities to discuss America's constructive involvement in global affairs.

Mr. Chairman, peacekeeping is not intervention; peacekeeping is the promotion of peace and security. It is the international cooperation required for a war-torn region to transition from militarization to democracy. In many areas of the globe, international peacekeeping missions are the only lines of defense against ethnic cleansing. We need look no further than Kosovo or East Timor to know that our participation saves lives.

The amendment before us would add $241 million to our peacekeeping contributions. This modest increase should not be controversial, given the state of the conflict in this world. Frankly, the $498 million line item for peacekeeping in this bill falls well short of our international commitments. I think we are ignoring fundamental needs globally, but particularly in Africa. The language of the report is particularly insensitive to African needs.

I want to just quote several pieces here over a page, the first line of each of several paragraphs. The committee recommendation does not include amounts requested for certain peacekeeping missions, including MINURSO in Western Sahara, UNAMSIL in Sierra Leone, MONUC in the Democratic Republic of Congo. And then the committee is particularly concerned about the future of the UNAMSIL mission in Sierra Leone. The recommendation does not include requested funding for the MONUC mission. And then, the recommendation again does not include funding for the MINURSO mission. Then, the recommendation does not include requested funding for the Angola Monitoring mission. Again, the committee recommendation does not include funding requested for a new mission for Ethiopia and Eritrea.

Of all of our peacekeeping efforts around the globe, all in Africa are underfunded; and virtually nowhere else is that measure being used.

The multinational war in Congo and several recent severe outbreaks of ethnic cleansing and ethnic violence have created enormous humanitarian needs throughout Africa, but especially in Angola, Congo, Sierra Leone, Western Sahara, Ethiopia, Sudan, and Eritrea. America's peacekeeping program is a work in progress. We should not halt that progress; we should keep the U.S. a responsible and engaged actor in the international community by supporting the Jackson-Dixon amendment.

Mr. JACKSON of Illinois. Mr. Chairman, I yield 4 minutes to the gentleman from Virginia (Mr. WOLF), the distinguished chairman of the Subcommittee on Transportation.

Mr. WOLF. Mr. Chairman, I rise in strong support of the Jackson amendment. I have visited Sierra Leone in December of this year, along with the

gentleman from Ohio Congressman Mr. HALL). We went into camps where we saw many people with their arms cut off.

Before I talk about that, let me just mention a little bit about Sierra Leone. Sierra Leone was founded by William Wilberforce. He was a strong Christian believer in the British Parliament, and John Newton, who wrote the words to Amazing Grace that all of us have sung, was a slave trader in Sierra Leone and was picked off up the island, and after that, had a religious conversion and became a man of great faith with the whole goal of abolishing the slave trade in Great Britain. On the death bed of William Wilberforce, they abolished the slave trade.

This young girl had her arm cut off by the rebels, and if there is not some peacekeeping operation in Sierra Leone and other countries, the rebels will continue to cuff off arms. They go into a village, and they ask them to draw out a piece of paper; and it may say right arm or left arm, and then they say, do you want a short sleeve or a long sleeve? If you say you want a short sleeve, they cut your arm off between your elbow and your shoulder. If you want a long sleeve, they cut it off between the wrist and the elbow.

We saw another young lady who was pregnant, 13 years old, with both of her arms cut off. In Sierra Leone, they take young women into the bush with the rebels for sex slaves, and when we talked to the Italian doctors in the City of Freetown, they said every young lady who came in was infected with AIDS.

□ 1715

There were thousands of people killed in Sierra Leone in the last several years. The life expectancy in Sierra Leone is 25.6 years. It is the lowest, in Sierra Leone, of any country in the world.

In the Congo, that this amendment would also help, 1.7 million people have been killed in the last 22 months, 1.7 million people, and 35 percent are under the ages of 5. Without the Jackson amendment, the guerillas, the Sankohs and the Charles Taylors and all those other people can continue this action whereby women are taken away as sex slaves and children are losing their arms and moms and dads live in terror.

For that reason, and for those who remember the legacy of William Wilburforce who became a believer, standing in the House of parliament to abolish the slave trade, and when we think of the words of John Newton in Amazing Grace, think of the Jackson amendment that will allow the peacekeepers to come and keep peace.

I do not want American soldiers to go to Sierra Leone or to the Congo, but when the peacekeepers are willing to come from the U.N. to keep peace so this little girl does not lose her other arm, then I think it is a worthwhile version.

So I say to my colleagues on both sides of the aisle, this is a good amendment. This will help bring some sort of peace, and make it whereby moms and dads can raise their kids in some sort of semblance of peace, not only in Sierra Leone but in the Congo and other places.

Mr. JACKSON of Illinois. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, let me also add that I want to thank the distinguished gentleman from New York (Mr. CROWLEY) for his support of this amendment.

Mr. JACKSON. Mr. Chairman, I am honored and privileged to yield 2 minutes to the distinguished gentlewoman from California (Ms. LEE).

Ms. LEE. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, I rise in strong support for the Serrano-Jackson-Dixon-Crowley amendment to increase peacekeeping by $241 million.

United Nations peacekeepers perform the critical functions that help maintain peace and stability. Many U.N. peacekeeping missions have brought about successful results in El Salvador, in the Middle East, and in Mozambique.

As a member of the Subcommittee on Africa, I am especially concerned about the prohibition on new peacekeeping missions in Africa. This prohibition really does send a message that Africa does not matter, and that promoting peace in Africa is of no concern to this Congress.

Many of us here strongly disagree. Africa does matter because it is a continent of vast resources, enormous diversity, and millions of people whom the world has neglected and exploited. Years of colonization have balkanized the continent of Africa. The least we can do is to support a strong United States peacekeeping mission on the continent of Africa.

In February, the President declared AIDS in Africa to be a threat to national security. It is our moral obligation to fight the war on HIV and AIDS. To do that, however, Africa must have peace, security, and stability.

I urge my colleagues to support this amendment. I stand here to really challenge all of us in the United States to be a leader, not just in Europe, not just an Asia, but also in Africa.

Mr. JACKSON of Illinois. Mr. Chairman, I am proud to yield 4½ minutes to the gentleman from New Jersey (Mr. PAYNE), the ranking member on the Subcommittee on Africa.

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

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

Mr. Chairman, I rise in strong support of the Jackson amendment to the Commerce-State-Justice bill, H.R. 4690. Let me commend the gentleman from Illinois (Mr. JACKSON) for putting in this commonsense amendment. It is simply nothing more than that. It is common sense.

Why is it common sense? It is common sense because, as we have heard a previous speaker say in a very eloquent appeal, the gentleman from Virginia (Mr. WOLF), that the United States is the number one nation in the world. Our country is experiencing all-time heights in the stock market, the quality of life, unemployment, profits.

Here we have a nation that is number one in the world, a nation that spends this year $310 billion on defense, many on these weapons that make war. These weapons are to supposedly defend ourselves against the enemy. We really have no enemy that we can see. The USSR is gone. We have potentials all around, but there is no threat as there was in World War II and as there was in World War I, or as there were during the Cold War.

As we spend $330 billion making weapons of war, B–2 bombers, MX missiles, and *Sea Wolf* submarines, we say that we cannot afford $2.7 billion to preserve the peace; not to make the war, but to preserve the peace.

Can it be that these are people whose skin is black? Can it be because these are people who struggle daily simply to eke out a living? They do not buy our cars, they do not buy our equipment, they do not buy our televisions, they do not buy our computers. So does that mean that these people do not count? They are human beings, like everyone else. When their fingers are cut, the little children, the blood is red. When their bellies hurt, their eyes show the pain.

Why can we then say as a nation, the home of the free, the land of the brave, that we cannot put $2.7 billion in to preserve the peace? This is a disgrace. It is a shame. I almost feel that it is an embarrassment being a Member of this House, where we talk about taking money out that will preserve the peace.

We are not talking about sending U.S. troops there to be in harm's way. We do not do that anymore. The French did it in the Congo when they went in and protected several million people. The British just went into Sierra Leone. But we do not now do that, and we are not asking us to do that, since we do not do that anymore.

But we cannot give $2.7 billion so Ethiopia and Eritrea can stop the conflict? They want to do it, they are ready. They simply want some observers in to make sure that things are even. There is the Congo, with seven nations battling and saying, we are willing to step back if you send the U.N. in. There is the situation in Sierra Leone. They are ready to say, at least we need a semblance of peace and justice. Let the U.N. come in and all sides will agree.

And we are saying that we do not want to send $2.7 billion of United States taxpayers' money to this region? Why? I am still trying to find out the reason why. Is it because their skin is black? Is it because they are poor? Is it because they have been exploited by the Cold War? No blood was shed during the Cold War except in Africa.

Mr. Chairman, we have supported Mobutu, a despot, a tyrant, for 30 years, who stole from and ravaged his country, but the U.S. supported him. That is one of the problems in the Congo today, because of the legacy of Mobutu. We cannot now send $2.7 billion to the United Nations to try to undo what we have done? It is wrong. I would urge that we pass the Jackson amendment.

Mr. JACKSON of Illinois. Mr. Chairman, I yield myself the balance of my time.

The CHAIRMAN. The gentleman from Illinois (Mr. JACKSON) is recognized for 4 minutes.

(Mr. JACKSON of Illinois asked and was given permission to revise and extend his remarks.)

Mr. JACKSON of Illinois. Mr. Chairman, we have heard from the various speakers on our side of the aisle just how complicated this bill is for sub-Saharan Africa.

Not long ago, this Congress voted on a new relationship with sub-Saharan Africa, the Crane-Rangel bill, 309 yeas, 110 nays, to establish a new premise for relating to sub-Saharan Africa. Trade, not aid, was the mantra that was offered by Democrats and Republicans in this Congress to establish a new relationship with sub-Saharan Africa.

Now the rubber meets the road in the Commerce-Justice-State appropriations bill where, when it comes to providing not only trade but providing sustainable development and peace in a region that wants to work its way out of its economic condition and provide economic hope for its people, the United States government, through this report, has determined that funding peacekeeping missions in sub-Saharan Africa is not worth our time or worth our money.

It does not say that about Kosovo. It does not say that about U.N. missions in other parts of the world. It specifically singles out in this bill Africa for no peacekeeping resources.

At the conclusion of World War I, President Wilson proposed a League of Nations to keep World War I from ever happening again. Because it did not pass through the political process in our country and around the world, quickly we found ourselves involved in World War II, which led, at the conclusion of World War II, to the idea of a United Nations.

Why a United Nations? The United Nations, with all of its problems, was brought into existence as an early warning system for Hitler. It was the early warning system in the latter half of the 20th century to determine if another fascist, another tyrant, another totalitarian regime began moving, not only on U.S. interests but on world interests.

That is why peacekeepers came into existence, as an early warning system to provide people in the world an opportunity to rally behind an international governing body that could indeed determine that undemocratic practices were taking place somewhere in the world.

So what does this bill do? It challenges that very basic premise. It says that $100 million of this particular bill, unless the U.N. balances its budget like we are balancing our budget, should not go looking for despots or tyrants. It says that peacekeeping should not be done in Africa, do it everywhere else in the world.

It would be one thing if the chairman and the distinguished committee could hide behind, could hide behind this amendment, but the reality is that it cuts Africa.

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

Mr. JACKSON of Illinois. I yield to the distinguished gentleman from Maryland (Mr. HOYER).

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

Mr. HOYER. Mr. Chairman, I rise in support of the gentleman's proposition. I understand the administration has increased somewhat the monies for international peacekeeping, but the monies are critically needed, and although I did not have the opportunity, unfortunately, because I was late getting to the floor, to hear all of the comments of my distinguished friend, the gentleman from Illinois, I think we all agree that the United States' interests, our strategic interests, are served by fully participating in the U.N. peacekeeping process.

It is my understanding that there is not an American soldier right now involved in U.N. peacekeeping efforts outside of Kosovo, which is an OSCE, essentially, with U.N. participation. The fact of the matter, though, is I think we are foolish if we do not fund our fair share. One could argue about fair share, but in my view, we are certainly at this level, at this level, paying a share that is less than some other countries on a per capita basis.

The CHAIRMAN. The time of the gentleman from Illinois (Mr. JACKSON) has expired.

Mr. JACKSON of Illinois. Mr. Chairman, I ask unanimous consent to proceed for 1 additional minute.

The CHAIRMAN. Without objection, 1 additional minute is granted to each side.

There was no objection.

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

Mr. JACKSON of Illinois. I yield to the gentleman from Maryland.

Mr. HOYER. Mr. Chairman, I think we should pay our fair share.

My father was born in Copenhagen. I visited Bosnia some years ago. There were 985 Danish troops in Bosnia. That was more troops per capita than any other Nation on Earth. Obviously, they were not the largest contingent that was there, but in terms of the commitment they were making it was, relatively speaking, the largest.

The United States continues, obviously, to make the most significant contribution in many areas of the U.N., relatively speaking, not only to our wealth and our capabilities but also relative to the consequences that will occur if the U.N. peacekeeping efforts are not successful.

In other words, the investment we are making in keeping the peace frankly is not only saving us money, it is also saving us risk at putting additional assets deployed in those areas. So I would urge my colleagues to adopt this amendment and increase to the President's level.

Mr. JACKSON of Illinois. Mr. Chairman, I yield myself the balance of my time, and thank the gentleman from California (Mr. DIXON) and the gentlemen from New York, Mr. CROWLEY and Mr. SERRANO, for bringing this very important amendment to the people.

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

□ 1730

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

Mr. Chairman, let me try to dispel some misunderstandings about peacekeeping and what we fund in this bill. For example, we did not fund in this bill the NATO mission in Kosovo. We fund the peacekeeping portion of the effort in Kosovo, after the peace was won.

We did not fund the war-stopping measures in East Timor. Australia did that. They established peace, and then we fund the peacekeeping U.N. contributions.

This bill does not fund the effort to establish order in Haiti. We approved the funding for the peacekeeping in Haiti after the peace was established.

And the same will be true of Sierra Leone, Congo, Ethiopia, anywhere else in the world that the U.N. is the appropriate vehicle to keep a peace. The U.N. cannot make peace. The U.N. can keep, hopefully, a peace. That is where we are now.

Mr. Chairman, let me correct another misconception, that we do not provide adequate resources for U.N. peacekeeping. This bill contains $500 million for our share of U.N. peacekeeping. And I would point out, our share, the U.S. share, up until recently, was 30 percent and the rest of the world paid the balance. But we paid by far the biggest share and still do. Our share now is 25 percent, not only of peacekeeping but of the regular U.N. dues.

But we provide $500 million in this bill for peacekeeping operations of the United Nations. We are pulling our fair share. Let no one dispute that. If there is disagreement about the appropriate numbers of dollars in the U.N. peacekeeping missions, go talk to our friends in England and Japan and Greece and the rest of the world, China, about paying a better share of the costs of U.N. peacekeeping. Do not tell me that the United States is not a big-time partner in peacekeeping around the world. We pay a fourth of

the costs, not counting what we contribute militarily, which does not count in this budget, for transporting troops all over the world in our planes, our fuel, our ships, our troops, in transporting people all around the world for peacekeeping missions.

Now, in the year 2000, this current year, we gave the U.N. a 120 percent increase in the number of peacekeeping dollars that we contributed. It went from $231 million in fiscal 1999, we increased that to $498 million in this current year. Now, what the administration is requesting is an increase of that figure by $241 million. We do not provide that additional increase because these missions are not quite ready yet.

Earlier on, we thought Sierra Leone was ready. There was a peace agreement. The U.N. voted for a peacekeeping mission to keep the peace in Sierra Leone. We approved the reprogramming monies and we sent $42 million to the U.N. for the peacekeeping operation in Sierra Leone, so we have approved that. Now they want more for Sierra Leone. But by everyone's account, Sierra Leone has now descended back into warfare for which the United Nations is not equipped. We all know that. Secretary General Annan says that.

Now, there is a misconception about how peacekeeping monies are spent and how they are doled out. Every year, the Congress approves a sum of money for U.N. peacekeeping assessments. That money stays in the peacekeeping account. When our Ambassador to the U.N. is preparing to vote for another peacekeeping mission, they are required by law to notify the Congress, this subcommittee, and the Congress in general, of their intent to vote for another peacekeeping mission at the U.N. Security Council, along with a reprogramming request of us to take from the $500 million account and apply so much to that peacekeeping mission.

They did so with Sierra Leone back in February and, pronto, the Congress approved. We reprogrammed $42 million from the general account for peacekeeping for that particular mission. And as we all know since that time, Sankoh and the rebels have gone back on the attack and Sierra Leone is no longer working under a peace agreement for which the U.N. could keep the peace. It has descended back into warfare and we are withholding the reprogramming of further Sierra Leone peacekeeping missions until order can be restored.

Now, how does that take place? How can order be restored in Sierra Leone so that the U.N. can keep a peace? The same way we did in Kosovo. In Kosovo, the regional power went in with military force, led by NATO, the U.S. being a big portion, of course, and restored a peace. Now we are funding a peacekeeping mission through the U.N. in Kosovo.

What happened in East Timor? We relied upon Australia, the regional power, to go in militarily. Not with U.N. peacekeeping dollars, but other money. Military aid to establish the peace in East Timor. Now we have sent U.N. peacekeepers to East Timor because there is a peace to be kept.

It happened that way in Haiti. The U.S. was the regional power. It can happen that way in Sierra Leone. How? By equipping militarily Nigeria, the regional power, with U.S. dollars. It is not peacekeeping monies. It would come out of the Defense Department or from foreign military assistance in the foreign aid bill, not this one, to directly militarily assist Nigeria to go into Sierra Leone and establish a peace which can be kept by the U.N.

Mr. Chairman, we are discussing that with the administration. Ambassador Holbrooke is working night and day for that very objective. We are conferring with him almost daily in that respect. Do not expect the U.N. peacekeeping mission to be able to go in and fight a war. They cannot do that. We learned that in Somalia. We have learned it all around the world. Let us not relearn a lesson that has cost American lives as in Somalia and other nations, military personnel, peacekeeping personnel, as we have learned, unfortunately, only recently.

Last November, Secretary General Kofi Annan was quoted as saying,

> Peacekeeping and warfighting are distinct activities which should not be mixed. Peacekeepers must never again be deployed into an environment in which there is no ceasefire or peace agreement.

I agree with that entirely. But the U.N. apparently is not following its own advice. Right now the largest U.N. peacekeeping mission in the world is in Sierra Leone, a country where there is now open warfare. U.N. peacekeepers kidnapped, some 500 of them, by Sankoh and the rebels. The U.N. has demonstrated absolutely no capability to restore and enforce peace there. And we did not expect them, frankly, when they were sent there earlier on, to get into an open warfare situation. Nineteen peacekeepers are still captive. Another 230 surrounded and detained. They are not trained for warfare. We all know that.

The British came in and prevented a total collapse by the U.N., but now the British are withdrawing and the U.N. is likely to be challenged again.

The U.N. commander in Sierra Leone recently tried to explain why his troops surrendered without a fight and were taken hostage last month. He said they were taken hostage because they were, quote, ''using the weapon we know best: Negotiation. We did not want to use force. We did not come here for war.'' End of quote. The commander of the U.N. in Sierra Leone.

If the task at hand is negotiation, peacekeeping, obviously the U.N. should take the lead. When the task at hand is to fight a war, the U.N. is the wrong tool for the job. Do not expect them to be able to fight a war. They are not equipped for that. They are not trained for that.

So what is the U.N.'s response so far to renewed fighting in Sierra Leone? More personnel. More potential hostages or worse, casualties. More chaos and violence for the citizens of Sierra Leone. The U.N. expanded the force to 11,000, then to 13,000, soon to 16,500, yet that force is not equipped. It still has poor logistics and poor communication. Even reports of direct insubordination within the command. They ran when the rebels attacked and then surrendered. I believe it is a recipe for disaster.

Mr. Chairman, we have urged the administration to pursue other policy options to bring peace first to Sierra Leone, if that is indeed possible. And the only way to do that, unless it is direct U.S. military personnel, is to equip and arm Nigeria and allow them to establish a peace to be kept in Sierra Leone.

If my colleagues agree with the U.N.'s undisciplined, uncontrolled approach to peacekeeping, then they should support the gentleman's amendment and the administration's funding request, a second consecutive annual increase of over $200 million. This approach led to disaster in the past and it will again.

The bill in front of us today holds U.N. peacekeeping at the elevated level that we gave them in the year 2000, a 120 percent increase over fiscal 1999. It will help the administration to argue against the wishful thinking of those at the U.N. who believe that placing U.N. personnel into combat zones will magically bring peace. As we so tragically now know, that does not take place.

We have to make difficult choices in this bill to live within the allocation we were handed. We have not targeted peacekeeping money for reduction. We have simply held it at the current elevated level of last year the current year, which we have had to do in so many other accounts in this bill. We do not prohibit peacekeeping missions anywhere in the world. That is just not in this bill.

No offset is proposed in the gentleman's amendment. This is the exact same amendment that we rejected in the full committee 2 weeks ago, and were it not to be the subject of a point of order, I am confident that that would be the case in this body.

Mr. Chairman, let me say this in conclusion. I hope that the administration will equip the Nigerians with whatever military capabilities are needed to establish a peace in Sierra Leone. In that case, monies will be approved for a peacekeeping mission in Sierra Leone by the U.N., as it should be. The same, frankly, will be true in the Congo when there is a peace to be kept, as there is not today. The same will be true in Ethiopia/Eritrea. In fact, since the bill was marked up, there has now come about a peace agreement in Ethiopia and I am sure we will receive soon a request for peacekeeping reprogramming funds from the general account to a

peacekeeping mission in Ethiopia to keep the peace established by that accord. There is a peace apparently to be kept in Ethiopia and it will be funded in due course of time.

But I plead with my colleagues, understand the limitations that the U.N. has in bringing about peace. They can negotiate, they can keep a peace once it is established, they just do not have the capability to wage war.

□ 1745

They are not a war-fighting organization. They are a peacekeeping organization. We fund peacekeeping in this bill. They fund war-fighting in other bills.

So I would hope that my colleagues will understand the position that this chairman and this subcommittee take. We support peacekeeping when there is a peace to be kept. We understand the U.N. cannot fight wars. Only a militarily capable entity, such as NATO or such as a regional military power, like Australia, Britain, the U.S., others, Nigeria in Sierra Leone's case, establish a peace to be kept.

I say to my colleagues that once that peace is established, and there is a peace to be kept and the United Nations asks the U.S. to share in the cost of the peacekeeping mission to the tune of 25 percent, this subcommittee will reprogram funds from this account to fund that peacekeeping mission, wherever it is, Sierra Leone, the Congo, Ethiopia, Haiti, East Timor, Western Sahara, and others. There are many of them going on at this moment.

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

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

Mr. PAYNE. Mr. Chairman, I appreciate the gentleman yielding to me.

Let me say in regard to a few of the figures the gentleman raised, the gentleman talked about the fact that the U.S. had 30 percent of peacekeeping and now it has reduced this appropriations down to 25 percent and there is a move to even reduce it further. The way the U.N. assesses dues is based on GDP. The U.S. has 28 percent of the world's wealth. And as we continue to reduce our contributions to the United Nations, we are actually paying less.

As we reduce our contributions down from 25 to 22, and we want to go to 20, that means that the poorer countries in the world will have to pay a disproportionate share, as we pay less than our share. So we are not paying more; we are actually paying less than the world standards of how assessments are done.

Mr. ROGERS. Reclaiming my time, Mr. Chairman, if the gentleman will look at a table of the nations that contribute to U.N. peacekeeping, the gentleman will find that five nations pay better than 90 percent of the total peacekeeping costs. Most of the countries of the world, the countries the gentleman has mentioned, pay a fraction of 1 percent. China now pays, I think, less than 1 percent. Japan pays around 10 or 11 percent. They are beginning to pull their fair share. Britain pays a good fair share. Germany needs to be increased, and others.

The poorer nations of the world will not suffer if the rate of contributions of the other industrialized nations come up to where they are now, not the GDP they had in 1945 when the U.N. was formed.

That is not the question in this debate, however, the U.N. contribution rate of the U.S. We will take that up in another setting, perhaps. The point I want to make to the gentleman in relation to the amendment that has been offered is that we will fund our share of peacekeeping costs of the U.N. where there is a peace to be kept. And in Sierra Leone I hope to God that a peace can be established there by Nigeria or some regional power for us to be able to keep. The same is true in the Congo, in Ethiopia and East Timor.

Mr. PAYNE. Mr. Chairman, if the gentleman will continue to yield, on the question of Sierra Leone, I think there were 300 peacekeepers. Now, if there were 300 Nigerian troops at that point surrounded by several thousand RUF, I think the conclusion would probably be about the same. I think that it was not the fact that they were peacekeepers. I think that if the adequate number that was supposed to be in that country could be deployed there, I do believe that there would have been a very different outcome.

Also, in Ethiopia and Eritrea, they are saying that they are ready to end all of their hostilities and they have signed a peace accord. But they have said that they want the U.N. peacekeepers in there now so they can all withdraw. They do not trust each other. If we do not send in the U.N. peacekeepers, there is no regional power in Ethiopia or Eritrea.

Mr. ROGERS. Well, reclaiming my time, I have already said to the gentleman that we may yet approve a peacekeeping expenditure for Ethiopia. There has been an accord signed since we marked the bill up. That will be forthcoming. We could reprogram money from this account for a peacekeeping mission in Ethiopia. The same is true for Sierra Leone, when there is peace to be kept.

But the peacekeepers of the U.N. sent to Sierra Leone are not equipped to fight. They are equipped to keep the peace. We should arm Nigeria to the point that Nigeria can go in and take care of Sankoh and the other rebels that are causing so much havoc in that poor country. But we have to have a military capable force, and Nigeria has it. The U.N. does not want it, nor do we want them to have a war-fighting capability.

So Nigeria, I think, is the solution to the Sierra Leone lack of peace. And Nigeria cannot do that unless we equip the Nigerian military force with the power capable to make that happen.

Mr. PAYNE. Mr. Chairman, if I can ask the gentleman to continue to yield for just a few quick seconds more.

Let us take the Congo. In the Congo I have spoken to heads of State just a day or two ago, the main belligerents, that is what they are called, the aggressors, they are waiting for the U.N. The reason there is a skirmish here and a skirmish there is because of the vacuum created by the lack of, as there are, retreating troops.

So I would say to the gentleman that I think he is lumping together three or four places under one wand. I think that is a mistake, because they are all very different. And I do believe that we can have the peace without the conflict of war in some of these places, therefore even saving casualties from those regional powers.

So I would urge the gentleman, as I yield back to him, if there could be a rethinking of this issue, we would appreciate it.

Mr. JACKSON of Illinois. Mr. Chairman, will the gentleman yield?

Mr. ROGERS. I yield to the gentleman from Illinois.

Mr. JACKSON of Illinois. Mr. Chairman, I certainly appreciate the gentleman's willingness to work with us on these critical issues.

When the chairman mentioned the word reprogramming, as it is specifically laid out in the context of the report, is the chairman, one, talking about reprogramming of the appropriated amount of $500 million? That is, possibly taking money from some other peacekeeping force. Or is the gentleman talking about an additional appropriation that is towards the President's request for additional peacekeeping missions?

Mr. ROGERS. Reclaiming my time, Mr. Chairman, as I explained before, the way this rather unique account is operating, the way we operate it, we appropriate, or the Congress does, an annual sum of money for peacekeeping contributions to the U.N., in this case $500 million. During the year, the administration, when they propose another peacekeeping mission at the U.N., they are required by law to notify the Congress 15 days in advance of that vote at the Security Council, a notification that they plan to vote for a new mission; and, two, a reprogramming request from this account, or some other peacekeeping mission that is not quite ready yet for monies to go into that particular new peacekeeping mission. That is the way that has been operating for a long time.

Sometimes each peacekeeping mission has different spend-out rates. Some spend quicker than others. There is always money in that account to be changed from one to the other or drawn from the general account.

What the bill proposes is $500 million, the same as the current year, for the peacekeeping account, which is a 120 percent increase over the figure we gave similarly in 1999. So we have kept them at the elevated 120 percent increase over 1999 in this current bill.

There should be sufficient monies for them to do the peacekeeping missions where the mission is ready for monies to be spent. It is not ready in Sierra Leone nor in the Congo. It probably will soon be in Ethiopia.

Mr. JACKSON of Illinois. Mr. Chairman, if the gentleman will continue to yield for one final inquiry. The chairman is well aware that the Helms-Biden agreement dictated and requires the Congress to provide 25 percent of the total cost of these operations. Is the chairman aware of any implications the cap that is placed on this bill would have on the existing operations, and its impact on an agreement that was worked out between Senator HELMS and Senator BIDEN?

Mr. ROGERS. I am not sure I understand the gentleman's point.

Mr. JACKSON of Illinois. My understanding was that this request is not coming from the administration purely out of the context of requirements dictated by a compromise worked out between Senator HELMS and Senator BIDEN, and that is presently our obligation, as required by law, is to fulfill 25 percent of the total cost of these operations; and that any failure by us to pay will affect the U.N.'s ability to effectively carry out all of the missions.

I was just wondering if the chairman was aware whether the cap the chairman has placed on the amount from the House mark might indeed have broader implications for that understanding.

Mr. ROGERS. I do not see that it would.

Mr. JACKSON of Illinois. I thank the chairman for yielding.

Mr. CROWLEY. Mr. Chairman, I speak today in strong support of the Dixon, Jackson, Crowley, Jackson-Lee amendment to the CJS Appropriations Act to increase appropriations for international peacekeeping by $241 million.

First, let me thank Representative JACKSON for his strong leadership on this issue. It is a pleasure to work with him on such a worthy effort. I would also like to thank Representative DIXON for his strong leadership on this issue. He led the fight in committee on behalf of peacekeeping and the United Nations and I thank him for his efforts. I would also like to thank Representative BARBARA LEE, Representative SERRANO, and Representative SHEILA JACKSON-LEE for their support.

Mr. Chairman, today we are forced to debate, again, an issue that was settled under the Helms-Biden legislation—the issue of our international peacekeeping contributions.

As many of you in this body know, the Helms-Biden legislation includes a provision in which the United States unilaterally reduced our peacekeeping contribution by 5 percent.

As I said, this was a unilateral move. We have not gotten agreement from the U.N., or even our allies at the U.N. We simply did this on our own.

This year, the administration has sent a budget up to Congress, adhering to the Helms-Biden law and determined that it will cost approximately $738 million to fund our share of international peacekeeping at the congressionally agreed upon level of 25 percent.

But that is not what was done in this legislation. Instead, the CJS bill has cut the administration's request by one-third, and provided funding at a level of $498 million.

Additionally, a number of restrictions have been placed on this funding prohibiting support for U.N. peacekeeping missions in Sierra Leone, the Democratic Republic of Congo, Tajikistan, Western Sahara, and in Ethiopia and Eritrea.

This low funding level and the arbitrary restrictions are dangerous.

Peacekeeping is an important foreign policy tool and vital to U.S. national security. To quote from the State Department's FY 2001 presentation and justification for funding:

United Nations peace operations directly serve the national interests of the United States by helping to support new democracies, lower the global tide of refugees, reduce the likelihood of unsanctioned interventions, and prevent small conflicts from growing into larger wars.

Failure to control conflict can result in the spread of arms trafficking, increased trade in narcotics, terrorism, increased refugee flow, increased instability, child soldiers, and the list goes on.

Mr. Chairman, some regions of Africa are experiencing medical emergencies of biblical proportions due to the AIDS virus and other infectious diseases. Because of the conflicts in some areas of Africa, vital health care and other services are nearly impossible to administer. Peacekeeping missions in Sierra Leone and the Congo and elsewhere would help change this and allow vital health care programs to reach civilians in war torn regions.

Mr. Chairman, peacekeeping is inexpensive compared to the alternatives—war and instability.

Any administration, including Presidents Reagan and Bush, would object to the restrictions and the low funding level in this legislation.

Of current U.N. peacekeeping missions, at least 5 are less than 2 years old. To set an arbitrary cap now makes no sense. You are denying these missions even the opportunity to succeed.

In the Middle East, the mission in Lebanon significantly increased this year with the Israeli withdrawal. By under funding peacekeeping, are we not implicitly sending the message that Middle East peace is not vital to U.S. national security?

Yes, congressional oversight is important. That is why the State Department briefs Members every month on current peacekeeping operations. That is why Congress is notified 15 days before new or expanded missions are voted on in the U.N. Security Council, where the United States can veto any mission we disapprove of. That is why the appropriators are consulted before funding is reprogrammed. But under this legislation, the Congress is overreaching with the funding limitations.

But this report goes further and sets international policy on peacekeeping by tying the President's hands and ignoring U.S. treaty obligations to fund these missions.

As I said, our assessment is a little over 30 percent. Under Helms-Biden, we lowered it to 25 percent unilaterally. We then instructed the State Department to negotiate with U.N. member countries to get an agreement on the 25 percent level. Now, we are failing to even meet the 25 percent level under Helms-Biden.

Last year, the United States began to rebuild its credibility and pay its financial obligation to the United Nations.

Today, we owe the U.N. $1.2 billion according to our own State Department; $993 million of these arrears are due to our failure to pay our peacekeeping assessment.

There is $56 million in prior holds—$612 million from earlier cuts—$202 million for the legislative cap on peacekeeping (which is our unilateral cap of 25 percent and $123 in non-legislative categories.

This does not even include what we are now withholding—about $93 million in past due bills for FY 2000; plus the peacekeeping supplemental request of $107 million for FY 2000 that are not approved. Plus $225 million in reprogramming holds.

And now a $241 million cut in the administration's request.

If we continue on this path, we'll be back in the same situation with our arrears as we were a year ago.

As Ambassador Holbrooke said, ''not paying our assessments to these peacekeeping operations would be disastrous.''

Mr. Chairman, I know our amendment is subject to a point of order. But I would urge the chairman to accept this amendment or allow a vote on this issue. Let the Congress speak.

Mr. GILMAN. Mr. Chairman, I rise in reluctant opposition to the Dixon amendment. I am fully aware that there are some strong arguments that can be made on behalf of the need for U.N. peacekeeping and the need for U.S. support for these operations. We should try to meet our financial commitments especially in light of our ongoing efforts in New York to reduce our current U.N. peacekeeping assessments.

However, United Nations peacekeeping operations are in deep trouble today both in New York and in the field. In some missions, we see an all-too-familiar pattern where the peacekeepers are caught in the middle of cease fires giving way to armed conflicts and regional peace agreements dissolving into open conflict among numerous regional actors.

Congress is all too often being asked to fund deeply flawed operations where the administration is unable or unwilling to provide a road map for their restructuring. And throwing more money and more peacekeepers into missions will be fruitless so long as there is no peace to keep.

Earlier this month, our Permanent Representative to the U.N., Ambassador Richard Holbrooke, told the world body that it must ''transform its civilian-run peacekeeping department into a larger and more effective military style operation if it is to avoid repeated humiliations in the riskier missions it is undertaking around the world.'' In short, we need a clear and concise blueprint for the reform of the U.N.'s Department Peace Keeping Operations.

Many observers agree that the peace accord underlying the operation in Sierra Leone is now a virtual dead letter and the current U.N. forces are simply not able to handle the military threat from the insurgency movement threatening the government in that beleaguered country.

And to reinforce Ambassador Holbrooke's concerns about U.N. peacekeeping in crisis, the United Nations Secretary General told the

Security Council in mid-June that the U.N. itself is being forced to rethink the entire operation in the Democratic Republic of the Congo. Other operations in Europe and Asia need more intensive scrutiny and oversight.

In November of last year, I requested our General Accounting Office to review the expected costs of ongoing and future operations and the extent to which the administration has adhered to its own guidelines for the approval of major U.N. peacekeeping operations.

The report is essential to guide our decisionmaking and review of these operations. Yet the GAO is hardly any closer today to completing this study than it was last year. Unfortunately, the GAO continues to encounter determined foot-dragging and bureaucratic inertia from an administration that continues to give the impression that it is being less than candid with the Congress and the American people about the price tag of U.N. operations and the process under which they are approved.

I would welcome an opportunity to meet with members of the administration to address all of these issues over the coming months and to find a way to provide greater support for U.N. peacekeeping operations in the future.

POINT 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. This 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 of the Chair.

The CHAIRMAN pro tempore. Does the gentleman yield back the balance of his time?

Mr. ROGERS. I do, Mr. Chairman.

Mr. JACKSON of Illinois. Mr. Chairman, we concede the point of order.

The CHAIRMAN pro tempore. The gentleman concedes the point of order. The point of order is sustained. The amendment is not in order.

AMENDMENT NO. 66 OFFERED BY MS. JACKSON-LEE OF TEXAS

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

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 66 offered by Ms. JACKSON-LEE of Texas:

Page 79, line 2, insert before the period the following: ''*: Provided further*, That funds made available under this heading may be used for United Nations peacekeeping missions in the Republic of Angola, the Democratic Republic of the Congo, the Federal Democratic Republic of Ethiopia, the State of Eritrea, the Republic of Sierra Leone, and the western Saharan region of Africa''.

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

The CHAIRMAN pro tempore. The gentleman from Kentucky (Mr. ROGERS) reserves a point of order.

Pursuant to the order of the House of Friday, June 23, 2000, the gentlewoman from Texas (Ms. JACKSON-LEE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Chairman, I yield myself 1¾ minutes.

My amendment, Mr. Chairman, is offered to clarify and to highlight what is actually happening in this bill. We have just had a vigorous discussion on many of our concerns about prohibiting the United States, in a collaborative way, from fighting or supporting peace. And let me eliminate the word fighting and just say supporting peace.

Specifically, the bill and its supportive language talks about specific countries in which funds that are in the bill cannot be used to help fund peacekeeping missions, and those countries include some that I am listing now: the Republic of Angola, the Democrat Republic of the Congo, the Federal Democratic Republic of Ethiopia, the State of Eritrea, the Republic of Sierra Leone, and the Western Saharan region of Africa.

We have already seen a visual depiction on this floor of the violence that is occurring in Sierra Leone where even children are having their limbs hacked off. We already know, that Eritrea and Ethiopia are moving towards a peace agreement or a settlement of their differences.

I, for one, Mr. Chairman, have been to this floor years ago and acknowledged that Ethiopia had a bad human rights record, and I had asked at that time that their funds be held up until they improved their human rights record. But now we are in the midst of seeing a resolution to a long-standing conflict between Eritrea and Ethiopia, which I wish had not started. The way this bill is written, however, it specifically keeps the funds in this bill now from being used for peacekeeping missions in Africa which will impact negatively on their potential peace agreement.

So my amendment specifically adds language that says, yes, America can stand up for peacekeeping; yes, we can participate with the U.N., not in war but in peacekeeping. I think it is a tragedy that we have legislation and have an appropriations bill that denies those dollars, denies our relationship with the United Nations, and denies our ability to help keep peace on the Continent of Africa.

Mr. Chairman, I yield 1 minute to the gentleman from Wisconsin (Mr. OBEY), the distinguished ranking member of the Committee on Appropriations.

□ 1800

Mr. OBEY. Mr. Chairman, I do not necessarily endorse any individual peacekeeping operation. I do not believe that is my role. But when the committee says and the gentleman from Kentucky (Mr. ROGERS) says that, no matter what happens in the world, that the United States, a year in advance, will declare that it will not provide more than $500 million for peacekeeping arrangements no matter what happens, then I have to say the gentleman from Kentucky (Mr. ROGERS) reminds me of King Canute, the famous king who looked at the tide and said, ''Thou shalt not rise.''

I say ''good luck'' to the gentleman from Kentucky (Mr. ROGERS). I am glad he is prescient enough to see ahead of time what our national needs are. I think everybody else in this Chamber is somewhat more humble about our ability to see the future.

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

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

Mr. ROGERS. Mr. Chairman, I am glad the gentleman from Wisconsin (Mr. OBEY) is entering this debate because the gentleman serves as the ranking member of the Foreign Operations, Export Financing and Related Programs Subcommittee of the Committee on Appropriations.

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

Ms. JACKSON-LEE of Texas. Mr. Chairman, I yield 1 minute to the gentleman from Kentucky (Chairman ROGERS).

Mr. ROGERS. Mr. Chairman, the gentleman from Wisconsin (Mr. OBEY) is the ranking member of the Foreign Operations, Export Financing and Related Programs Subcommittee of Appropriations, as well as being a ranking member of the full committee.

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

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

Mr. OBEY. Mr. Chairman, correction: The gentlewoman from California (Ms. PELOSI) is.

Mr. ROGERS. Mr. Chairman, the gentleman from Wisconsin (Mr. OBEY) is ranking member of the full committee and deals with these matters quite often.

Mr. Chairman, would the gentleman not agree that the way to establish a peace in Sierra Leone is through direct military assistance to Nigeria, the regional power, to establish the peace in Sierra Leone?

Mr. OBEY. Mr. Chairman, this gentleman is not sure what the right way to proceed is on that issue. This gentleman is sure that the gentleman from Kentucky (Mr. ROGERS) was not elected to be Secretary of State and neither was the gentleman from Wisconsin (Mr. OBEY) and for the Congress to, ahead of time, say that, regardless of what happens, only $500 million will be appropriated for peacekeeping is patently absurd.

Why not telegraph to our enemies around the world ahead of time that once we hit the $500 million level, we ''ain't going to do nothing about anything?''

Ms. JACKSON-LEE of Texas. Mr. Chairman, I yield 45 seconds to the gentlewoman from California (Ms. LEE), a distinguished member of the

Committee on International Relations Subcommittee on Africa.

Ms. LEE. Mr. Chairman, let me thank the gentlewoman from Texas (Ms. JACKSON-LEE) for offering this amendment.

I just want to make a couple of points with regard to where we are now in terms of U.S. policy toward Africa and vis-a-vis peacekeeping.

Our Congress has begun to promote trade and investment on the continent of Africa. However, these speeches, our votes, for trade and investment on the continent of Africa really become hollow words or deeds with no real teeth in the measures unless we really do support peace and stability on the continent of Africa.

United States corporations want peace and stability. I am sure they support any efforts that this country will be engaged in in order to ensure that the continent is stabilized.

Peace is a prerequisite to development. Funds for peacekeeping missions really will prevent millions of individuals from being killed on the continent of Africa. This is really a minimum investment which our country should step up to the plate to.

I thank the gentlewoman from Texas (Ms. JACKSON-LEE) for offering this amendment. I believe there are millions of African Americans in this country who want their tax money going for such an investment.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I yield myself the balance of the time.

Mr. Chairman, let me close by simply saying this: As the bill is now written, it bars U.N. peacekeeping provisions or funds to be used for peacekeeping by the United States of America in certain countries in Africa.

My amendment allows the existing monies in the bill to be used in Angola, the Congo, Ethiopia, Eritrea, Sierra Leone, sub-Saharan region of Africa. It allows the United States to participate in peace, not in war.

I would ask the chairman to waive his point of order so that we can invest in peace, and I ask that we do so because peace is what America should stand for throughout the world.

Mr. ROGERS. Mr. Chairman, I yield myself such time as I may consume, and I continue to reserve my point of order.

Mr. Chairman, first let me respond to the gentleman from Wisconsin (Mr. OBEY). No, I was not elected Secretary of State. I would not have the slightest idea how to be Secretary of State.

What I was elected to do, though, by my constituents at home and by my colleagues in the House is to be sure that we are spending our tax dollars wisely. That is what the Committee on Appropriations is supposed to do. It falls to my lot, as chairman of the subcommittee, to try to establish some discipline on the past extravagant spending by the U.N. for peacekeeping missions in the early 1990s, when we spread American troops and other nations' troops all around the world.

Today we have several of these peacekeeping missions around the world, and we are paying 25 percent. I think we should have a say in how those tax dollars are spent and whether or not they should be spent in a given peacekeeping mission.

Now, the gentlewoman from Texas (Ms. JACKSON-LEE) is not correct. This bill does not prohibit peacekeeping missions in any country in the world. What we say in the report language is that, in any of the missions she named, monies can be spent in those missions if it is reprogrammed for that purpose. But that is true of all other peacekeeping missions that we enter into.

My opposition to particular U.N. peacekeeping missions has nothing to do with where they are. It has everything to do with the nature of the task the U.N. is being asked to carry out and whether the conditions are favorable for that mission to be effective.

Everyone who has looked at the failures of the U.N. in Bosnia and Somalia, Congress, the GAO, the administration, the U.N. itself, has come to the same conclusion that U.N. peacekeeping is not an effective policy tool when the situation calls for the use of force or the credible threat of force to restore or enforce peace.

Sierra Leone and Congo are two such situations, and placing U.N. troops into such situations has not and will not and cannot bring peace.

I deplore the current situation in Sierra Leone, and I sincerely hope that the administration will actively pursue military assistance to Nigeria to allow them to establish a real peace in that country that can be kept by the U.N. When they do, U.N. monies from this account will be reprogrammed to pay our share of the costs of a peacekeeping mission there, as we have in the past.

Sending more poorly trained U.N. troops with no will or ability to pursue offensive military action against seasoned troops will not bring about that result, and yet that continues to be the administration's position. They have supported expanding the U.N. force there to 6,000, then to 8,000, then to 11,000, then to 13,000. Shortly we expect a notification that they want to expand to 16,500. And it has been nothing but a disaster, Mr. Chairman.

The U.N. was supposed to disarm the rebels. The rebels have more arms now than when the U.N. mission began. Why? Because the U.N. troops surrendered their arms when they were challenged, they retreated and left their arms and their armored personnel carriers for the rebels to take and use against the rest.

It is the same old lesson as Somalia and Bosnia, but I guess it is a lesson we have to learn over and over again. If we continue to bet everything on the success of the U.N. peacekeeping force waging a successful aggressive war against a rebel guerilla army, we will be sitting here a year from now, the American taxpayers will be out more than $200 million, and Sierra Leone will continue to be mercilessly attacked and its children's arms cut off.

So, Mr. Chairman, I urge rejection of this amendment.

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

Mr. ROGERS. I yield to the gentlewoman from Texas.

Ms. JACKSON-LEE of Texas. Mr. Chairman, as I listen to the remarks of the gentleman from Kentucky (Mr. ROGERS), it appears that we are moving in the same direction.

My question to the gentleman is that, if, for example, and as I indicated to him I have stood on this floor and asked for limitations on funds to Ethiopia when I questioned their human rights commitment, but if Eritrea and Ethiopia were to enter into a solid peace agreement in the next 10 days to 2 weeks, or Sierra Leone, Mr. Chairman, what would be the remedy out of this legislation for those two entities, to be funded for peacekeeping by the United States and the United States' involvement with U.N. peacekeeping at that time?

The CHAIRMAN. The time of the gentleman from Kentucky (Mr. ROGERS) has expired.

Mr. ROGERS. Mr. Chairman, I ask unanimous consent for 1 additional minute.

The CHAIRMAN. That request would be one minute for both the proponent and an opponent?

Is there objection to the request of the gentleman from Kentucky?

There was no objection.

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

Mr. Chairman, there is no language in this bill that would prevent the U.S. from paying an assessment for U.N. peacekeeping in Ethiopia and Eritrea in fiscal year 2001.

As I said earlier on another amendment, and the gentlewoman from Texas (Ms. JACKSON-LEE) may not have heard, there now is apparently a peace agreement in effect in Ethiopia entered into since we marked up this bill. And would I say to the gentlewoman that if, in fact, that is the case and, in fact, the administration requests that we reprogram monies from this account to pay our share of a peacekeeping operation in Ethiopia, it would be eligible; and we would give it due consideration, as we do all the others.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I do know that Ethiopia and Eritrea are moving toward a peace agreement. I hope it is soon.

What happens to Sierra Leone? I mentioned them. That is where the hacking off of limbs is going on.

The point of the gentleman about Nigerian troops, I applaud Nigeria. They have been most effective. They, obviously, have had some difficulties themselves. But with Sierra Leone, what happens to the funding for peacekeeping for Sierra Leone. What happens if we need more monies, because it is a difficult situation?

Mr. Chairman, I yield to the gentleman from Kentucky (Mr. ROGERS).

Mr. ROGERS. Mr. Chairman, if, in fact, we can establish peace in Sierra Leone, we can reprogram money for them, as well.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I want to thank the chairman for providing this insight.

I think all of us, what we want, Mr. Chairman, is we want to show the kind of compassion and commitment to the continent of Africa that we have shown with NATO, and SFOR, that we have shown in Central America, and we do not want to deny the same kind of support for the peacekeeping efforts in Africa.

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

Ms. JACKSON-LEE of Texas. I yield to the gentleman from New Jersey.

Mr. PAYNE. Mr. Chairman, my question, basically, is, with the reprogram appropriator, I am the one that deals with the policy; and so, for example, if the combatants in the Congo, which are at the point of agreeing, I have spoken to two presidents of the combatants as we speak, if they agree that there will be the withdrawal, and a third president I will be talking to today, then where does the money come from? Is it withdrawn from the appropriation? How could, then, we move for a peacekeeping in the Congo, because they are days and perhaps weeks away from agreeing to end all hostilities? Where, then, can the money come from?

The CHAIRMAN. All time has expired.

Mr. ROGERS. Mr. Chairman, I ask unanimous consent to proceed for an additional 1 minute total.

The CHAIRMAN. On both sides.

Is there objection to the request of the gentleman from Kentucky?

There was no objection.

Mr. ROGERS. Mr. Chairman, to respond to the gentleman from New Jersey (Mr. PAYNE), if the U.N. Security Council votes for a peacekeeping mission in Ethiopia, which they have not done as yet, as the gentleman knows, but if there is, in fact, a peace accord there and the parties are withdrawing, so that a peace exists and an agreement to be enforced is in place, and the U.N. votes for a peacekeeping mission in Ethiopia, the procedure would be that the administration would notify the Congress 15 days in advance of that vote up there for a peacekeeping mission, and they would seek to reprogram into that account monies from this $500 million kitty, if you will, for that purpose.

☐ 1815

That reprogramming would come to our subcommittee; and if it meets the criteria that all the others have met that we have voted for, then it would be reprogrammed for that purpose.

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

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

Mr. PAYNE. Mr. Chairman, would that be the same process in the Congo, which has already had an agreement? As the gentleman knows, the Congo is more complex. There are five countries, Uganda and Rwanda and Angola and Congo and Namibia, all three. Speaking to several of the presidents, they are willing to withdraw the question as to the peacekeepers.

The CHAIRMAN. The time of the gentleman from Kentucky (Mr. ROGERS) has expired. The gentlewoman from Texas (Ms. JACKSON-LEE) has 1 minute remaining.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I will yield such time as he may consume to the gentleman from Kentucky (Mr. ROGERS) to answer the question, and then I would like to make a statement.

Mr. ROGERS. Mr. Chairman, I am not sure I understood the question of the gentleman from New Jersey (Mr. PAYNE).

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

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

Mr. PAYNE. Mr. Chairman, in the Congo we have a similar situation which is at the verge of coming to a conclusion. My question is, if in two weeks all of the discussion that I will be having with the various presidents of the combatting countries agree they indeed will withdraw but the U.N. needs to be there to fill that vacuum left, where is the money then for the Congo's peacekeeping? Because the Security Council has already approved the peacekeeping plan for the Congo.

Mr. ROGERS. There would be a reprogramming request the administration would send to us. We would review it and the monies, if approved, would come out of this account that we are speaking of today, the $500 million.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I yield myself the remainder of the time.

Mr. Chairman, let me close by saying there were a million people who died in Rwanda. Peacekeeping is vital and I would hope that the chairman would waive the point of order and allow us to vote on this amendment.

Mr. Chairman, I rise today in support of my amendment to H.R. 4690, the Commerce, Justice, State appropriations measure. We must restore our commitment to the world's International Peacekeeping responsibilities, particularly in Africa.

The appropriation measure before the House today cuts the request for the United Nations peacekeeping contributions by as much as one-third, or $240 million, below the President's request freezing peacekeeping at the FY 2000 appropriated level of $498 million. The cuts are wrongly concentrated on areas that oddly need the most support from us in Africa.

The current measure would deny funding for critical peacekeeping missions in Ethiopia, Eritrea, Sierra Leone, the Democratic Republic of the Congo, Angola, and the Western Saharan region.

Specifically, the amendment has the effect of striking language in the bill that denies funding for five peacekeeping missions in Africa. It makes funds available ''for United Nations peacekeeping missions in the Republic of Angola, the Democratic Republic of the Congo, the Federal Democratic Republic of Ethiopia, the State of Eritrea, the Republic of Sierra Leone, and the western Saharan region.''

As we all know, a serious issue facing the United Nations, the United States, and Congress concerning United Nations peacekeeping is the extent to which the United Nations has the capacity to restore or keep the peace in the changing world environment. We need a reliable source of funding and other resources for peacekeeping and improved efficiencies of operation.

We need peacekeeping funds for Africa. These are not peripheral concerns for countries trying to establish the rule of law. The instability and fragile peace in countries like Ethiopia, Eritrea, the Sudan cannot be ignored. United Nations peacekeeping operations involve important functions that impartial soldiers can carry out. We all know the appropriations measure abandons our commitment to Africa, which is not sensible.

We need to support democratic institutions in a consistent and meaningful manner. Proposals for strengthening U.N. peacekeeping and other aspects of U.N. peace and security capacities have been adopted in the United Nations, by the Clinton Administration, and by the Congress. Moreover, most authorities have agreed that if the United Nations is to be responsive to post-Cold War challenges, both U.N. members and the appropriate U.N. organs will have to continue to improve U.N. structures and procedures in the peace and security area.

This does not mean, however, that we should prevent the use of peacekeepers to help facilitate a peace accord. For example, in Ethiopia and Eritrea, a peace accord was recently concluded. It cannot have come at better time. Ethiopia and the neighboring nations are facing a serious crisis. A famine is on the horizon in the Horn of Africa unless we continue to provide the necessary food and security assistance to Ethiopia and Eritrea.

Peacekeeping forces are also critical to ensure that ports remain easily assessible for relief operations. Some say that there may not be a famine in the Horn of Africa. But we really do not know. We do know that the situation of food insecurity is so bad that conditions are approaching the desperate situation that occurred in 1984, when the people of that nation did experience a famine.

Mr. Chairman, I urge my colleagues to support this amendment so that we can restore peace and security in Africa. These problems are intertwined and they deserve our complete support.

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 from the Chair.

The CHAIRMAN. Does the gentlewoman from Texas (Ms. JACKSON-LEE) wish to be heard on the point of order?

Ms. JACKSON-LEE of Texas. Yes, Mr. Chairman. Let me at this time indicate that I had hoped that the gentleman from Kentucky (Mr. ROGERS)

would waive the point of order. At this time I will concede the point of order.

The CHAIRMAN. The gentlewoman from Texas (Ms. JACKSON-LEE) concedes the point of order. The point of order is sustained.

The Clerk will read.

The Clerk read as follows:

INTERNATIONAL COMMISSIONS

For necessary expenses, not otherwise provided for, to meet obligations of the United States arising under treaties, or specific Acts of Congress, as follows:

INTERNATIONAL BOUNDARY AND WATER COMMISSION, UNITED STATES AND MEXICO

For necessary expenses for the United States Section of the International Boundary and Water Commission, United States and Mexico, and to comply with laws applicable to the United States Section, including not to exceed $6,000 for representation; as follows:

SALARIES AND EXPENSES

For salaries and expenses, not otherwise provided for, $19,470,000.

CONSTRUCTION

For detailed plan preparation and construction of authorized projects, $5,915,000, to remain available until expended, as authorized by section 24(c) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2696(c)).

AMERICAN SECTIONS, INTERNATIONAL COMMISSIONS

For necessary expenses, not otherwise provided for the International Joint Commission and the International Boundary Commission, United States and Canada, as authorized by treaties between the United States and Canada or Great Britain, and for the Border Environment Cooperation Commission as authorized by Public Law 103–182, $5,710,000, of which not to exceed $9,000 shall be available for representation expenses incurred by the International Joint Commission.

INTERNATIONAL FISHERIES COMMISSIONS

For necessary expenses for international fisheries commissions, not otherwise provided for, as authorized by law, $15,485,000: *Provided*, That the United States' share of such expenses may be advanced to the respective commissions, pursuant to 31 U.S.C. 3324.

OTHER

PAYMENT TO THE ASIA FOUNDATION

For a grant to the Asia Foundation, as authorized by section 501 of Public Law 101–246, $8,216,000, to remain available until expended, as authorized by section 24(c) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2696(c)).

AMENDMENT NO. 33 OFFERED BY MR. SANFORD

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 33 offered by Mr. SANFORD: Page 80, strike lines 14 through 19.

The CHAIRMAN. Pursuant to the order of the House of Friday, June 23, 2000, the gentleman from South Carolina (Mr. SANFORD) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from South Carolina (Mr. SANFORD).

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

Mr. Chairman, this amendment deals exclusively with the Asia Foundation. Last year I had an amendment that would cut funding for the North-South Center, East-West Center and the Asia Foundation. To this committee's credit, they cut funding for the North-South Center and the East-West Center, and this amendment simply asks them to do the last thing that they did not do, which is to cut the funding for the Asia Foundation.

This bill would specifically cut the $8.2 million for the Asia Foundation. I think that is worth doing for a couple of different reasons. First of all, I would just mention what the Senate Committee on Appropriations had to say on the Asia Foundation last year. Specifically, they said the Asia Foundation is a nongovernment grant-making organization that Congress has repeatedly urged to aggressively pursue private funds to support its activities. The Senate committee believes that the time has come for the Asia Foundation to transition to private funding.

I simply agree with what they had to say. In fact, this Congress agreed with what they had to say because back in 1995 it was with this thinking in mind that Congress cut funding to the Asia Foundation from $15 million down to $5 million and basically encouraged them to look for private funding. Unfortunately, they have gone the opposite direction, because in fact the Asia Foundation funding has grown by 60 percent to the $8.2 million number, and it is for this reason that this amendment says that we have to go back to the original intent of what this Congress talked about and what the Senate Committee on Appropriations has talked about specifically.

I would say that this is worth doing. First of all, whether one is a Republican or whether one is a Democrat, I think that we would not want the Asia Foundation, and I underline the word foundation, to be treated any differently than a foundation is in the first district of South Carolina or in the fifteenth district of California.

I say that because if we look at, for instance, the Community Foundation which exists in Charleston, South Carolina, it relies on public grants out there in the marketplace.

Bill Gates has said he wants to give away $50 billion. There are a lot of people out there vying for those funds; and again, I think the Asia Foundation should be either solely a government function or solely a private function, a private organization competing for those grants; but right now it is a mixture of both, which gives it a competitive advantage over foundations in each of our respective congressional districts.

Secondly, I would say there is a lot of duplication. If one looks at the work of the United Nations, the World Health Organization, the World Bank, the IMF, the State Department, the Department of Commerce, the CIA and others, they do many of the same things. In fact, if one looks at the overall funding in this budget, there is $1.4 billion of funding for international organizations, conferences and commissions. In fact, if one looks at our overall 1999 budget, U.S. programs solely devoted to Asia were basically $3.66 billion. So this $8 million is very repetitive.

In fact, I would say in addition that the Cold War is over and this is, I think, a remnant of the Cold War because we have spent $137 million of taxpayer money in the foundation, basically over the last 45 years.

Lastly, I would just make the point that a lot of these grants, given the fact that dollars are as competitive as they are, and we have had an interesting debate on whether money should or should not go to Africa or Sierra Leone or other places, given the fact that dollars are as scarce as they are, does it make sense for the Asia Foundation in this quasi-public role that it plays to be, and I will just mention a few and let one make their own decision. For instance, at the policy level the foundation is involved in research with the London School of Economics and the Sustainable Development Policy Institute on the political economy of education. That is a grant that the Asia Foundation placed just last year.

I see here in Pakistan, women are learning the value of savings discipline and gain confidence and self-esteem through income-skills training opportunities.

I see in Bangladesh alternative dispute resolution. Now, there they have a village practice wherein the council of elders and opinion leaders hears a case and renders a judgment. Asia Foundation promotes more equitable and effective dispute resolution.

I see in the Korean Peninsula workshops for South Koreans on, quote, ''the perceptions of the International Monetary Fund policy in Korea.''

I see also in Korea, travel support for members of North Koreans to participate in international training programs and study tours in business and agriculture.

I see in Mongolia, since 1993, 28,000 books donated to Mongolian organizations, and last year 10,000 English-only language books donated to 174 institutions.

Now leaving aside the question of I do not know how many speak English in Mongolia, I thought there was a thing called the Internet wherein these same things could be transferred.

The CHAIRMAN. The time of the gentleman from South Carolina (Mr. SANFORD) has expired.

Mr. SANFORD. Mr. Chairman, I ask unanimous consent for an additional 30 seconds on both sides.

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

There was no objection.

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

Mr. Chairman, lastly I would just make the point here, I see here in Vietnam training for the national assembly. I see study tours. I see a trip for Vietnamese officials to California, Minnesota, and Wisconsin, and simply would ask, given the fact that the dollars are as scarce as they are, is this the best use of those monies, and for that reason urge the adoption of this amendment.

Mr. ROGERS. Mr. Chairman, I claim the time in opposition, and I yield myself such time as I may consume.

Mr. Chairman, the Asia Foundation makes an important contribution to the development of democracy and economic reform in countries like Indonesia, China, other places in that part of the world where vital U.S. national interests are at stake. We froze funding at the current year level so we are already almost $2 million below what was requested of us. Any further cuts would inflict serious damage to this program and to U.S. interests and objectives all over Asia. For that reason, I urge that we reject this amendment.

Mr. Chairman, I yield 1½ minutes to the gentleman from California (Mr. BERMAN).

Mr. BERMAN. Mr. Chairman, I thank the gentleman from Kentucky (Mr. ROGERS) for yielding me this time.

Mr. Chairman, I rise in strong opposition to this amendment which seeks to kill the Asia Foundation. If I had my way, we would be increasing the funding for that foundation, not straight lining it; but an amendment to eliminate the funding for the Asia Foundation is a classical example of the wrong amendment at the wrong time. It is the wrong amendment because it would be short-sighted to cut funding for an organization that plays a key role in advancing U.S. foreign policy interests in the Asia Pacific region. With a very modest appropriation, the Asia Foundation helps promote and strengthen democracy, human rights, open markets and the rule of law in more than a dozen Asian countries. So soon after the debate on NTR for China the notion that we are going to wipe out one of the premier agencies promoting rule of law in that part of the world makes no sense whatsoever. It is the wrong time because many Asian countries are experiencing profound socioeconomic and political change. The foundation's cost-effective work is more important than ever.

Last year, an amendment much like this to slash the foundation's authorization was defeated with strong bipartisan support. I join with the chairman of the subcommittee and my other colleagues on both sides of the aisle in urging the body to support the Asia Foundation and to reject this counterproductive amendment.

Mr. ROGERS. Mr. Chairman, I yield 1 minute to the gentleman from Nebraska (Mr. BEREUTER), the chairman of the Subcommittee on Asia and the Pacific of the Committee on International Relations.

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

Mr. BEREUTER. Mr. Chairman, I rise in strong opposition to the amendment offered by the gentleman from South Carolina (Mr. SANFORD). The Asia Foundation has a 45-year proven track record. Helping Asia develop into a stable market-oriented democratic region is an important American national security objective.

Mr. Chairman, the developing countries in Asia are in desperate need of legal reforms. American commerce and local human rights are early beneficiaries of such rule-of-law programming. By defeating the Sanford amendment the foundation will be able to support new legal reform initiatives for Indonesia, Thailand, the Philippines, Sri Lanka, Vietnam, and China.

The Asia Foundation is a small, cost-effective, private institution that plays a very important complementary role in advancing U.S. foreign policy interests around the world. There are some things it can clearly do more effectively and cost efficiently than can our government agencies. We need the Asia Foundation's efforts. This Member urges his colleagues to support the work of the Committee on Appropriations, maintain the modest funding for the Asia Foundation, and oppose the Sanford amendment.

Though this Member certainly shares his colleague's interest in reducing wasteful Federal spending, the institution targeted by this amendment certainly does not fall in that category. On the contrary, a closer examination of the Asia Foundation and of its successful programs will confirm its cost effective contributions to American interests around the world. Indeed, our modest investment in the Asia Foundation is money well spent.

Programs and investments in reform minded individuals in Korea, Taiwan and the Philippines directly supported and influenced the incredible democratic and economic transformations there. The Asia Foundation remains on the front lines doing the same today in Asia's new, emerging democracies like Indonesia, Bangladesh, and Mongolia as well as helping lay the foundation for positive change in authoritarian countries like China and Vietnam.

Fundamental changes are happening in Asia as a result of the recent economic crisis. One need not look any further than Indonesia, a keystone of American national security policy in Southeast Asia. Now is the time to take advantage of this climate of change and expand programs advancing democracy, the rule of law, human rights, economic reform and sustainable recovery.

The Sanford amendment would completely eliminate all funding for the Asia Foundation. The pending appropriations bill does not increase funding for the Asia Foundation—in fact, unfortunately it freezes it at last year's modest level of $8.2 million, some $7 million below its authorized level and $1.7 million below the President's request. Last year, during consideration of the American Embassy Security Act, this body strongly rejected the effort by the gentleman from South Carolina to severely cut the Asia Foundation. Indeed, this Member urges his colleagues to reject this even more draconian amendment which would completely zero out funding.

The programs of the Asia Foundation support this national security objective. The Sanford amendment would severely cut this NGO's programs and further restrict our ability to influence positive change in a region with over one-half of the world's entire population. The long-term cost of this amendment to U.S. foreign policy objectives certainly outweighs any short-term savings it may have.

Mr. ROGERS. Mr. Chairman, I yield 1 minute to the gentleman from Florida (Mr. HASTINGS).

(Mr. HASTINGS of Florida asked and was given permission to revise and extend his remarks.)

Mr. HASTINGS of Florida. Mr. Chairman, I thank the gentleman from Kentucky (Mr. ROGERS), the chairman of the committee, for yielding me this time.

Mr. Chairman, I would like to associate myself with his remarks as well as the Chair of the Subcommittee on Asia and the Pacific, with whom I serve, and my distinguished colleague, the gentleman from California (Mr. BERMAN).

I would like to ask my good friend, who I have served with now for three terms, the gentleman from South Carolina (Mr. SANFORD), a question, and that is whether or not the distinguished gentleman has visited the Asia Foundation and seen the programmatic structure that they offer for developing democracy and economic opportunity?

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

Mr. HASTINGS of Florida. I yield to the gentleman from South Carolina.

Mr. SANFORD. In cyberspace or in terms of geography?

Mr. HASTINGS of Florida. In actual visitation.

Mr. SANFORD. I have not been into the building. In New York, I have been once into the foyer and that is about it, but I have been to their Web site.

Mr. HASTINGS of Florida. I have had that good fortune of visiting there, and with the entire board; and I have seen their work and they do an extraordinary job, as Asia is developing, in developing the rule of law and in economic reform that is necessary for those countries to survive.

☐ 1830

Most respectfully, I say to my friend from South Carolina (Mr. SANFORD), who was wrong on the North-South Center in Florida, and the gentleman is wrong on Asia.

Mr. ROGERS. Mr. Chairman, I yield 1 minute to the gentlewoman from Florida, (Mrs. FOWLER), who is a very important Member and senior member of the Committee on Armed Services dealing with national security.

Mrs. FOWLER. Mr. Chairman, I rise to urge my colleagues to oppose the amendment by my friend, the gentleman from South Carolina (Mr. SANFORD). I have had firsthand experience with the Asia Foundation and can personally attest to the quality of their work and their programs.

I have seen the need for their work in the developing Asian nations and, for example, the Chinese have approached the Foundation to act as a mediator in talks with Taiwan. There are very few issues of a higher national security interest to our country than the relationship between China and Taiwan. This is exactly the kind of program we should encourage in the appropriations process, and that is why I urge my colleagues to oppose this amendment.

Mr. ROGERS. Mr. Chairman, I yield the balance of the time to the gentlewoman from California (Ms. PELOSI), who is the ranking member on the Subcommittee on Foreign Operations, Export Financing and Related Programs.

Ms. PELOSI. Mr. Chairman, I thank the distinguished gentleman from Kentucky (Chairman ROGERS) for yielding me the time and rise in strong opposition to the Sanford amendment, which cuts all funding for the Asia Foundation. The Asia Foundation, not to be confused with any other foundation dealing with Asia, is domiciled in San Francisco, in my district. I am very well acquainted with the great and excellent work that it does.

The work that they do is important for U.S. government officials and shows a critical role that in-country presence plays in understanding local conditions. The Asia Foundation advances U.S. interests through its ability to deliver high-quality programs on the ground through its network of offices in Asia, which some of our colleagues have addressed here.

In the short amount of time allocated to me, I would urge our colleagues to oppose this amendment, support the work of the Asia Foundation, it is a way to peacefully resolve some of our issues out there, as well as building a rule of law in many countries that are fragile democracies just emerging who need just the kind of assistance that the Asia Foundation is experienced in providing. I urge a no vote on this amendment.

Mr. FALEOMAVAEGA. Mr. Chairman, I rise in strong opposition to the Sanford amendment to the Commerce, Justice, and State appropriations bill, a measure that would totally eliminate funding for the Asia Foundation.

Mr. Chairman, the Asia Foundation's important work focuses on a dynamic region of the world where over half of the planet's population resides.

Today, the Asia-Pacific region looms large on the world stage and is increasingly intertwined with the United States. It is a diverse, complex region with countries at both extremes in terms of population, economic development, political stability and social/cultural change. The Asia-Pacific region is at the same time America's largest market as well as the locus of its most aggressive competitors. In addition to its economic impact, many of the countries in Asia and the Pacific are undergoing structural changes in their political and social systems that pose potentially serious threats to the stability of the region and the very world. Indeed, major conflicts and wars involving the U.S. have arisen in the region in the past and we must be vigilant in protecting against their reoccurrence in the future.

Clearly, Americans must attach greater priority to Asia and the Pacific than they have ever done, and be prepared to understand and respond to the challenges and opportunities that confront us.

Mr. Chairman, the mission of the Asia Foundation addresses these critical concerns, in addition to promoting democratic government, free market economies and respect for rule of law in the developing nations of the Asia-Pacific.

I urge our colleagues, Mr. Chairman, to defeat the Sanford amendment and maintain the modest funding for the Asia Foundation that serves vital U.S. foreign policy interests in this most important part of the world.

The CHAIRMAN. All time has expired. The question is on the amendment offered by the gentleman from South Carolina (Mr. SANFORD).

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

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

The CHAIRMAN. Pursuant to House Resolution 529, further proceedings on the amendment offered by the gentleman from South Carolina (Mr. SANFORD) will be postponed.

The point of no quorum is considered withdrawn.

Mr. ROGERS. Mr. Chairman, I ask unanimous consent that the remainder of the bill through page 92, line 4, be considered as read, printed in the RECORD and open to amendment at any point.

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

There was no objection.

The text of the bill from page 80, line 20, through page 92, line 4, is as follows:

EISENHOWER EXCHANGE FELLOWSHIP PROGRAM TRUST FUND

For necessary expenses of Eisenhower Exchange Fellowships, Incorporated, as authorized by sections 4 and 5 of the Eisenhower Exchange Fellowship Act of 1990 (20 U.S.C. 5204–5205), all interest and earnings accruing to the Eisenhower Exchange Fellowship Program Trust Fund on or before September 30, 2001, to remain available until expended: *Provided*, That none of the funds appropriated herein shall be used to pay any salary or other compensation, or to enter into any contract providing for the payment thereof, in excess of the rate authorized by 5 U.S.C. 5376; or for purposes which are not in accordance with OMB Circulars A–110 (Uniform Administrative Requirements) and A–122 (Cost Principles for Non-profit Organizations), including the restrictions on compensation for personal services.

ISRAELI ARAB SCHOLARSHIP PROGRAM

For necessary expenses of the Israeli Arab Scholarship Program as authorized by section 214 of the Foreign Relations Authorization Act, Fiscal Years 1992 and 1993 (22 U.S.C. 2452), all interest and earnings accruing to the Israeli Arab Scholarship Fund on or before September 30, 2001, to remain available until expended.

NATIONAL ENDOWMENT FOR DEMOCRACY

For grants made by the Department of State to the National Endowment for Democracy as authorized by the National Endowment for Democracy Act, $30,872,000 to remain available until expended.

RELATED AGENCY

BROADCASTING BOARD OF GOVERNORS

INTERNATIONAL BROADCASTING OPERATIONS

For expenses necessary to enable the Broadcasting Board of Governors, as authorized by the United States Information and Educational Exchange Act of 1948, as amended, the United States International Broadcasting Act of 1994, as amended, Reorganization Plan No. 2 of 1977, as amended, and the Foreign Affairs Reform and Restructuring Act of 1998, to carry out international communication activities, including the purchase, installation, rent, construction, and improvement of facilities for radio and television transmission and reception to Cuba, $419,777,000, of which not to exceed $16,000 may be used for official receptions within the United States as authorized by section 804(3) of such Act of 1948 (22 U.S.C. 1747(3)), not to exceed $35,000 may be used for representation abroad as authorized by section 302 of such Act of 1948 (22 U.S.C. 1452) and section 905 of the Foreign Service Act of 1980 (22 U.S.C. 4085), and not to exceed $39,000 may be used for official reception and representation expenses of Radio Free Europe/Radio Liberty; and in addition, notwithstanding any other provision of law, not to exceed $2,000,000 in receipts from advertising and revenue from business ventures, not to exceed $500,000 in receipts from cooperating international organizations, and not to exceed $1,000,000 in receipts from privatization efforts of the Voice of America and the International Broadcasting Bureau, to remain available until expended for carrying out authorized purposes.

BROADCASTING CAPITAL IMPROVEMENTS

For the purchase, rent, construction, and improvement of facilities for radio transmission and reception, and purchase and installation of necessary equipment for radio and television transmission and reception as authorized by section 801 of the United States Information and Educational Exchange Act of 1948 (22 U.S.C. 1471), $18,358,000, to remain available until expended, as authorized by section 704(a) of such Act of 1948 (22 U.S.C. 1477b(a)).

GENERAL PROVISIONS—DEPARTMENT OF STATE AND RELATED AGENCY

SEC. 401. Funds appropriated under this title shall be available, except as otherwise provided, for allowances and differentials as authorized by subchapter 59 of title 5, United States Code; for services as authorized by 5 U.S.C. 3109; and hire of passenger transportation pursuant to 31 U.S.C. 1343(b).

SEC. 402. Not to exceed 5 percent of any appropriation made available for the current fiscal year for the Department of State in this Act 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 not to exceed 5 percent of any appropriation made available for the current fiscal year for the Broadcasting Board of Governors in this Act 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 further*, 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 or expenditure except in compliance with the procedures set forth in that section.

SEC. 403. There shall be in the Department of State not more than 71 Deputy Assistant Secretaries of State.

SEC. 404. None of the funds made available in this Act may be used by the Department

of State or the Broadcasting Board of Governors to provide equipment, technical support, consulting services, or any other form of assistance to the Palestinian Broadcasting Corporation.

SEC. 405. (a) Section 1(a)(2) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2651a(a)(2)) is amended by striking ''and the Deputy Secretary of State'' and inserting '', the Deputy Secretary of State, and the Deputy Secretary of State for Management and Resources''.

(b) Section 5313 of title 5, United States Code, is amended by inserting ''Deputy Secretary of State for Management and Resources.'' after the item relating to the ''Deputy Secretary of State''.

This title may be cited as the ''Department of State and Related Agency Appropriations Act, 2001''.

TITLE V—RELATED AGENCIES

DEPARTMENT OF TRANSPORTATION

MARITIME ADMINISTRATION

MARITIME SECURITY PROGRAM

For necessary expenses to maintain and preserve a U.S.-flag merchant fleet to serve the national security needs of the United States, $98,700,000, to remain available until expended.

OPERATIONS AND TRAINING

For necessary expenses of operations and training activities authorized by law, $84,799,000.

MARITIME GUARANTEED LOAN (TITLE XI) PROGRAM ACCOUNT

For the cost of guaranteed loans, as authorized by the Merchant Marine Act, 1936, $10,621,000, to remain available until expended: *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended: *Provided further*, That these funds are available to subsidize total loan principal, any part of which is to be guaranteed, not to exceed $1,000,000,000.

In addition, for administrative expenses to carry out the guaranteed loan program, not to exceed $3,795,000, which shall be transferred to and merged with the appropriation for Operations and Training.

ADMINISTRATIVE PROVISIONS—MARITIME ADMINISTRATION

Notwithstanding any other provision of this Act, the Maritime Administration is authorized to furnish utilities and services and make necessary repairs in connection with any lease, contract, or occupancy involving Government property under control of the Maritime Administration, and payments received therefore shall be credited to the appropriation charged with the cost thereof: *Provided*, That rental payments under any such lease, contract, or occupancy for items other than such utilities, services, or repairs shall be covered into the Treasury as miscellaneous receipts.

No obligations shall be incurred during the current fiscal year from the construction fund established by the Merchant Marine Act, 1936, or otherwise, in excess of the appropriations and limitations contained in this Act or in any prior appropriation Act.

COMMISSION FOR THE PRESERVATION OF AMERICA'S HERITAGE ABROAD

SALARIES AND EXPENSES

For expenses for the Commission for the Preservation of America's Heritage Abroad, $390,000, as authorized by section 1303 of Public Law 99–83.

COMMISSION ON CIVIL RIGHTS

SALARIES AND EXPENSES

For necessary expenses of the Commission on Civil Rights, including hire of passenger motor vehicles, $8,866,000: *Provided*, That not to exceed $50,000 may be used to employ consultants: *Provided further*, That none of the funds appropriated in this paragraph shall be used to employ in excess of four full-time individuals under Schedule C of the Excepted Service exclusive of one special assistant for each Commissioner: *Provided further*, That none of the funds appropriated in this paragraph shall be used to reimburse Commissioners for more than 75 billable days, with the exception of the chairperson, who is permitted 125 billable days.

COMMISSION ON SECURITY AND COOPERATION IN EUROPE

SALARIES AND EXPENSES

For necessary expenses of the Commission on Security and Cooperation in Europe, as authorized by Public Law 94–304, $1,182,000, to remain available until expended as authorized by section 3 of Public Law 99–7.

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Equal Employment Opportunity Commission as authorized by title VII of the Civil Rights Act of 1964, as amended (29 U.S.C. 206(d) and 621–634), the Americans with Disabilities Act of 1990, and the Civil Rights Act of 1991, including services as authorized by 5 U.S.C. 3109; hire of passenger motor vehicles as authorized by 31 U.S.C. 1343(b); non-monetary awards to private citizens; and not to exceed $29,000,000 for payments to State and local enforcement agencies for services to the Commission pursuant to title VII of the Civil Rights Act of 1964, as amended, sections 6 and 14 of the Age Discrimination in Employment Act, the Americans with Disabilities Act of 1990, and the Civil Rights Act of 1991, $290,928,000: *Provided*, That the Commission is authorized to make available for official reception and representation expenses not to exceed $2,500 from available funds.

FEDERAL COMMUNICATIONS COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Federal Communications Commission, as authorized by law, including uniforms and allowances therefor, as authorized by 5 U.S.C. 5901–5902; not to exceed $600,000 for land and structure; not to exceed $500,000 for improvement and care of grounds and repair to buildings; not to exceed $4,000 for official reception and representation expenses; purchase (not to exceed 16) and hire of motor vehicles; special counsel fees; and services as authorized by 5 U.S.C. 3109, $207,909,000, of which not to exceed $300,000 shall remain available until September 30, 2002, for research and policy studies: *Provided*, That $200,146,000 of offsetting collections shall be assessed and collected pursuant to section 9 of title I of the Communications Act of 1934, as amended, and shall be retained and used for necessary expenses in this appropriation, and shall remain available until expended: *Provided further*, That the sum herein appropriated shall be reduced as such offsetting collections are received during fiscal year 2001 so as to result in a final fiscal year 2001 appropriation estimated at $7,763,000: *Provided further*, That any offsetting collections received in excess of $200,146,000 in fiscal year 2001 shall remain available until expended, but shall not be available for obligation until October 1, 2001.

FEDERAL MARITIME COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Federal Maritime Commission as authorized by section 201(d) of the Merchant Marine Act, 1936, as amended (46 U.S.C. App. 1111), including services as authorized by 5 U.S.C. 3109; hire of passenger motor vehicles as authorized by 31 U.S.C. 1343(b); and uniforms or allowances therefor, as authorized by 5 U.S.C. 5901–5902, $14,097,000: *Provided*, That not to exceed $2,000 shall be available for official reception and representation expenses.

FEDERAL TRADE COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Federal Trade Commission, including uniforms or allowances therefor, as authorized by 5 U.S.C. 5901–5902; services as authorized by 5 U.S.C. 3109; hire of passenger motor vehicles; not to exceed $2,000 for official reception and representation expenses, $121,098,000: *Provided*, That not to exceed $300,000 shall be available for use to contract with a person or persons for collection services in accordance with the terms of 31 U.S.C. 3718, as amended: *Provided further*, That, notwithstanding section 3302(b) of title 31, United States Code, not to exceed $121,098,000 of offsetting collections derived from fees collected for premerger notification filings under the Hart-Scott-Rodino Antitrust Improvements Act of 1976 (15 U.S.C. 18(a)) shall be retained and used for necessary expenses in this appropriation, and shall remain available until expended: *Provided further*, That the sum herein appropriated from the general fund shall be reduced as such offsetting collections are received during fiscal year 2001, so as to result in a final fiscal year 2001 appropriation from the general fund estimated at not more than $0, to remain available until expended: *Provided further*, That section 605 of Public Law 101–162 (15 U.S.C. 18a note), as amended, is further amended by striking ''$45,000 which'' and inserting: ''(1) $45,000, if as a result of the acquisition, the acquiring person would hold an aggregate total amount of the voting securities and assets of the acquired person in excess of $35,000,000 but not exceeding $99,999,999; (2) $100,000, if as a result of the acquisition, the acquiring person would hold an aggregate total amount of the voting securities and assets of the acquired person equal to or in excess of $100,000,000 but not exceeding $199,999,999; or (3) $200,000, if as a result of the acquisition, the acquiring person would hold an aggregate total amount of the voting securities and assets of the acquired person equal to or in excess of $200,000,000. Such fees'': *Provided further*, That none of the funds made available to the Federal Trade Commission shall be available for obligation for expenses authorized by section 151 of the Federal Deposit Insurance Corporation Improvement Act of 1991 (Public Law 102–242; 105 Stat. 2282–2285).

The CHAIRMAN. Are there amendments to that portion of the bill?

The Clerk will read.

The Clerk read as follows:

LEGAL SERVICES CORPORATION

PAYMENT TO THE LEGAL SERVICES CORPORATION

For payment to the Legal Services Corporation to carry out the purposes of the Legal Services Corporation Act of 1974, as amended, $141,000,000, of which $134,575,000 is for basic field programs and required independent audits; $1,125,000 is for the Office of Inspector General, of which such amounts as may be necessary may be used to conduct additional audits of recipients; and $5,300,000 is for management and administration.

AMENDMENT NO. 54 OFFERED BY MR. CHAMBLISS

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 54 offered by Mr. CHAMBLISS:

Page 92, insert after line 14 the following:

If a grantee of the Legal Services Corporation does not prevail in a civil action brought by the grantee against farmers with respect to migrant employees under the Migrant and Seasonal Agricultural Worker Protection Act (29 U.S.C. 1801 et seq.), the grantee shall pay the attorneys' fees, the amount of which as determined by the court, incurred by the defendant to such action. If a grantee is required under this section to pay such fees, the Legal Services Corporation shall reduce the next grant to the grantee by the amount of such fees paid by the grantee.

The CHAIRMAN. Pursuant to the order of the House of Friday, June 23, 2000, the gentleman from Georgia (Mr. CHAMBLISS) and a Member opposed each will control 5 minutes.

Mr. SERRANO. Mr. Chairman, I reserve a point of order on the gentleman's amendment.

The CHAIRMAN. A point of order is reserved.

The Chair recognizes the gentleman from Georgia (Mr. CHAMBLISS) for 5 minutes on his amendment.

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

Mr. Chairman, the purpose of this amendment is to require the Legal Services Corporation to pay the attorneys fees in any case in which it is filed by the Legal Services Corporation against a farmer under the Migrant Worker Protection Act, and which case is lost by the Legal Services Corporation. In other words, they do not prevail in this lawsuit.

We have had a problem in my State of Georgia over the last number of years in securing agriculture workers to plant our crops, help U.S. till the crops and harvest the crops and, as a result, our farmers have been forced from time to time to use workers that are not legally within the United States.

We have been working on trying to modify the current H–2A program, which is a farmer worker program, that allows farmers to come into the United States on a legal basis so that we can reduce paperwork, make this program less expensive on our farmers and make it more workable. In the meantime, what we have seen happen is that our farmers who have made a decision to hire legal workers under the current H–2A program as opposed to working illegal migrant workers who are not in the United States under legal conditions have run into a problem, and that problem is this: The Legal Services Corporation in my State and any number of other States around the country where farmers have made a decision to bring legal workers into the country to work under the H–2A program have run into a stonewall with the Legal Services Corporation in that they are filing lawsuits against farmers who have workers here legally for technical violations of the H–2A act, not substantive violations, but purely technical violations.

Let me talk about our farmers a minute. My farmers are hard-working people. They are good business people, but they have encountered a problem here that is purely a legal situation that they are not used to having to address. They are doing everything they can. They are securing advisers. They are securing attorneys to advise them, as well as independent contractors to advise them on the technical compliance with H–2A, but the problem is, that the Legal Services Corporation has a hoard of lawyers who are doing nothing but going after people who are violating the H–2A law from a technical perspective.

Mr. Chairman, now, I do not want to deny any employee the full benefit of all rights that are guaranteed to them under the Agricultural Workers Protection Act, but we have got an excellent plaintiff's bar in my State. There are excellent plaintiff bars all over the country, very capable and determined to ensure that workers have the benefit of all of the rights guaranteed to them. They are the ones that ought to be prosecuting any case against an individual from a pure plaintiff's case perspective, but that is not what is happening.

Legal Services Corporation is going out, and I question the ethics of this, they are soliciting cases from workers who are coming into this country under the H–2A program in a legal manner, bringing them into the Department of Labor, grilling them on whether their employer is technically in compliance with every single aspect of the H–2A law which is a very demanding law. It is a very expensive law, it requires housing. It requires a higher wage rate than what most of the farmers are used to paying, any number of other technical violations.

What is happening is that Legal Services Corporation is taking the role away from plaintiff's lawyers who are capable of looking after the rights of these workers, and our farmers are having to go to the extent of defending cases, not just in the State of Georgia. There are three cases pending right now against vegetable growers in my State, in the part of the State where I live, two of the cases are filed out of State. My employers, my farmers are having to go to Texas to defend one lawsuit where the workers came in.

They went back to Mexico, Legal Services went into Mexico and brought them back into the United States for the sole purpose of filing this case against Georgia growers in the State of Texas and the other case is going on in the State of Florida. My farmers have expended in excess of $200,000 and reasonable attorneys fees for the purpose of defending these lawsuits which really they have no substance to them.

They are purely for technical violations. There is no individual here under the H–2A law that has been harmed in any way, and there is no allegation of such in these lawsuits. What we are simply trying to say is, look, if Legal Services Corporation is going to go after these folks from a plaintiff's perspective and they lose the case, they ought to have to foot the bill for the attorneys fees and the particular Legal Services office shall be deducted from their budget.

The CHAIRMAN. Who claims time in opposition?

Mr. SERRANO. Mr. Chairman, I claim the time, and I am still reserving my point of order.

The CHAIRMAN. The gentleman from New York continues to reserve his point of order.

The Chair recognizes the gentleman from New York (Mr. SERRANO) for 5 minutes.

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

Mr. Chairman, I am really concerned, as many of U.S. are on this side, about this amendment and should be. This amendment singles out farmer workers, migrant farm workers, for this harsh treatment.

Legal Services was created to protect those who do not have the resources to defend themselves. We know that. We have discussed this on the floor. We had a bipartisan amendment here which increased the funding for Legal Services, and that funding will continue to grow, because both sides see the need for Legal Services to do this work.

What this amendment does in a most mean-spirited way is to single out migrant farm workers and to say that if we take their case, Legal Services takes their case, we better win, because if we lose, we are going to have to pay for having taken on a right case. We do not do this for anyone else. We just single out migrant farm workers, and for that reason alone there should be opposition.

There is also the understanding that farm workers in general are the poorest of the poor in this country, so this sets a tone for anyone who works in the fields, who does that kind of work, that you have no protection, because the next step will be for all farm workers or for anybody who is in that field. And just on that alone, I think that we should in a bipartisan way really defeat this amendment, and I would hope that the gentleman from Georgia (Mr. CHAMBLISS) understands what we are trying to do today.

Mr. Chairman, I yield as much time as he may consume to the gentleman from California (Mr. BERMAN).

Mr. BERMAN. Mr. Chairman, this is a change in the law. The debate, the argument that the gentleman from Georgia (Mr. CHAMBLISS) has put forward, among other things, was referring to the H–2A program, but the amendment deals with the migrant and seasonal agricultural workers program. H–2A workers are not covered under that law. They have no rights under that law.

The only people this amendment affects are U.S. farm workers who happen to be represented by Legal Services as opposed to other private lawyers or other legal aid programs. There are

many, many laws that provide attorneys fees for plaintiffs in the Labor law context; the gentleman selected out one law and one group of people, U.S. farm workers who happen to be represented by Legal Services Corporation.

The gentleman is doing it on an appropriations bill, a fundamental change in a very narrow subset of one law that happens to deal with the lowest income workers in America today. If there is an argument, which I do not think there is, for allowing defendants against workers who win in lawsuits who ultimately prevail to collect attorneys fees, it should be done across board. It should be given the appropriate hearings. It should go to the Committee on Education and the Workforce and/or to the Committee on the Judiciary, and there should be a discussion of the merits of it to select out farm workers, U.S. farm workers, not H–2A workers, not foreign guest workers; they have no rights under the Migrant and Seasonal Agricultural Workers Act, but to select them out is wrong and also by the way, not authorized under the rules, I think we will find out.

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

Mr. BERMAN. I yield to the gentleman from Georgia.

Mr. CHAMBLISS. Mr. Chairman, I understand this may be subject to a point of order, but my farmers are doing their best to comply with the law to bring legal workers in, and the gentleman and I have had a number of discussions over the last 5 years about making some changes under the H–2A law, to make it a little easier to get those workers in, but what we are seeing is in that Legal Services Corporation is taking those workers that are brought in legally, they are actually bypassing thousands and thousands of workers at farms that are here illegally to get the farm where workers are here legally.

Mr. BERMAN. Mr. Chairman, reclaiming my time, to repeat again, this amendment and the law that it seeks to amend have no application to H–2A workers. None of the regulations, none of the laws affecting them are covered in this law, and the H–2A workers are excluded from coverage under this law. The gentleman's amendment will not even deal with the lawsuits dealing with H–2A that the gentleman is seeking to address with the amendment.

Mr. CHAMBLISS. If the gentleman will continue to yield, I understand the gentleman's point. Let me see if the gentleman agrees with me, in situations somewhere H–2A workers come into this country legally, and we all know they have certain rights under that particular law, would the gentleman agree that there are plaintiff's bars in this country that are very capable of representing those folks as opposed to Legal Services Corporation actively soliciting individuals who are here under the H–2A program to file suits for them and which they are doing on a daily basis in my State, where folks are simply trying to do the right thing, as opposed to the plaintiff's bar representing those folks in cases where there really are harms being done?

The CHAIRMAN. The time of the gentleman from California (Mr. BERMAN) has expired.

Mr. CHAMBLISS. Mr. Chairman, I ask unanimous consent for an additional minute for the gentleman to respond.

The CHAIRMAN. Is there objection to each side having an additional minute?

There was no objection.

The CHAIRMAN. The gentleman from Georgia (Mr. CHAMBLISS) and the gentleman from New York (Mr. SERRANO) each has 1 additional minute.

□ 1845

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

I have to disagree with his conclusion. If there is one group of workers in America who are not able to get the services of the private bar because they do not have anywhere near the income to possibly retain them, it is migrant and seasonal agricultural workers. They are employed seasonally; they are getting very low pay; they have no ability to retain private lawyers. This is the classic example of whom the Legal Services Programs should be representing.

Mr. CHAMBLISS. Mr. Chairman, reclaiming my time, that is exactly what plaintiffs' lawyers do. Income is not necessarily a requirement for plaintiffs' lawyers to handle those cases. I understand it may be subject to a point of order, but I think that Legal Services Corporation needs to understand that if we are legislating here, that if they continue with this pattern, we are going to come after them in the legislative role, we will have the necessary hearings, and we are going to proceed with this legislation in the proper forum if this is subject to a point of order.

Mr. SERRANO. Mr. Chairman, let me use the 1 minute that I have been granted to make an observation. I spoke on this floor last week about the fact that we should just be allowed to speak, and the majority wanted the unanimous consent to limit the time. Now I notice that on every amendment, we are adding time. I do not have a problem with it, but if we have an agreement, then we should stick on that agreement.

POINT OF ORDER

Mr. SERRANO. Mr. Chairman, I make a point of order.

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

Mr. SERRANO. 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, therefore, violations clause 2 of Rule XXI, and I am asking for a ruling on the Chair.

The CHAIRMAN. Does the gentleman from Georgia (Mr. CHAMBLISS) wish to be heard on the point of order?

Mr. CHAMBLISS. Mr. Chairman, I will accept the ruling of the Chair, whatever it may be.

The CHAIRMAN. The Chair finds that the amendment proposes to change existing law by mandating specific consequences in certain circumstances involving the Legal Services Corporation. 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:

ADMINISTRATIVE PROVISION—LEGAL SERVICES CORPORATION

None of the funds appropriated in this Act to the Legal Services Corporation shall be expended for any purpose prohibited or limited by, or contrary to any of the provisions of, sections 501, 502, 503, 504, 505, and 506 of Public Law 105–119, and all funds appropriated in this Act to the Legal Services Corporation shall be subject to the same terms and conditions set forth in such sections, except that all references in sections 502 and 503 to 1997 and 1998 shall be deemed to refer instead to 2000 and 2001, respectively.

MARINE MAMMAL COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Marine Mammal Commission as authorized by title II of Public Law 92–522, as amended, $1,700,000.

SECURITIES AND EXCHANGE COMMISSION

SALARIES AND EXPENSES

For necessary expenses for the Securities and Exchange Commission, including services as authorized by 5 U.S.C. 3109, the rental of space (to include multiple year leases) in the District of Columbia and elsewhere, and not to exceed $3,000 for official reception and representation expenses, $252,624,000 from fees collected in fiscal year 2001 to remain available until expended, and from fees collected in fiscal year 1999, $140,000,000, to remain available until expended; of which not to exceed $10,000 may be used toward funding a permanent secretariat for the International Organization of Securities Commissions; and of which not to exceed $100,000 shall be available for expenses for consultations and meetings hosted by the Commission with foreign governmental and other regulatory officials, members of their delegations, appropriate representatives and staff to exchange views concerning developments relating to securities matters, development and implementation of cooperation agreements concerning securities matters and provision of technical assistance for the development of foreign securities markets, such expenses to include necessary logistic and administrative expenses and the expenses of Commission staff and foreign invitees in attendance at such consultations and meetings including: (1) such incidental expenses as meals taken in the course of such attendance; (2) any travel and transportation to or from such meetings; and (3) any other related lodging or subsistence: *Provided*, That fees and charges authorized by sections 6(b)(4) of the Securities Act of 1933 (15 U.S.C. 77f(b)(4)) and 31(d) of the Securities Exchange Act of 1934 (15 U.S.C. 78ee(d)) shall be credited to this account as offsetting collections.

SMALL BUSINESS ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses, not otherwise provided for, of the Small Business Administration as authorized by Public Law 105–135, including hire of passenger motor vehicles as authorized by 31 U.S.C. 1343 and 1344, and not to exceed $3,500 for official reception and representation expenses, $299,615,000: *Provided*, That the Administrator is authorized to charge fees to cover the cost of publications developed by the Small Business Administration, and certain loan servicing activities: *Provided further*, That, notwithstanding 31 U.S.C. 3302, revenues received from all such activities shall be credited to this account, to be available for carrying out these purposes without further appropriations.

AMENDMENT NO. 39 OFFERED BY MR. LATHAM

Mr. LATHAM. Mr. Chairman, I offer an amendment on behalf of the gentleman from Missouri (Mr. TALENT).

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 39 offered by Mr. LATHAM:

In title V, in the item relating to ''SMALL BUSINESS ADMINISTRATION—SALARIES AND EXPENSES'', before the period at the end, insert the following:

: *Provided further*, That, of the funds made available under this heading, $4,000,000 shall be for the National Veterans Business Development Corporation established under section 33(a) of the Small Business Act (15 U.S.C. 657c)

The CHAIRMAN. Pursuant to the order of the House of Friday, June 23, 2000, the gentleman from Iowa (Mr. LATHAM) and a Member opposed each will control 5 minutes.

Mr. FILNER. Mr. Chairman, I claim the time in opposition, although I am a cosponsor of the amendment.

The CHAIRMAN. Without objection, the gentleman will control the time in opposition.

There was no objection.

Mr. LATHAM. Mr. Chairman, I yield myself such time as I may consume. Today, I rise in strong support of the Talent-Latham-Filner amendment and hope its passage will happen today.

I really want to thank the gentleman from Missouri (Mr. TALENT), the chairman of the Committee on Small Business, and the gentleman from California (Mr. FILNER), a member of the House Committee on Veterans Affairs, my good friends, for their work in the authorization process for these funds. The gentleman from Kentucky (Mr. ROGERS) has also supported this program by including $4 million for the Veterans Entrepreneurship and Small Business Development Program.

This amendment simply designates the $4 million in this program to be used specifically for the National Veterans' Business Development Corporation. These funds will help that corporation establish a cohesive assistance and information network for veteran-owned businesses. These funds will also help the corporation to establish an advisory board on professional certification to work on the problems service members face in transitioning to the private sector workforce.

Mr. Chairman, we owe it to our Nation's servicemen and women to make their transition into civilian life much easier. I urge my colleagues to support this noncontroversial amendment.

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

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

Mr. ROGERS. Mr. Chairman, let me congratulate the gentleman who is a very hard-working member of our subcommittee and has put many hours into its work, but especially on this particular part of the bill. I want to thank the gentleman for offering the amendment on behalf of the gentleman from Missouri (Mr. TALENT), the chairman of the Committee on Small Business. It is a worthy amendment and one that we wholeheartedly support.

Mr. LATHAM. Mr. Chairman, reclaiming my time, I thank the gentleman very, very much. He has been a true advocate for our cause here; and his allowing us to, first of all, put the money into the bill and also support directing these dollars to where they are really going to help veterans I think is so important.

Again, Mr. Chairman, I want to express my strong support for this amendment and would hope we would be able to pass it by voice vote here today.

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

I rise in strong support of the Talent-Latham-Filner amendment. I want to make sure that everybody understands that this amendment today is simply to clarify language that is contained in the bill before us. What we are asking for or putting in the bill is a provision that directs $4 million that is listed in the bill for veterans' programs to make sure that this $4 million goes specifically to the National Veterans Business Development Corporation. It does not require any offsets because all of the funds are derived from the salaries and expenses account of the Small Business Administration.

The Veterans' Affairs Committee on which I serve and on which I am ranking member of the Subcommittee on Benefits has a long history of interest in and commitment to the issue raised today by this amendment. When we passed H.R. 1568, the Veterans Entrepreneurship and Small Business Development Act of 1999, we incorporated this Business Development Corporation into this through Public Law 106–50. It is a federally chartered corporation responsible for assisting our veterans, especially those veterans who are catastrophically disabled, with the formation and expansion of small businesses.

Mr. Chairman, this amendment clarifies the intent of Congress. Currently, the amount is listed in the committee report as ''Veterans' Programs'' and there is some apprehension about how the SBA would interpret that report language. There has already been a great delay of Public Law 106–50, the Veterans Entrepreneurship and Small Business Development Act, in which the corporation is authorized; and this amendment will put an end to this delay.

This amendment will make it clear that Congress wants the corporation funded and wants to work to establish assistance centers for veterans working with private and public organizations to help veterans get the benefits of the act, the veterans who served this country and deserve our support.

Last year, the Committee on Small Business moved the bill through this House. The committee, led by the gentleman from Missouri (Mr. TALENT), designed the bill to coordinate assistance to veterans who were seeking to start their own businesses and reach for their piece of the American dream. We passed that act unanimously, and the centerpiece of that legislation was the National Veterans Business Development Corporation, which was set up to coordinate private and public sector activities on behalf of veterans and begin the establishment of a nationwide network of veterans assistance centers, which would assist veterans with the help they need to start their own businesses and take hold of their American dream.

This amendment does not take money from any other program, it is there in the bill, and it is intended for this corporation. We clarify the intent and ensure the funds will go to this corporation. We do not increase the amount set forth in the bill.

Veterans who establish their own businesses are a double asset to America. They contribute the skills they acquired through military service to the development of our economy, and they are a key link in the expansion of employment opportunities for others. It is simply good sense to give them meaningful support in today's global economy. After serving our Nation in uniform, our veterans have come home to contribute to America's economic success again and again, not only after World War II, but after every subsequent conflict.

Using the skills gained during their service, veterans have become successful entrepreneurs, continuing to contribute to our Nation through their success. Let us make sure that all of them have a chance to realize the success which, of course, benefits all Americans. I hope we support this amendment, as we supported the authorization bill, that is, unanimously. I thank the gentleman from Missouri (Mr. TALENT) for offering the amendment, and I thank the gentleman from Iowa (Mr. LATHAM) for being here today to present this amendment.

The CHAIRMAN. All time has expired on the amendment.

The question is on the amendment offered by the gentleman from Iowa (Mr. LATHAM).

The amendment was agreed to.

Mr. ROGERS. Mr. Chairman, I ask unanimous consent that the remainder of the bill through page 102, line 14 be

considered as read, printed in the RECORD, and open to amendment at any point.

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

There was no objection.

The text of the bill from page 95, line 4 through page 102, line 14 is as follows:

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended (5 U.S.C. App.), $10,905,000.

BUSINESS LOANS PROGRAM ACCOUNT

For the cost of direct loans, $2,500,000, to be available until expended; and for the cost of guaranteed loans, $137,800,000, as authorized by 15 U.S.C. 631 note, of which $45,000,000 shall remain available until September 30, 2002: *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended: *Provided further*, That during fiscal year 2001, commitments to guarantee loans under section 503 of the Small Business Investment Act of 1958, as amended, shall not exceed $3,750,000,000: *Provided further*, That during fiscal year 2001, commitments for general business loans authorized under section 7(a) of the Small Business Act, as amended, shall not exceed $10,000,000,000 without prior notification of the Committees on Appropriations of the House of Representatives and Senate in accordance with section 605 of this Act: *Provided further*, That during fiscal year 2001, commitments to guarantee loans under section 303(b) of the Small Business Investment Act of 1958, as amended, shall not exceed $500,000,000.

In addition, for administrative expenses to carry out the direct and guaranteed loan programs, $129,000,000, which may be transferred to and merged with the appropriations for Salaries and Expenses.

DISASTER LOANS PROGRAM ACCOUNT

For the cost of direct loans authorized by section 7(b) of the Small Business Act, as amended, $140,400,000, to remain available until expended: *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended.

In addition, for administrative expenses to carry out the direct loan program, $136,000,000, which may be transferred to and merged with appropriations for Salaries and Expenses, of which $500,000 is for the Office of Inspector General of the Small Business Administration for audits and reviews of disaster loans and the disaster loan program and shall be transferred to and merged with appropriations for the Office of Inspector General; of which $125,646,000 is for direct administrative expenses of loan making and servicing to carry out the direct loan program; and of which $9,854,000 is for indirect administrative expenses: *Provided*, That any amount in excess of $9,854,000 to be transferred to and merged with appropriations for Salaries and Expenses for indirect administrative expenses shall be treated as a reprogramming of funds under section 605 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

ADMINISTRATIVE PROVISION—SMALL BUSINESS ADMINISTRATION

Not to exceed 5 percent of any appropriation made available for the current fiscal year for the Small Business Administration in this Act may be transferred between such appropriations, but no such appropriation shall be increased by more than 10 percent by any such transfers: *Provided*, That any transfer pursuant to this paragraph shall be treated as a reprogramming of funds under section 605 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

STATE JUSTICE INSTITUTE

SALARIES AND EXPENSES

For necessary expenses of the State Justice Institute, as authorized by the State Justice Institute Authorization Act of 1992 (Public Law 102–572 (106 Stat. 4515–4516)), $4,500,000, to remain available until expended: *Provided*, That not to exceed $2,500 shall be available for official reception and representation expenses.

TITLE VI—GENERAL PROVISIONS

SEC. 601. No part of any appropriation contained in this Act shall be used for publicity or propaganda purposes not authorized by the Congress.

SEC. 602. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 603. The expenditure of any appropriation under this Act for any consulting service through procurement contract, pursuant to 5 U.S.C. 3109, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive order issued pursuant to existing law.

SEC. 604. If any provision of this Act or the application of such provision to any person or circumstances shall be held invalid, the remainder of the Act and the application of each provision to persons or circumstances other than those as to which it is held invalid shall not be affected thereby.

SEC. 605. (a) None of the funds provided under this Act, or provided under previous appropriations Acts to the agencies funded by this Act that remain available for obligation or expenditure in fiscal year 2001, or provided from any accounts in the Treasury of the United States available to the agencies funded by this Act, shall be available for obligation or expenditure through a reprogramming of funds which: (1) creates new programs; (2) eliminates a program, project, or activity; (3) increases funds or personnel by any means for any project or activity for which funds have been denied or restricted; (4) relocates an office or employees; (5) reorganizes offices, programs, or activities; or (6) contracts out or privatizes any functions, or activities presently performed by Federal employees; unless the Appropriations Committees of both Houses of Congress are notified 15 days in advance of such reprogramming of funds.

(b) None of the funds provided under this Act, or provided under previous appropriations Acts to the agencies funded by this Act that remain available for obligation or expenditure in fiscal year 2001, or provided from any accounts in the Treasury of the United States available to the agencies funded by this Act, shall be available for obligation or expenditure for activities, programs, or projects through a reprogramming of funds in excess of $500,000 or 10 percent, whichever is less, that: (1) augments existing programs, projects, or activities; (2) reduces by 10 percent funding for any existing program, project, or activity, or numbers of personnel by 10 percent as approved by Congress; or (3) results from any general savings from a reduction in personnel which would result in a change in existing programs, activities, or projects as approved by Congress; unless the Appropriations Committees of both Houses of Congress are notified 15 days in advance of such reprogramming of funds.

SEC. 606. None of the funds made available in this Act may be used for the construction, repair (other than emergency repair), overhaul, conversion, or modernization of vessels for the National Oceanic and Atmospheric Administration in shipyards located outside of the United States.

SEC. 607. (a) PURCHASE OF AMERICAN-MADE EQUIPMENT AND PRODUCTS.—It is the sense of the Congress that, to the greatest extent practicable, all equipment and products purchased with funds made available in this Act should be American-made.

(b) NOTICE REQUIREMENT.—In providing financial assistance to, or entering into any contract with, any entity using funds made available in this Act, the head of each Federal agency, to the greatest extent practicable, shall provide to such entity a notice describing the statement made in subsection (a) by the Congress.

(c) PROHIBITION OF CONTRACTS WITH PERSONS FALSELY LABELING PRODUCTS AS MADE IN AMERICA.—If it has been finally determined by a court or Federal agency that any person intentionally affixed a label bearing a ''Made in America'' inscription, or any inscription with the same meaning, to any product sold in or shipped to the United States that is not made in the United States, the person shall be ineligible to receive any contract or subcontract made with funds made available in this Act, pursuant to the debarment, suspension, and ineligibility procedures described in sections 9.400 through 9.409 of title 48, Code of Federal Regulations.

SEC. 608. None of the funds made available in this Act may be used to implement, administer, or enforce any guidelines of the Equal Employment Opportunity Commission covering harassment based on religion, when it is made known to the Federal entity or official to which such funds are made available that such guidelines do not differ in any respect from the proposed guidelines published by the Commission on October 1, 1993 (58 Fed. Reg. 51266).

SEC. 609. None of the funds made available by this Act may be used for any United Nations undertaking when it is made known to the Federal official having authority to obligate or expend such funds: (1) that the United Nations undertaking is a peacekeeping mission; (2) that such undertaking will involve United States Armed Forces under the command or operational control of a foreign national; and (3) that the President's military advisors have not submitted to the President a recommendation that such involvement is in the national security interests of the United States and the President has not submitted to the Congress such a recommendation.

SEC. 610. (a) None of the funds appropriated or otherwise made available by this Act shall be expended for any purpose for which appropriations are prohibited by section 609 of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1999.

(b) The requirements in subparagraphs (A) and (B) of section 609 of that Act shall continue to apply during fiscal year 2001.

The CHAIRMAN. Are there any amendments to this portion of the bill?

If not, the Clerk will read.

The Clerk read as follows:

SEC. 611. Earmarks, limitations, or minimum funding requirements contained in any other Act shall not be applicable to funds appropriated under this Act.

POINT OF ORDER

Mr. SMITH of New Jersey. Mr. Chairman, I make a point of order against section 611.

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

Mr. SMITH of New Jersey. Specifically, page 611 constitutes legislation in an appropriations bill and is, therefore, in violation of clause 2 of Rule XXI of the House.

Let me just point out for the Members that section 611 provides that earmarks, limitations or minimum funding requirements contained in any other act shall not be applicable to funds appropriated under this act. This provision purports to render ineffective any earmark limitation or minimum funding requirements contained in any act. The effect of this provision is very, very far reaching.

For example, the Foreign Relations Authorizations Act, which was signed into law last year and which went through my committee, went through the full committee, and was on this floor for the better part of a week, and obviously went through the same process on the Senate side, and it has a number of minimum funding requirements with respect to programs that would be declared null and void.

So I would ask the Chair that this section be declared out of order.

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

If not, the Chair finds that the provision in the bill at section 611 proposes to supercede existing laws. As such, it constitutes legislation in violation of clause 2(b) of Rule XXI and is not protected by the waiver against other provisions in the bill. The point of order is sustained, and the provision is stricken from the bill.

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

Mr. Chairman, I yield to the gentlewoman from New York (Mrs. MALONEY) for the purpose of engaging in a colloquy.

(Mrs. MALONEY of New York asked and was given permission to revise and extend her remarks.)

Mrs. MALONEY of New York. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, as all of my colleagues know, I am a big fan of the census, and my colleagues on the other side of the aisle are to be congratulated for fully funding the decennial census over the past 3 years. This bill is no exception.

However, the competing pressures for funds in this bill have left other programs in the census underfunded, which I hope we can address as well as one item that was not even a part of the President's request, and that is to begin to develop methods for counting Americans overseas.

The bill currently funds other nondecennial programs at the current year level, but $48 million less than the President's request. That flat funding is starting to take a toll on the ability of the Census Bureau to carry out its responsibilities. If this funding level persists, it is likely that current programs and new initiatives will have to be reduced. Among those programs are the American Community Survey, as well as improvements in the survey of income and program participation. These also do not include funding for planning to renovate or replace the World War II-era building that houses the Census Bureau, which is in very serious need of repair.

□ 1900

I certainly understand the difficulties faced by the chairman in balancing competing pressures. However, I hope that the chairman will work with us to see that some of these shortfalls in the Census budget are restored as this bill goes to conference.

Finally, I would like to address briefly a subject that is not covered in this bill, the counting of Americans overseas. One of the failings of the 2000 census is a fundamental inequity in counting Americans overseas. In 1990 and again in the 2000 census, the Census Bureau has used administrative records to count Federal civilian and military employees abroad.

That leaves many Americans overseas uncounted. There was not time before the Census to develop the methodologies necessary to count Americans overseas.

We must make sure that the same mistake does not happen in 2010. I am proposing that funds be included in the Census Bureau budget to begin the research necessary to count all Americans overseas. It is my understanding that my colleague, the gentleman from Florida (Mr. DAN MILLER), the chairman of the Subcommittee on the Census, supports these efforts.

Mr. Chairman, the current mark for the Census Bureau in this bill is $51 million less than the President's request. For the third year, the funding for salaries and expenses is funded at the same level, forcing the Census Bureau to finance the mandated cost of living adjustments, promotions, and increased pension contributions through staff attrition and cuts. That flat funding is starting to take a toll on the ability of the Census Bureau to carry out its responsibilities. If this funding level persists, it is likely that current programs and new initiatives will have to cut programs like the measurement of e-commerce and collaborative work with Canada and Mexico to improve our import and export data.

These cuts include a reduction of $14 million from the President's request for periodic programs which includes cuts are reductions in the funding for the American Community Survey the survey to replace the census long form and improvements in the Survey of Income and Program Participation to improve our measurement of the well being of children, health insurance coverage, and poverty. These cuts also zero out that funds for developing plans to renovate or replace the World War II era building that houses the Census Bureau. This building is in such bad shape that the employees can't drink the water, and some parts of the building are so infested with pigeons that the health of the employees is endangered. The Census Bureau Director has been moved out of his office three times this year because water was cascading from the ceiling.

I understand the difficulties faced by the Chairman. There are a wide variety of programs in this bill and each one has a constituency that argues for more funds to carry out what are useful and valuable functions. However, I hope that the Chairman will work with us to see that some of these shortfalls in the census budget are restored as this bill goes to conference.

I have proposed that funds be included in the Census Bureau budget to begin the research necessary to count all Americans overseas, and while those funds are not included in this bill, it is an issue we must revolve. Counting Americans oversees is adding one more Herculean task to the already difficult job of taking the census, but it must be done. We have included some of those living overseas. We can't turn out back of those left out who also wish to be counted.

Mr. MILLER of Florida. Mr. Chairman, will the gentleman yield?

Mr. ROGERS. I yield to the gentleman from Florida.

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

Mr. MILLER of Florida. I thank the gentleman for yielding, Mr. Chairman.

Mr. Chairman, I am pleased to have worked with the ranking member of the Subcommittee on the Census on the inclusion in the next Census of overseas Americans, and want to continue to work with her to resolve this important issue.

By the time I became chairman of the subcommittee on the Census, plans for the 2000 Census were already so far along that it was impossible to make provisions for counting Americans who live overseas and who are not part of our military family. In fact, the Census Bureau indicated that they just did not know how to do it and that it would require considerable research.

I am asking today that the Census Bureau begin work to come up with a plan for counting all Americans overseas in the 2010 Census. The Bureau must find a way to get this done. These are hard-working American citizens who vote and pay taxes, just like and the gentleman and I. It is not fair that they are left out of the decennial census just because it is a difficult job to count them.

It will be a challenge to count Americans living abroad, there is no doubt about that, but challenges are not new to the Census Bureau. It can be done, and it is important that the Bureau begin researching this now so that they will be included in the 2010 Census. I will discuss it further with the Director, but I would like to see the Bureau put forth a proposal for counting overseas Americans as expeditiously as possible.

Let me also take a moment to stress my concern for the state of the Census building out in Suitland, Maryland. The building is in a serious state of disrepair, and is a serious environmental and health liability to the dedicated employees we ask to work there. We must work together to find a solution to this problem and find it quickly.

I want to thank the chairman for his work on this bill. As a member of the subcommittee, I understand how difficult his job is. I pledge to work with him and find solutions to these issues that will not upset the delicate balance he has achieved in funding important programs in this bill.

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

Mr. ROGERS. I yield to the gentleman from Maryland.

Mr. HOYER. I thank the gentleman for yielding, Mr. Chairman. I did not intend to speak, but I went to Suitland High School, so I went to high school 5 minutes from this Census facility.

I have been around for a long time, and graduated from high school over 40 years ago. Those buildings were in need of repair at the time I graduated from high school in 1957. They were built, of course, during the war as temporary facilities.

I appreciate the gentleman's making a comment on that for the quality of life of our Federal employees who work there, and I appreciate very much the chairman yielding me the time to make that comment, and his focus on that issue.

The CHAIRMAN. The time of the gentleman from Kentucky (Mr. ROGERS) has expired.

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

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

Mr. Chairman, let me thank my colleagues from the Committee on Government Reform for bringing their concerns to our attention, and for their appreciation for the difficult choices we faced in putting together this bill.

We have done our best to make sure the 2000 Census had every dime that it needed. As a result, we have not been able to fund other ongoing or new programs at the levels requested in the President's budget, but I appreciate the importance of many of these programs, and will be happy to work with our colleagues as we move through the bill to resolve some of their concerns that they have expressed about the funding levels in the bill.

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

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

Mr. SERRANO. Mr. Chairman, I share the desire of the gentleman from Kentucky (Mr. ROGERS) to work with our colleagues on the Committee on Government Reform to address their concerns. The activities of the Census Bureau are too important to be shortchanged, and we must make sure that their work is not obstructed by a lack of sufficient resources.

I look forward to working with the chairman to deal with this issue.

Mr. SMITH of New Jersey. Mr. Chairman, I rise to engage in a colloquy with the distinguished chairman of the subcommittee (Mr. ROGERS) regarding the funding of the Commission on Security and Cooperation in Europe, the Helsinki Commission.

The CHAIRMAN. Is the gentleman from New Jersey (Mr. SMITH) a designee of the gentleman from Kentucky (Mr. ROGERS)?

Mr. SMITH of New Jersey. Yes, I am, Mr. Chairman.

The CHAIRMAN. The gentleman from New Jersey (Mr. SMITH) is recognized for 5 minutes.

Mr. SMITH of New Jersey. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise to engage in a colloquy about the funding levels of the bill for the Helsinki Commission. The Commission's budget this year included unobligated funds from previous years, per the understanding of the conference committee.

Do I understand correctly that the chairman and others on the committee will work together in the conference to ensure that the Commission has the necessary resources to continue operations at the current level of activity and staff?

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

Mr. SMITH of New Jersey. I yield to the gentleman from Kentucky.

Mr. ROGERS. Mr. Chairman, I recognize the special problem the Commission faces, having funded a portion of the current year requirements with carryover funds.

I would be happy to continue to work with the gentleman as the bill proceeds to ensure the necessary funding level for the Commission's important work.

Mr. SMITH of New Jersey. Mr. Chairman, I thank my friend for that encouraging comment. I appreciate very much the gentleman's commitment to the extraordinary work advanced by the Commission. The Helsinki Commission remains at the forefront of many of the cutting issues in the OSCE region, a region with vital interests to the United States.

From the Balkans to the Baltics, the Helsinki Commission continues to provide important leadership in advancing democracy, human rights, and the rule of law. We do it in a completely bipartisan way.

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

Mr. SMITH of New Jersey. I yield to the gentleman from Maryland.

Mr. HOYER. Mr. Chairman, as ranking member on the Helsinki Commission who has served with the gentleman from New Jersey (Mr. SMITH) for approximately 18 years, I want to thank the gentleman also for his willingness to work with us in conference regarding the Helsinki Commission budget.

The OSCE region is of vital interest to the United States, and this work that we do is critical. The Commission truly provides good value for the dollar, and hopefully will be provided the resources necessary to fulfill its legislative mandate.

I join the gentleman from New Jersey (Chairman SMITH) in thanking the gentleman from Kentucky (Chairman ROGERS) and the gentleman from New York (Mr. SERRANO) for their focus on this issue.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 612. None of the funds made available in this Act shall be used to provide the following amenities or personal comforts in the Federal prison system—

(1) in-cell television viewing except for prisoners who are segregated from the general prison population for their own safety;

(2) the viewing of R, X, and NC–17 rated movies, through whatever medium presented;

(3) any instruction (live or through broadcasts) or training equipment for boxing, wrestling, judo, karate, or other martial art, or any bodybuilding or weightlifting equipment of any sort;

(4) possession of in-cell coffee pots, hot plates or heating elements; or

(5) the use or possession of any electric or electronic musical instrument.

SEC. 613. None of the funds made available in title II for the National Oceanic and Atmospheric Administration (NOAA) under the headings ''Operations, Research, and Facilities'' and ''Procurement, Acquisition and Construction'' may be used to implement sections 603, 604, and 605 of Public Law 102–567: *Provided*, That NOAA may develop a modernization plan for its fisheries research vessels that takes fully into account opportunities for contracting for fisheries surveys.

SEC. 614. Any costs incurred by a department or agency funded under this Act resulting from personnel actions taken in response to funding reductions included in this Act shall be absorbed within the total budgetary resources available to such department or agency: *Provided*, That the authority to transfer funds between appropriations accounts as may be necessary to carry out this section is provided in addition to authorities included elsewhere in this Act: *Provided further*, That use of funds to carry out this section shall be treated as a reprogramming of funds under section 605 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

SEC. 615. None of the funds made available in this Act to the Federal Bureau of Prisons may be used to distribute or make available any commercially published information or material to a prisoner when it is made known to the Federal official having authority to obligate or expend such funds that such information or material is sexually explicit or features nudity.

SEC. 616. Of the funds appropriated in this Act under the heading ''Office of Justice Programs—State and Local Law Enforcement Assistance'', not more than 90 percent of the amount to be awarded to an entity under the Local Law Enforcement Block Grant shall be made available to such an entity when it is made known to the Federal official having authority to obligate or expend such funds that the entity that employs a public safety officer (as such term is defined in section 1204 of title I of the Omnibus Crime Control and Safe Streets Act of 1968) does not provide such a public safety officer who retires or is separated from service due to injury suffered

as the direct and proximate result of a personal injury sustained in the line of duty while responding to an emergency situation or a hot pursuit (as such terms are defined by State law) with the same or better level of health insurance benefits at the time of retirement or separation as they received while on duty.

SEC. 617. None of the funds provided by this Act shall be available to promote the sale or export of tobacco or tobacco products, or to seek the reduction or removal by any foreign country of restrictions on the marketing of tobacco or tobacco products, except for restrictions which are not applied equally to all tobacco or tobacco products of the same type.

SEC. 618. None of the funds appropriated pursuant to this Act or any other provision of law may be used for: (1) the implementation of any tax or fee in connection with the implementation of 18 U.S.C. 922(t); and (2) any system to implement 18 U.S.C. 922(t) that does not require and result in the destruction of any identifying information submitted by or on behalf of any person who has been determined not to be prohibited from owning a firearm.

SEC. 619. Notwithstanding any other provision of law, amounts deposited in the Fund established under 42 U.S.C. 10601 in fiscal year 2000 in excess of $575,000,000 shall not be available for obligation until October 1, 2001.

SEC. 620. None of the funds made available to the Department of Justice in this Act may be used to discriminate against or denigrate the religious or moral beliefs of students who participate in programs for which financial assistance is provided from those funds, or of the parents or legal guardians of such students.

SEC. 621. None of the funds appropriated in this Act shall be available for the purpose of granting either immigrant or nonimmigrant visas, or both, consistent with the Secretary's determination under section 243(d) of the Immigration and Nationality Act, to citizens, subjects, nationals, or residents of countries that the Attorney General has determined deny or unreasonably delay accepting the return of citizens, subjects, nationals, or residents under that section.

SEC. 622. None of the funds made available to the Department of Justice in this Act may be used for the purpose of transporting an individual who is a prisoner pursuant to conviction for crime under State or Federal law and is classified as a maximum or high security prisoner, other than to a prison or other facility certified by the Federal Bureau of Prisons as appropriately secure for housing such a prisoner.

SEC. 623. None of the funds appropriated by this Act shall be used to propose or issue rules, regulations, decrees, or orders for the purpose of implementation, or in preparation for implementation, of the Kyoto Protocol which was adopted on December 11, 1997, in Kyoto, Japan, at the Third Conference of the Parties to the United Nations Framework Convention on Climate Change, which has not been submitted to the Senate for advice and consent to ratification pursuant to article II, section 2, clause 2, of the United States Constitution, and which has not entered into force pursuant to article 25 of the Protocol.

This Act may be cited as the ''Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 2001''.

AMENDMENT NO. 72 OFFERED BY MR. OLVER

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 72 offered by Mr. OLVER:

On page 107, line 12, after the word ''Protocol'', insert: *Provided further,* That any limitation imposed under this Act on funds made available by this Act shall not apply to activities specified in the previous proviso related to the Kyoto Protocol which are otherwise authorized by law.

The CHAIRMAN. Pursuant to the order of the House of Friday, June 23, 2000, the gentleman from Massachusetts (Mr. OLVER) and a Member opposed will each control 5 minutes.

The Chair recognizes the gentleman from Massachusetts (Mr. OLVER).

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

Mr. Chairman, last week Members will remember that as we were debating the VA, HUD, and Independent Agencies legislation, that the exact proviso that exists in section 107 was in that legislation, but attached only to the EPA title of the legislation. It serves to limit the use of funds that are provided by the Act within the EPA's title II in relation to the Kyoto Protocol.

Mr. Chairman, the proviso on page 107 is, as I say, exactly the same proviso that existed in the VA–HUD Act, but in this instance it is a general provision and so it affects every one of the titles of the bill.

I am offering an amendment which is the precisely parallel amendment to the amendment offered adopted by this House by a vote of 314 to 108 last week that simply makes clear that any of the activities that are part of that proviso, that any of those activities which are otherwise authorized in legislation, are not subject to the limitation that is proposed within the proviso.

That I think is precisely equivalent language that we adopted by a vote of 314 to 108 last week. I would hope that the amendment would be agreed to, as it was last week, and voted last week.

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

Mr. KNOLLENBERG. Mr. Chairman, I rise in opposition to the amendment.

The CHAIRMAN. The gentleman from Michigan (Mr. KNOLLENBERG) is recognized for 5 minutes.

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

Mr. Chairman, unlike what the gentleman just said, this amendment is not the same as last week. This is totally different. This is a gutting amendment.

Last week's amendment had to do with EPA. Now what the attempt on the part of the gentleman from Massachusetts (Mr. OLVER) is is to cut the heart out of the language that is law. This is law that was passed in 1999, and the law of last year. Seven times the President has signed language that is now in effect.

What H.R. 4690 is not about, it is not about funding of research and development for clean power with renewable energy, or funding to develop new homes that are more energy-efficient, or trying to reduce methane emissions.

In fact, what this amendment does is it trips through the year 2000, through the 1999 year, and brings us really back to a point where we were before we even started this language.

Incidentally, I would tell the Members, in 1997 the Senate unanimously, by a vote of 95 to nothing, instructed the Clinton-Gore administration not to sign the Kyoto treaty. They did. The United States Constitution requires the advice of the Senate to all treaties, requires the consent of the Senate to all treaties, and balances the power of government between the legislative, executive, and judicial branches.

This is not the same as the amendment last week. The gentleman from Massachusetts errs when he says it is, because this reaches in and takes away everything that we have done. This is not a modest amendment, it is not minor. It is destructive, and frankly, it slaps the Byrd-Hagel resolution in the face. It bypasses the Constitution, and it is wrong for America, it is wrong for the worker, wrong for the laborer, wrong for industry.

Along with a slap against the Constitution and the Byrd-Hagel resolution, I think we have to reject, reject strongly this amendment.

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

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

Mr. Chairman, I am really surprised by the argument that the gentleman from Michigan (Mr. KNOLLENBERG) is making here. The proviso is precisely the same proviso that was in the VA–HUD bill, and the amendment, as I have offered it, is precisely equivalent to the amendment that was offered and voted 314 to 108 last week.

□ 1915

The only difference is that the proviso as it was on the VA–HUD bill applied to only one title of the bill, whereas this proviso now applies as a general provision to every title of this bill. And, therefore, the only thing that has been removed from this amendment is the particular application to the EPA title of the bill which, of course, would not make any sense in a piece of legislation that deals with Commerce and with the State Department and with the Judiciary and with the Justice Department.

So, I really do not understand where there is any difference in the import here. The only thing that is being done by this amendment is to make certain that those things otherwise authorized by law are, in fact, not subject to the limitation, which is precisely what was happening last week when we were saying that those things otherwise authorized by law, those activities that are part of the proviso which are otherwise authorized by law, were not subject to the limitation provision.

So I think that the gentleman voted for the amendment last week in exactly that form, as did the chairman of the Subcommittee on VA–HUD Appropriations.

Mr. Chairman, I yield the remainder of my time to the gentleman from Maryland (Mr. GILCHREST).

Mr. GILCHREST. Mr. Chairman, I thank the gentleman from Massachusetts (Mr. OLVER) for yielding me this time.

Mr. Chairman, I would urge the gentleman from Michigan (Mr. KNOLLENBERG), this is not a sleight-of-hand. This is not a maneuver to allow this President to implement anything in Kyoto. This is a provision that the entire executive branch, whether it is EPA, the Department of Energy, the Department of Justice, the State Department, or the Department of Commerce, will understand that the Kyoto Protocol has not been ratified by the Senate, it is not going to be implemented with this particular amendment.

It only allows what I think all of us do on this floor, what all of us want this Government to do and that is simply to exchange information, to have some sense of understanding about human activity, its impact on climate change and what we can do to share with our constituents what is coming down the road.

So I would urge the Members to vote for the Olver amendment. It is good, common, intelligent sense.

Mr. KNOLLENBERG. Mr. Chairman, I would like to be advised the amount of time remaining.

The CHAIRMAN. The gentleman from Michigan (Mr. KNOLLENBERG) has 3 minutes remaining, and the time of the gentleman from Massachusetts (Mr. OLVER) has expired.

Mr. KNOLLENBERG. Mr. Chairman, I yield 1½ minutes to the gentleman from Pennsylvania (Mr. PETERSON), who has been a strong, strong supporter of what I would call common sense.

Mr. PETERSON of Pennsylvania. Mr. Chairman, here we go again. Another effort to back-door the Kyoto treaty. The Knollenberg language that is in this bill is appropriate. It has been put into law year after year, and it says that we are not allowed to implement and spend billions of tax dollars implementing the Kyoto Protocol which has not been put before the Senate, when it has not been debated, when it is not in the appropriate setting.

There is no reason for the language that is being offered. There is no good reason. There is no prohibition of exchange of information. There is no prohibition of us doing the normal things that our environmental agencies do from country to country. This creates a loophole that one could drive a Mack truck through. This administration, year after year, has budgeted billions of dollars to sell their theories, to sell the American public on this concept.

Mr. Chairman, that is not what this is all about. Solemn science should rule and we should have a scientific debate. Most of America is concerned about this proposal that is before us right now. The people that create the jobs in this country realize that the Kyoto Protocol, as implemented by the back door as the Gore administration wants to do, will take jobs out of this country and put them into Third World countries faster than anything that has been done.

The Kyoto Protocol, as was mentioned the other day, is a horrible idea. It is a horrible concept. It leaves the Third World countries out and will have our businesses buying credits from them so they can continue to process and manufacture in this country. It makes no sense and we must not let this administration implement it in the back door.

Mr. OLVER. Mr. Chairman, I ask unanimous consent that each side be granted an additional 1 minute.

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

Mr. KNOLLENBERG. Mr. Chairman, reserving the right to object, how much time do I have remaining?

The CHAIRMAN. The gentleman from Michigan (Mr. KNOLLENBERG) has 1½ minutes remaining, and prior to this request, the time of the gentleman from Massachusetts (Mr. OLVER) had expired.

Mr. KNOLLENBERG. Mr. Chairman, I object.

The CHAIRMAN. Objection is heard.

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

Mr. Chairman, the gentleman from Massachusetts (Mr. OLVER) contends that this is just again a very modest thing, a very moderate move, minor move. It is a gut-wrenching, cut-the-heart of the language that we have worked so hard to put in place. The gentleman from Maryland (Mr. GILCHREST) says that we are not going to implement the Kyoto Protocol. My colleagues must know that there are 24 instances on this sheet of paper where the State Department is implementing the Kyoto Protocol.

Mr. Chairman, all we are trying to do is say do not break the law. If it is authorized, do it. If it is not authorized, do not.

The gentleman from Massachusetts (Mr. OLVER) and I have talked about this. But, frankly, the gentleman has crossed the line in terms of transgression. What he is doing is deceptive, disingenuous and it is wrong. It is wrong for this country.

Very honestly, if the gentleman thinks that he can change the language here, he can change it again on the next bill and the next bill, and pretty soon, by water torture, drip by drip, we have a bill, we have statutory language that gets pecked away, destroyed so that the administration, with the gentleman's leadership pushing it, can implement the Kyoto Protocol.

Mr. Chairman, I say again, this is not good for America, it is not good for the laborer, for the farmer, it is not good for industry. And, in fact, as has already been heard, it will jack up the price of a thing called gasoline 65 or 70 cents a gallon if we implement it. I suggest that we stop implementation. I urge my colleagues to vote against the Olver amendment.

Mr. Chairman, I want to point out that the amendment by Mr. OLVER regarding the Kyoto Protocol cannot, under the Rules of the House of Representatives, authorize anything whatsoever on this Commerce, Justice, State, Appropriations bill, H.R. 4690, lest it be subject to a point of order.

The offerer of this amendment admits that it shall not go beyond a recognition of the original and enduring meaning of the law that has existed for years now—specifically that no funds be spent on unauthorized activities for the fatally flawed and unratified Kyoto Protocol.

Mr. Chairman, I am grateful for the acknowledgement of Administration's plea for clarification. The whole nation deserves to hear the plea of this Administration in the words of the coordiantor of all environmental policy for this administration, George Frampton, in his position as Acting Chair of the Council on Environmental Quality. On March 1, 2000, on behalf of the Administration he stated before this appropriations subcommittee, and I quote, ''Just to finish our dialogue here, my point was that it is the very uncertainty about the scope of the language . . . that gives rise to our wanting to not have the continuation of this uncertainty created next year.''

Mr. Chairman, I agree with Mr. OBEY when he stated to the Administration, ''You're nuts!'' upon learning of the fatally flawed Kyoto Protocol that Vice President GORE negotiated.

Mr. Chairman, I thank the gentleman for his focus on the activities of this Administration, both authorized and unauthorized.

The offerer of this amendment admits that it shall be ready to be fully consistent with the provision that has been signed by President Clinton in six current appropriations laws.

A few key points must be reviewed:

First, no agency can proceed with activities that are not authorized and funded.

Second, no new authority is granted.

Third, since neither the United Nations Framework Convention on Climate Change nor the Kyoto Protocol are self executing, specific implementing legislation is required for any regulation, program, or initiative.

Fourth, since the Kyoto Protocol has not been ratified and implementing legislation has not been approved by Congress, nothing contained exclusively in that treaty is funded.

Mr. Chairman, as you know, the Administration negotiated the Kyoto Climate Change Protocol sometime ago but has decided not to submit this treaty to the United States Senate for ratification.

The Protocol places severe restrictions on the United States while exempting most countries, including China, India, Mexico, and Brazil, from taking measures to reduce carbon dioxide equivalent emissions. The Administration undertook this course of action despite unanimous support in the United States Senate for the Senate's advice in the form of the Byrd-Hagel resolution calling for commitments by all nations and on the condition that the Protocol not adversely impact the economy of the United States.

We are also concerned that actions taken by Federal agencies constitute the implementation of this treaty before its submission to

Congress as required by the Constitution of the United States. Clearly, Congress cannot allow any agency to attempt to interpret current law to avoid constitutional due process.

Clearly, we would not need this debate if the Administration would send the treaty to the Senate. The treaty would be disposed of and we could return to a more productive process for addressing our energy future.

During numerous hearings on this issue, the administration has not been willing to engage in this debate. For example, it took months to extract the documents the administration used for its flawed economics. The message is clear—there is no interest in sharing with the American public the real price tag of this policy.

A balanced public debate will be requried because there is much to be learned about the issue before we commit this country to unprecedented curbs on energy use while most of the world is exempt.

Worse yet, some treaty supporters see this as only a first step to elimination of fossil energy production. Unfortunately, the Administration has chosen to keep this issue out of the current debate.

I look forward to working to assure that the administration and EPA understand the boundaries of the current law. It will be up to Congress to assure that backdroor implementation of the Kyoto Protocol does not occur.

In closing, I look forward to the report language to clarify what activities are and are not authorized.

Mr. OLVER. Mr. Chairman, I ask unanimous consent for 1 additional minute for each side.

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

Mr. KNOLLENBERG. I object.

The CHAIRMAN. Objection is heard.

The question is on the amendment offered by the gentleman from Massachusetts (Mr. OLVER).

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

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

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

The Clerk will read.

The Clerk read as follows:

TITLE VII—RESCISSION

RELATED AGENCIES

DEPARTMENT OF TRANSPORTATION

MARITIME ADMINISTRATION

MARITIME GUARANTEED LOAN (TITLE XI) PROGRAM ACCOUNT

(RESCISSION)

Of the funds provided under this heading in Public Law 104–208, $7,644,000 are rescinded.

Mr. ROGERS (during the reading). Mr. Chairman, I ask unanimous consent that the remainder of the bill through page 107, line 21, be considered as read, printed in the RECORD, and open to amendment at any point.

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

There was no objection.

The CHAIRMAN. Are there any amendments?

AMENDMENT NO. 38 OFFERED BY MR. STEARNS

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 38 offered by Mr. STEARNS:

At the end of the bill, insert after the last section (preceding the short title) the following new title:

TITLE VIII—LIMITATIONS

SEC. 801. Of the funds appropriated in this Act under the heading ''FEDERAL COMMUNICATIONS COMMISSION'', not more than $640,000 shall be available for the Office of Media Relations of the Federal Communications Commission.

The CHAIRMAN. Pursuant to the order of the House of Friday, June 23, 2000, the gentleman from Florida (Mr. STEARNS) and a Member opposed will each control 5 minutes.

The Chair recognizes the gentleman from Florida (Mr. STEARNS).

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

Mr. Chairman, I would say to my colleagues that I have a very simple amendment, and I will not take the full amount of time for this.

When we passed the Telecommunications Act in 1996, the whole idea of the act was to deregulate the telecommunications industry. At that time it was heralded as a great event. We had not deregulated the Telecommunications industry since 1934. So when we finally deregulated, all of us thought that this would possibly reduce government because of deregulation.

Instead of reducing government, the FCC which monitors and overlooks the telecommunications revolution, expanded quite dramatically. And they obviously will claim they need additional staff, but I contend that with all these mergers and all of this ever-changing landscape, we have to ask do they need 2,000 full-time equivalent employees at the FCC? I believe that in some places they have the necessary employees, but one area I am particularly concerned about, is in the media relations department. Do they need almost 20 people to do media relations? To make press clips? To send out press releases and to sell the FCC?

Mr. Chairman, this is a government agency. This is not The Washington Post. This is not the Lockheed-Martin Corporation. It is just an independent government agency, yet they have almost 20 people to do media relations. What is the need for an agency to be able to carry out a media campaign of public relations? This is in addition to the press operations the FCC bureau office employs already. That is right. The seven bureau offices have their own press contacts and the five Commissioners all have their own press contacts.

So let us take a look at this chart. When we look at this chart and see all the difference departments in the FCC that make up this 2,000 employees agency and we relate that, each of the Commissioners have their own press contacts and each of the bureaus have their own person to deal with media. We have a right to ask. And then we come over to this box, the Office of Media Relations, which is over there, and we say to ourselves: What do they do and how big are they?

Mr. Chairman, they are responsible for informing the press and the public about the FCC's actions, facilitating public participation, issuing news releases, public notices and other information material. That sounds pretty good. There are 17 people in that office.

Now, I would like if I could to take this chart down and show what makes up that media relations department. First of all the American taxpayer is paying four people an average salary of $77,349, another four people at $98,743, and one person is making almost $131,000 a year. So if you look back up here and see 17 of these different persons that make up this media relations, we will understand that the composite group of these 17 people are making a great deal of money.

In fact, the total of the salaries in this office alone is over $1,100,000. I suggest if one is a media person on the Hill, they could probably apply to the FCC and make a lot more money than they are making in their present job, frantically working until midnight like tonight.

Mr. Chairman, my amendment prohibits the FCC from appropriating more than $640,000, instead of $1,100,000, for the Office of Media Relations. I need to remind the Chairman of the FCC that employees of the Commission are public servants. This office and others throughout the FCC are unelected and now are getting paid almost as much as Federal judges. In some cases they are paid more. The role of the agency is to implement and administer our Nation's telecommunications law, not to increase headlines.

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

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

Mr. ROGERS. Mr. Chairman, I rise in support of the gentleman's amendment. It is important to remind ourselves that the amendment does not make further cuts in the budget of the FCC. It is intended to limit the funds spent by the Commission on media relations.

Many in this Chamber questioned the involvement of the FCC in our debate over the Radio Broadcasting Preservation Act. Despite the FCC's efforts, that bill passed the House overwhelmingly by a vote of 274 to 118 back in April.

Mr. Chairman, I commend the gentleman from Florida for his work and this amendment.

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

Mr. SERRANO. Mr. Chairman, I rise in opposition to the amendment.

The CHAIRMAN. The gentleman from New York (Mr. SERRANO) is recognized for 5 minutes.

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

This is one of those out and out attacks that one always wonders whether what was said on the floor is the actual reason or there was a reason behind it.

□ 1930

Let us face it, the FCC is in a lot of trouble with some people these days because of the work they are doing on low-power FM stations, and for that they are paying a big price.

It is interesting that people who are in this profession, like ourselves, like myself, would get up to oppose the idea of an office of media relations. I mean what we do every day, the fact that we have allowed cameras in this Chamber, is in fact our desire to keep the public informed. And what we have here is an office that handles very delicate issues, issues that we deal with on a daily basis in this country, from the FCC.

The whole notion of suggesting that the FCC generates this kind of information is not totally correct. The FCC and the media relations office also do a lot of work responding to many inquiries from Members of Congress, from the public in general and, yes, from the press. For instance, on a yearly basis, 39,600 average press calls come in seeking information about telecommunications issues and pending FCC cases and proceedings.

Secondly, because of the work that the FCC does, and because of the fact that the FCC has been involved in some very serious decisions in the last few years, there is a need from the public to know; and the public is constantly asking on a weekly and a monthly basis of the FCC to handle more information. They brief the press and the public before each Monday meeting on all the issues; they also make available the information on the Internet and via e-mail. These are the kinds of things we demand of ourselves and we demand of other people.

They, as I said, maintain and continually update the FCC Web site, on which all documents released by the commission are posted. The site receives approximately one million hits each day. One million hits. Now, this is not an office that sits around doing nothing; and this is not an office that has to go out, as has been suggested here, and create information and create their jobs. The mere fact that they are in an agency which gives out information and which controls a lot of the information that goes out in this country, they are part of this agency and this is the work that they do.

To stand here on the floor and just try to say, well, we have to get at them for some of the things they have done that we do not like, and we are going to start by keeping the information from coming out, that is just not fair and should be seen for what it is.

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

Mr. STEARNS. Mr. Chairman, I yield myself the balance of my time.

And, Mr. Chairman, I would say to my good friend that this is just intended to save money and to bring more fiscal responsibility. So there is no other motive here.

I would also say to my friend that each of these bureaus here have their own press person. And when the commissioners send out their own press release, a certain person in that commissioner's office must be referred to as the press contact. These folks are in overload with personnel in the press department.

I submit that we can take this office, which spends $1,100,000 and bring it down to $640,000.00 and still be better off. Because we do not need to be paying so many people $80,000. There are four of them making almost $80,000 a year. I suggest my colleague's my own press secretary is not making $80,000 a year, and I submit that this office does not need this much either.

The CHAIRMAN. The time of the gentleman from Florida (Mr. STEARNS) has expired.

Mr. SERRANO. Mr. Chairman, how much time do I have remaining?

The CHAIRMAN. The gentleman from New York has 2 minutes.

Mr. SERRANO. Mr. Chairman, I yield myself the balance of my time.

Now that the gentleman from Florida has gotten me in trouble with my press secretary, I must say that I still think that this is an unfair attack. It is interesting that the gentleman mentions my press secretary, because at this very moment each one of us that has spoken on the floor today has been getting countless phone calls from the media and from the public asking for information as to what we said, what we discussed, why we said it, and what was the issue.

The FCC handles as important issues as we do and they get the same information requests, and they get the same desire from the public to know.

So what I am saying to my good friend is I know that the gentleman has some problems with the FCC, but he should find another area to attack and not attack the media relations. Because if the gentleman succeeds, I assure my colleague that a year from now he will be back on the floor complaining that he does not get enough information from the FCC.

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

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

Mr. STEARNS. Mr. Chairman, I will not be on the House floor next year if the gentleman votes for my amendment. Will the gentleman agree to that?

Mr. SERRANO. Reclaiming my time, Mr. Chairman, I am hoping that the gentleman will not be on the House floor next year, but it has nothing to do with the amendment.

Mr. STEARNS. If the gentleman will continue to yield, I have issued a challenge to the gentleman.

Mr. SERRANO. I am sorry, I cannot vote for the gentleman's amendment this year or next year.

Mr. FRELINGHUYSEN. Mr. Chairman, I rise in support of the Stearns amendment. Far too often, Federal agencies simply forget whom they are here to serve—the people.

The Federal Communications Commission's Office of Legislative and Intergovernmental Affairs employs approximately 13 people at a cost of almost $950,000 dollars to answer requests and inquiries and they do a poor job.

Mr. Chairman, why does it take 17 people in the Office of Media Relations to inform the press and the public of the FCC's actions—at a cost to the taxpayer of over $1 million dollars?

Why does it take 13 people from the Office of Legislative and Intergovernmental Affairs to respond to 535 Senators and Members of Congress when I have 6 people on my staff to answer the inquiries from 600,000 of my constituents?

Mr. Chairman, let me give you one example of a situation I encountered with the Federal Communications Commission's poor record of ''customer service.''

In November of 1999, I wrote to the Chairman of the FCC seeking a response to an issue hundreds of my constituents had written to me about.

Despite several follow-up letters to Chairman Kennard, I had to send yet another letter in April and had my office place several telephone calls inquiring to the status of the response to my inquiry—now five months old.

Mr. Chairman, it is an outrage that it would take the Chairman of the Federal Communications Commission almost five months to respond to my constituents. This agency has absolutely no accountability to the taxpayers! It is clear how much waste is taking place at this agency.

Mr. Chairman, it is about time for the Federal Communications Commission to be responsible to the people they serve. I urge my colleagues to support this amendment.

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

The CHAIRMAN. All time on the amendment has expired.

The question is on the amendment offered by the gentleman from Florida (Mr. STEARNS).

The amendment was agreed to.

AMENDMENT NO. 28 OFFERED BY MS. MCCARTHY OF MISSOURI

Ms. MCCARTHY of Missouri. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 28 offered by Ms. MCCARTHY of Missouri:

Add at the end of the bill, before the short title, the following:

TITLE VIII—PROPERTY AND SERVICES DONATIONS TO THE BUREAU OF PRISONS

PROPERTY AND SERVICES DONATIONS TO THE BUREAU OF PRISONS

SEC. 801. The Director of the Bureau of Prisons may accept donated property and services relating to the operation of the Prison Card Program from a not-for-profit entity which has operated such program in the past, despite the fact such not-for-profit entity furnishes services under contract to the

Bureau relating to the operation of prerelease services, halfway houses, or other custodial facilities.

The CHAIRMAN. Pursuant to the order of the House of Friday, June 23, 2000, the gentlewoman from Missouri (Ms. MCCARTHY) and a Member opposed will each control 5 minutes.

The Chair recognizes the gentlewoman from Missouri (Ms. MCCARTHY).

Ms. MCCARTHY of Missouri. Mr. Chairman, I yield myself such time as I may consume, and I offer this amendment which adds clarifying language to the bill. This amendment is noncontroversial and enjoys bipartisan and bicameral support.

This amendment allows the Department of Justice to accept a donation of greeting cards from the Salvation Army. The Department of Justice requested this language to continue a very successful prison card program which has operated successfully for over 25 years.

Each year, as a part of their rehabilitation, millions of cards are distributed to help prisoners keep in touch with their families and friends, thus keeping them connected with society and, where possible, easing their return and acclimation to society upon release.

From a public policy standpoint, this program is hailed as very successful by the Department of Justice, the Bureau of Prisons, prison administrators, majority and minority communities, faith-based organizations, and law enforcement officials. Again, this is a noncontroversial and widely supported program, and I urge the adoption of my amendment.

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

Ms. MCCARTHY of Missouri. I yield to the gentleman from Kentucky.

Mr. ROGERS. Mr. Chairman, we are not opposed to the amendment.

Ms. MCCARTHY of Missouri. Mr. Chairman, I thank the gentleman for accepting my amendment.

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

The CHAIRMAN. Is there any Member wishing to claim time in opposition?

Hearing none, the question is on the amendment offered by the gentlewoman from Missouri (Ms. MCCARTHY).

The amendment was agreed to.

AMENDMENT NO. 23 OFFERED BY MR. HOSTETTLER

Mr. HOSTETTLER. Mr. Chairman, I offer amendment No. 23.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 23 offered by Mr. HOSTETTLER:

At the end of the bill, insert after the last section (preceding the short title) the following new title:

TITLE ___ — ADDITIONAL GENERAL PROVISIONS

SEC. ___. None of the funds made available in this Act to the Department of Justice may be used to enforce, implement, or administer the provisions of the settlement document dated March 17, 2000, between Smith & Wesson and the Department of the Treasury (among other parties).

The CHAIRMAN. Pursuant to the order of the House of Friday, June 23, 2000, the gentleman from Indiana (Mr. HOSTETTLER) and a Member opposed will each control 15 minutes.

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

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

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

Mr. HOSTETTLER. Mr. Chairman, today I rise to offer an amendment that would prohibit the Department of Justice from using taxpayers' dollars to enforce the provisions of a settlement agreement between Smith & Wesson, the Treasury Department, and the Department of Housing and Urban Development.

The Department of Justice would be the primary agency that would bring suit to enforce any disputes that arise as a result of the agreement. Therefore, this amendment would simply prohibit the Department of Justice from suing Smith & Wesson for HUD or Treasury to enforce the contested provisions of this agreement.

Let me share with my colleagues what I am trying to accomplish with this amendment. It is quite simple. Article 1, section 1 of the Constitution states, and I quote: ''All legislative powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives.''

In my hand I hold 22 pages of legislation. This legislation was not deliberated in these grand Chambers. This legislation was not debated among the distinguished Members of this body. This legislation was formed by lawyers of the executive branch, bringing the full force and weight of the United States Government upon one firearms manufacturer.

What is our response? If we do nothing and allow the executive branch to intrude upon our legislative authority, who is next? I do not believe the founders of this great Nation would want us to hand over our constitutional authority to Andrew Cuomo or Janet Reno. In fact, our oath of office requires us to stand up and say to the executive branch, ''You will not bypass us and bring this reign of legislation through litigation terror upon the American people.''

Now, let me share with my colleagues what these 22 pages of legislation include. Now, keep in mind that in the agreement Smith & Wesson agrees to bind all those dealers who wish to sell Smith & Wesson products to the restrictions in the agreement. In other words, Smith & Wesson dealers must include the following restrictions on all firearms sales regardless of make. This includes Smith & Wesson, Ruger, Beretta, Colt, and so on.

In order to continue selling Smith & Wesson products, dealers must agree to, one, impose a 14-day waiting period on any purchaser who wants to buy more than one handgun. Again, all makes. Did Congress authorize such a restriction?

Two, transfer firearms only to individuals who have passed a certified safety examination or training course. Once again, all makes. Did Congress authorize this restriction?

Three, the agreement authorizes the BATF, the Bureau of Alcohol, Tobacco and Firearms, to sit on an oversight commission to enforce provisions of the coerced agreement. When did Congress authorize the BATF to enforce private civil settlement agreements?

Four, requires the BATF or an agreed-upon proofing entity to test firearms. Did we do this in this Chamber?

Five, the agreement mandates that Smith & Wesson commit 2 percent of their revenues to develop authorized user technology and within 36 months, 3 years, to incorporate this technology in all new firearm designs. It appears HUD likes unfunded mandates. Did Congress authorize this unfunded mandate?

I could go on and on, but time prevents me from doing so. I have been accused of trying to destroy Smith & Wesson in past legislative efforts. Nothing could be further from the truth. In fact, in April, Smith & Wesson published on their Web page a clarification of their interpretation of their agreement with Treasury and HUD. But the Clinton administration was not happy at all with that interpretation found on their Web site, and I quote from the New York Times of April 14:

''A Clinton administration official hinted yesterday,'' April 13, ''that the matter might end up in court if Smith & Wesson tried to back away from a deal it had signed. 'The agreement is a contract,' said an administration official involved in the deal. 'It says what it says. It will be implemented.' ''

Now, tell me, who is trying to destroy Smith & Wesson? I suppose former Labor Secretary Robert Reich was prophetic in his statement in USA Today when he said in February 1999: ''The era of big government may be over, but the era of regulation through litigation has just begun.''

In conclusion, Mr. Chairman, I ask, are we a Nation of laws or a Nation of lawsuits? Support my amendment and stop Treasury and HUD from using the Department of Justice to enforce their legislation, again, not this body's legislation, but Treasury and HUD's legislation through litigation, and return that legislative power to where the Constitution requires it, the Congress.

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

Mr. SERRANO. Mr. Chairman, I rise in opposition to the amendment.

The CHAIRMAN. The gentleman from New York (Mr. SERRANO) is recognized for 15 minutes.

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

Mr. Chairman, I am really troubled by this amendment because it wants to destroy an agreement which is for the good of the American people and, in fact, for the good of the gun manufacturing industry.

On the safety front, Smith & Wesson agreed to measures like internal safety locks, smart gun technology, child safety trigger resistance, chamber load indicators, and many other provisions that will cut down on accidental shootings and make guns less attractive to criminals.

What Smith & Wesson did was, in fact, show for the first time in a very significant way that this issue can be taken seriously as a manufacturer; that they do not have to run away from their responsibilities; that, yes, they can stay in business and still do the right thing by the American people and American children. For that reason, I think that opposing the implementation of the agreement at this point is a vote for less safety and less responsible distribution. To kill the implementation of the agreement sends a strong signal to the rest of the gun industry that they should just keep resisting common sense reform while communities throughout America pay the price.

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

□ 1945

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

Mr. Chairman, this amendment is simply to once again return the legislative authority to Congress. Congress has in the past dealt with issues that the gentleman has discussed; and, in fact, it has passed legislation dealing with trigger locks, with waiting-day periods for, as past amendments dealing with that legislation dealing with the amount of time that must be used for background checks at gun shows where an individual is not a Federal firearms licensed dealer but is, in fact, a private seller.

Congress has already spoken on those issues. But the administration does not want that discussion to be heard, does not want that discussion to be the legislative process. It wants to legislate through litigation. It wants to legislate through the coercive action of HUD, of the BATF and, in this particular case, the Justice Department.

I would say that the discussion about what this is going to do for our children I think is made moot, is defied by the simple facts of our society today. And what we are led to believe that discussion is that this agreement will make firearms safer, will make the streets safer for our children really flies in the face of reality.

And that is, if we take the tragic story earlier this year of a 6-year-old boy who went to school and killed his classmate, what we are led to believe by the opponents of this amendment, the proponents of legislation through litigation through the executive branch, is this, that when that little boy would take the gun that his father or those in the crack house where he was staying had stolen, that he would have been met on the way to school with that .32 caliber automatic firearm and, in a drug-induced stupor, his father would have said, Son, before you go to school with that firearm that we stole and you break six, eight, ten, a dozen Federal firearms laws by doing it, what you and I need to do is we need to go down and have a certified training course for that gun, for the use of that firearm, for the illegal use of that firearm.

Mr. Chairman, that is not going to happen, obviously. But discussion earlier last week, I think, does define what is trying to be done in this agreement; and that is a statement that was made by one of our colleagues that said, quote, this amendment and the one that preceded it earlier regarding the Communities for Safer Guns Coalition are really unnecessary and they fly in the face of incremental and reasonable and common sense attempts to protect our children from guns.

Obviously, that little 6-year-old girl that was killed was not secured from violence and this agreement and everything affiliated would not have stopped that from happening. But what is taking place is incremental gun control by actions of the executive branch implemented not only on dealers who deal in Smith & Wesson firearms but on every firearm that goes through their inventory.

This is back-door gun control through coercion and through threat of litigation, and this Congress should not allow that to happen.

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

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

Mr. Chairman, let me just point out that a similar amendment by the gentleman from Indiana (Mr. HOSTETTLER) was defeated on the VA-HUD bill. Secondly, the gentleman keeps mentioning the Department of Justice. The Department of Justice is not a party to this agreement, as is the Treasury Department.

Lastly, just to remind everyone, this is Smith & Wesson trying to do the right thing; and to be attacked for trying to do the right thing and to say they have been coerced is totally unfair.

Mr. Chairman, I yield 5 minutes to the gentlewoman from New York (Mrs. MCCARTHY).

Mrs. MCCARTHY of New York. Mr. Chairman, last week my colleague the gentleman from Indiana (Mr. HOSTETTLER) attempted to turn back the clock on gun safety. He failed and the House rejected his amendment. We should defeat this amendment once again.

Today he tries again. The bill has changed, but the amendment is the same. Instead of HUD, the gentleman from Indiana (Mr. HOSTETTLER) prevents the Department of Justice from expending any money relating to HUD–Smith & Wesson agreement.

Secretary Cuomo and more than 10 of the Nation's mayors successfully negotiated an agreement with the gun manufacturer, Smith & Wesson, in March. This agreement has been embraced by more than 411 communities across the Nation from Los Angeles to Long Island, New York. The agreement will make our communities safer, and we should allow it to continue without Congressional tampering.

His amendment will prevent the Department of Justice from expending any funds related to its agreement with Smith & Wesson. Now, this is extremely important.

What does the agreement do? This is not gun control. This is called gun safety where a manufacturer is coming before us and doing the right thing to try to make our citizens and our children safer.

Guns will have safety locks. Smart technology, this is the guns that can be for people in the house, whether it is one person or two people, that the gun can be fitted to that person and only those two people would be able to use that gun. This is extremely smart. Smith & Wesson has agreed to go forward with this. This is gun safety, not gun control.

Guns cannot be marketed to children. What can we even say about that? Guns should not be marketed to children, anyhow.

Background checks performed on all sales. We know that when we do background checks and weed out those criminals that are trying to buy their guns, that that can cut down on gun violence in this country.

Gun stores must secure guns and ammunition to prevent their theft. What is wrong with that? This way we cannot have someone breaking into a store and stealing guns and ammunition. Law enforcement has a stake in this agreement because it reduces gun violence, reduces gun accidents, and it keeps the guns out of the hands of criminals. And that is, basically, all Smith & Wesson is trying to do with this agreement.

Let me say that this also leads us down a very slippery slope. What if a drug manufacturer reaches an agreement with the Department of Veterans' Affairs to provide reasonable priced prescription drugs for our veterans? Are we going to strike this down also?

The Congress has a legitimate right to examine this agreement and others. It is shameful to defund the Smith & Wesson agreement without adequate review. We constantly hear the Congress should not meddle in the affairs of our cities and our counties. This amendment is meddling. It says local communities cannot work with the Federal Government to reduce gun violence.

This amendment says HUD should not keep its word. It says that it is

trivial that 12 children are killed every day by gun violence.

It was mentioned by my colleague that the 8-year-old that shot the 6-year-old girl that a child safety lock would not have prevented this. Well, most likely, it probably would not have. But that does not mean that we should not go forward in trying to have gun safety legislation here.

What might have happened was, if that person bought the gun illegally, maybe if we had stricter laws as far as background checks go that person would not have been able to buy the gun if he did buy it on the black market.

I think that we should honor our agreement with Smith & Wesson. It is good business sense for them; and, hopefully, other gun manufacturers will follow suit with them.

I have to say, when a private individual or company sues the Federal Government and settles, then Congress makes sure that the settlement is upheld. The same standard applies to the HUD–Smith & Wesson agreement. Let this agreement stand as it is.

Mr. Chairman, guns and children do not mix. The Million Mom March showed us that hundreds of thousands of Americans can unite to stop gun violence in this country. The gun lobby does not control this House. We, the citizens that work here representing the people back home, are the ones that are supposed to fight for the issues that we care so much about.

I have to say that every little thing that we try to do to reduce gun violence in this country we seem to be stopped. I think it is time that we all work together. This is gun safety. It is not gun control. Gun control to me is when we try to take away the right of someone owning a gun. We are not doing that. I do not know of any Member that is trying to do that. This is good, common sense gun safety legislation. We defeated this amendment last week. We should again defeat this amendment today.

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

Mr. Chairman, I would address some points that the gentlewoman from New York (Mrs. MCCARTHY) made, and the first is the discussion of the slippery slope.

She brings up a good point about reasonable cause for the Veterans' Administration for drugs from a particular drug company. No one could be opposed to that. But the analogy is not particularly complete in that, if one drug company would make that agreement with the Veterans' Administration, if the same philosophy would govern as does with the Smith & Wesson agreement, then every pharmacist that supplies that one drug would have to sell a similar drug or other drugs at a price dictated by the first drug company and the Veterans' Administration.

That is what this agreement does. It makes not only the sale of Smith & Wesson firearms applicable to the provisions of this agreement, but this makes other non-signatory gun manufacturers open to this, as well.

Now, the gentleman from New York (Mr. SERRANO), the ranking member, said that the Department of Justice is not a party in this lawsuit, and he is absolutely correct. But, however, it would be the Department of Justice, as the gentlewoman from New York (Mrs. MCCARTHY) pointed out, that would be the instrument that would bring the suit to Federal court on the part of HUD and the Treasury. So he is right. But this amendment is still necessary because it will be Justice that brings this to play.

Now, the gentlewoman from New York (Mrs. MCCARTHY) is right. This agreement would not have done anything to stop the tragedy nor to stop most tragedies dealing with violence against children, violent crimes. Because that is why we call them crimes. When they break the law, they commit a crime. And that is what happened in the first case with the incident that I discussed earlier. The gun was not purchased on the black market.

Not many black market salesmen have guns that do background checks in the first place. But, secondly, even if this one particular black market gun dealer that my colleague points out would have done a background check, it would not have applied because it was stolen and it was reported as such, so this agreement would not have affected that particular situation at any point.

Now, I would simply say that this is an agreement that is going to be carried out in a court of law, according to what has already been stated in The New York Times, if Smith & Wesson goes forward with their interpretation of the agreement. The Department of Justice would be the one to bring suit. And, so, if my colleague feels that Smith & Wesson has tried to do the right thing in this agreement, then she must vote for my amendment because she does not, in her own words, want to penalize Smith & Wesson by the Justice Department doing what they have already said they are going to do, and that is sue Smith & Wesson if Smith & Wesson does not do exactly what the Department of Justice, not Congress, says they should do in this.

Mr. Chairman, I yield 2 minutes to the gentleman from Texas (Mr. PAUL).

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

Mr. PAUL. Mr. Chairman, I thank the gentleman from Indiana (Mr. HOSTETTLER) for bringing this very important amendment to the floor.

There is a lot of emphasis around here on the first amendment, and rightfully so. We should defend it. There is a lot of neglect on the second amendment, but there are a lot of Americans that believe that the second amendment is equally as important as the first amendment. So I congratulate the gentleman.

Mr. Chairman, I rise in strong support of the Hostettler amendment. The Founding Fathers fought to break away from a tyrannical government. Part of the problem was that the King of England was making laws without any accountability. When they set up this Government, they saw the dire need to have several checks and balances, thus creating the three-fold system of Government: the executive branch, the judicial branch, and the legislative branch.

It is this legislative branch that is responsible for making laws and the judicial branch for interpreting them, period.

A serious act of misconduct on the administration occurred when the Smith & Wesson agreement was settled. The executive branch acted as the legislative branch when they bypassed Congress through 22 pages of litigation. The egregious agreement will require all authorized Smith & Wesson dealers to limit handgun sales to one handgun every 14 days regardless of make, require all authorized Smith & Wesson dealers to require customers to pass a certified test before completing a sale of any firearm, mandate that the BATF participate on an oversight commission created by the settlement agreement, and does not allow unaccompanied minors into areas where firearms are present.

It seems now that the administration sees fit, acting on no authority given it by the Constitution, to dictate to a company who they can sell their products to and in what manner their product can be sold. This forces law-abiding citizens to jump through Government-ordained hoops before they exercise their rights to purchase as many firearms as they choose and to purchase them whenever they choose.

The BATF, which has never been known for its fair treatment of gun owners, will play an integral part on the oversight commission of gun owners by the agreement.

The BATF will require all employees of dealers to attend annual training courses. In these training courses, the BATF gives the final say as to what can be taught and what will be excluded. Each employee must also complete an examination of which its contents will be closely reviewed by the oversight commission and make its own changes as it sees fit. In essence, they are acting as the ''thought-control'' police. This sounds very Orwellian to me and far from what Patrick Henry had in mind when he said, ''The great objective is that every man be armed . . . Everyone who is able may have a gun.''

Let us not forget past calamities against U.S. citizens from over zealous federal agents in trying to enforce unconstitutional gun laws. Again, too much power is being given to these unconstitutional agencies and even worse, it is being done without the consent of Congress. Members of the House, you must remember the oath that you swore to uphold and not relinquish your authority any longer. By what authority does the administration set up this new commission, what check will be placed on this agency in making their new regulations that

will affect all Americans without giving them a chance to vote or have a say in these changes. Why should we hand over our authority to another branch of the government and then let it take more freedoms away from our citizens?

These requirements have been voted on in the past in the House and Senate and thus far have not passed either house. It is all to clear that the agenda of the Clinton Administration has always been anti-second amendment, and thus, they have found a way to implement their policies by forcing a gun manufacturer to comply regardless of their legal legitimacy. The Federal government and executive branch have no business—and have no authority—to mandate how a company runs its business.

Let us not allow our authority to be usurped from us any longer. Please stop the funding for this anti-constitutional settlement and vote for the Hostettler Amendment and support H.R. 2655, the Separation of Powers Restoration Act.

I strongly support this amendment. I compliment the gentleman from Indiana (Mr. HOSTETTLER) for bringing this to the floor, and I hope that we can pass this overwhelmingly.

□ 2000

Mr. SERRANO. Mr. Chairman, I yield myself 1 minute.

The more I hear the gentleman speak about his amendment and the more I hear people support the amendment, I cannot believe what I am hearing. It is like we are going crazy in this Chamber. Here we have for the first time a major manufacturer of guns in this country not saying gun control, not saying stop the sale of guns but saying, yes, you were right all along, I can make safety locks; I can bring out smart gun technology; I can make my guns child safety-trigger resistant; I can have chamber load indicators; I can do a lot of things that will make this situation a safer one for people who should not be either using guns or be near a gun in any way. In no way, shape or form does Smith & Wesson want to put themselves out of business by saying gun control.

This is a perfect thing to agree on. In fact, if one is for the use of guns in this country, they should be for this. So the more I listen to these arguments I say I do not know, maybe I am listening to another Chamber somewhere else.

Mr. Chairman, I yield 2 minutes to the gentleman from Oregon (Mr. BLUMENAUER).

Mr. BLUMENAUER. Mr. Chairman, I appreciate the courtesy of the gentleman from New York (Mr. SERRANO).

I listened to the gentleman from Texas (Mr. PAUL) talk about a lack of accountability that inspired the American Revolution. Well, I think there is a revolution today in this country of thinking about how we deal with gun violence, and the lack of accountability today is on the floor of this Chamber where the American public overwhelmingly supports simple, common sense approaches to reduced gun violence but this Chamber is still in the thralls of apologists for gun violence and refuses to do what the American public would support.

It is clear, I hope, from my discussion last week, that it is wrong for this Congress to make it hard for a 2-year-old to open a bottle of aspirin but not make it hard for that 2-year-old to shoot his baby sister.

My point, which the gentleman from Indiana (Mr. HOSTETTLER) somehow confused with regulation of water pistols when they purchase it, was instead that this Congress has made it clear that there are certain core product safety standards which we are afraid to extend to real guns because of the threat of the NRA.

This legislation before us today has two nonsensical approaches. One, it undercuts our efforts to have a cooperative effort with the private sector in solving problems of gun violence and it would be read to prevent the Department of Justice conceivably from even discussing the Smith & Wesson agreement, clearly an illogical result. They are not a party to the legislation. It is not appropriate to be dealing with their budget, but it is clear that their job is to advise government agencies on the legal ramifications of what they enter into. That is absolutely dead wrong that somehow we would undercut their ability to do their job.

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

Mr. Chairman, the gentleman from Oregon (Mr. BLUMENAUER) pointed out a very important point, and that is that we should be doing what the American people want. The Framers of the Constitution had that very same thing in mind when they said that all legislative powers shall be vested in a Congress; all policymaking power shall be given to a Congress. They did not give that power to make policy to the executive branch. They did not give it to the judicial branch. Here of late, the Supreme Court has forgotten that fact.

They did not give it to bureaucrats, either. They gave it to the legislative branch, being the Congress. So by doing this amendment, we are doing exactly what the American people want. A vote later will determine that on this particular bill.

Let me just remind my colleague from New York, the ranking member, that if he in fact believes that Smith & Wesson is doing the right thing by entering this agreement, and he does not want harm to come to Smith & Wesson, he should support my amendment because the Department of Justice is going to be the arm of the Federal Government that is going to be bringing this suit to court if Smith & Wesson goes against what the Department of Justice or HUD, I should say, or BATF does. It will be them. If one votes for this amendment, they will be saying hooray to Smith & Wesson; but if they do not, if they do not, then they will be saying that Smith & Wesson should be penalized for entering this agreement and not doing what the executive branch and the bureaucrats, that none of the employees of Smith & Wesson ever voted for, they will be doing what they want them to do and not according to what Smith & Wesson would have them to do.

I ask for support of my amendment.

Mr. SERRANO. Mr. Chairman, I yield 2 minutes to my friend, the gentlewoman from California (Ms. ESHOO).

Ms. ESHOO. Mr. Chairman, I thank the distinguished ranking member, the gentleman from New York (Mr. SERRANO), for yielding me this time.

For any of the viewers that are tuned in and listening to this debate, maybe we should pull back and clear the air for a moment and explain to them what this is about, kind of in an unedited way.

This is an amendment that is directed at removing from the books an agreement that Smith & Wesson, gun manufacturer in the United States of America, in my view, stepped up to home plate and struck an agreement, struck an agreement. Now, any major business, corporation in this country, I do not think, steps up to home plate to put themselves out of business. So, number one, this does not hurt their business, but what it is directed toward is protecting children.

I think that is very smart of Smith & Wesson because it is a very effective marketing tool.

Now, this marketing tool of this amendment now comes along and cloaks itself in the Constitution that no Federal agency should be able to enter into an agreement such as this; and so, therefore, constitutionally we need this amendment to undo this agreement.

I think that that is hogwash, I have to say. All of the mothers and fathers that came to Washington, D.C., to march, what were they saying? They were saying that in this country we have had enough. We do not want to bury our own children. Guns are dangerous; and in the hands of little ones, fatalities happen over and over and over again. So let us not dress ourselves up in a constitutional issue here. Let us not try to make ourselves look good. I rise in opposition to this amendment. It is a bad one. It is not what the American people want, and people should vote it down.

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN. The Chair would advise Members to address their remarks to the Chair.

Mr. SERRANO. Mr. Chairman, I yield the balance of my time to the gentlewoman from New York (Mrs. MCCARTHY).

The CHAIRMAN. The gentlewoman from New York (Mrs. MCCARTHY) is recognized for 3½ minutes.

Mrs. McCARTHY of New York. Mr. Chairman, again let us go through on what this amendment does. It will take away what Smith & Wesson, as far as I am concerned and we heard from my colleague from California, on good business sense. We see unfortunately in

this country over 100,000 injuries. Those are the people that have been injured by guns but have not died. Across this country, billions of dollars are spent every single year for the health care services. We all end up paying for that. What Smith & Wesson is saying is they are going to work on technology, technology to make guns safer. Guns that are in 51 percent of the homes today, they will be a safer product.

We strive here constantly on many manufacturers to have them come up with safer products. We see it with cars. We see it with our medications and bottles. We have done that for years and years and years. We see different manufacturers coming up with new, safer ways to make our citizens safe. Well, this is what Smith & Wesson is doing.

We get lost in this debate all the time when we start talking about the Constitution, when we start talking about upholding the Constitution. All of us here, when we are sworn in as Congresspeople, swear to uphold the Constitution, and that is exactly what I do. I am not looking or trying to take away anyone's right to own a gun. That is certainly not my agenda. My agenda is to try to make this country safer than what it is.

We lose police officers too much in this country, and we should be protecting them. How are we going to do that? By having an agreement like Smith & Wesson where we are making sure that there are background checks being made so those criminals that are falling through the cracks are not going to get their hands on guns and use them against our citizens and our police officers in this country.

Smith & Wesson has done the right thing. They have done the right thing. I have to be honest, if someone had told me 3 years ago that I would be defending a gun manufacturer, I would probably have said they were crazy, Mr. Chairman, but here I am. When a company does the right thing, they certainly should be hearing from us to say we will support them on this. When we have mayors across this country, when we have communities, over 400 communities across this Nation, two mayors from the district of the gentleman from Indiana (Mr. HOSTETTLER), saying they want to do their part on working to make their communities and their cities and certainly our States and our country safer, then we should be doing this.

Last week we defended this amendment. The only difference was, it was in another appropriations. I am hoping that my colleagues here in this Congress will again stand with all of us and say Smith & Wesson is doing the right thing. We should stand behind them, make this a safer country for our citizens; certainly make it a safer place for our children and our police officers who are out there every single day risking their lives. We have to do something about trying to cut down how criminals get guns. Smith & Wesson has taken a step by doing that, with the background checks.

Mr. Chairman, I urge all of my colleagues to vote against this amendment.

Mr. PASCRELL. Mr. Chairman, I am here to express my opposition to the Hostettler amendment.

This amendment prohibits the Department of Justice from using funds to implement or administer the settlement reached in March between the federal government and Smith & Wesson.

Last week, during the VA/HUD Appropriations debate, Congressman HOSTETTLER introduced a similar amendment to try to stop the efforts of the federal government to make guns safer and keep them out of the hands of children and criminals.

I have to ask—what is he trying to do?

Does he oppose safer guns? Because this agreement makes sure guns will have safety measures like internal safety locks, smart-gun technology, child-safety trigger resistance, chamber-load indicators, and many other provisions that will cut down on accidental shootings and make guns less attractive to criminals.

Does he oppose making distribution of guns more thoughtful and careful? Because this agreement also closes the gun-show loophole, requires background checks for all sales, limits the delivery of multiple purchases, limits children's access to weapons, and many other measures to keep guns out of the hands of criminals and children.

Does he oppose saving lives? Because that is what this agreement will do. It also sets an example for other manufacturers to help reduce the awful toll of gun violence while ending litigation brought against them by an array of cities and counties.

The agreement is a win-win situation—settling litigation and making safer guns available to the American people.

The agreement demonstrates that manufacturers can make safer guns—including smart guns—and take responsibility for the way their guns are distributed.

A vote for Congressman HOSTETTLER's amendment is a vote for less safety and less responsible distribution. It thwarts implementation of the agreement sends a strong signal to the rest of the gun industry that they should just keep resisting common-sense reform, while communities throughout America pay the price.

I urge every one of your to vote against the ill-conceived Hostettler amendment.

The CHAIRMAN. All time for debate has expired.

The question is on the amendment offered by the gentleman from Indiana (Mr. HOSTETTLER).

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

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

The CHAIRMAN. Pursuant to House Resolution 529, further proceedings on the amendment No. 23 offered by the gentleman from Indiana (Mr. HOSTETTLER) will be postponed.

SEQUENTIAL VOTES POSTPONED IN 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. 33 by the gentleman from South Carolina (Mr. SANFORD), amendment No. 72 by the gentleman from Massachusetts (Mr. OLVER), amendment No. 23 by the gentleman from Indiana (Mr. HOSTETTLER).

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

AMENDMENT NO. 33 OFFERED BY MR. SANFORD

The CHAIRMAN. The pending business is the demand for a recorded vote on amendment No. 33 offered by the gentleman from South Carolina (Mr. SANFORD) 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 86, noes 312, not voting 36, as follows:

[Roll No. 322]

AYES—86

Aderholt	Goode	Nethercutt
Andrews	Goodlatte	Ney
Armey	Green (WI)	Pastor
Bachus	Gutknecht	Paul
Barr	Hastings (WA)	Pease
Bartlett	Hayes	Peterson (PA)
Barton	Hayworth	Petri
Boyd	Hefley	Pombo
Bryant	Herger	Radanovich
Burton	Hilleary	Ramstad
Buyer	Hoekstra	Riley
Chabot	Hostettler	Rohrabacher
Chenoweth-Hage	Hulshof	Ryan (WI)
Coble	Hunter	Sanford
Coburn	Jenkins	Scarborough
Collins	Johnson, Sam	Schaffer
Combest	Jones (NC)	Sensenbrenner
Crane	Kanjorski	Sessions
Cubin	Kasich	Shadegg
DeFazio	Kelly	Shays
DeMint	Kingston	Smith (MI)
Doolittle	Largent	Smith (WA)
Doyle	LoBiondo	Stearns
Duncan	Luther	Sununu
Ehrlich	Metcalf	Tancredo
Everett	Mica	Taylor (MS)
Foley	Miller (FL)	Toomey
Forbes	Moore	Weldon (FL)
Gibbons	Moran (KS)	

NOES—312

Abercrombie	Bishop	Chambliss
Ackerman	Bliley	Clay
Allen	Blumenauer	Clayton
Archer	Blunt	Clement
Baca	Boehlert	Clyburn
Baird	Boehner	Condit
Baker	Bonilla	Conyers
Baldacci	Bonior	Cooksey
Baldwin	Bono	Costello
Ballenger	Borski	Cox
Barcia	Boucher	Coyne
Barrett (NE)	Brady (PA)	Cramer
Barrett (WI)	Brady (TX)	Crowley
Bass	Brown (OH)	Cummings
Bateman	Burr	Cunningham
Becerra	Callahan	Danner
Bentsen	Calvert	Davis (FL)
Bereuter	Camp	Davis (VA)
Berkley	Canady	Deal
Berman	Cannon	DeGette
Berry	Capps	Delahunt
Biggert	Capuano	DeLauro
Bilbray	Cardin	DeLay
Bilirakis	Castle	Deutsch

Diaz-Balart
Dickey
Dicks
Dixon
Doggett
Dooley
Dreier
Dunn
Edwards
Ehlers
Emerson
Engel
English
Eshoo
Etheridge
Evans
Ewing
Farr
Fattah
Filner
Fletcher
Ford
Fossella
Fowler
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gilchrest
Gillmor
Gilman
Gonzalez
Goodling
Gordon
Goss
Graham
Granger
Green (TX)
Greenwood
Hall (OH)
Hall (TX)
Hastings (FL)
Hill (IN)
Hill (MT)
Hilliard
Hinojosa
Hobson
Hoeffel
Holden
Holt
Hooley
Horn
Houghton
Hoyer
Hutchinson
Hyde
Inslee
Isakson
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson (CT)
Johnson, E.B.
Kildee
Kind (WI)
King (NY)
Kleczka
Knollenberg
Kolbe
Kucinich
Kuykendall
LaFalce
LaHood
Lampson
Lantos
Larson
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Maloney (CT)
Maloney (NY)
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller, Gary
Miller, George
Minge
Mink
Moakley
Mollohan
Moran (VA)
Murtha
Myrick
Nadler
Napolitano
Neal
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Ose
Owens
Oxley
Packard
Pallone
Pascrell
Payne
Pelosi
Peterson (MN)
Phelps
Pickering
Pickett
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Rahall
Regula
Reyes
Reynolds
Rivers
Rodriguez
Roemer
Rogan
Rogers
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Scott
Serrano
Shaw
Sherman
Sherwood
Shimkus
Shuster
Simpson
Sisisky
Skeen
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Snyder
Souder
Spence
Spratt
Stabenow
Stark
Stenholm
Strickland
Stump
Stupak
Sweeney
Tanner
Tauscher
Tauzin
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tierney
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velazquez
Visclosky
Vitter
Walden
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Weiner
Weldon (PA)
Weller
Wexler
Weygand
Wicker
Wilson
Wise
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—36

Blagojevich
Boswell
Brown (FL)
Campbell
Carson
Cook
Davis (IL)
Dingell
Gutierrez
Hansen
Hinchey
Jones (OH)
Kaptur
Kennedy
Kilpatrick
Klink
Lazio
Lipinski
Manzullo
Markey
Martinez
McCollum
McIntosh
Morella
Pitts
Pomeroy
Rangel
Rush
Ryun (KS)
Schakowsky
Shows
Talent
Towns
Vento
Waxman
Whitfield

□ 2031

Mr. SAWYER and Mr. DEUTSCH changed their vote from ''aye'' to ''no.''

Mr. SMITH of Michigan and Mr. LUTHER 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 time within which a vote by electronic device will be taken on each amendment on which the Chair has postponed further proceedings.

AMENDMENT NO. 72 OFFERED BY MR. OLVER

The CHAIRMAN. The pending business is the demand for a recorded vote on Amendment No. 72 offered by the gentleman from Massachusetts (Mr. OLVER) 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 is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 217, noes 181, not voting 36, as follows:

[Roll No. 323]

AYES—217

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldacci
Baldwin
Barrett (WI)
Bass
Becerra
Bentsen
Bereuter
Berkley
Berman
Bilbray
Blumenauer
Boehlert
Bonior
Borski
Boyd
Brady (PA)
Brown (OH)
Capps
Capuano
Cardin
Castle
Clay
Clayton
Clement
Clyburn
Conyers
Costello
Coyne
Crowley
Cummings
Davis (FL)
Davis (VA)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dickey
Dicks
Dixon
Doggett
Dooley
Doyle
Edwards
Ehlers
Ehrlich
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Foley
Forbes
Ford
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gephardt
Gilchrest
Gonzalez
Gordon
Goss
Green (TX)
Greenwood
Gutknecht
Hall (OH)
Hastings (FL)
Hill (IN)
Hinojosa
Hobson
Hoeffel
Holden
Holt
Hooley
Horn
Houghton
Hoyer
Inslee
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Kanjorski
Kelly
Kennedy
Kildee
Kind (WI)
King (NY)
Kleczka
Kolbe
Kucinich
Kuykendall
LaFalce
LaHood
Lampson
Lantos
Larson
Lee
Levin
Lewis (GA)
LoBiondo
Lofgren
Lowey
Lucas (KY)
Luther
Maloney (CT)
Maloney (NY)
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McHugh
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Minge
Mink
Moakley
Mollohan
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Phelps
Pickett
Porter
Portman
Price (NC)
Quinn
Rahall
Ramstad
Regula
Reyes
Reynolds
Rivers
Rodriguez
Roemer
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Sabo
Sanchez
Sanders
Sawyer
Saxton
Scott
Serrano
Shays
Sherman
Shuster
Sisisky
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Spratt
Stabenow
Stark
Strickland
Stupak
Tanner
Tauscher
Thompson (CA)
Thompson (MS)
Thurman
Tierney
Turner
Udall (CO)
Udall (NM)
Velazquez
Visclosky
Waters
Watt (NC)
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
Wilson
Wise
Woolsey
Wu
Wynn

NOES—181

Aderholt
Archer
Armey
Bachus
Baker
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bateman
Berry
Biggert
Bilirakis
Bishop
Bliley
Blunt
Boehner
Bonilla
Bono
Boucher
Brady (TX)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cannon
Chabot
Chambliss
Chenoweth-Hage
Coble
Coburn
Collins
Combest
Condit
Cooksey
Cox
Cramer
Crane
Cubin
Cunningham
Danner
Deal
DeLay
DeMint
Diaz-Balart
Doolittle
Dreier
Duncan
Dunn
Emerson
English
Everett
Ewing
Fletcher
Fossella
Fowler
Gekas
Gibbons
Gillmor
Gilman
Goode
Goodlatte
Goodling
Graham
Granger
Green (WI)
Hall (TX)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (MT)
Hilleary
Hilliard
Hoekstra
Hostettler
Hulshof
Hunter
Hutchinson
Hyde
Isakson
Istook
Jenkins
John
Johnson, Sam
Jones (NC)
Kasich
Kingston
Knollenberg
Largent
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
Lucas (OK)
McCrery
McInnis
McIntyre
McKeon
Metcalf
Mica
Miller (FL)
Miller, Gary
Moran (KS)
Myrick
Nethercutt
Ney
Northup
Norwood
Nussle
Ose
Oxley
Packard
Paul
Pease
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pombo
Pryce (OH)
Radanovich
Riley
Rogan
Rogers
Rohrabacher
Royce
Ryan (WI)
Salmon
Sandlin
Sanford
Scarborough
Schaffer
Sensenbrenner
Sessions
Shadegg
Shaw
Sherwood
Shimkus
Simpson
Skeen
Smith (MI)
Smith (TX)
Souder
Spence
Stearns
Stenholm
Stump
Sununu
Sweeney
Tancredo
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Tiahrt
Toomey
Traficant
Upton
Vitter
Walden
Walsh
Wamp
Watkins
Watts (OK)
Wicker
Wolf
Young (AK)
Young (FL)

NOT VOTING—36

Blagojevich
Boswell
Brown (FL)
Campbell
Carson
Cook
Davis (IL)
Dingell
Gutierrez
Hansen
Hinchey
Johnson (CT)
Jones (OH)
Kaptur
Kilpatrick
Klink
Lazio
Lipinski
Manzullo
Markey
Martinez
McCollum
McIntosh
Morella
Pitts
Pomeroy
Rangel
Rush
Ryun (KS)
Schakowsky

Shows	Towns	Waxman
Talent	Vento	Whitfield

□ 2041

Mrs. BONO changed her vote from ''aye'' to ''no.''

Mr. REGULA and Mr. ROEMER changed their vote from ''no'' to ''aye.''

So the amendment was agreed to.

The result of the vote was announced as above recorded.

□

PERSONAL EXPLANATION

Ms. CARSON. Mr. Chairman, I was unavoidably absent today, Monday, June 26, 2000, and as a result, missed rollcall votes 322 and 323. Had I been present, I would have voted ''no'' on rollcall vote 322 and ''yes'' on rollcall vote 323.

AMENDMENT NO. 23 OFFERED BY MR. HOSTETTLER

The CHAIRMAN. The pending business is the demand for a recorded vote on Amendment No. 23 offered by the gentleman from Indiana (Mr. HOSTETTLER) 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 196, noes 201, not voting 37, as follows:

[Roll No. 324]

AYES—196

Aderholt	Cooksey	Hill (MT)
Armey	Costello	Hilleary
Baca	Cox	Hilliard
Bachus	Cramer	Hobson
Baker	Crane	Hoekstra
Ballenger	Cubin	Holden
Barcia	Cunningham	Hostettler
Barr	Danner	Hulshof
Barrett (NE)	Deal	Hunter
Bartlett	DeLay	Hutchinson
Barton	DeMint	Istook
Bass	Dickey	Jenkins
Bateman	Doolittle	John
Berry	Dreier	Johnson, Sam
Biggert	Duncan	Jones (NC)
Bilirakis	Ehrlich	Kanjorski
Bishop	Emerson	Kasich
Bliley	English	Kingston
Blunt	Everett	Knollenberg
Boehner	Ewing	Kolbe
Bonilla	Fletcher	LaHood
Bono	Fowler	Lampson
Boucher	Gekas	Largent
Boyd	Gibbons	Latham
Brady (TX)	Gillmor	Lewis (CA)
Bryant	Goode	Lewis (KY)
Burr	Goodlatte	Linder
Burton	Goodling	Lucas (KY)
Buyer	Gordon	Lucas (OK)
Callahan	Goss	Mascara
Calvert	Graham	McCrery
Camp	Granger	McIntyre
Canady	Green (TX)	McKeon
Cannon	Green (WI)	Metcalf
Chabot	Gutknecht	Mica
Chambliss	Hall (TX)	Miller, Gary
Chenoweth-Hage	Hastings (WA)	Mollohan
Clement	Hayes	Moran (KS)
Coble	Hayworth	Murtha
Coburn	Hefley	Myrick
Collins	Herger	Nethercutt
Combest	Hill (IN)	Norwood
Nussle	Sanford	Taylor (NC)
Ortiz	Scarborough	Terry
Ose	Schaffer	Thomas
Packard	Sensenbrenner	Thornberry
Paul	Sessions	Thune
Pease	Shadegg	Tiahrt
Peterson (MN)	Sherwood	Toomey
Peterson (PA)	Shimkus	Traficant
Petri	Shuster	Turner
Phelps	Sisisky	Vitter
Pickering	Skeen	Walden
Pickett	Skelton	Wamp
Pombo	Smith (MI)	Watkins
Portman	Smith (TX)	Watts (OK)
Radanovich	Souder	Weldon (FL)
Rahall	Spence	Weldon (PA)
Regula	Stearns	Wicker
Reynolds	Stenholm	Wilson
Rogers	Strickland	Wise
Rohrabacher	Stump	Wolf
Royce	Sununu	Young (AK)
Ryan (WI)	Tanner	Young (FL)
Salmon	Tauzin	
Sandlin	Taylor (MS)	

NOES—201

Abercrombie	Gilchrest	Neal
Ackerman	Gilman	Northup
Allen	Gonzalez	Oberstar
Andrews	Greenwood	Obey
Baird	Hall (OH)	Olver
Baldacci	Hastings (FL)	Owens
Baldwin	Hinojosa	Oxley
Barrett (WI)	Hoeffel	Pallone
Becerra	Holt	Pascrell
Bentsen	Hooley	Pastor
Bereuter	Horn	Payne
Berkley	Houghton	Pelosi
Berman	Hoyer	Porter
Bilbray	Hyde	Price (NC)
Blumenauer	Inslee	Pryce (OH)
Boehlert	Isakson	Quinn
Bonior	Jackson (IL)	Ramstad
Borski	Jackson-Lee (TX)	Reyes
Brady (PA)	Jefferson	Rivers
Brown (OH)	Johnson (CT)	Rodriguez
Capps	Johnson, E. B.	Roemer
Capuano	Kelly	Rogan
Cardin	Kennedy	Ros-Lehtinen
Carson	Kildee	Rothman
Castle	Kind (WI)	Roukema
Clay	King (NY)	Roybal-Allard
Clayton	Kleczka	Sabo
Clyburn	Kucinich	Sanchez
Condit	Kuykendall	Sanders
Conyers	LaFalce	Sawyer
Coyne	Lantos	Saxton
Crowley	Larson	Scott
Cummings	LaTourette	Serrano
Davis (FL)	Leach	Shaw
Davis (VA)	Lee	Shays
DeFazio	Levin	Sherman
DeGette	Lewis (GA)	Simpson
Delahunt	LoBiondo	Slaughter
DeLauro	Lofgren	Smith (NJ)
Deutsch	Lowey	Smith (WA)
Diaz-Balart	Luther	Snyder
Dicks	Maloney (CT)	Spratt
Dixon	Maloney (NY)	Stabenow
Doggett	Matsui	Stark
Dooley	McCarthy (MO)	Stupak
Doyle	McCarthy (NY)	Sweeney
Dunn	McDermott	Tancredo
Edwards	McGovern	Tauscher
Ehlers	McHugh	Thompson (CA)
Engel	McInnis	Thompson (MS)
Eshoo	McKinney	Thurman
Etheridge	McNulty	Tierney
Evans	Meehan	Udall (CO)
Farr	Meek (FL)	Udall (NM)
Fattah	Meeks (NY)	Upton
Filner	Menendez	Velazquez
Foley	Millender-McDonald	Visclosky
Forbes	Miller (FL)	Walsh
Ford	Miller, George	Waters
Fossella	Minge	Watt (NC)
Frank (MA)	Mink	Weiner
Franks (NJ)	Moakley	Weller
Frelinghuysen	Moore	Wexler
Frost	Moran (VA)	Weygand
Gallegly	Nadler	Woolsey
Ganske	Napolitano	Wu
Gejdenson		Wynn
Gephardt		

NOT VOTING—37

Archer	Brown (FL)	Davis (IL)
Blagojevich	Campbell	Dingell
Boswell	Cook	Gutierrez
Hansen	Martinez	Ryun (KS)
Hinchey	McCollum	Schakowsky
Jones (OH)	McIntosh	Shows
Kaptur	Morella	Talent
Kilpatrick	Ney	Towns
Klink	Pitts	Vento
Lazio	Pomeroy	Waxman
Lipinski	Rangel	Whitfield
Manzullo	Riley	
Markey	Rush	

□ 2050

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

So the amendment was rejected.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mrs. MORELLA. Mr. Chairman, I was unavoidable detained in my Congressional District earlier today and was unable to vote on several amendments to H.R. 4690.

On the Sanford amendment, rollcall 322, I would have voted ''no.''

On the Olver amendment, rollcall 323, I would have voted ''yes.''

On the Hostettler amendment, rollcall 324, I would have voted ''no.''

Mr. ROGERS. Mr. Chairman, I move to strike the last word, and I yield to the gentleman from Florida (Mr. STEARNS) for the purpose of a colloquy.

Mr. STEARNS. Mr. Chairman, I thank the distinguished chairman for yielding to me.

I would like to voice my concern over the state of Federal judicial compensation. I believe that judges' salaries are falling below the minimum levels that are needed, not only in the interests of fairness, but also to ensure the continued quality of the Federal judiciary.

Over the past 8 years, Federal judges have experienced a 13 percent decline in the real value of their salaries. At the same time, their workload has remained at high levels. Salaries of Federal judges have not just lagged behind the inflation indices.

As a result, judges' salaries no longer bear a reasonable relationship to that of the pool of lawyers from whom candidates for judgeships should be drawn. It has been widely reported that the first-year associates in law firms in metropolitan areas throughout the country are now earning $125,000 a year. It is therefore not surprising that even second- and third-year associates at most large law firms would have to take a pay cut, a pay cut to accept an appointment to the Federal bench.

Public sector salaries may even be more relevant. The general counsel of the University of California receives a salary in excess of $250,000 annually, which is substantially greater than the pay of the Chief Justice of the United States.

The district attorneys of Los Angeles, for example, are paid $185,000. All of these salaries far exceed the salary of the United States Supreme Court Justices and Associate Justices, which are currently less than $182,000 and $174,000, respectively.

Additionally, a U.S. District Judge salary is currently only $141,300. Increasingly, judges are choosing not to make the financial sacrifice to remain

on the Federal bench. As a result, our Federal judiciary is losing some of its most capable and dedicated men and women. Since January, 1993, 40 Article III judges, judges whose positions are delegated in Article III of the U.S. Constitution and serve lifetime appointments subject to Senate confirmation, have resigned or retired from the Federal bench. Many of these judges have retired to private practice.

The departure of experienced, seasoned judges undermines the notion of lifetime service and weakens our judicial system. If the issue of adequate judicial salaries is not soon addressed, I believe there is a real risk that the quality of the Federal judiciary, a matter of great and justified pride, will be compromised.

The President of the United States' salary goes up to $400,000 next year. Is it not about time the Supreme Court Justices's salaries go up, too?

Mr. ROGERS. Mr. Chairman, I appreciate the gentleman's concerns. This is an issue that the Judiciary has been struggling with for a number of years. It gets worse. It is becoming more widespread. As the number of agencies that require professional expertise grows, we hear the same problem in connection with the SEC, FCC, the FBI, all agencies that hire lawyers and professional experts.

We have to compete with the private sector, but we do not have the resources to match those salaries dollar for dollar, as the gentleman has so adequately pointed out. So we will work with the gentleman on this issue as we work through the process, hoping we can find some solution.

Mr. STEARNS. I thank the gentleman.

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

Mr. Chairman, I should have asked for the gavel, because I could not believe my ears. My understanding is that the previous gentleman was inquiring about the inadequacy of the pay of Federal judges. I remember a number of years ago when the same gentleman was very active in seeing to it that this House did not provide cost-of-living increases for its own employees.

I would simply say, I admire the gentleman's solicitude for people who are already making six figures, but frankly, I would like to see the same solicitude for the legislative branch of government, and by that, I specifically am thinking of the people who work for us. I am not talking about Members, I am talking about our staffs, the people who make us look a lot better than we are.

I find it ironic that a gentleman who was very active in denying us that opportunity to compensate our own employees with a cost-of-living increase a number of years ago is now very concerned about the pay of the highest-paid judges in this country.

I have nothing against adequate judicial salaries, but I also think we have a problem when the average length of stay for a young congressional staffer on the Hill is less than 3 years, and I think there is a serious problem when the House of Representatives on average pays its top legislative staffers $15,000 to $25,000 less on average than the United States Senate does. I have forgotten whether it is $15,000 or $25,000, so I will supply the exact number for the RECORD.

□ 2100

But I just want to say that I share the gentleman's concern about adequate reimbursement for judges. I would welcome his concern about adequate salaries for the young people in this institution who work just as hard as Federal judges for about one-fifth the pay.

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

Mr. OBEY. I yield to the gentleman from Florida.

Mr. STEARNS. Mr. Chairman, I thank the gentleman from Wisconsin for yielding to me. The gentleman has a very good memory. That was 10 years ago that I had that amendment.

Mr. OBEY. Mr. Chairman, I remember. My motto is: ''Forgive and remember.''

Mr. STEARNS. Mr. Chairman, I would say that the gentleman remembers that like it was yesterday, because it did occur a decade ago. At that point the salaries that were provided the staff were going up quite substantially and was well above inflation. And since we have had the years go on for the last 10 years, we have provided inflationary increases for the staff.

Mr. OBEY. Mr. Chairman, reclaiming my time, I would simply say the fact is those salaries are a whole lot less than every other branch of government. They still are. And it seems to me that one of the ways for people to judge Members of Congress is to judge them by whether or not they deal with their staffs the way they would like to be dealt with themselves.

And, certainly, it seems to me that the country would be well served if we also had a greater ability to retain congressional employees of more experience so that we are not being advised by people who on average have been here less than 3 years.

AMENDMENT NO. 25 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. 25 offered by Ms. JACKSON-LEE of Texas:

Page 107, after line 21, insert the following:

TITLE VIII—LEGAL AMNESTY RESTORATION ACT OF 2000

SEC. 801. (a) Section 249 of the Immigration and Nationality Act (8 U.S.C. 1259) is amended—

(1) in the section heading, by striking ''1972'' and inserting ''1986''; and

(2) in subsection (a), by striking ''1972;'' and inserting ''1986;''.

(b) The table of sections for such Act is amended in the item relating to section 249 by striking ''1972'' and inserting ''1986''.

Mr. LATHAM. Mr. Chairman, I reserve a point of order.

The CHAIRMAN. Pursuant to the order of the House of Friday, June 23, 2000, the gentlewoman from Texas (Ms. JACKSON-LEE), and a Member opposed will each control 5 minutes.

The Chair recognizes the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I wish I did not have to rise to the floor on this issue, because I know if my colleagues understood this issue completely, they would immediately move to waive the point of order and allow us to proceed to vote on this and pass this amendment.

In 1986, the Immigration Reform and Control Act authorized the legalization of undocumented immigrants, in essence to grante late amnesty. This is a nation of immigrants and laws. But, unfortunately, the INS promulgated a rule that denied such legalization to the immigrants in this group who had briefly left the country to bury a loved one or take care of a child, or handle other matters.

We find that these individuals now live in our country having lived 18, 20 years, they have mortgages, car payments, and are hard-working individuals with young adult children now trying to seek an educational opportunity. But yet because of an incorrect interpretation by the INS of a regulation, the situation now exists that these individuals, hardworking, tax-paying families are not able to adjust their status and become citizens or apply for such.

Mr. Chairman, I believe that this amendment resolves this in a fair and adequate manner so much so that the AFL–CIO has offered a resolution in support of legal amnesty, and at the appropriate time I will submit their statement for inclusion in the RECORD.

I offer another amendment, Mr. Chairman, that would bring an end to a long problem. In 1986, the Immigration Reform and Control Act authorized the legalization of undocumented immigrants who could prove that they had been living in the United States since January 1, 1982.

Unfortunately, the Immigration and Naturalization Service (''INS'') promulgated a rule that denied legalization to the immigrants in this group who had briefly left the country. INS then refused to accept applications from people who had violated this rule.

But by the time the INS had agreed to modify the rule, the 12-month application period had ended and hundreds of thousands of people who could have established eligibility for legalization had been turned away.

This amendment would update a provision of the immigration law known as ''registry'' by which our government recognizes that it makes sense to allow long-time residents, deeply rooted immigrants who are contributing

to our economy to remain here permanently. This amendment would get these immigrants out of "legal limbo."

My bill H.R. 4172 "The Legal Amnesty Restoration Act of 1999" also fixes this problem, however the devastation that these families are facing because of our inability to seek legal status warrants our acting today to correct this injustice. Thank you.

AFL-CIO'S RESOLUTION SUPPORTING IMMIGRATION AMNESTY

The AFL-CIO proudly stands on the side of immigrant workers. Throughout the history of this country, immigrants have played an important role in building our nation and its democratic institutions. New arrivals from every continent have contributed their energy, talent, and commitment to making the United States richer and stronger. Likewise, the American union movement has been enriched by the contributions and courage of immigrant workers. Newly arriving workers continue to make indispensable contributions to the strength and growth of our unions. These efforts have created new unions and strengthened and revived others, benefitting all workers, immigrant and native-born alike. It is increasingly clear that if the United States is to have an immigration system that really works, it must be simultaneously orderly, responsible and fair. The policies of both the AFL-CIO and our country must reflect those goals.

The United States is a nation of laws. This means that the federal government has the sovereign authority and constitutional responsibility to set and enforce limits on immigration. It also means that our government has the obligation to enact and enforce laws in ways that respect due process and civil liberties, safeguard public health and safety, and protect the rights and opportunities of workers.

The AFL-CIO believes the current system of immigration enforcement in the United States is broken and needs to be fixed. Our starting points are simple.

Undocumented workers and their families make enormous contributions to their communities and workplaces and should be provided permanent legal status through a new amnesty program.

Regulated legal immigration is better than unregulated illegal immigration.

Immigrant workers should have full workplace rights in order to protect their own interests as well as the labor rights of all American workers.

Labor and business should work together to design cooperative mechanisms that allow law-abiding employers to satisfy legitimate needs for new workers in a timely manner without compromising the rights and opportunities of workers already here.

Labor and business should cooperate to undertake expanded efforts to educate and train American workers in order to upgrade their skill levels in ways that enhance our shared economic prosperity.

Criminal penalties should be established to punish employers who recruit undocumented workers from abroad for the purpose of exploiting workers for economic gain.

Current efforts to improve immigration enforcement, while failing to stop the flow of undocumented people into the United States, have resulted in a system that causes discrimination and leaves unpunished unscrupulous employers who exploit undocumented workers, thus denying labor rights for all workers.

The combination of a poorly constructed and ineffectively enforced system that results in penalties for only a few of the employers who violate immigration laws has had especially detrimental impacts on efforts to organize and adequately represent workers. Unscrupulous employers have systematically used the I–9 process in their efforts to retaliate against workers who seek to join unions, improve their working conditions, and otherwise assert their rights.

Therefore, the AFL–CIO calls for replacing the current I–9 system as a tool of workplace immigration enforcement. We should substitute a system of immigration enforcement strategies that focuses on the criminalization of employer behavior, targeting those employers who recruit undocumented workers from abroad, either directly or indirectly. It should be supplemented with strong penalties against employers who abuse workers' immigration status to suppress their rights and labor protections. The federal government should aggressively investigate, and criminally prosecute, those employers who knowingly exploit a worker's undocumented status in order to prevent enforcement of workplace protection laws.

We strongly believe employer sanctions, as a nationwide policy applied to all workplaces, has failed and should be eliminated. It should be replaced with an alternative policy to reduce undocumented immigration and prevent employer abuse. Any new policy must meet the following principles: (1) it must seek to prevent employer discrimination against people who look or sound foreign; (2) it must allow workers to pursue legal remedies, including supporting a union, regardless of immigration status; and (3) it must avoid unfairly targeting immigrant workers of a particular nationality.

There is a long tradition in the United States of protecting those who risk their financial and physical well-being to come forward to report violations of laws that were enacted for the public good. Courageous undocumented workers who come forward to assert their rights should not be faced with deportation as a result of their actions. The recent situation at the Holiday Inn Express in Minneapolis highlights the perversity of the current situation. Therefore, the AFL–CIO calls for the enactment of whistleblower protections providing protected immigration status for undocumented workers who report violations of worker protection laws or cooperate with federal agencies during investigations of employment, labor and discrimination violations. Such workers should be accorded full remedies, including reinstatement and back pay. Further, undocumented workers who exercise their rights to organize and bargain collectively should also be provided protected immigration status.

Millions of hard-working people who make enormous contributions to their communities and workplace are denied basic human rights because of their undocumented status. Many of these men and women are the parents of children who are birthright U.S. citizens. The AFL–CIO supports a new amnesty program that would allow these members of local communities to adjust their status to permanent resident and become eligible for naturalization. The AFL–CIO also calls on the Immigration and Naturalization Service to address the shameful delays facing those seeking to adjust their status as a result of the Immigration Reform and Control Act.

Immediate steps should include legalization for three distinct groups of established residents: (1) Approximately half-a-million Salvadorans, Guatemalans, Hondurans, and Haitians, who fled civil war and civil strife during the 1980s and early 1990s and were unfairly denied refugee status, and have lived under various forms of temporary legal status; (2) approximately 350,000 long-resident immigrants who were unfairly denied legalization due to illegal behavior by the INS during the amnesty program enacted in the late 1980s; and (3) approximately 10,000 Liberians who fled their homeland's brutal civil war and have lived in the United States for years under temporary legal status.

Guestworker programs too often are used to discriminate against U.S. workers, depress wages and distort labor markets. For these reasons, the AFL-CIO has long been troubled by the operation of such programs. The proliferation of guestworker programs has resulted in the creation of a class of easily exploited workers, who find themselves in a situation very similar to that faced by undocumented workers. The AFL-CIO renews our call for the halt to the expansion of guestworker programs. Moreover, these programs should be reformed to include more rigorous labor market tests and the involvement of labor unions in the labor certification process. All temporary guestworkers should be afforded the same workplace protections available to all workers.

The rights and dignity of all workers can best be ensured when immigrant and non-immigrant workers are fully informed about the contributions of immigrants to our society and our unions, and about the rights of immigrants under current labor, discrimination, naturalization, and other laws. Labor unions have led the way in developing model programs that should be widely emulated. The AFL-CIO therefore supports the creation of education programs and centers to educate workers about immigration issues and to assist workers in exercising their rights.

Far too many workers lack access to training programs. Like all other workers, new immigrants want to improve their lives and those of their families by participating in job training. The AFL-CIO supports the expansion of job training programs to better serve immigrant populations. These programs are essential to the ability of immigrants to seize opportunities to compete in the new economy.

Immigrant workers make enormous contributions to our economy and society, and deserve the basic safety net protections that all other workers enjoy. The AFL-CIO continues to support the full restoration of benefits that were unfairly taken away through Federal legislation in 1996, causing tremendous harm to immigrant families.

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

The CHAIRMAN. Who seeks time in opposition?

Mr. LATHAM. Mr. Chairman, I claim the time in opposition, and continue to reserve my point of order.

Ms. JACKSON-LEE of Texas. Mr. Chairman, how much time do I have remaining?

The CHAIRMAN. The gentlewoman has 3½ minutes.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I yield 1½ minutes to the distinguished gentleman from Michigan (Mr. CONYERS), the ranking member on the Committee on the Judiciary.

Mr. CONYERS. Mr. Chairman, I thank the gentlewoman from Texas for raising this very important point, and we in the Committee on the Judiciary have worked hard to correct it. I cannot understand why it has only 5 minutes on each side. But we are trying to make an improvement on the registry by which the government recognizes that it makes sense to allow a long-time resident, deeply rooted immigrant who is here contributing to our economy to remain here permanently.

So we have this correction for people that have come to the country, made

well, raised families, have created no problem, are otherwise good citizens and we are modifying a rule that INS is not able to do without this legislation. I think this is an excellent amendment, and I hope that all the members in the Committee will agree to it.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I thank the ranking member very much, and I thank him also for his leadership on this issue.

Mr. Chairman, I yield 1 minute to the distinguished gentlewoman from Florida (Mrs. MEEK) who has been a longstanding fighter on this issue.

Mrs. MEEK of Florida. Mr. Chairman, I thank the gentlewoman from Texas for yielding me this time. This is an extremely important issue which we have fought from the early times of the 1990s up to now. It just does not make good sense from an economic standpoint or political standpoint or a moral standpoint for the United States not to recognize that these Salvadorans, Haitians, Guatemalans all of them are here now, they have lived good lives and paid taxes. There is no reason for us now not to approve the amendment offered by the gentlewoman from Texas (Ms. JACKSON-LEE).

It is an important amendment. If we allow these people who have been here a long time, paying their taxes, not breaking our rules, this will get them out of legal limbo.

Mr. Chairman, some of us come from areas where there are inordinate amounts of people in this category. They are living in this country doing well, pay taxes; and this amendment will get them out of the legal quagmire which we put them in. It is not their fault that they were put in this situation. This was a mistake or misconception by INS.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I yield 30 seconds to the distinguished gentleman from Massachusetts (Mr. DELAHUNT), a member of the Committee on the Judiciary.

Mr. DELAHUNT. Mr. Chairman, let me suggest that this is about fairness. It is that simple. And it is time.

Mr. Chairman, we have discussed this in the committee before. It is time to address it. I think each and every Member in this body has dealt with a family that finds itself in limbo waiting for a loved one to come back.

I congratulate the gentlewoman from Texas for bringing it forward, and I would hope that the gentleman from Iowa (Mr. LATHAM) would recede on the point of order.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I yield 15 seconds to the gentleman from New York (Mr. SERRANO), the ranking member of the Subcommittee on Commerce, Justice, State and Judiciary Appropriations.

Mr. SERRANO. Mr. Chairman, that is all I need just to rise in strong support of this amendment. I think it speaks to an extremely important issue; one that we have to continue to work on. I support the gentlewoman wholeheartedly.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I yield myself the balance of my time. I will also offer to speak on the point of order, subsequent to the distinguished gentleman continuing to raise it.

Mr. Chairman, I note even on page 37 that this bill legislated on an appropriations bill. But I think this is a human factor here. We are talking about families who have been separated from each other. We are talking about families who remain divided because they, for very important family reasons, had to leave the country to go and take care of family matters.

But we are also talking about contributing individuals who have contributed to the economy of this country. All they want, Mr. Chairman, is the ability to adjust their status to legal status. The same right allowed to other immigrants in their same category. However because the INS misinterpreted the rule, and the courts have affirmed that the INS misinterpreted the rule, we have this injustice.

I hope that this amendment can be passed and I thank the Chairman for the time.

POINT OF ORDER

The CHAIRMAN. Does the gentleman from Iowa (Mr. LATHAM) insist on his point of order?

Mr. LATHAM. Mr. Chairman, yes. Again, I will restate, the gentlewoman from Texas (Ms. JACKSON-LEE) clearly is aware of the fact that despite any merits, this amendment does not belong on this bill. Therefore, Mr. Chairman, I make a point of order against the amendment, because it proposes to change existing law and constitutes legislation on an appropriation bill and, therefore, violates clause 2 of rule XXI.

The rule states in the pertinent part: An amendment to a general appropriation bill shall not be in order if it directly amends existing law.

Mr. Chairman, I ask for a ruling of the Chair.

The CHAIRMAN. Does the gentlewoman from Texas (Ms. JACKSON-LEE) wish to be heard on the point of order offered by the gentleman from Iowa (Mr. LATHAM)?

Ms. JACKSON-LEE of Texas. Mr. Chairman, yes, I do.

The CHAIRMAN. The gentlewoman from Texas is recognized.

Ms. JACKSON-LEE of Texas. Mr. Chairman, let me refer the Chairman to page 37 of this bill which, in fact, under section 112 there is the implementation of a genealogy fee, which as far as I am concerned is legislating on an appropriations bill.

This is such a crucial bill, if there is precedent that we have legislated on an appropriations bill, then I would ask that the point of order be waived and that this amendment be allowed to go forward.

The CHAIRMAN. The Chair is prepared to rule. The Chair finds that the amendment proposes a direct amendment to existing law. As such, it constitutes legislation in violation of clause 2(c) of rule XXI. The point of order is sustained, and the Chair would advise Members that other provisions in the bill that may be legislation were subject to waivers of points of order.

AMENDMENT NO. 75 OFFERED BY MR. SOUDER

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 75 offered by Mr. SOUDER: Page 107, after line 21, insert the following:

TITLE VIII—ADDITIONAL GENERAL PROVISIONS

SEC. 801. None of the funds appropriated or otherwise made available by this Act may be made available for payment of expenses of any United States delegation or special envoy at a United Nations-sponsored meeting at which the delegation or envoy votes for or otherwise advocates the adoption of any provision under the United Nations Convention Against Transnational Organized Crime that legalizes, legitimizes, or decriminalizes prostitution in any form or under any circumstances, or otherwise limits international efforts to combat sex trafficking whether or not the individual being trafficked consents to engage in prostitution.

Mr. SERRANO. Mr. Chairman, I reserve a point of order on the gentleman's amendment.

The CHAIRMAN. Pursuant to the order of the House of Friday, June 23, 2000, the gentleman from Indiana (Mr. SOUDER) and a Member opposed each will control 5 minutes.

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

Mr. SOUDER. Mr. Chairman, I yield myself 3 minutes.

Mr. Chairman, this limitation of funds amendment is simple, direct and necessary. It prohibits taxpayer funds from being used to pay expenses for any United States delegation or special envoy at a United Nations-sponsored meeting at which the delegation or envoy votes for or otherwise advocates the adoption of any provision that legalizes, legitimizes, or decriminalizes prostitution in any form, or under any circumstance, or otherwise limits international efforts to combat sex trafficking, whether or not the individual being trafficked consents to engage in prostitution.

Mr. Chairman, my colleagues would not think that such a resolution would be necessary. But here are the sad facts. At Beijing +5, there was a document released condemning the sexual exploitation of women around the world. It eloquently condemned domestic violence, sexual abuse, sexual slavery and sexual harassment. But on the issue of prostitution, it clarified, quote, ''forced prostitution.''

Why ''forced'' prostitution? All prostitution is the sexual exploitation of women. How, exactly, does one distinguish between women who are sometimes forcibly taken and sold into prostitution, those who are involuntarily forced to sign ''consent'' or voluntary participation forms, those whose families push them into such agreements, those in dire poverty where circumstances drive them into sexual exploitation, and those who knows what

other societal pressures would pressure them into selling their bodies for sex to those who choose to exploit them?

Apparently, our U.S. delegation at the two most recent conferences, one in Vienna and one in Beijing +5 Conference, felt it could do so. According to reports, the Philippine delegation moved to strike the word ''forced'' prostitution. According to numerous eyewitness reports, the U.S. State Department official assisting the U.S. delegation jumped up and moved to strike the entire reference.

Mr. Chairman, what is going on here? Is it the Clinton administration's position that prostitution is okay?

Feminist leaders apparently thought so. Equality Now had already sent a letter on behalf of a coalition of women's rights groups to the President after the conference in Vienna which states, among other things, ''To our chagrin, the United States strongly supports the use of the term 'forced prostitution' rather than 'prostitution' in the definition of 'sexual exploitation.' We believe that the administration's current position on the definition of trafficking is extremely detrimental to women.''

It was even more difficult for these feminist leaders to condemn the administration's position since Mrs. Clinton is the Honorary Chair of the President's Interagency Council on Women, formed after the initial Beijing Women's Conference. Mrs. Clinton spoke to the conference and delivered several other messages of support.

After the United States Government effort to protect some types of prostitution, that somehow it viewed as nonexploitative of women became public, clarifications and denials of sorts were made.

Mrs. Clinton's Chief of Staff carefully qualified their position, taking the position that the document did not require the U.S. to change our laws, a somewhat accurate response to a completely different question. The document only condemned some types of prostitution. The United States representatives clearly wanted some types not to be condemned, and the First Lady's Chief of Staff did not deny that point.

☐ 2115

The President's response was somewhat more clear in a fuzzy sort of way. Agreeing with this resolution, my resolution, he clearly states his ''opposition to prostitution in all its forms.'' Then he subtly changes the point to, ''We would not become a party to any treaty that weaken laws against prostitution,'' and then further attempted to change away his Beijing +5 actions.

The CHAIRMAN. The time of the gentleman from Indiana has expired.

Does the gentleman from New York continue to reserve his point of order?

Mr. SERRANO. I do, Mr. Chairman.

Mr. SOUDER. Mr. Chairman, I yield 2 minutes to the gentleman from South Carolina (Mr. DEMINT), who has worked with this amendment and has been a leader on this issue.

Mr. DEMINT. Mr. Chairman, I rise in support of this amendment offered by the gentleman from Indiana.

As a Member of Congress, I like to dream about the future of our country and imagine an educated America, a healthy America, a prosperous America, and a secure America. I think of children in this great Nation and the bright future that they represent. Unfortunately, Mr. Chairman, for many throughout this world their tomorrow is not as bright. They do not have their health, education, and security.

In fact, they live in utter misery under the cruel control of their oppressors. They are women and children who are sold, coerced, or otherwise find themselves being exploited by sex traffickers. This is the life of approximately 2 million people worldwide.

Many women find themselves victims of sexual trafficking by being drugged and kidnapped and lured with false promises of jobs far away. They are beaten and raped until they consent to prostitute themselves to customers. Is this voluntary prostitution? Prostitution is an exploitation of women and a violation of their dignity and basic human rights.

To my great dismay, while the Clinton administration may pay lip service to this same idea, their actions do not show it. Despite the horrors of the sex trafficking industry throughout the world, this administration has promoted the position that voluntary prostitution is okay and sex traffickers, who are somehow able to obtain the consent of their victims, should be immune from prosecution. This is unconscionable and unacceptable.

Mr. Chairman, I support this amendment because I do not believe the State Department ought to be able to use the taxpayers' dollars to send representatives of the United States to the U.N. conference where they take the stance that voluntary prostitution is okay and a legitimate form of labor.

Mr. Chairman, prostitution in any form or under any circumstances is an intolerable exploitation of women.

POINT OF ORDER

The CHAIRMAN. The time of the gentleman from South Carolina has expired.

Does the gentleman from New York insist on his point of order?

Mr. SERRANO. Mr. Chairman, I insist on my point of order against the gentleman from Indiana's amendment.

The amendment changes existing law and constitutes legislation in an appropriation bill and, therefore, violates clause 2 of rule XXI.

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

Mr. SOUDER. Yes, I do, Mr. Chairman.

The CHAIRMAN. The gentleman is recognized.

Mr. SOUDER. First off, Mr. Chairman, I respectfully disagree with the interpretation that I fear is coming. From our discussions, I understand that this is anticipating a future action, potentially, and therefore could be construed as legislating on an appropriations bill.

However, since the last two conferences in a row, with our last funding process that we went through in this House, in fact the administration agents, through the State Department, took this position. I would argue that this is a limitation of funds because there is no reason to believe that they will not take the position a third time.

I understand that this is now at the mercy of the Chair, and I hope he strongly considers that position.

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

The gentleman from New York raises a point of order that the amendment changes existing law in violation of clause 2(c) of rule XXI.

The amendment in pertinent part seeks to restrict funds for United States delegates who ''otherwise advocate'' the adoption of a described convention.

The fact that similar representations have been advocated in the past by delegates to the United Nations does not immunize the amendment from the point of order, which applies to the use of funds in the next fiscal year.

Requiring the relevant Federal official to determine whether a delegate has ''advocated'' the adoption of a convention under any circumstance imposes a new duty.

Accordingly, the amendment is not in order and the point of order is sustained.

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

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

Mr. ROGERS. I yield to the gentleman from Illinois.

Mr. PORTER. Mr. Chairman, I thank the distinguished gentleman from Kentucky, the chairman of the subcommittee, for the opportunity to briefly discuss the funding level for International Broadcasting.

I want to thank the gentleman for providing an increase in funding for International Broadcasting Operations and Broadcasting Capital Improvements above last year's level, and specifically for the increase for Radio Free Asia. This additional funding will enable these broadcasting services to meet some of the overwhelming demand for uncensored news and information in oppressed areas of the world.

However, there is still a great unmet need, especially in Asia. In H.R. 4444, which granted permanent normal trade relations to China, was legislation authorizing increased funds for international broadcasting services in China and neighboring countries. If this package should be signed into law before

the conference on this appropriations bill, and additional funds are made available, I ask that the gentleman from Kentucky work with me to ensure that international broadcast funding be increased.

H.R. 4444 provided for an additional authorization of $65 million for Broadcasting Capital Improvements and $34 million for International Broadcasting Operations. I realize there is a large amount of money in today's tight budgetary constraints. However, international broadcasting is in desperate need of new and stronger transmitters to counteract the increase of jamming practices by oppressive regimes of Asia. Expansion of Internet capability is also greatly needed as the Internet continues to become accessible to more people.

Any increase in funding allowing for the expansion of these services would make a significant difference for the Broadcasting Board of Governors and be a beacon of light to billions of Asians living under repressive regimes.

Mr. ROGERS. Reclaiming my time, Mr. Chairman, I thank the gentleman for his statement and his long-standing efforts on behalf of International Broadcasting.

Should H.R. 4444 become law, and additional funding be provided in our allocation, we will endeavor to fund Radio Free Asia, Voice of America, and Broadcasting Capital Improvements at a level which reflects the increasing needs in Asia.

Mr. PORTER. I thank the chairman for his acknowledgment of my request and his support for International Broadcasting.

Mr. ROGERS. Mr. Chairman, I move to strike the last word for the purpose of entering into a colloquy with the gentleman from Michigan (Mr. UPTON).

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

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

Mr. UPTON. Mr. Chairman, I thank the gentleman for yielding to me, and as a Member of Congress who has two Weed and Seed sites in his district in Michigan, one in Benton Harbor and one in Kalamazoo, I know very well how valuable the Weed and Seed is to the people who live there.

I commend the chairman for recognizing the value of the Weed and Seed program and recognizing that the best solutions to crime problems are customized to neighborhood needs, which is at the very core of the Weed and Seed program.

The bill before us tonight provides $33.5 million for Weed and Seed, which is the amount that was appropriated in the fiscal year 2000 bill. However, in previous years, the Department of Justice was permitted to reprogram other funds to the Weed and Seed program, increasing the level of funds available to the program. For instance, in fiscal year 2000, the program received $40 million.

Mr. Chairman, I would like to ask if the gentleman from Kentucky might be able to give me an assurance that he will work to assure that the Weed and Seed program will receive at least as much funding in 2001 as we received in fiscal year 2000.

Mr. ROGERS. Reclaiming my time, Mr. Chairman, I thank the gentleman from Michigan for his work on this issue.

I will work to assure the program is funded in fiscal 2001 at least at the level of funds available in the current year.

Mr. Chairman, I move to strike the last word for the purpose of engaging in a colloquy with the gentlewoman from Illinois (Mrs. BIGGERT).

Mrs. BIGGERT. Mr. Chairman, will the gentleman yield?

Mr. ROGERS. I yield to the gentlewoman from Illinois.

Mrs. BIGGERT. Mr. Chairman, I thank the gentleman for yielding to me. I have concerns regarding the level of funding provided for the National Institute of Standards and Technology's scientific and technical research and services account, including the Global Standards Program.

As the chairman knows, the Global Standards Program is intended to provide guidance to industries and to facilitate global harmonization of standards where possible. An issue has come to my attention that involves standards for anchor bolts that are post-installed in concrete.

The Transatlantic Business Dialogue has recommended that NIST facilitate a transparent standards harmonization process for these products, which are sold in Europe and the United States. Is it the gentleman's opinion that this bill provides adequate funding for this effort?

Mr. ROGERS. Reclaiming my time, Mr. Chairman, I would advise the gentlewoman that, yes, I do believe this is a function that would be adequately covered by the funding provided in the bill for NIST. It is my understanding that NIST has begun a technical analysis on this very issue.

Mrs. BIGGERT. I thank the gentleman from Kentucky for clarifying this issue for me.

AMENDMENT NO. 53 OFFERED BY MR. BROWN OF OHIO

Mr. BROWN of Ohio. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 53 offered by Mr. BROWN of Ohio:

At the end of the bill, insert after the last section (page 107, after line 21) the following new title:

TITLE VIII—ADDITIONAL GENERAL PROVISIONS

SEC. 801. None of the funds made available in this Act may be used to seek the revocation or revision of the laws or regulations of another country that relate to intellectual property rights with respect to pharmaceuticals or other medical technologies and comply with the Agreement on Trade Related Aspects of Intellectual Property Rights referred to in section 101(d)(15) of the Uruguay Round Agreements Act.

The CHAIRMAN. Pursuant to the order of the House of Friday, June 23, 2000, the gentleman from Ohio (Mr. BROWN) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Ohio (Mr. BROWN).

MODIFICATION TO AMENDMENT NO. 53 OFFERED BY MR. BROWN OF OHIO

Mr. BROWN of Ohio. Mr. Chairman, I ask unanimous consent to modify my amendment such that it explicitly applies only when the United States Trade Representative is engaged in a Special 301 process established under the 1974 Trade Act and that it applies only to developing countries.

The CHAIRMAN. The Clerk will report the modification.

The Clerk read as follows:

Modification to amendment No. 53 offered by Mr. BROWN of Ohio:

In lieu of the matter proposed to be:

SEC. 801. None of the funds made available in this Act may be used by the United States Trade Representative to seek the revocation or revision of the laws or regulations of a developing country under the Special 301 process established under the Trade Act of 1974 as amended that relate to intellectual property rights with respect to pharmaceuticals or other medical technologies and comply with the Agreement on Trade Related Aspects of Intellectual Property Rights referred to in section 101(d)(15) of the Uruguay Round Agreements Act.

The CHAIRMAN. Is there objection to the modification offered by the gentleman from Ohio (Mr. BROWN)?

Mr. CRANE. Mr. Chairman, reserving the right to object, I yield to the gentleman from Ohio (Mr. BROWN) for an explanation of his modification.

Mr. BROWN of Ohio. Mr. Chairman, malaria killed 1.1 million people last year; 2.2 million people, mostly children, died of diarrheal infections; 2.3 million died of AIDS; 1.5 million of tuberculosis. Mr. Chairman, we know how to treat each of these diseases. We could have saved the lives of many of these people.

Countries around the world are attempting to expand access to desperately needed prescription drugs by pursuing competitive strategies explicitly permitted under international trade agreements. The USTR, on behalf of the global prescription drug industry, has made a practice of pressuring these nations to forsake legitimate strategies that can achieve lower prices; strategies like parallel importing and compulsory licensing.

Mr. CRANE. Mr. Chairman, I withdraw my reservation and object.

The CHAIRMAN. Objection is heard. The gentleman from Ohio (Mr. BROWN) is recognized for 5 minutes.

Mr. BROWN of Ohio. Mr. Chairman, I yield myself such time as I may consume.

Both of these practices, parallel importing and compulsory licensing, are explicitly permitted under a world trade agreement commonly referred to as TRIPS. The WTO TRIPS accord sets

global norms for patents, for trademarks, for copyrights, and for other types of intellectual property.

It is a tough set of requirements. For example, it requires all WTO member countries, including the United States, to adopt 20-year patents on medicines, even though under our patent law our patent length was 17 years.

The WTO TRIPS agreement requires many poor countries to adopts rules that actually raise the price of their medicines. The USTR, on behalf of the prescription drug industry, is pushing countries to abandon fully sanctioned actions, like parallel importing and compulsory licensing.

It is difficult to believe the U.S. is participating in efforts to prevent developing countries from fighting back when drug companies ignore the dire consequences of their actions and abuse their monopoly power, for example, when they impose higher prices in developing countries than in industrialized nations, as in the case with AIDS drug Fluconazole.

□ 2130

U.S. trade officials have pressured South Africa, Thailand, Indonesia, the Philippines, India, Pakistan, Costa Rica, the Dominican Republic, and many other poor nations, threatening sanctions unless they forsake rights they have under the TRIPS agreement.

In many of these countries, the average income is less than $1 a day.

In December last year, President Clinton told the WTO it was time to change U.S. trade policy, to consider the issue of access to medicines.

In May, the President issued an executive order prohibiting the USTR from pressuring sub-Saharan African nations into giving up legitimate competitive strategies aimed at expanding access to HIV/AIDS drugs.

In justifying his decision to reign in the USTR, the President asserted ''it is in the interest of the United States to take all reasonable steps to prevent further spread of infectious disease, particularly HIV/AIDS. The TRIPS agreement recognizes the importance of promoting effective and adequate protection of intellectual property rights and the right of countries to adopt measures necessary to protect public health.''

Our amendment is grounded in that same logic.

The United States should enforce the TRIPS agreement to ensure the proper protection of property rights to be sure, but it should not undercut the balance TRIPS strikes between protecting intellectual property and promoting the public health.

The President's executive order applies only to AIDS drugs and only to sub-Sahara Africa. Our amendment says the United States should not interfere in legitimate efforts to expand access to essential medicines in developing countries in health crises.

This amendment does not undercut in any way intellectual property protections. It permits the U.S. to insist on tough provisions of the WTO TRIPS agreement, but it prevents the U.S. Government from seeking to impose so-called ''TRIPS Plus'' protections on countries when these more onerous protections would have a negative impact on access to medicine.

Not only is this policy appropriate from a public health point of view, it is also consistent with the WTO TRIPS agreement itself. Article I of the TRIPS agreement says ''Members may, but shall not be obliged to, implement in their law more extensive protection than is required by this Agreement.'' The key phrase is ''not obliged to.''

The United States should honor, in fact we should applaud, policies in other countries that place the health and well-being of people ahead of the profit goals of the prescription drug industry.

Hindering efforts to combat debilitating and fatal diseases on behalf of the global prescription drug industry is an unjustifiable and counterproductive use of our Nation's power and influence. This amendment, Mr. Chairman, helps us to put a stop to it.

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

Mr. ROGERS. Mr. Chairman, I yield myself such time as I may consume, and I rise in opposition to the amendment.

Mr. Chairman, this amendment does not belong on this bill. It is a subject for the Committee on Ways and Means. It is within their jurisdiction. And they are objecting. In addition, the administration is strongly opposing the amendment. It will bog down this bill.

So, for all of the foregoing reasons, Mr. Chairman, I am in opposition.

Mr. Chairman, I yield 2 minutes to the gentleman from Illinois (Mr. CRANE) the chairman of the Subcommittee on Trade of the Committee on Ways and Means.

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

Mr. Chairman, I rise in opposition to the Brown amendment. The Brown amendment compromises USTR's ability to protect U.S. intellectual property rights around the world for U.S. pharmaceutical companies and medical device manufacturers.

Section 315 of the Uruguay Round Agreements Act clearly states that it is U.S. policy to seek enactment and implementation of foreign intellectual property laws that strengthen and supplement TRIPS. The Brown amendment directly contradicts this provision, conflicting with U.S. law.

The pharmaceutical and medical technologies industry depend on consistent and fair trade rules, including those that protect intellectual property rights. Without such practices, companies and those who invest in them will be discouraged from providing the necessary capital to pursue the development of new medicines.

A consistent theme in U.S. trade policy is encouraging an environment based on rule of law around the world that U.S. firms need to be able to compete. The Brown amendment sends countries conflicting messages that we would like them to provide the highest degree of intellectual property protection in every category except pharmaceuticals and medical technology.

Ironically, the Brown amendment, which is intended to help poor countries, will actually hurt them by reducing their ability to attract foreign investment. Developing countries need the transfer of technology and know-how for their economic growth and stronger, not weaker, intellectual protection is the way to get it.

In short, the Brown amendment is the wrong solution to increasing the access of developing countries to pharmaceuticals and medical technologies. Instead of stripping U.S. firms of their legal rights, we should seek to encourage partnerships between U.S. pharmaceutical firms and developing countries.

For example, several U.S. firms are already involved in pilot programs to increase access to AIDS drugs in African countries. Encouraging growing economies, as we are doing in the recently enacted African Growth and Opportunity Act, also enables developing countries to have the resources to purchase drugs without discouraging further innovation.

I urge my colleagues to oppose the Brown amendment.

Mr. ROGERS. Mr. Chairman, I yield 1 minute to the gentleman from New Jersey (Mr. FRELINGHUYSEN), a hard-working member of our committee.

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

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

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

Mr. Chairman, we have a system of patents for a reason, to protect intellectual property rights of the people who create new inventions and products, as well as protect the efficacy of the actual product. And the efficacy of drug products and medicines are important. It is all about safeguarding patients, patients around the world.

Our U.S. Trade Representative, Charlene Barshefsky, has been pursuing the enforcement of U.S. patent laws in virtually every international market and she has done so effectively. As the U.S. representative for the fair treatment of U.S. products anywhere and everywhere in the world, this is her charge.

This amendment basically tells that representative to stop doing her job. That is not only wrong, it is dangerous.

I know that the intent of the gentleman is to help those suffering from horrendous diseases, such as AIDS and other diseases in Africa and other places, by guaranteeing access to prescription medicine at the cheapest cost. But, with all due respect to the

gentleman, this is not the way to achieve his goal and he will not likely achieve his goal.

Mr. ROGERS. Mr. Chairman, I yield the balance of the time to the gentleman from California (Mr. BERMAN) the ranking member on the Subcommittee on Courts and Intellectual Property of the Committee on the Judiciary.

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

Mr. Chairman, I have some concerns about this amendment. A year ago, on the Commerce-State-Justice appropriations bill, we debated the Sanders amendment dealing very specifically with Asian and African countries applying specifically to pharmaceuticals.

The amendment now that we have before us seems to me to apply far beyond pharmaceuticals to any medical technology. It could cover laser equipment used in cosmetic surgery, prohibit the executive branch from encouraging nations to provide TRIPS Plus protection to patents which cover such laser technologies.

It also seems like the Sanders amendment last year was designed to make pharmaceuticals more affordable. It specifically was approaching trade representative activities which enforced patent laws that would make drugs more expensive. This does not have that kind of limitation.

The Brown amendment would prohibit the executive branch from seeking to appeal a TRIPS compliant law covering IPR and pharmaceuticals that is intended to discriminate against U.S. pharmaceuticals.

So a Western European law that has nothing to do with getting drugs to Africa, which has nothing to do with dealing with the crisis in Africa, but which is designed to discriminate against U.S.-made pharmaceuticals or medical technologies, the USTR would be prohibited from focusing on it if it did not violate TRIPS.

I think that it may overreach in that regard, and that is why I have some concerns about this amendment.

The CHAIRMAN. All time has expired.

The question is on the amendment offered by the gentleman from Ohio (Mr. BROWN).

The amendment was rejected.

AMENDMENT NO. 76 OFFERED BY MR. VITTER

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 76 offered by Mr. VITTER: Page 107, after line 21, insert the following:

TITLE VIII—ADDITIONAL GENERAL PROVISIONS

SEC. 801. None of the funds appropriated or otherwise made available by this Act may be used for participation by United States delegates to the Standing Consultative Commission in any activity of the Commission to implement the Memorandum of Understanding Relating to the Treaty Between the United States of America and the Union of Soviet Socialist Republics on the Limitation of Anti-Ballistic Missile Systems of May 26, 1972, entered into in New York on September 26, 1997, by the United States, Russia, Kazakhstan, Belarus, and Ukraine.

The CHAIRMAN. Pursuant to the order of the House of Friday, June 23, 2000, the gentleman from Louisiana (Mr. VITTER) and a Member opposed will each control 5 minutes.

The Chair recognizes the gentleman from Louisiana (Mr. VITTER).

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

Mr. Chairman, this amendment would block the implementation of unratified limitation on missile defense. Precisely the same amendment, word for word, passed the House last year by voice vote and the previous year before that by a significant margin. And so, this amendment would merely continue that status quo in the law and not change present law.

Mr. Chairman, on September 26, 1997, the Clinton administration entered into a Memorandum of Understanding and related treaties with Russia, Kazakhstan, Belarus, and the Ukraine. If ratified, these treaties would strengthen the 1972 ABM Treaty with the former Soviet Union and impose new and severe restrictions on America's ability to develop and deploy missile defense systems.

But these agreements have not been submitted to the Senate and they have not been ratified. And that is why this amendment should pass, so that they are not implemented unless and until the U.S. Senate considers and ratifies those agreements.

Mr. Chairman, these agreements, the MOU and related documents, essentially do two things. First of all, they change the parties to the 1972 ABM Treaty, substituting for the USSR: Kazakhstan, Belarus, Russia, and the Ukraine. Secondly, and more importantly, they really expand the Treaty and expand the scope to disallow more theatre and missile defense systems.

The original 1972 Treaty places no limitations on theater missile defense. These new demarcation agreements would prohibit the U.S. from being able to fully develop our theatre missile defense systems. And that is, of course, why these agreements are so important.

Now, the Clinton administration has frankly admitted there is no debate, and this House has voted many times that this is a new treaty and, therefore, must be put before the United States Senate and ratified by the United States Senate. This has never happened. And that is why we should pass this amendment to prevent implementation unless and until the Senate takes up and ratifies these new treaties.

As I said, this passed last year by a voice vote. It passed the year before that by a substantial margin. I would certainly implore the House to pass it again this year.

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

Mr. ALLEN. Mr. Chairman, I yield myself such time as I may consume, and I seek the time in opposition to the amendment.

Mr. Chairman, I rise in opposition to this amendment because this issue has come up in previous years. The State Department has opposed it.

In the past, the State Department, during conference, has been able to get language added, making it subject to a presidential certification. And that language is not in the amendment of the gentleman from Louisiana (Mr. VITTER) today.

This amendment is unnecessary because the administration has already said that it will not implement the September 1997 Memorandum of Understanding on secession to the ABM Treaty prior to its ratification by the Senate.

In a letter and report provided to the chairman of the Senate and House Committee on Appropriations dated February 9, 1999, the President certified and affirmed that the United States Government is not implementing the Memorandum of Understanding. The way it is currently worded, without the President's certification language, the State Department would be prevented from sending representatives to meetings because it would prohibit money for any participation. The State Department wants to be able to participate in meetings even though it is not implementing the agreement. If the prohibition is on implementation but the State Department is not implementing, they can attend meetings with the presidential certification.

In our view, Mr. Chairman, this is an attempt to obstruct the arms control dialogue. It is unnecessary and it is unjustified.

What we are saying is simply that the way this amendment is worded at this particular time will hamper ongoing discussions about arms control unnecessarily.

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

☐ 2145

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

Mr. Chairman, first of all, with regard to the issue of the certification, if the certification language were in this amendment, it would then be subject to a point of order. So for that very simple parliamentary reason, that certification language cannot be put in this amendment on the House floor. Should the process, as in previous years, yield that certification language, I would not object; and I would suggest we should move the process along by passing this amendment as it has evolved in previous years.

Also, if, as the gentleman on the other side said in opposition, this amendment is not necessary, then neither he nor the administration should

object to it. In fact, I believe the standing consultative commission does offer this administration the opportunity to implement and to push forward unratified new treaties. That is clearly inappropriate. The way to push forward these treaties, if they are in the best interest of the country, is to submit them to the United States Senate and have the Senate decide the issue. That is their constitutional duty; and, in fact, it is beyond debate.

The administration has agreed that if it is a new treaty, it must be submitted to the Senate. So this amendment is merely a very wise, precautionary measure and may, in fact, yield the certification language as this appropriation bill moves through the process.

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

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

Mr. Chairman, we simply disagree on this issue. Without the language concerning a presidential certification, we continue to object.

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

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

Mr. Chairman, I would simply close by saying that, in fact, we are talking about brand new agreements, treaties, which have never been submitted to the Senate, never been debated or ratified by the Senate. So clearly this is an appropriate, a wise, a conservative and cautionary amendment. It has been adopted the last 2 years. I would not object to the certification language if it is included as it moves through the process. So in that vein, I urge the House to adopt this amendment as it has the previous two years.

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

The CHAIRMAN. The question is on the amendment offered by the gentleman from Louisiana (Mr. VITTER).

The amendment was agreed to.

Mr. ROGERS. Mr. Chairman, I move to strike the last word for the purpose of yielding to the gentleman from California (Mr. OSE) to engage in a colloquy.

Mr. Chairman, I yield to the gentleman from California (Mr. OSE).

Mr. OSE. Mr. Chairman, I rise today to make note of a particular issue. On October 25, 1980, The Hague Convention on the Civil Aspects of International Child Abduction established reciprocal rights and duty to expedite the return of children to their state of habitual residence, as well as ensure that rights of custody and of access under the laws of one contracting State are respected in other contracting States.

Subsequent to this convention, over 50 countries have become signatory members. Yet, egregious cases abound. A critical step to protecting our American children is making sure that U.S. Federal and State courts are aware of international parental abduction issues and The Hague Convention. Current law requires that the State Department prepare an annual report on the status of this Hague Convention. Unfortunately, the State Department has been reluctant to distribute their report to our courts. By providing State and Federal courts access to this document, judges will be better equipped to render decisions in custody cases that are in the best interest of the child.

Mr. Chairman, on May 23 of this year, every single Member of this distinguished body who was present voted to support passage of a resolution, the purpose of which was to highlight our interest in making sure that American children and parents remain in this country. Every single Member of this House voted for H. Con. Res. 293 to urge the Secretary of State, in part, to disseminate to all Federal and State courts the Department of State's annual report to Congress on Hague Convention compliance.

As the chairman takes this bill to conference, I ask him to keep this issue in mind and endeavor to ensure that the State Department complies with the guidance in H. Con. Res. 293.

Mr. ROGERS. Mr. Chairman, I appreciate the gentleman bringing this issue to our attention. I would be happy to work with the gentleman as the bill proceeds to conference to see if we can address the gentleman's concerns and congratulate him on the work that he has done on the issue.

AMENDMENT NO. 13 OFFERED BY MR. ALLEN

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 13 offered by Mr. ALLEN:

At the end of the bill, insert after the last section (preceding the short title) the following new section:

SEC. 624. Of the funds appropriated in title II under the heading ''Administration of Foreign Affairs — Diplomatic and Consular Programs'', $200,000 shall be available only for bilateral and multilateral diplomatic activities designed to promote the termination of the North Korean ballistic missile program.

Mr. ROGERS. Mr. Chairman, I reserve a point of order.

The CHAIRMAN. The gentleman from Kentucky (Mr. ROGERS) reserves a point of order.

Pursuant to the order of the House of June 23, 2000, the gentleman from Maine (Mr. ALLEN) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Maine (Mr. ALLEN).

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

Mr. Chairman, the amendment I am offering designates a small amount, $200,000, of the State Department's diplomatic account for bilateral and multilateral activities designed to promote the termination of the North Korean ballistic missile program. Everyone agrees we must address the potential threat of a ballistic missile attack by Korea. The question is, what is the most effective and economical way to deal with the threat? Some argue the best way, the only way, to deal with North Korea is to build a defensive shield and then hope that it can shoot down a missile after it is launched.

This approach assumes, of course, that a national missile defense would work as advertised, which has not been proven and could not be fooled by decoy technology, which we may never be sure of.

We must continue to research and test national missile defense more rigorously than we are now, but given the technological uncertainties, NMD remains a risky and expensive option to deal with the North Korean threat. It is safer and cheaper to deal with a missile that has never been built than to gamble that it can be hit after its launch.

Last year, the administration conducted a comprehensive North Korea policy review led by former Defense Secretary William Perry. It concluded that the urgent focus of U.S. policy toward North Korea must be to end its nuclear weapons and long range missile-related activities for which the U.S. should be prepared to establish more normal diplomatic relations with North Korea and join in South Korea's policy of engagement and peaceful coexistence.

We have already seen progress. Last year North Korea pledged to suspend tests of its long range missile in exchange for easing of U.S. sanctions. North Korea reaffirmed the pledge last week. Skeptics say trust their deeds, not their words, and I agree; but the fact is North Korea has not tested its Taepo Dong 1 missile in the 2 years since the first provocative test. Some may scoff at the notion of negotiating with a Stalinist state, but it is worth exploring.

In the June edition of Arms Control Today, Leon Sigal, an expert on North Korea and security issues, presents a cogent case that based on past experience cooperation with Pyongyang can work. He finds that the best strategy for ending North Korea's nuclear and missile programs and ensuring peace in northeast Asia is cooperative threat reduction.

The historic North-South Korea summit offers the chance to foster improved security conditions in the region. The Perry review found that South Korea and Japan and even China share our interests in reducing the North Korean threat. We should take advantage of the opportunity.

This amendment sends a congressional signal of support for continued diplomatic efforts to reduce the North Korean missile threat. This not only makes security sense; it makes fiscal sense. Diplomatic efforts to end the threat can be done at pennies on the national missile defense dollar, which is a $60 billion program. The funding in this amendment is one-hundredth of 1 percent of the amount we will spend next year, $2 billion on national missile defense. There is more than one way to

reduce the North Korean threat, and some ways are cheaper than others.

Mr. Chairman, I do not want to micromanage and tie the State Department's hands, so I will, at an appropriate time, withdraw the amendment; but I think it is important to indicate Congress' support for diplomatic avenues to end the North Korean missile threat.

Subject to any comments on the other side, I ask unanimous consent to withdraw the amendment.

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

There was no objection.

The CHAIRMAN. The amendment is withdrawn.

AMENDMENT NO. 77 OFFERED BY MR. VITTER

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 77 offered by Mr. VITTER: Page 107, after line 21, insert the following:

TITLE VIII—ADDITIONAL GENERAL PROVISIONS

SEC. 801. None of the funds appropriated in this Act may be available to the Department of State to approve the purchase of property in Arlington, Virginia by the Xinhua News Agency.

The CHAIRMAN. Pursuant to the order of the House of Friday, June 23, 2000, the gentleman from Louisiana (Mr. VITTER) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Louisiana (Mr. VITTER).

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

Mr. Chairman, I rise to offer an amendment to this bill that will send a strong signal to the State Department that this body insists that they enforce the law. This amendment lets State know that we want them to require the Chinese Communist Government to request approval for their purchase of an apartment building overlooking the Pentagon, and that this body wants State to deny that approval.

At issue is the purchase of an Arlington apartment building by the Xinhua News Agency. The Chinese Government owns Xinhua and the Foreign Missions Act of 1985 requires foreign embassies to obtain prior authorization from our State Department for the purchase of U.S. property, and it explicitly covers operations like Xinhua.

Furthermore, the authoritative Chinese intelligence operations, published by the Naval Institute Press, reports that in a number of publicized spy scandals intelligence officers used Xinhua to provide operations cover. The Foreign Missions Act clearly is applicable to the purchase of this building by Xinhua. The name of the complex, Pentagon Ridge Apartments, vividly describes its strategic location. Occupancy of this building will allow Chinese intelligence operatives to gather information using a variety of means. These include direct observation via telescope of documents being viewed in outside offices, the collection of electronic impulses emanated by computer screens in the building and the use of laser microphones to eavesdrop on conversations.

In short, this building is an ideally suited spy tower designed to capture our military secrets.

If this were a unique occurrence, there would be no need perhaps for this body to act, but unfortunately this is just one more in a sorry series of security breakdowns that have taken place on the Clinton administration's watch. Missile secrets to China, laughable security at Los Alamos, Russian microphones and missing laptops at the State Department, the list just goes on and on, and unfortunately this is just one more item on the list.

In this case, our security agencies did not even know the Chinese Government interest in procuring this building, a strategically important building.

Now, a few weeks ago, Energy Secretary Richardson blamed the University of California for the missile computer hard drives at Los Alamos. What will Secretary of State Albright do, blame the Arlington Board of Realtors for this fiasco?

I recognize that this amendment covers spending for the next fiscal year and would not prevent State Department approval this year, but I hope that a very strong show of support for the amendment will encourage the State Department to do the right thing and block Xinhua's acquisition of this strategically located building.

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

Mr. ROGERS. Mr. Chairman, I claim the time in opposition, but I will not oppose the amendment.

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

Mr. Chairman, I have no objection to this amendment. I do not think it is necessary. I appreciate the gentleman bringing the issue to the attention of the Congress and the country, particularly in light of the recent bugging of the State Department headquarters building itself. The State Department tells us that this sale to the Chinese Government news agency does require their approval, so they agree with us. State will consult with the intelligence community, and it is my expectation that they will not approve the sale.

Furthermore, I am told State would likely take action on this matter before the end of this fiscal year. So I hope this provision will prove unnecessary, but I do support the adoption of the amendment.

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

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

Mr. Chairman, I would like to thank the subcommittee chairman for his kind words. I too hope that the State Department does the right thing, whatever action or lack of action this House would take. I simply do not have full confidence in that; and I think it is reasonable for me, for all of us, to lack that confidence given the past recent history of security breaches under this administration, and that is really the very important context in which I bring this amendment. I do realize that this amendment only covers the next fiscal year, but I hope that a significant vote by this body will be a very strong and telling message to the State Department that they must act decisively to block the Communist Chinese Government from obtaining this literal spy tower on the Pentagon.

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

The CHAIRMAN. The question is on the amendment offered by the gentleman from Louisiana (Mr. VITTER).

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

☐ 2200

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

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

AMENDMENT NO. 3 OFFERED BY MR. CAPUANO

Mr. CAPUANO. Mr. Chairman, I have an amendment at the desk, I believe it is Amendment No. 3.

The CHAIRMAN. The Chair notes that the amendment addresses a paragraph already passed in the reading.

Does the gentleman from Massachusetts ask unanimous consent for its present consideration?

Mr. CAPUANO. Yes, I do, Mr. Chairman.

The CHAIRMAN. Is there objection?

Mr. ROGERS. Mr. Chairman, reserving the right to object, which amendment is this, Mr. Chairman?

Mr. Chairman, I have no objection, but I do reserve a point of order.

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

There was no objection.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 3 offered by Mr. CAPUANO:

Page 107, after line 12, insert the following new section:

SEC. 624. (a) Within 60 days after the date of enactment of this Act, the Common Carrier Bureau of the Federal Communications Commission shall conduct a study on the area code crisis in the United States. Such study shall examine the causes and potential solutions to the growing number of area codes in the United States, including the following:

(1) Shortening the lengthy timeline for implementation of the Federal Communications Commission's recent order mandating 1,000 number block pooling.

(2) Repealing the wireless carrier exemption from the Federal Communications Commission's 1,000 number block pooling order.

(3) The issue of rate center consolidation and possible steps the Commission can take

to encourage or require States or telecommunications companies, or both, to undertake plans to deal with this issue.

(4) The feasibility of technology-specific area codes reserved for wireless or paging services or data phone lines.

(5) Strengthening the sanctions against telecommunications companies that do not address number use issues.

(6) The possibility of single number block pooling as a potential solution to the area code crisis.

(7) The costs and technological issues surrounding adding an additional digit to existing phone numbers and potential ways to minimize the impact on consumers.

(b) Within 90 days after the date of enactment of this Act, the Federal Communications Commission shall submit to the Congress a report on the results of the study required by subsection (a).

The CHAIRMAN. Pursuant to the order of the House of Friday, June 23, 2000, the gentleman from Massachusetts (Mr. CAPUANO) and a Member opposed each will control 5 minutes.

The gentleman from Kentucky (Mr. ROGERS) reserves a point of order on the amendment.

The gentleman from Massachusetts (Mr. CAPUANO) is recognized for 5 minutes.

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

Mr. Chairman, I thank the gentleman from Kentucky (Mr. ROGERS) for allowing me the unanimous consent request.

Mr. Chairman, this amendment deals with probably one of the few issues that will affect every single American, has affected most Americans already and will do so within the next 5 years, every single American; namely: the issue of area codes.

In 1947, the North American Numbers Plan was enacted to establish the current numbering of all of our telephones, seven numbers with three digit area codes. As of 1994, we had 151 area codes. In the last 5 years, that number has doubled, and as of 1999, the people that administer this, the Lockheed Martin, estimates that by the year 2007, we will be completely out of telephone numbers based on the current explosion of telecommunications.

Mr. Chairman, all this amendment does is simply ask the FCC to have a study and issue a report to this Congress as to what they intend to do about this situation. Mr. Chairman, there are many things that we could do that we could suggest to the FCC, but at the same time, I think it is incumbent upon them to tell us if they have a plan that they intend to implement in the manner that will save lots of Americans lots of money.

Many of us have been through situations where area codes have been added, or others have been through situations where area codes have been overlaid so that many Americans today have to dial 10 digits simply to call across the street. Many people certainly have to dial 10 digits to get to the town next door because so many area codes have been added in this country; that situation is going to get horrendously worse each and every day.

Just last year, the FCC cited 25 additional area codes as those, quote, in jeopardy. That happened since just last June. Mr. Chairman, this amendment is a simple amendment. It does not propose that we know the answers, it simply asks the FCC to provide us with their proposals as to what the answers will be.

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

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, therefore, violates clause 2 of rule XXI, because the amendment imposes additional duties.

I ask for a ruling from the Chair.

The CHAIRMAN. Does the gentleman from Massachusetts wish to be heard on the point of order?

Mr. CAPUANO. Only momentarily, Mr. Chairman, I understand and respect the point of order, and I would say that the next time I come here on this issue, I will actually be proposing suggestions for the FCC to do, because if I am going to get ruled our of order, I may as well get ruled out of order on something substantiative as opposed to simply a request for information.

The CHAIRMAN. The Chair is ready to rule.

The Chair finds that the amendment proposes to change existing law, to wit: mandating a study by the Federal Communications Commission. As such, it constitutes legislation in violation of clause 2(c) of rule XXI.

The point of order is sustained.

AMENDMENT NO. 52 OFFERED BY MR. BLUNT

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 52 offered by Mr. BLUNT:

At the end of the bill, insert after the last section (page 107, after line 21) the following new title:

TITLE VIII—ADDITIONAL GENERAL PROVISIONS

SEC. 801. None of the funds made available in this Act may be used for the United States-European Union Consultative Group on Biotechnology, unless the United States Trade Representative certifies that the European Union has a timely, transparent, science-based regulatory process for the approval of agricultural biotechnology products.

Mr. SERRANO. Mr. Chairman, I reserve a point of order.

The CHAIRMAN. The gentleman from New York (Mr. SERRANO) reserves a point of order.

Pursuant to the order of the House of Friday, June 23, 2000, the gentleman from Missouri (Mr. BLUNT) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Missouri (Mr. BLUNT).

Mr. BLUNT. Mr. Chairman, I yield myself 1 minute and rise to say that I am proposing this amendment because of my sincere concerns for the US–EU Consultative Group on Biotechnology.

This amendment would guarantee that none of the funds appropriated under the Act may be used to participate in or support activities of the consulting group unless the U.S. Trade Representative certifies that the European Union is operating in a timely and science-based process of approvals for new plant varieties, including those developed using biotechnology.

What we have seen too often is the European Union used this as an excuse not to let our products into this market. There are already 31 groups that have been designated to focus on this subject, I think that is about 30 too many, and the subject of delays brings me to a second reason to offer this amendment.

For the past 2 years, the European Union has failed to complete the procedures necessary for marketing biotech food products in member States. In so doing, they are in violation of rules established by the World Trade Organization that require a science-based process for the decision or lack thereof they made regarding agricultural biotechnology. Instead, the establishment of yet another group to study biotechnology is simply a transparent attempt to string their inactivity along.

Our friends and farmers in the agricultural community need help today. As the Government, it is imperative that we make the necessary commitment to look at real solutions to these European trade issues and not to continue to let these studies go on in a way that keeps our products out of the market.

Mr. Chairman, I yield 2 minutes to the gentleman from Missouri (Mr. HULSHOF), a member of the Committee on Ways and Means.

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

Mr. Chairman, I find it ironic that today as world scientists are heralding the breakthrough and mapping human genetics that the European Union remains in the dark ages regarding advancements in plant science.

The European Union has demonstrated extreme reluctance in implementing an approval process for genetically enhanced foods. I think that this inaction will be prolonged by the recently announced consultative forum.

As my friend, the gentleman from Missouri (Mr. BLUNT) has talked about America's farmers who have been struggling now for the 3rd consecutive year of depressed prices, but they are not the only ones that are going to be affected by the European Union's inaction.

Around the world, 170 million preschool kids are undernourished. In Third World countries, ag biotechnology can help develop new varieties that will survive the harshest climates. These countries will not be able

to undertake effective biotech research without the support, but, more importantly, without the consensus of developed countries.

Besides fighting famine and besides caring for the world's growing population, genetic crop enhancement can also help environmental causes such as reduction of pesticide use, groundwater pollution and topsoil erosion.

In short, as I agree with my friend, the gentleman from Missouri (Mr. BLUNT) that we would prefer the provision of the amendment be included in this year's appropriations bill. We also respect the rules of the House.

Mr. Chairman, I do urge the administration to insist the U.S. participation and the forum be contingent on agreement by the European Union to restart its approval process. Mr. Chairman, let us fight hunger not biotechnology.

Mr. CHAIRMAN. Does the gentleman from Missouri (Mr. BLUNT) reserve his time?

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

Mr. DOOLEY of California. Mr. Chairman, while I am not in opposition to this amendment, I ask unanimous consent that I can control the 5 minutes.

The CHAIRMAN. Without objection, the gentleman from California (Mr. DOOLEY) will control 5 minutes.

There was no objection.

The gentleman from California (Mr. DOOLEY) is recognized for 5 minutes.

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

Mr. Chairman, I just want to inform Members of the House that just this week we sent a letter from 25 of our Members to the President asking him to recognize that EU inaction and insist that our trading partners in Europe agree to mend the regulatory process in order to allow for a science-based approval process of new plant varieties, including varieties developed through the use of modern biotechnology.

It seems that today science has taken a back seat to political considerations and as a result, our farmers are caught in an untenable situation. The situation was recently complicated further when our government agreed to enter into a consultative process with the EU. The U.S.–EU consultative forum has been formed to negotiate issues related to biotechnology. Discussion is always a healthy exercise, and under different circumstances, I and others who signed a letter to the President would unreservedly welcome the opportunity to sit down with EU representatives. In fact, we have welcomed the opportunity with open arms in the form of 30 other such groups that are currently discussing related biotech issues. However, we must now stand behind America's farmers who are losing critical markets.

Corn farmers are losing an estimated $200 million annually, and hundreds of millions in other agriculture exports are being lost. We must send a message to the EU that while we welcome dialogue, we insist that the meeting of this particular forum be contingent upon agreement by EU nations to restart its approval process for biotechnology products.

Mr. Chairman, I think this is an important message that we are sending here tonight, and I urge thorough consideration by this body.

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

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

Mr. Chairman, let me further say that America's farmers and food processors deserve action, not just continued talk as my friend, the gentleman from California (Mr. DOOLEY) and my friend, the gentleman from Missouri (Mr. HULSHOF) have already pointed out, there are many studies going on.

We are losing an estimated $200 million a year in corn sales and as many millions in other ag exports. How can we justify spending taxpayers' money, including the tax money that our farmers pay on a process that promises to keep them out of the market or more likely promises to keep them twisting in the wind.

Mr. Chairman, the safety of agricultural biotechnology has been firmly established. Our own Agriculture Secretary, Dan Glickman, has stated that, quote, our best science is to search for risk. Without exception the biotech products on our shelves have proven safe, and millions of people worldwide have consumed biotech foods without a single adverse incident.

Furthermore, respected scientific and policy-oriented organizations, along with renowned scientists and humanitarians have lined up in favor of agricultural biotechnology. They advocate for a process that is increasing crop yields, creating nutritious crops that promise to improve the health and welfare of millions.

These crops are raised in an environmentally safe and friendly way. It means better production on fewer acres with less fertilizer, less chemicals, less pesticides. This is exactly the direction that the environment should be headed, biotechnology is part of that solution. It has now reached a point where reasonable people must ask really the question, is this really about biotechnology or is it about something else?

It is an easy conclusion. The European Union nations are clearly trying to protect their farmers from superior products that we can send into that market. Regardless of its motives, the EU has an obligation under the rules of the WTO to act responsibly and establish a science-based system for conducting a risks assessment of biotech products.

Added conversation in consulting forums is not going to get this done. Only the resolve of the EU members, a resolve to, at a minimum, incorporate an approval process, will see that this goal and see that it is met.

We must move forward. We must open these markets. We must insist that the rules of the free trade, the rules of the marketplace are fairly applied to Missouri farmers and to American farmers, to California farmers, to all of those who can participate in this new and significantly enhanced way.

Mr. EWING. Mr. Chairman, I rise in support of the Blunt amendment.

At first glance, the United States-European Union Consultative Forum on Biotechnology appears to be a step toward opening Europe's doors to our ag biotech products. When you look again, you start to wonder what the purpose of this group may actually be. The U.S. Trade Representative has no press release on the formation of the Consultative Forum; I've only seen news clippings. My staff has contacted the Office of the U.S. Trade Representative for information, but received no call back. If the Consultative Forum is so significant, you would think that information on it would be made readily available. I see no reason why such an organization should be funded by the U.S. Congress if we neither know the purpose nor the possible outcome of negotiations.

Currently, there are over 30 organizations looking into the different issues surrounding biotechnology. Will this ''Forum'' be anything different than the others? I don't think so. The U.S. Government must have some agreement by the E.U. to restart its approval process before we move forward with another ''Forum'' on this issue. It cannot be yet another excuse to avoid action.

This amendment should be adopted to ensure the adequate and effective protection of our U.S. agricultural goods produced through biotechnology. American farmers are waiting for the Clinton administration to take leadership on this delicate trade issue, and so far, USTR seems to be stuck in a holding pattern. It's time for our biotech trading policy to be taken off autopilot and moved forward to assist our struggling American farmers.

Mr. SMITH of Michigan. Mr. Chairman, I rise in support of the amendment from my good friend and colleague, the gentleman from Missouri. This amendment would prohibit funding of the United States-European Union Consultative Group on Biotechnology until such time as the U.S. trade representative certifies that the E.U. has a transparent, science-based, and fair regulatory process for approving agricultural biotechnology products.

Mr. Chairman, on April 13, I released a report, Seeds of Opportunity, that reviewed the benefits, risks, and oversight of agricultural biotechnology. What I found is that biotechnology is safe and has incredible potential to enhance nutrition, feed a growing world population, open up new markets for farmers, and reduce the environmental impact of farming. Its potential benefits are limited only by the imagination and resourcefulness of our scientists.

However, despite an unblemished record of safety, this technology has come under attack from well-financed activist groups who have created an atmosphere of fear in Europe. Europe's political leaders have capitalized on these concerns to promote protectionist regulatory policies that have shut out American farm products from European markets. In a free-trade environment, trade decisions should be science-based, as World Trade Organization rules stipulate.

I think it is worth noting that no new agricultural biotechnology product has been approved in Europe for over 18 months. American researchers and farmers need to know that they will have a market for their products. The U.S. trade office should ensure that access to existing markets for agricultural products is maintained and that international agreements are neutral with respect to the products of agricultural biotechnology.

Mr. Chairman, I do not see the point in moving ahead with the U.S.–E.U. Consultative Group while the E.U. continues to persist with protectionist policies that violate the spirit, if not the letter, of WTO rules. This amendment sends a strong message to the E.U. that the United States will not tolerate E.U. foot-dragging that hurts U.S. farmers and an emerging biotechnology industry. I urge my colleagues on both sides of the aisle to support this amendment.

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

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

Mr. BLUNT. Mr. Chairman, I have a unanimous consent request. Mr. Chairman, I understand that with the extent of this bill and with the fact that we do go beyond just eliminating the funding that this amendment may very well go beyond the scope of our rule on this bill. I hereby withdraw my amendment and hope to have the merits of the legislation considered by this House, by the President and the administration and, most importantly, by the European Union in a truly timely manner.

The CHAIRMAN. Without objection, the amendment is withdrawn.

There was no objection.

Mr. ROGERS. Mr. Chairman, I move to strike the last word for the purpose of yielding to the gentleman from Georgia (Mr. DEAL) for the purpose of engaging in a colloquy.

Mr. DEAL of Georgia. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, as the gentleman from Kentucky (Mr. ROGERS) knows, illegal immigration into the ninth district of Georgia has skyrocketed in recent years. North Georgia has quickly become a destination for people entering this country illegally. Word has spread throughout the communities that jobs are plentiful in our labor-intensive industries.

What once might have been called a trickle of illegal aliens into North Georgia has turned into an outright flood. A recent study completed by Georgia State University concludes that in Hall County, Georgia, where I live, there could be an illegal immigration population of over 65,000.

This is especially alarming because of the overall population of the country is only 120,000. The schools, health care, delivery system, and judicial system have all seen a dramatic influx of residents who do not have legal status in our country. This has had a drastic and debilitating impact on the social services that our community is able to provide.

□ 2215

But despite the growing problem of illegal immigration in my district, I am happy to report renewed optimism. The Quick Response Teams, or QRTs which the gentleman and his subcommittee have developed, have proved to be a tremendous success where fully implemented. The city of Dalton, Georgia, which is one of the cities most affected by illegal immigration in my district, has benefited greatly from the presence of a QRT team.

These teams of INS agents work with State and local law enforcement to identify, apprehend, and remove criminal and illegal aliens. I thank the gentleman for his leadership on the interior enforcement of our immigration laws. Too few Members have had the courage to substantively address this issue. It is my hope that we can expand these successful QRTs to other communities that are dealing with this problem such as Hall County, Georgia. I would simply ask for the gentleman's commitment and for his continued support of interior enforcement of our immigration laws and especially the Quick Response Teams.

Mr. ROGERS. Mr. Chairman, reclaiming my time, I thank the gentleman for reminding us of this enormous problem in his district. I know of few districts that are impacted as significantly as the gentleman's district in Georgia. In fact, we included an additional $11 million in the bill which was not requested by the administration to expand this QRT program around the country. In fact, I want to tell the gentleman that he is the inspiration for the QRT program, and I appreciate the problem he is facing in his home area, as well as other areas of the country; and I assure the gentleman that we will be happy to work with him as we proceed to address the problem.

Mr. DEAL of Georgia. Mr. Chairman, I thank the gentleman.

Mr. ROGERS. Mr. Chairman, I move to strike the last word for the purpose of a colloquy with the gentlewoman from Connecticut (Mrs. JOHNSON).

Mr. Chairman, I yield to the gentlewoman from Connecticut.

Mrs. JOHNSON of Connecticut. Mr. Chairman, I thank the gentleman for yielding.

I rise to congratulate the subcommittee for increasing the funding for the Manufacturing Extension Partnership Program of the National Institute of Standards and Technology. It is a very cost-effective Federal-State, public-private partnership that helps small and midsized American manufacturers modernize to compete in the global marketplace. As one of my small manufacturers said to me, it is fine if you vote for China trade. Please, just keep these critical dollars in place so we can keep up with the pace of change in technology and manufacturing organizations, stay competitive, and win.

Another of my manufacturers said to me, CONN/STEP, which is this MEP program in Connecticut, is the only program helping us assure the survivability, the viability, and the profitability of our small shops. He and others have stressed how they rely on CONN/STEP for its remarkable, broad network of top professionals. No individual small manufacturer could develop such a network. He or she has neither the amount of work nor the time it takes to develop such a sophisticated network of interested engineering and technical experts. Yet, these top people are at the beck and call of the small manufacturers in my district because of the CONN/STEP program, one of the more than 70 MEP manufacturing centers throughout America. They are, indeed, in every State and in Puerto Rico.

My small manufacturers have depended on CONN/STEP to help them achieve 9000 certification, design new products, recruit new high-skilled employees, understand and adapt lean manufacturing techniques and, in general, keep pace with the truly incredible rate of change in manufacturing techniques and processes to improve precision and productivity and stay competitive. MEP funds are critical to the future of small manufacturing, and without strong small manufacturers, our global manufacturers cannot survive.

So I thank the chairman and his subcommittee for their foresightedness in increasing those funds.

Mr. ROGERS. Mr. Chairman, reclaiming my time, I thank the gentlewoman for her remarks. The bill does provide $104.8 million for the Manufacturing Extension Partnership program, and the gentlewoman has been one of the biggest supporters we have had, and we appreciate that.

Mrs. JOHNSON of Connecticut. Mr. Chairman, I thank the gentleman.

Mr. YOUNG of Florida. Mr. Chairman, I move to strike the last word.

Mr. Chairman, on tomorrow, the House will consider the Energy and Water Development appropriations bill. As was done for prior appropriations bills, we will be trying to develop a unanimous consent request that identifies the complete universe of amendments with time agreements on them. Previously, we had not attempted this until we were halfway through the consideration of the bill. There was proper criticism that debate on early amendments was unconstrained, but that debate on later amendments was constrained.

In order to treat everyone the same, we are seeing if we can make an agreement at the beginning of consideration of this bill tomorrow. To do this will mean that we will need to know the universe of amendments on the Energy and Water Development bill prior to tomorrow. Therefore, I am asking all Members who may have an amendment to this bill to please file it at the desk and have it printed in the RECORD by the end of today.

Also, if all Members who have amendments could contact the staff on

the energy and water development subcommittee with a suggested time for debate on their amendments, we would be able to develop a unanimous consent with the necessary input. I would appreciate the cooperation of all Members in this regard. I thank the Chair.

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

Mr. Chairman, I think we are at the end of the process here, or close to it; but I do want to take a moment before we do get to the end of the bill to thank the Members for their courtesies and for being as brief as we could be under the circumstances. We have had a great number of amendments, as all Members know, and the Members have been cooperative, and I appreciate that very, very much.

Also, I want to thank my ranking member, the gentleman from New York (Mr. SERRANO), for being the gentleman that he is, my partner, if you will, on this bill. The teamwork with him has been heart-warming and, I think, fruitful.

Lastly, I want to again say to our staff on both sides of the aisle how dependent we are upon them and how much we appreciate their hard work, trying to keep our tempers under control all the while supplying us with the information necessary to help with the amendments and the bill itself. We cannot say enough for the work of our staff on the committee and on our personal staffs, both minority and majority staff members. We appreciate them very much. We would not be here without them.

AMENDMENT NO. 11 OFFERED BY MR. RUSH

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 11 offered by Mr. RUSH:

At the end of the bill (preceding the short title), insert the following:

TITLE VIII—ADDITIONAL APPROPRIATIONS

SMALL BUSINESS ADMINISTRATION

PROGRAM FOR INVESTMENT IN MICROENTREPRENEURS

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses to carry out the PRIME Act (as added by section 725 of the Gramm-Leach Bliley Act (Pub. L. 106–102)), to be derived by transfer from the aggregate amount provided in this Act under the heading ''National Oceanic And Atmospheric Administration—Operations, Research, and Facilities'' (and the amount specified under such heading for the National Weather Service), $15,000,000.

The CHAIRMAN. Pursuant to the order of the House on Friday, June 23, 2000, the gentleman from Illinois (Mr. RUSH) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Illinois (Mr. RUSH).

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

Mr. Chairman, I am introducing this amendment to the Commerce, Justice, State and the Judiciary appropriations bill to authorize $15 million for the PRIME Act. The PRIME Act was signed into law as part of the Financial Services Act in November of 1999, but yet has not received any funding. Funding for the PRIME Act will provide the SBA the opportunity to establish a microenterprise technical assistance and capacity-building grant program.

Mr. Chairman, in our communities all across this country, there are small entrepreneurs with great ideas and aspirations toward furthering the business objectives to strengthen our commerce, but there are more than a few problems which they face. These entrepreneurs are usually unable to secure adequate funding, cannot market themselves to potential clients, are not educated with the business venture, and need the ability to lead their own lives.

The PRIME Act will provide assistance in the form of grants to qualified organizations. Qualified organizations are microenterprises that are very small businesses, that typically have fewer than 10 employees, and generally lack access to conventional loans, equity or other banking services. A qualified organization will be able to use these grants to provide training and technical assistance to disadvantaged entrepreneurs, provide training and capacity-building services to microenterprise development organizations and to aid in researching and developing the best practices in the field of microenterprise and technicals assistance programs.

Mr. Chairman, the PRIME Act is necessary to help people start and maintain businesses, contribute to their own individual self-reliance, and to strengthen our commerce. If there was ever a real solution to encourage people to work hard to control their own destiny, then certainly PRIME is the answer.

Mr. Chairman, I would like to engage in a colloquy with the chairman of the subcommittee, if at all possible.

Mr. Chairman, I am strongly in favor of this particular amendment. As the gentleman knows, this amendment passed out of the Committee on Banking and Financial Services with unanimous support, bipartisan support. It passed the House in the conference committee overwhelmingly, but yet the subcommittee has not funded it. I would ask the chairman, if he would be so kind, to work in the conference committee, if this bill passes this House, to try to secure funding for the PRIME Act. Again, it has been endorsed and supported by the chairman of the Committee on Banking and Financial Services, and it has strong bipartisan support.

With that in mind, Mr. Chairman, I would entertain a motion to withdraw this amendment if we could reach an understanding of some kind and if we can have some kind of consideration from the chairman.

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

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

Mr. ROGERS. Mr. Chairman, I appreciate the gentleman's concern. This is an unauthorized program that has been requested, and given the spending constraints that we have been operating under, there are a lot of new programs that we just were not able to fund, this included. This is certainly not alone; there are a lot of other programs that we were not able to find money to fund.

I am really concerned about the gentleman's amendment, though, because it would cut the National Weather Service by some $15 million. The administration has already said that we have underfunded the Weather Service; and yet this would cut another $15 million from such things as providing tornado warnings and flash flood warnings, winter storm warnings, hurricane warnings and the like. So I would hope that the gentleman could see his way clear to withdraw the amendment, and we can discuss the PRIME program as we proceed to final conclusion on the bill; and I would appreciate the gentleman's advice as we do that.

The CHAIRMAN. The time of the gentleman from Illinois (Mr. RUSH) has expired.

Does the gentleman seek to withdraw the amendment?

Mr. RUSH. Mr. Chairman, I ask unanimous consent for 1 additional minute.

The CHAIRMAN. Is there objection to adding 1 minute on both sides?

There was no objection.

Mr. ROGERS. Mr. Chairman, if the gentleman would briefly yield, I made a misstatement, the program is authorized. I said it was unauthorized. It is authorized, in fact.

Mr. RUSH. Well, since it is authorized, Mr. Chairman, would the gentleman change his determination?

Mr. ROGERS. Mr. Chairman, as I have said before, we have been under severe funding constraints, and I will be happy to work with the gentleman as we proceed to see if there is some way to do that.

Mr. RUSH. Mr. Chairman, I ask unanimous consent to withdraw the amendment.

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

There was no objection.

□ 2030

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

Mr. Chairman, I will be very brief. I also want to join the chairman, the gentleman from Kentucky (Mr. ROGERS), in thanking both our staffs for the work they have done on this bill, and to thank him personally for his treatment of this ranking member, and the diplomatic way in which he deals with me. We have a special relationship.

I also want to reiterate to the chairman, as I said before, that I will be supporting this bill tonight. Many Members on this side of the aisle will not. I will support the bill with the intent to continue to work with the chairman to make this the bill that I think it should be when this process is over.

However, I have to be honest, that unless some very dramatic changes take place in this bill, the second time around the gentleman will see even less support on this side. I do that understanding the gentleman's desire to work with me and to work with us in making sure this becomes a better bill.

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

AMENDMENT NO. 77 OFFERED BY MR. VITTER

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Louisiana (Mr. VITTER) on which further proceedings were postponed and on which the ayes 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 367, noes 34, answered ''present'' 7, not voting 26, as follows:

[Roll No. 325]

AYES—367

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

NOES—34

Ackerman	Hastings (FL)	Nadler
Berman	Hilliard	Oberstar
Capuano	Johnson, E. B.	Olver
Carson	Jones (OH)	Payne
Clay	Kucinich	Stark
Clayton	Lee	Thompson (MS)
Clyburn	Maloney (CT)	Towns
Conyers	McDermott	Velazquez
Coyne	Meek (FL)	Waters
Davis (IL)	Mink	Woolsey
Dingell	Moran (VA)	
Farr	Murtha	

ANSWERED ''PRESENT''—7

Blumenauer	Lantos	Watt (NC)
Dixon	Larson	
Frank (MA)	Meehan	

NOT VOTING—26

Blagojevich	Cook	Hansen
Campbell	Gutierrez	Hinchey
Kilpatrick	McCollum	Schakowsky
Klink	McIntosh	Shows
Lazio	Peterson (PA)	Shuster
Lipinski	Pomeroy	Talent
Manzullo	Rangel	Vento
Markey	Rush	Waxman
Martinez	Ryun (KS)	

☐ 2251

Mrs. JONES of Ohio changed her vote from ''no'' to ''aye.''

Mrs. McCARTHY of New York, Ms. SLAUGHTER, Mrs. TAUSCHER, Ms. MILLENDER-McDONALD, and Messrs. HILL of Montana, BLUNT, HOLT, ALLEN, CLEMENT, SHERMAN, WEXLER and CUMMINGS changed their vote from ''aye'' to ''no.''

Mr. MEEHAN changed his vote from ''no'' to ''present.''

So the amendment was agreed to.

The result of the vote was announced as above recorded.

The CHAIRMAN. The Clerk will read the last three lines of the bill.

The Clerk read as follows:

This Act may be cited as the ''Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 2001''.

Mr. BEREUTER. Mr. Chairman, this Member supports and is deeply appreciative of the efforts of the Appropriations Subcommittee on Commerce, Justice and State, to address the many concerns within their jurisdiction. However, this Member rises to address a particular concern that is considered by the legislation before this body today. In particular, it is important to understand the security risks faced by U.S. embassy personnel and other public servants who are tasked with advancing America's interests overseas.

Following the devastating embassy bombings in Kenya and Tanzania, the Overseas Presence Advisory Panel (OPAP) was created. This Panel's recent report concluded that the U.S. overseas presence is near a state of crisis. Insecure and often decrepit facilities, obsolete information technology, outmoded administrative and human resource practices and poor allocation of resources threaten to cripple our nation's overseas capabilities. The percentage of the U.S. budget devoted to international affairs has been declining for four decades. The international affairs budget is now about 20% less in today's dollars than it was on average during the late 1970's and 1980's.

The legislation before this body today recommends a level for the Department of State and international broadcasting at $6.6 billion. Although below the Administration's request, it represents a $300 million increase over last year's enacted level. However, in a number of key areas recommended appropriations still fall far short of what is needed.

However, this Member would emphasize that he has serious doubts about the level of this Administration's commitment and progress in improving security for our overseas facilities. In past years the Administration's request for Embassy security funding has been woefully inadequate. This year, the Appropriations committee fully funded the Department's FY 2001 request of over $1 billion for Embassy security ($410 million for diplomatic and consular programs and $648 million for the embassy security, construction and maintenance account.) However, the American Foreign Service Association is urging that Congress

appropriate $200 million more than the Administration requested for overseas security. AFSA notes that 80 percent of our 260 posts abroad do not even meet current, much less Inman, security standards. With an additional $100 million the Department could more than double the number of posts with upgraded perimeter security. The other $100 million could provide enhanced protection from exploding glass windows at posts which are considered highly vulnerable. Otherwise, the level of precaution will not be reached under current circumstances for at least five years.

Mr. Chairman, there is a crying need for wholesale reform of the way our Embassies are financed and constructed, starting with changing OMB's scoring rules to allow lease/purchase and lease/buyback arrangements. It defies logic to constrain the leasing of secure, modern diplomatic facilities only for arcane budgetary scoring reasons—yet that is the case. The OPAP report provides an excellent series of recommendations that could help us build new secure facilities more quickly, which the Administration should seek to implement in their entirety as soon as possible.

Another area in which additional funds are needed is the capital investment fund which provides for new information technology and capital equipment. The Congress authorized $150 million for this purpose, even though the Administration requested only $97 million. Regrettably, the Committee provided only $79.7 million, which is below even the current year's level. The OPAP report correctly notes that this is a critical need if we are to bring our representation abroad into the modern age.

Finally, Mr. Chairman, this Member notes that on May 26th the President signed H.R. 3707 (P.L. 106–212), introduced by this Member, which authorizes $75 million for the construction of a new facility for the American Institute in Taiwan (AIT). The current AIT is a dilapidated, rundown collection of buildings, or in some cases Quonset huts, that fails to meet even minimal security standards. The current AIT also fails to provide the necessary facility to adequately represent our country or to reflect the importance our country attaches to our long-standing, critically important relations with Taiwan. Construction of a new, secure facility will be an important indication that the U.S. presence will be maintained on Taiwan through the AIT for as long as it takes to assure that any reunification of China and Taiwan will be only by peaceful, non-coercive means.

Finally, Mr. Chairman, this Member hopes the Appropriations Committee will in the future note the importance of this legislation, and that in turn the Department of State will act quickly to begin design and construction of a new facility.

The CHAIRMAN. Are there further amendments? If not, under the rule the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. LAHOOD) 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, pursuant to House Resolution 529, he reported the bill back to the House with sundry amendments adopted by the Committee of the Whole.

The SPEAKER pro tempore (Mr. LAHOOD). Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment? If not, the Chair will put them en gros.

The amendments were agreed to.

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

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

Pursuant to clause 10 of rule XX, the yeas and nays are ordered.

The Chair announces that this vote will be followed by four 5-minute votes on motions to suspend the rules considered earlier today.

The vote was taken by electronic device, and there were—yeas 214, nays 195, answered ''present'' 1, not voting 25, as follows:

[Roll No. 326]

YEAS—214

Abercrombie
Aderholt
Archer
Armey
Bachus
Baker
Ballenger
Barcia
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Becerra
Bereuter
Berry
Biggert
Bilbray
Bilirakis
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bono
Boucher
Boyd
Brady (TX)
Bryant
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cannon
Castle
Chabot
Collins
Combest
Cooksey
Cox
Cramer
Cubin
Cunningham
Davis (VA)
Deal
DeLay
DeMint
Diaz-Balart
Dickey
Dicks
Doolittle
Dreier
Dunn
Ehlers
Ehrlich
Emerson
English
Everett
Ewing
Fletcher
Foley
Forbes
Fossella
Fowler
Franks (NJ)
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goodlatte
Goodling
Goss
Granger
Green (WI)
Greenwood
Gutknecht
Hall (TX)
Hastert
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hill (MT)
Hilleary
Hobson
Hoekstra
Horn
Hostettler
Houghton
Hulshof
Hunter
Hutchinson
Hyde
Isakson
Istook
John
Johnson (CT)
Johnson, Sam
Kasich
Kelly
King (NY)
Kingston
Knollenberg
Kolbe
Kuykendall
LaHood
Largent
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (KY)
Lucas (OK)
McCarthy (MO)
McCrery
McHugh
McKeon
Meek (FL)
Metcalf
Mica
Miller (FL)
Miller, Gary
Mink
Mollohan
Moran (KS)
Murtha
Myrick
Nethercutt
Ney
Northup
Nussle
Ortiz
Ose
Oxley
Packard
Pastor
Pease
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Porter
Portman
Pryce (OH)
Quinn
Radanovich
Ramstad
Regula
Reyes
Reynolds
Riley
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Ryan (WI)
Salmon
Saxton
Scarborough
Serrano
Sessions
Shaw
Shays
Sherwood
Shimkus
Simpson
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Spence
Stabenow
Stearns
Stump
Sununu
Sweeney
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Tiahrt
Traficant
Upton
Visclosky
Vitter
Walden
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson
Wolf
Young (AK)
Young (FL)

NAYS—195

Ackerman
Allen
Andrews
Baca
Baird
Baldacci
Baldwin
Barr
Barrett (WI)
Bentsen
Berkley
Berman
Bishop
Blumenauer
Bonior
Borski
Boswell
Brady (PA)
Brown (FL)
Brown (OH)
Burr
Capps
Capuano
Cardin
Carson
Chambliss
Chenoweth-Hage
Clay
Clayton
Clement
Clyburn
Coble
Coburn
Condit
Conyers
Costello
Coyne
Crane
Crowley
Cummings
Danner
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dingell
Dixon
Doggett
Dooley
Doyle
Duncan
Edwards
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Frost
Gejdenson
Gephardt
Gonzalez
Goode
Gordon
Graham
Green (TX)
Hall (OH)
Hefley
Hill (IN)
Hilliard
Hinojosa
Hoeffel
Holden
Holt
Hooley
Hoyer
Inslee
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kildee
Kind (WI)
Kleczka
Kucinich
LaFalce
Lampson
Lantos
Larson
Lee
Levin
Lewis (GA)
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Mascara
Matsui
McCarthy (NY)
McDermott
McGovern
McInnis
McIntyre
McKinney
McNulty
Meehan
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Minge
Moakley
Moore
Moran (VA)
Morella
Nadler
Napolitano
Neal
Norwood
Oberstar
Obey
Olver
Owens
Pallone
Pascrell
Paul
Payne
Pelosi
Peterson (MN)
Phelps
Pickett
Price (NC)
Rahall
Rivers
Rodriguez
Roemer
Rothman
Roybal-Allard
Royce
Rush
Sabo
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Schaffer
Schakowsky
Scott
Sensenbrenner
Shadegg
Sherman
Sisisky
Skelton
Slaughter
Smith (WA)
Snyder
Spratt
Stark
Stenholm
Strickland
Stupak
Tancredo
Tanner
Tauscher
Thompson (CA)
Thompson (MS)
Thurman
Tierney
Toomey
Towns
Turner
Udall (CO)
Udall (NM)
Velazquez
Waters
Watt (NC)
Weiner
Wexler
Weygand
Wise
Woolsey
Wu
Wynn

ANSWERED ''PRESENT''—1

Herger

NOT VOTING—25

Blagojevich
Campbell
Cook
Gutierrez
Hansen
Hinchey
Jenkins
Kennedy
Kilpatrick
Klink
Lazio
Lipinski
Manzullo
Markey
Martinez
McCollum
McIntosh
Pomeroy
Rangel
Ryun (KS)
Shows
Shuster
Talent
Vento
Waxman

☐ 2308

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

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

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated against:

Mr. HERGER. Mr. Speaker, on rollcall No. 326 I inadvertently voted ''present.'' I intended to vote ''no.''

☐

PERSONAL EXPLANATION

Ms. KILPATRICK. Mr. Speaker, due to official business in my District, I was unable to record my vote on the amendments offered to H.R. 4690 by Mr. SANFORD (Roll Call No. 322), Mr. OLVER (Roll Call No. 323), Mr. HOSTETTLER (Roll Call No. 324), Mr. VITTER (Roll Call No. 325), and on the vote for final passage of H.R. 4690, the bill making appropriations for the Departments of Commerce, Justice and State for Fiscal Year 2001 (Roll Call No. 326). Had I been present I would have voted ''no'' on Roll Call No. 322, ''yes'' on Roll Call No. 323, ''no'' on Roll Call No. 324, ''yes'' on Roll Call No. 325, and ''no'' on final passage, Roll Call No. 326.

☐

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. LAHOOD). Pursuant to the provisions of clause 8, rule XX, the Chair will now put the question on each motion to suspend the rules on which further proceedings were postponed in the order in which that motion was entertained.

Votes will be taken in the following order:

H.R. 3417, by the yeas and nays;

S. 148, by the yeas and nays;

H.R. 4408, by the yeas and nays; and

H.R. 3023, by the yeas and nays.

☐

PRIBILOF ISLANDS TRANSITION ACT

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 3417, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Pennsylvania (Mr. SHERWOOD) that the House suspend the rules and pass the bill, H.R. 3417 as amended, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 400, nays 3, answered ''present'' 2, not voting 29, as follows:

[Roll No. 327]

YEAS—400

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

NAYS—3

Royce	Sanford	Sensenbrenner

ANSWERED ''PRESENT''—2

Hefley	Hill (IN)

NOT VOTING—29

Barton	Klink	Ryun (KS)
Bateman	Lazio	Sabo
Blagojevich	Lipinski	Shows
Campbell	Markey	Shuster
Combest	Martinez	Talent
Cook	McCollum	Taylor (NC)
Gutierrez	McIntosh	Vento
Hansen	Pomeroy	Waxman
Hinchey	Rangel	Young (AK)
Kilpatrick	Roukema	

☐ 2316

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

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

☐

NEOTROPICAL MIGRATORY BIRD CONSERVATION ACT

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the Senate bill, S. 148, as amended.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Pennsylvania (Mr. SHERWOOD) that the House suspend the rules and pass the Senate bill, S. 148, as amended, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 384, nays 22, not voting 28, as follows:

[Roll No. 328]

YEAS—384

Abercrombie	Baird	Bartlett
Ackerman	Baker	Bass
Aderholt	Baldacci	Becerra
Allen	Baldwin	Bentsen
Andrews	Ballenger	Bereuter
Archer	Barcia	Berkley
Armey	Barr	Berman
Baca	Barrett (NE)	Berry
Bachus	Barrett (WI)	Biggert

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

NAYS—22

Cannon
Chenoweth-Hage
Coble
Coburn
Cubin
DeMint
Doolittle
Herger
Hostettler
Miller, Gary
Paul
Pombo
Rohrabacher
Royce
Salmon
Sanford
Schaffer
Sensenbrenner
Stearns
Tancredo
Toomey
Watts (OK)

NOT VOTING—28

Barton
Bateman
Blagojevich
Campbell
Combest
Cook
Dickey
Gutierrez
Hansen
Hinchey
Kilpatrick
Klink
Lazio
Lipinski
Markey
Martinez
McCollum
McIntosh
Pomeroy
Rangel
Roukema
Sabo
Shows
Shuster
Talent
Vento
Waxman
Young (AK)

□ 2323

Mr. TANCREDO changed his vote from ''yea'' to ''nay.''

So (two-thirds having voted in favor thereof) the rules were suspended and Senate bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

□

ATLANTIC STRIPED BASS CONSERVATION ACT REAUTHORIZATION

The SPEAKER pro tempore (Mr. LAHOOD). The pending business is the question of suspending the rules and passing the bill, H.R. 4408, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Pennsylvania (Mr. SHERWOOD) that the House suspend the rules and pass the bill, H.R. 4408, as amended, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 393, nays 12, not voting 29, as follows:

[Roll No. 329]

YEAS—393

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Armey
Baca
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Bass
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Capps
Capuano
Cardin
Carson
Castle
Chabot
Chambliss
Clay
Clayton
Clement
Clyburn
Coble
Coburn
Collins
Condit
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crowley
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Filner
Fletcher
Foley
Forbes
Ford
Fossella
Fowler
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green (TX)
Green (WI)
Greenwood
Gutknecht
Hall (OH)
Hall (TX)
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (IN)
Hill (MT)
Hilleary
Hilliard
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hooley
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Isakson
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson, E.B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kasich
Kelly
Kennedy
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kleczka
Knollenberg
Kolbe
Kucinich
Kuykendall
LaFalce
LaHood
Lampson
Lantos
Largent
Larson
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Metcalf
Mica
Millender-McDonald
Miller (FL)
Miller, George
Minge
Mink
Moakley
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Ose
Owens
Oxley
Packard
Pallone
Pascrell
Pastor
Payne
Pease
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pickett
Pitts
Pombo
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Regula
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Ros-Lehtinen
Rothman
Roybal-Allard
Rush
Ryan (WI)
Ryun (KS)
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Scarborough
Schakowsky
Scott
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Simpson
Sisisky
Skeen

Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spence
Spratt
Stabenow
Stark
Stenholm
Strickland
Stump
Stupak
Sununu
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tierney
Toomey
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velazquez
Visclosky
Vitter
Walden
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
Whitfield
Wicker
Wilson
Wise
Wolf
Woolsey
Wu
Wynn
Young (FL)

NAYS—12

Cannon
Chenoweth-Hage
Hostettler
Miller, Gary
Paul
Rohrabacher
Royce
Salmon
Sanford
Schaffer
Sensenbrenner
Stearns

NOT VOTING—29

Barton
Bateman
Blagojevich
Campbell
Combest
Conyers
Cook
Gutierrez
Hansen
Hinchey
Horn
Klink
Lazio
Lipinski
Markey
Martinez
McCollum
McIntosh
Pelosi
Pomeroy
Rangel
Roukema
Sabo
Shows
Shuster
Talent
Vento
Waxman
Young (AK)

☐ 2329

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

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

☐

GREATER YUMA PORT AUTHORITY PROPERTY CONVEYANCE

The SPEAKER pro tempore (Mr. LAHOOD). The pending business is the question of suspending the rules and passing the bill, H.R. 3023, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Pennsylvania (Mr. SHERWOOD) that the House suspend the rules and pass the bill, H.R. 3023, as amended, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 404, nays 1, answered ''present'' 1, not voting 28, as follows:

[Roll No. 330]

YEAS—404

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

NAYS—1

Taylor (MS)

ANSWERED ''PRESENT''—1

Hefley

NOT VOTING—28

Barton
Bateman
Blagojevich
Campbell
Combest
Cook
Gutierrez
Hansen
Hinchey
Jefferson
Klink
Lazio
Lipinski
Manzullo
Markey
Martinez
McCollum
McIntosh
Pomeroy
Rangel
Roukema
Sabo
Shows
Shuster
Talent
Vento
Waxman
Young (AK)

☐ 2336

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

The result of the vote was announced as above recorded.

A motion to reconsider was laid upon the table.

☐

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 4733, THE ENERGY AND WATER DEVELOPMENT APPROPRIATIONS BILL 2001

Mr. HASTINGS of Washington, from the Committee on Rules, submitted a privileged report (Rept. No. 106–701) on the resolution (H. Res. 532) providing for consideration of the bill (H.R. 4733) making appropriations for energy and water development for the fiscal year ending September 30, 2001, and for other purposes, which was referred to the House Calendar and ordered to be printed.

☐

☐ 2340

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. LAHOOD). As stated by the Chairman of the Committee on House Administration on Friday, June 23, 2000, the Clerk has informed the Committee on House Administration of a recent anomaly on a recorded vote. Representative ROYBAL-ALLARD was absent on rollcall number 305 on June 21, 2000 and was in possession of her voting card. The Clerk was made aware of the fact that she was recorded on that rollcall, but on no others on that day, but due to the lateness of the hour, could not get confirmation from her by the time the

vote was made public that she was absent and in possession of her voting card. Since then, the Clerk has received that confirmation. For that reason and the statistical improbability of the recurrence of that anomaly, the Chair and the Chairman of the Committee on House Administration believe that it is proper to immediately correct the RECORD and the Journal.

As stated in Volume 14, Section 32 of Deschler-Brown Precedents:

Since the inception of the electronic system, the Speaker has resisted attempts to permit corrections to the electronic tally after announcement of a vote. This policy is based upon the presumptive reliability of electronic device and upon the responsibility of each Member to correctly cast and verify his or her vote.

Based upon the explanation received from the Chairman of the Committee on House Administration and from the Clerk, the Chair will continue to presume the reliability of the electronic device, so long as the Clerk is able to give that level of assurance which justifies a continuing presumption of its integrity. Without objection, the Chair will permit the immediate correction of the RECORD and Journal under the unique circumstances certified by the Clerk.

There was no objection.

□

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 1999, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

□

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Connecticut (Mr. SHAYS) is recognized for 5 minutes.

(Mr. SHAYS 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 California (Mr. FILNER) is recognized for 5 minutes.

(Mr. FILNER addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

□

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Washington (Mr. MCDERMOTT) is recognized for 5 minutes.

(Mr. MCDERMOTT addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

□

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. BENTSEN) is recognized for 5 minutes.

(Mr. BENTSEN 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 Illinois (Mr. RUSH) is recognized for 5 minutes.

(Mr. RUSH addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

□

GAS PRICE SPIKES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. PALLONE) is recognized for 5 minutes.

Mr. PALLONE. Mr. Speaker, this evening I would like to expose the Republicans' attempt to make a campaign issue out of the Nation's gas price spike crisis and Democrats' efforts to solve this crisis and continue working to protect our long-term energy security.

Higher gas prices should not be a partisan issue, but the Republicans are making it into one. On the other hand, the Democrats are trying to come up with bipartisan solutions. For instance, Democrats have called on committee chairmen holding hearings on this topic in the coming days to invite oil executives to testify so that these hearings are balanced. Democrats insist on exploring why the oil companies are showing record profits and why, when an investigation was announced, prices dropped immediately. Yet, the Republican leadership instead is making a sham of these hearings by using them as a forum to attack the Clinton-Gore administration. Moreover, the Republicans also do not want to invite the oil executives to testify, because they are in the pockets of big oil.

GOP presidential candidate George W. Bush is one of the worst offenders. He has raised 15 times more money from oil and gas interests than Vice President AL GORE, and at least 25 of his top fund-raisers are connected to the oil industry. Last year, one of the first bills he signed bailed out the oil industry with a $45 million tax break.

Let us look at other dilatory tactics by the Republicans. The Senate Republican leadership has held up reauthorization of the President's authority to draw down the strategic petroleum reserve and the Northeast heating oil reserve. These reserves would provide additional supplies for the gasoline and heating oil markets and would, in turn, bring down prices. The Clinton-Gore administration has supported both of these reserves. Yet, the Senate majority leadership has delayed action for too long, so even if both of these reserves were authorized today, the action is already too little, too late. As a result, Americans unfortunately are again to experience heating oil shortages in the Northeast this winter, and they have the Republican Congress to thank for it.

While the Clinton-Gore administration is trying to provide tax credits for energy efficient vehicles, buildings, homes and equipment, the Republican leadership is cutting funding for alternative energy sources and energy conservation measures. They have slashed funding for these common sense programs since they have been in the majority, which has resulted in a $1.3 billion shortfall. As recently as last week, the Republican leadership voted again to cut funding substantially below current funding levels for renewable energy programs in the Energy and Water funding bill. Tomorrow, the Republicans will have a chance to restore some of this funding. If they are serious about resolving this crisis, they will literally put their money where their mouths are on this vote.

The GOP leadership also wants to repeal gas taxes and jeopardize our Nation's transportation infrastructure. In addition, they want to gut environmental protections that cost only 2 to 3 cents per gallon.

Just in case anyone out there thinks a few pennies are too much to pay for clean air, the gentleman from Ohio (Mr. KUCINICH) and the gentleman from Maine (Mr. BALDACCI) and I introduced a bill on Friday, H.R. 4739, that would enable the patent for blending cleaner, reformulated gasoline to be made available to all refiners. This would level the playing field for all refiners and, in turn, would bring down the price of reformulated gasoline.

If the Republican leadership is serious about working together in a bipartisan fashion to develop true solutions to this crisis, then they will work with us to bring legislation such as the bill my colleagues and I introduced last week to the floor quickly. They also would find common sense programs that promote alternative energy options, ensure that oil executives are present at this week's hearings, and work with us to resolve this crisis as quickly as possible.

□

PRIVATIZATION OF ENRICHMENT INDUSTRY MISTAKE BY CONGRESS

The SPEAKER pro tempore (Mr. VITTER). Under a previous order of the House, the gentleman from Ohio (Mr. STRICKLAND) is recognized for 5 minutes.

Mr. STRICKLAND. Mr. Speaker, in the early 1950s, this Nation constructed two large uranium enrichment facilities, one in Paducah, Kentucky, and one in my district near Portsmouth, Ohio. In the early days, those facilities were used to create the materials that enabled us to create a nuclear arsenal; and I believe, as a result, we were able to win the Cold War. In more recent years, those facilities have enriched uranium so that we can create fuel for our nuclear power plants. Nuclear power provides more than 20 percent of all of the electricity generated in this country, and most of that fuel comes from the Paducah and the Portsmouth facilities.

A couple of years ago, this Congress unwisely, I believe, decided to privatize the enrichment industry. The CEO of the public corporation was a gentleman by the name of Nick Timbers. He had come to that position from Wall

Street; and in that position, his salary was in the vicinity of $325,000 and, I believe his last year as a government employee he received about $25,000 roughly in bonus pay, for a total compensation package of roughly $350,000. While a government corporation employee, he received a waiver letter from the chairman of the public board, which allowed him to be engaged in certain decision-making activities. Among those was to decide whether or not this industry would be privatized, the manner in which it would be privatized, and to assist in the selection of the board members for the new privatized corporation.

□ 2350

I raised the issue at the time with the Department of the Treasury and with the administration that this presented an amazing conflict of interest. This was a man who was working for the government who was being given the privilege of engaging in decision-making where the result could be his personal enrichment. At the time when I raised those issues, they were discounted and ignored.

What has happened is this, and the American people need to know it. Once that facility or that industry was privatized, Mr. Nick Timbers received a salary of roughly $600,000 a year. He received a bonus of approximately $500,000 a year. He received stock options which brought his total compensation package to something in the vicinity of $2.5 million.

That seems so wrong to me, that someone could be given the privilege of making these decisions, and then could make decisions which resulted in his personal enrichment.

What has happened as a result of the privatization under Mr. Nick Timbers' stewardship? The stock initially sold for around $14.50 a share, and it is somewhere in the vicinity of $4 a share today, so investors have lost multiple millions of dollars.

But the saddest outcome of Mr. Timbers' stewardship over this industry is the fact that last week the board, with his encouragement, made an announcement that the facility in my district, employing somewhere between 1,800 and 2,000 employees, will be closed within 1 year. This is a major problem for the families who depend upon that industry for employment in southern Ohio, but it is a big problem for the United States of America.

We know what happens, we experience today what happens when this Nation is overly dependent upon foreign sources for oil. We can go to the pump and see that we are paying $2 or $2.10 or $2.20 for a gallon of gasoline, and that is because, in large part, we are too dependent on foreign oil.

Can Members imagine if this enrichment industry goes the way it is currently going and does not survive under Mr. Timbers' stewardship, what this country would face if 20 percent of our Nation's electricity was dependent on foreign sources for nuclear fuel?

It is for this reason, Mr. Speaker, that I am preparing and will introduce next week legislation to renationalize this industry. I hope this Congress supports me in that effort.

□

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Ms. CARSON (at the request of Mr. GEPHARDT) for today before 8:44 p.m. on account of airport and weather delays.

Mr. MARKEY (at the request of Mr. GEPHARDT) for today on account of illness in the family.

Mr. REYES (at the request of Mr. GEPHARDT) for June 23 on account of official business.

Mr. SENSENBRENNER (at the request of Mr. ARMEY) for today after 6:00 p.m. on account of family health reasons.

□

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

The following Members (at the request of Mr. MCNULTY) to revise and extend their remarks and include extraneous material:

Mr. FILNER, for 5 minutes, today.

Mr. MCDERMOTT, for 5 minutes, today.

Mr. BENTSEN, for 5 minutes, today.

Mr. RUSH, for 5 minutes, today.

Mr. PALLONE, for 5 minutes, today.

Mr. STRICKLAND, for 5 minutes, today.

The following Members (at the request of Mr. VITTER) to revise and extend their remarks and include extraneous material:

Mr. SCHAFFER, for 5 minutes, June 29.

Mr. HOEKSTRA, for 5 minutes, June 28 and 29

Mr. SHAYS, for 5 minutes, today and June 27.

□

SENATE BILLS AND CONCURRENT RESOLUTIONS REFERRED

Bills and concurrent resolutions of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 2043. An act 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''; to the Committee on Government Reform.

S. 2327. An act to establish a Commission on Ocean Policy, and for other purposes; to the Committee on Resources.

S. 2460. An act to authorize the payment of rewards to individuals furnishing information relating to persons subject to indictment for serious violations of international humanitarian law in Rwanda, and for other purposes; to the Committee on International Relations.

S. 2677. An Act to restrict assistance until certain conditions are satisfied and to support democratic and economic transition in Zimbabwe; to the Committee on International Relations, 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.

S. 2682. An act to authorize the Broadcasting Board of Governors to make available to the Institute for Media Development certain materials of the Voice of America; to the Committee on International Relations.

S. Con. Res. 117. Concurrent resolution 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; to the Committee on International Relations.

S. Con. Res. 118. Concurrent resolution commemorating the 60th anniversary of the execution of Polish captives by Soviet authorities in April and May 1940; to the Committee on International Relations.

□

ENROLLED BILLS SIGNED

Mr. THOMAS, from the Committee on House Administration, reported that that committee had examined and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 642. An act to redesignate the Federal building located at 701 South Santa Fe Avenue in Compton, California, and known as the Compton Main Post Office, as the ''Mervyn Malcolm Dymally Post Office Building.''

H.R. 643. An act to redesignate the Federal building located at 10301 South Compton Avenue, in Los Angeles, California, and known as the Watts Finance Offices, as the ''Augustus F. Hawkins Post Office Building.''

H.R. 1666. An act to designate the facility of the United States Postal Service at 200 East Pinckney Street in Madison, Florida, as the ''Captain Colin P. Kelly, Jr. Post Office.''

H.R. 2307. An act to designate the building of the United States Postal Service located at 5 Cedar Street in Hopkinton, Massachusetts, as the ''Thomas J. Brown Post Office Building.''

H.R. 2357. An act to designate the United States Post Office located at 3675 Warrensville Center Road in Shaker Heights, Ohio, as the ''Louise Stokes Post Office.''

H.R. 2460. An act to designate the United States Post Office located at 125 Border Avenue West in Wiggins, Mississippi, as the ''Jay Hanna 'Dizzy' Dean Post Office.''

H.R. 2591. An act to designate the United States Post Office located at 713 Elm Street in Wakefield, Kansas, as the ''William H. Avery Post Office.''

H.R. 2952. An act to redesignate the facility of the United States Postal Service located at 100 Orchard Park Drive in Greenville, South Carolina, as the ''Keith D. Oglesby Station.''

H.R. 3018. An act to designate certain facilities of the United States Postal Service in South Carolina.''

H.R. 3699. An act to designate the facility of the United States Postal Service located at 8409 Lee Highway in Merrifield, Virginia, as the ''Joel T. Broyhill Postal Building.''

H.R. 3701. An act to designate the facility of the United States Postal Service located at 3118 Washington Boulevard in Arlington, Virginia, as the ''Joseph L. Fisher Post Office Building.''

H.R. 3903. An act to deem the vessel M/V MIST COVE to be less than 100 gross tons, as measured under chapter 145 of title 46, United States Code.

H.R. 4241. An act to designate the facility of the United States Postal Service located

at 1818 Milton Avenue in Janesville, Wisconsin, as the ''Les Aspin Post Office Building.''

□

ADJOURNMENT

Mr. STRICKLAND. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 11 o'clock and 53 minutes p.m.), under its previous order, the House adjourned until tomorrow, Tuesday, June 27, 2000, at 9 a.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:

8342. A letter from the Associate Administrator, Agricultural Marketing Service, Fruit and Vegetable Programs, Department of Agriculture, transmitting the Department's final rule—Irish Potatoes Grown in Certain Designated Counties in Idaho, and Malheur County, Oregon; Modification of Handling Regulations [Docket No. FV00–945–1 IFR] received May 5, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

8343. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Cyromazine; Pesticide Tolerance [OPP–300913A; FRL–6556–3] (RIN: 2070–AB78) received May 4, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

8344. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Fludioxonil; Re-establishment of Tolerance for Emergency Exemptions [OPP–300996; FRL–6554–8] (RIN: 2070–AB78) received May 4, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

8345. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Harpin Protein; Exemption from the Requirement of a Tolerance [OPP–300984; FRL–6497–4] (RIN: 2070–AB78) received May 4, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

8346. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Azoxystrobin: Pesticide Tolerance [OPP–300995; FRL–6554–9] (RIN: 2070–AB78) received May 4, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

8347. A letter from the Secretary of Energy, transmitting the Annual Report on the Strategic Petroleum Reserve for 1999, pursuant to 42 U.S.C. 6241(g)(8); to the Committee on Commerce.

8348. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Oklahoma: Final Authorization of State Hazardous Waste Management Program Revisions [FRL–6604–3] received May 4, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

8349. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—National Priorities List for Uncontrolled Hazardous Waste Sites [FRL–6603–3] received May 4, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

8350. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Revisions to the California State Implementation Plan, Mojave Desert Air Quality Management District [CA 154–0236; FRL–6587–1] received May 8, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

8351. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Federal Plan Requirements for Large Municipal Waste Combustors Constructed on or Before September 20, 1994 [AD–FRL–6603–5] (RIN: 2060–AO3] received May 8, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

8352. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of State Implementation Plans: Oregon RACT Rule [OR–77–7292–a; FRL–6582–9] received May 8, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

8353. A letter from the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans Alabama: Approval of Revisions to the Alabama State Implementation Plan: Transportation Conformity Interagency Memorandum of Agreement [AL–53–200019(a); FRL–6605–8] received May 8, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

8354. A letter from the Chairman, U.S. Parole Commission, Department of Justice, transmitting a copy of the annual report in compliance with the Government in the Sunshine Act during the calendar year 1999, pursuant to 5 U.S.C. 552b(j); to the Committee on Government Reform.

8355. A letter from the Executive Director, Federal Labor Relations Authority, transmitting a copy of the annual report in compliance with the Government in the Sunshine Act during the calendar year 1999, pursuant to 5 U.S.C. 552b(j); to the Committee on Government Reform.

8356. A letter from the Vice President for Legal Affairs, Legal Services Corporation, transmitting a copy of the annual report in compliance with the Government in the Sunshine Act during the calendar year 1998, pursuant to 5 U.S.C. 552b(j); to the Committee on Government Reform.

8357. A letter from the Acting Director, Office of Surface Mining, Department of the Interior, transmitting the Department's final rule—Kentucky Regulatory Program [KY–218–FOR] received May 5, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

8358. A letter from the Assistant Administrator for Fisheries, National Marine Fisheries' Service, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Northeastern United States; Spiny Dogfish Fishery; 2000 Specifications [Docket No. 000426114–0114–01; I.D. 041000F] (RIN: 0648–AN53) received May 8, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

8359. A letter from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Shrimp Fishery of the Gulf of Mexico; Texas Closure [I.D. 050500G] received May 15, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

8360. A letter from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Northeastern United States; Northeast Multispecies Fishery Management Plan [Docket No. 990811218–0072–02; I.D. 050399A] (RIN: 0648–AL27) received May 15, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

8361. A letter from the Assistant Administrator for Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Antarctic Marine Living Resources; Harvesting and Dealer Permits, and Catch Documentation [Docket No. 000218–46–0017–02; I.D. 121599F] (RIN: 0648–AN42) received May 15, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

8362. A letter from the Administrator, Federal Railroad Administraton, Department of Transportation, transmitting a report entitled, ''Implementation of Positive Train Control Systems''; to the Committee on Transportation and Infrastructure.

8363. A letter from the Chief, Office of Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Drawbridge Operating Regulation; Chef Menteur Pass, LA [CGD08–00–005] received May 8, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8364. A letter from the Chief, Office of Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Safety Zone; Port Graham, Cook Inlet, Alaska [COTP Western Alaska 00–002] (RIN: 2115–AA97) received May 8, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8365. A letter from the Chief, Office of Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Safety Zone; Kachemak, Alaska [COTP Western Alaska 00–001] (RIN: 2115–AA97) received May 8, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8366. A letter from the Chief, Office of Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Safety Zone; Redoubt Shoal, Cook Inlet, Alaska [COTP Western Alaska 00–004] (RIN: 2115–AA97) received May 8, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8367. A letter from the Chief, Office of Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Security Zone; Vicinity of Atlantic Fleet Weapons Training Facility, Vieques, PR and Adjacent Territorial Sea [CGD07–00–080] (RIN: 2115–AA97) received May 8, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8368. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Separation from service and same desk rule [Rev. Rul. 2000–27] received May 8, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

8369. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Changes to Regulation Section 1441 Effective 2001 (RIN: 1545–AX53; 1545–AV27; 1545–AV41) received May 16,

2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

8370. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting the certification to the Congress regarding the incidental capture of sea turtles in commercial shrimping operations, pursuant to Public Law 101–162, section 609(b)(2) (103 Sat. 1038); jointly to the Committees on Resources and Appropriations.

8371. A letter from the Secretary of Energy, transmitting the Program Update 1999 for the Clean Coal Technology Demonstration Program; jointly to the Committees on Appropriations, Science, and Commerce.

8372. A letter from the Administrator, National Aeronautics and Space Administration, transmitting a draft bill, ''To authorize appropriations to the National Aeronautics and Space Administration for human space flight, science, aeronautics and technology; mission support; and Inspector General, and for other purposes''; jointly to the Committees on Science, Government Reform, Small Business, and the Judiciary.

□

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. HYDE: Committee on the Judiciary. S. 1515. An act to amend the Radiation Exposure Compensation Act, and for other purposes; with amendments (Rept. 106–697). Referred to the Committee of the Whole House on the State of the Union.

Mr. YOUNG of Alaska: Committee on Resources. H.R. 4408. A bill to reauthorize the Atlantic Striped Bass Conservation Act (Rept. 106–698). Referred to the Committee of the Whole House on the State of the Union.

Mr. YOUNG of Alaska: Committee on Resources. H.R. 3023. A bill to authorize the Secretary of the Interior, acting through the Bureau of Reclamation, to convey property to the Greater Yuma Port Authority of Yuma County, Arizona, for use as an international port of entry; with an amendment (Rept. 106–699). Referred to the Committee of the Whole House on the State of the Union.

Mr. BLILEY: Committee on Commerce. H.R. 3113. A bill to protect individuals, families, and Internet service providers from unsolicited and unwanted electronic mail; with an amendment (Rept. 106–700). Referred to the Committee of the Whole House on the State of the Union.

Mr. HASTINGS of Washington: Committee on Rules. House Resolution 532. Resolution providing for consideration of the bill (H.R. 4733) making appropriations for energy and water development for the fiscal year ending September 20, 2001, and for other purposes (Rept. 106–701). Referred to the House Calendar.

□

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. GANSKE:

H.R. 4743. A bill to amend the Social Security Act to improve access to prescription drugs for low-income Medicare beneficiaries, the Internal Revenue Code and other Acts to improve access to health care coverage for seniors, the self-employed, and children, and to amend the Federal Food, Drug, and Cosmetic Act to improve meaningful access to reasonably priced prescription drugs; to the Committee on Commerce, and in addition to the Committee on Ways and Means, 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 Mrs. KELLY (for herself and Mr. MCINTOSH):

H.R. 4744. A bill to require the General Accounting Office to report to Congress on economically significant rules of Federal agencies, and for other purposes; to the Committee on Government Reform.

By Mr. CASTLE (for himself, Mr. KILDEE, Mr. DEAL of Georgia, Mr. GREENWOOD, Mrs. ROUKEMA, Mr. NORWOOD, Mr. WALSH, Mr. BOEHLERT, Mr. HOLT, and Mr. UPTON):

H.R. 4745. A bill to amend the National Environmental Education Act to redesignate the Act as the ''John H. CHAFEE Environmental Education Act'', to establish the John H. CHAFEE Memorial Fellowship Program, to extend the programs under the Act, and for other purposes; to the Committee on Education and the Workforce.

By Mr. BACHUS (for himself, Mr. CLEMENT, Mr. BOEHLERT, Mr. DEFAZIO, Mr. FRANKS of New Jersey, Mr. KLECZKA, Mr. FOLEY, Mr. DOOLEY of California, Mr. SWEENEY, Mr. MCHUGH, Mr. SCARBOROUGH, and Mr. FILNER):

H.R. 4746. A bill to establish a program to preserve, rehabilitate, and improve certain railroad tracks and bridges using funds collected through the diesel fuel tax, and for other purposes; to the Committee on Transportation and Infrastructure, and in addition to the Committee on Ways and Means, 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. BOEHNER (for himself, Mr. GOODLING, Mr. PORTMAN, Mr. PETRI, Mr. BALLENGER, and Mr. HOEKSTRA):

H.R. 4747. A bill to amend title I of the Employee Retirement Income Security Act of 1974 and the Internal Revenue Code of 1986 to promote the provision of retirement investment advice to workers managing their retirement income assets; to the Committee on Education and the Workforce, and in addition to the Committee on Ways and Means, 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. BOEHNER:

H.R. 4748. A bill to amend title I of the Employee Retirement Income Security Act of 1974 and the Internal Revenue Code of 1986 to modernize such title and such Code to take into account the evolution of employer-sponsored retirement plans, to increase the availability of critical retirement plan services, including investment advisory services, to participants, beneficiaries, and plan fiduciaries, and to harmonize the requirements of such title and such Code with other Federal and State laws; to the Committee on Education and the Workforce, and in addition to the Committee on Ways and Means, 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. BOEHNER:

H.R. 4749. A bill to amend title I of the Employee Retirement Income Security Act of 1974 and the Internal Revenue Code of 1986 to modernize such title and such Code to take into account the evolution of employer-sponsored retirement plans, and to harmonize the requirements of such title and such Code with other Federal and State laws; to the Committee on Education and the Workforce, and in addition to the Committee on Ways and Means, 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. BRYANT:

H.R. 4750. A bill to establish programs to improve the health and safety of children receiving child care outside the home, and for other purposes; to the Committee on Education and the Workforce.

By Mr. DOOLITTLE:

H.R. 4751. A bill to recognize entry of the Commonwealth of Puerto Rico into permanent union with the United States based on a delegation of government powers to the United States by the people of Puerto Rico consituted as a Nation, to guarantee irrevocable United States citizenship as a right under the United States Constitution for all persons born in Puerto Rico, and for other purposes; to the Committee on Resources.

By Mr. JONES of North Carolina:

H.R. 4752. A bill to authorize the Secretary of the Army to carry out projects for removing accumulated snags and other debris from navigable waters to mitigate damages resulting from a major disaster; to the Committee on Transportation and Infrastructure.

By Mrs. KELLY:

H.R. 4753. A bill to establish a demonstration project to create Medicare Consumer Coalitions to provide Medicare beneficiaries with accurate and understandable information with respect to managed care health benefits under the Medicare Program and to negotiate with MedicareChoice organizations offering MedicareChoice plans to improve and expand benefits under the plans; to the Committee on Ways and Means, and in addition to the Committee on Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. MCCARTHY of Missouri (for herself, Ms. DANNER, and Mr. SKELTON):

H.R. 4754. A bill to provide additional authority to the Army Corps of Engineers to protect, enhance, and restore fish and wildlife habitat on the Missouri River and to improve the environmental quality and public use and appreciation of the Missouri River; to the Committee on Resources, 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. PETRI (for himself and Mr. RAHALL):

H.R. 4755. A bill to establish a permanent fund to ensure the continued maintenance and rehabilitation of the Woodrow Wilson Memorial Bridge; to the Committee on Transportation and Infrastructure.

By Mr. RANGEL:

H.R. 4756. A bill to direct the Archivist of the United States to transfer to the Schomburg Center for Research in Black Culture the master versions of the photographic works of Griffith J. Davis which are in the possession of the National Archives and RECORD Administration, and for other purposes; to the Committee on Government Reform.

By Mr. SHAW (for himself, Mr. STUPAK, Mr. BOEHLERT, and Mr. METCALF):

H.R. 4757. A bill to require the Administrator of the Environmental Protection Agency to establish an integrated environmental reporting system; to the Committee

on Commerce, 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. STEARNS (for himself, Mr. TAUZIN, Mr. OXLEY, Mr. DEAL of Georgia, Mr. EHRLICH, and Mr. ROGAN):

H.R. 4758. A bill to permit wireless carriers to obtain sufficient spectrum to meet the growing demand for existing services and ensure that such carriers have the spectrum they need to deploy fixed and advanced services, and for other purposes; to the Committee on Commerce.

By Mr. STEARNS (for himself and Mr. STUMP):

H.R. 4759. A bill to amend title 38, United States Code, to improve the personnel system of the Veterans Health Administration, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. STUPAK (for himself and Mr. CAMP):

H.R. 4760. A bill to amend title 38, United States Code, to provide a presumption of service connection for injuries classified as cold weather injuries which occur in veterans who while engaged in military operations had sustained exposure to cold weather; to the Committee on Veterans' Affairs.

By Mr. WELDON of Pennsylvania:

H.R. 4761. A bill to designate the existing visitor's center building located within the boundaries of the Valley Forge National Historical Park at Route 23 and North Gulph Road in Valley Forge, Pennsylvania, as the ''Richard T. Schulze Visitor's Center''; to the Committee on Resources.

□

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 40: Mr. LEWIS of Georgia.
H.R. 49: Mr. COOK and Ms. LEE.
H.R. 207: Mr. RAHALL and Mr. FILNER.
H.R. 229: Ms. SCHAKOWSKY.
H.R. 353: Ms. WATERS, Mr. LAZIO, and Mr. EVANS.
H.R. 363: Mr. GILMAN.
H.R. 374: Mr. ROTHMAN.
H.R. 860: Mr. BACA, Mr. DOYLE, and Mr. BALDACCI.
H.R. 1142: Mr. BRADY of Texas.
H.R. 1194: Ms. DUNN and Mr. MOORE.
H.R. 1217: Ms. WATERS.
H.R. 1594: Mr. BONIOR.
H.R. 1621: Mr. NORWOOD.
H.R. 1634: Mr. MCHUGH and Mr. MORAN of Kansas.
H.R. 1885: Mr. BASS.
H.R. 2121: Ms. LEE, Mr. PAUL, and Mr. NEY.
H.R. 2495: Mrs. MEEK of Florida.
H.R. 2620: Mr. STEARNS.
H.R. 2814: Mr. DIXON.
H.R. 2929: Mr. ANDREWS, Mr. PAYNE, and Mr. CONDIT.
H.R. 3113: Mr. SCHAFFER.
H.R. 3142: Mr. DOYLE.
H.R. 3160: Mr. NETHERCUTT and Mr. BRADY of Texas.
H.R. 3192: Ms. NORTON and Mr. HOEKSTRA.
H.R. 3193: Mr. HOBSON, Mrs. WILSON, and Mr. FRELINGHUYSEN.
H.R. 3392: Mr. DUNCAN.
H.R. 3455: Mr. SANDLIN, Ms. BERKLEY, Mr. KENNEDY of Rhode Island, Mr. SALMON, Ms. DELAURO, and Mr. PAYNE.
H.R. 3521: Mrs. CHENOWETH-HAGE.
H.R. 3542: Mr. OWENS.
H.R. 3575: Ms. LEE.
H.R. 3634: Mr. SMITH of Washington.
H.R. 3676: Mr. KUYKENDALL, Mr. KUCINICH, Mr. THUNE, Mr. DAVIS of Virginia, and Mr. ROGAN.
H.R. 3840: Ms. LEE.
H.R. 3842: Mr. CLEMENT, Ms. DANNER, Mr. MOAKLEY, and Mr. OLVER.
H.R. 4006: Mr. HOEKSTRA.
H.R. 4094: Mr. EVANS, Mr. KUCINICH, Mr. HOEFFEL, Mr. CLYBURN, Mr. LAMPSON, Mr. MINGE, Mr. MORAN of Virginia, and Mr. SISISKY.
H.R. 4106: Mr. FRANK of Massachusetts.
H.R. 4213: Mr. DEMINT and Mr. TIAHRT.
H.R. 4239: Mr. KING and Mr. CLEMENT.
H.R. 4259: Mr. PAYNE and Mr. POMEROY.
H.R. 4271: Mr. ENGEL and Mr. OSE.
H.R. 4272: Mr. ENGEL and Mr. OSE.
H.R. 4273: Mr. ENGEL and Mr. OSE.
H.R. 4277: Mr. WEXLER.
H.R. 4357: Mr. BROWN of Ohio, Ms. WATERS, Ms. SCHAKOWSKY, Mr. PRICE of North Carolina, and Ms. WOOLSEY.
H.R. 4390: Ms. SCHAKOWSKY and Mr. JEFFERSON.
H.R. 4395: Mrs. CAPPS.
H.R. 4442: Mr. UDALL of Colorado and Mr. ABERCROMBIE.
H.R. 4453: Ms. SCHAKOWSKY.
H.R. 4467: Mr. COMBEST.
H.R. 4471: Mrs. BONO, Mr. COBURN, Mr. HOEKSTRA, Mr. LARGENT, Mr. LEWIS of Georgia, Mr. NADLER, Mr. NEAL of Massachusetts, and Ms. WATERS.
H.R. 4483: Mr. MORAN of Virginia and Ms. DELAURO.
H.R. 4492: Mr. PALLONE, Mr. UNDERWOOD, Mr. BAIRD, Mr. BISHOP, Mr. COBURN, and Ms. SCHAKOWSKY.
H.R. 4511: Mr. ISTOOK, Mr. POMBO, Mr. CAMP, and Mr. NETHERCUTT.
H.R. 4539: Mr. FROST, Mrs. MINK of Hawaii, and Mr. LAHOOD.
H.R. 4567: Ms. SCHAKOWSKY.
H.R. 4596: Mr. LANTOS, Mr. DAVIS of Illinois, Mr. ABERCROMBIE, and Mr. CONYERS.
H.R. 4623: Mr. GOODE, Mr. CRAMER, and Mr. RAHALL.
H.R. 4659: Ms. LEE, Mrs. MEEK of Florida, Mrs. NORTHUP, and Mr. CLEMENT.
H.R. 4660: Mr. BAKER, Mr. FROST, Mr. HUTCHINSON, and Mrs. MYRICK.
H.R. 4718: Mr. KINGSTON.
H.J. Res. 77: Mr. COBURN.
H. Con. Res. 62: Mr. SHAW.
H. Con. Res. 243: Mr. HALL of Ohio, Ms. KILPATRICK, Mr. GREEN of Texas, Mr. SAWYER, Ms. DEGETTE, and Mr. FORD.
H. Con. Res. 307: Mr. GONZALEZ, Mr. RODRIGUEZ, Mr. GOODE, and Mr. LEWIS of Georgia.
H. Con. Res. 357: Mr. STUMP.
H. Res. 461: Mr. ENGEL, Mrs. MINK of Hawaii, Ms. HOOLEY of Oregon, Mr. CLEMENT, Mr. UNDERWOOD, Mr. MENENDEZ, Mr. KUCINICH, and Mr. CONYERS.
H. Res. 531: Mr. ROHRABACHER, Mr. ACKERMAN, and Mr. FALEOMAVAEGA.

□

AMENDMENTS

Under clause 8 of rule XVIII, proposed amendments were submitted as follows:

H.R. 1304

OFFERED BY: MR. TERRY

AMENDMENT NO. 1: Page 4, after line 20, insert the following:

(3) NO NEGOTIATION OVER FEES.—The exemption provided in subsection (a) shall not apply to negotiations over fees.

H.R. 4461

OFFERED BY: MR. CROWLEY

AMENDMENT NO. 36: Insert before the short title the following title:

TITLE IX—ADDITIONAL GENERAL PROVISIONS

SEC. 901. None of the amounts made available in this Act for the Food and Drug Administration may be expended to enforce or otherwise carry out section 801(d)(1) of the Federal Food, Drug, and Cosmetic Act.

H.R. 4733

OFFERED BY: MR. ANDREWS

AMENDMENT NO. 1: Page 39, after line 19, insert the following:

SEC. 607. None of the funds made available in this Act may be used to carry out the project for navigation, Delaware River Mainstem and Channel Deepening, Delaware, New Jersey, and Pennsylvania, authorized by section 101(6) of the Water Resources Development Act of 1992 (106 Stat. 4802), as modified by section 308 of the Water Resources Development Act of 1999 (113 Stat. 300), before the June 1, 2001.

H.R. 4733

OFFERED BY: MR. BROWN OF OHIO

AMENDMENT NO. 2: Page 16, line 18, after the dollar amount insert the following: ''(reduced by $2,000,000) (increased by $2,000,000)''.

H.R. 4733

OFFERED BY: MR. FOLEY

AMENDMENT NO. 3: Page 16, line 18, insert after ''$576,482,000'' the following: ''(reduced by $22,500,000) (increased by $15,000,000) (increased by $7,500,000)''.

H.R. 4733

OFFERED BY: MR. FOLEY

AMENDMENT NO. 4: Page 16, line 18, insert after ''$576,482,000'' the following: ''(reduced by $22,500,000) (increased by $13,000,000) (increased by $6,000,000)''.

H.R. 4733

OFFERED BY: MR. HULSHOF

AMENDMENT NO. 5: In title I of the bill, under the heading ''DEPARTMENT OF DEFENSE—CIVIL, DEPARTMENT OF THE ARMY, GENERAL INVESTIGATIONS'' insert after the first dollar amount ''(increased by $2,000,000)''.

In title I of the bill, under the heading ''DEPARTMENT OF DEFENSE—CIVIL, DEPARTMENT OF THE ARMY, GENERAL EXPENSES'' insert after the first dollar amount ''(decreased by $2,000,000)''.

H.R. 4733

OFFERED BY: MRS. KELLY

AMENDMENT NO. 6: Page 39, insert after line 21 the following:

SEC. 606. None of the funds in this Act for the Nuclear Regulatory Commission may be used for the restart of operations at Indian Point 2 nuclear power facility in Buchanan, New York.

H.R. 4733

OFFERED BY: MRS. KELLY

AMENDMENT NO. 7: Page 39, insert after line 21 the following:

SEC. 606. None of the funds in this Act may be available for the restart of operations at Indian Point 2 nuclear power facility in Buchanan, New York, prior to the replacement of the plant's steam generators.

H.R. 4733

OFFERED BY: MR. KINGSTON

AMENDMENT NO. 8: Page 21, line 5, insert '', including conducting a study of the economic basis of recent gasoline price levels'' after ''until expended''.

H.R. 4733

OFFERED BY: MR. KINGSTON

AMENDMENT NO. 9: Page 33, after line 2, insert the following new section:

SEC. 311. Not later than 30 days after the date of the enactment of this Act, the Secretary of Energy shall transmit to the Congress a report on activities of the executive branch to address high gasoline prices and to develop an overall national energy strategy.

H.R. 4733

OFFERED BY: MR. KINGSTON

AMENDENT NO. 10: Page 39, after line 19, insert the following new section:

SEC. 607. None of the funds made available by this Act shall be used to pay the salaries of employees of the Department of Energy who handle classified information related to computer equipment containing sensitive national security information at Los Alamos, New Mexico, and have refused to take a lawfully authorized lie detector test related to their official duties.

H.R. 4733

OFFERED BY: MR. ROYCE

AMENDMENT NO. 11: Page 16, line 18, after the dollar amount insert the following: ''(reduced by $20,000,000)''.

Page 21, line 19, after the dollar amount insert the following: ''(increased by $20,000,000)''.

H.R. 4733

OFFERED BY: MR. VISCLOSKY

AMENDMENT NO. 12: Page 39, line 5, insert after the period the following:

The limitation established in this section shall not apply to any activity otherwise authorized by law.

United States
of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE *106th* CONGRESS, SECOND SESSION

Vol. 146 WASHINGTON, MONDAY, JUNE 26, 2000 *No. 82*

Senate

The Senate met at 1 p.m. and was called to order by the President pro tempore (Mr. THURMOND).

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

This morning, Lord, we ask You for a very special gift. This gift is one we know You want to give. It is for the awareness of the power of prayer for each other. You have told us in the Scriptures that there are blessings You grant only when we care enough to pray for each other. We also know that our attitudes are changed when we pray for each other. We listen better and conflicts are resolved. We discover answers to problems together because prayer has made it easier to work out solutions.

Also, when we pray for each other, You affirm our mutual caring by releasing supernatural power. Working together becomes more pleasant and more productive. Knowing this, we make a renewed commitment to pray for the people around us, those with whom we disagree politically, and those with whom we sometimes find it difficult to work. If we pledge that we are one Nation under God, help us to exemplify to our Nation what it means to be one Senate family with unity in diversity, held together with the bonds of loyalty to You and our Nation, in consistent daily prayer for Your best for each other. In the name of our Lord. Amen.

PLEDGE OF ALLEGIANCE

The Honorable JON KYL, a Senator from the State of Arizona, led the Pledge of Allegiance, as follows:

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

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The Senator from Arizona is recognized.

SCHEDULE

Mr. KYL. Mr. President, today the Senate will be in a period of morning business until 3 p.m. Following morning business, the Senate will resume consideration of the Labor, Health and Human Services appropriations bill. Senator MCCAIN's amendment regarding protection of children using the Internet is the pending amendment, and it is hoped that all debate on that amendment can be completed by midday tomorrow. It is hoped that those Senators who have amendments will come to the floor as soon as possible to offer and debate their amendment. Votes may occur early tomorrow morning and Senators should adjust their schedules accordingly.

I thank my colleagues for their attention.

Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HOLLINGS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. KYL). Without objection, it is so ordered.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, the Senate will now be in a period of morning business until the hour of 3 p.m., with Senators permitted to speak therein for up to 10 minutes each.

Under the previous order, the Senator from Illinois, Mr. DURBIN, or his designee, shall be in control of the time until 2 p.m.

The Senator is recognized.

PNTR

Mr. HOLLINGS. Mr. President, here we go again, treating foreign trade as foreign aid, failing to compete, and giving away our technology and production. The permanent normal trade relations with China—PNTR—vote is not about access to China. The agreement doesn't provide open access, and even as a member of the WTO, China's market doesn't become open. Japan has been a member of the WTO for 5 years and her market remains closed. PNTR is certainly not about jobs in America, but about production and jobs in China. As headlined in the Wall Street Journal, corporate America is in a foot race to invest and produce in China. PNTR is not about exports. Today's $70 billion deficit in the balance of trade with China is bound to increase. Nor will PNTR maintain our ''lead'' in technology. Already we have a $3.2 billion deficit in technology trade with China that threatens to reach $5 billion this year. PNTR is not about environment and labor. It took the democratic United States 200 years to get around to labor and environmental protections. Emerging countries, like us in the beginning, will sacrifice labor and environment to produce and build. PNTR is not about human rights. Human rights will be abused by a communist government in order to control a population of 1.3 billion. PNTR is not about undermining the communist regime in China. The communist regime knows what it's doing and unanimously favors PNTR. Finally, PNTR is not about China obeying its agreements, but the United States enforcing ours.

We are in a desperate circumstance. For 50 years we have readily sacrificed our manufacturing sector to spread capitalism and defeat communism. But our security rests as if on a three legged stool. The one leg of values is strong. America is admired the world around for its stand for human rights and individual freedom. The second leg of military power is unquestioned. The third leg of economic strength has become fractured. We have gone from 41% of our work force in manufacture at the end of World War II to 14 percent. Manufacture provides the salary and benefits that produce a middle class. This middle class is not only the strength of an economy, but the strength of a democracy. As Akio Morita of Sony stated: ''That world power that loses its manufacturing capacity will cease to be a world power.''

''Permanent'' is the objectionable part of PNTR. The issue is not whether we will trade with China—we will. But the annual renewal of our trade relations affords us an opportunity to once more get the attention of our leadership as to an impending disaster. It's not just trade. The U.S. influence in world diplomacy is threatened. The 6th Fleet and the hydrogen bomb are no longer a threat. Today, economic power counts. Money talks. The domestic market is the principal weapon in the global competition. We have the richest, but refuse to use it, all because of some nonsense that a trade war may ensue. We are in a trade war and don't know it. It shows the lack of understanding of the global economy, of the global competition.

To begin with, the global competition is keen. With the fall of the Wall, 4 billion people have entered the work force. With technology transferred on a computer chip, financed by satellite, one can produce anything anywhere. In the age of robots, skilled production is readily available. The most productive automobile plant in the world, according to J.D. Power, is not in Detroit, but in Mexico. Years ago as Governor, I was admonished to let the emerging countries produce the textiles and the shoes; the United States would produce the airplanes and computers. Today, the competition produces the textiles, the shoes, the airplanes and the computers. All countries have as a goal obtaining technology and producing technology. All protect their domestic agriculture. All, except the United States, protect their local market from foreign imports. And all, except the United States, enjoy government financing. The European aircraft sold in the United States is government financed. The Japanese car taking over the United States market is financed and protected—and sold for less than cost. Most importantly, the goal of U.S. trade is profits. The goal of global competition is market share. While the competition cares little about a standard of living, the U.S. burdens its production with a high standard. Before ''Jones Manufacturing'' can open its doors it must have a minimum wage, Social Security, Medicare, Medicaid, clean air, clean water, a safe working place, safe machinery, plant closing notice, parental leave—and almost ergonomics. Corporate taxes in the U.S. are a cost of production; whereas, the competition's value added tax is rebated at export. The global competition saves while we consume. They willingly pay $4.50 for a gallon of gasoline but we go ''ape'' when a gallon reaches $2.00. The global competition is organized and directed. We are totally disorganized. There are 28 agencies and departments engaged in trade decisions and we have allowed the financing of our debt to control trade decisions. Former Prime Minister of Japan, Hashimoto, threatened one afternoon at Columbia University to stop buying our bonds if we insisted on enforcing our dumping laws. The stock market fell 200 points within an hour and the dumping law against Japan was not enforced. Finally, all countries in international trade use access to their markets as a bargaining chip. Refusing to compete, we cry, ''be fair; be fair; level the playing field''. Moral suasion has little affect in business. We continue to lose our technology and production. It has gotten so bad that the foreign corporation in a controlled economy now preys on the domestic bloodied from open competition. Volvo buys Mack Truck. Daimler-Benz seizes Chrysler. And the European Union denies the MCI-Sprint merger so the Deutsche Telekom can buy Sprint.

As the United States moves now to set the parameters of trade with 1.3 billion producers of agriculture and products, we need time. We need understanding. The $300 billion trade deficit, costing the economy 1% growth, must be reversed. The PNTR vote is not against China, but to get the attention of the United States. We need to set trade policy and start competing. We need to realize that we are competing with ourselves. In the early 1970s our banks financing foreign investment began making a majority of their profits outside of the United States. They organized think-tanks, consultants, and entities such as the Trilateral Commission to promote the ''free trade'' line. Corporate America, making a bigger profit on foreign production, changed from nationals to multinationals. The campuses, sustained by corporate multinationals, all teach ''free trade''. The retailers, enjoying a bigger profit on the imported article, shout ''free trade''. The newspaper editorialists, financed by retail advertising, exhault ''free trade''. And then there's the lawyer. One country, Japan, pays their lawyers more to lobby Congress than the combined salaries of all the Members of Congress. By way of pay, Japan is better represented in Washington than the people of the United States. Article 1, Section 8 of the Constitution provides ''that Congress shall have the power to regulate commerce with foreign nations'', but this power has been forsaken to the multinationals and foreign competition. PNTR will only continue this outrage. Trade with China will continue. But the only leverage we have left with China, the only chance for Congress to assume its responsibility for trade, is this annual review. ''Permanent'' must be stricken from Permanent Normal Trade Relations.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. KYL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. THOMAS). Without objection, it is so ordered.

Mr. KYL. Mr. President, I ask unanimous consent that I be permitted to speak on Republican time at this point, and should a member of the other party wish to later utilize minutes remaining on their time that they be permitted to do so.

The PRESIDING OFFICER. Without objection, it is so ordered.

ENERGY POLICY

Mr. KYL. Mr. President, the reason I wanted to speak this afternoon is to address the issue of energy policy and gasoline prices.

It seems now that we are in the finger-pointing mode trying to blame one another for what is in effect a market condition; that is, the increasing rise in the price of gasoline.

My point this morning is that it should come as no surprise to any of us that gas prices have gone up. Why is this so?

First of all, thanks to Senator PETE DOMENICI, the chairman of the Energy and Water Subcommittee of the Appropriations Committee, who yesterday in response to a question on a national TV program made, I think, the most succinct statement on this, we have the basic answer. He said, ''The chickens have come home to roost.''

He said that after 7 years of the Clinton-Gore administration policy, which is in effect no policy with respect to improving our energy situation, ''The chickens have come home to roost.''

While we have enjoyed a great time of prosperity in this country, we have been doing nothing to ensure that we would be able to provide the energy resources—the oil and gas on which our economy runs—at the time when our economy is up and running, as it is now; and, therefore, we should not be surprised that the demand for this product has outstripped the supply. He is correct in that.

Thanks to Senator MURKOWSKI, who chairs the Energy and Natural Resources Committee in the Senate, we have the statistics which back up this statement.

Since 1992, U.S. oil production is down 17 percent, but consumption is up

14 percent. That is the basic fact right there. Demand is up significantly but production in this country is down significantly. The reason production is down is because of the specific policies of this administration.

It should come as no surprise to us that when demand is greater and supply is less, the price is going to go up. Only those who do not understand the free market would fail to appreciate this fact and point the finger at someone else.

Imports, we learned from Senator MURKOWSKI, are now at 56 percent of our total supply and growing rapidly. In fact, they are in the neighborhood of about 62 percent during some months—specifically during this period of time.

By comparison, in 1973, during the time of the Arab oil embargo, we imported about 35 percent of foreign oil.

Remember how we were complaining at that point about how dependent upon these OPEC supplies we were—35 percent then and up to 62 percent now.

We are approaching twice as much dependency on foreign oil supplies as we had during the time of the great oil embargo of the early 1970s.

At current prices, I might add, the United States spends $300 million a day on imported oil. That is over $100 billion per year on foreign oil, which, incidentally, is about one-third of our entire trade deficit.

This puts into clear perspective the amount of our reliance on these foreign sources.

Are the people who supply this oil from abroad our friends when it comes to the supplying of this particular product? Are they working with us to keep the prices down? No. We know, as matter of fact, in this area even that our friends are willing to take advantage of the great demand and thirst for this product in the United States.

The OPEC nations, which include our friend to the south, Mexico, and other countries in this hemisphere, but most especially the countries in the Middle East led by our friend, Saudi Arabia, have restricted the supply so as to drive the cost of the product up.

It is real simple. When we don't have control over the supply that our friends do, they will take advantage of us. Frankly, we can't blame them. That is part of the way the market operates. We would object that they have gathered together in the form of a monopoly or oligopoly, and they are controlling the price. But it is their ability to do that on the foreign market. We understand that. We should not be surprised by it. But we should be committed to doing something about it.

For 7 years, this administration not only has not done anything about it; it has gotten us more and more deeply in the hole of reliance on foreign oil.

I have a friend back home—a rancher. The Presiding Officer will probably appreciate this kind of western humor, since he likes to collect these items. He said he has an attitude. He said: When you are trying to get out of a hole, the first thing you do is stop digging.

I submit that we are going to keep digging the hole deeper and deeper if we don't stop this reliance on foreign oil, and if we don't start doing something about increasing our supply here at home.

It turns out that we have plenty of opportunities, which I will get to in just a moment.

One other fact that I think is important to note is that 36 refineries have closed since 1992. We have had no new refineries built in this country since 1976. It is not only the fact that we have less oil being produced in the United States, but also that less oil product is being refined in this country primarily because of the stringency of environmental regulations.

What has been the administration's policy? Its energy policy says that we should have a mix of energy sources. But let's look at the facts.

We have the lowest production in this country since world War II. We are importing more oil than ever before. We have regulations and taxes designed basically to close the oil industry. The President himself vetoed a bill to open so-called ANWR in 1995 with 16 billion barrels of oil—that is about a 30-year supply of imports from Saudi Arabia—and has instead advocated increasing royalty rates, which, of course, would make foreign investment even more attractive to U.S. companies and cause them to not want to produce oil here in this country.

I get letters from constituents who say we should close down any offshore drilling or any drilling of oil in the Alaska reserve. I think these people need to appreciate that there was an area cut out of the wilderness area in Alaska and designated specifically for the production of oil. It is a very small area. We created a vast new wilderness on the North Slope of Alaska. It is a beautiful area. I have been there. But we created a very small island in there in effect that does not have any particular environmental benefit compared to the areas around it. We said in that particular area we would explore for oil. It is in that area that we are talking about producing this 16 billion barrels of oil.

I have been to that area. I suggest anybody who believes we should not pursue the exploration for oil in that area ought to visit it. I think they will see two things. First, we have found a way to drill for oil that is very environmentally safe and benign. In effect, in a very small area about the size of this Senate Chamber, up to 10 wells can be drilled at a depth of about 10,000 feet with another 10, 15, or more thousand feet of drilling horizontally to a point of oil. We have a very small area where the oil drilling is actually evident from the surface of the Earth but a very large area underneath from which the oil is taken. This is done in an extraordinarily environmentally safe way. You cannot even tell, when you are on the surface, what is being done.

We can explore for and obtain oil from these sites, such as the Alaska oil, as well as offshore sites, using the same technology without environmental damage. However, the administration has precluded us from doing so.

Now, we have a great deal of coal, much low sulfur. The cleanest coal in the lower 48 States was locked up when the President declared the large area of Montana a national monument and, therefore, we could not take advantage of the low-sulfur coal that is located in that area.

Nuclear power is the cleanest of all, but this administration has been opposed to nuclear power. In fact, there have been no new power plants, and the President, of course, vetoed the nuclear waste disposal bill. This is essential for the further development of nuclear power.

With respect to hydropower, we have a Secretary of Interior who says he was to be the first Secretary to tear down dams. We cannot produce hydropower without dams.

With respect to natural gas, vast areas of coal development in both the OCS and the Rocky Mountain area have been closed to natural gas.

The bottom line is this administration's policy is not conducive to the development of new sources of energy in the United States, even environmentally safe, environmentally benign sources. Instead, virtually every policy this administration has pursued has had the effect of reducing U.S. oil production and increasing our reliance upon foreign sources. All that does is enable those foreign sources to take advantage of this reliance by reducing their production and jacking up the price. American consumers are paying the result of that at the pump.

I have one or two other statistics. Since the start of the Clinton-Gore administration, according to Senator MURKOWSKI's figures, domestic oil production in the United States has fallen by 17 percent for the reasons I articulated. We can't, with that level of reduction in U.S. oil production, maintain a level which enables the U.S. to control our own destiny in terms of the price of oil. We are already spending over $100 billion per year on foreign oil, about a third of our trade deficit.

As a result of these facts, I have joined with Senator LOTT, our majority leader, and others, in introducing the National Energy Security Act of 2000, S. 2557, the goal of which is to roll back our dependence on foreign oil to a level below 50 percent.

In conclusion, there has been a lot of finger pointing. Some say it is the result of taxes. I support, at least temporarily—in fact, I would support permanently—removing the 18.4-percent Federal gas tax. People say that is only a drop in the bucket. It is almost 20 cents on the price of a gallon of gas. That is not peanuts if you have to fill your car as much as a lot of folks do.

The EPA has been changing its mind about additives. In some parts of the

country that has increased the cost of a gallon of gasoline.

We have fewer refineries, as I indicated.

Most of all, it is ''the chickens are coming home to roost'' answer that Senator DOMENICI provided; namely, that we have decreased the United States oil production at the same time we are relying more and more on foreign oil. The net result of that should come as no surprise to anyone. We are going to have to pay higher prices at the gas pumps as a result.

It is time that the United States had a clear strategy, a good energy policy, that promoted the development of oil resources in the United States in a safe and environmentally clean way. That can be done. I believe under a new administration which is focused on developing an energy strategy that will suit the American people, it will be done.

I thank Senator THOMAS for making some of his time available to talk about this important subject.

The PRESIDING OFFICER (Mr. BUNNING). The Senator from Wyoming.

Mr. THOMAS. Mr. President, I thank the Senator from Arizona.

Quite often we have difficulties, we have problems, and we really don't think about the policy that has created it—or in this case, the lack of policy.

I think it is very important that as we have the great growth of energy use in this country, that we take a look at our policy and not let ourselves become captives of overseas production.

M/V ''MIST COVE''

Mr. THOMAS. I ask unanimous consent that the Commerce Committee be discharged from further consideration of H.R. 3903, and the Senate then proceed to its immediate consideration.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 3903) to deem the vessel M/V MIST COVE to be less than 100 gross tons, as measured under chapter 145 of title 46, United States Code.

There being no objection, the Senate proceeded to consider the bill.

Mr. THOMAS. Mr. President, I ask unanimous consent the bill be read the third time and passed, the motion to reconsider be laid upon the table, and any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 3903) was read the third time and passed.

OCEANS ACT OF 2000

Mr. THOMAS. Mr. President, I ask unanimous consent the Senate proceed to the consideration of Calendar No. 568, S. 2327.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 2327) to establish a Commission on Ocean Policy, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

AMENDMENT NO. 3620

(Purpose: To establish a Commission on Ocean Policy, and for other purposes)

Mr. THOMAS. Mr. President, Senator HOLLINGS has a substitute amendment at the desk, and I ask for its consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Wyoming [Mr. THOMAS], for Mr. HOLLINGS, proposes an amendment numbered 3620.

Mr. THOMAS. I ask unanimous consent reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The text of the amendment is printed in today's RECORD under ''Amendments Submitted.'')

Mr. MCCAIN. Mr. President, I rise in support of S. 2327, the Oceans Act of 2000. This bill would establish a Commission on Ocean Policy to assess the problems that face our nation's coastal regions. Over half of the U.S. population lives in these areas and they are the source of one third of our gross domestic product. Clearly, the current problems faced in our coastal areas cannot be left unattended. Senator HOLLINGS, the ranking member on the Commerce Committee, has worked hard on this legislation. I am pleased that the Committee was able to report this bill in the most expeditious manner.

The Commission will examine current programs and policies related to coastal and Great Lakes regions, and determine whether the problems in such areas are adequately addressed by current laws, regulations, and public policy. The 1966 Stratton Commission, also the result of the hard work of Senators HOLLINGS, STEVENS, and INOUYE, led to the establishment of the National Oceanic and Atmospheric Administration and the enactment of the Coastal Zone Management Act. While the Stratton Commission provided an invaluable service to our nation, over thirty years have passed since that landmark study. Now it is necessary to reexamine the programs, policies, and state of America's coastal areas.

The Commission established by this bill will issue recommendations to the President and Congress to develop an effective and efficient national policy for our coastal regions. Mr. President, it is time for a comprehensive review of the policies that affect so many Americans.

I thank Senator HOLLINGS for his hard work and determination to address this issue. Mr. President, I urge the Senate to pass the Oceans Act of 2000.

Mr. HOLLINGS. Mr. President, I rise today in support of Senate passage of S. 2327, the Oceans Act of 2000. The bill calls for an action plan for the twenty-first century to explore, protect, and make better use of our oceans and coasts. Its passage is, quite simply, the most important step we can take today to ensure an effective, coordinated and comprehensive ocean policy to guide us into the new millennium.

I thank my colleagues in the Commerce Committee for their support, in particular, Senators SNOWE, KERRY, and STEVENS, for their cosponsorship and their efforts over the last several weeks to bring this bill to the floor. Following in the Commerce Committee tradition with respect to ocean issues, this has been a bipartisan process. I also thank the other cosponsors of the legislation, Senators BREAUX, INOUYE, BOXER, LAUTENBERG, MURKOWSKI, LIEBERMAN, AKAKA, FEINSTEIN, CLELAND, MOYNIHAN, MURRAY, REED, SARBANES, SCHUMER, WYDEN, LANDRIEU, MURKOWSKI, CHAFEE, and ROTH for their continued support. Finally, I want to express my appreciation to the numerous industry, environmental, and academic groups who agree that the time has come for this bill.

Mr. President, it is critical that we enact the Oceans Act of 2000 this year as we pass through the gateway to a new millennium. The oceans are again beginning to receive the attention they received in 1966 when we enacted legislation to establish a Commission on Marine Science, Engineering, and Resources (known as the Stratton Commission for its chairman Julius Stratton) to recommend a comprehensive national program to explore the oceans, develop marine and coastal resources, and conserve the sea. The Stratton Commission's report and recommendations have shaped U.S. ocean policy for three decades, and resulted in the creation of the National Oceanic and Atmospheric Administration (NOAA) under Presidential Reorganization Plan Number Four, as well as most of the major marine conservation status NOAA implements. These include the National Marine Sanctuaries Act, the Magnuson-Stevens Fishery Conservation and Management Act, and the Coastal Zone Management Act.

Where the Stratton Commission performed its work with vision and integrity, the world has changed in myriad ways since 1966. Ocean and coastal issues are growing more popular day by day, but we are able to make the necessary headway to ensure they get the attention and priority they deserve. Consider the following quote from the National Research Council's report entitled Striking a Balance, Improving Stewardship of Marine Areas:

The findings of the Marine Board studies have revealed a strong interest in the nation's coastal and marine areas by present and potential offshore industries, coastal states responsible for resource development and environmental preservation of their offshore regions, and the ocean research community. Little has been done, however, to devise a comprehensive regulatory or management framework for current or future activities in federal and state waters or on or under the seabed in the U.S. Exclusive Economic Zone. The need for a regulatory and

management framework is likely to increase in the future . . . No mechanism exists for establishing a common vision and a common set of objectives . . . .

Establishing an independent national Ocean Commission in the year 2000 could comprehensively evaluate concerns that cannot be viewed effectively through current federal processes or through privately-commissioned studies. These include concerns about providing appropriate priority and funding for critical ocean conservation and management issues, as well as whether the ocean management regimes that have developed over the last 30 years are duplicative and uncoordinated, resulting in costly or time-consuming requirements that may provide little incremental environmental benefit.

The essential elements of the legislation before the Senate today remain the same as the Committee-reported version, with further amendments to reinforce the importance of science in supporting the Commission's activities. The Oceans Act of 2000 would establish a 16-member high level national Commission, similar to the Stratton Commission, to examine ocean and coastal activities and report within 18 months on recommendations for a national policy. The Commission members would be selected from individuals nominated by majority and minority representatives in both houses of Congress. Eligible individuals include a truly balanced group of experts representing state and local governments, academia, ocean-related industries and public interest groups.

The Act would become effective at the end of this year, enabling the current Administration to complete the interagency ocean initiative resulting from the hard work done by the ocean community for the 1998 International Year of the Ocean. It will also allow the incoming Administration time to evaluate the Commission nominees and make appointments. Once the Commission completes its recommendations to the President and to Congress, it will then be the President's turn to report to Congress how he will respond to these recommendations. As in 1966, the real work will begin after the Commission completes its report. History has taught us that Congressional support and participation is essential to ensuring the long-term success of this truly national ocean effort. We are off to a very good start. The current bill enjoys wide support in the Senate and from industry, conservation groups, scientists, and states, all of whom have sent numerous letters of support over the past several months. Most recently, we have received letters of support from the Chairman of the National Academy of Sciences' National Research Council, the fifty-three member institutions that are part of the Consortium for Oceanographic Research and Education, as well as fourteen major telecommunications and information technology groups.

Mr. President, this legislation is both appropriate and long overdue. By the end of this decade about 60% of Americans will live along our coasts, which account for less than 10% of our land area. I am amazed that in this era, when we've invested billions of dollars in exploring other planets, we know so little about the ocean and coastal systems upon which we and other living things depend. Large storms events like Hurricane Floyd and Hugo, driven by ocean-circulation patterns, pose the ultimate risk to human health and safety. El Nino-related climate events have led to increased incidence of malaria in some countries. Harmful algal blooms have been linked to deaths of sea lions in California and manatees in Florida, and we are still searching to understand their effects on humans. The oceans are home to 80% of all life forms on Earth, but only 1% of our biotechnology R&D budget will focus on marine life forms. Mr. President, the oceans are integral to our lives but we are not putting a high enough priority on finding ways to learn more about them, and what they may hold for our future.

The Stratton Commission stated in 1969: ''How fully and wisely the United States uses the sea in the decades ahead will affect profoundly its security, its economy, its ability to meet increasing demands for food and raw materials, its position and influence in the world community, and the quality of the environment in which its people live.'' Those words are as true today as they were 30 years ago. It is time to look towards the next 30 years. As a nation, we must consider the challenges and opportunities that lie ahead and ensure the development of an integrated national ocean and coastal policy to deal with them well into the next millennium. I urge the Senate to pass this legislation.

Ms. SNOWE. Mr. President, today the Senate is considering S. 2327, the Oceans Act of 2000. I am pleased to support this bill, which will have a major influence on the direction of U.S. ocean policy, management, and research for many years to come.

In 1966, Congress established the Stratton Commission through the enactment of the Marine Resources and Engineering Development Act. The Stratton Commission provided a comprehensive evaluation of the role of the ocean to the United States and provided a series of recommendations regarding ocean and coastal policy for the future.

After over 30 months of meetings, hearings, and correspondence, the Commission produced the 1969 report, ''Our Nation and the Sea''. The document made a significant impact on coastal and ocean policy, leading to the creation of the National Oceanic and Atmospheric Administration in 1970 and the National Coastal Zone Management Program in 1972.

Now, over thirty years after publication of the original Stratton Commission report, it is time to reexamine current U.S. programs and legislation that affect the oceans, Great Lakes, and coastal zones. Our coastal regions and ocean resources are under increasing pressures. In the United States, more than 53 percent of the population is living in coastal regions that comprise only 17 percent of the contiguous U.S. land area. Additionally, the coastal population is increasing by 3,600 people per day, with a projected coastal increase of 27 million people by the year 2015.

The increasing pressures on the coast are being mirrored in the oceans. Valuable commercial activities such as shipping and maritime transportation, oil and gas production, and fishing impact the oceans and Great Lakes. Additionally, environmental stresses, such as pollution and increased water temperatures potentially due to global climate change, are exacerbating existing problems.

The Oceans Act of 2000 will create a Commission on Ocean Policy to examine a variety of ocean and Great Lakes issues. Protection of the marine environment, prevention of marine pollution, enhancement of maritime commerce and transportation, response to natural hazards, and preservation of the United States' role as a leader in ocean and coastal activities will all be reviewed. The Commission will be composed of 16 members that represent state and local governments, ocean-related industries, academic and technical institutions, and relevant public interest organizations. The members will be nominated by Congress and appointed by the President.

The Commission will be responsible for submitting a report to Congress and the President, within 18 months, containing their recommendations. These recommendations will focus on the development of a comprehensive, cost-effective policy to address pressing ocean and coastal issues. It will provide important guidance to policy makers on how to shape the future direction of ocean policy for the United States.

Mr. President, I would like to recognize Senator HOLLINGS, the author of the bill, for his work creating the original Stratton Commission and for his leadership on this issue. In addition, Senator STEVENS and Senator INOUYE, both original cosponsors of the legislation, were involved with the work of the Stratton Commission, and I look forward to working with them and the other members of the Commerce Committee on the Oceans Act of 2000. Finally, I would like to thank Senator MCCAIN, the Chairman of the Committee and Senator KERRY, the ranking member of the Oceans and Fisheries Subcommittee for their support of this measure.

Mr. THOMAS. I ask unanimous consent that the amendment be agreed to, the bill be read the third time and passed, the motion to reconsider be laid upon the table, and any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 3620) was agreed to.

The bill (S. 2327), as amended, was considered read the third time and passed, as follows:

S. 2327

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 ''Oceans Act of 2000''.

SEC. 2. PURPOSE AND OBJECTIVES.

The purpose of this Act is to establish a commission to make recommendations for coordinated and comprehensive national ocean policy that will promote—

(1) the protection of life and property against natural and manmade hazards;

(2) responsible stewardship, including use, of fishery resources and other ocean and coastal resources;

(3) the protection of the marine environment and prevention of marine pollution;

(4) the enhancement of marine-related commerce and transportation, the resolution of conflicts among users of the marine environment, and the engagement of the private sector in innovative approaches for sustainable use of living marine resources and responsible use of non-living marine resources;

(5) the expansion of human knowledge of the marine environment including the role of the oceans in climate and global environmental change and the advancement of education and training in fields related to ocean and coastal activities;

(6) the continued investment in and development and improvement of the capabilities, performance, use, and efficiency of technologies for use in ocean and coastal activities, including investments and technologies designed to promote national energy and food security;

(7) close cooperation among all government agencies and departments and the private sector to ensure—

(A) coherent and consistent regulation and management of ocean and coastal activities;

(B) availability and appropriate allocation of Federal funding, personnel, facilities, and equipment for such activities;

(C) cost-effective and efficient operation of Federal departments, agencies, and programs involved in ocean and coastal activities; and

(D) enhancement of partnerships with State and local governments with respect to ocean and coastal activities, including the management of ocean and coastal resources and identification of appropriate opportunities for policy-making and decision-making at the State and local level; and

(8) the preservation of the role of the United States as a leader in ocean and coastal activities, and, when it is in the national interest, the cooperation by the United States with other nations and international organizations in ocean and coastal activities.

SEC. 3. COMMISSION ON OCEAN POLICY.

(a) ESTABLISHMENT.—There is hereby established the Commission on Ocean Policy. The Federal Advisory Committee Act (5 U.S.C. App.), except for sections 3, 7, and 12, does not apply to the Commission.

(b) MEMBERSHIP.—

(1) APPOINTMENT.—The Commission shall be composed of 16 members appointed by the President from among individuals described in paragraph (2) who are knowledgeable in ocean and coastal activities, including individuals representing State and local governments, ocean-related industries, academic and technical institutions, and public interest organizations involved with scientific, regulatory, economic, and environmental ocean and coastal activities. The membership of the Commission shall be balanced by area of expertise and balanced geographically to the extent consistent with maintaining the highest level of expertise on the Commission.

(2) NOMINATIONS.—The President shall appoint the members of the Commission, within 90 days after the effective date of this Act, including individuals nominated as follows:

(A) 4 members shall be appointed from a list of 8 individuals who shall be nominated by the Majority Leader of the Senate in consultation with the Chairman of the Senate Committee on Commerce, Science, and Transportation.

(B) 4 members shall be appointed from a list of 8 individuals who shall be nominated by the Speaker of the House of Representatives in consultation with the Chairmen of the House Committees on Resources, Transportation and Infrastructure, and Science.

(C) 2 members shall be appointed from a list of 4 individuals who shall be nominated by the Minority Leader of the Senate in consultation with the Ranking Member of the Senate Committee on Commerce, Science, and Transportation.

(D) 2 members shall be appointed from a list of 4 individuals who shall be nominated by the Minority Leader of the House in consultation with the Ranking Members of the House Committees on Resources, Transportation and Infrastructure, and Science.

(3) CHAIRMAN.—The Commission shall select a Chairman from among its members. The Chairman of the Commission shall be responsible for—

(A) the assignment of duties and responsibilities among staff personnel and their continuing supervision; and

(B) the use and expenditure of funds available to the Commission.

(4) VACANCIES.—Any vacancy on the Commission shall be filled in the same manner as the original incumbent was appointed.

(c) RESOURCES.—In carrying out its functions under this section, the Commission—

(1) is authorized to secure directly from any Federal agency or department any information it deems necessary to carry out its functions under this Act, and each such agency or department is authorized to cooperate with the Commission and, to the extent permitted by law, to furnish such information (other than information described in section 552(b)(1)(A) of title 5, United States Code) to the Commission, upon the request of the Commission;

(2) may enter into contracts, subject to the availability of appropriations for contracting, and employ such staff experts and consultants as may be necessary to carry out the duties of the Commission, as provided by section 3109 of title 5, United States Code; and

(3) in consultation with the Ocean Studies Board of the National Research Council of the National Academy of Sciences, shall establish a multidisciplinary science advisory panel of experts in the sciences of living and non-living marine resources to assist the Commission in preparing its report, including ensuring that the scientific information considered by the Commission is based on the best scientific information available.

(d) STAFFING.—The Chairman of the Commission may, without regard to the civil service laws and regulations, appoint and terminate an Executive Director and such other additional personnel as may be necessary for the Commission to perform its duties. The Executive Director shall be compensated at a rate not to exceed the rate payable for Level V of the Executive Schedule under section 5136 of title 5, United States Code. The employment and termination of an Executive Director shall be subject to confirmation by a majority of the members of the Commission.

(e) MEETINGS.—

(1) ADMINISTRATION.—All meetings of the Commission shall be open to the public, except that a meeting or any portion of it may be closed to the public if it concerns matters or information described in section 552b(c) of title 5, United States Code. Interested persons shall be permitted to appear at open meetings and present oral or written statements on the subject matter of the meeting. The Commission may administer oaths or affirmations to any person appearing before it:

(A) All open meetings of the Commission shall be preceded by timely public notice in the Federal Register of the time, place, and subject of the meeting.

(B) Minutes of each meeting shall be kept and shall contain a record of the people present, a description of the discussion that occurred, and copies of all statements filed. Subject to section 552 of title 5, United States Code, the minutes and records of all meetings and other documents that were made available to or prepared for the Commission shall be available for public inspection and copying at a single location in the offices of the Commission.

(2) INITIAL MEETING.—The Commission shall hold its first meeting within 30 days after all 16 members have been appointed.

(3) REQUIRED PUBLIC MEETINGS.—The Commission shall hold at least one public meeting in Alaska and each of the following regions of the United States:

(A) The Northeast (including the Great Lakes).

(B) The Southeast (including the Caribbean).

(C) The Southwest (including Hawaii and the Pacific Territories).

(D) The Northwest.

(E) The Gulf of Mexico.

(f) REPORT.—

(1) IN GENERAL.—Within 18 months after the establishment of the Commission, the Commission shall submit to Congress and the President a final report of its findings and recommendations regarding United States ocean policy.

(2) REQUIRED MATTER.—The final report of the Commission shall include the following assessment, reviews, and recommendations:

(A) An assessment of existing and planned facilities associated with ocean and coastal activities including human resources, vessels, computers, satellites, and other appropriate platforms and technologies.

(B) A review of existing and planned ocean and coastal activities of Federal entities, recommendations for changes in such activities necessary to improve efficiency and effectiveness and to reduce duplication of Federal efforts.

(C) A review of the cumulative effect of Federal laws and regulations on United States ocean and coastal activities and resources and an examination of those laws and regulations for inconsistencies and contradictions that might adversely affect those ocean and coastal activities and resources, and recommendations for resolving such inconsistencies to the extent practicable. Such review shall also consider conflicts with State ocean and coastal management regimes.

(D) A review of the known and anticipated supply of, and demand for, ocean and coastal resources of the United States.

(E) A review of and recommendations concerning the relationship between Federal, State, and local governments and the private sector in planning and carrying out ocean and coastal activities.

(F) A review of opportunities for the development of or investment in new products,

technologies, or markets related to ocean and coastal activities.

(G) A review of previous and ongoing State and Federal efforts to enhance the effectiveness and integration of ocean and coastal activities.

(H) Recommendations for any modifications to United States laws, regulations, and the administrative structure of Executive agencies, necessary to improve the understanding, management, conservation, and use of, and access to, ocean and coastal resources.

(I) A review of the effectiveness and adequacy of existing Federal interagency ocean policy coordination mechanisms, and recommendations for changing or improving the effectiveness of such mechanisms necessary to respond to or implement the recommendations of the Commission.

(3) CONSIDERATION OF FACTORS.—In making its assessment and reviews and developing its recommendations, the Commission shall give equal consideration to environmental, technical feasibility, economic, and scientific factors.

(4) LIMITATIONS.—The recommendations of the Commission shall not be specific to the lands and waters within a single State.

(g) PUBLIC AND COASTAL STATE REVIEW.—

(1) NOTICE.—Before submitting the final report to the Congress, the Commission shall—

(A) publish in the Federal Register a notice that a draft report is available for public review; and

(B) provide a copy of the draft report to the Governor of each coastal State, the Committees on Resources, Transportation and Infrastructure, and Science of the House of Representatives, and the Committee on Commerce, Science, and Transportation of the Senate.

(2) INCLUSION OF GOVERNORS' COMMENTS.—The Commission shall include in the final report comments received from the Governor of a coastal State regarding recommendations in the draft report.

(h) ADMINISTRATIVE PROCEDURE FOR REPORT AND REVIEW.—Chapter 5 and chapter 7 of title 5, United States Code, do not apply to the preparation, review, or submission of the report required by subsection (e) or the review of that report under subsection (f).

(i) TERMINATION.—The Commission shall cease to exist 30 days after the date on which it submits its final report.

(j) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section a total of $6,000,000 for the 3 fiscal-year period beginning with fiscal year 2001, such sums to remain available until expended.

SEC. 4. NATIONAL OCEAN POLICY.

(a) NATIONAL OCEAN POLICY.—Within 120 days after receiving and considering the report and recommendations of the Commission under section 3, the President shall submit to Congress a statement of proposals to implement or respond to the Commission's recommendations for a coordinated, comprehensive, and long-range national policy for the responsible use and stewardship of ocean and coastal resources for the benefit of the United States. Nothing in this Act authorizes the President to take any administrative or regulatory action regarding ocean or coastal policy, or to implement a reorganization plan, not otherwise authorized by law in effect at the time of such action.

(b) COOPERATION AND CONSULTATION.—In the process of developing proposals for submission under subsection (a), the President shall consult with State and local governments and non-Federal organizations and individuals involved in ocean and coastal activities.

SEC. 5. BIENNIAL REPORT.

Beginning in September, 2001, the President shall transmit to the Congress biennially a report that includes a detailed listing of all existing Federal programs related to ocean and coastal activities, including a description of each program, the current funding for the program, linkages to other Federal programs, and a projection of the funding level for the program for each of the next 5 fiscal years beginning after the report is submitted.

SEC. 6. DEFINITIONS.

In this Act:

(1) MARINE ENVIRONMENT.—The term ''marine environment'' includes—

(A) the oceans, including coastal and offshore waters;

(B) the continental shelf; and

(C) the Great Lakes.

(2) OCEAN AND COASTAL RESOURCE.—The term ''ocean and coastal resource'' means any living or non-living natural, historic, or cultural resource found in the marine environment.

(3) COMMISSION.—The term ''Commission'' means the Commission on Ocean Policy established by section 3.

SEC. 7. EFFECTIVE DATE.

This Act shall become effective on January 20, 2001.

FISHERMEN'S PROTECTIVE ACT AMENDMENTS OF 1967

Mr. THOMAS. I ask unanimous consent the Senate proceed to consideration of Calendar No. 569, H.R. 1651.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 1651) to amend the Fishermen's Protective Act of 1967 to extend the period during which reimbursement may be provided to owners of United States fishing vessels for costs incurred when such a vessel is seized and detained by a foreign country, and for other purposes.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Commerce, Science, Transportation, with an amendment.

[Omit the part in boldface brackets and insert the part printed in italic]

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

TITLE I—EXTENSION OF PERIOD FOR REIMBURSEMENT UNDER FISHERMEN'S PROTECTIVE ACT OF 1967

SEC. 101. SHORT TITLE.

This title may be cited as the ''Fishermen's Protective Act Amendments of 1999''.

SEC. 102. EXTENSION OF PERIOD FOR REIMBURSEMENT UNDER FISHERMEN'S PROTECTIVE ACT OF 1967.

(a) IN GENERAL.—Section 7(e) of the Fishermen's Protective Act of 1967 (22 U.S.C. 1977(e)) is amended by striking ''2000'' and inserting ''2003''.

(b) CLERICAL AMENDMENT.—Section 7(a)(3) of the Fishermen's Protective Act of 1967 (22 U.S.C. 1977(a)(3)) is amended by striking ''Secretary of the Interior'' and inserting ''Secretary of Commerce''.

TITLE II—YUKON RIVER SALMON

SEC. 201. SHORT TITLE.

This title may be cited as the ''Yukon River Salmon Act of 1999''.

SEC. 202. YUKON RIVER SALMON PANEL.

(a) ESTABLISHMENT.—

(1) IN GENERAL.—There shall be a Yukon River Salmon Panel (in this title referred to as the ''Panel'').

(2) FUNCTIONS.—The Panel shall—

(A) advise the Secretary of State regarding the negotiation of any international agreement with Canada relating to management of salmon stocks originating from the Yukon River in Canada;

(B) advise the Secretary of the Interior regarding restoration and enhancement of such salmon stocks; and

(C) perform other functions relating to conservation and management of such salmon stocks as authorized by this or any other title.

(3) DESIGNATION AS UNITED STATES REPRESENTATIVES ON BILATERAL BODY.—The Secretary of State may designate the members of the Panel to be the United States representatives on any successor to the panel established by the interim agreement for the conservation of salmon stocks originating from the Yukon River in Canada agreed to through an exchange of notes between the Government of the United States and the Government of Canada on February 3, 1995, if authorized by any agreement establishing such successor.

(b) MEMBERSHIP.—

(1) IN GENERAL.—The Panel shall be comprised of six members, as follows:

(A) One member who is an official of the United States Government with expertise in salmon conservation and management, who shall be appointed by the Secretary of State.

(B) One member who is an official of the State of Alaska with expertise in salmon conservation and management, who shall be appointed by the Governor of Alaska.

(C) Four members who are knowledgeable and experienced with regard to the salmon fisheries on the Yukon River, who shall be appointed by the Secretary of State in accordance with paragraph (2).

(2) APPOINTEES FROM ALASKA.—(A) The Secretary of State shall appoint the members under paragraph (1)(C) from a list of at least three individuals nominated for each position by the Governor of Alaska.

(B) In making the nominations, the Governor of Alaska may consider suggestions for nominations provided by organizations with expertise in Yukon River salmon fisheries.

(C) The Governor of Alaska may make appropriate nominations to allow for appointment of, and the Secretary of State shall appoint, under paragraph (1)(C)—

(i) at least one member who is qualified to represent the interests of Lower Yukon River fishing districts; and

(ii) at least one member who is qualified to represent the interests of Upper Yukon River fishing districts.

(D) At least one of the members appointed under paragraph (1)(C) shall be an Alaska Native.

(3) ALTERNATES.—(A) The Secretary of State may designate an alternate Panel member for each Panel member the Secretary appoints under paragraphs (1)(A) and (C), who meets the same qualifications, to serve in the absence of the Panel member.

(B) The Governor of the State of Alaska may designate an alternative Panel member for the Panel member appointed under subsection (b)(1)(B), who meets the same qualifications, to serve in the absence of that Panel member.

(c) TERM LENGTH.—Panel members and alternate Panel members shall serve four-year terms. Any individual appointed to fill a vacancy occurring before the expiration of any term shall be appointed for the remainder of that term.

(d) REAPPOINTMENT.—Panel members and alternate Panel members shall be eligible for reappointment.

(e) DECISIONS.—Decisions of the Panel shall be made by the consensus of the Panel members appointed under subparagraphs (B) and (C) of subsection (b)(1).

(f) CONSULTATION.—In carrying out their functions, Panel members may consult with such other interested parties as they consider appropriate.

SEC. 203. ADVISORY COMMITTEE.

(a) APPOINTMENTS.—The Governor of Alaska may establish and appoint an advisory committee of not less than eight, but not more than 12, individuals who are knowledgeable and experienced with regard to the salmon fisheries on the Yukon River. At least two of the advisory committee members shall be Alaska Natives. Members of the advisory committee may attend all meetings of the Panel, and shall be given the opportunity to examine and be heard on any matter under consideration by the Panel.

(b) COMPENSATION.—The members of such advisory committee shall receive no compensation for their services.

(c) TERM LENGTH.—Members of such advisory committee shall serve two-year terms. Any individual appointed to fill a vacancy occurring before the expiration of any term shall be appointed for the remainder of that term.

(d) REAPPOINTMENT.—Members of such advisory committee shall be eligible for reappointment.

SEC. 204. EXEMPTION.

The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Panel or to an advisory committee established under section 203.

SEC. 205. AUTHORITY AND RESPONSIBILITY.

(a) RESPONSIBLE MANAGEMENT ENTITY.—The State of Alaska Department of Fish and Game shall be the responsible management entity for the United States for the purposes of any agreement with Canada regarding management of salmon stocks originating from the Yukon River in Canada.

(b) EFFECT OF DESIGNATION.—The designation under subsection (a) shall not be considered to expand, diminish, or otherwise change the management authority of the State of Alaska or the Federal Government with respect to fishery resources.

(c) RECOMMENDATIONS OF PANEL.—In addition to recommendations made by the Panel to the responsible management entities in accordance with any agreement with Canada regarding management of salmon stocks originating from the Yukon River in Canada, the Panel may make recommendations concerning the conservation and management of salmon originating in the Yukon River to the Department of the Interior, the Department of Commerce, the Department of State, the North Pacific Fishery Management Council, and other Federal or State entities as appropriate. Recommendations by the Panel shall be advisory in nature.

SEC. 206. ADMINISTRATIVE MATTERS.

(a) COMPENSATION.—Panel members and alternate Panel members who are not State or Federal employees shall receive compensation at the daily rate of GS–15 of the General Schedule when engaged in the actual performance of duties.

(b) TRAVEL AND OTHER NECESSARY EXPENSES.—Travel and other necessary expenses shall be paid by the Secretary of the Interior for all Panel members, alternate Panel members, and members of any advisory committee established under section 203 when engaged in the actual performance of duties.

(c) TREATMENT AS FEDERAL EMPLOYEES.—Except for officials of the United States Government, all Panel members, alternate Panel members, and members of any advisory committee established under section 203 shall not be considered to be Federal employees while engaged in the actual performance of duties, except for the purposes of injury compensation or tort claims liability as provided in chapter 81 of title 5, United States Code, and chapter 71 of title 28, United States Code.

SEC. 207. YUKON RIVER SALMON STOCK RESTORATION AND ENHANCEMENT PROJECTS.

(a) IN GENERAL.—The Secretary of the Interior, in consultation with the Secretary of Commerce, may carry out projects to restore or enhance salmon stocks originating from the Yukon River in Canada and the United States.

(b) COOPERATION WITH CANADA.—If there is in effect an agreement between the Government of the United States and the Government of Canada for the conservation of salmon stocks originating from the Yukon River in Canada that includes provisions governing projects authorized under this section, then—

(1) projects under this section shall be carried out in accordance with that agreement; and

(2) amounts available for projects under this section—

(A) shall be expended in accordance with the agreement; and

(B) may be deposited in any joint account established by the agreement to fund such projects.

SEC. 208. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Secretary of the Interior to carry out this title $4,000,000 for each of fiscal years 2000, 2001, 2002, and 2003, of which—

(1) such sums as are necessary shall be available each fiscal year for travel expenses of Panel members, alternate Panel members, United States members of the Joint Technical Committee established by paragraph C.2 of the memorandum of understanding concerning the Pacific Salmon Treaty between the Government of the United States and the Government of Canada (recorded January 28, 1985), and members of an advisory committee established and appointed under section 203, in accordance with Federal Travel Regulations and sections 5701, 5702, 5704 through 5708, and 5731 of title 5, United States Code;

(2) such sums as are necessary shall be available for the United States share of expenses incurred by the Joint Technical Committee and any panel established by any agreement between the Government of the United States and the Government of Canada for restoration and enhancement of salmon originating in Canada;

(3) up to $3,000,000 shall be available each fiscal year for activities by the Department of the Interior and the Department of Commerce for survey, restoration, and enhancement activities related to salmon stocks originating from the Yukon River in Canada, of which up to $1,200,000 shall be available each fiscal year for Yukon River salmon stock restoration and enhancement projects under section 207(b); and

(4) $600,000 shall be available each fiscal year for cooperative salmon research and management projects in the portion of the Yukon River drainage located in the United States that are recommended by the Panel.

TITLE III—FISHERY INFORMATION ACQUISITION

SEC. 301. SHORT TITLE.

This title may be cited as the ''Fisheries Survey Vessel Authorization Act of 1999''.

SEC. 302. ACQUISITION OF FISHERY SURVEY VESSELS.

(a) IN GENERAL.—The Secretary, subject to the availability of appropriations, may in accordance with this section acquire, by purchase, lease, lease-purchase, or charter, and equip up to six fishery survey vessels in accordance with this section.

(b) VESSEL REQUIREMENTS.—Any vessel acquired and equipped under this section must—

(1) be capable of—

(A) staying at sea continuously for at least 30 days;

(B) conducting fishery population surveys using hydroacoustic, longlining, deep water, and pelagic trawls, and other necessary survey techniques; and

(C) conducting other work necessary to provide fishery managers with the accurate and timely data needed to prepare and implement fishery management plans; and

(2) have a hull that meets the International Council for Exploration of the Sea standard regarding acoustic quietness.

(c) AUTHORIZATION.—To carry out this section there are authorized to be appropriated to the Secretary [$60,000,000.] *$60,000,000 for each of fiscal years 2002 and 2003.*

TITLE IV—MISCELLANEOUS

SEC. 401. USE OF AIRCRAFT PROHIBITED.

Section 7(a) of the Atlantic Tunas Convention Act of 1975 (16 U.S.C. 971e(a)) is amended—

(1) by striking ''or'' after the semicolon in paragraph (1);

(2) by striking ''fish.'' in paragraph (2) and inserting ''fish; or''; and

(3) by adding at the end the following:

''(3) for any person, other than a person holding a valid Federal permit in the purse seine category—

''(A) to use an aircraft to locate or otherwise assist in fishing for, catching, or retaining Atlantic bluefin tuna; or

''(B) to catch, possess, or retain Atlantic bluefin tuna located by use of an aircraft.''.

SEC. 402. FISHERIES RESEARCH VESSEL PROCUREMENT.

Notwithstanding section 644 of title 15, United States Code, and section 19.502–2 of title 48, Code of Federal Regulations, the Secretary of Commerce shall seek to procure Fisheries Research Vessels through full and open competition from responsible United States shipbuilding companies irrespective of size. Any such procurement shall require, as an award criterion, that at least 40 percent of the value of the total contract for the construction and outfitting of each craft be obtained from responsible small business concerns either directly or through subcontracting.

AMENDMENT NO. 3621

(Purpose: To strike the 40 percent SBA set-aside for the fish research vessel procurement)

Mr. THOMAS. Senator SNOWE has an amendment at the desk. I ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Wyoming [Mr. THOMAS], for Ms. SNOWE, proposes an amendment numbered 3621:

On page 13, beginning with ''Any'' in line 23, strike through line 2 on page 14.

THE PRESIDING OFFICER. If there be no further debate, the question is on agreeing to the amendment.

The amendment (No. 3621) was agreed to.

Ms. SNOWE. Mr. President, I rise in support of H.R. 1651, the Fishermen's Protective Act Amendments of 1999. This bill makes a number of conservation and management improvements to several important fisheries laws. First, it amends the Fishermen's Protective Act of 1967 to extend current law from

fiscal year 2000 to fiscal year 2003 so that reimbursement may be provided to owners of U.S. fishing vessels illegally detained or seized by foreign countries. In 1998, there were not any claims filed under this law, but in 1996 and 1997, U.S. vessel owners were reimbursed over $290,000 based on 261 claims for illegal transit fees charged by Canada. Because this provision of the law has expired, the bill will ensure that U.S. vessels who are illegally seized or fined are able to seek reimbursement.

Second, the bill establishes a panel to advise the Secretaries of State and Interior on Yukon River Salmon management issues in Alaska. In 1985, the United States and Canada signed the Pacific Salmon Treaty. This treaty established a framework with which to bilaterally manage their shared salmon stocks. Ten years later, the countries signed an interim agreement regarding management of the stock of salmon in the Yukon River. The United States implemented the agreement on Yukon River salmon through the Fisheries Act of 1995, creating a Yukon River salmon panel and advisory committee.

When the interim agreement expired in 1998, it was unclear whether the advisory panel was still authorized to recommend salmon restoration measures. This bill codifies the Yukon River Salmon Panel, established under the 1995 interim agreement, to advise the Secretary of State on Yukon River Salmon management, advise the Secretary of Interior on enhancement and restoration of the salmon stocks, and perform other activities that relate to the conservation and management of Yukon River salmon stocks. H.R. 1651, as amended, also authorizes $4 million a year for each of fiscal years 2000 through 2003. Up to $3 million of these funds can be used by the Departments of Commerce and Interior for survey, restoration, and enhancement projects related to Yukon River salmon. In addition, the reported bill authorizes $600,000 for cooperative salmon research and management projects in the United States portion of the Yukon River drainage area that have been recommended by the Panel.

Third, the bill, as amended by the Commerce Committee, authorizes $60 million for each of the fiscal years 2002 and 2003 for the Secretary of Commerce to acquire two fishery research vessels. These vessels are one of the most important fishery management tools available to federal scientists. Because they conduct the vast majority of fishery stock assessments, their reliability is critical to fishery management. Species abundance, recruitment, age class composition, and responses to ecological change and fishing pressure can all be studied with these research platforms. The information obtained using them is critical for the improvement of the regulations governing fisheries management.

In New England, there is only one NOAA research vessel—the *Albatross IV*. This vessel is 38 years old, at the end of its useful life, and practically obsolete. Despite this, the vessel continues to collect the survey data that is used for management decisions regarding valuable Northeast fisheries stocks, including cod, haddock and herring. A replacement vessel is crucial to maintaining the existing ability to collect the long term fisheries, oceanographic, and biological data necessary to improve fishery management decisions. According to the Commerce Department, the deterioration of the *Albatross IV* has created an urgent need for a replacement vessel in the Northeast.

Finally, the bill also addresses the use of spotter aircraft in the New England-based Atlantic bluefin tuna (ABT) fishery. Mr. President, in 1998, the Highly Migratory Species Advisory Panel, established under the Magnuson-Stevens Fishery Conservation and Management Act, unanimously requested and advised the Secretary of Commerce to prohibit the use of spotter aircraft in the General and Harpoon categories of the ABT fishery. The use of these planes can accelerate the catch rates and closures in the General and Harpoon categories. In turn, the accelerated catch rates can have an adverse impact on the scientific and conservation objectives of the highly migratory species fishery management plan and the communities that depend on the fishery. Moreover, the use of such aircraft has resulted in an unsafe and often hostile environment in the ABT fishery.

Over two years ago, NMFS issued a proposed rule to adopt the Advisory Panel recommendation. Unfortunately, NMFS has delayed the rule time and again, and ultimately failed to finalize it. Consequently, it has become necessary to take legislative action on the issue. This bill adopts the Commerce Secretary's Advisory Panel recommendation and prohibits the use of spotter aircraft in the General and Harpoon categories of the Atlantic bluefin tuna fishery.

I thank Senator KERRY, the ranking member of the Oceans and Fisheries Subcommittee for his hard work and support, especially with regard to the provisions related to the NOAA fishery research vessels and the Atlantic bluefin tuna fishery. Both of these provisions are quite important in New England. I would also like to express my appreciation to Senator MCCAIN, the Chairman of the Commerce Committee and Senator HOLLINGS, the ranking member of the Committee for their bipartisan support of this measure. I urge the Senate to pass H.R. 1651, as amended.

Mr. THOMAS. Mr. President, I ask unanimous consent the committee amendment, as amended 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 amendments were ordered to be engrossed and the bill was read the third time and passed.

ENERGY COSTS

Mr. THOMAS. Mr. President, we are focusing today on energy and energy costs, which is something of which each of us is certainly aware. I suspect there is more exposure to gasoline prices than any other particular price. As we drive down Main Street in our hometowns, on every block we see a big sign showing the price of gasoline, and it certainly changes.

I wanted to go back a little, however. As the Senator from Arizona mentioned, there is a background here. I think there are several reasons, of course, why we have the price difficulties we have now. It is a complex story. It has to do with global supply and demand. It has to do with technological change and environmental consciousness, the shifting of consumer tastes, and social order. It also, of course, has a great deal to do with restrictions and regulations that have been imposed.

But one of the other things it has to do with is the availability and access to public lands. About 54 percent of the surface of this country belongs to the Federal Government. Most of that, of course, lies in the West. The State ownership in my State of Wyoming is about 50 percent of the total. It goes up to as high as 90 percent of the total in Nevada and Alaska and other States. So the idea of multiple use and access to these lands becomes a very important factor, not only for resources such as oil and gas, but equally important and perhaps even more important, often, for recreation, access for hunting and fishing recreation. We have seen, in recent months, an even more focused effort on the part of this administration to reduce access to public lands, to make it more difficult for the people who own those public lands to have an opportunity to utilize them.

After all, I happen to be the chairman of the Subcommittee on National Parks. The purpose of a national park, of course, is not only to preserve the resource, the national treasure, but to make it available for the people who own it to use it; that is, the taxpayers of this country. It is true, parks are quite different than BLM lands, quite different than Forest Service lands, but the principle is still there; that we ought to preserve that resource and at the same time have multiple use so its owners can enjoy it for recreation, can enjoy it for hunting or fishing, so the economy of this country and the economy of this particular State can be enhanced by the multiple use of those resources.

As we move into different ways of prospecting for oil and different ways of mining, different ways of using snowmobiles and so on, we find we have a better opportunity, as time goes by, to use those resources without causing damage.

Particularly towards the end of this administration, and it has been stated very clearly by the Secretary of Interior and Assistant Secretaries of Interior, they are going to make a mark here. The President has indicated he would like to change his legacy to be like that of Theodore Roosevelt, who did all these things for public lands. The Secretary himself said: If the Congress is not going to do this, we will go ahead and do it without them.

That is a real challenge to one of the strong principles of this Government, the principle of divided government. We have it divided in the Constitution so we have the executive branch, we have the legislative branch, and we have the judicial branch. We have that separation for a very important reason. That is so none of those three branches is able to assume all the responsibility and all of the authority—and, frankly, very little of the accountability.

What we have seen in the last few months is a movement by the administration to go out on its own and make a bunch of regulations and do things, under the Antiquities Act, which reduce the availability of the lands for people who own them to enjoy them; for example, setting aside 40 million acres of forest lands as roadless. There are several problems with that. I don't particularly have any problem with some of that. We have lots of forest lands in my State, and I am glad we do. My parents' property, their ranch, where I grew up, was right next-door to a national forest. There is nothing I care more for.

But the fact is, we ought to have a system for deciding how we handle these lands. Instead of using the forest plan which is what the system is supposed to be, for instance, in the Black Hills we spent 7 years and $7 million doing a forest plan, and now the bureaucrats here in Washington decide we are going to have a national roadless area, without accommodating the people with an opportunity to discuss it for each of the forests, and without coming to the Congress.

Now there are a series of meetings going on which the Forest Service talks about a lot, but I have attended some of those and the fact is when you go, they are not able to tell you really what the plan is. So no one has a chance to react. So what we have, in effect, is the opportunity to avoid this.

The people I have heard from, who feel very strongly about it—some happen to be disabled persons, some happen to be veterans—say: Wait a minute, we don't need a road everywhere. But we need enough roads to have access so people who cannot walk 17 miles with a pack on their back still have the opportunity to take advantage of that resource that is so important. So I think that is one of the things that is very difficult.

The Bureau of Land Management also put out a ruling on off-road usage. I don't have any problem with that either. We ought not to have four-wheelers going everywhere. We ought not to have roads going everywhere. But we ought to have a plan so people can have access by at least having a road for access. You don't need five roads; I understand that. So there needs to be a plan.

The Antiquities Act is a very important act. In fact, it was very important to my State of Wyoming with respect to the Devils Tower and the Grand Teton National Park; it gives the President the authority to set aside certain lands in special use. Relatively little of that has happened over the last few years, but this President in the last 6 months has set aside hundreds of thousands of acres, without the involvement of anyone. That is not the system. This is the same administration that wants to do an environmental impact statement on everything that is done, so you could have public input. I am for that. I pushed very hard to have the opportunity for local governments to be involved in the decisions that are made and impact their States. There are no such decisions here, just one made by this administration.

Now we have what is called a CARE Act, to take $3.5 billion from offshore royalties and have it as mandatory spending, where the Congress has nothing to do with deciding how use of that money is planned, $1 billion a year to be used for the acquisition of more and more Federal lands. We feel very strongly about that in the West. It doesn't mean there are not pieces of land that need to be acquired, need to be set aside—no one opposes that. But the fact is, if you want to acquire more land in Wyoming, which is already 50 percent Federal owned, why not go ahead and acquire it and then release an equal value of Federal lands somewhere else so you don't have a net gain. That is a reasonable thing to do and we intend to pursue that, in terms of this CARE Act.

The endangered species, again, who argues with endangered species, trying to protect the critters? The fact is, however, there has been no involvement in the listing of the animals; there has been very little opportunity to find a recovery plan. We have had grizzly bears listed now for 10 years around Yellowstone Park. The numbers have far exceeded the goal that was set. But you can talk about habitat forever and they continue to be there. We just have to manage this public land so it is available and useful.

The Clean Water Act, nonpoint-source clean water, has also been used to manage land.

That is where we are. Interestingly, the latest one has been the proposal to ban snowmobiles from Yellowstone Park—in fact, from 27 parks. Again, I don't argue that there needs to be more management of these vehicles so you ought to do something about the noise, ought to do something about the air emissions, ought to do something about separating them so we have a snow team over here, we can have cross-country skiers over here, without interfering with each other. The fact is, the Park Service over 20 years has never done anything to manage this thing.

Now all of a sudden they say: It is not going the way it ought to, so we are going to ban it for everyone. That is not a good way to manage a resource.

We find an increasing bureaucratic self-declaration that they are going to do these things, and if the Congress does not like it, that is too bad. That is not the way this Government is designed to work. Quite frankly, we cannot let that happen.

How does this tie into energy? As I mentioned before, almost 55 percent of public land in the West belongs to the Federal Government. Most of the opportunities for resource development have been on these Federal lands in the West. They have been a very important part of the State economies. They have been a very important part of the natural production.

Over the last several years, it has become more and more difficult, because of regulations and rules, for people to go on these lands and produce resources, even though they very clearly, under the law, have to reclaim the land, whether it is mining or oil wells. We have an increased demand for energy on the one hand and a reduction in production on the other, and we are certainly a victim of overseas production.

Americans consume over 130 billion gallons of gasoline, almost four times as much as 50 years ago. Consumption has grown at a rate of 1.5 percent. That translates to about 8.4 million barrels a day, which is 45 percent of the total oil production. There is increased usage, a reduction in domestic production, and we are at the mercy of OPEC.

It is also interesting that in 1999, the tax component of gasoline was approximately 40 cents a gallon, or about 34 percent of the total cost. Interestingly enough, the price component of a gallon of gas, crude oil, and taxes is about equal: 18.5 cents is Federal and 20 cents is the average State tax that is levied on top.

We also find ourselves with additional restrictions and regulations, put on this year, with making some changes in our policy if we are to deal with this increased demand. Obviously, there are a number of things that ought to be done over time.

We ought to take a look at consumption and continue pushing for high-mileage vehicles and reduce demand.

We need to take a look at domestic production so we are not totally dependent on imported energy.

We need to take a long look at the regulations and see if there are alternatives and whether they can be more economical, and whether, in fact, what we are doing has been thoroughly thought through. I am not sure that has been the case.

I have no objection to taking a long look at the pricing of gasoline as well. It is interesting that there is such a great disparity in prices in different parts of the country. Perhaps there is a good, logical reason for that. If so, we should know about it.

I hope our energy policy does not become totally political. The fact is, we have not had an energy policy in this administration. We have held hearings in our committee, not only with this Secretary of Energy, but the previous two Secretaries of Energy. One says: Yes, we are going to have a policy. The fact is, we do not. The fact is, we have not been able to fully utilize coal. We have not been able to take advantage of nuclear power by stalling in getting our nuclear waste stored. There are a lot of things we need to do and, indeed, should do. It is unfortunate we have not had the cooperation from this administration.

SOCIAL SECURITY

Mr. THOMAS. Mr. President, I wish to talk about a conversation I heard yesterday on the Sunday talk shows. It is too bad that on the Sunday talk shows the issues are not more clearly defined.

This talk show was on Social Security and options, which are clearly legitimate options. The options separate the points of view of the parties and the candidates. I am talking about taking a portion of the Social Security program, as it now exists for an individual, and putting it into his or her private account and investing it in the private sector in equities or in bonds or a combination of the two. The return stays with this person because it is their account.

Out of the 12.5 percent that each of us pay—and each of these young people will pay in the first job they have, and if something does not happen by the time they are ready for benefits, there will be none. We have to make some changes.

One of the changes we can make, of course, is to increase taxes. There is not a lot of enthusiasm for that. For many people, Social Security is the highest tax: 12.5 percent right off the top.

The second change is we could reduce benefits. Not many people are interested in reducing benefits.

The third change is to take those dollars that are put into the so-called trust fund and invest them for a higher return. Under the law, those dollars can only be invested in Government securities which, in this case, is a very low return.

We are talking about taking those same dollars that belong to you and to me and putting them in individual accounts. They can be invested, and the earnings would be part of that person's Social Security payment.

Yesterday, the implication was that would be a part of it, and then we have to fix up Social Security and replace all the money that is put in these private accounts. That is not the fact. The fact is, they are still part of Social Security, but they are yours. You make a decision how they are invested, and then you get your 10 percent, as it always is, plus the return to the 2 percent on top of that, and that represents your benefits.

The lady yesterday representing the Clinton administration indicated we would have to replace all those dollars and go ahead with Social Security as it is. That is just not the fact.

This is an opportunity for us to increase the return, to ensure those dollars and those benefits will be there when the time comes for someone to receive them, and to do that without increasing taxes, without reducing benefits, but by simply taking advantage of the opportunity of a better return on the investment.

A couple of Senators are going to be here shortly. In the meantime, 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.

Mrs. HUTCHISON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

GAS PRICE CRISIS

Mrs. HUTCHISON. Mr. President, I rise today to talk about an issue that has been discussed by Senator THOMAS, and others, just before I came to the floor. It is also an issue that every American who drives a car has on his or her mind.

No one could fail to see the impact the high price of gasoline at the pump is having on hard-working Americans and American families at the end of June who are looking to take their family vacations. They hope to do it by car. I hope they can, too. But we have a situation with regard to gas prices that has occurred for a number of reasons. And because Congress and this administration have not acted, we have a worse situation than ever.

I will talk a little bit about some of the causes of this. But I do not think we have to dwell on the causes all day because I think we can do something proactive that will begin to be a solution—both a short-term solution and a long-term solution.

First, the causes. Clearly, we have an incredible dependence on foreign oil today. Seven years ago, we had about a 46-percent dependence on foreign oil; today, it is 56 percent; and it is projected to be 65 percent of our oil needs by 2020. So I think it is incumbent on all of us in public office to try to take short-term steps to solve the immediate crisis, particularly in the Midwest, but not without taking long-term action as well.

We have a bill that is pending at the desk today. It is the National Energy Security Act. It would take some steps, putting some things on the table that would make a difference for our country and for the working people of our country who depend on gasoline.

Let's look at some of the causes for the gas price crisis now being seen in the Midwest and elsewhere. The Congressional Research Service has attribute 25 cents of every gallon of gasoline at the pump in certain parts of the Midwest to the reformulated gas phase 2 requirement that the EPA is insisting on imposing beginning June first of this year. These additional costs are the result of the added expense of adjusting the refining process for the new gasoline requirement, particularly when the gasoline is required to be blended with ethanol, as is the case in the Midwest. In addition, there are added costs of transporting the ethanol, which cannot be moved via pipeline, to the sites where the gasoline is blended and distributed. Other additives, such as MTBE, are readily available at the refineries and so you have reduced transportation costs. You can put the MTBE—which was the requirement in the past—in at the refinery and send it to places such as Illinois, Wisconsin, and Michigan—the places that are suffering right now—but the ethanol has to be carried from the agricultural areas, where it is grown, put into a new system in the refineries, and then shipped back to the Midwest. So you are talking about time, shortages, and costs that have added 25 cents per gallon. CRS estimates that an additional 25 cents of the increase in Midwest gas prices is attributable to recent problems with oil and gas pipelines that feed the upper Midwest, which have come at a time when gasoline stocks nationwide are particularly low and when the demand for gasoline is on the rise.

With regard to the EPA requirements, we had hoped the EPA would say, OK, we are facing a crisis right now, so maybe for this summer we can relax those new EPA regulations and go with what has been the regulation of the past.

Secondly, it is very important to realize that each State and many local governments impose additional taxes on gasoline at the pump. It just so happens that many of the midwestern States and cities within those States have higher taxes than the average in the country. The average combined federal and state gasoline excise tax is about 40 cents per gallon. In Chicago, Illinois, however, it is 61.3 cents per gallon. In Milwaukee, Wisconsin, it is 47.2 cents per gallon. So we can see that there are wide differences across the country in taxes of gasoline.

I commend the Governors of these States who are seeing the crisis and responding immediately. The Governor of Indiana has put a moratorium on the State sales tax on gasoline. The Governor of Illinois is calling a special session of the legislature to review taking similar action.

The Federal Government should assist these and other States by repealing, for a time, the 18.4 cents-per-gallon Federal gas tax. If we suspend this Federal tax through Labor Day of this year, that will give relief in addition to the State taxes selected States are giving, and it will give us time to catch up with the EPA regulations and some of the other transportation problems that have caused the rise in gasoline prices. We should follow the lead of these midwestern Governors. That may also encourage other States to follow suit by responding in a similar fashion and giving the American people some much needed relief at the pump.

I would not for one minute suggest we should take the money from that gasoline tax and take it away from the highway trust fund. We need to keep the highway trust fund whole so we can continue to make the improvements in safety and highway construction necessary for the States that depend on those funds.

The on-budget Federal surplus is estimated to be about $60 billion this year. The estimates are going up because in fact we are getting more and more of a surplus. We know we want tax relief for hard-working Americans, and this is in fact tax relief for hard-working Americans, including truckers who are suffering under the increases in diesel fuel costs.

We read stories about our own Coast Guard not being able to patrol the waters, where they are supposed to be doing drug interdiction and patrolling for summer safety. They can't afford the fuel because the prices have gone up so much. We need to give relief across the board, and we need to give tax relief for hard-working Americans.

I am today introducing legislation granting a temporary repeal, through Labor Day, of the entire Federal gasoline and diesel tax. The bill will also ensure that the highway trust fund is made whole. This bill will give hard-working Americans immediate tax relief during the peak summer driving months, those who have to drive to work or who are going to take a family vacation this summer. At the same time we in Congress must act to take the longer term steps that we must take to have an energy policy in this country that makes sense.

Let's talk about that for a minute. This administration is not only adhering to the regulations that make it so hard to drill for oil and gas in our own country, causing hundreds of thousands of jobs to go overseas, but they are also insisting on increasing the oil royalty rates. I fought the increase in oil royalty rates last year and the year before because I was very much afraid we were going to add so much to cost that our domestic drillers would go overseas. In fact, that is exactly what has happened. We are continuing, through this administration, to have increases in oil royalty rates at a time when oil prices have spiked to $30 a barrel.

The fact is, we can't survive on $10-a-barrel oil and we can't sustain the economy on $30-a-barrel oil. That does not make sense for our country. What we need is price stability within a reasonable and sustainable range. The numbers show we are more and more dependent on foreign oil because we make it so hard for the little guys, the marginal well producers, to make it in our country. The big guys are leaving our country in droves because it is more efficient to go elsewhere to drill for oil and gas.

As a matter of fact, just to cite a few real numbers, when oil was $10 a barrel, the little oil and gas producers went out of business in droves: 150,000 marginal oil and gas wells closed—that is out of a total of 600,000—65,000 good paying jobs were lost in this country; communities were devastated.

In one example, in Midland-Odessa, the unemployment rate doubled in 1 year from 5 to 10 percent. School district revenues were hit by $150 million, causing a virtual halt to any new hiring, and in some cases school districts were having to let teachers go in the middle of the term because they could not pay their salaries for the rest of the year. They had to close classrooms because of this crisis when the price of oil was $10 a barrel.

For some reason, when we were having that kind of problem, people weren't as tuned in. What has happened is, when we lost the 150,000 marginal wells, we lost the ability in 15-barrel-a-day wells to match the amount of oil we import from Saudi Arabia every day, because it adds up. We can produce 20 percent of the needs of oil in our country with these 15-barrel-a-day wells.

Just to put that in perspective, a well in Alaska produces on average about 600 barrels a day; a well offshore, over 1,000 barrels a day. We are talking 15 barrels a day for marginal wells.

What I would like to do is have a trigger. If the price goes below $14 a barrel for these 15-barrel-a-day drillers, let us have a tax credit so they will be able to stay in business and keep those jobs, not cap the wells, so that when the price goes up to $17 per barrel or more, those people have stayed in business and will keep producing. That is one part of a long-term strategy that would bring us up to 50-percent capacity for our oil needs every day.

This problem is not going to get better. Dr. Daniel Yergin, the Pulitzer Prize-winning author who is probably the most credible independent oil economist, told a group of Senators and Members of Congress just last week that one of the problems we are facing is an increasing demand because of an increasingly hot economy worldwide.

We know our economy in America is very strong, but that is also the case around the world. That causes more demand on our energy resources. So if we are going to have a policy that we would be dependent on foreign oil only 50 percent, we are going to have to produce oil in our own country and we are going to have to have those little barrels that add up, those little wells that produce 15 barrels a day, that add up to hundreds of thousands of jobs in our country, that support our schools. We are going to have to keep those people in business because they can't make it at $10 a barrel, but they can make it on $17 a barrel.

So if we will treat them like farmers and when we don't have markets, or when the prices are so low that a farmer can't make it, we will try to keep them stable and level. That is what we have been doing in this country for a long, long time. I would like to see us treat our small oil producers in the same way because if there is anything that is crucial to the security of our country, it is at least being able to produce 50 percent of the energy needs of our country in order to have some stabilizing effect. When we depend so much on foreign oil, what happens is they can shut down the supply whenever they want to, and the OPEC countries have clearly done that. That causes a spike because of low supply, high demand, overregulation in our own country, and the unwillingness of this administration to say we are in a crisis. Let's work together to do something about it.

Senator LOTT, Senator MURKOWSKI, Senator DOMENICI, Senator NICKLES, Senator BREAUX, Senator BINGAMAN, and Senator LANDRIEU have all been very proactive in trying to put forward a program that would give us short-term relief and long-term relief for energy in our country. I do want the short-term relief of the 18-cent Federal tax to be paused until after Labor Day for our independent truckers, for our families going on vacation, and for the working people of our country who must use cars to go to and from work. I want that relief, but we must tie it to long-term relief because, if we don't, if things stabilize for the short term, we are still going to be under the thumb of foreign interests; we are still going to face the possibility that another crisis will come. Why not anticipate it and do something proactive now that will provide long-term relief as well as short-term relief?

I am introducing legislation that will provide the short-term relief. We must tie that in with the long-term relief if we are going to do what is right for this country. The National Energy Security Act is pending before the Senate. I hope we will take the action that has certainly been called for with the crisis we are facing. But let's take a longer-term view. Let's try to put some long-term energy policies in place because, certainly, this administration has failed to do so.

If this administration would step up to the line and say: Of course, we are not going to increase our royalty rates at a time like this and say we need a little more time before the phase II ethanol regulations take effect in the major cities—let's try to tamp down this crisis. Let's help the Governors of the Midwest, who are taking State

taxes off gasoline for this summer, and take the Federal gasoline tax off as well, make the highway trust fund whole by giving tax relief to hard-working Americans, and let's realize that the security of our country depends on our being able to provide for our own energy needs. It is clear that no matter what we do for our neighboring countries that supply most of the oil and gas we consume in this country, they don't seem to pay back. I think the fact that they will not up their production to meet the demand is wrong; nevertheless, I am not going to whine about it. I am going to take positive action that puts America in charge of our own destiny. That is the responsibility of this Congress, and that is what this Congress must do.

Hopefully, the President will follow our lead and we can do something that is right for America, even if other countries we have helped in the past will not give us a break. We can do what is right for ourselves, and I hope we will.

Thank you, Mr. President.

The PRESIDING OFFICER (Ms. COLLINS). The Senator from New Mexico is recognized.

Mr. DOMENICI. Madam President, I note the presence of the Senator from Alabama. I am sure he is here because he would like to speak as in morning business. I know we are going to go to an appropriations bill. I think the bill is open to amendment. In any event, I don't think the Senate would object.

I ask unanimous consent that I may have up to 20 minutes to discuss two matters and, following that, Senator SESSIONS have 10 minutes as in morning business.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. DOMENICI. Madam President, the first thing I want to do is congratulate the distinguished Senator from Texas for her speech today. Before she leaves, I say that I summarize the problem we have today in a way that maybe down in your country, with Texas in mind, they might say it this way: The chickens have come home to roost.

The truth is, we have no energy policy, and until something like a crisis occurs, nobody seems to worry about it—in particular, this administration. We have had a ride economically—up, up, and away. Part of it is because oil prices from foreign countries was so cheap, and America was reducing some of its own, and we just decided that there was no worry about becoming more and more dependent on foreign oil.

Look at the facts. While we have had this booming economy, I might suggest to everyone that the unit utilization of petroleum products that make this economy go has come down—not because of anything we did but the high-tech industry uses a little bit less. Nonetheless, we have grown so much that we use far more—as much as 14 percent more—petroleum products now than we did a few years ago. Guess what happened. The foreign countries became our source of supply in ever larger proportions. We were happy-go-lucky when Mexico was starving on $11-a-barrel oil that we were buying from them. They could not pay their debts; we were just gobbling it up, and the American producer was disappearing. The price was so low we closed down the opportunity to drill.

The litany of what this administration has done so we will produce less domestic oil is as long as this sheet of paper; from saying that in big areas in which you could look for oil 10 years ago, you can't look for it anymore because something is more important. Not very much is more important than our growing dependence, as the greatest industrial might in the world, upon the dictates of foreign countries who sell us that tremendous product, without which we fail. At least from what I can tell for the next 35 or 40 years, there is no substitute for it.

I heard recently that this administration has somewhat of a defense because they are going to say: We asked you for some renewable energy research money and you didn't give it to us. I say right here before the Senate that we will take every single proposal this administration has made for renewables—wind, solar, and the like—and submit it to experts. And we will ask them: Would that have changed the crisis of dependence on foreign oil? And, if so, how much? Do you know what it would be? Zero. We don't use those kinds of energies in automobiles anyway.

Frankly, we are getting answers that the way for America to go is to put more in renewable sources and the like. We ought to do that. But if anybody thinks that is a solution to America's growing dependence on foreign oil, they had better take a long sleep because when they finally wake up, they are going to be absolutely surprised that our dependence grew while they took a nap.

The truth of the matter is we had better sit down with the President and decide how we are going to start fixing this.

I want to say right now that it is in the worst condition it could be—less American production; more of our land taken out of production; and more demand from the foreign countries; and they have finally found out how to enforce their agreements. They did not cheat the last couple of times on each other; that is, if Saudi Arabia agreed to X number of millions of barrels, they didn't sell it to someone on the side to flood the market, nor did Mexico, nor did any country in South America.

They are putting just so much oil on a world market that demands more. What do you think happens? The price goes up. It is now past $30 a barrel. It was as low as $10 a barrel. But, in the meantime, nothing is being done for the American producer—large and small—to substantially increase their domestic production.

I am informed enough not to want to leave false impressions. We do not have the wherewithal to totally eliminate dependence. Look at our great Nation. We are going to be dependent on Saudi Arabia, Mexico, and a few other countries that produce for a long time after I have left the Senate, if I am successful in staying here 2 more terms. I don't know how long my good friend, the Senator from Texas, expects to be here. But we are going to be dependent.

Let me predict the next thing. We are going to have brownouts in America, which means the electricity supply to a region of the country cannot quite supply enough because we are exchanging it between areas. Then there will be another hue and cry: Who did that to us?

Just like the answer of this administration today—that it is gouging. They may find some gouging. But that is not going to fix this energy problem.

We are going to have brownouts because we have not been producing enough electricity. We are scared to death to produce it anyway, other than through natural gas, which is the cleanest fuel around. Yet it is a carbon dioxide producer and is a small portion of the problem that we have in the ambient air and the so-called greenhouse effect.

While we hide under the desk and don't want to even discuss nuclear power—which currently supplies 21 percent—it has literally zero greenhouse gases. Eighty-four percent of France's electricity is nuclear. Their ambient air is as clean as a whistle. They are not frightened one bit to have interim storage of nuclear waste.

Here sits the greatest industrial Nation on Earth in a total logjam over the issue of moving forward with just a little bit of the nuclear energy and saying let's temporarily store it, while Europe is doing it without any difficulty and no fear.

Where are we going to get the electricity in the future?

The problem with greenhouse gases is so severe, according to some, that we aren't going to be able to build any coal-burning plants until we clean it up more. Are we going to do every single one in the future with natural gas? Then the citizens are going to wake up and say: What did you do to natural gas prices? Our bill went up in our homes, and now we are coming to Congress and asking them to do something about it.

If you decide to produce all the electricity needs in the future with natural gas, you are going to put a huge demand on American natural gas. Who knows where the price will go? Yet we have literally an abundance of natural gas in the offshore regions of America. We are frightened to death to drill any more wells. Those who do not want to change that one bit because they are scared of environmental things have won their way, and we are not open to the production of natural gas as much as we should.

I close today by saying I believe 7½ years of doing nothing has ''come home to roost.'' We are just going to get around the corner maybe with this election. But I submit this great Nation is in for two big problems: Where do we get our electric-generating power in the future? What do we do about nuclear energy?

We ought to do much about it instead of falling under the table when a small percentage will raise their concerns. We ought to increase the domestic supply of oil so that the world knows we haven't gone to sleep by opening as many areas as we can.

HUMAN GENOMES

Mr. DOMENICI. Madam President, isn't it interesting. I came to the floor today to discuss a completely different subject. I want to do so briefly. It is very difficult to do this because, frankly, there is a great story about it in the United States today.

The National Institutes of Health announced that they have just about mapped the human genome, which means in the future, at a minimum, every known dreaded disease of mankind will be located in our chromosome system by the mapping of the human genome. Where scientists used to take 25 years and devote an entire science department to try to locate where multiple sclerosis came from within the human body, in short order all of those dreaded diseases will be defined in reference to the genetics of the human body, and mutations of that will be discovered as the reason for the diseases. What an exciting thing.

I have not been part of the ceremony, but I started the genome program in Congress. I am very thrilled to find that it has resulted in what we predicted in 1996 and 1997.

I want to tell the Senate a rather interesting story of how the genome got into the National Institutes of Health and how today it is still one-third in the Department of Energy.

A very good scientist who worked for the National Institutes of Health named Dr. Charles DeLisi had been urging the National Institutes of Health to get started with a genome program. He had described its greatness in terms of it being the most significant wellness program mankind had ever seen—wellness. They defied his request and would not proceed. He said: I quit.

He meandered over to the Department of Energy, which had done a lot of research on genetics because they were charged with discerning the effect of radiation from the two atomic bombs that had been dropped on Japan. He joined their department.

He came to see the Senator from New Mexico, who worked for the laboratories hard and long, and said: Why don't we start a genome program in the Department of Energy since the National Institutes will not do it?

I am trying to recap for my future by writing it, and I am putting it together.

But what actually happened was I proposed that the genome program start, and that it start in the Department of Energy.

Guess what happened. The National Institutes of Health heard about it. All of their reluctance disappeared because somebody was about to give the genome project to the Department of Energy. What an easy patsy they became.

They came to the office. Then we went to see Lawton Chiles, the Senator from Florida, who appropriated the science part of this budget. They said: Let's do it together—a little bit for DOE, and a whole lot for NIH. I said: Whatever it takes, let's do it.

Within the next year—1997—we funded the first genome money without a Presidential request. It had come forth, I think, in the Labor-Health and Human Services bill that will be before us today at somewhere around $20 million, maybe $29 million.

We funded it for another year. Finally, the President of the United States funded it in his budget in the third year of its existence. Ever since then, it has been funded in a President's budget and by us. It is up around $129 million or $130 million. I think it is something like that. But they predicted that within 15 years they would map the entire chromosome structure of the human being. Today, they made an announcement. I don't think they are really totally finished. But there is competition afield as to how to use it, and the private sector group is purportedly moving more rapidly.

The NIH and another group of scientists announced at the White House to the American people and the world we have essentially mapped the chromosome system of a human being. We now know the site, the location, the map is there, for discerning what the genes contain with reference to human behavior and human illness.

I predict, as I did at least five times before committees of the Senate from the years 1987 to about 1994, where I appeared more often than any other committee urging we fund the genome project, we are ready today to say the map is there; let's get with it and start using it. We will have breakthroughs of enormous proportions with reference to humankind's illnesses.

I am neither scientific enough nor philosophical enough to know what else it will bring. When we do something of this nature, we bring other questions. There will be problems of abuse, of genetic mapping to decipher people in a society prone to cancer and who therefore will not be hired, unethical research using mutations in ways not good for humankind.

Incidentally, we were aware of that problem from the beginning. Senator Mark Hatfield said: Let's set aside 5 percent—that is my recollection—of the funding to use for education and ethical purposes to try to make sure we are on track. I have not followed that well enough. I am not exactly sure how that is going. We still have some legislating to do in the area regarding uses in research, and legislating with reference to an insurance company taking a whole group of people and saying: We are not insuring you because we know something about your genetics.

Those are serious problems. They are bigger than the problem itself. They could make America angry at this program. We don't want to do that. We want the American people happy that we have put this into the hands of human beings, for wellness purposes. That is our desire, so that people not get dread diseases, or we find out how to cure them when they get them. Genome mapping ought to be heralded as something we did right. I don't know where it goes.

I close today by thanking Dr. Charles DeLisi for bringing this idea from the NIH to my office. Senator Lawton Chiles, now deceased, is the one to whom NIH ran, saying, let's get something going. He and I worked on these projects well together. We got it going in an appropriations bill. I thank him, and I thank many Senators who worked on this, principally in the committee, whose legislation is pending. That is the subcommittee that did most of the work and helped it along, more than any other group in the Congress.

I am delighted to have a chance to speak today.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SESSIONS. Madam President, I love to hear the story Senator DOMENICI tells about helping to make this human genome project a reality. He shared it with me some time ago. It is one of those success stories we can feel good about. It does provide opportunities for health improvement in America in an extraordinary way.

We heard recently remarks by the head of the National Cancer Institute who described one form of leukemia that had been diagnosed, and that certain types of treatments cured 60 percent of the leukemias and 40 percent were not cured; they didn't know why. But after the human genome study, they found out there were actually two different kinds of leukemias, and the treatment served one and not another.

A lot of good breakthroughs are on the horizon, I am convinced.

ENERGY POLICY

Mr. SESSIONS. Madam President, I will share a few remarks at this time about the rise in gasoline prices that are impacting American families. I recently pumped the gas at a gas station in Alabama. I talked to a lot of people. I talked to a young lady who commuted 50 miles plus, every day, to go to college. She talked to me about working part-time and going to college, how much the gasoline prices were eating

into her weekly budget, and what she was trying to do to keep those prices down.

It does impact Americans. Gasoline increases hurt our Nation's productivity. It is a transfer of wealth that could be spent on computers, education, better equipment, shoes, food, housing, that has to be spent on a substance for which we previously had paid less. That is a diminishment of our national wealth. It is important and should not be treated lightly.

Over a year ago, we had gasoline in many States, depending on the amount of tax those States imposed, selling at close to $1 a gallon.

Senator HUTCHISON noted most of our gasoline comes from foreign sources. In fact, the Energy Information Agency reports that we are buying 56 percent of our oil on the world market.

Just last year, we were buying oil at $10 a barrel, transporting it across the ocean, refining it, shipping it to gasoline stations and 7–11 type stores, for sale all over America. One could go down to a gas station and buy that gasoline for around $1 a gallon, and 40 cents of that dollar was taxes. So the gas was actually 60 cents a gallon.

People say the oil companies are all evil and horrible, but I think those numbers are pretty good. Madam President, 24 hours a day at virtually any town intersection in America, anyone could buy gasoline, if we take the tax off, for around 60 cents a gallon. That is a remarkable achievement. Go to the same gas station and buy a bottle of water; you will probably pay $3 or more a gallon. The little bottles of water cost 70, 80, 90 cents a bottle. Still there has been a remarkable increase in gasoline prices over the last 12 months.

How did we go from $1 to $1.50, $1.60, $1.70, $1.80, and even $2 a gallon for gasoline? What happened? How did it happen? If we are going to set good policy, we ought to ask ourselves that question.

The main issue is that OPEC wanted more money. The oil-producing group, the cartel, so to speak—Middle East countries including Saudi Arabia along with Venezuela, and others —that overwhelmingly supply the oil to meet world demand, got together and decided they wanted more money. They made a political decision they were going to do certain things, as Senator DOMENICI said, to drive up the price of gasoline. The world economy was coming up, so Asia was using more gasoline, other nations were using more gasoline. So they simply quit producing as much. They reduced their production, and they didn't cheat on one another. It actually worked. They created a worldwide shortage.

The price for a barrel of gasoline, at $11 a year or so ago, rose to over $30 a barrel. It hovers around $30 a barrel now and is more than double today what it was last year at this time. That has driven up the cost of gasoline.

First, we have to understand that. In addition, we are now in a summer vacation time cycle. People take their trips. We use more gasoline in the summer than at any other time. That is another complication. Increased demand creates upward price pressure.

There have been problems with pipelines, and I don't dispute that. Gasoline companies, pipeline companies, the distributors, and the people who actually run the gasoline stations, set the prices as they choose, some of those businesses are catching this rise and perhaps trying to make a few extra cents. It does not surprise me that is the case.

Fundamentally, we have a shortage of supply in this world. The OPEC nations have done that through political action. It is very serious for our economy. There will be a negative impact on our Nation.

How did that happen? When political activities occur, you can only respond, basically, politically. It seems to me, this administration has not been alert at all to the problems we are facing. The Clinton-Gore administration has not understood energy policy. It has effected a series of small steps, really no-growth extremist steps, that have debilitated our own American oil and gas industry, leaving us more vulnerable to a determined OPEC cartel that demands higher prices. That is basically what happened to us.

How are we going to defeat that? It is going to really take political action to use our power against it. Frankly, there are some people in this country—most people who are sophisticated know this—who believe we ought to have higher gas prices. That is the Clinton-Gore Administration's policy for America. They believe if gasoline prices go up, we will drive less, we will buy their kind of small cars, windmills will become more popular, solar panels will be more popular, and that kind of thing will happen. They believe we ought to have higher energy prices.

I believe we ought to support alternative energy sources, but I do not believe we ought to be taxing American people to encourage them to alter their lifestyles, taking money out of their pockets, making them pay more money for gasoline for these agendas. I am concerned about that.

With regard to how it is impacting America, I think it is a fairly simple matter. What is really happening in this country is we are paying 20 cents, 30 cents, 40 cents more a gallon because of OPEC price increases. That is, in effect, a tax on American consumers by OPEC. In effect, when you go to the gasoline station and you buy a gallon of gas, if it is 10 cents, 20 cents, 30 cents, 40 cents more because of their prices they are charging, we are paying them that much more. It is not an economic thing; it is done by their political monopoly cartel power because of our failure to produce energy domestically.

We need to do better to produce more energy in this country. I have to say we have a policy in our Nation, by this administration, that is contrary to that idea. For example, if we are going to increase energy production in America, we need to promote production and exploration. One of the ways we could do this is to open up areas of federal land with proven oil reserves.

We have, in Alaska, an ANWR region with huge supplies of oil. In fact, that region of Alaska, is about the size of the State of North Carolina, and the size of the area where the oil would be produced is about the size of Dulles airfield. It is a very small area, but within that small area they can produce huge reserves of oil. This administration has steadfastly, through vetoes, refused to allow oil production there even though a majority of this Senate has voted for it, as I recall. They do not dare because they think it might have some environmental impact.

Experience shows that today's oil and gas production technology has a minimal negative environmental impact and in ANWR it affects a tiny area. So they have taken that source of oil—oil which could help us compete effectively in the world and stop the transfer of our wealth to Saudi Arabia and give us greater bargaining power—off the table.

There are huge reserves of natural gas in the Gulf of Mexico—huge reserves. Natural gas is one of the cleanest burning fuels we have. Much of our electricity generation is being transferred from coal and other fuels to natural gas because it burns so much cleaner and it is relatively inexpensive. Vice President GORE, in his speeches in New Hampshire during the primary campaign, said that not only did he oppose any further drilling for natural gas in the Gulf of Mexico, but he wanted to cut back on those leases already approved for drilling. I think that is an extremist position. They drill for gas right within the Mobile Bay, my home town. It is a clean substance, compared to oil. Even if it leaks, it evaporates rapidly. It doesn't have the sludge that oil does.

To stop production of gas in the Gulf of Mexico is an extremist position and one which will make us more vulnerable to Saudi Arabia and OPEC. It is not acceptable.

This administration refuses to allow production of oil in the Rocky Mountain area where as much as 60 percent of the land is owned by the Federal Government. They virtually shut off drilling in those areas.

There has been growing interest in coalbed methane production, in which you can drill a well into coal seams and bring out methane gas, a very clean burning gas. New technology has made the production of this clean fuel economically viable, but through environmental regulations which even the EPA does not support, this fledgling energy production source is at risk.

Finally, this administration has steadfastly opposed the use of nuclear power, which Senator DOMENICI mentioned. They refuse to allow us to store waste nuclear fuel, spent uranium fuel

rods, in a remote desert tunnel in Nevada, where we used to blow up atom bombs on the surface. It ought to be done. By refusing to allow spent fuel to be safely stored, it compromises our ability to produce more of our energy by nuclear power which produces absolutely zero air pollution. It is a nonpolluting source of power.

France already generates 80 percent of their power by nuclear power. Japan is moving in that direction. We have to realize we need to do more with nuclear power. In fact, in this country, over 20 percent of our power comes from nuclear. But we have not ordered and brought on-line a new plant in over 20 years.

Those are the actions which must be done be done. The policies this administration support are wrong, the consequence of these policies are clear: shortage of energy and higher prices. That is what will occur. That is what is occurring. I think we need strong leadership from this administration to deal with this problem now.

Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota is recognized.

Mr. DORGAN. I ask unanimous consent to speak in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

STORMS IN NORTH DAKOTA

Mr. DORGAN. Madam President, today Governor Schafer, from my State of North Dakota, has made a request of President Clinton in the form of a disaster declaration request as a result of substantial damage that has occurred in North Dakota from some huge storms that have rumbled across our State in recent weeks. About a week ago, late in the afternoon, in the Fargo-Moorhead region of North Dakota-Minnesota, huge thunderstorms rolled across the northern plains and dumped 7 to 8 inches of rain on that flat land in the Red River Valley in a matter of 8 hours—7 to 8 inches of rain in 8 hours. This occurred only a week after some regions just 80 to 90 miles North of there received 17 to 18 inches of rain in a very short period of time: 24 to 36 hours. There was an enormous quantity of rain.

These two storm events occurred in the Red River Valley, which is as flat as a table top. There is not a hill in sight. The result was dramatic sheet flooding in every direction. I recently took a tour of some affected regions in northeastern North Dakota—Grand Forks County and Walsh County and other areas, and small communities like Langdon, Mekinock, and a range of other communities. Communities in the region were hit with more moisture than anyone had ever seen in their lifetime in such a short period of time.

As a result, flat fields were totally inundated with water. Roads and railroad lines were washed away. There was one area I traversed in which they had a box culvert that weighed about 2 to 3 tons. The force of the water—which, incidentally, totally inundated these fields—washed out a 2-ton box culvert, and nobody could find it. It was gone. How does one lose a 2-ton box culvert? Yet it was gone.

It is hard to imagine these flooding events unless one sees them personally. We have had two of them in two weeks in the eastern part of North Dakota, and they have been devastating. As a result, the Governor has made a disaster declaration request of the President, a request which I fully support and upon which I hope the President will act with dispatch this week. FEMA is continuing in both of these areas—northeastern North Dakota and also the Fargo region—to do their damage assessments. Sufficient work has been done on the damage assessments for us to know we are going to require some Federal assistance.

Some people say: Why is there Federal help available in the form of disaster assistance? Precisely because there are some events which occur—floods, tornadoes, earthquakes, fires, and so on—that are so large and so significant and cause so much damage that State and local governments cannot possibly deal with the resulting damage.

That is why the rest of the country says: You have had some trouble, let us give you a helping hand. That is what happened during the 1997 floods from the Red River in the Red River Valley which most everyone will remember. That is what happened with the Los Angeles earthquake. That is what happened when the Southern United States experienced substantial tornado and hurricane damage.

We regret we have to come again with a request for disaster assistance, but we do. It is not of our making. It is an act of nature that is quite unusual. I have not, in all of my life, seen a circumstance where, in a period of 24 to 36 hours, we had 17 to 18 inches of rainfall in a very small area. We are a semiarid State. We get 17 inches of rain in a year in North Dakota on average. Yet a week ago today, Fargo and Moorhead received 7 to 8 inches of rain in a matter of 8 hours and, as I said, 90 miles north of there, they received 17 to 18 inches in some parts in a matter of 24 to 36 hours. One can imagine the devastation that causes.

We are trying to wrap up a supplemental appropriations bill probably by tomorrow evening. The hope is that it gets filed tomorrow evening. Both sides want to get it to the President for his signature by the end of this week. It will be attached to the military construction bill.

I am working with my colleagues on the Appropriations Committee to make certain these flood events are mentioned in the context of that supplemental bill. I expect FEMA already has the resources with which to deal with this, if and when the President declares a disaster.

I wanted to bring to my colleagues' attention the request the Governor of North Dakota has made. My expectation is the President will move quickly to respond to it, and my concern is that we do everything we can not only to deal with the issue of infrastructure damage to public buildings, and there is substantial damage in those areas—roads, buildings, water and sewage systems—but also that we are able to be helpful to family farmers, many of whom have lost virtually all of their crops, crops they dutifully planted this spring with such great hope and now have been completely decimated by these sheet floods.

My colleagues and I who come from this region of the country will continue to work on all of these issues. We are joined by our colleagues from the State of Minnesota because all this occurs on the North Dakota-Minnesota border.

ENERGY

Mr. DORGAN. Madam President, I want to talk about the issue of energy supplies and the debate over energy. I noticed today a number of Senators came to the floor of the Senate, and they waved their arms and raised their voices a bit and railed about energy: Lord, we should know what is going on here, they say. We have the OPEC cartel, yes, but we also have an administration that does not have an energy policy, and woe is us.

This is not brain surgery. This is not complicated at all. We have a cartel called OPEC that controls a substantial amount of the oil that is exported to this country, and they decided to decrease production. When they did, prices began to go up.

More than that, we also have the largest oil companies in this country and around the world merging. Exxon, Amoco, BP, are all merging. We have larger oil companies and a circumstance of a cartel supplier, and now people who go to the gas pumps are paying higher and higher energy prices.

I do not hear any discussion about whether the energy companies may have played a role in this. Does anybody understand how, when you get larger, you also have the opportunity to manipulate prices? I think you do.

Is a major part of this problem the OPEC cartel? You bet your life it is. But I think another part of this problem is we do not understand pricing policies of energy companies that have become larger and larger. We need to know that. That is why I fully support the Federal Trade Commission's investigation, and why I believe the Justice Department ought to be part of the same investigation.

I find it interesting, as the oil companies become larger and continue to oppose ethanol production, Congress has still not done nearly enough to promote the kind of energy supplies that are renewable—wind energy and others. We ought to get, in my judgment, a wake-up call from these oil prices that we are held hostage by the OPEC cartel. We are a growing economy and

produce and use a substantial amount of energy, but we are far too dependent on OPEC countries.

If one looks at production of energy, it does not matter who is in the White House—a Republican or Democratic administration—we see that same line, and the line is not going up, it is marginally going down. We need an energy policy that is a Republican and Democratic energy policy, not one about which one side continues to wave and rail about the other side. We need a bipartisan energy strategy that recognizes this country should not be beholden to an OPEC cartel for its energy supplies. Not to do so means we put ourselves at risk, we put our economies at risk, and put the American people at risk when, in some cases, they cannot purchase the energy they need.

A PRESCRIPTION DRUG BENEFIT IN MEDICARE

Mr. DORGAN. Madam President, I want to talk about the subject that is going to be front and center in the Congress this week, the issue of a prescription drug benefit and Medicare. There are stories in today's papers—the Washington Post, the New York Times, and others—in which the chairman of the National Republican Congressional Committee is quoted as saying that there is a belief that his party, meaning Congressional Republicans, need to do something on the issue of prescription drugs. He says, ''It's a great issue—no question it polls well.''

Another member from the other side of the aisle said: ''We're going to use the marketplace pressure to solve the problem, which is much better than the government program.''

In other words, the majority party feels they have to bring a bill to the floor addressing the need for prescription drug coverage because the issue polls well. So they are going to bring an illusory bill to the floor of the House this week that requires private insurance companies to offer an insurance policy that helps people pay for their prescription drugs. The catch is that the insurance companies say they cannot offer such a policy. Officials from two companies have come to my office and told me that, to offer a policy with $1,000 in benefits, it would cost $1,200.

I come from a rural State. In rural States, a recent study shows that rural Medicare beneficiaries pay 25 percent more out-of-their own pockets for prescription drugs than do urban beneficiaries. Of course, rural areas are shrinking. Many have seen the movie ''Four Weddings and a Funeral.'' In rural areas of my State, ministers tell me they have four funerals for every wedding because the population is getting older and the younger people are moving out.

And those senior citizens living in rural areas are the ones who are paying the highest prices for prescription drugs.

And many of them cannot afford the drugs they need. They have heart trouble, diabetes, and a range of other problems. Their doctors say: You need to take this miracle medicine, this life-saving drug, to help you live a better life. And they say to their doctors: I can't afford it.

We need to do two things. First, we need to add a prescription drug benefit to the Medicare program, and second, we need to put downward pressure on drug prices.

I thought I might, with my colleagues' consent, show on the floor of the Senate a couple of pill bottles that illustrate part of the problem. Here are two bottles for a prescription drug called Zocor used to lower cholesterol. This is the same tablet, in the same strength, made by the same company, probably made in the same manufacturing plant. If you buy Zocor in Canada, it costs $1.82 per pill. But if you buy the same drug—the same pill, made by the same company—in the United States, it costs $3.82 per pill.

Let me say that again. If you are a Canadian, you pay $1.82 for Zocor; if you are an American, you pay $3.82, more than twice as much. Why? Because the big drug manufacturers have decided they want to charge the American consumer more than twice as much.

One other example, if I might. Here are bottles of Zoloft. Zoloft is a common prescription drug used to fight depression. If you buy this medication in Canada—the same pill, in the same strength, by the same drug company—it costs $1.28 per pill. But if you buy it in North Dakota, it costs $2.34 per pill. The Canadian pays $1.28; the American pays $2.34, 83 percent more.

I have other examples, but I think you get the point: American consumers pay the highest prices in the world for their prescription drugs. These are the prices that our current marketplace have achieved. Why should an American citizen have to go to Canada to buy a drug that was produced in the United States in order to pay half the price that is charged in the United States? The answer is that they should not have to do that.

I think these examples illustrate why, when those on the other side of the aisle say ''we're going to use the marketplace pressure to solve the problem,'' this marketplace approach just is not going to work. We need a real prescription drug benefit added to the Medicare program. What we do not need is an illusion of a benefit where we tell private insurance companies to sell a policy they say they can't underwrite and won't sell.

That is not good public policy. Maybe the polls show that Medicare prescription drug coverage is a popular issue, but you do not solve a problem, no matter how popular an issue, by coming up with a solution that does not work.

We need to add a prescription drug benefit to the Medicare program in a way that is sensible and thoughtful and workable. And, second, as we do that, we need to put some downward pressure on prescription drug prices.

It is not fair, right, or reasonable that the American consumer ought to pay double the price for the same drug, put in the same bottle, manufactured by the same company. That is not fair. The common medications that senior citizens so often need—to treat their heart problems, diabetes, arthritis, and so many other difficulties—have been increasing in cost at a dramatic rate.

I am not talking about creating price controls, but we need to do something to put some downward pressure on prices. One thing we should do is pass legislation that I have introduced, along with Senator SNOWE, Senator WELLSTONE and others, that will allow American consumers to have access to these drugs from anywhere in the world, as long as they are FDA-approved with safe manufacturing standards. This legislation, the International Prescription Drug Parity Act, will allow Americans to access these drugs from anywhere in the world at a lower price.

If we eliminate the legal obstacles that currently exist and allow pharmacists to purchase these medications from other countries on behalf of their American customers, the pharmaceutical industry will be forced to reprice their drugs in this country.

In short, I wanted to come to the floor to make the point that we must put a prescription drug benefit in the Medicare program, but we must do it in a way that works. We should not do this just so some will be able to go home to their states and say: We passed prescription drug coverage, didn't we? That might provide some self-satisfaction but it does nothing for the millions of Medicare beneficiaries who need prescription drug coverage. And finally, as we develop this legislation, we need to acknowledge that drug pricing is unfair in this country and do something to put some downward pressure on prescription drug prices.

ANNIVERSARY OF THE U.N. CHARTER

Mr. GRAMS. Madam President, fifty-five years ago, the members of the United Nation's founding delegation met in San Francisco for the signing ceremony that created the U.N. There was great anticipation and a collective enthusiasm for this new, global institution. Delegates spoke of hope, of expectation, of the promise of peace. President Truman echoed the thoughts of those founding members when he told the delegates they had, ''created a great instrument for peace and security and human progress in the world.'' Fifty-five years later, the United Nations is struggling to meet its potential.

As Chairman of the International Operations Subcommittee which has U.N. oversight responsibilities and having been appointed by the President to

serve two terms as a Congressional Delegate to the U.N., I have focused significant attention on the United Nations. On the anniversary of the signing of the U.N. Charter, I think it is appropriate to take time for us all to reflect on that important institution.

The U.N. is making headway in implementing reforms, and I believe that is due in a large part to the efforts of the U.S. Congress. According to GAO, the U.N. has made substantial progress in restructuring its leadership and operations. It has also created a performance-oriented human capital system. Unfortunately, however, there is no system in place within the U.N. to monitor and evaluate program results and impact. In other words, the U.N. undertakes numerous activities on social, economic, and political affairs, but the Secretariat cannot reliably assess whether these activities have made a difference in people's lives and whether they have improved situations in a measurable way. I look forward to working with the U.N. to make sure in the future it will not just believe it is contributing to positive change, it will know it is doing so. As Secretary-General Annan noted, ''a reformed United Nations will be a more relevant United Nations in the eyes of the world.''

In the area of peacekeeping, the U.N. is clearly in crisis because many countries, including the U.S., keep calling on the U.N. to take on missions it is not capable of fulfilling. The U.N. can play a useful role in building coalitions to address matters of international security, as we saw in the Persian Gulf War. Moreover, the U.N. has the ability to effectively conduct traditional peacekeeping operations, such as those in Cyprus and the Sinai Peninsula. Unlike NATO and other regional military forces, however, the U.N. is only successful when it takes on limited missions where a political settlement has already been reached, hostilities have ceased, and all parties agree to the U.N. peacekeeping role. The U.S. must be careful not to set up the U.N. for failure. We risk ruining the U.N.'s credibility if we insist on a more robust peace making role for U.N. forces. In Sierra Leone, a feel-good U.N. operation with no impact on keeping civilians safe and with ''peacekeepers'' held as hostages sounds a lot like a replay of U.N. forces in Bosnia. I had hoped the U.N. learned its lessons since that terrible time.

As we celebrate the anniversary of the signing of the U.N. Charter, we should celebrate the success of the U.N. without turning a blind eye to its failings. We should recommit ourselves to making sure the U.N. continues to reform. We should make sure our nation doesn't push the U.N. to do more than it can do effectively. If we do nothing, and in fifty-five more years the United Nations collapses under its own weight, then we will have only ourselves to blame.

VICTIMS OF GUN VIOLENCE

Mr. DORGAN. Madam President, it has been more than a year since the Columbine tragedy, but still this Republican Congress refuses to act on sensible gun legislation.

Since Columbine, thousands of Americans have been killed by gunfire. Until we act, Democrats in the Senate will read some of the names of those who lost their lives to gun violence in the past year, and we will continue to do so every day that the Senate is session.

In the name of those who died, we will continue this fight. Following are the names of some of the people who were killed by gunfire one year ago today.

June 26, 1999:

Kevin S. Bonner, 28, Chicago, IL;

Danny R. Davis, 35, Chicago, IL;

Sharon Duberry, 35, Gary, IN;

Weldon Ellingson, 79, Cedar Rapids, IA;

William Ernest, 34, Philadelphia, PA;

Marilyn Freestone, 57, Cedar Rapids, IA;

Estella Martinez, 40, San Antonio, TX;

Willie Palmer, 29, Baltimore, MD;

Ruben Ruvalcaba, 22, San Antonio, TX;

Anthony Scott, 22, Bridgeport, CT;

Carlos Sermiento, 22, Dallas, TX;

Chau Tran, 17, Lansing, MI;

Julio A. Vincencio, 18, Chicago, IL;

Mose Penn Warner, 82, Louisville, KY.

In addition, Mr. President, since the Senate was not in session on June 24 and June 25, I ask unanimous consent that the names be printed in the RECORD of some of those who were killed by gunfire last year on June 24th and June 25.

June 24: James Bailey, 21, Kansas City, MO; Kurt Chappell, 38, Cincinnati, OH; Philemon Epepa, 48, Houston, TX; Dana Fowlkes, 28, Baltimore, MD; Deslond Glenn, 17, Forth Worth, TX; Antonio Hernandez, 32, Houston, TX, John Kerr, 28, Memphis, TN; Max James Langley, 74, Mesquite, TX; Angelo Lard, 32, Detroit, MI; Mary Jane Noonan, 37, New Orleans, LA; Tull Rea, Sr., 89, Dallas, TX; Edwin A. Vazquez, 23, Chicago, IL; Unidentified male, 20, Newark, NJ.

June 25: Mona Lisa Castro, 28, Fort Worth, TX; Joe T. Harp, Pine Bluff, AR; Lavar R. Knight, 19, Chicago, IL; Millard Courtney Sauls, 25, Washington, DC; Latrice Spencer, 22, Louisville, KY; Fred Warren, 18, Miami-Dade County, FL; Quintrale Williams, 38, New Orleans, LA; Unidentified male, 16, Chicago, IL.

REMEMBERING THE FORGOTTEN: KOREA 1950–1953

Mr. ROCKEFELLER. Madam President, yesterday was the 50th anniversary of the beginning of the Korean War, an often overlooked, yet very important event in history. ''Forgotten'' is a term used too often about the Korean War; for veterans and their families, the war is very real, and something they can never forget.

Officially, the war was the first military effort of the United Nations, but American involvement was dominant throughout the conflict. Thousands of Americans traveled to a distant land to help defend the rights of strangers threatened by hostile invasion. Unfortunately, many who fought bravely to aid the Koreans lost their lives while waging the war.

Today, I want to pay homage to all who served in this war. The troops from the United States and the 20 other United Nations countries who provided aid to the South Koreans deserve our great acclaim every day, but even more so on this special anniversary. These great countries united to preserve the rights of South Korea, a small democracy threatened by the overwhelming power of the Communist government. South Korea did not have sufficient military resources to protect its interests. Fortunately, the United Nations member countries were not about to sit back and watch North Korea, with the aid of China and the Soviet Union, annihilate the democracy in the south.

On June 25, 1950, troops from Communist-ruled North Korea invaded South Korea, meeting little resistance to their attack. A few days later, on the morning of July 5th—still Independence Day in the United States—Private Kenny Shadrick of Skin Fork, West Virginia, became the war's first American casualty. Kenny was the first, but many more West Virginians were destined to die in the conflict—in fact, more West Virginians were killed in combat during the three years of the Korean War than during the 10 years that we fought in Vietnam. In one of the bloodiest wars in history, 36,940 more Americans would lose their lives before it was all over. In addition, more than 8,000 Americans are still missing in action and unaccounted for.

Five years ago, we dedicated the Korean War Memorial on the Mall in Washington, DC. This stirring tribute to the veterans of this war poignantly symbolizes the hardships of the conflict.

The Memorial depicts, with stainless steel statues, a squad of 19 soldiers on patrol. The ground on which they advance is reminiscent of the rugged Korean terrain that they encountered, and their wind-blown ponchos depict the treacherous weather that ensued throughout the war. Our soldiers landed in South Korea poorly equipped to face the icy temperatures of 30 degrees below zero, their weaponry outdated and inadequate. As a result of the extreme cold, many veterans still suffer today from cold-related injuries, including frostbite, cold sensitization, numbness, tingling and burning, circulatory problems, skin cancer, fungal infections, and arthritis. Furthermore, the psychological tolls of war have caused great hardship for many veterans.

As a background to the soldiers' statues at the Memorial, the images of 2,400 unnamed men and women stand etched into a granite wall, symbolizing the determination of the United States workforce and the millions of family members and friends who supported the efforts of those at war. Looking at the steadfast, resolute faces of these individuals invokes in the viewer a deep admiration and appreciation for their importance to the war effort.

Author James Brady, a veteran of the Korean War, spoke for all those who served in the war when he wrote, ''We were all proudly putting our lives on the line for our country. But I would later come to realize that the Korean War was like the middle child in a family, falling between World War II and Vietnam. It became an overlooked war.'' Mr. Brady conveys the sentiments of many of the veterans who served in this war and underscores our need to give these veterans the recognition they are long overdue.

Today, I salute the courage of those who stood up for democracy while fighting for the freedom of strangers. Through their unselfish display of determination and valor in the battles they endured, they sent an important message to future generations. I thank our Korean War veterans; their bravery reminds us of the value we put on freedom, while their sacrifices remind us that, as it says at the Korean War Memorial, ''Freedom is not free.''

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Madam President, at the close of business Friday, June 23, 2000, the Federal debt stood at $5,646,605,711,994.02 (Five trillion, six hundred forty-six billion, six hundred five million, seven hundred eleven thousand, nine hundred ninety-four dollars and two cents).

One year ago, June 23, 1999, the Federal debt stood at $5,594,432,000,000 (Five trillion, five hundred ninety-four billion, four hundred thirty-two million).

Five years ago, June 23, 1995, the Federal debt stood at $4,887,614,000,000 (Four trillion, eight hundred eighty-seven billion, six hundred fourteen million).

Twenty-five years ago, June 23, 1975, the Federal debt stood at $525,118,000,000 (Five hundred twenty-five billion, one hundred eighteen million) which reflects a debt increase of more than $5 trillion—$5,121,487,711,994.02 (Five trillion, one hundred twenty-one billion, four hundred eighty-seven million, seven hundred eleven thousand, nine hundred ninety-four dollars and two cents) during the past 25 years.

TRIBUTE TO LUCY CALAUTTI

Mr. DORGAN. Madam President, here in Washington, DC, administrations come and go, Members of Congress and their staff pass through at an increasing pace. It often seems that many of the people that we know are on their way to someplace else.

With all this change, we cherish the points of stability in our lives, and among these are the professional staff members who have been with us for the long haul. These are the people who could have gone elsewhere and earned more money, but they chose to stay and work in public service. They are the silent heroes here in Congress. They keep the process moving; their invisible stamp is upon all our work in public policy. We depend upon them more than we like to say.

Lucy Calautti is one of those key staff members who makes things happen here in the United States Senate.

Lucy has worked with me for over 25 years, first in my role as an elected State official in our State Capitol in North Dakota, then in the U.S. House of Representatives and now the U.S. Senate. During much of that time she has been my Chief of Staff.

Lucy goes about her work with an energy, focus, and high-spirited competence that people who deal with her have come to know well. For me, Lucy has been a treasure. I have had the great luxury of knowing that when I leave the office to travel to North Dakota, the work here will continue to be directed by a real leader.

Lucy is a true original. She is practical and idealistic, a patriot and an ardent advocate of women's rights. When she graduated from high school in Queens, New York in the 1960s, she went right into the Navy to serve her country. That was not exactly the most popular thing to do back then. When she left the service she came to North Dakota and enrolled in North Dakota State University to get her Masters degree.

I hired Lucy in 1974, and during all of those years she has brought passion and conviction to her work. No problem has been too small or too big. If it concerned the people of North Dakota and our country, then Lucy would tackle it until it got resolved.

One of Lucy's passions has been Major League Baseball. For years she and her husband, Kent, have taken a weekend or two in February to catch a part of Spring training in Florida. It's true she has suffered over the years as an ardent New York Mets fan. But for years I have watched the autographed baseballs on her desk form a rising pyramid in their plastic cases. I had a sense where this stack was heading.

And now, not surprisingly, Lucy is going to leave my office this week to become the head of Government Relations for Major League Baseball. I am sad, but I am happy, too. America's national pastime is gaining a tireless advocate here in Washington. No one deserves this opportunity more than Lucy, and no one could do a better job.

Such passages are common here in Washington, but that does not make them any easier. I just wanted to take a few moments to express my appreciation to Lucy Calautti, on behalf of all the people of my state, for a job well done. We wish her well.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is now closed.

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.

The PRESIDING OFFICER. The Senator from Mississippi is recognized.

AMENDMENT NO. 3625

(Purpose: To implement pilot programs for antimicrobial resistance monitoring and prevention)

Mr. COCHRAN. Madam President, I send an amendment to the desk and ask that it be stated.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Mississippi [Mr. COCHRAN], for himself, Mr. KENNEDY, and Mr. FRIST, proposes an amendment numbered 3625.

Mr. COCHRAN. Madam President, I ask unanimous consent reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 27, before the colon on line 4, insert the following: '', and of which $25,000,000 shall be made available through such Centers for the establishment of partnerships between the Federal Government and academic institutions and State and local public health departments to carry out pilot programs for antimicrobial resistance detection, surveillance, education and prevention and to conduct research on resistance mechanisms and new or more effective antimicrobial compounds.''

Mr. COCHRAN. Madam President, I offer this amendment to H.R. 4577, the Labor, Health and Human Services, and Education appropriations bill to implement pilot programs for antimicrobial resistance monitoring and prevention.

Antimicrobial resistance has become a worldwide problem. Emerging, drug-resistant infections threaten the health and stability of countries across the world. Diseases such as malaria and tuberculosis have become resistant to treatment in many countries, and we are beginning to see these drug-resistant infections reemerging in the United States.

Here in the U.S., resistance is developing in both large, urban areas and rural communities. We are seeing widespread resistance develop to common drugs such as Penicillin. Some microbes are even becoming resistant to our last line of therapy, Vancomycin. We are approaching the point where such common ailments as a sore throat or an ear infection could become life threatening. The problem is not limited to a certain line of microbes. We are seeing the development of resistance in all major groups of microorganisms—viruses, fungi, parasites, and bacteria.

We must address this problem on several levels. We must build our public health infrastructure for both surveillance of and response to resistance and outbreaks. We need to educate practitioners and patients in the responsible use of antimicrobials, and we need to continue to invest in research on the mechanisms of resistance and the development of new treatment.

This amendment begins to address the global threat posed by antimicrobial resistant infections. We must aggressively act over the course of the next several years to avert the situation of a half century ago when infectious diseases were the greatest threat to human health.

Specifically, this amendment provides $25 million to be available through such centers as the Centers for Disease Control and Prevention for the establishment of partnerships between the Federal Government and academic institutions and State and local public health departments to carry out pilot programs for antimicrobial resistance detection, surveillance, education, and prevention, and to conduct research on resistance mechanisms and new or more effective antimicrobial compounds.

For the information of the Senate, authorizing legislation is being introduced and referred to the Health, Education, Labor and Pensions Committee. The purpose of the new legislation, which is being sponsored here in the Senate by the Senator from Tennessee, Dr. FRIST, and the Senator from Massachusetts, Mr. KENNEDY, will provide a framework of legislative authorization for activities and appropriations of dollars such as that reflected by this appropriations bill amendment. I also am pleased to have the cosponsorship on this specific amendment of Senator KENNEDY and Senator FRIST, as well.

I am hopeful the majority leader will be able to permit us to announce that a vote will occur on this amendment as the next order of business for the Senate. It will not likely occur today but probably tomorrow at sometime to be announced by the leader. I hope we will be able to make that announcement for the information of all Senators very soon.

The funding that is provided as an addition to that included in the bill for microbial research into resistance to diseases, viruses, and illnesses is a matter that is emerging as one of the most serious challenges we face in medical science today. I am hopeful the Senate will approve this amendment and increase the funding for this important area of inquiry.

Madam President, I ask unanimous consent to proceed as in morning business to discuss two related pieces of legislation for the Department of Education that I will introduce today.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The remarks of Mr. COCHRAN pertaining to the introduction of S. 2788 and S. 2789 are printed in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

Mr. COCHRAN. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Madam President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. Is there objection to setting aside the pending amendment?

Mr. COCHRAN. I object, Madam President.

The PRESIDING OFFICER. Objection is heard.

Mr. COCHRAN. I will find out what is going on, and I may withdraw my objection. So I will reserve the right to object at this point, and I will ask the distinguished Senator a question or two.

There is a consent request that I am told was being circulated on both sides of the aisle to have a vote on the pending amendment that I have offered at a time certain. In fact, it would occur at 9:40 a.m. tomorrow and would provide for some remarks to be made before the vote. I would like to know whether or not we can expect to get consent to that proposed agreement before permitting the amendment to be set aside and proceeding to another amendment and possibly never getting back to the pending amendment. That is the purpose for my concern.

Mr. REID. Madam President, we have the proposed unanimous consent agreement here and we are giving it every consideration. I thought it would be more appropriate, in that we are trying to move the bill along, to try to get some amendments offered and get them out of the way. We have dozens of amendments on this bill of which we need to try to dispose. We in the minority certainly have no problem with having a vote in the morning. It is just that we have some people to check with before we agree to the unanimous consent request. We would be happy to schedule votes on my amendments. We are not trying to avoid votes. We are happy to get votes.

Mr. COCHRAN. Why don't we get consent on the agreement——

Mr. REID. Because I don't have authority to offer my approval of the agreement at this time.

Mr. COCHRAN. I don't have the authority to set aside my amendment and proceed to other matters until we get consent. So we have a problem.

The PRESIDING OFFICER. Objection is heard.

Mr. REID. Madam President, I also want to make sure everyone understands that we are trying to offer amendments to move the bill along. We don't want people to be complaining that people are trying to slow up movement of this bill. There is no problem at all with having the vote sometime tomorrow. As you know, there are scores of amendments that are going to be offered. We need to have a number of votes. What about if we had that vote at noon tomorrow rather than 9:40? Would the Senator agree to that?

Mr. COCHRAN. Madam President, I don't have any indication from our leadership as to what alternatives would be available to substitute for the consent being circulated.

Mr. REID. If my friend will check, that would be good.

Mr. COCHRAN. We will find out an answer and get back to you.

Mr. HARKIN. If the Senator will yield, I just saw the unanimous-consent request, I might say, and there is a part in there—I don't mind the time, but there is a clause that says ''with no second-degree amendments in order.'' I am checking to find out whether or not that is going to be standard fare for the remainder of this bill. I support the Senator's amendment, but if we have a unanimous consent where some don't get an opportunity to offer second degrees and others do—we ought to play under the same rules is what I am saying. I ask the minority whip whether or not we are going to do that.

Mr. REID. Madam President, that certainly is a question. That is one of the reasons we were holding off agreeing to this. I say to my friend from Mississippi, it appears we can agree to his amendment. It appears what is happening here is the majority wants a vote sometime tomorrow morning. If we agree to the Senator's amendment, how about having a vote on one of my amendments in the morning?

Mr. COCHRAN. If the Senator will yield, he is negotiating with the wrong guy. He is down the hall. I will show you the direction how to get there. I am the author of this amendment and that is about as high as I get in this discussion. I appreciate Senator REID's support for the amendment, and also Senator HARKIN's support. If it were up to the three of us, we could probably get this worked out.

Mr. REID. Maybe we can have our very competent staff walk down the hall and discuss that. In the meantime, I will speak about my amendment, and if it is appropriate at a subsequent time to offer it, I will do so.

I also extend my appreciation to the Senator from Mississippi, who is always so cordial and easy to work with. I recognize that we all have things to do, sometimes over which we have no control. It happens to me all the time.

I have spent a lot of time in hospitals in the last 10 or so years because of the illness of my wife. She is doing very fine now, but she has spent a lot of time in the hospital. Last August, she spent 18 days in the hospital. Prior to that, she spent a month in the hospital.

During her hospitalizations, the one thing I recognized more than anything else was the extremely important work of nurses. I understand how we depend on the doctors and that they are lifesavers, to say the least. But the personnel who are underappreciated and undercompensated are nurses. They work so hard and do so much for so little. We need to do more to protect nurses, and the amendments that I am going to offer, when I have that opportunity, relate to nurses.

First of all, I am going to offer an amendment that is going to recognize how dangerous nurses' work is. Nurses spend every day of their lives afraid that they are going to be stuck by mistake with a needle.

One of my amendments would allow the Secretary of Labor to amend OSHA's blood-borne pathogen standard to require that employers use needleless or safe needles and to require that employers create a sharp injury log to keep detailed information about on-the-job needle-stick injuries.

My second amendment would establish a new clearinghouse within the National Institutes of Occupational Safety and Health to collect data on engineered safety technology designed to prevent the risk of needle sticks. I have worked with the Senator from California, Mrs. BOXER, for a number of years on this problem. This amendment would relate directly to that problem.

Keep in mind that needle sticks occur routinely. About 600,000 needle sticks occur in America every year—not 60,000, not 600—600,000. Every 39 seconds, a nurse in America is accidentally stuck with a needle. This is a tremendously difficult problem. We could give example after example. I know we don't want to do that. But I am going to give a couple of examples.

In October 1997, a woman from Reno, NV, by the name of Lisa Black, a registered nurse, was nursing a man who had a terminal case of AIDS when a needle that had been used on him accidentally stuck her. Today, she is a very sick woman. She is infected not only with HIV, but she also has hepatitis C. Lisa Black, who was a totally healthy person prior to that day in October 1997 when she was accidentally stuck in the hand with a needle, now takes 22 pills a day to keep her HIV infection from progressing to full-blown AIDS and to delay the effects of hepatitis C.

Karen Daley is a nurse from Massachusetts. In fact, she is presently in a nurses association in Massachusetts. She had been a nurse for more than 20 years when she sustained a needlestick injury when she reached her gloved hand into a needle box to dispose of the needle from which she had drawn blood. She was stuck with another needle.

Just last week, in testimony before the House Subcommittee on Workforce Protection, Karen Daley described how the needle-stick injury caused her to contract both hepatitis C and HIV, which changed her life. I quote from part of her testimony.

> In the first year of my treatment I took a daily regimen that consisted of 21 pills a day and an injection that caused a wide range of side effects, among them: weight loss, nausea, loss of appetite, hair loss, headaches, skin rashes, severe fatigue and bone marrow depression. To say these side effects interfered with my normal day-to-day routine is a gross understatement. The single moment when my injury occurred 18 months ago has changed many other things for me. In addition to the emotional turmoil it has created for myself, my family, my friends, my colleagues—it has cost me much more than I can ever describe in words. As a result of my injury, I have given up direct nursing practice, work that I love.

Karen Daley did everything in her power and took all the necessary precautions—including wearing gloves and following proper procedures—to reduce risk of exposure to bloodborne pathogens. Her injury did not occur because she was careless or distracted or not paying attention to what she was doing.

These needlesticks just occur. Karen Daley has good reason to believe that had a safer needle and disposal system been in place at her hospital, she would not be sick today. According to the CDC, eighty percent of all needlestick injuries can be prevented through the use of safer needles.

Senator BOXER and I have introduced legislation that would dramatically reduce the risk of needlestick injuries by requiring hospitals and health-care facilities to use safe needles and keep better track of needlestick injuries.

When I offered this bill as an amendment last year, many of my colleagues, including the chairman of the HELP Committee, assured me that they were concerned about this problem and were committed to working on it.

Another year has passed, and still, nothing has been accomplished.

In the year since I offered this amendment,there have been approximately 600,000 accidental needle wounds—that is one injury every 39 seconds.

If we don't do something this coming year, there will be 600,000 more needle sticks, and a number of them will wind up as did Karen Daley and Lisa Black—infected with HIV, hepatitis C, and other debilitating diseases.

The actual number of needlestick injuries is probably much higher, because these injuries are considered to be widely under-reported. Several studies show needlestick under-reporting rates of between 40 and 90 percent.

We could have over 1 million needle sticks every year instead of every 39 seconds and every 15 seconds. Some people do not report their injuries.

The longer we wait, the more people—nurses, housekeeping staff, and anyone who handles blood, blood products, and biological samples—will be at risk of contracting a number of debilitating, if not deadly, diseases.

There are more than a score of diseases we know of to which nurses and other related personnel are subject to being infected. I mentioned HIV. Hepatitis B and C and malaria may be transferred from just a speck of blood—a very small amount of blood.

Despite the fact that safer devices have been available since the 1970s and that we know that more than 80 percent of needlestick injuries can be prevented through their use, fewer than 15 percent of U.S. hospitals have switched over to these safer devices, except in states that have enacted laws requiring them.

My amendments would ensure that the necessary tools—better information and better medical devices—are made available to front-line health care workers in order to reduce the injuries and deaths that result from needle sticks.

My amendment would establish a new clearinghouse within NIOSH to collect data on engineering safety technology designed to help prevent the risk of needle sticks, would allow the Secretary of Labor to amend OSHA's blood-borne pathogen standard to require employers to use needle-less or safe needles, and would require that employers create a sharp injury log to keep data on on-the-job needle-stick injuries.

The companion measure Senator BOXER and I sponsored in the House received overwhelming support. To date, it has 181 cosponsors. In the Senate, we also have support for our legislation, in addition to Senator BOXER and the Senator offering the amendment at this time.

Protecting the health and safety of our front-line health care workers should not be a partisan issue.

I urge my colleagues to work with me to have the amendments agreed to so that injuries and deaths from needle-stick injuries can be avoided.

Again, having spent time in hospitals and seeing how hard the nurses work, I had not realized that in America every 15 to 30 seconds women or men working as nurses stab themselves accidentally and subject themselves to these terrible diseases.

I ask the Senator from Mississippi if we have any word from down the hall yet.

Mr. COCHRAN. Madam President, if the Senator will yield, I am advised that we have not received any word from down the hall yet. I am not in a position to consent to the request at this time.

Mr. REID. I understand that.

I say to the Senator from Iowa, who was not on the floor at the time, that

I want him to understand we are doing the best we can, along with the majority, about this bill. Remember that I had two amendments to offer, but we weren't able to offer them because of a procedural problem.

I hope we can move this bill along quicker. There are lots of amendments.

I think the Senator has already talked to the Appropriations Committee, and we would agree to getting a list of who wants to offer amendments so we have a finite number. We are doing what we can.

Mr. HARKIN. I respond by saying to my whip that we are trying to get a finite list of amendments together so we know how many we have. Hopefully, we can dispose of those in the next couple of days.

We are definitely open for business. I want to start moving amendments. Hopefully, we will get an agreement shortly to offer amendments to be lined up to vote tomorrow.

Mr. REID. My friend has done such a tremendous job of comanaging this very difficult piece of legislation. We agree to accept the amendment of the Senator from Mississippi and vote on my amendment.

Madam President, Senator BOXER is to be listed as cosponsoring this bill. As I have stated, she has been stalwart in working with this. She is the main sponsor of the underlying amendment, the bill last year. We are both working on this amendment. She should be listed as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE BREAST AND CERVICAL CANCER TREATMENT ACT OF 1999

Mr. HARKIN. Madam President, I would like to take this opportunity to speak about S. 662, the Breast and Cervical Cancer Treatment Act of 1999. I urge the distinguished majority leader, Senator LOTT, to act quickly to bring this bill to the floor. We have no excuse for delay in providing life-saving treatment to women who have been diagnosed with breast and cervical cancer.

As many of you in this body know, this is an issue I take very seriously. My only two sisters both had breast cancer and died from the disease. Sadly, they contracted breast cancer at a time when regular mammograms and improved treatment methods were not widely used or available.

Over the past several years, we have made a great deal of progress against breast cancer, but there is still a long way to go. In particular, we've been able to secure significant increases in funding of research to understand the causes and find treatments for breast cancer.

Look how far we have come. Almost a decade ago, when I looked into the issue of breast cancer research, I discovered that barely $90 million was spent on breast cancer research.

That is why in 1992, I offered an amendment to dedicate $210 million in the Defense Department budget for breast cancer research. This funding was in addition to the funding for breast cancer research conducted at the National Institutes of Health. My amendment passed and—overnight—it doubled federal funding for breast cancer research.

Since then, funding for breast cancer research has been included in the Defense Department budget every year.

Today, I am proud to say, between the DoD and NIH, over $600 million is being spent on finding a cure for this disease.

Scientific researchers are making exciting discoveries about the causes of breast cancer and its prevention, detection, diagnosis, treatment, and control. These insights are leading to real progress in our war against this devastating disease. We know better than ever before how a healthy cell can become cancerous, how breast cancer spreads, why some tumors are more aggressive than others, and why some women suffer more severely and are more likely to die of the disease.

For example, discovery of the BRCA1 gene has led us to better identify women who are at risk of breast cancer, so the disease can be caught early and treated. And of course the development of cancer-fighting drugs like tamoxifen owes a great deal to our federal research investment.

But our success in building our research enterprise will be pointless if breakthroughs in diagnosis, treatment, and cures are not available to the public.

That is why, a decade ago, as chairman of the Senate Labor, Health and Human Services, and Education Appropriations Subcommittee, I worked to create a program, run by the Centers for Disease Control and Prevention, to provide breast and cervical cancer screening for low-income, uninsured women.

This program is run nationwide and is tremendously successful. In Iowa, almost 9,000 women have been screened.

Nationally, more than one million low-income American women have been screened. Of these, more than 6,000 were diagnosed with breast cancer and 500 with cervical cancer.

This program is a great success. But it is only the first step. Congress must now provide the next critical piece: funding for treatment services once a woman has been diagnosed with breast or cervical cancer. Too often, women diagnosed through this program are left to scramble to find treatment solutions.

I recently heard about this terrible problem from one of my constituents. Her name is Barbara. Five years ago, Barbara was diagnosed with breast cancer through the CDC's program. Uninsured, she struggled to find treatment. Several doctors refused to treat her because she lacked insurance. Eventually, through a hodgepodge of sources and some volunteer services in Iowa she was able to receive chemotherapy. But today, she owes over $70,000 in medical bills. She writes, ''My bills are so high I often wonder if I should quit treatment so I will not saddle myself and my family with so much debt.''

Barbara is one of the lucky ones. Many women who have been diagnosed through this program do not get treated at all.

The Breast and Cervical Cancer Treatment Act has 70 Senate cosponsors from both parties.

Its companion bill, H.R. 4386, has passed the House of Representatives with a vote of 421–1. There is no excuse for any further delay in the Senate. We should get this legislation through, combine it with the House bill, and get it to the President for his signature as soon as possible.

I note for the record, the original cosponsor of this bill was our now departed colleague, Senator John Chafee. He was the original sponsor. It has 70 cosponsors. Those who worked so long with John Chafee admired him so much. I think it would be a fitting tribute to him to get this bill through as soon as possible and get it to the President for his signature.

This is S. 662, the Breast and Cervical Cancer Treatment Act of 1999. As I said, its companion bill passed the House 421–1. I think we should pass it as soon as possible. That is why I am taking this time to talk about it, to encourage our distinguished majority leader to bring it to the floor as soon as possible.

THE DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND RELATED AGENCIES APPROPRIATIONS, 2001—Continued

Mr. HARKIN. Madam President, this morning I was invited to the White House for a truly historic announcement. Through the collaboration of government and private sector efforts, scientists have completed the first rough map of the human gene. I believe history will prove this the most significant scientific development of our generation. Its implications for improving the health and well-being of people are truly astounding.

Today's announcement was especially fulfilling for me. In 1989, when I served as chair of the subcommittee responsible for this bill, I began the funding for the Human Genome Center at NIH, and the race to map the genome began in earnest. At that time, many criticized the move, saying it was a waste of time and money and couldn't be done in our lifetimes.

I listened very carefully to Dr. James Watson, the Nobel Prize winner who first discovered the double helix of our DNA, and he was the first director of the genome center. He talked to us at great length about the possibilities of not only mapping the human genome but sequencing the entire human genomic code. At that time a lot of us were captivated by this concept, that we could actually have the blueprint of

life that hitherto has been known to no human being, but only to the Almighty.

By breaking down this human genetic code, sequencing every one of the 3 billion pairs that every human has, it would, as Dr. Watson said, provide more than a blueprint, but it would provide the source of research that could very rapidly bring to a close our search for an end to some of the more debilitating diseases that have afflicted mankind for thousands of years. Knowing the genetic code, researchers will now be able to more precisely determine the genetic markers that people have that predispose them to one disease or another.

It was Dr. James Watson who really got the policymakers here in the Congress excited about and interested in this human genome project. I happened at that time to be the chair of the subcommittee. As Dr. Watson explained to us what this would do, I had probably just enough engineering background and mathematics background to get a feel for what this could possibly mean. As a result, we began to fund the human genome project and center.

Today's announcement also demonstrates the importance of our drive to double funding for medical research. Senator SPECTER and I are committed to this effort. The bill provides the third installment of a $2.7 billion increase, the largest ever of a 5-year plan, to double funding for NIH. The completion of mapping the human genome will yield tremendous advances in the search for medical breakthroughs in heart disease, cancer, Alzheimer's. We are on the way to learning more than we ever thought possible to cure human diseases. The reward will be reflected in the faces of MS, multiple sclerosis, patients who may live longer and better lives because research isolated the gene that causes their dread disease. We will see it in the faces of Parkinson's patients who will experience an improved quality of life from a drug targeted to their individual genome type. And we will see it in the faces of cancer patients whose lives may one day be saved by gene therapy.

Yet as we celebrate this great milestone, we must be looking to the challenges ahead. I, of course, look forward to the day when genetic discrimination will be illegal, both at the workplace and in insurance. Genomic technologies have the potential to lead to better diagnosis and treatment and ultimately to the prevention and cure of many diseases and disabilities. But without antidiscrimination protections, Americans will forego early diagnosis and treatment for fear of discrimination in health insurance and employment.

So we cannot let discrimination or the fear of discrimination threaten our ability to conduct the very research we need to understand, treat, and prevent genetic diseases. That is why Senator DASCHLE, Senator KENNEDY, Senator DODD, and I have introduced the Genetic Nondiscrimination in Health Insurance and Employment Act. Our legislation would provide greatly needed protections against genetic discrimination in both employment and insurance and prohibit inappropriate disclosure of that information. I urge all my colleagues to join in passing anti-genetic-discrimination legislation to allow the research of the human genome project to reach its full potential.

In conclusion, I offer my heartiest congratulations and appreciation to every individual who worked on this project. There is no higher calling than this work, saving human lives. These outstanding scientists and researchers made this historic day possible. Not only did they meet their timetable, they beat it, and that is what I call real success.

In that vein I want to pay special tribute to Dr. James Watson whose pioneering efforts made today's breakthrough possible and who, at one critical point in this human genome project several years ago, made the decision with the new types of supercomputers we had to ratchet up the number of base pairs that they would be investigating and sequencing, to a much higher level than was ever done before. Because of that, we were able to complete the sequencing of the human gene now rather than 10 or 15 years from now.

I also commend Dr. Francis Collins, the head of the human genome project at NIH. His brilliant and charismatic leadership of the project has been the engine driving this effort.

I might say Dr. Collins headed not only the effort here in the United States, but this has been a multinational effort, and this morning, at the White House, we had Prime Minister Blair on closed circuit television. He was in London. He had his scientists around him. They had provided great support for our project, as had the French and the Germans, the Swiss, the Chinese, the Japanese, and a number of others. They had all provided help and support for sequencing this human gene. Dr. Francis Collins led this international effort.

Finally, I also pay tribute to Dr. Craig Venter, a former NIH scientist now the head of a private entity called Celera Genomics. It is the private sector firm that has been central to today's breakthrough. Dr. Venter, again, at a critical point, came up with a new way of discovering and sequencing more base pairs in a shorter period of time than had ever been done before. Again, because of his insight and his leadership and efforts, and his own private enterprise, he was able to help us reach this day a lot sooner.

I think that also points out the benefit of the tremendous relationship we have had in this country between public-sector-funded basic research and private-sector-funded research. Most—I would not say all—of the basic research done in this country is funded publicly by our taxpayers through the money that we appropriate here in the Congress. There is some basic research done by the drug companies, that is true. But in most of the research done in the private sector they take the basic research that is funded publicly and determine whether or not there is something there that can be made into a drug or therapeutic or intervention or diagnostic tool that can be used in the private sector, in the real world, to help either to stop the onset of a certain illness, to cure it once it has onset, or to make the illness less invasive and less detrimental to the normal life of a person.

With this marriage, we have in the United States cultivated a very unique body of health research. Today's announcement, with the public and private sector together, illustrated that.

Again, my congratulations to Dr. Venter for his leadership in the private sector.

Mr. REID. Will the Senator yield?

Mr. HARKIN. Yes, I am delighted to yield.

Mr. REID. Madam President, as this week progresses, we are going to be busier and busier and there will be less time to say what I want to say.

I said at our subcommittee hearing how much I admire and respect the work Senator HARKIN and Senator SPECTER do in the subcommittee. The audience there was very small. Hopefully, the audience here is bigger. I want everyone to understand what great work Senator HARKIN has done with Senator SPECTER on this subcommittee.

This year—and the President made an announcement today—we have a surplus of $217 billion. We have not had that in recent years. This subcommittee, in spite of the fact it has been fighting for money, has done wonderful things dealing with the National Institutes of Health. They have been the leaders in stem cell research. They held hearings. That work being done on stem cell research, together with the work being done on the human genome, is the same as the work we did with computers and the Internet. What we did 10 years ago with the computer is nothing compared to what we can do now, and the same is going to be true when we understand the genomes each of us has, together with stem cell research and some of the other things being done as the result of the funding of this subcommittee.

When the history books are written, the work the two Senators have done in funding this very important research is going to be a big chapter. There is hope, as the Senator mentioned. The people who have multiple sclerosis, diabetes, Alzheimer's, and Parkinson's are going to benefit from the work done with the funding of this subcommittee.

I hope the Senator from Iowa knows how much he is appreciated. This is as important as anything we have ever done in this Congress. Half the people

in the rest homes in America today are there because of two things: Parkinson's and Alzheimer's. Think what it will mean for not only the people who are sick but their loved ones. Think how good it will be if we can do something to delay the onset of these two diseases or, when the miracle does come, we can cure them. Think how important it will be for them and their families. In addition to that, think how important it will be for the American taxpayers. Billions of dollars go into taking care of people who have these two diseases.

On behalf of the people of the State of Nevada, and I think I can speak for the people of this country, the Senator is appreciated. I hope he understands that. It is great work. We hear so much negative in the press about no one will cooperate with anything. What this subcommittee does is an example of what the rest of the Congress should do. The work of the Senator from Pennsylvania and the Senator from Iowa has been good. I want the Senator to know how much I appreciate what he has done.

Mr. HARKIN. Madam President, I thank the Senator for his kind words. I was thinking as he was talking on this specific project, the human genome project, it is true I happened to be chairman at that time and we started funding it because of what Dr. Watson was able to get across to us when he explained what this would mean down the road. I must say, when I turned over the gavel to Senator SPECTER in 1995, there was not even a bump in the road. We always worked together on this. When he took over as chairman, we continued our strong support for NIH and our strong support for the human genome project.

As the Senator from Nevada said, it has truly been good bipartisan teamwork. I do not mean to say only the two of us. The members of the committee have been very much involved in this through the years.

Looking back now and seeing what has happened gives me goose bumps because when we first started this I checked with some people to find out what it would mean to sequence the human genes. We knew we could map it, but to sequence the 3 billion base pairs of genes, of cold human genome, I asked them how long: Maybe 25 years; maybe we will get it done in 25 years, maybe longer.

Even then they did not know if they could really get them all sequenced. So I would talk with Dr. Watson about it, and he would say: No, it may take us that long, but we should start on it; we should not put it off any longer; we should start on it.

I thought when we first started this it was going to take literally 20 years, as an outside estimate. As I said in my remarks, there came a time when Dr. Watson and some of his team figured out a better way of sequencing these genes, and that collapsed the timeframe right there. It took money. The whole effort in the human genome project has been people and money. If one has the people and the money, one can get it done. It took people to do it, but it took money to buy the big computers. The faster the computers got, the better it was. And along came Craig Venter with a different concept on how to do this, and that again collapsed the timeframe.

To think we started this project literally a decade ago, in 1990, and here we are 10 years later. Having the entire human genome sequenced is just mind boggling. It really is the Rosetta stone. Before that, they did not know how to read the Egyptian hieroglyphics. When they found the Rosetta stone, they could break the code.

That is what this is. It is going to provide the best tool researchers all over the world have ever had. The beauty of it is that any scientist anywhere in the world can go on the Internet right now and get all the information they need. Every sequence is now in the public domain. It is not being held privately. Any researcher can get access to it.

I say to my friend from Nevada, I cannot wait for the next 10 years to see what is going to happen. We are going to see an explosion of new findings researchers are going to come up with that are truly going to be mind boggling.

In the next 10 years, mark my words—I probably will not be here; maybe the Senator from Nevada will be here—by gosh, we are going to look back and say the first decade of the 21st century was the decade when we truly understood disease and illness, the things the Senator from Nevada talked about—Alzheimer's, multiple sclerosis, Parkinson's disease. Not only will we understand it, we will know how to go right in there and fix it 10 years from now. Mark my words.

Mr. REID. Madam President, I say to my friend from Iowa—I did not do a very good job of describing it—had someone told Senator HARKIN and I 10 years ago what is now possible with the Internet through computers, we would not have believed it. We simply would not have believed it. I know I would not have.

Mr. HARKIN. I did not have the capacity to understand it.

Mr. REID. But now the progress that has been made is unbelievable. What I tried to say—and the Senator from Iowa described it better than I—the same is going to apply to medicine. Ten years from now, people will think this conversation of ours was so amateurish.

Mr. HARKIN. Archaic.

Mr. REID. I thank the Senator.

Mr. HARKIN. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SPECTER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. BURNS). Without objection, it is so ordered.

Mr. SPECTER. Mr. President, I ask unanimous consent that the pending Cochran amendment regarding antimicrobial resistance monitoring agents be laid aside to recur as the pending business at 9:40 a.m. and there be 5 minutes for closing remarks tomorrow morning with a vote to occur on the amendment at 9:45 a.m. with no second-degree amendments in order.

I further ask unanimous consent that following that vote, the Senate resume consideration of the McCain amendment regarding the Internet.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JOHNSON. Mr. President, I supported the amendment to create a Medicare prescription drug benefit under the Medicare program offered by my colleague, Senator ROBB from Virginia, to the Labor, Health and Human Resources and Education Appropriations bill.

Despite the Senate defeating this amendment largely along a party line vote of 44 to 53, I vow to continue the fight with my colleagues to push the Senate for further debate on prescription drug proposals and pass a meaningful prescription drug bill this year. The millions of needy seniors and those with disabilities receiving Medicare deserve nothing less.

Some of my colleagues have argued that this was not the time, nor the proper legislative process by which we should pass a Medicare prescription drug proposal. Mr response to that accusation, is when is the proper time then? When are we in Congress going to listen to the constituents like those that I have spoken to from Wessington Springs and Custer, South Dakota? This is not, nor should be a partisan issue. This is not, nor should be an issue that gives greater deliberation to the pleas of party politics than pleas of needy seniors.

Constituents in my home state of South Dakota, have been telling me for years that they are struggling to make ends meet and need help affording their prescription drugs. I introduced my first bill on this issue well over a year ago in the Senate, and since then debate surrounding how to provide Medicare beneficiaries with access to affordable prescription drugs has produced several proposals from both Democrats and Republicans.

Yet, this is the first time that the Senate has taken the time during the 106th Congress to have a floor vote on this issue. I am cautiously optimistic that we will continue to see debate on this critically important matter, and may indeed find compromise between the two parties to help our senior citizens better afford their expensive prescription drug medications.

I am in constant contact with South Dakotans who have expressed their difficulty in choosing between paying for medication, or buying food and paying

utilities. I want to assure them that the Senate will not wait any longer and will pass legislation this session to provide immediate relief to the thousands of senior citizens in South Dakota and across the nation who are having difficulty affording life-saving medication.

Even if we can't reach an agreement on a Medicare prescription drug plan this year, there are several steps we can take now that would provide some relief to seniors who face rising prescription drug costs. All three of the bills that I have sponsored, including the Prescription Drug Fairness For Seniors Act, the International Prescription Drug Parity Act, and the Generic Pharmaceutical Access and Choice For Consumers Act, if enacted this year, would provide immediate relief to millions of Americans across the country. Equally so, these bills would require no additional taxpayer dollars nor new government program.''

While they may not be the magic bullet that meets all of the long term needs of providing Medicare prescription drug coverage, they would provide a mechanism for immediate relief from rising drug costs. Working together, reaching across the aisle, we can use this time of unparalleled prosperity to do the right thing by our seniors. We should do it this year for their sake, and for the sake of the future of Medicare.

MORNING BUSINESS

Mr. SPECTER. 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.

ADDITIONAL STATEMENTS

RECOGNITION OF THE FEDERAL CREDIT UNION ACT ANNIVERSARY

● Mr. GRAMS. Mr. President, I rise today, on the 66th anniversary of the National Credit Union Act being signed into law by President Franklin D. Roosevelt, to salute the Nation's credit unions and acknowledge their important contributions.

Prior to 1934, collective pools of employees gathered their assets to assist them in acquiring credit and improving their financial futures. The first credit union in the United States was established in 1909, as the only financial institution available to low-income workers who wanted to save their wages and receive short-term consumer loans.

In the spring of 1925, the Minneapolis postal employees collectively began Minnesota's first credit union with 15 workers attending the initial meeting. Started with a total of $146.25 in assets, the Minneapolis Postal Employees Credit Union, now called the US Federal Credit Union, has survived through times of economic hardship such as the Depression of the 1930s and World War II.

Today, the Federal Credit Union System has well over $300 billion in assets, and some 67 million Americans enjoy membership in credit unions nationwide. Credit unions bring together people with common employers, ethnic backgrounds, or geographic areas. They have positively impacted economic growth in the United States by increasing Americans' access to credit through a system of cooperative organizations which have helped stabilize America's credit structure.

The credit union philosophy of ''people helping people'' continues to provide many rural and economically depressed areas with the financial tools and confidence necessary for success. In my state of Minnesota, more than 195 credit unions not only provide mortgages, loans, and financial savings opportunities, but also bring their communities together to raise money for programs such as ''Credit Unions for Kids.'' This effort is a collaboration of credit unions and business partners benefitting 170 Children's Miracle Network-affiliated hospitals serving 14 million kids nation-wide.

Minnesota credit unions also provide funds for the Minnesota Credit Union Foundation, a non-profit corporation organized to serve charitable, scientific and educational purposes with special emphasis on credit union-related activities. Funds are used to provide disaster relief efforts for credit union members, develop credit unions in emerging nations, and supply scholarships to educational training programs.

Mr. President, as a member of a credit union myself, I would like to thank America's credit unions on this anniversary for their constant and continuous efforts to assist the men and women of their communities overcome life's financial obstacles and build a more secure future for themselves and their families.●

IN HONOR OF PAUL McLAUGHLIN

● Mr. KERRY. Mr. President, I rise today to join the City of Boston, the residents of Massachusetts, and members of the law enforcement community across the country in recognizing the loss of Paul McLaughlin. Paul was a committed prosecutor who lived his life for others, and on September 25, 1995, he was shot while getting into his car after work. This weekend Boston memorializes its loss with the dedication of the Paul McLaughlin Boys and Girls Club in Dorchester's Savin Hill neighborhood and I join the city in this important day of recognition.

Paul came from a long, distinguished line of Bostonians. His grandfather, Edward Sr., was the Boston Fire Commissioner as well as a member of the State Legislature in the 1920's, and his father, Edward Jr., was President of the Boston City Council, an Assistant U.S. Attorney, and Lt. Governor under Governor Volpe. A graduate of Boston Latin School, Dartmouth College and Suffolk Law School, Paul was admitted to the bar in 1981 and his early work included time at the Cambridge District Court and the Public Protection Bureau. Paul was the consummate professional, and his reputation soon led to serving on the Attorney General's staff in 1991, where he was assigned to drug and gang cases in Suffolk Superior Court. During one five year stretch he compiled an impressive 73 percent conviction rate, winning 98 of 134 Superior Court cases.

In a fitting tribute to Paul's commitment to working for a better community for all of us, especially our children, the site for the McLaughlin Boys and Girls Club is one of Boston's Ten Most Wanted drug houses. On Saturday, June 24th, the McLaughlin Family joined with Mayor Thomas M. Menino and members of the Colonel Daniel Marr Boys & Girls Club in honoring Paul's life by opening a remarkable new facility in his name in Dorchester's Savin Hill neighborhood. The Paul R. McLaughlin Youth Center will perpetuate Paul's legacy of selfless service to his community by serving 2,600 children in one of the state's most successful youth programs. The structure that used to be the source of drugs and despair will now be a beacon of hope for the whole city.

Mr. President, I join the people of Dorchester, West Roxbury and Jamaica Plain in mourning the loss of their neighbor and friend. My thoughts go out to Paul's colleagues, friends and family. Together, we realize how fortunate we are to have worked with and known an individual of his caliber. Today the City of Boston memorializes this loss, and I join everyone in honoring his life by opening the Paul R. McLaughlin Youth Center.●

TRIBUTE TO THOMAS BURACK

● Mr. SMITH of New Hampshire. Mr. President, I rise today to pay tribute to Thomas Burack of Dunbarton, New Hampshire, for receiving the ''Cotton Cleveland Leadership Award'' for 2000.

A renowned and engaging speaker, he is often found addressing business groups and honoring professionals who have made outstanding accomplishments. It seems only fitting, then, that he should be honored with this award which celebrates the accomplishments of an outstanding individual who has demonstrated involvement and commitment to community service as well as the ability to encourage and develop leadership in others.

A graduate of the 1997 Leadership New Hampshire class, he practices law at the firm of Sheehan, Phinney, Bass, and Green, P.A. Over the past ten years, he has donated both time and experience to the Dartmouth Environmental Network, the New Hampshire Land and Community Heritage Commission, the Audubon Society of New

Hampshire and the WasteCap Resource Conservation Network.

A recipient of the Harry S. Truman Scholarship, Thomas Burack is also the founding President of the Truman Scholars Association and a member of the Board of Trustees of the George C. Marshall Foundation of Lexington, Virginia.

Thomas Burack has proven himself to be an outstanding citizen, volunteer and a resource to his surrounding community. It is an honor to represent him in the United States Senate.●

TRIBUTE TO RYAN BELANGER FOR HIS HEROIC RESCUE

● Mr. SMITH of New Hampshire. Mr. President, I rise today to pay tribute to an individual who has distinguished himself in the State of New Hampshire by performing the outstanding heroic act of saving the life of a resident of the town of Bedford.

Ryan Belanger acted selflessly on April 9th, 2000, to rescue resident Paula Halla, only moments before her car exploded. Paula's car had been struck off the road by a tree that fell during a storm, leaving her trapped in the burning vehicle anxiously awaiting rescue crews.

Belanger, who noticed the vehicle after also striking the fallen tree, checked on the passengers in his vehicle and immediately rushed to the aid of Paula. Without hesitation, Ryan Belanger began to attempt to put out the fire, and pulled Paula from the burning car only moments before it exploded.

Citing his late grandfather's influence and love of life, Belanger stated, ''He was my father, and made me who I am. If it wasn't for him, I wouldn't have pulled that lady out of the car.'' Had Ryan not acted with haste, Paula would have most likely been killed in the incident. Instead, she escaped with minor bruises and cuts.

I am honored to recognize a true American hero, and to commend him on his successful efforts to rescue a fellow resident of the state. He quickly rescued Paula Halla from her vehicle, saving her life. He is an inspiration to the town of Bedford, his home town of Manchester, and the state and nation as a whole. I applaud his courage and perseverence in the daring rescue. It is truly an honor and a pleasure to represent him in the United States Senate.●

TRIBUTE TO EILEEN KENNEDY

● Mr. SMITH of New Hampshire. Mr. President, I rise today to pay tribute to Eileen Kennedy, a business reporter for the Nashua Telegraph, for receiving the United States Small Business Administration's 2000 ''Women in Business Advocate of the Year'' award.

Eileen's hard work and dedication clearly placed her at the top, as this was the first time a reporter has been selected for this award. Through profiling local small business women, she has demonstrated compassion and understanding for the difficulties they face, and has acted as an advocate of their accomplishments.

A staff reporter at the Nashua Telegraph since May 1998, Eileen has frequently written on issues involving high-tech businesses, with particular attention paid to those owned and managed by women. She has effectively educated the surrounding community on small business leaders throughout the state.

As a former small business owner in the state, I commend Eileen Kennedy for her contribution. It is truly an honor to represent them in the United States Senate.●

TRIBUTE TO CAROLYN MARTIN

● Mr. SMITH of New Hampshire. Mr. President, I rise today to pay tribute to Carolyn Martin of the Keene Sentinel for being honored as the 2000 ''Small Business Journalist of the Year'' by the United States Small Business Administration.

Carolyn not only covers news and feature stories, but underscores the unique needs and accomplishments of small businesses and the men and women who lead them as well. Over the past year, she has helped increase public awareness of small business issues and reported on community service aimed at enhancing small business opportunity and growth.

Carolyn brings many qualifications with her to the job, as she has worked as a print and broadcast journalist in Annapolis, Maryland, and Mobile, Alabama. She also served as the senior communications officer with the American Association for the Advancement of Science and was Vice President of Community Development for the Chamber of Commerce in Mobile, Alabama.

As a former small business owner in the state, I commend Carolyn for her hard work and dedication. It is truly an honor to represent her in the United States Senate.●

TRIBUTE TO JOSEPH C. LEDDY

● Mr. SMITH of New Hampshire. Mr. President, I rise today to pay tribute to Joseph C. Leddy, CEO of Work Opportunities Unlimited, Inc., for being named the 2000 ''Small Business Person of the Year'' by the United States Small Business Administration.

Joseph founded the company in 1982, where it began as a local leader in the field of vocational training and employment placement. Presently, it brings in approximately $12 million a year and employs over 500 people in 27 offices throughout four New England states.

Work Opportunities Unlimited assists individuals with disabilities, veterans, young adults, at-risk youth and others with locating employment, and has used previous Small Business Administration funding to catapult their business to the forefront of the field.

In addition to his work with Work Opportunities Unlimited, Joseph has held numerous positions in the Department of Education, worked as a Blind Rehabilitation Specialist with the Veterans Association and taught at New Hampshire Technical College.

A valuable resource to the state and to New England, it is my honor and a great pleasure to represent Joseph Leddy in the United States Senate.●

TRIBUTE TO THE TOWN OF SALEM

● Mr. SMITH of New Hampshire. Mr. President, I rise today to pay tribute to the town of Salem on its 250th anniversary, an important and historic milestone.

Since being incorporated as a town on May 11, 1750, Salem has provided its residents with a safe place to raise families in a convenient location on the border of New Hampshire and Massachusetts. This thriving community boasts countless recreational opportunities. Canobie Lake attracts boaters, fishermen and those just looking for a peaceful place to relax. People from all over New England flock to Canobie Park to enjoy a day of games and fun during the summer months, and those who are looking for a little history can visit America's Stonehenge.

Salem's 26,000 residents have seen a great amount of change throughout its 250 years. The town is now home to numerous industrial firms, and will soon welcome Cisqo to the growing number of businesses that call Salem home. Salem also offers numerous shopping outlets, most notably the Mall at Rockingham Park, with opportunities for great tax-free shopping.

Salem is also home to some very talented athletes. Olympic Women's Hockey Gold Medalist Katie King was a multi-sport star at Salem High before the world took notice in Nagano in 1998. And Salem High's softball team is a perennial state power, taking the state title once again this year.

Salem is also a very politically active town as it recently opened its Republican Town Committee offices. Also, the town has come together to celebrate its 250th anniversary, celebrating with events that began with a tremendous First Night party to mark the year 2000 and will culminate with a party on the Fourth of July. Once again, I want to congratulate the town of Salem on its 250th anniversary. It is an honor to serve its citizens in the United States Senate.●

TRIBUTE TO THE BELKNAP COUNTY ECONOMIC DEVELOPMENT GROUP

● Mr. SMITH of New Hampshire. Mr. President, I rise today to pay tribute to the Belknap County Economic Development Group for receiving the 2000 United States Small Business Administration's New Hampshire ''Financial Services Advocate of the Year'' award.

Financial service advocates play an integral role in the success of a small business, particularly in their assistance with access to credit. The Belknap County Economic Development Group is no exception. They have been assisting small businesses in surrounding communities with great success since 1992.

Initially formed to address economic issues plaguing the area at the time, it later expanded to assisting small businesses struggling to get off the ground. It currently operates a revolving loan fund and two micro-lending programs, as well as provides technical assistance and counseling.

As a former small business owner in the state, I commend the Belknap County Economic Development Group for their hard work and dedication. It is truly an honor to represent them in the United States Senate.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Ms. Evans, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations and a treaty which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

At 1:14 p.m., a message from the House of Representatives delivered by Ms. Niland, one of its reading clerks, announced that the House has agreed to the following concurrent resolution in which it requests the concurrence of the Senate:

H. Con. Res. 275. Concurrent resolution expressing the sense of the Congress with regard to Iraq's failure to release prisoners of war from Kuwait and nine other nations in violation of international agreements.

At 4:36 p.m., a message from the House of Representatives delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bill, without amendment:

S. 1309. An act to amend title I of the Employee Retirement Income Security Act of 1974 to provide for the preemption of State law in certain cases relating to certain church plans.

MEASURES REFERRED

The following concurrent resolution was read, and referred as indicated:

H. Con. Res. 275. Concurrent resolution expressing the sense of the Congress with regard to Iraq's failure to release prisoners of war from Kuwait and nine other nations in violation of international agreements; to the Committee on Foreign Relations.

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–9405. A communication from the Acting Assistant Secretary for Fish and Wildlife and Parks, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''Importation or Shipment of Injurious Wildlife: Zebra Mussel (Dreissena polymorpha)'' (RIN 1018–AF88) received on June 6, 2000; to the Committee on Environment and Pubic Works.

EC–9406. A communication from the Director of the Office of Congressional Affairs, Office of Nuclear Reactor Regulation, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled ''10 CFR Part 50; Appendix K, ''ECCS Evaluation Models'' (RIN3150–AG26) received on June 1, 2000; to the Committee on Environment and Public Works.

EC–9407. A communication from the Director of the Office of Congressional Affairs, Office of the Chief Financial Officer, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled ''Revision of Fee Schedules; 100% Fee Recovery, FY 2000'' (RIN3150–AG50) received on June 7, 2000; to the Committee on Environment and Public Works.

EC–9408. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency transmitting, twenty-two items relative to chemical safety; to the Committee on Environment and Public Works.

EC–9409. 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 ''Approval and Promulgation of Implementation Plans; Ohio (FRL6600–8) received on May 24, 2000; to the Committee on Environment and Public Works.

EC–9410. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of five rules entitled ''Approval and Promulgation of Air Quality Implementation Plans; Pennsylvania; Nitrogen Oxides Allowance Requirements (FRL6702–3), ''Approval and Promulgation of State Plans for Designated Facilities and Pollutants: Alabama; Correction (FRL6708–6), ''Approval and Promulgation of Implementation Plans; Indiana'' (FRL6708–5), ''Approval and Promulgation of Implementation Plans: Indiana (FRL6708–2), ''Revocation of the Selenium Criterion Maximum Concentration for the Final Water Quality Guidance for Great Lake System (FRL6707–7) received on May 30, 2000; to the Committee on Environment and Public Works.

EC–9411. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of two rules entitled ''Approval and Promulgation of Maintenance Plan and Designation of Area for Air Quality Planning Purposes for Carbon Monoxide; State of Arizona'' (FRL6601–7), ''Oil Pollution Prevention and Response: Non-Transportation-Related Facilities'' (FRL6707–6 received May 31, 2000; to the Committee on Environment and Public Works.

EC–9412. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of five rules entitled ''Approval and Promulgation of Implementation Plans; Arizona State Implementation Plan Revision, Maricopa County Environmental Services Department'' (FRL6710–5), ''Clean Air Act Final Approval of Operating Permit Program Revisions; Metropolitan Government of Nashville-Davidson County Tennessee'' (FRL6710–9), ''Clean Air Act full Approval of Operating Permit Program; Georgia'' (FRL6711–2), ''Revisions to the California State Implementation Plan, Santa Barbara County Air Pollution Control District'' (FRL6709–1), ''State of West Virginia: Final Program Determination of Adequacy of State Municipal Solid Waste Landfill Permit Program'' (FRL6710–3) received on June 1, 2000; to the Committee on Environment and Public Works.

EC–9413. 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 ''Organbromines Production Waste; Petroleum Regining Wastes; Identification and Listing of Hazardous Waste; Land Disposal Restriction; Final Rule and Correcting Amendments'' (FRL6711–4) received on June 5, 2000; to the Committee on Environment and Public Works.

EC–9414. 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 ''Acquisition Regulation'' (FRL6712–2) received on June 6, 2000; to the Committee on Environment and Public Works.

EC–9415. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, one item relative to guidance for implementation of the general duty clause Clean Air Act section 112(r)(1); to the Committee on Environment and Public Works.

EC–9416. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of two rules entitled ''Approval and Promulgation of State Air Quality for Designated Facilities and Pollutants; West Virginia; Control of Emissions from Existing Hospital/Medical/Infectious Waste Incinerators'' (FRL6716–2), ''Clean Air Act Full Approval of Operating Permit Program; State of Montana (FRL6714–4) received on June 6, 2000; to the Committee on Environment and Public Works.

EC–9417. 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 ''Approval and Promulgation of Air Quality Implementation Plan for Utah: Transportation Control Measures'' (FRL6711–9) received on June 9, 2000; to the Committee on Environment and Public Works.

EC–9418. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of five rules entitled ''Approval and Promulgation of Implementation Plans and Designation of Areas for Air Quality Planning Purposes; Ohio and Kentucky (FRL6717–1), Approval and Promulgation of State Plans for Designated Facilities and Pollutants; Arizona; Control of Emissions from Existing Hospital/Medical/Infectious Waste Incinerators'' (FRL6717–7a). ''Approval and Promulgation of State Plans for Designated Facilities and Pollutants; Colorado, Montana, South Dakota, Utah, Wyoming, Control of Emissions from Existing Hospital/

Medical/Infectious Waste Incinerators'' (FRL6717–3), ''Clean Air Act Full Approval of Operating Permit Program: Forsyth County (North Carolina)'' FRL6712–5) ''Reopening of Comment Period and Delaying of Effective Date of Revisions to the Interim Enhanced Surface Water Treatment Rule (IESWTR), The State 1 Disinfectants and Disinfection Byproducts Rule (State 1 DBPR) and Revisions to State Primacy Requirements to Implement the Safe Drinking Water Act (SDWA) Amendments'' FRL6715–4) received on June 14, 2000; to the Committee on Environment and Public Works.

EC–9419. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, the report of four items relative to asbestos; to the Committee on Environment and Public Works.

EC–9420. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, the report of four items; to the Committee on Environment and Public Works.

EC–9421. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of three rules entitled ''Effluent Guidelines, Pretreatment Standards, and New Source Performance Standards for the Transportation Equipment Cleaning Point Source Category'' (FRL6720–6), ''NESHAP: Final Standards for Hazardous Air Pollutants for Hazardous Waste Combustors'' (FRL6720–9), ''Approval and Promulgation of Implementation Plans; State of Kansas'' (FRL6720–8), received on June 19, 2000; to the Committees on Environment and Public Works.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. CAMPBELL, from the Committee on Indian Affairs, without amendment:

S. 2508: A bill to amend the Colorado Ute Indian Water Rights Settlement Act of 1988 to provide for a final settlement of the claims of the Colorado Ute Indian Tribes, and for other purposes.

S. 2719: A bill to provide for business development and trade promotion for Native Americans, and for other purposes.

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. LEAHY (by request):

S. 2783. A bill entitled the ''21st Century Law Enforcement and Public Safety Act''; to the Committee on the Judiciary.

By Mrs. FEINSTEIN:

S. 2784. A bill entitled ''Santa Rosa and San Jacinto Mountains National Monument Act of 2000''; to the Committee on Energy and Natural Resources.

By Mr. BREAUX:

S. 2785. A bill to suspend temporarily the duty on glyoxylic acid; to the Committee on Finance.

By Mr. DASCHLE (for Mr. BAUCUS):

S. 2786. A bill to authorize the Secretary of the Interior to carry out a plan to rehabilitate Going-to-the-Sun Road located in Glacier National Park, Montana, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. BIDEN (for himself, Mr. HATCH, Mr. LEAHY, Mr. ABRAHAM, Mr. KENNEDY, Mr. SPECTER, Mr. KOHL, Mr. ROTH, Mrs. FEINSTEIN, Mr. JEFFORDS, Mr. TORRICELLI, Ms. SNOWE, Mr. SCHUMER, Mr. DEWINE, Mrs. MURRAY, Mr. ASHCROFT, Ms. LANDRIEU, Mr. MURKOWSKI, Mr. LAUTENBERG, Mr. SANTORUM, Mr. REID, Ms. COLLINS, Mr. REED, Mrs. HUTCHISON, Mr. DODD, Mr. L. CHAFEE, Mr. KERRY, Mr. ALLARD, Mr. ROBB, Mr. WELLSTONE, Mr. SARBANES, Mr. DASCHLE, Mr. BRYAN, Ms. MIKULSKI, Mr. SMITH of Oregon, Mr. JOHNSON, Mr. BINGAMAN, Mr. LIEBERMAN, Mr. LEVIN, Mr. BYRD, Mr. CLELAND, Mr. DORGAN, Mr. EDWARDS, Mr. HOLLINGS, Mr. BREAUX, Mr. KERREY, Mr. HARKIN, Mr. BAYH, Mr. GRAHAM, and Mr. BAUCUS):

S. 2787. A bill to reauthorize the Federal programs to prevent violence against women, and for other purposes; to the Committee on the Judiciary.

By Mr. COCHRAN:

S. 2788. A bill to establish a strategic planning team to develop a plan for the dissemination of research on reading; to the Committee on Health, Education, Labor, and Pensions.

By Mr. COCHRAN:

S. 2789. A bill to amend the Congressional Award Act to establish a Congressional Recognition for Excellence in Arts Education Board; to the Committee on Health, Education, Labor, and Pensions.

By Mr. FITZGERALD:

S. 2790. A bill instituting a Federal fuels tax holiday; to the Committee on Finance.

By Mrs. HUTCHISON:

S. 2791. A bill instituting a Federal fuels tax suspension; to the Committee on Finance.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. LEAHY:

S. 2783. A bill entitled the ''21st Century Law Enforcement and Public Safety Act''; to the Committee on the Judiciary.

THE 21ST CENTURY LAW ENFORCEMENT AND PUBLIC SAFETY ACT

Mr. LEAHY. Mr. President, as ranking member of the Senate Committee on the Judiciary, I am pleased to introduce at the request of the Administration ''The 21st Century Law Enforcement and Public Safety Act.'' This bill reflects the continuing aggressive approach of this Administration and this Department of Justice, under the leadership of Attorney General Janet Reno, to keep the both the violent and property crime rates in this country going down.

Under the Attorney General's leadership and the programs established by the Violent Crime Control and Law Enforcement Act of 1994, the nation's serious crime rate has declined for eight straight years. We are seeing the lowest recorded rates in many years. Murder rates have fallen to their lowest levels in three decades. Even juvenile crime rates have also been falling. According to the FBI's latest crime statistics release, on May 7, 2000, in just the last year, there has been a seven percent decline in reported serious violent and property crime from 1998 totals. Both murder and robbery registered eight percent drops, while forcible rape and aggravated assault figures each declined by seven percent from 1998. This is cause for commendation for the Attorney General and our Federal, State and local law enforcement officers, to whom all Americans owe an enormous thanks for a job well done.

This Administration has not rested on its laurels, however. Instead, the Administration has crafted the bill I introduce on their behalf today. It contains a number of good ideas to which the Judiciary Committee and the Congress should pay attention. Unfortunately, the Committee and the Congress has spent more time on symbolic issues, such as a proposed amendments to the Constitution to protect the flag and crime victims than to other concrete steps we could take to combat crime and school violence. Indeed, the majority in Congress has stalled any conference action on the Hatch-Leahy juvenile justice legislation, S. 254, which passed the Senate by a substantial majority in May, 1999.

The Administration's bill contains five titles focusing on various aspects of crime. Title I contains proposals for supporting local law enforcement and promoting crime-fighting technologies, including expanding the purpose of COPS grants by funding an increase in the number of prosecutors as well as police; authorizing grants to improve the technology used for investigations in underserved rural areas—less than 25,000 people; and extending the Leahy-Campbell Bulletproof Vest Partnership Grant Act.

Title II contains many proposals for breaking the cycle of drugs and violence. Title III would promote investigative and prosecutorial tools for fighting terrorism and international crime. Title IV would reauthorize certain VAWA programs and provide other assistance to victims of crime and consumer fraud. In addition, this title contains important proposals to prevent and punish abuse and neglect of the elderly and other residents in nursing homes and health care facilities and environmental crimes. The last title would strengthen federal criminal laws to combat white collar crime, including in correction facilities and involving the theft of government property.

While I have concerns with certain parts of the bill, such as proposals for increases in mandatory minimum penalties, a new death penalty provision and broad administrative subpoena authority, I support many other parts, such as the Extension of Bulletproof Vest Partnership Grant Act to assist law enforcement in Vermont and across the nation obtain bulletproof vests and stay safe on the job.

Again, I commend the Attorney General and the Administration for this important legislation and their efforts to keep Americans safe from crime.

By Mrs. FEINSTEIN:

S. 2784. A bill entitled ''Santa Rosa and San Jacinto Mountains National Monument Act of 2000''; to the Committee on Energy and Natural Resources.

SANTA ROSA AND SAN JACINTO MOUNTAINS NATIONAL MONUMENT ACT OF 2000

● Mrs. FEINSTEIN. Mr. President, I am pleased to introduce this bill today to designate the Santa Rosa/San Jacinto mountain range in southern California as a National Monument. This bill was introduced by Congresswoman MARY BONO earlier in the year. An almost identical version of this bill was passed out of the House Resources Committee earlier in the week.

The Santa Rosa and San Jacinto Mountains contain nationally significant biological, cultural, recreational, geological, educational, and scientific values. This includes magnificent vistas, unique wildlife and mountains which rise from the desert floor to an elevation of almost eleven thousand feet. These mountains provide a picturesque backdrop for Coachella Valley communities and support a wide array of recreational opportunities.

The bill designates this environmentally sensitive area as a monument and instructs the Department of Interior and the Forest Service to craft a management plan. The bill protects the rights of individual land owners, Native American tribes, and all lands outside the monument boundary. It protects the environment and preserves property rights. The bill has bipartisan support and supported by most of the local community.

This bill is quite timely. Three hundred and fifty-five thousand acres of the Sequoia National Forest were designated a national monument by President Clinton on April 15. Over the sixty-day period preceding the designation, many members of the affected community expressed significant opposition to the monument designation. I came to believe that when possible, Congress is in the best position to decide monument and other land use designations and can best ensure that stakeholders affected by such a designation have ample opportunity to provide input, influence the process and understand the designation.

I believe this bill is the proper way to protect this majestic national resource.●

By Mr. BIDEN (for himself, Mr. HATCH, Mr. LEAHY, Mr. ABRAHAM, Mr. KENNEDY, Mr. SPECTER, Mr. KOHL, Mr. ROTH, Mrs. FEINSTEIN, Mr. JEFFORDS, Mr. TORRICELLI, Ms. SNOWE, Mr. SCHUMER, Mr. DEWINE, Mrs. MURRAY, Mr. ASHCROFT, Ms. LANDRIEU, Mr. MURKOWSKI, Mr. LAUTENBERG, Mr. SANTORUM, Mr. REID, Ms. COLLINS, Mr. REED, Mrs. HUTCHISON, Mr. DODD, Mr. L. CHAFEE, Mr. KERRY, Mr. ALLARD, Mr. ROBB, Mr. WELLSTONE, Mr. SARBANES, Mr. DASCHLE, Mr. BRYAN, Ms. MIKULSKI, Mr. SMITH of Oregon, Mr. JOHNSON, Mr. BINGAMAN, Mr. LIEBERMAN, Mr. LEVIN, Mr. BYRD, Mr. CLELAND, Mr. DORGAN, Mr. EDWARDS, Mr. HOLLINGS, Mr. BREAUX, Mr. KERREY, Mr. HARKIN, Mr. BAYH, Mr. GRAHAM, and Mr. BAUCUS):

S. 2787. A bill to reauthorize the Federal programs to prevent violence against women, and for other purposes; to the Committee on the Judiciary.

THE VIOLENCE AGAINST WOMEN ACT OF 2000

Mr. BIDEN. Mr. President, I am pleased to introduce today, with Senator HATCH, the Violence Against Women Act of 2000. And I thank Senator HATCH, the principal cosponsor of the original Act, for working with me over the past year to produce a bipartisan, streamlined bill that we are confident will enjoy the support of Senators from both sides of the aisle. Indeed, we already have a total of 50 cosponsors—many of them Republicans—as original cosponsors of this legislation.

The enactment of the Violence Against Women Act in 1994—bipartisan legislation cosponsored by 67 Senators from both parties—signaled the beginning of a national and historic commitment to the women and children in this country victimized by family violence and sexual assault.

The legislation changed our laws, strengthened criminal penalties, facilitated enforcement of protection orders from state to state, and committed $1.6 billion over six years to police, prosecutors, battered women shelters, a national domestic violence hotline, and other measures designed to crack down on batterers and offer the support and services that victims need in order to leave their abusers.

And this federal commitment has paid off: the latest Department of Justice statistics show that overall, violence against women by intimate partners is down, falling 21% from 1993 (just prior to the enactment of the original Act) to 1998.

The programs contained in the original Act were authorized only through fiscal year 2000. So unless Congress acts, programs to run the battered women's shelters, the national domestic violence hotline, the STOP grants to help law enforcement and prosecutors combat domestic violence and to provide victims services, grants to address domestic violence in rural communities—all of these will expire this year. These programs are popular, and more importantly, ladies and gentlemen, the Violence Against Women Act is working.

And it's not just me calling for this law to be reauthorized.

It's police chiefs in every state. It's Attorneys General. Sheriffs. District attorneys. The American Bar Association. Women's groups. Nurses. Battered women's shelters. Family Court judges.

States, counties, cities, and towns across the country are creating a seamless network of services for victims of violence against women—from law enforcement to legal services, from medical care and crisis counseling, to shelters and support groups.

The Violence Against Women Act has made, and is making, a real difference in the lives of millions of women and children by providing much needed funds at the local level to—and let me just give you a few examples:

Give police officers more specialized training both to deal swiftly and surely with abusers and to become more sensitive toward victims, as well as to provide them with better evidence-gathering and information-sharing equipment and skills;

Train prosecutors and judges on the unique aspects of cases involving violence against women;

Hire victim advocates and counselors and provide an array of services, including 24-hour hotlines, emergency transportation, medical services, and specialized programs to reach victims of violence against women from all walks of life; and

Open new and expand existing shelters for victims of violence against women and their children.

The Violence Against Women Act funds 1,031 shelters and 82 safe houses in all 50 states, the District of Columbia, and Puerto Rico. But tens of thousands of women and children are still turned away every year.

Together—at the federal, state, and local levels—we have been steadily moving forward, step by step, along the road to ending this violence once and for all. But there is more that we can do, and more that we must do.

The Biden-Hatch Violence Against Women Act of 2000 would accomplish three basic things:

First, the bill would reauthorize through Fiscal Year 2005 the key programs included in the original Violence Against Women Act. These include the STOP grants, the Pro-Arrest grants, Rural Domestic Violence and Child Abuse Enforcement Grants, the National Domestic Violence Hotline, and rape prevention and education programs.

This also means reauthorizing the court-appointed special advocate program (CASA), and other programs in the Victims of Child Abuse Act.

Second, the bill would extend the Violent Crime Reduction Trust Fund through Fiscal Year 2005. Funding for the trust fund expires this year. This dedicated funding source—paid for by the savings generated by reducing the federal workforce by more than 300,000 employees—provides all the grant money for additional police officers, prosecutors, and battered women shelters. It is these funds that provide the specialized domestic violence training for law enforcement and prosecutors.

The Trust Fund is the source of funding for all the victim services, including counseling, legal services, nursing and hospital services, especially designed for victims of domestic violence and sexual assault.

Of course, the Trust Fund's significance extends beyond the Violence Against Women Act. The trust fund has provided the funds for a host of successful law enforcement initiatives, ranging from drug courts; the weed and seed programs that exist in every state to drive drugs from our cities; and funding for prisons, the FBI, the Drug Enforcement Agency, and Boys and Girls clubs. And the list goes on.

In order to replicate the successes we have achieved under the original Violence Against Women Act, and in order to continue to pursue these other important law enforcement programs, it is imperative that we: (1) extend the Violent Crime Reduction Trust Fund for an additional five years, and (2) that we fully fund the Trust Fund.

Third, the Violence Against Women Act of 2000 makes some targeted improvements that our experience with the original Act has shown to be necessary. Let me give you just a few examples.

Civil Legal Assistance Grants: Our bill would create a separate grant program to help victims of domestic violence, stalking, and sexual assault who need legal assistance because of that violence, to obtain access to legal services at little to no cost.

This provision would also establish a database of legal assistance providers to be maintained and used by the National Domestic Violence Hotline, so that victims who call the hotline can be directed to a legal service provider immediately.

Improving Full Faith & Credit Enforcement of Protection Orders: My bill would help states and tribal courts improve interstate enforcement of civil protection orders, as required by the original Violence Against Women Act. The program would prioritize the development and enhancement of data collection and sharing systems to promote tracking and enforcement of protection orders across the nation.

Transitional Housing: The bill would also authorize the Department of Health and Human Services to make grants to provide short-term housing assistance and short-term support services to individuals and their dependents who are homeless or in need of transitional housing or other housing assistance as a result of fleeing a situation of domestic violence, and for whom emergency shelter services are unavailable or insufficient.

Safe Havens for Children: The bill would authorize a new two-year pilot grant program to be administered by the Department of Justice aimed at reducing the opportunity for domestic violence to occur during the transfer of children for visitation purposes by expanding the availability of supervised visitation for victims of domestic violence, sexual assault, and child abuse. We all know that women are at greatest risk of assault at the time when children are transferred between parents.

I also would like to take this opportunity to point out that the Supreme Court's recent decision in United States v. Morrison, 120 S. Ct. 1740 (2000), invalidated a single provision of the original Act, the ''civil rights remedy'' that permitted a victim of gender-motivated violence to sue her attacker in federal court. No other provision in the original Act—or, for that matter, in the Violence Against Women Act of 2000—is affected by the Supreme Court's decision.

Finally, I would like to comment on where we are and how we got here.

The bill Senator HATCH and I are introducing today is a streamlined version of S. 51, the legislation I originally introduced at the beginning of the 106th Congress.

Since I first introduced S. 51, I have consulted extensively with Senator HATCH and with many other individuals, inside and outside of the Senate, and on both sides of the aisle, in an effort to narrow the legislation to produce a bill that every Senator, regardless of party, can enthusiastically support.

In the course of that effort, I agreed to drop a number of items that quite frankly, I think were worth doing, and made other concessions. I did that because I believe it is critical, in the waning days of this legislative session, to achieve a strong bipartisan consensus on the essential elements that must be included in this bill. I am convinced that we have reached that consensus, and that the bill we now propose reflects the priorities of a substantial majority of Senators.

For far too long, law enforcement, prosecutors, the courts, and the community at large treated domestic abuse as a ''private family matter,'' looking the other way when women suffered abuse at the hands of their supposed loved ones. Thanks in part to the original Act, violence against women is no longer a private matter, and the time when a woman has to suffer in silence because the criminal who is victimizing her happens to be her husband or boyfriend has passed.

The bill I introduce today will renew the commitment we made as a nation in 1994 to combat family violence, sexual assault, and stalking. I urge all of you to support it.

I ask unanimous consent that the full text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2787

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Violence Against Women Act of 2000''.

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

SEC. 2. DEFINITIONS.

In this Act—

(1) the term ''domestic violence'' has the meaning given the term in section 2003 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796gg–2); and

(2) the term ''sexual assault'' has the meaning given the term in section 2003 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796gg–2).

SEC. 3. ACCOUNTABILITY AND OVERSIGHT.

(a) REPORT BY GRANT RECIPIENTS.—The Attorney General or Secretary of Health and Human Services, as applicable, shall require grantees under any program authorized or reauthorized by this Act or an amendment made by this Act to report on the effectiveness of the activities carried out with amounts made available to carry out that program, including number of persons served, if applicable, numbers of persons seeking services who could not be served and such other information as the Attorney General or Secretary may prescribe.

(b) REPORT TO CONGRESS.—The Attorney General or Secretary of Health and Human Services, as applicable, shall report annually to the Committees on the Judiciary of the House of Representatives and the Senate on the grant programs described in subsection (a), including the information contained in any report under that subsection.

TITLE I—STRENGTHENING LAW ENFORCEMENT TO REDUCE VIOLENCE AGAINST WOMEN

SEC. 101. FULL FAITH AND CREDIT ENFORCEMENT OF PROTECTION ORDERS.

(a) IN GENERAL.—Part U of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796hh et seq.) is amended—

(1) in the heading, by adding ''**AND ENFORCEMENT OF PROTECTION ORDERS**'' at the end;

(2) in section 2101(b)—

(A) in paragraph (6), by inserting ''(including juvenile courts)'' after ''courts''; and

(B) by adding at the end the following:

''(7) To provide technical assistance and computer and other equipment to police departments, prosecutors, courts, and tribal jurisdictions to facilitate the widespread enforcement of protection orders, including interstate enforcement, enforcement between States and tribal jurisdictions, and enforcement between tribal jurisdictions.''; and

(3) in section 2102—

(A) in subsection (b)—

(i) in paragraph (1), by striking ''and'' at the end;

(ii) in paragraph (2), by striking the period at the end and inserting '', including the enforcement of protection orders from other States and jurisdictions (including tribal jurisdictions);''; and

(iii) by adding at the end the following:

''(3) have established cooperative agreements or can demonstrate effective ongoing collaborative arrangements with neighboring jurisdictions to facilitate the enforcement of protection orders from other States and jurisdictions (including tribal jurisdictions); and

''(4) will give priority to using the grant to develop and install data collection and communication systems, including computerized systems, and training on how to use these systems effectively to link police, prosecutors, courts, and tribal jurisdictions for the purpose of identifying and tracking protection orders and violations of protection orders, in those jurisdictions where such systems do not exist or are not fully effective.''; and

(B) by adding at the end the following:

''(c) DISSEMINATION OF INFORMATION.—The Attorney General shall annually compile and broadly disseminate (including through electronic publication) information about successful data collection and communication systems that meet the purposes described in this section. Such dissemination shall target States, State and local courts, Indian tribal governments, and units of local government.''.

(b) PROTECTION ORDERS.—

(1) FILING COSTS.—Section 2006 of part T of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796gg–5) is amended—

(A) in the heading, by striking ''**filing**'' and inserting ''**and protection orders**'' after ''**charges**'';

(B) in subsection (a)—

(i) by striking paragraph (1) and inserting the following:

''(1) certifies that its laws, policies, and practices do not require, in connection with the prosecution of any misdemeanor or felony domestic violence offense, or in connection with the filing, issuance, registration, or service of a protection order, or a petition for a protection order, to protect a victim of domestic violence, stalking, or sexual assault, that the victim bear the costs associated with the filing of criminal charges against the offender, or the costs associated with the filing, issuance, registration, or service of a warrant, protection order, petition for a protection order, or witness subpoena, whether issued inside or outside the State, tribal, or local jurisdiction; or''; and

(ii) in paragraph (2)(B), by striking ''2 years'' and inserting ''2 years after the date of enactment of the Violence Against Women Act of 2000''; and

(C) by adding at the end the following:

''(c) DEFINITION.—In this section, the term 'protection order' has the meaning given the term in section 2266 of title 18, United States Code.''.

(2) ELIGIBILITY FOR GRANTS TO ENCOURAGE ARREST POLICIES.—Section 2101 of part U of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796hh) is amended—

(A) in subsection (c), by striking paragraph (4) and inserting the following:

''(4) certify that their laws, policies, and practices do not require, in connection with the prosecution of any misdemeanor or felony domestic violence offense, or in connection with the filing, issuance, registration, or service of a protection order, or a petition for a protection order, to protect a victim of domestic violence, stalking, or sexual assault, that the victim bear the costs associated with the filing of criminal charges against the offender, or the costs associated with the filing, issuance, registration, or service of a warrant, protection order, petition for a protection order, or witness subpoena, whether issued inside or outside the State, tribal, or local jurisdiction.''; and

(B) by adding at the end the following:

''(d) DEFINITION.—In this section, the term 'protection order' has the meaning given the term in section 2266 of title 18, United States Code.''.

(3) APPLICATION FOR GRANTS TO ENCOURAGE ARREST POLICIES.—Section 2102(a)(1)(B) of part U of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796hh–1(a)(1)(B)) is amended by inserting before the semicolon the following: ''or, in the case of the condition set forth in subsection 2101(c)(4), the expiration of the 2-year period beginning on the date of enactment of the Violence Against Women Act of 2000''.

(4) REGISTRATION FOR PROTECTION ORDERS.—Section 2265 of title 18, United States Code, is amended by adding at the end the following:

''(d) REGISTRATION.—

''(1) IN GENERAL.—A State or Indian tribe according full faith and credit to an order by a court of another State or Indian tribe shall not notify the party against whom a protection order has been issued that the protection order has been registered or filed in that enforcing State or tribal jurisdiction unless requested to do so by the party protected under such order.

''(2) NO PRIOR REGISTRATION OR FILING REQUIRED.—Any protection order that is otherwise consistent with this section shall be accorded full faith and credit, notwithstanding any requirement that the order be registered or filed in the enforcing State or tribal jurisdiction.

''(e) NOTICE.—A protection order that is otherwise consistent with this section shall be accorded full faith and credit and enforced notwithstanding the failure to provide notice to the party against whom the order is made of its registration or filing in the enforcing State or Indian tribe.

''(f) TRIBAL COURT JURISDICTION.—For purposes of this section, a tribal court shall have full civil jurisdiction over domestic relations actions, including authority to enforce its orders through civil contempt proceedings, exclusion of violators from Indian lands, and other appropriate mechanisms, in matters arising within the authority of the tribe and in which at least 1 of the parties is an Indian.''.

(c) TECHNICAL AMENDMENT.—The table of contents for title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3711 et seq.) is amended in the item relating to part U, by adding ''AND ENFORCEMENT OF PROTECTION ORDERS'' at the end.

SEC. 102. ROLE OF COURTS.

(a) COURTS AS ELIGIBLE STOP SUBGRANTEES.—Part T of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796gg et seq.) is amended—

(1) in section 2001—

(A) in subsection (a), by striking ''Indian tribal governments,'' and inserting ''State and local courts (including juvenile courts), Indian tribal governments, tribal courts,''; and

(B) in subsection (b)—

(i) in paragraph (1), by inserting '', judges, other court personnel,'' after ''law enforcement officers'';

(ii) in paragraph (2), by inserting '', judges, other court personnel,'' after ''law enforcement officers''; and

(iii) in paragraph (3), by inserting '', court,'' after ''police''; and

(2) in section 2002—

(A) in subsection (a), by inserting ''State and local courts (including juvenile courts),'' after ''States,'' the second place it appears;

(B) in subsection (c), by striking paragraph (3) and inserting the following:

''(3) of the amount granted—

''(A) not less than 25 percent shall be allocated to police and not less than 25 percent shall be allocated to prosecutors;

''(B) not less than 30 percent shall be allocated to victim services; and

''(C) not less than 5 percent shall be allocated for State and local courts (including juvenile courts); and''; and

(C) in subsection (d)(1), by inserting ''court,'' after ''law enforcement,''.

(b) ELIGIBLE GRANTEES; USE OF GRANTS FOR EDUCATION.—Section 2101 of part U of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796hh) is amended—

(1) in subsection (a), by inserting ''State and local courts (including juvenile courts), tribal courts,'' after ''Indian tribal governments,'';

(2) in subsection (b)—

(A) by inserting ''State and local courts (including juvenile courts),'' after ''Indian tribal governments'';

(B) in paragraph (2), by striking ''policies and'' and inserting ''policies, educational programs, and'';

(C) in paragraph (3), by inserting ''parole and probation officers,'' after ''prosecutors,''; and

(D) in paragraph (4), by inserting ''parole and probation officers,'' after ''prosecutors,'';

(3) in subsection (c), by inserting ''State and local courts (including juvenile courts),'' after ''Indian tribal governments''; and

(4) by adding at the end the following:

''(e) ALLOTMENT FOR INDIAN TRIBES.—Not less than 5 percent of the total amount made available for grants under this section for each fiscal year shall be available for grants to Indian tribal governments.''.

SEC. 103. REAUTHORIZATION OF STOP GRANTS.

(a) REAUTHORIZATION.—Section 1001(a) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3793(a)) is amended by striking paragraph (18) and inserting the following:

''(18) There is authorized to be appropriated from the Violent Crime Reduction Trust Fund established under section 310001 of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14211) to carry out part T $185,000,000 for each of fiscal years 2001 through 2005.''.

(b) GRANT PURPOSES.—Part T of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796gg et seq.) is amended—

(1) in section 2001—

(A) in subsection (b)—

(i) in paragraph (5), by striking ''racial, cultural, ethnic, and language minorities'' and inserting ''underserved populations'';

(ii) in paragraph (6), by striking ''and'' at the end;

(iii) in paragraph (7), by striking the period at the end and inserting ''; and''; and

(iv) by adding at the end the following:

''(8) supporting formal and informal statewide, multidisciplinary efforts, to the extent not supported by State funds, to coordinate the response of State law enforcement agencies, prosecutors, courts, victim services agencies, and other State agencies and departments, to violent crimes against women, including the crimes of sexual assault and domestic violence.''; and

(B) by adding at the end the following:

''(c) STATE COALITION GRANTS.—

''(1) PURPOSE.—The Attorney General shall award grants to each State domestic violence coalition and sexual assault coalition for the purposes of coordinating State victim services activities, and collaborating and coordinating with Federal, State, and local entities engaged in violence against women activities.

''(2) GRANTS TO STATE COALITIONS.—The Attorney General shall award grants to—

''(A) each State domestic violence coalition, as determined by the Secretary of Health and Human Services through the Family Violence Prevention and Services Act (42 U.S.C. 10410 et seq.); and

''(B) each State sexual assault coalition, as determined by the Center for Injury Prevention and Control of the Centers for Disease Control and Prevention under the Public Health Service Act (42 U.S.C. 280b et seq.).

''(3) ELIGIBILITY FOR OTHER GRANTS.—Receipt of an award under this subsection by each State domestic violence and sexual assault coalition shall not preclude the coalition from receiving additional grants under this part to carry out the purposes described in subsection (b).'';

(2) in section 2002(b)—

(A) by redesignating paragraphs (2) and (3) as paragraphs (4) and (5), respectively;

(B) in paragraph (1), by striking ''4 percent'' and inserting ''5 percent'';

(C) in paragraph (4), as redesignated, by striking ''$500,000'' and inserting ''$600,000''; and

(D) by inserting after paragraph (1) the following:

''(2) 2.5 percent shall be available for grants for State domestic violence coalitions under section 2001(c), with the coalition for each State, the coalition for the District of Columbia, the coalition for the Commonwealth of Puerto Rico, and the coalition for the combined Territories of the United States, each receiving an amount equal to 1/53 of the total amount made available under this paragraph for each fiscal year;

''(3) 2.5 percent shall be available for grants for State sexual assault coalitions under section 2001(c), with the coalition for each State, the coalition for the District of Columbia, the coalition for the Commonwealth of Puerto Rico, and the coalition for the combined Territories of the United States, each receiving an amount equal to 1/53 of the total amount made available under this paragraph for each fiscal year;'';

(3) in section 2003—

(A) in paragraph (7), by striking ''geographic location'' and all that follows through ''physical disabilities'' and inserting ''race, ethnicity, age, disability, religion, alienage status, language barriers, geographic location (including rural isolation), and any other populations determined to be underserved''; and

(B) in paragraph (8), by striking ''assisting domestic violence or sexual assault victims through the legal process'' and inserting ''providing assistance for victims seeking necessary support services as a consequence of domestic violence or sexual assault''; and

(4) in section 2004(b)(3), by inserting '', and the membership of persons served in any underserved population'' before the semicolon.

SEC. 104. REAUTHORIZATION OF GRANTS TO ENCOURAGE ARREST POLICIES.

Section 1001(a) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3793(a)) is amended by striking paragraph (19) and inserting the following:

''(19) There is authorized to be appropriated from the Violent Crime Reduction Trust Fund established under section 310001 of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14211) to carry out part U $65,000,000 for each of fiscal years 2001 through 2005.''.

SEC. 105. REAUTHORIZATION OF RURAL DOMESTIC VIOLENCE AND CHILD ABUSE ENFORCEMENT GRANTS.

(a) REAUTHORIZATION.—Section 40295(c) of the Violence Against Women Act of 1994 (42 U.S.C. 13971(c)) is amended—

(1) by striking paragraph (1) and inserting the following:

''(1) IN GENERAL.—There is authorized to be appropriated from the Violent Crime Reduction Trust Fund established under section 310001 to carry out this section $40,000,000 for each of fiscal years 2001 through 2005.''; and

(2) by adding at the end the following:

''(3) ALLOTMENT FOR INDIAN TRIBES.—Not less than 5 percent of the total amount made available to carry out this section for each fiscal year shall be available for grants to Indian tribal governments.''.

SEC. 106. NATIONAL STALKER AND DOMESTIC VIOLENCE REDUCTION.

(a) REAUTHORIZATION.—Section 40603 of the Violence Against Women Act of 1994 (42 U.S.C. 14032) is amended to read as follows:

''SEC. 40603. AUTHORIZATION OF APPROPRIATIONS.

''There is authorized to be appropriated from the Violent Crime Reduction Trust Fund established under section 310001 to carry out this subtitle $3,000,000 for each of fiscal years 2001 through 2005.''.

(b) TECHNICAL AMENDMENT.—Section 40602(a) of the Violence Against Women Act of 1994 (42 U.S.C. 14031 note) is amended by inserting ''and implement'' after ''improve''.

SEC. 107. AMENDMENTS TO DOMESTIC VIOLENCE AND STALKING OFFENSES.

(a) INTERSTATE DOMESTIC VIOLENCE.—Section 2261 of title 18, United States Code, is amended by striking subsection (a) and inserting the following:

''(a) OFFENSES.—

''(1) TRAVEL OR CONDUCT OF OFFENDER.—A person who travels in interstate or foreign commerce or enters or leaves Indian country with the intent to kill, injure, harass, or intimidate a spouse or intimate partner, and who, in the course of or as a result of such travel, commits or attempts to commit a crime of violence against that spouse or intimate partner, shall be punished as provided in subsection (b).

''(2) CAUSING TRAVEL OF VICTIM.—A person who causes a spouse or intimate partner to travel in interstate or foreign commerce or to enter or leave Indian country by force, coercion, duress, or fraud, and who, in the course of, as a result of, or to facilitate such conduct or travel, commits or attempts to commit a crime of violence against that spouse or intimate partner, shall be punished as provided in subsection (b).''.

(b) INTERSTATE STALKING.—Section 2261A of title 18, United States Code, is amended to read as follows:

''§ 2261A. Interstate stalking

''Whoever—

''(1) with the intent to kill, injure, harass, or intimidate another person, engages within the special maritime and territorial jurisdiction of the United States in conduct that places that person in reasonable fear of the death of, or serious bodily injury (as defined in section 2266) to, that person or a member of the immediate family (as defined in section 115) of that person; or

''(2) with the intent to kill, injure, harass, or intimidate another person, travels in interstate or foreign commerce, or enters or leaves Indian country, and, in the course of or as a result of such travel, engages in conduct that places that person in reasonable fear of the death of, or serious bodily injury (as defined in section 2266) to, that person or a member of the immediate family (as defined in section 115) of that person,

shall be punished as provided in section 2261(b).''.

(c) INTERSTATE VIOLATION OF PROTECTION ORDER.—Section 2262 of title 18, United States Code, is amended by striking subsection (a) and inserting the following:

''(a) OFFENSES.—

''(1) TRAVEL OR CONDUCT OF OFFENDER.—A person who travels in interstate or foreign commerce, or enters or leaves Indian country, with the intent to engage in conduct that violates the portion of a protection order that prohibits or provides protection against violence, threats, or harassment against, contact or communication with, or

physical proximity to, another person, or that would violate such a portion of a protection order in the jurisdiction in which the order was issued, and subsequently engages in such conduct, shall be punished as provided in subsection (b).

''(2) CAUSING TRAVEL OF VICTIM.—A person who causes another person to travel in interstate or foreign commerce or to enter or leave Indian country by force, coercion, duress, or fraud, and in the course of, as a result of, or to facilitate such conduct or travel engages in conduct that violates the portion of a protection order that prohibits or provides protection against violence, threats, or harassment against, contact or communication with, or physical proximity to, another person, or that would violate such a portion of a protection order in the jurisdiction in which the order was issued, shall be punished as provided in subsection (b).''.

(d) DEFINITIONS.—Section 2266 of title 18, United States Code, is amended to read as follows:

''§ 2266. Definitions

''In this chapter:

''(1) BODILY INJURY.—The term 'bodily injury' means any act, except one done in self-defense, that results in physical injury or sexual abuse.

''(2) ENTER OR LEAVE INDIAN COUNTRY.—The term 'enter or leave Indian country' includes leaving the jurisdiction of 1 tribal government and entering the jurisdiction of another tribal government.

''(3) INDIAN COUNTRY.—The term 'Indian country' has the meaning stated in section 1151 of this title.

''(4) PROTECTION ORDER.—The term 'protection order' includes any injunction or other order issued for the purpose of preventing violent or threatening acts or harassment against, or contact or communication with or physical proximity to, another person, including any temporary or final order issued by a civil and criminal court (other than a support or child custody order issued pursuant to State divorce and child custody laws) whether obtained by filing an independent action or as a pendente lite order in another proceeding so long as any civil order was issued in response to a complaint, petition, or motion filed by or on behalf of a person seeking protection.

''(5) SERIOUS BODILY INJURY.—The term 'serious bodily injury' has the meaning stated in section 2119(2).

''(6) SPOUSE OR INTIMATE PARTNER.—The term 'spouse or intimate partner' includes—

''(A) a spouse, a former spouse, a person who shares a child in common with the abuser, and a person who cohabits or has cohabited with the abuser as a spouse; and

''(B) any other person similarly situated to a spouse who is protected by the domestic or family violence laws of the State or tribal jurisdiction in which the injury occurred or where the victim resides.

''(7) STATE.—The term 'State' includes a State of the United States, the District of Columbia, a commonwealth, territory, or possession of the United States.

''(8) TRAVEL IN INTERSTATE OR FOREIGN COMMERCE.—The term 'travel in interstate or foreign commerce' does not include travel from 1 State to another by an individual who is a member of an Indian tribe and who remains at all times in the territory of the Indian tribe of which the individual is a member.''.

SEC. 108. GRANTS TO REDUCE VIOLENT CRIMES AGAINST WOMEN ON CAMPUS.

Section 826 of the Higher Education Amendments of 1998 (20 U.S.C. 1152) is amended—

(1) in subsection (f)(1), by inserting ''by a person with whom the victim has engaged in a social relationship of a romantic or intimate nature,'' after ''cohabited with the victim,''; and

(2) in subsection (g), by striking ''fiscal year 1999 and such sums as may be necessary for each of the 4 succeeding fiscal years'' and inserting ''each of fiscal years 2001 through 2005''.

TITLE II—STRENGTHENING SERVICES TO VICTIMS OF VIOLENCE

SEC. 201. LEGAL ASSISTANCE FOR VICTIMS.

(a) IN GENERAL.—The purpose of this section is to enable the Attorney General to award grants to increase the availability of legal assistance necessary to provide effective aid to victims of domestic violence, stalking, or sexual assault who are seeking relief in legal matters arising as a consequence of that abuse or violence, at minimal or no cost to the victims.

(b) DEFINITIONS.—In this section:

(1) DOMESTIC VIOLENCE.—The term ''domestic violence'' has the meaning given the term in section 2003 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796gg–2).

(2) LEGAL ASSISTANCE FOR VICTIMS.—The term ''legal assistance'' includes assistance to victims of domestic violence, stalking, and sexual assault in family, criminal, immigration, administrative, or housing matters, protection or stay away order proceedings, and other similar matters. No funds made available under this section may be used to provide financial assistance in support of any litigation described in paragraph (14) of section 504 of Public Law 104–134.

(3) SEXUAL ASSAULT.—The term ''sexual assault'' has the meaning given the term in section 2003 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796gg–2).

(c) LEGAL ASSISTANCE FOR VICTIMS GRANTS.—The Attorney General may award grants under this subsection to private nonprofit entities, Indian tribal governments, and publicly funded organizations not acting in a governmental capacity such as law schools, and which shall be used—

(1) to implement, expand, and establish cooperative efforts and projects between domestic violence and sexual assault victim services organizations and legal assistance providers to provide legal assistance for victims of domestic violence, stalking, and sexual assault;

(2) to implement, expand, and establish efforts and projects to provide legal assistance for victims of domestic violence, stalking, and sexual assault by organizations with a demonstrated history of providing direct legal or advocacy services on behalf of these victims; and

(3) to provide training, technical assistance, and data collection to improve the capacity of grantees and other entities to offer legal assistance to victims of domestic violence, stalking, and sexual assault.

(d) GRANT TO ESTABLISH DATABASE OF PROGRAMS THAT PROVIDE LEGAL ASSISTANCE TO VICTIMS.—

(1) IN GENERAL.—The Attorney General may make a grant to establish, operate, and maintain a national computer database of programs and organizations that provide legal assistance to victims of domestic violence, stalking, and sexual assault.

(2) DATABASE REQUIREMENTS.—A database established with a grant under this subsection shall be—

(A) designed to facilitate the referral of persons to programs and organizations that provide legal assistance to victims of domestic violence, stalking, and sexual assault; and

(B) operated in coordination with—

(i) the national domestic violence hotline established under section 316 of the Family Violence Prevention and Services Act; and

(ii) any comparable national sexual assault hotline or other similar resource.

(e) EVALUATION.—The Attorney General may evaluate the grants funded under this section through contracts or other arrangements with entities expert on domestic violence, stalking, and sexual assault, and on evaluation research.

(f) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There is authorized to be appropriated from the Violent Crime Reduction Trust Fund established under section 310001 of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14211) to carry out this section $35,000,000 for each of fiscal years 2001 through 2005.

(2) ALLOCATION OF FUNDS.—Of the amount made available under this subsection in each fiscal year, not less than 5 percent shall be used for grants for programs that assist victims of domestic violence, stalking, and sexual assault on lands within the jurisdiction of an Indian tribe.

(3) NONSUPPLANTATION.—Amounts made available under this section shall be used to supplement and not supplant other Federal, State, and local funds expended to further the purpose of this section.

SEC. 202. SHELTER SERVICES FOR BATTERED WOMEN AND CHILDREN.

(a) STATE SHELTER GRANTS.—Section 303(a)(2)(C) of the Family Violence Prevention and Services Act (42 U.S.C. 10402(a)(2)(C)) is amended by striking ''populations underserved because of ethnic, racial, cultural, language diversity or geographic isolation'' and inserting ''populations underserved because of race, ethnicity, age, disability, religion, alienage status, geographic location (including rural isolation), or language barriers, and any other populations determined by the Secretary to be underserved''.

(b) STATE MINIMUM; REALLOTMENT.—Section 304 of the Family Violence Prevention and Services Act (42 U.S.C. 10403) is amended—

(1) in subsection (a), by striking ''for grants to States for any fiscal year'' and all that follows and inserting the following: ''and available for grants to States under this subsection for any fiscal year—

''(1) Guam, American Samoa, the United States Virgin Islands, the Commonwealth of the Northern Mariana Islands, and the combined Freely Associated States shall each be allotted not less than ⅛ of 1 percent of the amounts available for grants under section 303(a) for the fiscal year for which the allotment is made; and

''(2) each State shall be allotted for payment in a grant authorized under section 303(a), $600,000, with the remaining funds to be allotted to each State in an amount that bears the same ratio to such remaining funds as the population of such State bears to the population of all States.'';

(2) in subsection (c), in the first sentence, by inserting ''and available'' before ''for grants''; and

(3) by adding at the end the following:

''(e) In subsection (a)(2), the term ''State'' does not include any jurisdiction specified in subsection (a)(1).''.

(c) SECRETARIAL RESPONSIBILITIES.—Section 305(a) of the Family Violence Prevention and Services Act (42 U.S.C. 10404(a)) is amended—

(1) by striking ''an employee'' and inserting ''1 or more employees'';

(2) by striking ''of this title.'' and inserting ''of this title, including carrying out evaluation and monitoring under this title.''; and

(3) by striking ''The individual'' and inserting ''Any individual''.

(d) RESOURCE CENTERS.—Section 308 of the Family Violence Prevention and Services Act (42 U.S.C. 10407) is amended—

(1) in subsection (a)(2), by inserting ''on providing information, training, and technical assistance'' after ''focusing''; and

(2) in subsection (c), by adding at the end the following:

''(8) Providing technical assistance and training to local entities carrying out domestic violence programs that provide shelter, related assistance, or transitional housing assistance.

''(9) Improving access to services, information, and training, concerning family violence, within Indian tribes and Indian tribal agencies.

''(10) Providing technical assistance and training to appropriate entities to improve access to services, information, and training concerning family violence occurring in underserved populations.''.

(e) CONFORMING AMENDMENT.—Section 309(6) of the Family Violence Prevention and Services Act (42 U.S.C. 10408(6)) is amended by striking ''the Virgin Islands, the Northern Mariana Islands, and the Trust Territory of the Pacific Islands'' and inserting ''the United States Virgin Islands, the Commonwealth of the Northern Mariana Islands, and the combined Freely Associated States''.

(f) REAUTHORIZATION.—Section 310 of the Family Violence Prevention and Services Act (42 U.S.C. 10409) is amended—

(1) by striking subsection (a) and inserting the following:

''(a) IN GENERAL.—

''(1) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this title $175,000,000 for each of fiscal years 2001 through 2005.

''(2) SOURCE OF FUNDS.—Amounts made available under paragraph (1) may be appropriated from the Violent Crime Reduction Trust Fund established under section 310001 of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14211).'';

(2) in subsection (b), by striking ''under subsection 303(a)'' and inserting ''under section 303(a)'';

(3) in subsection (c), by inserting ''not more than the lesser of $7,500,000 or'' before ''5''; and

(4) by adding at the end the following:

''(f) EVALUATION, MONITORING, AND ADMINISTRATION.—Of the amounts appropriated under subsection (a) for each fiscal year, not more than 1 percent shall be used by the Secretary for evaluation, monitoring, and administrative costs under this title.''.

(g) STATE DOMESTIC VIOLENCE COALITION GRANT ACTIVITIES.—Section 311 of the Family Violence Prevention and Services Act (42 U.S.C. 10410) is amended—

(1) in subsection (a)(4), by striking ''underserved racial, ethnic or language-minority populations'' and inserting ''underserved populations described in section 303(a)(2)(C)''; and

(2) in subsection (c), by striking ''the U.S. Virgin Islands, the Northern Mariana Islands, and the Trust Territory of the Pacific Islands'' and inserting ''the United States Virgin Islands, the Commonwealth of the Northern Mariana Islands, and the Freely Associated States''.

SEC. 203. TRANSITIONAL HOUSING ASSISTANCE FOR VICTIMS OF DOMESTIC VIOLENCE.

Title III of the Family Violence Prevention and Services Act (42 U.S.C. 10401 et seq.) is amended by adding at the end the following new section:

''SEC. 319. TRANSITIONAL HOUSING ASSISTANCE.

''(a) IN GENERAL.—The Secretary shall award grants under this section to carry out programs to provide assistance to individuals, and their dependents—

''(1) who are homeless or in need of transitional housing or other housing assistance, as a result of fleeing a situation of domestic violence; and

''(2) for whom emergency shelter services are unavailable or insufficient.

''(b) ASSISTANCE DESCRIBED.—Assistance provided under this section may include—

''(1) short-term housing assistance, including rental or utilities payments assistance and assistance with related expenses, such as payment of security deposits and other costs incidental to relocation to transitional housing, in cases in which assistance described in this paragraph is necessary to prevent homelessness because an individual or dependent is fleeing a situation of domestic violence; and

''(2) short-term support services, including payment of expenses and costs associated with transportation and job training referrals, child care, counseling, transitional housing identification and placement, and related services.

''(c) TERM OF ASSISTANCE.—An individual or dependent assisted under this section may not receive assistance under this section for a total of more than 12 months.

''(d) REPORTS.—

''(1) REPORT TO SECRETARY.—

''(A) IN GENERAL.—An entity that receives a grant under this section shall annually prepare and submit to the Secretary a report describing the number of individuals and dependents assisted, and the types of housing assistance and support services provided, under this section.

''(B) CONTENTS.—Each report shall include information on—

''(i) the purpose and amount of housing assistance provided to each individual or dependent assisted under this section;

''(ii) the number of months each individual or dependent received the assistance;

''(iii) the number of individuals and dependents who were eligible to receive the assistance, and to whom the entity could not provide the assistance solely due to a lack of available housing; and

''(iv) the type of support services provided to each individual or dependent assisted under this section.

''(2) REPORT TO CONGRESS.—The Secretary shall annually prepare and submit to the Committee on the Judiciary of the House of Representatives and the Committee on the Judiciary of the Senate a report that contains a compilation of the information contained in reports submitted under paragraph (1).

''(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated from the Violent Crime Reduction Trust Fund established under section 310001 of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14211) to carry out this section—

''(1) $25,000,000 for each of fiscal years 2001 through 2003; and

''(2) $30,000,000 for each of fiscal years 2004 and 2005.''.

SEC. 204. NATIONAL DOMESTIC VIOLENCE HOTLINE.

(a) REAUTHORIZATION.—Section 316(f) of the Family Violence Prevention and Services Act (42 U.S.C. 10416(f)) is amended by striking paragraph (1) and inserting the following:

''(1) IN GENERAL.—There are authorized to be appropriated from the Violent Crime Reduction Trust Fund established under section 310001 of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14211) to carry out this section $2,000,000 for each of fiscal years 2001 through 2005.''.

(b) REPORT REQUIREMENT.—Section 316 of the Family Violence Prevention and Services Act (42 U.S.C. 10416) is amended—

(1) by redesignating subsection (f) as subsection (g); and

(2) by inserting after subsection (e) the following:

''(f) REPORT BY GRANT RECIPIENT.—

''(1) IN GENERAL.—Not later than 180 days after the date of enactment of the Violence Against Women Act of 2000, each recipient of a grant under this section shall prepare and submit to the Secretary a report that contains—

''(A) an evaluation of the effectiveness of the activities carried out by the recipient with amounts received under this section; and

''(B) such other information as the Secretary may prescribe.

''(2) NOTICE AND PUBLIC COMMENT.—The Secretary shall—

''(A) publish in the Federal Register a copy of the report submitted by the recipient under this subsection; and

''(B) allow not less than 90 days for notice of and opportunity for public comment on the published report.''.

SEC. 205. FEDERAL VICTIMS COUNSELORS.

Section 40114 of the Violent Crime Control and Law Enforcement Act of 1994 (Public Law 103–322; 108 Stat. 1910) is amended by striking ''(such as District of Columbia)—'' and all that follows and inserting ''(such as District of Columbia), $1,000,000 for each of fiscal years 2001 through 2005.''.

SEC. 206. STUDY OF STATE LAWS REGARDING INSURANCE DISCRIMINATION AGAINST VICTIMS OF VIOLENCE AGAINST WOMEN.

(a) IN GENERAL.—The Attorney General shall conduct a national study to identify State laws that address discrimination against victims of domestic violence and sexual assault related to issuance or administration of insurance policies.

(b) REPORT.—Not later than 1 year after the date of enactment of this Act, the Attorney General shall submit to Congress a report on the findings and recommendations of the study required by subsection (a).

SEC. 207. STUDY OF WORKPLACE EFFECTS FROM VIOLENCE AGAINST WOMEN.

The Attorney General shall—

(1) conduct a national survey of plans, programs, and practices developed to assist employers and employees on appropriate responses in the workplace related to victims of domestic violence, stalking, or sexual assault; and

(2) not later than 18 months after the date of enactment of this Act, submit to Congress a report describing the results of that survey, which report shall include the recommendations of the Attorney General to assist employers and employees affected in the workplace by incidents of domestic violence, stalking, and sexual assault.

SEC. 208. STUDY OF UNEMPLOYMENT COMPENSATION FOR VICTIMS OF VIOLENCE AGAINST WOMEN.

The Secretary of Labor, in consultation with the Attorney General, shall—

(1) conduct a national study to identify State laws that address the separation from employment of an employee due to circumstances directly resulting from the experience of domestic violence by the employee and circumstances governing that receipt (or nonreceipt) by the employee of unemployment compensation based on such separation; and

(2) not later than 1 year after the date of enactment of this Act, submit to Congress a report describing the results of that study, together with any recommendations based on that study.

SEC. 209. ENHANCING PROTECTIONS FOR OLDER WOMEN FROM DOMESTIC VIOLENCE AND SEXUAL ASSAULT.

(a) DEFINITION.—In this section, the term ''older individual'' has the meaning given the

term in section 102 of the Older Americans Act of 1965 (42 U.S.C. 3002).

(b) PROTECTIONS FOR OLDER INDIVIDUALS FROM DOMESTIC VIOLENCE AND SEXUAL ASSAULT IN PRO-ARREST GRANTS.—Section 2101(b) of part U of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796hh et seq.) is amended by adding at the end the following:

''(8) To develop or strengthen policies and training for police, prosecutors, and the judiciary in recognizing, investigating, and prosecuting instances of domestic violence and sexual assault against older individuals (as is defined in section 102 of the Older Americans Act of 1965) (42 U.S.C. 3002)).''.

(c) PROTECTIONS FOR OLDER INDIVIDUALS FROM DOMESTIC VIOLENCE AND SEXUAL ASSAULT IN STOP GRANTS.—Part T of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796gg et seq.) is amended—

(1) in section 2001(b)—

(A) in paragraph (7) (as amended by section 103(b) of this Act), by striking ''and'' at the end;

(B) in paragraph (8) (as added by section 103(b) of this Act), by striking the period at the end and inserting ''; and''; and

(C) by adding at the end the following:

''(9) developing, enlarging, or strengthening programs to assist law enforcement, prosecutors, courts, and others to address the needs and circumstances of older women who are victims of domestic violence or sexual assault, including recognizing, investigating, and prosecuting instances of such violence or assault and targeting outreach and support and counseling services to such older individuals.''; and

(2) in section 2003(7) (as amended by section 103(b) of this Act), by inserting after ''any other populations determined to be underserved'' the following: '', and the needs of older individuals (as defined in section 102 of the Older Americans Act of 1965 (42 U.S.C. 3002)) who are victims of family violence''.

(d) ENHANCING SERVICES FOR OLDER INDIVIDUALS IN SHELTERS.—Section 303(a)(2)(C) of the Family Violence Prevention and Services Act (42 U.S.C. 10402(a)(2)(C)) (as amended by section 202(a)(1) of this Act) is amended by inserting after ''any other populations determined by the Secretary to be underserved'' the following: '', and the needs of older individuals (as defined in section 102 of the Older Americans Act of 1965 (42 U.S.C. 3002)) who are victims of family violence''.

TITLE III—LIMITING THE EFFECTS OF VIOLENCE ON CHILDREN

SEC. 301. SAFE HAVENS FOR CHILDREN PILOT PROGRAM.

(a) IN GENERAL.—The Attorney General may award grants to States, units of local government, and Indian tribal governments that propose to enter into or expand the scope of existing contracts and cooperative agreements with public or private nonprofit entities to provide supervised visitation and safe visitation exchange of children by and between parents in situations involving domestic violence, child abuse, or sexual assault.

(b) CONSIDERATIONS.—In awarding grants under subsection (a), the Attorney General shall take into account—

(1) the number of families to be served by the proposed visitation programs and services;

(2) the extent to which the proposed supervised visitation programs and services serve underserved populations (as defined in section 2003 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796gg–2));

(3) with respect to an applicant for a contract or cooperative agreement, the extent to which the applicant demonstrates cooperation and collaboration with nonprofit, nongovernmental entities in the local community served, including the State domestic violence coalition, State sexual assault coalition, local shelters, and programs for domestic violence and sexual assault victims; and

(4) the extent to which the applicant demonstrates coordination and collaboration with State and local court systems, including mechanisms for communication and referral.

(c) APPLICANT REQUIREMENTS.—The Attorney General shall award grants for contracts and cooperative agreements to applicants that—

(1) demonstrate expertise in the area of family violence, including the areas of domestic violence or sexual assault, as appropriate;

(2) ensure that any fees charged to individuals for use of programs and services are based on the income of those individuals, unless otherwise provided by court order;

(3) demonstrate that adequate security measures, including adequate facilities, procedures, and personnel capable of preventing violence, are in place for the operation of supervised visitation programs and services or safe visitation exchange; and

(4) prescribe standards by which the supervised visitation or safe visitation exchange will occur.

(d) REPORTING.—

(1) IN GENERAL.—Not later than 1 year after the last day of the first fiscal year commencing on or after the date of enactment of this Act, and not later than 180 days after the last day of each fiscal year thereafter, the Attorney General shall submit to Congress a report that includes information concerning—

(A) the number of—

(i) individuals served and the number of individuals turned away from visitation programs and services and safe visitation exchange (categorized by State);

(ii) the number of individuals from underserved populations served and turned away from services; and

(iii) the type of problems that underlie the need for supervised visitation or safe visitation exchange, such as domestic violence, child abuse, sexual assault, other physical abuse, or a combination of such factors;

(B) the numbers of supervised visitations or safe visitation exchanges ordered under this section during custody determinations under a separation or divorce decree or protection order, through child protection services or other social services agencies, or by any other order of a civil, criminal, juvenile, or family court;

(C) the process by which children or abused partners are protected during visitations, temporary custody transfers, and other activities for which supervised visitation is established under this section;

(D) safety and security problems occurring during the reporting period during supervised visitation under this section, including the number of parental abduction cases; and

(E) the number of parental abduction cases in a judicial district using supervised visitation programs and services under this section, both as identified in criminal prosecution and custody violations.

(2) GUIDELINES.—The Attorney General shall establish guidelines for the collection and reporting of data under this subsection.

(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated from the Violent Crime Reduction Trust Fund established under section 310001 of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14211) to carry out this section $15,000,000 for each of fiscal years 2001 and 2002.

(f) ALLOTMENT FOR INDIAN TRIBES.—Not less than 5 percent of the total amount made available for each fiscal year to carry out this section shall be available for grants to Indian tribal governments.

SEC. 302. REAUTHORIZATION OF RUNAWAY AND HOMELESS YOUTH GRANTS.

Section 388(a) of the Runaway and Homeless Youth Act (42 U.S.C. 5751(a)) is amended by striking paragraph (4) and inserting the following:

''(4) PART E.—There is authorized to be appropriated from the Violent Crime Reduction Trust Fund established under section 310001 of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14211) to carry out part E $22,000,000 for each of fiscal years 2001 through 2005.''.

SEC. 303. REAUTHORIZATION OF VICTIMS OF CHILD ABUSE PROGRAMS.

(a) COURT-APPOINTED SPECIAL ADVOCATE PROGRAM.—Section 218 of the Victims of Child Abuse Act of 1990 (42 U.S.C. 13014) is amended by striking subsection (a) and inserting the following:

''(a) AUTHORIZATION.—There is authorized to be appropriated from the Violent Crime Reduction Trust Fund established under section 310001 of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14211) to carry out this subtitle $12,000,000 for each of fiscal years 2001 through 2005.''.

(b) CHILD ABUSE TRAINING PROGRAMS FOR JUDICIAL PERSONNEL AND PRACTITIONERS.—Section 224 of the Victims of Child Abuse Act of 1990 (42 U.S.C. 13024) is amended by striking subsection (a) and inserting the following:

''(a) AUTHORIZATION.—There is authorized to be appropriated from the Violent Crime Reduction Trust Fund established under section 310001 of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14211) to carry out this subtitle $2,300,000 for each of fiscal years 2001 through 2005.''.

(c) GRANTS FOR TELEVISED TESTIMONY.—Section 1001(a) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3793(a)) is amended by striking paragraph (7) and inserting the following:

''(7) There is authorized to be appropriated from the Violent Crime Reduction Trust Fund established under section 310001 of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14211) to carry out part N $1,000,000 for each of fiscal years 2001 through 2005.''.

(d) DISSEMINATION OF INFORMATION.—The Attorney General shall—

(1) annually compile and disseminate information (including through electronic publication) about the use of amounts expended and the projects funded under section 218(a) of the Victims of Child Abuse Act of 1990 (42 U.S.C. 13014(a)), section 224(a) of the Victims of Child Abuse Act of 1990 (42 U.S.C. 13024(a)), and section 1007(a)(7) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3793(a)(7)), including any evaluations of the projects and information to enable replication and adoption of the strategies identified in the projects; and

(2) focus dissemination of the information described in paragraph (1) toward community-based programs, including domestic violence and sexual assault programs.

SEC. 304. REPORT ON EFFECTS OF PARENTAL KIDNAPPING LAWS IN DOMESTIC VIOLENCE CASES.

(a) IN GENERAL.—The Attorney General shall—

(1) conduct a study of Federal and State laws relating to child custody, including custody provisions in protection orders, the Parental Kidnaping Prevention Act of 1980, and

the amendments made by that Act, and the effect of those laws on child custody cases in which domestic violence is a factor; and

(2) submit to Congress a report describing the results of that study, including the effects of implementing or applying model State laws, and the recommendations of the Attorney General to reduce the incidence or pattern of violence against women or of sexual assault of the child.

(b) SUFFICIENCY OF DEFENSES.—In carrying out subsection (a) with respect to the Parental Kidnaping Prevention Act of 1980, and the amendments made by that Act, the Attorney General shall examine the sufficiency of defenses to parental abduction charges available in cases involving domestic violence, and the burdens and risks encountered by victims of domestic violence arising from jurisdictional requirements of that Act and the amendments made by that Act.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $200,000 for fiscal year 2001.

(d) CONDITION FOR CUSTODY DETERMINATION.—Section 1738A(c)(2)(C)(ii) of title 28, United States Code, is amended by striking ''he'' and inserting ''the child, a sibling, or parent of the child''.

TITLE IV—STRENGTHENING EDUCATION AND TRAINING TO COMBAT VIOLENCE AGAINST WOMEN

SEC. 401. EDUCATION AND TRAINING IN APPROPRIATE RESPONSES TO VIOLENCE AGAINST WOMEN.

(a) AUTHORITY.—The Secretary of Health and Human Services, in consultation with the Attorney General, may award grants in accordance with this section to public and private nonprofit entities that, in the determination of the Secretary, have—

(1) nationally recognized expertise in the areas of domestic violence and sexual assault; and

(2) a record of commitment and quality responses to reduce domestic violence and sexual assault.

(b) PURPOSE.—Grants under this section may be used for the purposes of developing, testing, presenting, and disseminating model programs to provide education and training in appropriate and effective responses to victims of domestic violence and sexual assault (including, as appropriate, the effects of domestic violence on children) for individuals (other than law enforcement officers and prosecutors) who are likely to come into contact with such victims during the course of their employment, including—

(1) caseworkers, supervisors, administrators, administrative law judges, and other individuals administering Federal and State benefits programs, such as child welfare and child protective services, Temporary Assistance to Needy Families, social security disability, child support, medicaid, unemployment, workers' compensation, and similar programs; and

(2) medical and health care professionals, including mental and behavioral health professionals such as psychologists, psychiatrists, social workers, therapists, counselors, and others.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated from the Violent Crime Reduction Trust Fund established under section 310001 of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14211) to carry out this section $5,000,000 for each of fiscal years 2001 through 2003.

SEC. 402. RAPE PREVENTION AND EDUCATION.

(a) IN GENERAL.—Part J of title III of the Public Health Service Act (42 U.S.C. 280b et seq.) is amended by inserting after section 393A the following:

''SEC. 393B. USE OF ALLOTMENTS FOR RAPE PREVENTION EDUCATION.

''(a) PERMITTED USE.—The Secretary, acting through the National Center for Injury Prevention and Control at the Centers for Disease Control and Prevention, shall award targeted grants to States to be used for rape prevention and education programs conducted by rape crisis centers, State sexual assault coalitions, and other public and private nonprofit entities for—

''(1) educational seminars;

''(2) the operation of hotlines;

''(3) training programs for professionals;

''(4) the preparation of informational material;

''(5) education and training programs for students and campus personnel designed to reduce the incidence of sexual assault at colleges and universities;

''(6) education to increase awareness about drugs used to facilitate rapes or sexual assaults; and

''(7) other efforts to increase awareness of the facts about, or to help prevent, sexual assault, including efforts to increase awareness in underserved communities and awareness among individuals with disabilities (as defined in section 3 of the Americans with Disabilities Act of 1990 (42 U.S.C. 12102)).

''(b) COLLECTION AND DISSEMINATION OF INFORMATION ON SEXUAL ASSAULT.—The Secretary shall, through the National Resource Center on Sexual Assault established under the National Center for Injury Prevention and Control at the Centers for Disease Control and Prevention, provide resource information, policy, training, and technical assistance to Federal, State, local, and Indian tribal agencies, as well as to State sexual assault coalitions and local sexual assault programs and to other professionals and interested parties on issues relating to sexual assault, including maintenance of a central resource library in order to collect, prepare, analyze, and disseminate information and statistics and analyses thereof relating to the incidence and prevention of sexual assault.

''(c) AUTHORIZATION OF APPROPRIATIONS.—

''(1) IN GENERAL.—There is authorized to be appropriated from the Violent Crime Reduction Trust Fund established under section 310001 of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14211) to carry out this section, $50,000,000 for each of fiscal years 2001 through 2005.

''(2) NATIONAL RESOURCE CENTER ALLOTMENT.—Of the total amount made available under this subsection in each fiscal year, not more than the greater of $1,000,000 or 2 percent of such amount shall be available for allotment under subsection (b).

''(d) LIMITATIONS.—

''(1) SUPPLEMENT NOT SUPPLANT.—Amounts provided to States under this section shall be used to supplement and not supplant other Federal, State, and local public funds expended to provide services of the type described in subsection (a).

''(2) STUDIES.—A State may not use more than 2 percent of the amount received by the State under this section for each fiscal year for surveillance studies or prevalence studies.

''(3) ADMINISTRATION.—A State may not use more than 5 percent of the amount received by the State under this section for each fiscal year for administrative expenses.''.

(b) REPEAL.—Section 40151 of the Violence Against Women Act of 1994 (108 Stat. 1920), and the amendment made by such section, is repealed.

SEC. 403. EDUCATION AND TRAINING TO END VIOLENCE AGAINST AND ABUSE OF WOMEN WITH DISABILITIES.

(a) IN GENERAL.—The Attorney General, in consultation with the Secretary of Health and Human Services, may award grants to States and nongovernmental private entities to provide education and technical assistance for the purpose of providing training, consultation, and information on domestic violence, stalking, and sexual assault against women who are individuals with disabilities (as defined in section 3 of the Americans with Disabilities Act of 1990 (42 U.S.C. 12102)).

(b) PRIORITIES.—In awarding grants under this section, the Attorney General shall give priority to applications designed to provide education and technical assistance on—

(1) the nature, definition, and characteristics of domestic violence, stalking, and sexual assault experienced by women who are individuals with disabilities;

(2) outreach activities to ensure that women who are individuals with disabilities who are victims of domestic violence, stalking, and sexual assault receive appropriate assistance;

(3) the requirements of shelters and victim services organizations under Federal antidiscrimination laws, including the Americans with Disabilities Act of 1990 and section 504 of the Rehabilitation Act of 1973; and

(4) cost-effective ways that shelters and victim services may accommodate the needs of individuals with disabilities in accordance with the Americans with Disabilities Act of 1990.

(c) USES OF GRANTS.—Each recipient of a grant under this section shall provide information and training to organizations and programs that provide services to individuals with disabilities, including independent living centers, disability-related service organizations, and domestic violence programs providing shelter or related assistance.

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated from the Violent Crime Reduction Trust Fund established under section 310001 of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14211) to carry out this section $5,000,000 for each of fiscal years 2001 through 2005.

SEC. 404. COMMUNITY INITIATIVES.

Section 318 of the Family Violence Prevention and Services Act (42 U.S.C. 10418) is amended—

(1) in subsection (b)(2)—

(A) in subparagraph (G), by striking ''and'' at the end;

(B) by redesignating subparagraph (H) as subparagraph (I); and

(C) by inserting after subparagraph (G) the following:

''(H) groups that provide services to individuals with disabilities;''; and

(2) by striking subsection (h) and inserting the following:

''(h) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated from the Violent Crime Reduction Trust Fund established under section 310001 of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14211) to carry out this section $5,000,000 for each of fiscal years 2001 through 2005.''.

SEC. 405. DEVELOPMENT OF RESEARCH AGENDA IDENTIFIED BY THE VIOLENCE AGAINST WOMEN ACT OF 1994.

(a) IN GENERAL.—The Attorney General shall—

(1) direct the National Institute of Justice, in consultation and coordination with the Bureau of Justice Statistics and the National Academy of Sciences, through its National Research Council, to develop a research agenda based on the recommendations contained in the report entitled ''Understanding Violence Against Women'' of the National Academy of Sciences ; and

(2) not later than 1 year after the date of enactment of this Act, in consultation with

the Secretary of the Department of Health and Human Services, submit to Congress a report which shall include—

(A) a description of the research agenda developed under paragraph (1) and a plan to implement that agenda;

(B) recommendations for priorities in carrying out that agenda to most effectively advance knowledge about and means by which to prevent or reduce violence against women.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated from the Violent Crime Reduction Trust Fund established under section 31001 of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14211) such sums as may be necessary to carry out this section.

TITLE V—BATTERED IMMIGRANT WOMEN

SEC. 501. SHORT TITLE.

This title may be cited as the ''Battered Immigrant Women Protection Act of 2000''.

SEC. 502. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds that—

(1) the goal of the immigration protections for battered immigrants included in the Violence Against Women Act of 1994 was to remove immigration laws as a barrier that kept battered immigrant women and children locked in abusive relationships;

(2) providing battered immigrant women and children who were experiencing domestic violence at home with protection against deportation allows them to obtain protection orders against their abusers and frees them to cooperate with law enforcement and prosecutors in criminal cases brought against their abusers and the abusers of their children without fearing that the abuser will retaliate by withdrawing or threatening withdrawal of access to an immigration benefit under the abuser's control; and

(3) there are several groups of battered immigrant women and children who do not have access to the immigration protections of the Violence Against Women Act of 1994 which means that their abusers are virtually immune from prosecution because their victims can be deported as a result of action by their abusers and the Immigration and Naturalization Service cannot offer them protection no matter how compelling their case under existing law.

(b) PURPOSES.—The purposes of this title are—

(1) to remove barriers to criminal prosecutions of persons who commit acts of battery or extreme cruelty against immigrant women and children; and

(2) to offer protection against domestic violence occurring in family and intimate relationships that are covered in State and tribal protection orders, domestic violence, and family law statutes.

SEC. 503. IMPROVED ACCESS TO IMMIGRATION PROTECTIONS OF THE VIOLENCE AGAINST WOMEN ACT OF 1994 FOR BATTERED IMMIGRANT WOMEN.

(a) INTENDED SPOUSE DEFINED.—Section 101(a) of the Immigration and Nationality Act (8 U.S.C. 1101(a)) is amended by adding at the end the following:

''(50) The term 'intended spouse' means any alien who meets the criteria set forth in section 204(a)(1)(A)(iii)(II)(aa)(BB), 204(a)(1)(B)(ii)(II)(aa)(BB), or 240A(b)(2)(A)(i)(III).''.

(b) IMMEDIATE RELATIVE STATUS FOR SELF-PETITIONERS MARRIED TO U.S. CITIZENS.—

(1) SELF-PETITIONING SPOUSES.—

(A) BATTERY OR CRUELTY TO ALIEN OR ALIEN'S CHILD.—Section 204(a)(1)(A)(iii) of the Immigration and Nationality Act (8 U.S.C. 1154(a)(1)(A)(iii)) is amended to read as follows:

''(iii)(I) An alien who is described in subclause (II) may file a petition with the Attorney General under this clause for classification of the alien (and any child of the alien) if the alien demonstrates to the Attorney General that—

''(aa) the marriage or the intent to marry the United States citizen was entered into in good faith by the alien; and

''(bb) during the marriage or relationship intended by the alien to be legally a marriage, the alien or a child of the alien has been battered or has been the subject of extreme cruelty perpetrated by the alien's spouse or intended spouse.

''(II) For purposes of subclause (I), an alien described in this subclause is an alien—

''(aa)(AA) who is the spouse of a citizen of the United States;

''(BB) who believed that he or she had married a citizen of the United States and with whom a marriage ceremony was actually performed and who otherwise meets any applicable requirements under this Act to establish the existence of and bona fides of a marriage, but whose marriage is not legitimate solely because of the bigamy of such citizen of the United States; or

''(CC) who was a bona fide spouse of a United States citizen within the past 2 years and—

''(aaa) whose spouse died within the past 2 years;

''(bbb) whose spouse lost or renounced citizenship status related to an incident of domestic violence; or

''(ccc) who demonstrates a connection between the legal termination of the marriage and battering or extreme cruelty by the United States citizen spouse;

''(bb) who is a person of good moral character;

''(cc) who is eligible to be classified as an immediate relative under section 201(b)(2)(A)(i) or who would have been so classified but for the bigamy of the citizen of the United States that the alien intended to marry; and

''(dd) who has resided with the alien's spouse or intended spouse.''.

(2) SELF-PETITIONING CHILDREN.—Section 204(a)(1)(A)(iv) of the Immigration and Nationality Act (8 U.S.C. 1154(a)(1)(A)(iv)) is amended to read as follows:

''(iv) An alien who is the child of a citizen of the United States, or who was a child of a United States citizen parent who lost or renounced citizenship status related to an incident of domestic violence, and who is a person of good moral character, who is eligible to be classified as an immediate relative under section 201(b)(2)(A)(i), and who resides, or has resided in the past, with the citizen parent may file a petition with the Attorney General under this subparagraph for classification of the alien (and any child of the alien) under such section if the alien demonstrates to the Attorney General that the alien has been battered by or has been the subject of extreme cruelty perpetrated by the alien's citizen parent. For purposes of this clause, residence includes any period of visitation.''.

(3) FILING OF PETITIONS.—Section 204(a)(1)(A) of the Immigration and Nationality Act (8 U.S.C. 1154 (a)(1)(A)(iv)) is amended by adding at the end the following:

''(v) An alien who is the spouse, intended spouse, or child of a United States citizen living abroad and who is eligible to file a petition under clause (iii) or (iv) shall file such petition with the Attorney General under the procedures that apply to self-petitioners under clauses (iii) or (iv).''.

(c) SECOND PREFERENCE IMMIGRATION STATUS FOR SELF-PETITIONERS MARRIED TO LAWFUL PERMANENT RESIDENTS.—

(1) SELF-PETITIONING SPOUSES.—Section 204(a)(1)(B)(ii) of the Immigration and Nationality Act (8 U.S.C. 1154(a)(1)(B)(ii)) is amended to read as follows:

''(ii)(I) An alien who is described in subclause (II) may file a petition with the Attorney General under this clause for classification of the alien (and any child of the alien) if such a child has not been classified under clause (iii) of section 203(a)(2)(A) and if the alien demonstrates to the Attorney General that—

''(aa) the marriage or the intent to marry the lawful permanent resident was entered into in good faith by the alien; and

''(bb) during the marriage or relationship intended by the alien to be legally a marriage, the alien or a child of the alien has been battered or has been the subject of extreme cruelty perpetrated by the alien's spouse or intended spouse.

''(II) For purposes of subclause (I), an alien described in this paragraph is an alien—

''(aa)(AA) who is the spouse of a lawful permanent resident of the United States; or

''(BB) who believed that he or she had married a lawful permanent resident of the United States and with whom a marriage ceremony was actually performed and who otherwise meets any applicable requirements under this Act to establish the existence of and bona fides of a marriage, but whose marriage is not legitimate solely because of the bigamy of such lawful permanent resident of the United States; or

''(CC) who was a bona fide spouse of a lawful permanent resident within the past 2 years and—

''(aaa) whose spouse lost status due to an incident of domestic violence; or

''(bbb) who demonstrates a connection between the legal termination of the marriage and battering or extreme cruelty by the lawful permanent resident spouse;

''(bb) who is a person of good moral character;

''(cc) who is eligible to be classified as a spouse of an alien lawfully admitted for permanent residence under section 203(a)(2)(A) or who would have been so classified but for the bigamy of the lawful permanent resident of the United States that the alien intended to marry; and

''(dd) who has resided with the alien's spouse or intended spouse.''.

(3) SELF-PETITIONING CHILDREN.—Section 204(a)(1)(B)(iii) of the Immigration and Nationality Act (8 U.S.C. 1154(a)(1)(B)(iii)) is amended to read as follows:

''(iii) An alien who is the child of an alien lawfully admitted for permanent residence, or who was the child of a lawful permanent resident who lost lawful permanent resident status due to an incident of domestic violence, and who is a person of good moral character, who is eligible for classification under section 203(a)(2)(A), and who resides, or has resided in the past, with the alien's permanent resident alien parent may file a petition with the Attorney General under this subparagraph for classification of the alien (and any child of the alien) under such section if the alien demonstrates to the Attorney General that the alien has been battered by or has been the subject of extreme cruelty perpetrated by the alien's permanent resident parent. For purposes of this clause, residence includes any period of visitation.''.

(4) FILING OF PETITIONS.—Section 204(a)(1)(B) of the Immigration and Nationality Act (8 U.S.C. 1154(a)(1)(B)) is amended by adding at the end the following:

''(iv) An alien who is the spouse, intended spouse, or child of a lawful permanent resident living abroad is eligible to file a petition under clause (ii) or (iii) shall file such petition with the Attorney General under the procedures that apply to self-petitioners under clauses (ii) or (iii).''.

(d) GOOD MORAL CHARACTER DETERMINATIONS FOR SELF-PETITIONERS AND TREATMENT OF CHILD SELF-PETITIONERS AND PETITIONS

INCLUDING DERIVATIVE CHILDREN ATTAINING 21 YEARS OF AGE.—Section 204(a)(1) of the Immigration and Nationality Act (8 U.S.C. 1154(a)(1)) is amended—

(1) by redesignating subparagraphs (C) through (H) as subparagraphs (E) through (J), respectively;

(2) by inserting after subparagraph (B) the following:

''(C) Notwithstanding section 101(f), an act or conviction that is waivable with respect to the petitioner for purposes of a determination of the petitioner's admissibility under section 212(a) or deportability under section 237(a) shall not bar the Attorney General from finding the petitioner to be of good moral character under subparagraph (A)(iii), (A)(iv), (B)(ii), or (B)(iii) if the Attorney General finds that the act or conviction was connected to the alien's having been battered or subjected to extreme cruelty.

''(D)(i)(I) Any child who attains 21 years of age who has filed a petition under clause (iv) of section 204(a)(1)(A) that was filed or approved before the date on which the child attained 21 years of age shall be considered (if the child has not been admitted or approved for lawful permanent residence by the date the child attained 21 years of age) a petitioner for preference status under paragraph (1), (2), or (3) of section 203(a), whichever paragraph is applicable, with the same priority date assigned to the self-petition filed under clause (iv) of section 204(a)(1)(A). No new petition shall be required to be filed.

''(II) Any individual described in subclause (I) is eligible for deferred action and work authorization.

''(III) Any derivative child who attains 21 years of age who is included in a petition described in clause (ii) that was filed or approved before the date on which the child attained 21 years of age shall be considered (if the child has not been admitted or approved for lawful permanent residence by the date the child attained 21 years of age) a petitioner for preference status under paragraph (1), (2), or (3) of section 203(a), whichever paragraph is applicable, with the same priority date as that assigned to the petitioner in any petition described in clause (ii). No new petition shall be required to be filed.

''(IV) Any individual described in subclause (III) and any derivative child of a petition described in clause (ii) is eligible for deferred action and work authorization.

''(ii) The petition referred to in clause (i)(III) is a petition filed by an alien under subparagraph (A)(iii), (A)(iv), (B)(ii) or (B)(iii) in which the child is included as a derivative beneficiary.''; and

(3) in subparagraph (J) (as so redesignated), by inserting ''or in making determinations under subparagraphs (C) and (D),'' after ''subparagraph (B),''.

(e) ACCESS TO NATURALIZATION FOR DIVORCED VICTIMS OF ABUSE.—Section 319(a) of the Immigration and Nationality Act (8 U.S.C. 1430(a)) is amended—

(1) by inserting '', or any person who obtained status as a lawful permanent resident by reason of his or her status as a spouse or child of a United States citizen who battered him or her or subjected him or her to extreme cruelty,'' after ''United States'' the first place such term appears; and

(2) by inserting ''(except in the case of a person who has been battered or subjected to extreme cruelty by a United States citizen spouse or parent)'' after ''has been living in marital union with the citizen spouse''.

SEC. 504. IMPROVED ACCESS TO CANCELLATION OF REMOVAL AND SUSPENSION OF DEPORTATION UNDER THE VIOLENCE AGAINST WOMEN ACT OF 1994.

(a) CANCELLATION OF REMOVAL AND ADJUSTMENT OF STATUS FOR CERTAIN NONPERMANENT RESIDENTS.—Section 240A(b)(2) of the Immigration and Nationality Act (8 U.S.C. 1229b(b)(2)) is amended to read as follows:

''(2) SPECIAL RULE FOR BATTERED SPOUSE OR CHILD.—

''(A) AUTHORITY.—The Attorney General may cancel removal of, and adjust to the status of an alien lawfully admitted for permanent residence, an alien who is inadmissible or deportable from the United States if the alien demonstrates that—

''(i)(I) the alien has been battered or subjected to extreme cruelty by a spouse or parent who is or was a United States citizen (or is the parent of a child of a United States citizen and the child has been battered or subjected to extreme cruelty by such citizen parent);

''(II) the alien has been battered or subjected to extreme cruelty by a spouse or parent who is or was a lawful permanent resident (or is the parent of a child of an alien who is or was a lawful permanent resident and the child has been battered or subjected to extreme cruelty by such permanent resident parent); or

''(III) the alien has been battered or subjected to extreme cruelty by a United States citizen or lawful permanent resident whom the alien intended to marry, but whose marriage is not legitimate because of that United States citizen's or lawful permanent resident's bigamy;

''(ii) the alien has been physically present in the United States for a continuous period of not less than 3 years immediately preceding the date of such application, and the issuance of a charging document for removal proceedings shall not toll the 3-year period of continuous physical presence in the United States;

''(iii) the alien has been a person of good moral character during such period, subject to the provisions of subparagraph (C);

''(iv) the alien is not inadmissible under paragraph (2) or (3) of section 212(a), is not deportable under paragraphs (1)(G) or (2) through (4) of section 237(a) (except in a case described in section 237(a)(7) where the Attorney General exercises discretion to grant a waiver), and has not been convicted of an aggravated felony; and

''(v) the removal would result in extreme hardship to the alien, the alien's child, or the alien's parent.

''(B) PHYSICAL PRESENCE.—Notwithstanding subsection (d)(2), for purposes of subparagraph (A)(i)(II) or for purposes of section 244(a)(3) (as in effect before the title III–A effective date in section 309 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996), an alien shall not be considered to have failed to maintain continuous physical presence by reason of an absence if the alien demonstrates a connection between the absence and the battering or extreme cruelty perpetrated against the alien. No absence or portion of an absence connected to the battering or extreme cruelty shall count toward the 90-day or 180-day limits established in subsection (d)(2). If any absence or aggregate absences exceed 180 days, the absences or portions of the absences will not be considered to break the period of continuous presence. Any such period of time excluded from the 180-day limit shall be excluded in computing the time during which the alien has been physically present for purposes of the 3-year requirement set forth in section 240A(b)(2)(B) and section 244(a)(3) (as in effect before the title III–A effective date in section 309 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996).

''(C) GOOD MORAL CHARACTER.—Notwithstanding section 101(f), an act or conviction that would be waivable with respect to the alien for purposes of a determination of the alien's admissibility under section 212(a) or is waivable with respect to the alien for purposes of the alien's deportability under section 237(a) shall not bar the Attorney General from finding the alien to be of good moral character under subparagraph (A)(i)(III) or section 244(a)(3) (as in effect before the title III–A effective date in section 309 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996), if the Attorney General finds that the act or conviction was connected to the alien's having been battered or subjected to extreme cruelty and determines that a waiver would be or is otherwise warranted.

''(D) CREDIBLE EVIDENCE CONSIDERED.—In acting on applications under this paragraph, the Attorney General shall consider any credible evidence relevant to the application. The determination of what evidence is credible and the weight to be given that evidence shall be within the sole discretion of the Attorney General.''.

(b) CHILDREN OF BATTERED ALIENS AND PARENTS OF BATTERED ALIEN CHILDREN.—Section 240A(b) of the Immigration and Nationality Act (8 U.S.C. 1229b(b)) is amended by adding at the end the following:

''(4) CHILDREN OF BATTERED ALIENS AND PARENTS OF BATTERED ALIEN CHILDREN.—

''(A) IN GENERAL.—The Attorney General shall grant parole under section 212(d)(5) to any alien who is a—

''(i) child of an alien granted relief under section 240A(b)(2) or 244(a)(3) (as in effect before the title III–A effective date in section 309 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996); or

''(ii) parent of a child alien granted relief under section 240A(b)(2) or 244(a)(3) (as in effect before the title III–A effective date in section 309 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996).

''(B) DURATION OF PAROLE.—The grant of parole shall extend from the time of the grant of relief under section 240A(b)(2) or section 244(a)(3) (as in effect before the title III–A effective date in section 309 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996) to the time the application for adjustment of status filed by aliens covered under this paragraph has been finally adjudicated. Applications for adjustment of status filed by aliens covered under this paragraph shall be treated as if they were applications filed under section 204(a)(1)(A)(iii), (A)(iv), (B)(ii), or (B)(iii) for purposes of section 245 (a) and (c). Failure by the alien granted relief under section 240A(b)(2) or section 244(a)(3) (as in effect before the title III–A effective date in section 309 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996) to exercise due diligence in filing a visa petition on behalf of an alien described in clause (i) or (ii) may result in revocation of parole.''.

(c) EFFECTIVE DATE.—Any individual who becomes eligible for relief by reason of the enactment of the amendments made by subsections (a) and (b), shall be eligible to file a motion to reopen pursuant to section 240(c)(6)(C)(iv). The amendments made by subsections (a) and (b) shall take effect as if included in the enactment of section 304 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (Public Law 104–208; 110 Stat. 587). Such portions of the amendments made by subsection (b) that relate to section 244(a)(3) (as in effect before the title III–A effective date in section 309 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996) shall take effect as if included in subtitle G of title IV of the Violent Crime Control and Law Enforcement Act of 1994 (Public Law 103–322; 108 Stat. 1953 et seq.).

SEC. 505. OFFERING EQUAL ACCESS TO IMMIGRATION PROTECTIONS OF THE VIOLENCE AGAINST WOMEN ACT OF 1994 FOR ALL QUALIFIED BATTERED IMMIGRANT SELF-PETITIONERS.

(a) ELIMINATING CONNECTION BETWEEN BATTERY AND UNLAWFUL ENTRY.—Section 212(a)(6)(A)(ii) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(6)(A)(ii)) is amended—

(1) by striking subclause (I) and inserting the following:

''(I) the alien qualifies for classification under subparagraph (A)(iii), (A)(iv), (B)(ii), or (B)(iii) of section 204(a)(i); and'';

(2) in subclause (II), by striking '', and'' and inserting a period; and

(3) by striking subclause (III).

(b) ELIMINATING CONNECTION BETWEEN BATTERY AND VIOLATION OF THE TERMS OF AN IMMIGRANT VISA.—Section 212(a)(9)(B)(iii)(IV) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(9)(B)(iii)(IV)) is amended by striking ''who would be described in paragraph (6)(A)(ii)'' and all that follows before the period and inserting ''who is described in paragraph (6)(A)(ii)''.

(c) BATTERED IMMIGRANT WAIVER.—Section 212(a)(9)(C)(ii) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(9)(C)(ii)) is amended by adding at the end the following: ''The Attorney General in the Attorney General's discretion may waive the provisions of section 212(a)(9)(C)(i) in the case of an alien to whom the Attorney General has granted classification under clause (iii), (iv), (v), or (vi) of section 204(a)(1)(A), or classification under clause (ii), (iii), or (iv) of section 204(a)(1)(B), in any case in which there is a connection between—

''(1) the aliens having been battered or subjected to extreme cruelty; and

''(2) the alien's—

''(A) removal;

''(B) departure from the United States;

''(C) reentry or reentries into the United States; or

''(D) attempted reentry into the United States.

(d) DOMESTIC VIOLENCE VICTIM WAIVER.—

(1) WAIVER FOR VICTIMS OF DOMESTIC VIOLENCE.—Section 237(a) of the Immigration and Nationality Act (8 U.S.C. 1227(a)) is amended by inserting at the end the following:

''(7) WAIVER FOR VICTIMS OF DOMESTIC VIOLENCE.—

''(A) IN GENERAL.—The Attorney General is not limited by the criminal court record and may waive the application of paragraph (2)(E)(i) (with respect to crimes of domestic violence and crimes of stalking) and (ii) in the case of an alien who has been battered or subjected to extreme cruelty and who is not and was not the primary perpetrator of violence in the relationship—

''(i) upon a determination that—

''(I) the alien was acting is self-defense;

''(II) the alien was found to have violated a protection order intended to protect the alien; or

''(III) the alien committed, was arrested for, was convicted of, or pled guilty to committing a crime—

''(aa) that did not result in serious bodily injury; and

''(bb) where there was a connection between the crime and the alien's having been battered or subjected to extreme cruelty.

''(B) CREDIBLE EVIDENCE CONSIDERED.—In acting on applications under this paragraph, the Attorney General shall consider any credible evidence relevant to the application. The determination of what evidence is credible and the weight to be given that evidence shall be within the sole discretion of the Attorney General.''.

(2) CONFORMING AMENDMENT.—Section 240A(b)(1)(C) of the Immigration and Nationality Act (8 U.S.C. 1229b(b)(1)(C)) is amended by inserting ''(except in a case described in section 237(a)(7) where the Attorney General exercises discretion to grant a waiver)'' after ''237(a)(3)''.

(e) MISREPRESENTATION WAIVERS FOR BATTERED SPOUSES OF UNITED STATES CITIZENS AND LAWFUL PERMANENT RESIDENTS.—

(1) WAIVER OF INADMISSIBILITY.—Section 212(i)(1) of the Immigration and Nationality Act (8 U.S.C. 1182(i)(1)) is amended by inserting before the period at the end the following: ''or, in the case of an alien granted classification under clause (iii) or (iv) of section 204(a)(1)(A) or clause (ii) or (iii) of section 204(a)(1)(B), or who would otherwise qualify for relief under section 240A(b)(2) or under section 244(a)(3) (as in effect before the title III–A effective date in section 309 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996), the alien demonstrates extreme hardship to the alien or the alien's United States citizen, lawful permanent resident, or qualified alien parent or child''.

(2) WAIVER OF DEPORTABILITY.—Section 237(a)(1)(H) of the Immigration and Nationality Act (8 U.S.C. 1227(a)(1)(H)) is amended—

(A) in clause (i), by inserting ''(I)'' after ''(i)'';

(B) by redesignating clause (ii) as subclause (II); and

(C) by adding after clause (i) the following:

''(ii) is an alien who qualifies for classification under clause (iii) or (iv) of section 204(a)(1)(A) or clause (ii) or (iii) of section 204(a)(1)(B), or who qualifies for relief under section 240A(b)(2) or under section 244(a)(3) (as in effect before the title III–A effective date in section 309 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996).''.

(f) BATTERED IMMIGRANT WAIVER.—Section 212(g)(1) of the Immigration and Nationality Act (8 U.S.C. 1182(g)(1)) is amended—

(1) in subparagraph (A), by striking ''or'' at the end;

(2) in subparagraph (B), by adding ''or'' at the end; and

(3) by inserting after subparagraph (B) the following:

''(C) qualifies for classification under clause (iii) or (iv) of section 204(a)(1)(A) or classification under clause (ii) or (iii) of section 204(a)(1)(B), relief under section 240A(b)(2), or relief under section 244(a)(3) (as in effect before the title III–A effective date in section 309 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996);''.

(g) WAIVERS FOR VAWA ELIGIBLE BATTERED IMMIGRANTS.—Section 212(h)(1) of the Immigration and Nationality Act (8 U.S.C. 1182(h)(1)) is amended—

(1) in subparagraph (B), by striking ''and'' and inserting ''or'';

(2) by adding at the end the following:

''(C) the alien qualifies for classification under clause (iii) or (iv) of section 204(a)(1)(A), classification under clause (ii) or (iii) of section 204(a)(1)(B), relief under section 240A(b)(2) or relief under section 244(a)(3) (as in effect before the title III–A effective date in section 309 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996); and''.

(h) PUBLIC CHARGE.—Section 212 of the Immigration and Nationality Act (8 U.S.C. 1182) is amended by adding at the end the following:

''(p) In determining whether an alien described in subsection (a)(4)(C)(i) is inadmissible under subsection (a)(4) or ineligible to receive an immigrant visa or otherwise to adjust to the status of permanent resident by reason of subsection (a)(4), the consular officer or the Attorney General shall not consider any benefits the alien may have received that were authorized under section 501 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1641(c)).''.

(i) REPORT.—Not later than 6 months after the date of enactment of this Act, the Attorney General shall submit a report to the Committees on the Judiciary of the Senate and the House of Representatives covering, with respect to the fiscal year 1997 and each fiscal year thereafter—

(1) the policy and procedures of the Immigration and Naturalization Service under which an alien who has been battered or subjected to extreme cruelty who is eligible for suspension of deportation or cancellation of removal can request to be placed, and be placed, in deportation or removal proceedings so that such alien may apply for suspension of deportation or cancellation of removal;

(2) the number of requests filed at each district office under this policy;

(3) the number of these requests granted reported separately for each district; and

(4) the average length of time at each Immigration and Naturalization office between the date that an alien who has been subject to battering or extreme cruelty eligible for suspension of deportation or cancellation of removal requests to be placed in deportation or removal proceedings and the date that the immigrant appears before an immigration judge to file an application for suspension of deportation or cancellation of removal.

SEC. 506. RESTORING IMMIGRATION PROTECTIONS UNDER THE VIOLENCE AGAINST WOMEN ACT OF 1994.

(a) REMOVING BARRIERS TO ADJUSTMENT OF STATUS FOR VICTIMS OF DOMESTIC VIOLENCE.—

(1) IMMIGRATION AMENDMENTS.—Section 245 of the Immigration and Nationality Act (8 U.S.C. 1255) is amended—

(A) in subsection (a), by inserting ''or the status of any other alien having an approved petition for classification under subparagraph (A)(iii), (A)(iv), (B)(ii), or (B)(iii) of section 204(a)(1) or'' after ''into the United States.''; and

(B) in subsection (c), by striking ''Subsection (a) shall not be applicable to'' and inserting the following: ''Other than an alien having an approved petition for classification under subparagraph (A)(iii), (A)(iv), (A)(v), (A)(vi), (B)(ii), (B)(iii), or B(iv) of section 204(a)(1), subsection (a) shall not be applicable to''.

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall apply to applications for adjustment of status pending on or made on or after January 14, 1998.

(b) REMOVING BARRIERS TO CANCELLATION OF REMOVAL AND SUSPENSION OF DEPORTATION FOR VICTIMS OF DOMESTIC VIOLENCE.—

(1) NOT TREATING SERVICE OF NOTICE AS TERMINATING CONTINUOUS PERIOD.—Section 240A(d)(1) of the Immigration and Nationality Act (8 U.S.C. 1229b(d)(1)) is amended by striking ''when the alien is served a notice to appear under section 239(a) or'' and inserting ''(A) except in the case of an alien who applies for cancellation of removal under subsection (b)(2) when the alien is served a notice to appear under section 239(a), or (B)''.

(2) EXEMPTION FROM ANNUAL LIMITATION ON CANCELLATION OF REMOVAL FOR BATTERED SPOUSE OR CHILD.—Section 240A(e)(3) of the Immigration and Nationality Act (8 U.S.C. 1229b(e)(3)) is amended by adding at the end the following:

''(C) Aliens in removal proceedings who applied for cancellation of removal under subsection (b)(2).''.

(3) EFFECTIVE DATE.—The amendments made by paragraphs (1) and (2) shall take effect as if included in the enactment of section 304 of the Illegal Immigration Reform

and Immigrant Responsibility Act of 1996 (Public Law 104–208; 110 Stat. 587).

(4) MODIFICATION OF CERTAIN TRANSITION RULES FOR BATTERED SPOUSE OR CHILD.—Section 309(c)(5)(C) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1101 note) is amended—

(A) by striking the subparagraph heading and inserting the following:

''(C) SPECIAL RULE FOR CERTAIN ALIENS GRANTED TEMPORARY PROTECTION FROM DEPORTATION AND FOR BATTERED SPOUSES AND CHILDREN.—''; and

(B) in clause (i)—

(i) in subclause (IV), by striking ''or'' at the end;

(ii) in subclause (V), by striking the period at the end and inserting ''; or''; and

(iii) by adding at the end the following:

''(VI) is an alien who was issued an order to show cause or was in deportation proceedings before April 1, 1997, and who applied for suspension of deportation under section 244(a)(3) of the Immigration and Nationality Act (as in effect before the date of the enactment of this Act).''.

(5) EFFECTIVE DATE.—The amendments made by paragraph (4) shall take effect as if included in the enactment of section 309 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1101 note).

(c) ELIMINATING TIME LIMITATIONS ON MOTIONS TO REOPEN REMOVAL AND DEPORTATION PROCEEDINGS FOR VICTIMS OF DOMESTIC VIOLENCE.—

(1) REMOVAL PROCEEDINGS.—

(A) IN GENERAL.—Section 240(c)(6)(C) of the Immigration and Nationality Act (8 U.S.C. 1229a(c)(6)(C)) is amended by adding at the end the following:

''(iv) SPECIAL RULE FOR BATTERED SPOUSES AND CHILDREN.—There is no time limit on the filing of a motion to reopen, and the deadline specified in subsection (b)(5)(C) for filing such a motion does not apply—

''(I) if the basis for the motion is to apply for relief under clause (iii) or (iv) of section 204(a)(1)(A), clause (ii) or (iii) of section 204(a)(1)(B), or section 240A(b)(2); and

''(II) if the motion is accompanied by a cancellation of removal application to be filed with the Attorney General or by a copy of the self-petition that has been or will be filed with the Immigration and Naturalization Service upon the granting of the motion to reopen.''.

(B) EFFECTIVE DATE.—The amendment made by subparagraph (A) shall take effect as if included in the enactment of section 304 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1229–1229c).

(2) DEPORTATION PROCEEDINGS.—

(A) IN GENERAL.—Notwithstanding any limitation imposed by law on motions to reopen or rescind deportation proceedings under the Immigration and Nationality Act (as in effect before the title III–A effective date in section 309 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1101 note)), there is no time limit on the filing of a motion to reopen such proceedings, and the deadline specified in section 242B(c)(3) of the Immigration and Nationality Act (as so in effect) (8 U.S.C. 1252b(c)(3)) does not apply—

(i) if the basis of the motion is to apply for relief under clause (iii) or (iv) of section 204(a)(1)(A) of the Immigration and Nationality Act (8 U.S.C. 1154(a)(1)(A)), clause (ii) or (iii) of section 204(a)(1)(B) of such Act (8 U.S.C. 1154(a)(1)(B)), or section 244(a)(3) of such Act (as so in effect) (8 U.S.C. 1254(a)(3)); and

(ii) if the motion is accompanied by a suspension of deportation application to be filed with the Attorney General or by a copy of the self-petition that will be filed with the Immigration and Naturalization Service upon the granting of the motion to reopen.

(B) APPLICABILITY.—Subparagraph (A) shall apply to motions filed by aliens who—

(i) are, or were, in deportation proceedings under the Immigration and Nationality Act (as in effect before the title III–A effective date in section 309 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1101 note)); and

(ii) have become eligible to apply for relief under clause (iii) or (iv) of section 204(a)(1)(A) of the Immigration and Nationality Act (8 U.S.C. 1154(a)(1)(A)), clause (ii) or (iii) of section 204(a)(1)(B) of such Act (8 U.S.C. 1154(a)(1)(B)), or section 244(a)(3) of such Act (as in effect before the title III–A effective date in section 309 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1101 note)) as a result of the amendments made by—

(I) subtitle G of title IV of the Violent Crime Control and Law Enforcement Act of 1994 (Public Law 103–322; 108 Stat. 1953 et seq.); or

(II) this title.

SEC. 507. REMEDYING PROBLEMS WITH IMPLEMENTATION OF THE IMMIGRATION PROVISIONS OF THE VIOLENCE AGAINST WOMEN ACT OF 1994.

(a) EFFECT OF CHANGES IN ABUSERS' CITIZENSHIP STATUS ON SELF-PETITION.—

(1) RECLASSIFICATION.—Section 204(a)(1)(A) of the Immigration and Nationality Act (8 U.S.C. 1154(a)(1)(A)) (as amended by section 503(b)(3) of this title) is amended by adding at the end the following:

''(vi) For the purposes of any petition filed under clause (iii) or (iv), the denaturalization, loss or renunciation of citizenship, death of the abuser, divorce, or changes to the abuser's citizenship status after filing of the petition shall not adversely affect the approval of the petition, and for approved petitions shall not preclude the classification of the eligible self-petitioning spouse or child as an immediate relative or affect the alien's ability to adjust status under subsections (a) and (c) of section 245 or obtain status as a lawful permanent resident based on the approved self-petition under such clauses.''.

(2) LOSS OF STATUS.—Section 204(a)(1)(B) of the Immigration and Nationality Act (8 U.S.C. 1154(a)(1)(B)) (as amended by section 503(c)(4) of this title) is amended by adding at the end the following:

''(v)(I) For the purposes of any petition filed or approved under clause (ii) or (iii), divorce, or the loss of lawful permanent resident status by a spouse or parent after the filing of a petition under that clause shall not adversely affect approval of the petition, and, for an approved petition, shall not affect the alien's ability to adjust status under subsections (a) and (c) of section 245 or obtain status as a lawful permanent resident based on an approved self-petition under clause (ii) or (iii).

''(II) Upon the lawful permanent resident spouse or parent becoming or establishing the existence of United States citizenship through naturalization, acquisition of citizenship, or other means, any petition filed with the Immigration and Naturalization Service and pending or approved under clause (ii) or (iii) on behalf of an alien who has been battered or subjected to extreme cruelty shall be deemed reclassified as a petition filed under subparagraph (A) even if the acquisition of citizenship occurs after divorce or termination of parental rights.''.

(3) DEFINITION OF IMMEDIATE RELATIVES.—Section 201(b)(2)(A)(i) of the Immigration and Nationality Act (8 U.S.C. 1154(b)(2)(A)(i)) is amended by adding at the end the following: ''For purposes of this clause, an alien who has filed a petition under clause (iii) or (iv) of section 204(a)(1)(A) of this Act remains an immediate relative in the event that the United States citizen spouse or parent loses United States citizenship on account of the abuse.''.

(b) ALLOWING REMARRIAGE OF BATTERED IMMIGRANTS.—Section 204(h) of the Immigration and Nationality Act (8 U.S.C. 1154(h)) is amended by adding at the end the following: ''Remarriage of an alien whose petition was approved under section 204(a)(1)(B)(ii) or 204(a)(1)(A)(iii) or marriage of an alien described in section 204(a)(1)(A) (iv) or (vi) or 204(a)(1)(B)(iii) shall not be the basis for revocation of a petition approval under section 205.''.

SEC. 508. TECHNICAL CORRECTION TO QUALIFIED ALIEN DEFINITION FOR BATTERED IMMIGRANTS.

Section 431(c)(1)(B)(iii) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C. 1641(c)(1)(B)(iii)) is amended to read as follows:

''(iii) suspension of deportation under section 244(a)(3) of the Immigration and Nationality Act (as in effect before the title III–A effective date in section 309 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996).''.

SEC. 509. ACCESS TO CUBAN ADJUSTMENT ACT FOR BATTERED IMMIGRANT SPOUSES AND CHILDREN.

(a) IN GENERAL.—The last sentence of the first section of Public Law 89–732 (November 2, 1966; 8 U.S.C. 1255 note) is amended by striking the period at the end and inserting the following: '', except that such spouse or child who has been battered or subjected to extreme cruelty may adjust to permanent resident status under this Act without demonstrating that he or she is residing with the Cuban spouse or parent in the United States. In acting on applications under this section with respect to spouses or children who have been battered or subjected to extreme cruelty, the Attorney General shall apply the provisions of section 204(a)(1)(H).''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall be effective as if included in subtitle G of title IV of the Violent Crime Control and Law Enforcement Act of 1994 (Public Law 103–322; 108 Stat. 1953 et seq.).

SEC. 510. ACCESS TO THE NICARAGUAN ADJUSTMENT AND CENTRAL AMERICAN RELIEF ACT FOR BATTERED SPOUSES AND CHILDREN.

Section 309(c)(5)(C) of the Illegal Immigration and Reform and Immigrant Responsibility Act of 1996 (division C of Public Law 104–208; 8 U.S.C. 1101 note) is amended—

(1) in clause (i)—

(A) by striking ''For purposes'' and inserting ''Subject to clauses (ii), (iii), and (iv), for purposes'';

(B) by striking ''or'' at the end of subclause (IV);

(C) by striking the period at the end of subclause (V) and inserting ''; or''; and

(D) by adding at the end the following:

''(VI) is at the time of filing of an application under subclause (I), (II), (V), or (VI) the spouse or child of an individual described in subclause (I), (II), or (V) and the spouse, child, or child of the spouse has been battered or subjected to extreme cruelty by the individual described in subclause (I), (II), or (V).''; and

(2) by adding at the end the following:

''(iii) CONSIDERATION OF PETITIONS.—In acting on a petition filed under subclause (VI) or (VII) of clause (i) the provisions set forth in section 204(a)(1)(H) shall apply.

''(iv) RESIDENCE WITH SPOUSE OR PARENT NOT REQUIRED.—For purposes of the application of subclauses (VI) and (VII) of clause (i),

a spouse or child shall not be required to demonstrate that he or she is residing with the spouse or parent in the United States.''.

SEC. 511. ACCESS TO THE HAITIAN REFUGEE FAIRNESS ACT OF 1998 FOR BATTERED SPOUSES AND CHILDREN.

(a) IN GENERAL.—Section 902(d)(1)(B) of the Haitian Refugee Immigration Fairness Act of 1998 (division A of section 101(h) of Public Law 105–277; 112 Stat. 2681–538) is amended to read as follows:

''(B)(i) the alien is the spouse or child of an alien whose status is adjusted to that of an alien lawfully admitted for permanent residence under subsection (a);

''(ii) at the time of filing or the application for adjustment under subsection (a) or this subsection the alien is the spouse or child of an alien whose status is adjusted to that of an alien lawfully admitted for permanent residence under subsection (a) and the spouse, child, or child of the spouse has been battered or subjected to extreme cruelty by the individual described in subsection (a); and

''(iii) in acting on applications under this section with respect to spouses or children who have been battered or subjected to extreme cruelty, the Attorney General shall apply the provisions of section 204(a)(1)(H).''.

(b) RESIDENCE WITH SPOUSE OR PARENT NOT REQUIRED.—Section 902(d) of such Act is amended—

(1) in paragraph (1), by striking ''The status'' and inserting ''Subject to paragraphs (2) and (3), the status''; and

(2) by adding at the end the following:

''(3) RESIDENCE WITH SPOUSE OR PARENT NOT REQUIRED.—A spouse, or child may adjust to permanent resident status under paragraph (1) without demonstrating that he or she is residing with the spouse or parent in the United States.''.

SEC. 512. ACCESS TO SERVICES AND LEGAL REPRESENTATION FOR BATTERED IMMIGRANTS.

(a) LAW ENFORCEMENT AND PROSECUTION GRANTS.—Section 2001(b) of part T of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796gg(b)) is amended—

(1) in paragraph (1), by inserting '', immigration and asylum officers, immigration judges,'' after ''law enforcement officers'';

(2) in paragraph (8) (as amended by section 209(c) of this Act), by striking ''and'' at the end;

(3) in paragraph (9) (as added by section 209(c) of this Act), by striking the period at the end and inserting ''; and''; and

(4) by adding at the end the following:

''(10) providing assistance to victims of domestic violence and sexual assault in immigration matters.''.

(b) GRANTS TO ENCOURAGE ARRESTS.—Section 2101(b)(5) of part U of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796hh(b)(5)) is amended by inserting before the period the following: '', including strengthening assistance to domestic violence victims in immigration matters''.

(c) RURAL DOMESTIC VIOLENCE AND CHILD ABUSE ENFORCEMENT GRANTS.—Section 40295(a)(2) of the Violent Crime Control and Law Enforcement Act of 1994 (Public Law 103–322; 108 Stat. 1953; 42 U.S.C. 13971(a)(2)) is amended to read as follows:

''(2) to provide treatment, counseling, and assistance to victims of domestic violence and child abuse, including in immigration matters; and''.

(d) CAMPUS DOMESTIC VIOLENCE GRANTS.—Section 826(b)(5) of the Higher Education Amendments of 1998 (Public Law 105–244; 20 U.S.C. 1152) is amended by inserting before the period at the end the following: '', including assistance to victims in immigration matters''.

TITLE VI—EXTENSION OF VIOLENT CRIME REDUCTION TRUST FUND

SEC. 601. EXTENSION OF VIOLENT CRIME REDUCTION TRUST FUND.

(a) IN GENERAL.—Section 310001(b) of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14211) is amended by striking paragraphs (1) through (5) and inserting the following:

''(1) for fiscal year 2001, $6,025,000,000;

''(2) for fiscal year 2002, $6,169,000,000;

''(3) for fiscal year 2003, $6,316,000,000;

''(4) for fiscal year 2004, $6,458,000,000; and

''(5) for fiscal year 2005, $6,616,000,000.''.

(b) DISCRETIONARY LIMITS.—Title XXXI of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14211 et seq.) is amended by inserting after section 310001 the following:

''SEC. 310002. DISCRETIONARY LIMITS.

''For the purposes of allocations made for the discretionary category under section 302(a) of the Congressional Budget Act of 1974 (2 U.S.C. 633(a)), the term 'discretionary spending limit' means—

''(1) with respect to fiscal year 2001—

''(A) for the discretionary category, amounts of budget authority and outlays necessary to adjust the discretionary spending limits to reflect the changes in subparagraph (B) as determined by the Chairman of the Committee on the Budget of the House of Representatives and the Chairman of the Committee on the Budget of the Senate; and

''(B) for the violent crime reduction category, $6,025,000,000 in new budget authority and $5,718,000,000 in outlays;

''(2) with respect to fiscal year 2002—

''(A) for the discretionary category, amounts of budget authority and outlays necessary to adjust the discretionary spending limits to reflect the changes in subparagraph (B) as determined by the Chairman of the Committee on the Budget of the House of Representatives and the Chairman of the Committee on the Budget of the Senate; and

''(B) for the violent crime reduction category, $6,169,000,000 in new budget authority and $6,020,000,000 in outlays;

''(3) with respect to fiscal year 2003—

''(A) for the discretionary category, amounts of budget authority and outlays necessary to adjust the discretionary spending limits to reflect the changes in subparagraph (B) as determined by the Chairman of the Committee on the Budget of the House of Representatives and the Chairman of the Committee on the Budget of the Senate; and

''(B) for the violent crime reduction category, $6,316,000,000 in new budget authority and $6,161,000,000 in outlays;

''(4) with respect to fiscal year 2004—

''(A) for the discretionary category, amounts of budget authority and outlays necessary to adjust the discretionary spending limits to reflect the changes in subparagraph (B) as determined by the Chairman of the Committee on the Budget of the House of Representatives and the Chairman of the Committee on the Budget of the Senate; and

''(B) for the violent crime reduction category, $6,459,000,000 in new budget authority and $6,303,000,000 in outlays; and

''(5) with respect to fiscal year 2005—

''(A) for the discretionary category, amounts of budget authority and outlays necessary to adjust the discretionary spending limits to reflect the changes in subparagraph (B) as determined by the Chairman of the Committee on the Budget of the House of Representatives and the Chairman of the Committee on the Budget of the Senate; and

''(B) for the violent crime reduction category, $6,616,000 in new budget authority and $6,452,000,000 in outlays;

as adjusted in accordance with section 251(b) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901(b)) and section 314 of the Congressional Budget Act of 1974.''.

Mr. HATCH. Mr. President, I rise today with my colleague and friend, Senator JOSEPH BIDEN, to introduce one of the most significant pieces of legislation that the Senate will consider this year, the Violence Against Women Act of 2000. This historic bill reauthorizes the Violence Against Women Act programs that would otherwise expire at the end of this fiscal year. This new bill is the result of bipartisan cooperation over the last year and combines the best provisions of S. 245, the Violence Against Women Act of 1999, which I introduced last year, and of S. 51, Senator BIDEN's Violence Against Women Act II.

Six years ago, recognizing the importance and need to protect the women and children in this country from domestic violence, stalking, and sexual assault, senators from both parties supported the original Violence Against Women Act in 1994. This legislation has made a critical difference in the lives of countless families in my state of Utah and across the country.

The Violence Against Women Act strengthened our laws, empowered law enforcement, facilitated access to protective orders, established and funded both battered women shelters and a national domestic violence hotline, and most importantly led to the overall protection of America's women and children.

Well, we must ask ourselves, ''Was it worth it? Did our efforts made a difference?'' I stand here today to answer those questions with a resounding ''yes.''

The most recent Department of Justice statistics show that violence against women by intimate partners is down 21 percent across the board from just before the original bill's enactment. The Department of Justice has prosecuted hundreds of cases involving interstate domestic violence, interstate stalking, and interstate violations of protection orders. Through funding provided by the Act, the Department of Health and Human Services has provided grant funds to shelter more than 300,000 women and their dependents each year, while the National Domestic Violence Hotline has responded to approximately 500,000 calls. In all, the original Violence Against Women Act provided $1.6 billion in grant funds supporting the work of law enforcement officials, prosecutors, the courts, victim advocates, and intervention and prevention programs to address domestic violence at all levels.

Although the Violence Against Women Act has been widely successful, domestic violence continues to plague our homes, our communities, and our country. The national statistics are sobering:

Nearly one-third of women murdered each year are killed by their intimate partners.

Violence by intimates accounts for over 20 percent of all violent crime against women.

Approximately one million women are stalked each year.

Women were raped and sexually assaulted 307,000 times in 1998 alone.

Thus, I believe we should ask ourselves today, ''Should we continue and strengthen our efforts to combat violence against women?'' Once again, I stand here today to answer this question with a resounding ''yes.'' We must continue our efforts to protect our women and children from the devastating effects of domestic violence, stalking, and sexual assault.

The Violence Against Women Act of 2000 will reauthorize through fiscal year 2005 the grant programs that will enable the federal, state, and local governments to persist in their efforts to prosecute offenders and provide vital services to the victims of domestic violence. I would like to point out that the recent Supreme Court case United States v. Morrison, 120 S. Ct. 1740 (2000), simply invalidated the ''civil remedy'' provision, which allowed a victim of gender-motivated violence to sue her attacker in federal court. The case did not affect the ability of Congress to reauthorize the Violence Against Women Act, nor did the case affect any other aspect of the Act.

There are several new, important, and worthwhile programs in this bill. One in particular, the transitional housing program, had its inception in my own state of Utah. Dedicated professionals in my State, working in the field, brought to my attention the fact that shelters often fail to provide adequate help to persons escaping the horror of domestic violence. In states like Utah, the spread-out location and the few number of shelters makes it difficult to serve the entire population in need of refuge from domestic violence. Furthermore, shelters are often inadequate for anything more than a few weeks. The transitional housing program remedies the situation by allowing some supplemental and short term housing for persons escaping domestic violence.

It is absolutely imperative that we achieve strong, bipartisan support for this bill. We are approaching the end of our legislative session—we need to take the politics out of the process and reauthorize this Act. Senator BIDEN and I have worked long and hard on this—we are confident that our bill represents not only the interests of both Republicans and Democrats, but that it truly represents the interests of the American family. I intend to move this bill through the Senate Judiciary Committee promptly and intend to do all I can to ensure it becomes law this year.

Finally, I would conclude by expressing my gratitude to Senator BIDEN for his tireless efforts to get this legislation written and passed. No one in the Senate has a longer and greater history of dedication to combating violence against women.

I would also like to express my appreciation to Senator SPENCER ABRAHAM from Michigan. He has given much of his time and attention to this bill, particularly on the immigration provisions. I am grateful for his efforts.

Mr. LEAHY. Mr. President, I support the Violence Against Women Act of 2000 (VAWA II). As we head into the 21st century, violence against women continues to affect millions of women and children in this country. Whether you live in a big city or a rural town, domestic violence can be found anywhere.

I witnessed the devastating effects of domestic violence early on in my career, when I was the Vermont State's Attorney for Chittenden County. In those days, long before the passage of the Violence Against Women Act (VAWA), there were not support programs and services in place to assist victims of these types of crimes. Today, because of the hard work and dedication of those in Vermont and around the country who work on these problems every day, an increasing number of women and children are seeking services through domestic violence programs and at shelters around the nation.

Since the passage of VAWA in 1994, I have been privileged to work with groups such as the Vermont Network Against Domestic Violence and Sexual Assault and the Vermont Center for Crime Victim Services who have worked to help put a stop to violence against women and provided assistance to those who have fallen victim to it. I am proud today to support the Violence Against Women Act of 2000, a Federal initiative designed to continue the success of VAWA by reauthorizing Federal programs to prevent violence against women.

Six years ago, VAWA passed Congress as part of the Violent Crime Control and Law Enforcement Act. That Act combined tough law enforcement strategies with safeguards and services for victims of domestic violence and sexual assault. I am proud to say that Vermont was the first State in the country to apply for and receive funding through VAWA. Since VAWA was enacted, Vermont has received almost $7 million in VAWA funds.

This funding has enabled Vermont to develop specialized prosecution units and child advocacy centers throughout the state. Lori Hayes, Executive Director of the Vermont Center for Crime Victim Services, and Marty Levin, Coordinator of the Vermont Network Against Domestic Violence and Sexual Assault, have been especially instrumental in coordinating VAWA grants in Vermont. Their hard work has brought Vermont grant funding for encouraging arrest policies as well as for combating rural domestic violence and child abuse. These grants have made a real difference in the lives of those who suffer from violence and abuse. Reauthorization of these vital programs in VAWA II will continue to build on these successes.

We have tolerated violence against women for far too long and this bill continues to move us toward reducing violence against women by strengthening law enforcement through the extension of STOP grants, which encourage a multi-disciplinary approach to improving the criminal justice system's response to violence against women. With support from STOP grants, law enforcement, prosecution, courts, victim advocates and service providers work together to ensure victim safety and offender accountability.

The beneficial effects of STOP grants are evident throughout Vermont. From the Windham County Domestic Violence Unit to the Rutland County Women's Network and Shelter, STOP grants have resulted in enhanced victim advocacy services, increased safety for women and children, and increased accountability of perpetrators. The Northwest Unit for Special Investigations in St. Albans, Vermont, has established a multi-disciplinary approach to the investigation of adult sexual assault and domestic violence cases with the help of STOP funds. By linking victims with advocacy programs at the time of the initial report, the Unit finds that more victims get needed services and support and thus find it easier to participate in the investigation and subsequent prosecution. The State's Attorney's Office, which has designated a prosecutor to participate in the Unit, has implemented a new protocol for the prosecution of domestic violence cases. The protocol and multi-disciplinary approach are credited with an 80 percent conviction rate in domestic violence and sexual assault cases.

Passing VAWA II will continue grants which strengthen pro-arrest policies and enforcement of protection orders. In a rural state like Vermont, law enforcement agencies greatly benefit from cooperative, inter-agency efforts to combat and solve significant problems. Last year, approximately $850,000 of this funding supported Vermont efforts to encourage arrest policies.

Vermont will also benefit from the extension of Rural Domestic Violence and Child Victimization Enforcement Grants under VAWA II. These grants are designed to make victim services more accessible to women and children living in rural areas. I worked hard to see this funding included in the original VAWA in 1994, and I am proud that its success has merited an increased authorization for funding in VAWA II. Rural Domestic Violence and Child Victimization Enforcement Grants have been utilized by the Vermont Network Against Domestic Violence and Sexual Assault, the Vermont Attorney General's Office, and the Vermont Department of Social and Rehabilitation Services to increase community awareness, to develop cooperative relationships between state child protection agencies and domestic violence programs, to expand existing multi disciplinary task forces to include allied

professional groups, and to create local multi-use supervised visitation centers.

This bill will also reauthorize the National Stalker and Domestic Violence Reduction Grant. This important grant program assists in the improvement of local, state and national crime databases for tracking stalking and domestic violence.

As we work to prevent violence against women, we must not forget those who have already fallen victim to it. This bill recognizes that combating violence against women includes assistance measures as well as preventive ones, providing assistance to victims of domestic and sexual violence in a number of ways.

The National Domestic Violence Hotline, which has already assisted over 180,000 callers, will be able to continue its crucial operation. Much like the state hotline that the Vermont Network Against Domestic Violence and Sexual Assault helped to establish in Vermont, the National Hotline reaches victims who otherwise have nowhere to turn.

I am particularly pleased to see that VAWA II will also authorize a new grant program for civil legal assistance. In the past, funding for legal services for victims of domestic violence was dependent on a set-aside in the STOP grant appropriation. This separate grant authorization will allow victims of violence, stalking and sexual assault, who would otherwise be unable to afford professional legal representation, to obtain access to trained attorneys and advocacy services. These grants would support training, technical assistance and support for cooperative efforts between victim advocacy groups and legal assistance providers.

As enacted, the Violence Against Women Act has funded programs that provide shelter to battered women and children. I am pleased to see that VAWA II expands this funding, so that facilities such as the Women Helping Battered Women Shelter in Burlington, Vermont, will continue to be able to serve victims in their most vulnerable time in need of shelter.

In addition to this funding, I am excited to see the addition of a provision for transitional housing assistance in VAWA II. This grant for short-term housing assistance and support services for homeless families who have fled from domestic violence environments was one of the biggest priorities for my State and I am pleased to see its inclusion in this legislation.

Despite the overwhelming benefits of this legislation, I do think there are some problems with this bill and it is my hope that we can work to fix them. For example, this legislation does not go far enough in providing the comprehensive housing assistance that state and victim's coalitions need in combating this problem. In Vermont, the availability of affordable housing is at an all time low. Providing victims of domestic violence with a safe place to reside after a terrifying experience should be a priority. I would like to see additional support for groups that addresses the need for funding for underserved populations. I had proposed a more extensive program of transitional housing assistance than we were able to keep in the bill. It is my hope that we can continue to work to expand these transitional living opportunities in the coming weeks as Congress takes up this bill.

Another area of concern that I wish to see addressed in this bill is the absence of a redefinition of ''domestic violence'' to include ''dating relationships'' in its provisions and grants. As written, VAWA II amends the definition of ''domestic violence'' for grants to reduce violence against women on campus to include dating relationships. I would like to see this definition amended to include all women. The Bureau of Justice Statistics report indicates that more than four in every 10 incidents of domestic violence involves non-married persons, and further, that the highest rate of domestic violence occurs among young people aged 16–24. Yet, VAWA, as currently enacted, does not authorize prosecution of their offenders. We cannot ignore this increasingly at risk segment of the population.

I was also pleased to see a new provision in VAWA II that would enhance protections for older women from domestic violence and sexual assault. Last year I introduced the Seniors Safety Act which would enhance penalties for crimes against seniors. This provision in VAWA II is an important complement to that legislation and I am glad to see we have been able to generate wide support.

The bill is also designed to help young victims of crime through funding for the establishment of safe and supervised visitation centers for children in order to reduce the opportunity for domestic violence. Grants will also be extended to continue funding agencies serving homeless youth who have been or who are at risk of abuse and to continue funding for victims of child abuse, including money for advocates, training for judicial personnel and televised testimony.

Many of the most successful services for victims start at the local level, such as Vermont's model hotline on domestic violence and sexual assault. The Violence Against Women Act II recognizes these local successes and continues grant funding of community demonstration projects for the intervention and prevention of domestic violence.

When VAWA passed Congress, it was one of the first comprehensive Federal efforts to combat violence against women and to assist the victims of such violence. Today's bill gives us an opportunity to continue funding these successful programs, to improve victim services, and to strengthen these laws so that violence against women is eliminated. I am proud to be an original cosponsor of this legislation and hope we can work together to ensure the swift passage of the Violence Against Women Act of 2000.

Mr. ABRAHAM. Mr. President, I am proud to rise today as an original cosponsor of the Violence Against Women Act of 2000, and I urge my colleagues to join with us in this effort to ensure the safety and protection of women and families.

The 1994 Violence Against Women Act has been crucial in reducing violence perpetrated against women and families across America. VAWA '94 increased resources for training and law enforcement, and bolstered prosecution of child abuse, sexual assault, and domestic violence cases. States have changed the way they treat crimes of violence against women; 24 states and the District of Columbia now mandate arrest for most domestic violence offenses. States are lifting some of the costs to women associated with violence, and as a result of VAWA, all have some provision for covering the cost of a forensic rape exam.

And notably, VAWA '94 provided much-needed support for shelters and crisis centers, and created a National Domestic Violence Hotline.

Yet, despite the advances made as a result of the original Violence Against Women Act, violence against women remains a critical problem in our country. Recent studies show 307,000 incidents of rape and sexual assaults were perpetrated in 1998 alone. Over one million women are stalked annually. Violence by intimates accounts for 20% of all violent crimes against women.

It is essential that we reauthorize VAWA now, so that we can continue the initiatives that have made a difference, and so that we can further protect women and children from violence.

VAWA 2000 combines a variety of law-enforcement initiatives with support and prevention programs, in an effort to eradicate both the causes and effects of violence against women and families. The bill would ensure that those who regularly interact with victims of domestic violence—the courts, police, and social service providers—receive excellent training in reversing the destructive effects of domestic violence. As too many families are turned away in time of great need, VAWA 2000 offers increased funding to expand shelter services for families escaping violence. And in addition to providing emergency shelter, VAWA reauthorization provides for short-term and transitional housing, providing women and families real alternatives to returning to abusive homes.

Finally, VAWA '94 enabled immigrant victims of domestic violence to gain lawful permanent residence in the U.S. without the knowledge, participation, or cooperation of their abusive citizen or permanent resident spouses. Although the spirit and intent of this law was to facilitate the prosecution of

abusers, and to allow women and children to safely escape violence and rebuild their lives, unintended legal barriers have prevented the full protection of VAWA '94 from taking effect. VAWA 2000 cures this fault, and continues the spirit and work that began with the bipartisan passage of VAWA '94.

Mr. President, it is essential that these programs be reauthorized, so that we may stop the cycles of violence and poverty that result from domestic violence. I urge my colleagues to support VAWA 2000, and I look forward to working with the members of the Judiciary Committee in bringing this important legislation to the floor as soon as possible.

By Mr. COCHRAN:

S. 2788. A bill to establish a strategic planning team to develop a plan for the dissemination of research on reading; to the Committee on Health, Education, Labor, and Pensions.

THE READING RESEARCH DISSEMINATION AND IMPLEMENTATION ACT

Mr. COCHRAN. Madam President, today I am introducing a bill to establish the Reading Research Dissemination and Implementation Plan, an initiative which follows up on the important work of the National Reading Panel.

Three years ago I discovered that the National Institute of Child Health and Human Services had completed a thorough study of factors and conditions that affect the learning of reading in children. Since reading is such a basic and necessary first step in the process of education, nothing is more important to a child's educational development than learning to read.

I was honored to chair the recent hearing of the Appropriations Subcommittee on Labor, Health and Human Services, and Education, which accepted the National Writing Panel's report titled, ''An Evidence-Based Assessment of the Scientific Research Literature on Reading and Its Implications for Reading Instruction.'' The report has been distributed to Congress, universities, schools, education administrators, and libraries. At the hearing, Dr. Donald Langenberg, Chairman of the panel, stated, ''There is a recent report entitled Teaching Reading Is Rocket Science. . . . that is a gross understatement.''

It is time to ensure that the panel's findings are disseminated in a manner that will result in the implementation of the best practices for the effective teaching of reading.

This bill directs the National Reading Panel, the National Institute for Child Health and Human Development and the Department of Education to devise a strategic plan to include the findings in teacher preparation course work, professional development for current teachers, textbooks, and other instructional materials. The legislation further instructs that the plan be submitted to the Secretary of Education by December 31, 2000, and that the Secretary immediately take actions to implement it.

The research report, ''Relations Between Policy and Practice: A Commentary,'' written in 1990 by D. K. Cohen and D. L. Ball states, ''It costs state legislators and bureaucrats relatively little to fashion a new instructional policy. If instructional changes are to be made, [teachers] must make them. Teachers construct their practices gradually. Teaching is . . . a way of knowing, of seeing, and of being.''

Over the last several years, reading assessments have continued to show that nearly half of our nation's fourth graders do not read at grade level. Research and study on literacy over the last few decades has shown that children who have difficulty reading are more likely to suffer poor self esteem, fail to achieve in other subjects, become trouble makers in school and eventually criminals in jail. The research also shows that once a child is nine years old, remediation becomes more difficult. We need to move quickly to take advantage of what is known to predict and prevent reading difficulties, help those children who are having difficulty, and begin teaching for successful reading instruction.

We know that successfully mastering reading at an early age makes success in life more likely. It is my purpose and hope in introducing this legislation that the classrooms of today's preschoolers, kindergartners, and early grades will begin to benefit from the intelligence we have about how our brains connect and decode the complicated processes needed for reading.

This legislation will engage researchers, policy makers, teachers and parents in a focused mission. A mission to ensure that children acquire the most essential skill for future success: reading. I invite other Senators to join me in supporting this important effort.

I ask unanimous consent the text of the bill be printed in the RECORD immediately following my remarks.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 2788

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

SECTION 1. READING RESEARCH DISSEMINATION AND IMPLEMENTATION PLAN.

(a) SHORT TITLE.—This section may be cited as the ''Reading Research Dissemination and Implementation Act''.

(b) FINDINGS.—Congress makes the following findings:

(1) The National Reading Panel was convened to assess the status of research-based knowledge in the area of reading development and instruction and to evaluate the effectiveness of various approaches to teaching children to learn to read.

(2) On April 13, 2000, the National Reading Panel issued its report, ''Teaching Children to Read: An Evidence-Based Assessment of the Scientific Research Literature on Reading and its Implications for Reading Instruction''.

(3) The National Reading Panel was to assess the extent to which instructional approaches found to be effective are ready for application in the classroom, and to develop a strategy for rapidly disseminating the information on those approaches to schools to facilitate effective reading instruction in the schools.

(4) The National Reading Panel has completed its assessment of the objective research-based knowledge in the area of reading development and reading instruction and has identified several instructional strategies that have been clearly documented by research to be effective for teaching the range of reading skills to children of varying reading abilities.

(5) The National Institute of Child Health and Human Development has developed an initial dissemination strategy to provide all Members of Congress, all colleges of education, all State departments of education, and all public libraries in the Nation with copies of the National Reading Panel's report.

(6) A dissemination of findings, although helpful, does not typically lead to systematic and genuine implementation of the critical research findings that inform teacher preparation practices, classroom instructional practices, and educational policies.

(7) To ensure that research findings on effective reading instructional approaches are fully implemented for the improvement of the education of our Nation's children, a strategic plan for the dissemination and implementation of the findings is necessary.

(c) ESTABLISHMENT OF STRATEGIC PLANNING TEAM.—The Assistant Secretary of Education for Educational Research and Improvement and the Director of the National Institute of Child Health and Human Development of the Department of Health and Human Services shall jointly convene a strategic planning team to develop the plan required under subsection (d). The team shall be composed of the following:

(1) The Chairman of the National Reading Panel.

(2) Persons jointly appointed by the convening officials from among persons who are representative of each of the following:

(A) The National Institute of Child Health and Human Development.

(B) The Department of Education.

(C) Teacher professional organizations.

(D) Parents.

(E) Presidents of institutions of higher education.

(F) The teacher education colleges or departments within institutions of higher education.

(G) Private businesses.

(H) Public libraries.

(I) State boards of education.

(J) State directors of special education.

(K) The Governors of States.

(L) Publishers of reading textbooks.

(d) PLAN.—The Strategic Planning Team shall develop and, not later than December 31, 2000, submit to the Secretary of Education a plan—

(1) to determine—

(A) the extent to which current teacher preparation for both preservice and inservice training incorporates the findings of the National Reading Panel; and

(B) how any barriers to the incorporation of those findings can be changed in order to integrate the findings into programs to educate and certify teachers;

(2) to identify the deficiencies in instructional materials, including textbooks and supplementary materials, and to determine how materials might be designed to correct the deficiencies in ways that reflect the findings of the National Reading Panel;

(3) to determine whether there are any barriers in Federal and State policies that

would preclude appropriate adoption of the National Reading Panel findings; and

(4) to identify specific strategies for collaboration among businesses, public schools, teacher education programs, university and college administrators, and teacher-parent collaborations to guide and ensure that evidence-based instructional practices are implemented in teacher preparation, classroom instruction, and Federal and State policies.

(e) IMPLEMENTATION OF PLAN.—Upon receiving the plan under subsection (d), the Secretary of Education shall immediately take the actions necessary to implement the plan.

By Mr. COCHRAN:

S. 2789. A bill to amend the Congressional Award Act to establish a Congressional Recognition for Excellence in Arts Education Board; to the Committee on Health, Education, Labor, and Pensions.

CONGRESSIONAL RECOGNITION FOR EXCELLENCE IN ARTS EDUCATION

Mr. COCHRAN. Madam President, today I am introducing legislation which would establish the Congressional Recognition for Excellence in Arts Education awards to schools.

The 1997 National Assessment of Educational Progress Arts Report Card was the first ever assessment of the effects of specific arts instruction and the level of fine arts skills in American students. It showed that arts instruction improved competency and literacy; and without it, very few students were able to create or perform at an advanced or adequate level. The evidence of the positive effects of arts education on overall scholastic achievement is an incentive for students, parents and schools to insist upon arts courses being a part of every school's curriculum.

In 1997, The College Board reported that high school students with four or more years of arts instruction scored over 100 points higher on the Scholastic Aptitude Test than students with no arts instruction. In a 1999 report titled, ''Gaining the Arts Advantage: Lessons From School Districts that Value Arts Education'' it was said that, ''the presence and quality of arts education in public schools today require an exceptional degree of involvement by influential segments of the community which value the arts in the total affairs of the school district: in governance, funding, and program delivery.''

It is clear from these and other studies that students who have the opportunity to be involved in music, art, theater and dance instruction at school, truly have an advantage. As part of the effort to improve education, we need to encourage arts education in our schools. One way to do that, I think, is to recognize those schools that are offering this advantage.

Therefore, the legislation I am introducing would create a Congressional board and a citizens' advisory board which will establish an award for schools demonstrating excellence in arts education curriculum. The legislation also encourages the boards to establish individual student awards in the future.

This bill sends a clear message of support and appreciation to those teachers in our schools who dedicate their lives to the teaching of music, art, theater and dance; and to those school administrators who support comprehensive arts programs. I invite other Senators to join me in cosponsoring this bill. I look forward to its consideration and adoption by the Senate in the near future.

I ask unanimous consent that the bill be printed in the RECORD, as follows:

There being no objection, the bill was ordered to be printed in the RECORD.

S. 2789

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

SECTION 1. CONGRESSIONAL RECOGNITION FOR EXCELLENCE IN ARTS EDUCATION.

(a) IN GENERAL.—The Congressional Award Act (2 U.S.C. 801–808) is amended by adding at the end the following:

''TITLE II—CONGRESSIONAL RECOGNITION FOR EXCELLENCE IN ARTS EDUCATION

''SEC. 201. SHORT TITLE.

''This title may be cited as the 'Congressional Recognition for Excellence in Arts Education Act'.

''SEC. 202. FINDINGS.

''Congress makes the following findings:

''(1) Arts literacy is a fundamental purpose of schooling for all students.

''(2) Arts education stimulates, develops, and refines many cognitive and creative skills, critical thinking and nimbleness in judgment, creativity and imagination, cooperative decisionmaking, leadership, high-level literacy and communication, and the capacity for problem-posing and problem-solving.

''(3) Arts education contributes significantly to the creation of flexible, adaptable, and knowledgeable workers who will be needed in the 21st century economy.

''(4) Arts education improves teaching and learning.

''(5) Where parents and families, artists, arts organizations, businesses, local civic and cultural leaders, and institutions are actively engaged in instructional programs, arts education is more successful.

''(6) Effective teachers of the arts should be encouraged to continue to learn and grow in mastery of their art form as well as in their teaching competence.

''(7) The 1999 study, entitled 'Gaining the Arts Advantage: Lessons from School Districts that Value Arts Education', found that the literacy, education, programs, learning and growth described in paragraphs (1) through (6) contribute to successful district-wide arts education.

''(8) Despite all of the literacy, education, programs, learning and growth findings described in paragraphs (1) through (6), the 1997 National Assessment of Educational Progress reported that students lack sufficient opportunity for participatory learning in the arts.

''(9) The Arts Education Partnership, a coalition of national and State education, arts, business, and civic groups has demonstrated its effectiveness in addressing the purposes described in section 205(a) and the capacity and credibility to administer arts education programs of national significance.

''SEC. 203. DEFINITIONS.

''In this title:

''(1) ARTS EDUCATION PARTNERSHIP.—The term 'Arts Education Partnership' (formerly known as the Goals 2000 Arts Education Partnership) is a private, nonprofit coalition of education, arts, business, philanthropic, and government organizations that—

''(A) demonstrates and promotes the essential role of arts education in enabling all students to succeed in school, life, and work; and

''(B) was formed in 1995 through a cooperative agreement among—

''(i) the National Endowment for the Arts;

''(ii) the Department of Education;

''(iii) the National Assembly of State Arts Agencies; and

''(iv) the Council of Chief State School Officers.

''(2) BOARD.—The term 'Board' means the Congressional Recognition for Excellence in Arts Education Awards Board established under section 204.

''(3) ELEMENTARY SCHOOL; SECONDARY SCHOOL.—The terms 'elementary school' and 'secondary school' mean—

''(A) a public or private elementary school or secondary school (as the case may be), as defined in section 14101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8801); or

''(B) a bureau funded school as defined in section 1146 of the Education Amendments of 1978 (25 U.S.C. 2026).

''(4) STATE.—The term 'State' means each of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the United States Virgin Islands, the Commonwealth of the Northern Mariana Islands, the Republic of the Marshall Islands, the Federated States of Micronesia, and the Republic of Palau.

''SEC. 204. ESTABLISHMENT OF BOARD.

''There is established within the legislative branch of the Federal Government a Congressional Recognition for Excellence in Arts Education Awards Board. The Board shall be responsible for administering the awards program described in section 205.

''SEC. 205. BOARD DUTIES.

''(a) AWARDS PROGRAM ESTABLISHED.—The Board shall establish and administer an awards program to be known as the 'Congressional Recognition for Excellence in Arts Education Awards Program'. The purpose of the program shall be to—

''(1) celebrate the positive impact and public benefits of the arts;

''(2) encourage all elementary schools and secondary schools to integrate the arts into the school curriculum;

''(3) spotlight the most compelling evidence of the relationship between the arts and student learning;

''(4) demonstrate how community involvement in the creation and implementation of arts policies enriches the schools;

''(5) recognize school administrators and faculty who provide quality arts education to students;

''(6) acknowledge schools that provide professional development opportunities for their teachers;

''(7) create opportunities for students to experience the relationship between early participation in the arts and developing the life skills necessary for future personal and professional success;

''(8) increase, encourage, and ensure comprehensive, sequential arts learning for all students; and

''(9) expand student access to arts education in schools in every community.

''(b) DUTIES.—

''(1) SCHOOL AWARDS.—The Board shall—

''(A) make annual awards to elementary schools and secondary schools in the States in accordance with criteria established under subparagraph (B), which awards—

''(i) shall be of such design and materials as the Board may determine, including a well-designed certificate or a work of art, designed for the awards event by an appropriate artist; and

''(ii) shall be reflective of the dignity of Congress;

''(B) establish criteria required for a school to receive the award, and establish such procedures as may be necessary to verify that the school meets the criteria, which criteria shall include criteria requiring—

''(i) that the school provides comprehensive, sequential arts learning and integrates the arts throughout the curriculum; and

''(ii) 3 of the following:

''(I) that the community serving the school is actively involved in shaping and implementing the arts policies and programs of the school;

''(II) that the school principal supports the policy of arts education for all students;

''(III) that arts teachers in the school are encouraged to learn and grow in mastery of their art form as well as in their teaching competence;

''(IV) that the school actively encourages the use of arts assessment techniques for improving student, teacher, and administrative performance; and

''(V) that school leaders engage the total school community in arts activities that create a climate of support for arts education; and

''(C) include, in the procedures necessary for verification that a school meets the criteria described in subparagraph (B), written evidence of the specific criteria, and supporting documentation, that includes—

''(i) 3 letters of support for the school from community members, which may include a letter from—

''(I) the school's Parent Teacher Association (PTA);

''(II) community leaders, such as elected or appointed officials; and

''(III) arts organizations or institutions in the community that partner with the school; and

''(ii) the completed application for the award signed by the principal or other education leader such as a school district arts coordinator, school board member, or school superintendent;

''(D) determine appropriate methods for disseminating information about the program and make application forms available to schools, which methods may include—

''(i) the Arts Education Partnership web site and publications;

''(ii) the Department of Education Community Update newsletter;

''(iii) websites and publications of the Arts Education Partnership steering committee members;

''(iv) press releases, public service announcements and other media opportunities; and

''(v) direct communication by postal mail, or electronic means;

''(E) delineate such roles as the Board considers to be appropriate for the Director in administering the program, and set forth in the bylaws of the Board the duties, salary, and benefits of the Director;

''(F) raise funds for the operation of the program;

''(G) determine, and inform Congress regarding, the national readiness for interdisciplinary individual student awards described in paragraph (2), on the basis of the framework established in the 1997 National Assessment of Educational Progress and such other criteria as the Board determines appropriate; and

''(H) take such other actions as may be appropriate for the administration of the Congressional Recognition for Excellence in Arts Education Awards Program.

''(2) STUDENT AWARDS.—

''(A) IN GENERAL.—At such time as the Board determines appropriate, the Board—

''(i) shall make annual awards to elementary school and secondary school students for individual interdisciplinary arts achievement; and

''(ii) establish criteria for the making of the awards.

''(B) AWARD MODEL.—The Board may use as a model for the awards the Congressional Award Program and the President's Physical Fitness Award Program.

''(c) PRESENTATION.—The Board shall arrange for the presentation of awards under this section to the recipients and shall provide for participation by Members of Congress in such presentation, when appropriate.

''(d) DATE OF ANNOUNCEMENT.—The Board shall determine an appropriate date or dates for announcement of the awards under this section, which date shall coincide with a National Arts Education Month or a similarly designated day, week or month, if such designation exists.

''(e) REPORT.—

''(1) IN GENERAL.—The Board shall prepare and submit an annual report to Congress not later than March 1 of each year summarizing the activities of the Congressional Recognition for Excellence in Arts Education Awards Program during the previous year and making appropriate recommendations for the program. Any minority views and recommendations of members of the Board shall be included in such reports.

''(2) CONTENTS.—The annual report shall contain the following:

''(A) Specific information regarding the methods used to raise funds for the Congressional Recognition for Excellence in Arts Education Awards Program and a list of the sources of all money raised by the Board.

''(B) Detailed information regarding the expenditures made by the Board, including the percentage of funds that are used for administrative expenses.

''(C) A description of the programs formulated by the Director under section 207(b)(1), including an explanation of the operation of such programs and a list of the sponsors of the programs.

''(D) A detailed list of the administrative expenditures made by the Board, including the amounts expended for salaries, travel expenses, and reimbursed expenses.

''(E) A list of schools given awards under the program, and the city, town, or county, and State in which the school is located.

''(F) An evaluation of the state of arts education in schools, which may include anecdotal evidence of the effect of the Congressional Recognition for Excellence in Arts Education Awards Program on individual school curriculum.

''(G) On the basis of the findings described in section 202 and the purposes of the Congressional Recognition for Excellence in Arts Education Awards Program described in section 205(a), a recommendation regarding the national readiness to make individual student awards under subsection (b)(2).

''SEC. 206. COMPOSITION OF BOARD; ADVISORY BOARD.

''(a) COMPOSITION.—

''(1) IN GENERAL.—The Board shall consist of 9 members as follows:

''(A) 2 Members of the Senate appointed by the Majority Leader of the Senate.

''(B) 2 Members of the Senate appointed by the Minority Leader of the Senate.

''(C) 2 Members of the House of Representatives appointed by the Speaker of the House of Representatives.

''(D) 2 Members of the House of Representatives appointed by the Minority Leader of the House of Representatives.

''(E) The Director of the Board, who shall serve as a nonvoting member.

''(2) ADVISORY BOARD.—There is established an Advisory Board to assist and advise the Board with respect to its duties under this title, that shall consist of 15 members appointed—

''(A) in the case of the initial such members of the Advisory Board, by the leaders of the Senate and House of Representatives making the appointments under paragraph (1), from among representatives of the Arts Education Partnership selected from recommendations received from the Arts Education Partnership steering committee; and

''(B) in the case of any other such members of the Advisory Board, by the Board, from among representatives of the Arts Education Partnership selected from recommendations received from the Arts Education Partnership steering committee.

''(3) SPECIAL RULE FOR ADVISORY BOARD.—In making appointments to the Advisory Board, the individuals and entity making the appointments under paragraph (2) shall consider recommendations submitted by any interested party, including any member of the Board.

''(4) INTEREST.—

''(A) IN GENERAL.—Members of Congress appointed to the Board shall have an interest in 1 of the purposes described in section 205(a).

''(B) DIVERSITY.—Representatives of the Arts Education Partnership appointed to the Advisory Board shall represent the diversity of that organization's membership, so that artistic and education professionals are represented in the membership of the Board, including at least 1 representative who teaches in each of the following disciplines:

''(i) Music.

''(ii) Theater.

''(iii) Visual Arts.

''(iv) Dance.

''(b) TERMS.—

''(1) BOARD.—Members of the Board shall serve for terms of 6 years, except that of the members first appointed—

''(A) 1 Member of the House of Representatives and 1 Member of the Senate shall serve for terms of 2 years;

''(B) 1 Member of the House of Representatives and 1 Member of the Senate shall serve for terms of 4 years; and

''(C) 2 Members of the House of Representatives and 2 Members of the Senate shall serve for terms of 6 years,

as determined by lot when all such members have been appointed.

''(2) ADVISORY BOARD.—Members of the Advisory Board shall serve for terms of 6 years, except that of the members first appointed, 3 shall serve for terms of 2 years, 4 shall serve for terms of 4 years, and 8 shall serve for terms of 6 years, as determined by lot when all such members have been appointed.

''(c) VACANCY.—

''(1) IN GENERAL.—Any vacancy in the membership of the Board or Advisory Board shall be filled in the same manner in which the original appointment was made.

''(2) TERM.—Any member appointed to fill a vacancy occurring before the expiration of the term for which the member's predecessor was appointed shall be appointed only for the remainder of such term.

''(3) EXTENSION.—Any appointed member of the Board or Advisory Board may continue to serve after the expiration of the member's term until the member's successor has taken office.

''(4) SPECIAL RULE.—Vacancies in the membership of the Board shall not affect the

Board's power to function if there remain sufficient members of the Board to constitute a quorum under subsection (d).

''(d) QUORUM.—A majority of the members of the Board shall constitute a quorum.

''(e) COMPENSATION.—Members of the Board and Advisory Board shall serve without pay but may be compensated for reasonable travel expenses incurred by the members in the performance of their duties as members of the Board.

''(f) MEETINGS.—The Board shall meet annually at the call of the Chairperson and at such other times as the Chairperson may determine to be appropriate. The Chairperson shall call a meeting of the Board whenever ⅓ of the members of the Board submit written requests for such a meeting.

''(g) OFFICERS.—The Chairperson and the Vice Chairperson of the Board shall be elected from among the members of the Board, by a majority vote of the members of the Board, for such terms as the Board determines. The Vice Chairperson shall perform the duties of the Chairperson in the absence of the Chairperson.

''(h) COMMITTEES.—

''(1) IN GENERAL.—The Board may appoint such committees, and assign to the committees such functions, as may be appropriate to assist the Board in carrying out its duties under this title. Members of such committees may include the members of the Board, the Advisory Board, or such other qualified individuals as the Board may select.

''(2) SPECIAL RULE.—Any employee or officer of the Federal Government may serve as a member of a committee created by the Board, but may not receive compensation for services performed for such a committee.

''(i) BYLAWS AND OTHER REQUIREMENTS.—The Board shall establish such bylaws and other requirements as may be appropriate to enable the Board to carry out the Board's duties under this title.

''SEC. 207. ADMINISTRATION.

''(a) IN GENERAL.—In the administration of the Congressional Recognition for Excellence in Arts Education Awards Program, the Board shall be assisted by a Director, who shall be the principal executive of the program and who shall supervise the affairs of the Board. The Director shall be nominated by the Arts Education Partnership steering committee and appointed by a majority vote of the Board.

''(b) DIRECTOR'S RESPONSIBILITIES.—The Director shall, in consultation with the Board—

''(1) formulate programs to carry out the policies of the Congressional Recognition for Excellence in Arts Education Awards Program;

''(2) establish such divisions within the Congressional Recognition for Excellence in Arts Education Awards Program as may be appropriate; and

''(3) employ and provide for the compensation of such personnel as may be necessary to carry out the Congressional Recognition for Excellence in Arts Education Awards Program, subject to such policies as the Board shall prescribe under its bylaws.

''(c) APPLICATION.—Each school or student desiring an award under this title shall submit an application to the Board at such time, in such manner and accompanied by such information as the Board may require.

''SEC. 208. LIMITATIONS.

''(a) IN GENERAL.—Subject to such limitations as may be provided for under this section, the Board may take such actions and make such expenditures as may be necessary to carry out the Congressional Recognition for Excellence in Arts Education Awards Program, except that the Board shall carry out its functions and make expenditures with only such resources as are available to the Board from the Congressional Recognition for Excellence in Arts Education Awards Trust Fund pursuant to section 210(e).

''(b) CONTRACTS.—The Board may enter into such contracts as may be appropriate to carry out the business of the Board, but the Board may not enter into any contract which will obligate the Board to expend an amount greater than the amount available to the Board for the purpose of such contract during the fiscal year in which the expenditure is made.

''(c) GIFTS.—The Board may seek and accept, from sources other than the Federal Government, funds and other resources to carry out the Board's activities. The Board may not accept any funds or other resources that are—

''(1) donated with a restriction on their use unless such restriction merely provides that such funds or other resources be used in furtherance of the Congressional Recognition for Excellence in Arts Education Awards Program; or

''(2) donated subject to the condition that the identity of the donor of the funds or resources shall remain anonymous.

''(d) VOLUNTEERS.—The Board may accept and utilize the services of voluntary, uncompensated personnel.

''(e) REAL OR PERSONAL PROPERTY.—The Board may lease (or otherwise hold), acquire, or dispose of real or personal property necessary for, or relating to, the duties of the Board.

''(f) PROHIBITIONS.—The Board shall have no power—

''(1) to issue bonds, notes, debentures, or other similar obligations creating long-term indebtedness;

''(2) to issue any share of stock or to declare or pay any dividends; or

''(3) to provide for any part of the income or assets of the Board to inure to the benefit of any director, officer, or employee of the Board except as reasonable compensation for services or reimbursement for expenses.

''SEC. 209. AUDITS.

''The financial records of the Board may be audited by the Comptroller General of the United States at such times as the Comptroller General may determine to be appropriate. The Comptroller General, or any duly authorized representative of the Comptroller General, shall have access for the purpose of audit to any books, documents, papers, and records of the Board (or any agent of the Board) which, in the opinion of the Comptroller General, may be pertinent to the Congressional Recognition for Excellence in Arts Education Awards Program.

''SEC. 210. TERMINATION.

''The Board shall terminate 6 years after the date of enactment of this title. The Board shall set forth, in its bylaws, the procedures for dissolution to be followed by the Board.

''SEC. 211. TRUST FUND.

''(a) ESTABLISHMENT OF FUND.—There is established in the Treasury of the United States a trust fund to be known as the 'Congressional Recognition for Excellence in Arts Education Awards Trust Fund'. The fund shall consist of amounts donated to the Board under section 208(c) and amounts credited to the fund under subsection (d).

''(b) INVESTMENT OF FUND ASSETS.—

''(1) IN GENERAL.—It shall be the duty of the Secretary of the Treasury to invest in full the amounts in the fund. Such investments may be made only in interest-bearing obligations of the United States or in obligations guaranteed as to both principal and interest by the United States. For such purpose, such obligations may be acquired on original issue at the issue price or by purchase of outstanding obligations at the marketplace.

''(2) SPECIAL RULE.—The purposes for which obligations of the United States may be issued under the Second Liberty Bond Act are hereby extended to authorize the issuance at par of special obligations exclusively to the fund. Such special obligations shall bear interest at a rate equal to the average rate of interest, computed as to the end of the calendar month next preceding the date of such issue, borne by all marketable interest-bearing obligations of the United States then forming a part of the public debt, except that when such average rate is not a multiple of ⅛ of 1 percent, the rate of interest of such special obligations shall be the multiple of ⅛ of 1 percent next lower than such average rate. Such special obligations shall be issued only if the Secretary determines that the purchase of other interest-bearing obligations of the United States, or of obligations guaranteed as to both principal and interest by the United States on original issue or at the market price, is not in the public interest.

''(c) AUTHORITY TO SELL OBLIGATIONS.—Any obligation acquired by the fund (except special obligations issued exclusively to the fund) may be sold by the Secretary of the Treasury at the market price, and such special obligations may be redeemed at par plus accrued interest.

''(d) PROCEEDS FROM CERTAIN TRANSACTIONS CREDITED TO FUND.—The interest on, and the proceeds from the sale or redemption of, any obligations held in the fund shall be credited to and form a part of the fund.

''(e) EXPENDITURES FROM TRUST FUND.—The Secretary of the Treasury is authorized to pay to the Board from the interest and earnings of the fund such sums as the Board determines are necessary and appropriate to enable the Board to carry out this title.''

(b) CONFORMING AMENDMENTS.—The Congressional Award Act (2 U.S.C. 801–808) is amended—

(1) by inserting after section 1 the following:

''TITLE I—CONGRESSIONAL AWARD PROGRAM'',

(2) by redesignating sections 2 through 9 as sections 101 through 108, respectively,

(3) in section 101 (as so redesignated)—

(A) by striking ''Act'' and inserting ''title'', and

(B) by striking ''section 3'' and inserting ''section 102'',

(4) in section 102(e) (as so redesignated)—

(A) by striking ''section 5(g)(1)'' and inserting ''section 104(g)(1)'', and

(B) by striking ''section 7(g)(1)'' and inserting ''section 106(g)(1)'', and

(5) in section 103(i), by striking ''section 7'' and inserting ''section 106''.

By Mr. FITZGERALD:

S. 2790. A bill instituting a Federal fuels tax holiday; to the Committee on Finance.

THE FEDERAL FUEL TAX RELIEF ACT OF 2000

Mr. FITZGERALD. Mr. President, I was in the city of Chicago to announce the introduction of a bill today called the Federal Fuel Tax Relief Act of 2000. I was standing in Chicago on La Salle Street, in what is known as the Loop, the premier business district in downtown Chicago. I was at a gas station there. Behind me you could see the prices at the pump that that particular gas station in Chicago was advertising. Those gas prices were well over $2 a gallon. In fact, I think the price for the

premium blend of fuel was up over $2.30 a gallon.

Right now, we are in the midst of a very serious crisis in my part of the country with respect to gas prices. Prices throughout Illinois are at record highs. They are at record highs in Michigan, in Ohio, in other parts of the Midwest.

I am afraid if we do not bring down the cost of gas at the pumps, we are going to be seeing shock waves throughout our entire Nation's economy. The bill I am introducing today is S. 2790. What it would do is bring immediate relief by lowering the cost of gas nationwide for 90 days by temporarily rolling back the 18.3-cent-per-gallon Federal gas tax.

In the last couple of weeks, anybody who has been following the news anywhere in this country has seen nothing but nonstop coverage about the escalating price, the rising price of gasoline. The response at the State level and at the Federal level, amongst public officials, has been to find somebody to blame. Is it the OPEC nations? Is it the oil industry? Is it the administration? But no one is taking any action to actually bring down prices. We can argue about culpability later. What we need to do now is to lower prices at the pump or we are going to see losses of jobs and losses of economic productivity.

We will see senior citizens who cannot even afford to drive to the pharmacy to buy the pharmaceuticals, for which they already are having a hard time paying. We are going to see college students who cannot afford to make the commute to their community colleges. We need to have a long-term plan to increase productivity of oil in this country to lessen our dependence on foreign sources of oil. There are a number of measures that have been introduced in recent weeks in the Congress. The administration last week sent over recommendations on what our long-term solution should be for this energy crunch.

But in the meantime, there are countless families all across the country that may have to cancel summer vacations, families that have worked hard all year, but now all of a sudden, when it comes time for them to have a couple of weeks off to take their families on a vacation, they can't afford the cost of the vacation because the price of gasoline has gone up so much.

There will be many who will criticize my proposal. There will be many who come up with arguments against it. Certainly many will bring up the point that the proceeds from the motor fuels tax goes into our Federal highway trust fund. This legislation would hold harmless the highway trust fund. It would require the Federal Government to make up any loss to the highway trust fund by taking money from the on-budget or non-Social Security surplus and indemnify that road fund. We all want to make sure we continue to improve and repair our roads in this country.

But the fact remains, the only instrument that the Federal and State governments have to directly affect the price of gasoline at the pump is to lower the motor fuels tax. My State, I hope, is going to do its part. A couple of weeks back, I pointed out that Illinois has amongst the highest gas taxes in the country. In fact, in addition to a motor fuel tax that is 19 cents a gallon, the State of Illinois has a sales tax on motor fuel that is assessed on top of the Federal motor fuels tax. In other words, Illinois has what we would call a tax on a tax. That sales tax on gasoline in Illinois is a percentage tax, so, as the selling price of gasoline has gone from $1 to over $2 in Illinois, the State's take on its sales tax has been increasing dramatically. It has doubled its take under that sales tax.

The Governor of Illinois and legislative leaders recently called a special session of our Illinois General Assembly, which will be convening in 2 days, to temporarily roll back or repeal that Illinois sales tax on gasoline. If they enact that legislation, that should take 10 cents off the price of every gallon of gas sold in Illinois. But the prices will still be too high. We need further relief. My State is not the only State that is suffering. States across the country, and particularly in the hard-hit Midwest, need relief.

Like you, Mr. President, and my other colleagues in the Senate, all of us are in virtually constant contact with our constituents. We have an endless stream of letters, of faxes, of e-mails, of calls to our offices on a daily basis. We travel up and down our States. We march in parades. We are constantly talking to the constituents, whether it is in the grocery store, as I was doing over the weekend, or in parades that I was in recently. The No. 1 single issue that I have been hearing about is we have to do something to bring down prices at the pump.

Let me share a few of the letters my office has received on this issue. I am going to try to just go through a few of them because we have gotten literally thousands. I think, to some of the people in Washington, the pain people are feeling out in the Midwest and around the country about the rising cost of gas sounds like some kind of theoretical abstraction. But I have to tell you, for real people who are trying to drive to work, who may have a long way to drive to work or get to school, or senior citizens on fixed incomes, or folks in lower income brackets—they are having a very tough time. I have had many people tell me they have canceled weekend vacations and they are planning to cancel summer vacations.

Let me read parts of a few of these letters. This one is from a resident of Springfield, IL, who is a part-time driver for a senior services van service that runs vans for senior citizens to and from a senior citizens center. He says that the escalating gas prices are really hurting the transportation budget at the center. If we have to shut down the van service, it would be a tremendous loss for the seniors.

This one from a senior citizen in southern Illinois says that now we cannot afford to drive to the pharmacy to purchase the drugs that we already cannot afford.

A person from Rantoul, IL, says that gas prices in Illinois are too high. It costs me more than $87 a week to drive to and from work now that the prices have skyrocketed. I cannot afford this for much longer.

A small business owner in the Chicago suburbs—small businesses are suffering. He says: I have had small business men and women in my office saying they have lost money for several months in a row and could have to shut down if this keeps up. The current fuel prices are killing my small business.

I am a small business owner who employs 20 people from McHenry County and 10 people from Lake County. This increase in fuel is killing my profit line. If this does not stop, I do not know how much longer we can survive.

This is an interesting letter from a community college administrator in central Illinois. This person pointed out that, unlike many colleges, his school is a commuter college and students drive anywhere from 20 to 60 miles. That is 40 to 120 miles round trip to attend college. Most of the students are trying to better themselves by working part time and going to school. Now with gasoline prices soaring, they are being forced to drop out.

This individual from Danville, IL, after a lengthy letter explaining how, for his job, he had to drive, at the end he said if the prices raise much higher, he will have to dip into his son's and daughter's education fund just so he can keep driving back and forth to work.

I have another letter from a community college student. He is from Sherman, IL. He describes in his letter how he turned down State full-time universities because of the cost and because he wanted to attend his community college. It would be more affordable.

Now that he has started at his community college and is having to dig deep into his pocket just to pay for the price of gas to get to and from college, he is getting squeezed. He has a 30-mile distance to go just to get to his school. He said: Just to let you know, I am not a freeloader. I am currently holding down three jobs and working through the summer. I do not expect you to work a miracle, but maybe submit some form of legislation that would reduce the price or give a break to students furthering their education.

A husband from western Illinois has to commute 100 miles a day to work. That is how it is in rural parts of the country, as the Presiding Officer knows in his largely rural State. The wife has to drive 55 miles to work, and then the kids have to go 15 miles for their various athletic events and the like.

He says: We are probably more fortunate than most people, but if this

keeps up, it will be hard to commute into work every day, and there is no public transportation or opportunity to car pool in our downstate Illinois region. We barely have highways.

Finally, another letter from a retired senior citizen on fixed income said: It is extremely hard to get along with gasoline prices so high. I have curtailed driving to a bare minimum, only to the doctor, shopping, church, and as a volunteer to a community radio station where I broadcast a show every Saturday.

I think we need to take action. It is time for Washington and Congress to stop playing the blame game. We can argue about who is culpable later. I support the Federal Trade Commission investigation. We need to find out if anybody has been colluding in the oil industry or anywhere else to fix prices, and if they have been, they ought to go to jail for a very long time.

That investigation is going to take a while. It is going to take a while to put pressure on OPEC nations to loosen the taps and to increase production. It is going to take a while until we get incentives in the system for the small oil well drillers in the United States to boost their production.

Once that is boosted, we could be getting as many as 500,000 more barrels of oil a day. We probably have to take a look at what kind of tax laws we have to give people incentives to keep drilling even when the price of oil is low, but we need to give people relief now.

It is a compassionate move. It makes sense. Our country, the most prosperous country in the world, can afford to give some relief to taxpayers and consumers, and if we do not give that relief, we will probably pay for it later because there is going to be a slowdown in economic activity. It may start in the Midwest, but it is eventually going to send shock waves all across the country, and this country could go into a long slump because of it.

I hope to get many Senators and Members of this body as cosponsors of this legislation. We had a test vote earlier in the year, in April, on temporarily lowering the Federal gas tax. At that time, the measure received only 43 votes. It needed over 50 to pass. That was 2 months ago, and in the intervening time, oil prices have continued to skyrocket. The price which was only theoretical 2 months ago is now real. It is upon us. We need to take action.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2790

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 ''Federal Fuel Tax Relief Act of 2000''.

SEC. 2. TEMPORARY REDUCTION IN FUEL TAXES ON GASOLINE, DIESEL FUEL, KEROSENE, AND SPECIAL FUELS TO ZERO.

(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 REDUCTION IN TAXES ON GASOLINE, DIESEL FUEL, KEROSENE, AND SPECIAL FUELS.—

''(1) IN GENERAL.—During the applicable period, each rate of tax referred to in paragraph (2) shall be reduced to zero.

''(2) RATES OF TAX.—The rates of tax referred to in this paragraph are the rates of tax otherwise applicable under—

''(A) clauses (i) and (iii) of subsection (a)(2)(A) (relating to gasoline, diesel fuel, and kerosene), and

''(B) paragraphs (1), (2), and (3) of section 4041(a) (relating to diesel fuel and special fuels) and section 4041(m) (relating to certain alcohol fuels) with respect to fuel sold for use or used in a highway vehicle.

''(3) SPECIAL REDUCTION RULES.—In the case of a reduction under paragraph (1)—

''(A) subsection (c) shall be applied without regard to paragraph (6) thereof,

''(B) section 40(e)(1) shall be applied without regard to subparagraph (B) thereof,

''(C) section 4041(d)(1) shall be applied by disregarding 'if tax is imposed by subsection (a)(1) or (2) on such sale or use', and

''(D) section 6427(b) shall be applied without regard to paragraph (2) thereof.

''(4) PROTECTING SOCIAL SECURITY TRUST FUND.—If 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) is reduced in a pro rata manner and such aggregate reduction does not exceed such surplus.

''(5) MAINTENANCE OF TRUST FUND DEPOSITS.—In determining the amounts to be appropriated to the Highway Trust Fund under section 9503 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.

''(6) APPLICABLE PERIOD.—For purposes of this subsection, the term 'applicable period' means a 90-day period beginning on the date of the enactment of the Federal Fuel Tax Relief Act of 2000.''

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act.

SEC. 3. FLOOR STOCK REFUNDS.

(a) IN GENERAL.—If—

(1) before the tax reduction date, tax has been imposed under section 4081 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 the date of the enactment of this Act.

(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. 4. FLOOR STOCKS TAX.

(a) IMPOSITION OF TAX.—In the case of any liquid on which tax would have been imposed under section 4081 of the Internal Revenue Code of 1986 during the applicable period but for the amendments made by this Act, and which is held on the floor stocks tax date by any person, there is hereby imposed a floor stocks tax in an amount equal to the tax which would be imposed on such liquid had the taxable event occurred on the floor stocks tax date.

(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 of the Treasury 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) FLOOR STOCKS TAX DATE.—The term ''floor stocks tax date'' means the date which is 90 days after the date of the enactment of this Act.

(3) APPLICABLE PERIOD.—The term ''applicable period'' means a 90-day period beginning on the date of the enactment of this Act.

(d) EXCEPTION FOR EXEMPT USES.—The tax imposed by subsection (a) shall not apply to any liquid 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 any liquid held in the tank of a motor vehicle.

(f) EXCEPTION FOR CERTAIN AMOUNTS OF FUEL.—

(1) IN GENERAL.—No tax shall be imposed by subsection (a)—

(A) on gasoline (as defined in section 4083 of such Code) 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 diesel fuel or kerosene (as so defined) held on such date by any person if the aggregate amount of diesel fuel or kerosene 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. 5. 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 reduction in 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 reduction of taxes under this Act to determine whether there has been a passthrough of such reduction.

(B) REPORT.—Not later than 180 days after the date of the enactment of this Act, 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).

By Mrs. HUTCHISON:

S. 2791. A bill instituting a Federal fuels tax suspension; to the Committee on Finance.

THE FEDERAL FUELS TAX SUSPENSION ACT OF 2000

Mrs. HUTCHISON. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2791

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 ''Federal Fuels Tax Suspension Act of 2000''.

SEC. 2. TEMPORARY REDUCTION IN FUEL TAXES ON GASOLINE, DIESEL FUEL, KEROSENE, AND SPECIAL FUELS TO ZERO.

(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 REDUCTION IN TAXES ON GASOLINE, DIESEL FUEL, KEROSENE, AND SPECIAL FUELS.—

''(1) IN GENERAL.—During the applicable period, each rate of tax referred to in paragraph (2) shall be reduced to zero.

''(2) RATES OF TAX.—The rates of tax referred to in this paragraph are the rates of tax otherwise applicable under—

''(A) clauses (i) and (iii) of subsection (a)(2)(A) (relating to gasoline, diesel fuel, and kerosene), and

''(B) paragraphs (1), (2), and (3) of section 4041(a) (relating to diesel fuel and special fuels) and section 4041(m) (relating to certain alcohol fuels) with respect to fuel sold for use or used in a highway vehicle.

''(3) SPECIAL REDUCTION RULES.—In the case of a reduction under paragraph (1)—

''(A) subsection (c) shall be applied without regard to paragraph (6) thereof,

''(B) section 40(e)(1) shall be applied without regard to subparagraph (B) thereof,

''(C) section 4041(d)(1) shall be applied by disregarding 'if tax is imposed by subsection (a)(1) or (2) on such sale or use', and

''(D) section 6427(b) shall be applied without regard to paragraph (2) thereof.

''(4) PROTECTING SOCIAL SECURITY TRUST FUND.—If 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) is reduced in a pro rata manner and such aggregate reduction does not exceed such surplus.

''(5) MAINTENANCE OF TRUST FUND DEPOSITS.—In determining the amounts to be appropriated to the Highway Trust Fund under section 9503 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.

''(6) APPLICABLE PERIOD.—For purposes of this subsection, the term 'applicable period' means the period beginning after June 25, 2000, and ending before September 5, 2000.''

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act.

SEC. 3. FLOOR STOCK REFUNDS.

(a) IN GENERAL.—If—

(1) before the tax reduction date, tax has been imposed under section 4081 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 June 26, 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. 4. FLOOR STOCKS TAX.

(a) IMPOSITION OF TAX.—In the case of any liquid on which tax would have been imposed under section 4081 of the Internal Revenue Code of 1986 during the applicable period but for the amendments made by this Act, and which is held on the floor stocks tax date by any person, there is hereby imposed a floor stocks tax in an amount equal to the tax which would be imposed on such liquid had the taxable event occurred on the floor stocks tax date.

(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 of the Treasury 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) FLOOR STOCKS TAX DATE.—The term ''floor stocks tax date'' means September 5, 2000.

(3) APPLICABLE PERIOD.—The term ''applicable period'' means the period beginning after June 25, 2000, and ending before September 5, 2000.

(d) EXCEPTION FOR EXEMPT USES.—The tax imposed by subsection (a) shall not apply to any liquid 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 any liquid held in the tank of a motor vehicle.

(f) EXCEPTION FOR CERTAIN AMOUNTS OF FUEL.—

(1) IN GENERAL.—No tax shall be imposed by subsection (a)—

(A) on gasoline (as defined in section 4083 of such Code) 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 diesel fuel or kerosene (as so defined) held on such date by any person if the aggregate amount of diesel fuel or kerosene 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. 5. 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 reduction in 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 reduction of taxes under this Act to determine whether there has been a passthrough of such reduction.

(B) REPORT.—Not later than September 30, 2000, 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).

ADDITIONAL COSPONSORS

S. 210

At the request of Mr. MOYNIHAN, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 210, a bill to establish a medical education trust fund, and for other purposes.

S. 317

At the request of Mr. DORGAN, the names of the Senator from Illinois (Mr. FITZGERALD) and the Senator from Georgia (Mr. CLELAND) were added as cosponsors of S. 317, a bill to amend the Internal Revenue Code of 1986 to provide an exclusion for gain from the sale of farmland which is similar to the exclusion from gain on the sale of a principal residence.

S. 779

At the request of Mr. ABRAHAM, the names of the Senator from Arkansas (Mrs. LINCOLN), the Senator from Minnesota (Mr. WELLSTONE), the Senator from Virginia (Mr. ROBB), the Senator from Vermont (Mr. LEAHY), the Senator from Ohio (Mr. DEWINE), the Senator from Oregon (Mr. WYDEN), and the Senator from Florida (Mr. GRAHAM) were added as cosponsors of S. 779, a bill to provide that no Federal income tax shall be imposed on amounts received by Holocaust victims or their heirs.

S. 1787

At the request of Mr. BAUCUS, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 1787, a bill to amend the Federal Water Pollution Control Act to improve water quality on abandoned or inactive mined land.

S. 2018

At the request of Mrs. HUTCHISON, the names of the Senator from Indiana (Mr. BAYH) and the Senator from Wyoming (Mr. THOMAS) were added as cosponsors of S. 2018, a bill to amend title XVIII of the Social Security Act to revise the update factor used in making payments to PPS hospitals under the medicare program.

S. 2246

At the request of Mr. BOND, the name of the Senator from Illinois (Mr. FITZGERALD) was added as a cosponsor of S. 2246, a bill to amend the Internal Revenue code of 1986 to clarify that certain small businesses are permitted to use the cash method of accounting even if they use merchandise or inventory.

S. 2324

At the request of Mr. KOHL, the name of the Senator from New Jersey (Mr. TORRICELLI) was added as a cosponsor of S. 2324, a bill to amend chapter 44 of title 18, United States Code, to require ballistics testing of all firearms manufactured and all firearms in custody of Federal agencies, and to add ballistics testing to existing firearms enforcement strategies.

S. 2330

At the request of Mr. ROTH, the name of the Senator from Colorado (Mr. ALLARD) was added as a cosponsor of S. 2330, a bill to amend the Internal Revenue Code of 1986 to repeal the excise tax on telephone and other communication services.

S. 2459

At the request of Mr. COVERDELL, the name of the Senator from Nevada (Mr. BRYAN) was added as a cosponsor of S. 2459, a bill to provide for the award of a gold medal on behalf of the Congress to former President Ronald Reagan and his wife Nancy Reagan in recognition of their service to the Nation.

S. 2554

At the request of Mr. GREGG, the name of the Senator from Vermont (Mr. JEFFORDS) was added as a cosponsor of S. 2554, a bill to amend title XI of the Social Security Act to prohibit the display of an individual's social security number for commercial purposes without the consent of the individual.

S. 2557

At the request of Mr. MURKOWSKI, the name of the Senator from Pennsylvania (Mr. SANTORUM) was added as a cosponsor of S. 2557, a bill to protect the energy security of the United States and decrease America's dependency on foreign oil sources to 50 percent by the Year 2010 by enhancing the use of renewable energy resources, conserving energy resources, improving energy efficiencies, and increasing domestic energy supplies, mitigating the effect of increases in energy prices on the American consumer, including the poor and the elderly, and for other purposes.

S. 2635

At the request of Mr. FRIST, the name of the Senator from Alabama (Mr. SESSIONS) was added as a cosponsor of S. 2635, a bill to reduce health care costs and promote improved health by providing supplemental grants for additional preventive health services for women.

S. 2731

At the request of Mr. FRIST, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 2731, a bill to amend title III of the Public Health Service Act to enhance the Nation's capacity to address public health threats and emergencies.

S. 2742

At the request of Mr. SMITH of Oregon, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 2742, a bill to amend the Internal Revenue Code of 1986 to increase disclosure for certain political organizations exempt from tax under section 527 and section 501(c), and for other purposes.

S. 2778

At the request of Mr. KOHL, the names of the Senator from Connecticut (Mr. LIEBERMAN) and the Senator from South Carolina (Mr. THURMOND) were added as cosponsors of S. 2778, a bill to amend the Sherman Act to make oil-producing and exporting cartels illegal.

S. RES. 268

At the request of Mr. HAGEL, the names of the Senator from Iowa (Mr. GRASSLEY) and the Senator from Alabama (Mr. SESSIONS) were added as cosponsors of S. Res. 268, a resolution

designating July 17 through July 23 as ''National Fragile X Awareness Week.''

S. RES. 294

At the request of Mr. ABRAHAM, the name of the Senator from Iowa (Mr. GRASSLEY) 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 North Dakota (Mr. CONRAD) 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. 3591

At the request of Mr. DEWINE, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of amendment No. 3591 intended to be 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

OCEANS ACT OF 2000

HOLLINGS AMENDMENT NO. 3620

Mr. THOMAS (for Mr. HOLLINGS) proposed an amendment to the bill (S. 2327) to establish a Commission on Ocean Policy, and for other purposes; as follows:

Strike out all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Oceans Act of 2000''.

SEC. 2. PURPOSE AND OBJECTIVES.

The purpose of this Act is to establish a commission to make recommendations for coordinated and comprehensive national ocean policy that will promote—

(1) the protection of life and property against natural and manmade hazards;

(2) responsible stewardship, including use, of fishery resources and other ocean and coastal resources;

(3) the protection of the marine environment and prevention of marine pollution;

(4) the enhancement of marine-related commerce and transportation, the resolution of conflicts among users of the marine environment, and the engagement of the private sector in innovative approaches for sustainable use of living marine resources and responsible use of non-living marine resources;

(5) the expansion of human knowledge of the marine environment including the role of the oceans in climate and global environmental change and the advancement of education and training in fields related to ocean and coastal activities;

(6) the continued investment in and development and improvement of the capabilities, performance, use, and efficiency of technologies for use in ocean and coastal activities, including investments and technologies designed to promote national energy and food security;

(7) close cooperation among all government agencies and departments and the private sector to ensure—

(A) coherent and consistent regulation and management of ocean and coastal activities;

(B) availability and appropriate allocation of Federal funding, personnel, facilities, and equipment for such activities;

(C) cost-effective and efficient operation of Federal departments, agencies, and programs involved in ocean and coastal activities; and

(D) enhancement of partnerships with State and local governments with respect to ocean and coastal activities, including the management of ocean and coastal resources and identification of appropriate opportunities for policy-making and decision-making at the State and local level; and

(8) the preservation of the role of the United States as a leader in ocean and coastal activities, and, when it is in the national interest, the cooperation by the United States with other nations and international organizations in ocean and coastal activities.

SEC. 3. COMMISSION ON OCEAN POLICY.

(a) ESTABLISHMENT.—There is hereby established the Commission on Ocean Policy. The Federal Advisory Committee Act (5 U.S.C. App.), except for sections 3, 7, and 12, does not apply to the Commission.

(b) MEMBERSHIP.—

(1) APPOINTMENT.—The Commission shall be composed of 16 members appointed by the President from among individuals described in paragraph (2) who are knowledgeable in ocean and coastal activities, including individuals representing State and local governments, ocean-related industries, academic and technical institutions, and public interest organizations involved with scientific, regulatory, economic, and environmental ocean and coastal activities. The membership of the Commission shall be balanced by area of expertise and balanced geographically to the extent consistent with maintaining the highest level of expertise on the Commission.

(2) NOMINATIONS.—The President shall appoint the members of the Commission, within 90 days after the effective date of this Act, including individuals nominated as follows:

(A) 4 members shall be appointed from a list of 8 individuals who shall be nominated by the Majority Leader of the Senate in consultation with the Chairman of the Senate Committee on Commerce, Science, and Transportation.

(B) 4 members shall be appointed from a list of 8 individuals who shall be nominated by the Speaker of the House of Representatives in consultation with the Chairmen of the House Committees on Resources, Transportation and Infrastructure, and Science.

(C) 2 members shall be appointed from a list of 4 individuals who shall be nominated by the Minority Leader of the Senate in consultation with the Ranking Member of the Senate Committee on Commerce, Science, and Transportation.

(D) 2 members shall be appointed from a list of 4 individuals who shall be nominated by the Minority Leader of the House in consultation with the Ranking Members of the House Committees on Resources, Transportation and Infrastructure, and Science.

(3) CHAIRMAN.—The Commission shall select a Chairman from among its members. The Chairman of the Commission shall be responsible for—

(A) the assignment of duties and responsibilities among staff personnel and their continuing supervision; and

(B) the use and expenditure of funds available to the Commission.

(4) VACANCIES.—Any vacancy on the Commission shall be filled in the same manner as the original incumbent was appointed.

(c) RESOURCES.—In carrying out its functions under this section, the Commission—

(1) is authorized to secure directly from any Federal agency or department any information it deems necessary to carry out its functions under this Act, and each such agency or department is authorized to cooperate with the Commission and, to the extent permitted by law, to furnish such information (other than information described in section 552(b)(1)(A) of title 5, United States Code) to the Commission, upon the request of the Commission;

(2) may enter into contracts, subject to the availability of appropriations for contracting, and employ such staff experts and consultants as may be necessary to carry out the duties of the Commission, as provided by section 3109 of title 5, United States Code; and

(3) in consultation with the Ocean Studies Board of the National Research Council of the National Academy of Sciences, shall establish a multidisciplinary science advisory panel of experts in the sciences of living and non-living marine resources to assist the Commission in preparing its report, including ensuring that the scientific information considered by the Commission is based on the best scientific information available.

(d) STAFFING.—The Chairman of the Commission may, without regard to the civil service laws and regulations, appoint and terminate an Executive Director and such other additional personnel as may be necessary for the Commission to perform its duties. The Executive Director shall be compensated at a rate not to exceed the rate payable for Level V of the Executive Schedule under section 5136 of title 5, United States Code. The employment and termination of an Executive Director shall be subject to confirmation by a majority of the members of the Commission.

(e) MEETINGS.—

(1) ADMINISTRATION.—All meetings of the Commission shall be open to the public, except that a meeting or any portion of it may be closed to the public if it concerns matters or information described in section 552b(c) of title 5, United States Code. Interested persons shall be permitted to appear at open meetings and present oral or written statements on the subject matter of the meeting. The Commission may administer oaths or affirmations to any person appearing before it:

(A) All open meetings of the Commission shall be preceded by timely public notice in the Federal Register of the time, place, and subject of the meeting.

(B) Minutes of each meeting shall be kept and shall contain a record of the people present, a description of the discussion that occurred, and copies of all statements filed. Subject to section 552 of title 5, United States Code, the minutes and records of all meetings and other documents that were made available to or prepared for the Commission shall be available for public inspection and copying at a single location in the offices of the Commission.

(2) INITIAL MEETING.—The Commission shall hold its first meeting within 30 days after all 16 members have been appointed.

(3) REQUIRED PUBLIC MEETINGS.—The Commission shall hold at least one public meeting in Alaska and each of the following regions of the United States:

(A) The Northeast (including the Great Lakes).

(B) The Southeast (including the Caribbean).

(C) The Southwest (including Hawaii and the Pacific Territories).

(D) The Northwest.

(E) The Gulf of Mexico.

(f) REPORT.—

(1) IN GENERAL.—Within 18 months after the establishment of the Commission, the Commission shall submit to Congress and the President a final report of its findings and recommendations regarding United States ocean policy.

(2) REQUIRED MATTER.—The final report of the Commission shall include the following assessment, reviews, and recommendations:

(A) An assessment of existing and planned facilities associated with ocean and coastal activities including human resources, vessels, computers, satellites, and other appropriate platforms and technologies.

(B) A review of existing and planned ocean and coastal activities of Federal entities, recommendations for changes in such activities necessary to improve efficiency and effectiveness and to reduce duplication of Federal efforts.

(C) A review of the cumulative effect of Federal laws and regulations on United States ocean and coastal activities and resources and an examination of those laws and regulations for inconsistencies and contradictions that might adversely affect those ocean and coastal activities and resources, and recommendations for resolving such inconsistencies to the extent practicable. Such review shall also consider conflicts with State ocean and coastal management regimes.

(D) A review of the known and anticipated supply of, and demand for, ocean and coastal resources of the United States.

(E) A review of and recommendations concerning the relationship between Federal, State, and local governments and the private sector in planning and carrying out ocean and coastal activities.

(F) A review of opportunities for the development of or investment in new products, technologies, or markets related to ocean and coastal activities.

(G) A review of previous and ongoing State and Federal efforts to enhance the effectiveness and integration of ocean and coastal activities.

(H) Recommendations for any modifications to United States laws, regulations, and the administrative structure of Executive agencies, necessary to improve the understanding, management, conservation, and use of, and access to, ocean and coastal resources.

(I) A review of the effectiveness and adequacy of existing Federal interagency ocean policy coordination mechanisms, and recommendations for changing or improving the effectiveness of such mechanisms necessary to respond to or implement the recommendations of the Commission.

(3) CONSIDERATION OF FACTORS.—In making its assessment and reviews and developing its recommendations, the Commission shall give equal consideration to environmental, technical feasibility, economic, and scientific factors.

(4) LIMITATIONS.—The recommendations of the Commission shall not be specific to the lands and waters within a single State.

(g) PUBLIC AND COASTAL STATE REVIEW.—

(1) NOTICE.—Before submitting the final report to the Congress, the Commission shall—

(A) publish in the Federal Register a notice that a draft report is available for public review; and

(B) provide a copy of the draft report to the Governor of each coastal State, the Committees on Resources, Transportation and Infrastructure, and Science of the House of Representatives, and the Committee on Commerce, Science, and Transportation of the Senate.

(2) INCLUSION OF GOVERNORS' COMMENTS.—The Commission shall include in the final report comments received from the Governor of a coastal State regarding recommendations in the draft report.

(h) ADMINISTRATIVE PROCEDURE FOR REPORT AND REVIEW.—Chapter 5 and chapter 7 of title 5, United States Code, do not apply to the preparation, review, or submission of the report required by subsection (e) or the review of that report under subsection (f).

(i) TERMINATION.—The Commission shall cease to exist 30 days after the date on which it submits its final report.

(j) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section a total of $6,000,000 for the 3 fiscal-year period beginning with fiscal year 2001, such sums to remain available until expended.

SEC. 4. NATIONAL OCEAN POLICY.

(a) NATIONAL OCEAN POLICY.—Within 120 days after receiving and considering the report and recommendations of the Commission under section 3, the President shall submit to Congress a statement of proposals to implement or respond to the Commission's recommendations for a coordinated, comprehensive, and long-range national policy for the responsible use and stewardship of ocean and coastal resources for the benefit of the United States. Nothing in this Act authorizes the President to take any administrative or regulatory action regarding ocean or coastal policy, or to implement a reorganization plan, not otherwise authorized by law in effect at the time of such action.

(b) COOPERATION AND CONSULTATION.—In the process of developing proposals for submission under subsection (a), the President shall consult with State and local governments and non-Federal organizations and individuals involved in ocean and coastal activities.

SEC. 5. BIENNIAL REPORT.

Beginning in September, 2001, the President shall transmit to the Congress biennially a report that includes a detailed listing of all existing Federal programs related to ocean and coastal activities, including a description of each program, the current funding for the program, linkages to other Federal programs, and a projection of the funding level for the program for each of the next 5 fiscal years beginning after the report is submitted.

SEC. 6. DEFINITIONS.

In this Act:

(1) MARINE ENVIRONMENT.—The term ''marine environment'' includes—

(A) the oceans, including coastal and offshore waters;

(B) the continental shelf; and

(C) the Great Lakes.

(2) OCEAN AND COASTAL RESOURCE.—The term ''ocean and coastal resource'' means any living or non-living natural, historic, or cultural resource found in the marine environment.

(3) COMMISSION.—The term ''Commission'' means the Commission on Ocean Policy established by section 3.

SEC. 7. EFFECTIVE DATE.

This Act shall become effective on January 20, 2001.

FISHERMEN'S PROTECTIVE ACT AMENDMENTS OF 2000

SNOWE AMENDMENT NO. 3621

Mr. THOMAS (for Ms. SNOWE) proposed an amendment to the bill (H.R. 1651) to amend the Fishermen's Protective Act of 1967 to extend the period during which reimbursement may be provided to owners of United States fishing vessels for costs incurred when such a vessel is seized and detained by a foreign country; as follows:

On page 13, beginning with ''Any'' in line 23, strike through line 2 on page 14.

THE NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2001

BINGAMAN AMENDMENTS NOS. 3622–3623

(Ordered to lie on the table.)

Mr. BINGAMAN submitted two amendments intended to be proposed by him to the bill (S. 2549) to authorize appropriations for fiscal year 2001 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

AMENDMENT NO. 3622

On page 586, following line 20, add the following:

SEC. 3138. CONSTRUCTION OF NATIONAL NUCLEAR SECURITY ADMINISTRATION OFFICE COMPLEX AT KIRTLAND AIR FORCE BASE, NEW MEXICO.

(a) AUTHORITY FOR DESIGN AND CONSTRUCTION.—(1) Subject to paragraph (2), the Administrator of the National Nuclear Security Administration may provide for the design and construction of a new office complex for the National Nuclear Security Administration at the Department of Energy site located at the eastern boundary of Kirtland Air Force Base, New Mexico.

(2) The Administrator may not exercise the authority in paragraph (1) until 30 days after the date on which the report required by section 3135(a) is submitted to the Committees on Armed Services of the Senate and House of Representatives under that section.

(b) BASIS OF AUTHORITY.—The design and construction of the office complex authorized by subsection (a) shall be carried out through one or more energy savings performance contracts entered into under this section and in accordance with the provisions of title VIII of the National Energy Policy Conservation Act (42 U.S.C. 8287 et seq.).

(c) PAYMENT OF COSTS.—Amounts for payments of costs associated with the construction of the office complex authorized by subsection (a) shall be derived from energy savings and ancillary operation and maintenance savings that result from the replacement of a current Department of Energy office complex in Albuquerque, New Mexico (as identified in a feasibility study conducted under the National Defense Authorization Act for Fiscal Year 2000), with the office complex authorized by subsection (a).

AMENDMENT NO. 3623

On page 378, between lines 19 and 20, insert the following:

SEC. 1027. REPORT ON TECHNOLOGIES TO SUPPORT WEAPONS OF MASS DESTRUCTION CIVIL SUPPORT TEAMS.

(a) REPORT.—Not later than March 15, 2001, the Secretary of Defense, in consultation with the Attorney General and the heads of other appropriate Federal agencies, shall submit to the congressional defense committees a report on the technologies required to

support the Weapons of Mass Destruction Civil Support Teams (WMD–CSTs).

(b) ELEMENTS.—The report required by subsection (a) shall include an assessment of the following:

(1) The need for new technologies to support the Weapons of Mass Destruction Civil Support Teams.

(2) The appropriate role of the Department of Defense laboratories, Department of Energy laboratories, and other sources of expertise within the Federal Government in developing or adapting new technologies to support Weapons of Mass Destruction Civil Support Teams.

(3) The advisability, in light of the matters assessed under paragraphs (1) and (2), of establishing a center within the Federal Government to support Weapons of Mass Destruction Civil Support Teams, including the appropriate role, if any, for such a center.

REID AMENDMENT NO. 3624

Mr. REID submitted an amendment intended to be proposed by him to the bill, S. 2549, supra; as follows:

On page 546, after line 13, add the following:

SEC. 2882. ACTIVITIES RELATING TO THE GREENBELT AT FALLON NAVAL AIR STATION, NEVADA.

(a) IN GENERAL.—The Secretary of the Navy shall, in consultation with the Secretary of the Army acting through the Chief of Engineers, carry out appropriate activities after examination of the potential environmental and flight safety ramifications for irrigation that has been eliminated, or will be eliminated, for the greenbelt at Fallon Naval Air Station, Nevada. Any activities carried out under the preceding sentence shall be consistent with aircrew safety at Fallon Naval Air Station.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is hereby authorized to be appropriated for operation and maintenance for the Navy such sums as may be necessary to carry out the activities required by subsection (a).

DEPARTMENT OF LABOR APPROPRIATIONS ACT, 2001

COCHRAN (AND OTHERS) AMENDMENT NO. 3625

Mr. COCHRAN (for himself, Mr. KENNEDY, and Mr. FRIST) proposed an amendment 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 27 before the colon on line 4 insert the following: '', and of which $25,000,000 shall be made available through such Centers for the establishment of partnerships between the Federal Government and academic institutions and State and local public health departments to carry out pilot programs for antimicrobial resistance detection, surveillance, education and prevention and to conduct research on resistance mechanisms and new or more effective antimicrobial compounds.''

REID (AND BOXER) AMENDMENT NO. 3626

Mr. REID (for himself and Mrs. BOXER) submitted an amendment intended to be proposed by them to the bill, H.R. 4577, supra; as follows:

On page 54, between lines 10 and 11, insert the following:

SEC. . (a) IN GENERAL.—There is appropriated $10,000,000 that may be used by the Director of the National Institute for Occupational Safety and Health to—

(1) establish and maintain a national database on existing needleless systems and sharps with engineered sharps injury protections;

(2) develop a set of evaluation criteria for use by employers, employees, and other persons when they are evaluating and selecting needleless systems and sharps with engineered sharps injury protections;

(3) develop a model training curriculum to train employers, employees, and other persons on the process of evaluating needleless systems and sharps with engineered sharps injury protections and to the extent feasible to provide technical assistance to persons who request such assistance; and

(4) establish a national system to collect comprehensive data on needlestick injuries to health care workers, including data on mechanisms to analyze and evaluate prevention interventions in relation to needlestick injury occurrence.

(b) DEFINITIONS.—In this section:

(1) EMPLOYER.—The term ''employer'' means each employer having an employee with occupational exposure to human blood or other material potentially containing bloodborne pathogens.

(2) ENGINEERED SHARPS INJURY PROTECTIONS.—The term ''engineered sharps injury protections'' means—

(A) a physical attribute built into a needle device used for withdrawing body fluids, accessing a vein or artery, or administering medications or other fluids, that effectively reduces the risk of an exposure incident by a mechanism such as barrier creation, blunting, encapsulation, withdrawal, retraction, destruction, or other effective mechanisms; or

(B) a physical attribute built into any other type of needle device, or into a nonneedle sharp, which effectively reduces the risk of an exposure incident.

(3) NEEDLELESS SYSTEM.—The term ''needleless system'' means a device that does not use needles for—

(A) the withdrawal of body fluids after initial venous or arterial access is established;

(B) the administration of medication or fluids; and

(C) any other procedure involving the potential for an exposure incident.

(4) SHARP.—The term ''sharp'' means any object used or encountered in a health care setting that can be reasonably anticipated to penetrate the skin or any other part of the body, and to result in an exposure incident, including, but not limited to, needle devices, scalpels, lancets, broken glass, broken capillary tubes, exposed ends of dental wires and dental knives, drills, and burs.

(5) SHARPS INJURY.—The term ''sharps injury'' means any injury caused by a sharp, including cuts, abrasions, or needlesticks.

(c) OFFSET.—Amounts made available under this Act for the travel, consulting, and printing services 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 $10,000,000.

HUTCHINSON AMENDMENT NO. 3627

Mr. HUTCHINSON submitted an amendment intended to be proposed by him to the bill, H.R. 4577, supra; as follows:

On page 77, line 14, insert before the period the following: '': *Provided further,* That of the amount made available under this heading, $10,721,000 shall be transferred to the Secretary of Health and Human Services to carry out the Social Services Block Grant program under title XX of the Social Security Act (42 U.S.C. 1397 et seq.)''.

NOTICE OF HEARING

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. MURKOWSKI. Mr. President, I would like to announce for the information of the Senate and the public that an oversight hearing has been scheduled before the Committee on Energy and Natural Resources.

The hearing will take place on Thursday, July 13 at 9:30 a.m., in room SD–366 of the Dirksen Senate Office Building in Washington, DC.

The purpose of this hearing is to receive testimony on Gasoline Supply Problems: Are deliverability, transportation, and refining/blending resources adequate to supply America at a reasonable price?

For further information, please call Dan Kish at 202–224–8276 or Jo Meuse at (202) 224–4756.

AUTHORITY FOR COMMITTEES TO MEET

SPECIAL COMMITTEE ON AGING

Mr. COCHRAN. Mr. President, I ask unanimous consent that the Special Committee on Aging be authorized to meet today, June 26, 2000, from 1:30 p.m.–5 p.m., in Dirksen 628 for the purpose of conducting a hearing.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGES OF THE FLOOR

Mr. HARKIN. Madam President, I ask unanimous consent that Ryan Howell from my staff be accorded floor privileges during consideration of the Labor-HHS-Education appropriations bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KENNEDY. Mr. President, I ask unanimous consent that the privilege of the floor be granted to David Bowen of my office during the pendency of the Labor-HHS appropriations bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

REMOVAL OF INJUNCTION OF SECRECY—TREATY NO. 106–33

Mr. SPECTER. Mr. President, as in executive session, I ask unanimous consent that the injunction of secrecy be removed from the following treaty transmitted to the Senate on June 26, 2000, by the President of the United States: Investment Treaty with Nicaragua (Treaty Document No. 106–33).

Further, I ask unanimous consent that the treaty be considered as having been read the first time, that it be referred with accompanying papers to the Committee on Foreign Relations

and ordered to be printed, and that the President's message be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The message of the President is as follows:

To the Senate of the United States:

With a view to receiving the advice and consent of the Senate to ratification, I transmit herewith the Treaty Between the Government of the United States of America and the Government of the Republic of Nicaragua Concerning the Encouragement and Reciprocal Protection of Investment, with Annex and Protocol, signed at Denver on July 1, 1995. I transmit also, for the information of the Senate, the report of the Department of State with respect to this Treaty.

The bilateral investment treaty (BIT) with Nicaragua is the fifth such treaty signed between the United States and a country of Central or South America. The Treaty will protect U.S. investment and assist Nicaragua in its efforts to develop its economy by creating conditions more favorable for U.S. private investment and thereby strengthening the development of its private sector.

The Treaty is fully consistent with U.S. policy toward international and domestic investment. A specific tenet of U.S. policy, reflected in this Treaty, is that U.S. investment abroad and foreign investment in the United States should receive national treatment. Under this Treaty, the Parties also agree to customary international law standards for expropriation. The Treaty includes detailed provisions regarding the computation and payment of prompt, adequate, and effective compensation for expropriation; free transfer of funds related to investments; freedom of investments from specified performance requirements; fair, equitable, and most-favored-nation treatment; and the investor's freedom to choose to resolve disputes with the host government through international arbitration.

I recommend that the Senate consider this Treaty as soon as possible, and give its advice and consent to ratification of the Treaty, with Annex and Protocol, at an early date.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *June 26, 2000.*

ORDERS FOR TUESDAY, JUNE 27, 2000

Mr. SPECTER. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 9:30 a.m. on Tuesday, June 27. I further ask unanimous consent that on Tuesday, immediately following the prayer, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and the Senate then resume consideration of the Cochran amendment No. 3625 to the Labor-Health and Human Services appropriations bill as under the previous order.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SPECTER. Mr. President, further, I ask unanimous consent that the Senate stand in recess from the hour of 12:30 p.m. until 2:15 p.m. for the weekly policy conferences to meet.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SPECTER. Mr. President, I further ask unanimous consent that following the disposition of the pending McCain amendment, Senator REID be recognized in order to call up amendment No. 3526.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. SPECTER. For the information of all Senators, on Tuesday the Senate will resume consideration of the Labor-HHS-Education bill at 9:30 a.m. Under the order, there will be closing remarks on the Cochran amendment regarding pilot programs for antimicrobial resistance monitoring and prevention with a vote to occur at approximately 9:45. Following the vote, the Senate will continue debate on amendments as they are offered. Senators may anticipate rollcall votes throughout the day.

ORDER FOR ADJOURNMENT

Mr. SPECTER. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment under the previous order following the remarks of Senator KENNEDY.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SPECTER. I thank the Chair 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. KENNEDY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF PROCEDURE

Mr. KENNEDY. Mr. President, I understand we are in morning business; is that correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. KENNEDY. Mr. President, is there a time limitation in morning business?

The PRESIDING OFFICER. The time limitation is 10 minutes.

Mr. KENNEDY. I ask unanimous consent to be able to proceed for 20 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KENNEDY. Mr. President, as I understand it, when we set aside the underlying legislation, before the Senate was the Cochran antimicrobial resistance amendment; am I correct?

The PRESIDING OFFICER. That's correct.

ANTIMICROBIAL RESISTANCE

Mr. KENNEDY. Mr. President, I commend my friend from Mississippi, Senator COCHRAN, and also Senator FRIST, for the introduction of the amendment. I welcome the opportunity to join with them in the hope that the Senate will accept that amendment because this amendment is focused on one of the very significant and important public health challenges that we face as a Nation, and that is antimicrobial resistance.

Microbes resistant to antibiotics are a major health threat. The World Health Organization reports that antibiotic-resistant infections acquired in hospitals kill over 14,000 people in the United States every year—that's almost two persons every hour, every day, every year. Unless we take action, drug-resistant infectious diseases will become even more widespread in the United States and kill even larger numbers of patients.

Infections resistant to antibiotics are extremely expensive to treat. It is a hundred times more expensive to treat a patient with drug-resistant TB than to treat a patient with drug-sensitive TB. The National Foundation for Infectious Diseases has estimated that the total cost of drug-resistant infections in this country is $4 billion a year—and this cost will rise as resistant microbes become more common.

The amendment takes an important step to address this health crisis by giving the nation more tools to win the battle against antimicrobial resistance.

Overuse of existing antibiotics contributes heavily to the problem of antimicrobial resistance. Patients often demand antibiotics and doctors often prescribe them for conditions in which they are clearly ineffective. We need to educate patients and medical professionals in the more appropriate use of antibiotics.

The nation's public health agencies are under-equipped to monitor and combat resistant infections. Many public health agencies lack even such basic equipment as a fax machine, and cannot even conduct simple laboratory tests to diagnose resistant infections. We need to strengthen the capacity of public health agencies to diagnose, monitor, and deal effectively with outbreaks of resistant infections.

Many patients acquire resistant infections in hospitals. Children, the elderly and persons with reduced immune systems are particularly at risk. We can do more to prevent the spread of resistant infections by strengthening infectious disease control programs in hospitals and clinics.

We are in a race against time to find new antibiotics before microbes become resistant to those already in use. We need to increase research on how microbes become resistant to antibiotics and on new ways to fight resistant infections. If we slow the rate at which existing antibiotics are losing their effectiveness and accelerate the pace of discovery, we can win the race against antimicrobial resistance.

The measures we take against microbes resistant to antibiotics will also allow the nation to respond more effectively to terrorist attacks using biological weapons. America is a nation at risk from bioterrorism. A deadly disease plague released into a crowded airport, shopping mall or sports stadium could kill thousands. A contagious disease like smallpox released in an American city could kill millions.

To fight such attacks effectively, we must strengthen the nation's ability to recognize, diagnose and contain outbreaks of infectious disease. The additional funds that the Cochran-Frist-Kennedy amendment provides to state and local public health agencies will improve their ability to combat any disease outbreak, whether caused by microbes resistant to antibiotics, new diseases like West Nile fever, or deliberate attacks using biological weapons.

The need is urgent to begin to arm ourselves for the fight against infectious disease, bioterrorism, and microbes resistant to antibiotics. I urge my colleagues to support the amendment.

EDUCATION SPENDING AUTHORIZATION AND APPROPRIATIONS

Mr. KENNEDY. Mr. President, tomorrow we are going to be addressing the Labor-HHS-Education appropriations bill. In that legislation, we will have allocations of resources to fund the Federal participation in education. The federal government provides only 7 cents out of every dollar spent on education at the local level. But those are important funds for many different communities.

I regret very much that we are taking up this appropriations bill for education, before we have completed action on the authorizing bill, the Elementary and Secondary Education Act. It seems to me that we are putting the cart before the horse. We should have had a good debate and resolved the issues on education policy before funding them. Instead, we are now addressing appropriations before we even have the authorizations in hand. There are important policy issues and questions that ought to be resolved.

At the outset, I thank our friends on the Appropriations Committee for the resources they provided in a number of different programs. But I believe some programs were underfunded in the allocation of resources.

The budget is established by the majority. In this case, it was decided by the Republican majority. The Republican Budget Resolution shortchanged education programs in order to pay for unwise tax cuts for the wealthy. In the Resolution, the Republican majority imposed cuts of more than 6%—more than $100 billion over the next five years—in discretionary spending, including education programs.

As a result of this resolution, the allocation for education is too low. Because of that inadequate allocation, the Senate Appropriations Committee was forced to make unwise cuts in key education and other discretionary programs. This $100 billion in order to afford a tax cut for wealthy individuals is the wrong priority.

That is what a good deal of the debate is going to be about—about whether we think we ought to have further tax cuts for wealthy individuals or whether we ought to invest in the education of the children of this country. I believe we ought to invest in the children of this country.

We didn't get the kind of allocation in the Appropriations Committee that we should have, and we are going to find, once this is approved, that it will go to the House, which has had a very significant reduction in terms of allocating resources. We are going to find further cuts in education. That troubles me.

If you look over the past years, we will see what has happened in the history of cutting education funding in appropriations bills.

We have seen, going back to 1995 when the Republicans took control of the Senate, that we had a rescission. We had money already appropriated. But then we had a rescission of $1.7 billion below what was actually enacted in 1995.

In 1996, the House bill was $3.9 billion below 1995.

In 1997, the Senate bill was $3.1 billion below what the President requested.

In 1998, the House and Senate bill was $200 million below the President's request.

In 1999, the House bill was $2 billion below the President's request.

In 2000, the House bill was $2.8 billion below the President's request.

In fiscal year 2001, it is $2.9 billion below the President's request.

We have all of the statements being made by the Republican leadership about how important education is in terms of national priorities. We have our Republican Majority Leader, going back to January 1999, 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 was the bill which was set aside in May of this year. Some six weeks later, we still haven't had it back in order to be able to debate it.

In remarks to the Conference of Mayors, the majority leader said: ''But education is going to have a lot of attention, and it's not going to be just words. . . .''

June 22, 1999: ''Education is number one on the agenda for Republicans in the Congress this year. . .''

Then remarks to the Chamber of Commerce on February 1, 2000: ''We're going to work very hard on education. I have emphasized that every year I have been majority leader. . . . And Republicans are committed to doing that.''

National Conference on State Legislatures, February 3: ''We must reauthorize the Elementary and Secondary Education Act. . . . Education will be a high priority.''

April 20, the Congress Daily: ''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.''

May of this year: ''This is very important legislation. I hope we can debate it seriously and have amendments in the education area. Let's talk education.''

Then, on May 2, on elementary and secondary education: ''Have you scheduled a cloture vote on that?'' Senator LOTT: ''No, I haven't scheduled a cloture vote. . . . But education is number one on the minds of the American people all across this country and every State, including my own state. For us to have a good, healthy and even a protracted debate on amendments on education, I think is the way to go.''

This is the record. We still don't have that debate. That was 6 weeks ago. We had 6 days of debate, and 2 days of the debate were without any votes at all. We had eight amendments, and three of those we were glad to accept.

We have effectively not had the debate on education. Here we are on Monday afternoon before the Fourth of July recess, and we have the appropriations bills up with a wide variety of appropriations to support the agencies in areas of health and of education. I believe we are giving education policy short shrift. You can't draw any other conclusion—short shrift.

We were prepared to spend 15 days on bankruptcy reform but only 6 days on education—and for 2 days we couldn't vote. 15 days on bankruptcy and 53 amendments; 4 days where we had amendments on elementary and secondary education and only 8 amendments.

That is an indication of priorities. I take strong exception. I think the American people do as well.

Money in and of itself doesn't solve all of our problems, but it sure is an indication of where our national priorities are.

If I look over this chart, the Federal share of education funding has declined. Look at what has happened in higher education: 15.4 percent in 1980 has declined to 10.7 percent in 1999. Take elementary and secondary education. In 1980, it was 11.9 percent on

elementary and secondary education. In 1999, it was only 7.7 percent.

We have seen a decline in elementary and secondary education. We don't even spend 1 percent of our budget in support of elementary and secondary education. That is amazing.

Think of any of us going into any hall across this country in any part of our Nation. Ask about the priorities of people in that hall. They would say: We need national security, national defense. We have to deal with that. Certainly we do. Save Social Security and Medicare—absolutely. Deal with Medicaid—absolutely. But among their four or five priorities would be education.

I think Americans will be absolutely startled to find out that we are spending less than one penny out of every dollar on elementary and secondary education.

This is what has been happening. In the area of elementary and secondary education, K through 12, we have now gone from 1990 with 46.4 million students up to 53.4 million in 2000. 7 million additional students at a time when our participation is going down in favor of tax cuts instead of investing in the children of this country.

That is what is happening. As we start off on this debate, I think it is important to understand that. I think most parents across this country believe there ought to be a partnership, at the local level, the State level, and the Federal level in terms of participation.

However, we are not meeting our responsibilities. We get a lot of statements, a lot of quotes, a lot of press releases, but when the time comes in terms of the Budget Committee—which is controlled by that side of the aisle—allocating resources on education, they are not doing it. They are not walking the walk. They are talking the talk, but they are not walking the walk. That is one of the important issues dividing our political parties, unfortunately. I think the American people ought to understand that.

Tomorrow, we are going to have several education amendments. One which I will offer will be to try to strengthen the recruitment, training, and mentoring for teachers in this country. We need 2 million teachers. Last year, we hired—''we,'' meaning the States across this country—50,000 teachers who did not have certification in the courses they are teaching.

We believe we ought to guarantee to the families in this country that within 4 years every teacher in every public school will be certified. We are committed to that. We are going to offer an amendment on that. We think that is one of the better ways of going with education. When we look at the results, better prepared teachers stay longer. The earlier intervention occurs for teachers, the longer they will stay. If we give them continued help and assistance that is school based, they will remain longer.

Providing professional training and mentoring for the teachers is enormously helpful. If we have experienced teachers working with younger teachers in the classroom, they stay longer. This is enormously important. We ought to be debating and discussing these issues. Hopefully, tomorrow, we will.

Amendments to be offered by our colleagues include after school programs, accountability, and the digital divide. We are going to have a series of amendments regarding helping, assisting, and modernizing our schools. All these amendments are for worthwhile programs.

We need to have this debate. We need to have this expression. We need to call the roll to find out where our colleagues are going to stand on the issues involving education in this country.

We will, of course, have the opportunity to debate smaller class size with the Murray amendment. We have had bipartisan support for that in the past. I will not take the time tomorrow to place again in the RECORD all of the press releases we had from Newt Gingrich and Mr. ARMEY celebrating the fact that we would go to smaller class size. We had strong bipartisan support, but they have emasculated the program in the appropriations legislation. We will have an opportunity, hopefully, to debate that, as well.

The bill before the Senate includes $2.7 billion for title VI block grants but eliminates the Federal commitment to reducing class size and does nothing to guarantee the funds for communities to address the urgent need for school repair and modernization.

Under the Class Size Reduction Program, the funds are distributed to school districts based on a formula that is targeted 80 percent by poverty and 20 percent by population. Under title VI, block grant funding is distributed based solely on population. It includes no provisions to target the funds to high poverty districts. It is basically a blank check—whatever the Governor wants to do with those funds—without the accountability which is so important and necessary.

I think people across this country want scarce resources utilized in an effective way, on proven, tested, effective programs that will enhance academic achievement and accomplishment. That is provided in the amendments we are going to offer tomorrow.

Better schools, a better education for all children, and making college more affordable are top priorities for the Nation's families and communities.

I regret very much that we are taking up this appropriations bill for education, before we have completed action on the authorizing bill, the Elementary and Secondary Education Act. In many ways, we are putting the cart before the horse again.

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.

The Republican majority has paid great lip service to the importance of education, but the reality is far different. We considered only eight amendments to that legislation over 6 days—and during 2 of these days, we were allowed to debate only, not vote. On May 9, the Republican leadership suddenly abandoned the debate, moved to other legislation, and haven't returned to it since then.

I hope that our Republican friends have just temporarily suspended the bill, and not expelled it. We owe it to the Nation's schools, students, parents, and communities to complete action on this priority legislation.

The Senate education appropriations bill now before us also has problems. It is a much better step towards funding education than the House bill, but it's not enough.

The Republican budget resolution shortchanged education programs in order to pay for unwise tax cuts for the wealthy. Because of the Republican budget resolution, the allocation for education is too low.

Because of that inadequate allocation, the Senate Appropriations Committee was forced to make unwise cuts in key education and other discretionary programs because of the unreasonably low funding level set for domestic discretionary programs in the budget resolution. In the resolution, the Republican majority imposed cuts of more than 6 percent—more than $100 billion over the next 5 years—in discretionary spending. These cuts are far from necessary to curb uncontrolled federal spending. The opposite is true. We are already spending less on domestic discretionary programs as a percentage of GNP than we ever have. Republicans are seeking to impose these drastic cuts for one reason only—to fund the massive tax breaks for the wealthy.

This is not the 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 all of these priorities. It slashed funding for education by $2.9 billion below the President's request.

The House bill zeroes out critical funding to help states turn around failing schools.

It slashes funding for the 21st Century Learning Centers program by $400 million below the President's request, denying 900 communities the opportunity to provide 1.6 million children with after-school activities to keep them off the streets, away from drugs, and out of trouble, and to help them with their studies.

It eliminates the bipartisan commitment to help communities across the country reduce class size in the early grades.

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.

It reduces 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 3rd grade.

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.

It does nothing to help communities meet their most urgent repair and modernization needs. Those needs are especially urgent in 5,000 schools across the country.

It slashes funding for GEAR UP by $125 million below the President's request, 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 funding for the teacher quality enhancement grants, so that more communities can recruit and train 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 37,200 adults job training this year.

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 disadvantaged youth a bridge to skills and opportunities of our strong economy and alternatives to welfare and crime.

It slashed summers 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 over 12,000.

The Senate bill does take some positive steps towards better funding for education.

It increases the maximum Pell grant by $350 to $3,650.

It increases funding for IDEA by $1.3 billion.

Although these are important increases, they are not enough. In too many other vital aspects of education, too many children and too many families are shortchanged by this bill.

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 Class Size Reduction program that has received bipartisan support for the past two 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.

A 1999 study found that 56 percent of the students in Portland, OR, in grades K through 3 were in classes with more than 25 students.

In fact, nationwide, K through 3 classrooms with 18 or fewer children are hard to find. For example, in 22 northern and northeastern counties in Kentucky, and in 5 districts in Mercer County, New Jersey, less than 15 percent of the children are in classes of 18 or less. Class size in New York City is an average of 28 students per class.

The federal Class Size Reduction program is making a difference. For example, in Columbus Ohio, class sizes in grades 1 through 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. We should not block grant the program. If we do, it will no longer be targeted to the neediest communities, and parents will no longer be guaranteed that their children will be learning in smaller classes.

In addition, it is wrong to put the $1.3 billion that the President requested for repairing and modernizing schools into the title VI block grant. We need to target school modernization funds to the neediest communities, and the title VI block grant will not do that. Parents need a guarantee that they will get the support they need to help their children to school in buildings that are modern and safe, and are not overcrowded.

The bill also falls short in other areas.

It fails to increase the national investment in improving teacher quality. It provides only level funding for the teacher quality enhancement grants that are helping colleges and communities recruit and train prospective teachers more effectively

It cuts funding for the 21st Century Community Learning Centers by $400 million below the President's request, denying 1.6 million children access to after-school programs.

It slashes funding for GEAR UP by $100 million below the President's request. That reduction will deny 407,000 low-income middle and high school students the help they need to go to college and succeed in college.

It slashes the title I Accountability program by $250 million below the President's request, eliminating critical funding for states to turn around failing schools.

It slashes funding for dislocated workers by $181 million below the President's request. As a result, 100,000 American workers who lost their jobs because of down-sizing or business relocation will go without the important services that they need to find adequate employment in their communities.

It also slashes funding for youth opportunity grants by $125 million below the President's request, denying 27,000 youth in high-poverty communities access to vital education, training, and employment assistance, and eliminating the proposed expansion of the program to up to 15 new communities.

We should be doing more, not less, to improve public schools, to help make college affordable and accessible to every qualified student, and to increase training opportunities for the Nation's workers.

School and communities are already stretching their budgets to meet rising needs.

Nearly one third of all public schools are more than 50 years old. Fourteen million children in a third of the Nation's schools are learning in substandard buildings. Half of all schools have at least one unsatisfactory environmental condition.

The problems with crumbling school buildings aren't just the problems of the inner city. They exist in almost every community—urban, rural, and suburban.

In addition to modernizing and renovating dilapidated schools, many communities need to build new schools, in order to keep pace with rising enrollments and to reduce class sizes. Elementary and secondary school enrollment has reached an all-time high again this year of 53 million students. Enrollment will continue to rise over

the next ten years. The number will increase by 324,000 in 2000, by 282,000 in 2001, and by 250,000 in 2002—and it will continue on an upward trend in each of the following years.

To meet this urgent need, the Nation faces the challenge of hiring more than 2 million new teachers over the next ten years. According to the Urban Teacher Challenge Report, released by Recruiting New Teachers last January, almost 100 percent of the 40 urban school districts surveyed have an urgent need for teachers in at least one subject area. Ninety-five percent of urban districts report a critical need for math teachers. Ninety-eight percent report a need in science. Ninety-seven percent report a need for special education teachers.

Unfortunately, the need for new teachers in 1998 was met by admitting 50,000 unqualified teachers to the classroom. And nearly 50 percent of those who do enter teaching, leave the profession within 5 years.

Parents, schools, and communities also need special help in providing after-school activities. Each day, 5 million children, many as young as 8 or 9 years old, are left home alone after school. Juvenile delinquent crime peaks in the hours between 3 p.m. and 6 p.m. We know that children left unsupervised are more likely to be involved in anti-social activities and destructive patterns of behavior.

The Nation's schools need more help to meet all of these challenges.

In addition, many families across the Nation are struggling to put their children through college. The burden of education debt is rising. Eight million seven hundred thousand students borrowed $32 billion in 1999 alone.

Only 53 percent of students with a family income below $25,000 go on to higher education, and only 26 percent—1 in 4—go on to 4-year colleges. But 90 percent of students with family income above $74,000 attend college. The opportunity for a college education should not be determined by the level of family income. Any student who has the ability, who works hard, and who wants to attend college should have the opportunity to do so.

We need to do more to fund programs such as GEAR UP that help make college a reality for more young people.

We also need to do more to help American workers who have lost their jobs because of down-sizing or business relocation to find other good jobs in their communities. Companies are doing more hiring and firing simultaneously than ever before. Workers need a new set of skills, and globalization is driving more work abroad. Greater services for dislocated workers will guarantee that workers have the skills they need as we move full speed into the information-based economy. It will also help us respond to employer needs during the current labor shortage by having an efficient labor exchange system and retraining programs.

We must also do more to emphasize keeping young people in school, increasing their enrollment in college, and preparing and placing these young people in good jobs. Only 42 percent of dropouts participate in the labor force, compared to 65 percent of those with a high school education and 80 percent of those with a college degree.

Next week, when we have the opportunity to address education in the 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 programs by $792 million to ensure that 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 their most urgent repair and modernization problems.

Senator DODD will offer an amendment to increase funding for the 21st Century Learning Centers program, so that 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 program, so that 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.

PATIENTS' BILL OF RIGHTS

Mr. KENNEDY. Mr. President, I will take a few moments on another subject, the issue of our Patients' Bill of Rights.

A short while ago, we had an opportunity to vote on the issues on a Patients' Bill of Rights. This was basically as a result of the fact that the conference in which we are involved had reached a dead end and was going nowhere. It wasn't only my assessment of that development, but the conclusion of a great number of the conferees as well, not just the Democrats, but also those who had supported an effective Patients' Bill of Rights in the House of Representatives, Dr. NORWOOD and Dr. GANSKE. We offered an amendment on the floor, and we failed by one vote.

Now we understand the Republicans have decided that effectively they are not going to participate with the Democrats at all. They are writing their own bill. We had indicated we were still willing to participate. We wanted to get a bill.

It is interesting that the 300 organizations that represent the doctors, the patients, the nurses, the health delivery community, have all been in support of our position. They have not had a single medical organization that has supported the position taken by the Republican leadership in the Senate.

When we talk about bipartisanship, I think we ought to do what the medical professions, the patient organizations, and common sense tell us to do—to listen to doctors and nurses who have had training and follow their recommendations, rather than accountants for HMOs. That is what this bill is basically about.

In the Patients' Bill of Rights, we have outlined the various areas where we think patients need protection. We have asked those who have not been supportive of our position to spell out which protections they don't wish to provide for the American people. One, for example, is to make sure all patients are going to be covered. That is a rather basic and fundamental issue. It shouldn't take a long time to debate and discuss that. The House bill provided for comprehensive coverage for all of the patients and holds plans accountable. That seems to be common sense. Again, that was in the bipartisan bill in the House of Representatives.

In the category of access for specialists, we see a situation where a child has cancer; we want to make sure the child will see a pediatric oncologist. They ought to be able to get the specialist. We certainly have that opportunity for Members of the Senate. We ought to be able to understand that. We should guarantee the specialists.

Access to clinical trials. We are in a period of great opportunities for breakthroughs in research. The only way that breakthroughs get from the laboratory to the patient is through clinical trials. We ought to guarantee it. We don't need to study the question of clinical trials.

Access to OB/GYNs. That is common sense.

Prohibition on gag rules. We are going to take the gag off our doctors who have been trained to provide the best in medicine. They shouldn't be gagged by accountants for HMOs.

Emergency room access, another area of importance.

These are some of the points that are guaranteed.

Perhaps some of these are protections that our Republican friends don't want to guarantee. We wish they would state which ones. Why do we have to do it behind closed doors? Why not come out here and say which ones they don't want to guarantee, have some votes in the Senate, and then get legislation passed?

However, we have been buried in the darkness of our offices. We ought to have an opportunity to have matters decided or stated. These protections should be available to every American. Those Members representing our side of the aisle are committed to that. Republicans and Democrats alike in the House of Representatives were in support of it. A third of the Republicans voted for that and a few courageous Republicans in this body supported that position as well.

We should get about the business of closing this legislation down. Every day it delays people are being hurt. It is wrong. We ought to get about doing the people's business and pass a strong Patients' Bill of Rights.

To reiterate, the American people have waited more than 3 years for Congress to send the President a Patient's Bill of Rights that protects all patients and holds HMOs and other health plans accountable for their actions.

Every day that the conference on the Patient's 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.

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 form 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 re 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.

We have been forewarned of what to expect from a partisan bill. The American people won't stand for a sham bill, and we won't either.

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's about women, children, and families.

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.

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 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.

The bipartisan legislation that we support and which we voted on in the Senate on June 8 covers everyone. But the Republican leadership said no.

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.

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 Senator from Illinois.

Mr. FITZGERALD. Mr. President, I ask unanimous consent to speak as in morning business for up to 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The remarks of Mr. FITZGERALD pertaining to the introduction of S. 2790 are located in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

Mr. FITZGERALD. I yield the floor.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

The PRESIDING OFFICER. Under the previous order, the Senate stands adjourned until 9:30 a.m., June 27.

Thereupon, the Senate, at 5:56 p.m., adjourned until Tuesday, June 27, 2000, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate June 26, 2000:

THE JUDICIARY

TAMAR MEEKINS, OF THE DISTRICT OF COLUMBIA, TO BE AN ASSOCIATE JUDGE OF THE SUPERIOR COURT OF THE DISTRICT OF COLUMBIA FOR THE TERM OF FIFTEEN YEARS, VICE HENRY F. GREENE, TERM EXPIRED.

GERALD FISHER, OF THE DISTRICT OF COLUMBIA, TO BE AN ASSOCIATE JUDGE OF THE SUPERIOR COURT OF THE DISTRICT OF COLUMBIA FOR THE TERM OF FIFTEEN YEARS, VICE RICHARD A. LEVIE, RETIRED.

DEPARTMENT OF STATE

JAMES A. DALEY, OF MASSACHUSETTS, TO SERVE CONCURRENTLY AND WITHOUT ADDITIONAL COMPENSATION AS AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO ANTIGUA AND BARBUDA, TO THE COMMONWEALTH OF DOMINICA, TO GRENADA, AND TO SAINT VINCENT AND THE GRENADINES.

EXTENSIONS OF REMARKS

WITHDRAWING APPROVAL OF UNITED STATES FROM AGREEMENT ESTABLISHING WORLD TRADE ORGANIZATION

HON. ROBERT A. UNDERWOOD

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Friday, June 23, 2000

Mr. UNDERWOOD. Mr. Speaker, I rise in strong opposition to this resolution. To even consider that the United States should leave the WTO would be tantamount to a jockey jumping off his horse in the middle of the race. The United States became a major industrial power at the tail end of the 19th Century. By the end of the Second World War, the United States was the world economy, providing aid to war tom Europe and Asia. Since that time, the U.S. has recognized the intrinsic strategic importance of remaining powerfully engaged in the global economy. With this in mind it is rather irresponsible for us to be considering this resolution at all.

To be sure, I do not agree with every WTO decision. Last Fall, the WTO panel issued a final report that subsidies for Foreign Sales Corporations under U.S. tax laws violated the WTO Subsidies Agreement. U.S. negotiators have since worked in good faith on a proposal to retain many of the tax benefits of the FSC structure, while establishing a new structure which would be responsive to the European Union's challenge.

I am pleased that the U.S. Treasury Department is moving forward despite the recent rejection by the European Union of its proposal by submitting its proposal to Congress in order to meet the October 1 deadline set by the WTO to comply with its ruling.

However, I simply want to express my concern on the manner in which the U.S. export sector has dealt with the U.S. territories that currently benefit from FSCs. That is, the U.S. territories seem to be an afterthought as U.S. companies reap $3.6 billion in tax benefits annually. In Guam, there are around 211 FSC licensees, generating,around $170,000 to the Government of Guam.

I have conveyed my concerns to Chairman ARCHER and Representative RANGEL and I am pleased that they will work with the U.S. territories as this proposal moves through Congress. I hope that the Administration and the U.S. exporting industry extends to the U.S. territories the same consideration as U.S. strategy on this important issue continues.]

Mr. Speaker, I am deeply concerned about international labor rights, worker health and safety concerns, foreign environmental standards, and the convoluted and secret rules and procedures of the WTO. But, Mr. Speaker, none of these urgent areas will get any attention if we pull out of the WTO. As we saw from the protests at the WTOs 3rd Ministerial Conference in Seattle there are many concerns regarding the policies and practices of the organization that seriously need to be addressed. Even President Clinton agrees that there are many reforms that are needed to the WTO in order that it include greater protection for foreign laborers and the environment.

Nevertheless, in order for the U.S. to reform the WTO, it has to be a part of it. The Council of Economic Advisors has noted that since 1994, approximately one-fifth of U.S. economic growth has been linked to exports. As the world's largest exporter, the United States is the country that gains the most from an open multilateral trading system.

What this body should do is work on a resolution that creates an agenda for the Administration, which comprehensively articulates all the attendant concerns that Congress has regarding the WTO. This constructive approach would no doubt be a more useful instrument of policy than this current attempt at isolationism.

Mr. Speaker, I will close by quoting the Ways & Means Committee report on this resolution, which I support: ''H.J. Res. 90 is dangerous and illogical, because it would isolate the United States from this system and damage our leadership in the international economy, thereby undermining U.S. national economic and security interests.''

TRIBUTE IN MEMORY OF LT WILLIAM JOSEPH DEY AND LT DAVID ERICK BERGSTROM

HON. KAY GRANGER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, June 23, 2000

Ms. GRANGER. Mr. Speaker, many years ago Tennyson eulogized the sacrifice of hundreds of young men in the poem, ''The Charge of the Light Brigade.'' Tennyson gave answer to those who wondered why so many young men would give so much. ''Theirs not to make reply,'' Tennyson explained. ''Theirs not to reason why. Theirs but to do and die.

The price of freedom has never been cheap. But in America, there have always been those willing to bear the burden and pay the price to keep our nation free. I rise today to honor and pay tribute to two of these men, LT William Joseph Dey and LT David Erick Bergstrom.

On Sunday, June 18th, LT Dey and LT Bergstrom made the ultimate sacrifice when the F–14 they were flying crashed at an airshow near Philadelphia. Both LT Dey and LT Bergstrom were graduates of the U.S. Naval Academy and serving as instructors with VF–101 at Naval Air Station Oceana.

LT Bergstrom served his country honorably during overseas deployments in support of Operations Deliberate Guard and Southern Watch. His tremendous airborne leadership lead to his selection as one of only four aviators chosen for the F–14 flight demonstration team. He is survived by his parents, James and Catherine Bergstrom, and two sisters Karen and Patty. His father James is a retired naval aviator.

LT Dey served honorably aboard the USS Theodore Roosevelt supporting Operations Allied Force and Southern Watch. His performance as airborne forward air controller, guiding other aircraft to specific targets while dodging hostile fire was an inspiration to us all. He is survived by his wife Deborah, and 15-month old daughter Kamryn.

America must never forget the dedication our servicemen and women make everyday to preserve our freedom and prosperity even in peace time. To these heroes, America owes its freedom and Congress owes its eternal gratitude.

Our thoughts and prayers are with their families, friends and shipmates. May God bless them. And may God bless our service members everywhere.

PERSONAL EXPLANATION

HON. SUE WILKINS MYRICK

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 23, 2000

Mrs. MYRICK. Mr. Speaker, I was unavoidably detained during the following vote. If I had been present, I would have voted as follows:

June 15, 2000: Rollcall vote 279, on the Sanders amendment to H.R. 4578, I would have voted nay.

CHINESE AMERICAN CONTRIBUTIONS

HON. BOB BARR

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 26, 2000

Mr. BARR of Georgia. Mr. Speaker, on the occasion of the national convention of Chinese Americans in Atlanta, I am pleased to speak in honor of the many contributions persons of Chinese descent have made to America.

The American system of government is unparalleled in the course of human history, largely because of its eagerness to accept the contributions of men and women from other cultures who choose to become Americans. Chinese Americans provide an excellent example of how that system works.

Whether in war or peace, Chinese Americans have made numerous and diverse enhancements to the American way of life; giving their lives to protect it and working hard to build it.

President Clinton recently awarded the Congressional Medal of Honor, our nation's highest award for valor, to several Americans of Chinese, Japanese, and Filipino descent who served with great distinction during World War II. We should all take great pride in the fact that justice was done in the end, and that we moved beyond earlier prejudices. In fact, another unique feature of American society is that our system almost always manages to right itself in the end.

As we enter a new century, there are many things America can learn from its citizens of Chinese descent. Chinese Americans can help us understand and influence the culture of China as we work to encourage the growth of democracy and human rights there. Our culture would also be well served to look to the high place education, tradition and family ties occupy in many Chinese American families.

I hope this year's National Convention of Chinese Americans focuses on these issues. I am honored to welcome the Convention to the great state of Georgia, home to many Chinese Americans.

IN HONOR OF DR. ROBERT E. BAIER

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, June 26, 2000

Mr. KUCINICH. Mr. Speaker, I rise today to recognize Mr. Robert E. Baier, Ph.D. Dr. Baier is being presented with an Outstanding Engineer Award from the Cleveland State University Alumni Association. This distinguished man has brought both pride and recognition to his alma mater and to his northeast Ohio community.

Dr. Baier graduated from Cleveland State University in 1962. He furthered his higher education by attending the State University of New York at Buffalo. He graduated from this distinguished institution with his Ph.D. in Biophysical Sciences. Currently, Dr. Baier is the Director/Professor at the Industry/University Center for Biosurfaces.

Robert is particularly known for his work on artificial organs and devices for use in heart surgery. His innovation and scholarly pursuit of original research has benefited the lives of many. In his endeavors, he became a founding fellow for the American Institute for Medical and Biological Engineering.

My fellow colleagues, join me in honoring and applauding Dr. Robert E. Baier for his many contributions to science. He has served his community well, and I congratulate him on these outstanding achievements.

IN HONOR OF GARY OERTLI

HON. JAY INSLEE

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Monday, June 26, 2000

Mr. INSLEE. Mr. Speaker, I rise today to pay tribute to an exceptional leader in my district, Mr. Gary Oertli. For the past five years, Mr. Oertli has dedicated himself to the faculty, staff and students of Shoreline Community College serving as the college's president. Mr. Oertli will step down as president at the end of June.

Under the direction of Mr. Oertli, Shoreline Community College has been revitalized. With his commitment to a diverse campus community, Mr. Oertli created the college's Multicultural/Diversity Education Center and helped establish the college as a national leader in multicultural education.

During his tenure as president, Mr. Oertli has advanced Shoreline Community College locally, regionally and nationally. The college's job-ladder partnership program, begun during Mr. Oertli's presidency, was recently named best college-based welfare-to-work program in the nation. Community colleges are truly the ''peoples' colleges'' because they provide a needed alternative to four-year institutions, offer educational and vocational instruction at low cost, and truly recognize the worth of every student. Mr. Oertli's work demonstrates his belief in this sentiment.

In addition to the leadership he exudes on campus, Mr. Oertli has also been recognized as a leader in the community as well. During his time at the college, Mr. Oertli enjoyed an excellent working relationship with district legislators, and with his direction, the college secured funding for a major library renovation and technology center.

Mr. Oertli has also been working closely with me as I try to secure funding for the Puget Sound Center, an exciting joint venture that teams community colleges, elementary and secondary schools, and high-tech centers to pool resources and provide high-tech training for our young people.

While I am confident that Shoreline Community College will continue to be an exceptional and innovative institution, the college will indeed lose a remarkable educator. I am proud to have an exceptional leader like Mr. Gary Oertli in my district and I ask my colleagues to join me in recognizing his commitment to education.

CONGRATULATING JACK STONE

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 26, 2000

Mr. RADANOVICH. Mr. Speaker, I rise today to congratulate Jack Stone for receiving the 2000 Distinguished California Agriculturalist Award. Mr. Stone, a native of Kings County, has given us a lifetime of service and dedication to agriculture in our state.

In 1940, Mr. Stone started a small farming project near Five Points. He sold the farm in 1942 and married his wife Hilda. He then spent the next four years in the Army Corps of Engineers, where he retired as a Captain. Mr. Stone returned to farming in 1946 and started J.G. Stone Land Company, growing grain and cotton.

Mr. Stone was selected to be president in 1972, four years after being appointed to the Westland's Water District board of directors. During his time as president he led the district through years of challenges. These include two severe droughts, the Reclamation Reform Act of 1982, the Kesterson Reservoir controversy, and the CVP Improvement Act of 1992. He retired in 1993, after 21 years of service with the Westlands board.

Mr. Stone has served on numerous boards of community, farming, academic, and water-related organizations. He has been president of the National Cotton Council of America, the chairman of its Producers Steering Committee, a member of the International Cotton Advisory Committee, and president of the Western Grower's Association. He has also won numerous awards such as: the 1995 Kings County Agriculturalist of the Year, the 1995 American Society of Agronomy Honor for Distinguished Contributions to the Advancement of Human Welfare and the Enhancement of California Agriculture, and induction into the Cotton Hall of Fame in 1992.

Mr. Speaker, I want to recognize Jack Stone for receiving the 2000 Distinguished California Agriculturalist Award. I urge my colleagues to join me in wishing him many more years of continued success.

THE RETIREMENT SECURITY ADVICE ACT

HON. JOHN A. BOEHNER

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, June 26, 2000

Mr. BOEHNER. Mr. Speaker, for the past several months, the Subcommittee on Employer-Employee Relations has held a series of bipartisan hearings examining the changes in the financial world since the 1974 passage of the Employee Retirement Income Security Act (ERISA) and looking for ways for American workers and retirees to take advantage of the economic opportunities created since then. To most people in 1974, personal savings meant a bank account. Now it means 401(k)s, IRAs, annuities, mutual funds, and a whole range of investment products that go well beyond what was available to the average American 25 years ago. Economists predict that this year, for the first time, nearly 50 percent of all Americans will have invested in some form of equity.

Moreover, in the past 25 years, the number of workers covered by a defined contribution plan has increased 35 percent, from 12 to 42 million. The explosive growth of defined contribution plans has left employees with the responsibility for investment decisions that many are ill equipped to make. ERISA creates barriers that currently prevent employers and investment intermediaries from giving individualized investment advice to plan participants.

The drafters of ERISA were preoccupied with the problems of defined benefit plans, where the participant has no responsibility for investment decisions. Only a small fraction of plan assets in 1974 were in defined contribution world. Today the picture is very different—almost all new plan formation is taking the form of defined contributions plans, especially 401(k) plans. A typical 401(k) plan offers a range of stock and bond portfolios from one or more of mutual fund companies, banks, and insurance companies. The plan participant makes his or her own investment selections. Part of what many employees find attractive about defined contributions plans is that the employee pockets the investment gain on the assets in his or her account.

Employers and investment intermediaries would like to assist employees to make the most of their retirement saving opportunities. But an employer who arranges for financial professionals to deliver the tailored investment advice that those employees need risks a lawsuit by being deemed an ERISA fiduciary. Moreover, the arcane and highly complex ERISA prohibited transaction rules severely limited the ability of service providers (such as mutual funds, banks or insurers) to provide investment advice to workers in the plans they service. These rules are inconsistent with federal securities laws, which permit the provision

of such advisory services when certain disclosures are made.

The result is that ERISA has been read to insist that individual workers by the millions become investment experts. It has not happened and it is causing workers to be less well invested than if employers or investment intermediaries were allowed to guide the individual employee on the asset allocation appropriate to his or her place in the life cycle, family circumstances, and other assets.

To address this problem, I am introducing the ''Retirement Security Advice Act,'' which permits investment service firms to provide investment advice about all investment products, including their own, as long as material information is disclosed. Use of disclosure as a means of dealing with potential conflicts is well accepted in the securities laws and has been used in a number of ERISA exemptions granted by the Department of Labor.

The ''Retirement Security Advice Act'' would provide a statutory exemption from the ERISA prohibited transactions rules for: (1) the provision of investment advice to a plan, its participants and beneficiaries, (2) the purchase or sale of assets pursuant to such investment advice, and (3) the direct or indirect receipt of fees or other compensation in connection with providing the advice. The advice provider, by virtue of providing the advice, would assume fiduciary status as a ''fiduciary adviser.''

Only specified qualified and regulated entities would be permitted to deliver advice: registered investment advisers, banks, insurance companies, registered broker-dealers, and the affiliates, employees, agents, or registered representatives of those entities. Any investment advice provided to participants or beneficiaries would be implemented (through a purchase or sale of assets) only at their discretion. The terms of the transaction must be at least as favorable to the plan as an arms' length transaction would be, and the compensation received by the fiduciary adviser (and its affiliates) in connection with any transaction must be reasonable.

The fiduciary adviser, at or before the initial delivery of investment advice and annually thereafter, would have to provide a written or electronic disclosure of: (1) the fees or other compensation that the fiduciary adviser and its affiliates receive relating to the provision of investment advice or a resulting sale or acquisition of assets (including from third parties), (2) any interest of the fiduciary adviser or its affiliates in any asset recommended, purchased or sole, (3) any limitation placed on the fiduciary's ability to provide advice, (4) the advisory services offered, and (5) any information required to be disclosed under applicable securities laws.

A plan sponsor or other fiduciary that arranges for a fiduciary adviser to provide investment advice to participants and beneficiaries would not be liable under ERISA for the specific investment advice provided to individual participants or beneficiaries, but would not be exempted from any other ERISA fiduciary obligations. No employer would be required to contract with an investment adviser and no employee would have to accept or follow any advice. The entire process is completely voluntary.

The ''Retirement Security Advice Act'' will empower workers with the information they need to make the most of the retirement savings and investment opportunities afforded them by today's 401(k)-type plans.

IN HONOR OF DR. DEZSO J. LADANYI

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, June 26, 2000

Mr. KUCINICH. Mr. Speaker, today I recognize Dr. Dezso J. Ladanyi. Dr. Ladanyi is being presented with an Alumni Lifetime Leadership Award by Cleveland State University. This is an award presented to alumni for exceptional achievements and leadership skills that have brought both pride and recognition to the University and the community.

In 1942, Mr. Ladanyi graduated from Fenn College, magna cum laude, with a Bachelor's degree in chemical engineering. He continued his education at Case Western Reserve University where he earned both his Master's degree and his Ph.D.

Dr. Ladanyi joined NASA two years after earning his degree from Fenn College. At the time he was one of only 14 rocket scientists in the country. In 1967, he left NASA to start his own company, Advanced Dynamics, which produced temperature sensors. Only four years later, he started another company, Noral Inc., which has grown into one of the leading suppliers of thermocouples and other temperature sensors used in the plastics industry. The firm has recently doubled its size and tripled its manufacturing capacity. Dr. Ladanyi currently serves as the chief executive officer of the corporation, overseeing three generations of the Ladanyi family.

Both of Dr. Ladanyi's sons graduated from Cleveland State and his wife graduated from Fenn College. Along with leading two companies, Dr. Ladanyi has served as a role model and inspiration to students at Fenn and CSU for the past 29 years by teaching night courses in chemical engineering. He also has served in leadership positions for the Ludlow Community Organization, a former vice-president, and the First Hungarian Reform Church, an honorary trustee. Aside from these organizations Dr. Ladanyi has been an active Mason for more than 25 years, and is a member of the Magyar Club, a Hungarian professional club that celebrates Hungarian heritage through the use of music, food and culture festivals.

My fellow colleagues, let us recognize and congratulate Dr. Ladanyi for his years of achievement.

HONORING GEORGE SAKATO

HON. DIANA DeGETTE

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Monday, June 26, 2000

Ms. DEGETTE. Mr. Speaker, today I honor George Sakato, a distinguished constituent of Denver and a member of the historic Nisei American Legion Post 185. Today, Mr. Sakato received the Congressional Medal of Honor from President Clinton for his valorous efforts during World War II. Under heavy fire, Mr. Sakato led a charge against, and victoriously overcame, an enemy bunker. He and the troops he led exacted a heavy toll on the enemy.

As a Japanese-American, Mr. Sakato initially experienced some difficulty enlisting in the military. After being denied by the Army Air Corps, Mr. Sakato enlisted in the 100th Battalion/442nd Regimental Combat Team, which was composed primarily of Japanese-Americans. Because the soldiers of this regiment demonstrated their unending valor and courage on the battlefield, the battalion became the most highly decorated unit in the U.S. military. After facing discrimination as a Japanese-American, it is truly appropriate that Mr. Sakato has been recognized for his superlative contribution to the security of our nation. My only regret today is that this honor was not bestowed on Mr. Sakato a long time ago.

We must always take time to honor our veterans, especially those who went above and beyond the call of duty in order to assure freedom and democracy. On behalf of the people of Denver, I would like to express my gratitude for Mr. Sakato's service and my congratulations to him on receiving the Congressional Medal of Honor.

LUBBOCK'S TEAM HOPE RAISES BREAST CANCER AWARENESS

HON. LARRY COMBEST

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, June 26, 2000

Mr. COMBEST. Mr. Speaker, I rise today to honor my constituents who participated in this month's National Race for the Cure in Washington, D.C. as part of Team Hope, a team of West Texans lead by Suzie King, a breast cancer survivor from Lubbock, Texas. Suzie was one of many survivors who traveled to Washington to participate in this year's ''celebration of survivorship.'' The Washington event was just one of many Races for the Cure that occurred nationwide as part of the fund-raising efforts of the Susan G. Komen Breast Cancer Foundation.

As the number of breast cancer diagnoses continues to rise, so does our nation's need for breast cancer awareness. The Komen Foundation, which was founded by Nancy Brinker in 1982 to honor her sister, a victim of breast cancer, has raised more than $242 million for this worthy cause. Team Hope members are to be commended for rallying around Suzie and the other breast cancer survivors who participated in the national race, as are the Americans in every state who support the efforts of the Komen foundation.

I believe that Team Hope inspired others to join in the fight against breast cancer. Two publications based in Lubbock, Texas, the Lubbock Avalanche-Journal and Texas Tech University's University Daily, are to be commended for their coverage of Team Hope's engagement in the event and their support for the National Race for the Cure. These publications reach a wide range of readers, all of whom can benefit from their poignant portrayals of a survivor's story.

Our nation must engage in a dialogue to promote breast cancer education, research and screening and treatment. I commend the Komen Foundation, Suzie King and the members of Lubbock's Team Hope, and the Lubbock community for their bravery and dedication to this worthy cause.

21ST CENTURY SPECTRUM RESOURCE ASSURANCE ACT

HON. CLIFF STEARNS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 26, 2000

Mr. STEARNS. Mr. Speaker, I rise to introduce, along with my colleagues, Mr. TAUZIN, Mr. OXLEY, Mr. DEAL, Mr. EHRLICH, and Mr. ROGAN, legislation preventing the Federal Communications Commission from imposing spectrum caps on future Commercial and Mobile Radio Services (CMRS) auctions.

Today, the commercial wireless industry is the most competitive sector of the U.S. telecommunications marketplace: 238 million Americans can now choose between 3 and 7 wireless providers; more than 87.9 million Americans can now choose from among 6 or more wireless providers; and 87.7 million Americans can choose among 5 wireless providers.

In 1994, FCC adopted the cap to prohibit a single entity's attributable interests in the licenses of broadband PCS, cellular, and Specialized Mobile Radio (SMR) services from cumulatively exceeding more than 45 MHz of spectrum within the same geographic area. The cap was to ensure multiple providers would be able to obtain spectrum in each market and thus facilitate development of competitive markets for wireless services.

Today, however, the current 45 MHz spectrum cap is beginning to impact innovation and competition in the wireless industry. The cap now works to limit competition by denying wireless providers access to open markets, thereby denying consumers the benefits that arise from additional competition, such as lower prices and innovative services.

Furthermore, wireless providers have limited room for advanced services such as data on their networks and as they plan for Third Generation (3G) services, which will include enhanced voice, video, Internet and other broadband capabilities, the lack of spectrum threatens the ability to expand current systems and entice new customers. Additionally, continuation of the spectrum cap will result in the continued lag of U.S. companies behind Europe and Japan in the deployment of wireless 3G technologies.

The legislation I am offering merely prevents the FCC from imposing the CMRS spectrum cap on spectrum auctioned after January 1, 2000. It does not repeal the current spectrum cap on CMRS spectrum, or lift the cap on spectrum that has already been auctioned. This legislation is a timely proposal to ensure that innovation and competition continue to drive the commercial wireless industry.

IN HONOR OF FRED LICK, JR.

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, June 26, 2000

Mr. KUCINICH. Mr. Speaker, I rise today to recognize Mr. Fred Lick, Jr. Mr. Lick is being presented with an Alumni Lifetime Leadership Award by Cleveland State University. This is an award presented to alumni for exceptional achievements and leadership that have brought both pride and recognition to the University and to the community.

Fred Lick earned his Juris Doctorate from the Cleveland-Marshall College of Law in 1961. Since his graduation, Mr. Lick has shown his leadership qualities in many fields and through diverse means.

First, Mr. Lick has shown his unselfishness by dedicating himself to the national defense for nearly two decades. He joined the U.S. Army, and served for eight years. After leaving the Army, Mr. Lick joined the Ohio Military Reserve. The OMR is where Mr. Lick displayed his leadership capabilities. He quickly rose through the ranks of the OMR, earning the titles of Major General, Commander of the OMR, and Commander of the Joint State Area Command. Throughout his service to his country, Mr. Lick remained passionate about education, this is evidenced by his graduation from the National Defense University, Industrial College of the Armed Forces; U.S. Marine Corps Command and State College; and the Justice Advocate General's School.

Mr. Lick's leadership has not been confined to simply military endeavors. Mr. Lick has served as the chairman, president and chief executive officer and currently serves as the chairman of the Central Reserve Life Corporation, now the Ceres Group.

Mr. Lick also has dedicated himself to Delta Theta Pi, the national legal fraternity, and Miami University. He has held regional and national positions with Delta Theta Pi, culminating in his appointment as the National Deputy Chancellor in 1977. At Miami University, Mr. Lick spent several years serving as a member of the board of trustees and has recently been elected as the board president.

In the 39 years since his graduation from Cleveland-Marshall, Mr. Lick has remained a positive influence on the College of Law. In this time Mr. Lick has served as the President of the Law Alumni Association, 1967–68, and has inaugurated the Annual Alumni Luncheon. This event now annually draws close to 1,000 attendees to honor colleagues for significant achievements in the legal community.

My fellow colleagues, let us recognize and congratulate Mr. Lick for his years of dedication and leadership.

SUPPORT FOR THE ENVIRONMENTAL PROTECTION AGENCY'S NATIONAL HAZARDOUS WASTE AND SUPERFUND OMBUDSMAN

HON. DIANA DeGETTE

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Monday, June 26, 2000

Ms. DEGETTE. Mr. Speaker, I rise today in support of providing additional funds to support the Environmental Protection Agency's National Hazardous Waste and Superfund Ombudsman. The Office of the Ombudsman has been instrumental in providing further investigation and access to information for the public on a number of complicated Superfund sites across the Nation.

There are many communities across the United States impacted by years of hazardous waste disposal. The very laws and agencies involved in cleaning up these very dangerous sites often become mired in legal tangles and bureaucratic inertia. The Office of the Ombudsman has been an ally of citizens to further insure that public health and the environment remain at the forefront in clean up decisions at Superfund sites. The Ombudsman also plays an important role regarding oversight of the EPA, ensuring that harmful decisions are corrected and that information surrounding Superfund sites is available for the public.

In my district, the Office of the Ombudsman was useful in investigating the Shattuck Waste Disposal Site in Denver. The Ombudsman redirected EPA's focus by fostering greater public participation in EPA's decision to allow radioactive waste to remain in an urban neighborhood. To better protect public health and the environment, I believe it is appropriate that the Office of the Ombudsman receive adequate funds to sustain their mission of advocating for substantive public involvement in EPA decisions.

TRIBUTE TO REV. DR. ALBERT LEE JOHNSON, SR.

HON. KAREN McCARTHY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, June 26, 2000

Ms. MCCARTHY of Missouri. Mr. Speaker, today I pay tribute to my friend and nationally respected clergyman, Rev. Dr. Albert Lee (A.L.) Johnson, Sr. Reverend Johnson passed away after an extended illness. His is a loss felt by his family and congregation, the greater Kansas City community, and most certainly our nation.

Reverend Johnson was a community activist and civil rights advocate throughout his life. He fought for the common person and his influence was far reaching both inside and outside the Christian church community. Justice and equality for all fell within the realm of his spiritual responsibilities as well as his public and moral responsibilities. He traveled to numerous and varied places in the world and touched the lives of individuals in a remarkable way. Rev. Johnson, as President of the local Council for United Action, was on the front line in the battle against racial and social injustice. Although small in stature, he was a giant of a man whose actions led to positive social change. His leadership made a difference in fair employment, housing, and public accommodations. Justice and equality for all fell within the realm of his spiritual responsibilities as well as his public and moral responsibilities. He traveled to numerous and varied places in the world and touched the lives of individuals in a remarkable way.

His actions inspired greatness in those who serve the public. He was instrumental in the election of the first black mayor of Kansas City, the first black U.S. Congressman from the Fifth Congressional District of Missouri, and for me being the first woman to serve the Fifth Congressional District in the U.S. Congress. Rev. A.L. Johnson was a true friend who believed in me and counseled me. He could, in his quiet way, comment on an issue with just a few motivating words which resonated in my soul and encourage and inspire me to continue the tough fight for the people of the Fifth Congressional District and this great nation.

His family and congregation allowed him to follow his second calling, that of a public servant. Although holding no elected or appointed

office, he served our community with distinction on various boards, commissions, and task forces locally as well as nationally. He served as Chairman of the Permanent Organization Committee of the National Baptist Convention of America, Inc.; past Chairman of the Board of Operation PUSH; former national board member of the NAACP; past President of the Baptist Ministers Union; past President of the General Baptist State Convention; board member of Freedom, Inc.; and Treasurer of the Sunshine District Association.

He was the Pastor of Zion Grove Baptist Church in Kansas City, Missouri from 1964 until his retirement in 1997. Upon retirement he continued to serve as Pastor Emeritus. He was a man of tremendous faith, vision, and character. Reverend Johnson's leadership in our community utilized his faith and vision to lift us all up. I ask the House to join me in expressing to his family our gratitude for sharing this great man with us, and to accept our condolence for their tremendous loss which we share. Mr. Speaker, please join me in expressing our heartfelt sympathy to his wife, Flossie, his five sons and five daughters, and his many relatives.

PUERTO RICO-UNITED STATES BILATERAL PACT OF NON-TERRITORIAL PERMANENT UNION AND GUARANTEED CITIZENSHIP ACT

HON. JOHN T. DOOLITTLE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 26, 2000

Mr. DOOLITTLE. Mr. Speaker, I have long been concerned about threats to the American taxpayer and to our Constitution. Today I address an ongoing and significant threat to both. The issue involves the status of Puerto Rico.

For too long the American public has been misled about how Puerto Rico's commonwealth status affects them. Most Americans seem to tolerate Puerto Rico's present relationship with the United States because they do not realize the direct harm it causes, including to Puerto Rico itself.

Mr. Speaker, the truth is that Puerto Rico's commonwealth status is a drain on the American taxpaying public. Its status is an affront to our constitutional system of government. And, though it is hard to imagine, the leading proposal to continue and to enhance the current commonwealth status is even more offensive.

First, the residents of Puerto Rico do not pay one dime in federal income taxes, yet collect roughly $11 billion annually in federal subsidies including massive welfare payments. This fact alone should offend all taxpaying Americans. At a time when Americans are working longer and harder to provide for their families, it is outrageous that we are shipping $11 billion of their hard-earned tax dollars to Puerto Rico and getting demands for more benefits in return.

Second, the subsidy to Puerto Rico is likely to remain as long as it retains its commonwealth status. Under commonwealth, Puerto Rico has become home to a poor population that is losing ground compared to the mainland. Indeed, half of the island's residents receive food stamps—a rate considerably higher than the poorest of our 50 states. Mr. Speaker, we passed welfare reform in 1996 because we said the poor and out-of-work in America needed some ''tough love.'' This policy has proven successful; it is time to implement it in Puerto Rico.

Third, the residents of Puerto Rico, even though they are U.S. citizens and mostly educated in public schools that receive large federal education funding grants, do not have access to a public English language education. Instead of diversity and respect for local heritage along with our common heritage in the United States, under decades of profoundly misguided federal and local policy we are allowing the creation of a Quebec-like enclave of linguistic separatism in Puerto Rico.

According to the Census Bureau, only 25 percent of Puerto Rico's population is fluent in English and another 25 percent is only somewhat fluent. This percentage has not risen in years. English is the language of our nation and it is the language of global economic opportunity, which is why the wealthy in Puerto Rico send their kids to private schools that teach in English. As long as one dollar of federal funds is going to Puerto Rico we should require an end to the linguistic segregation of students in the public schools of Puerto Rico.

Other facts demonstrate the cultural divide under commonwealth. For example, four times as many residents of the island consider themselves ''Puerto Ricans'' as opposed to ''Americans''. Yet 95 percent vote to retain U.S. citizenship. We need to end this ''have it both ways'' relationship and be honest about Puerto Rico's status. In my congressional district alone, I know many individuals whose ancestors have come from Ireland, Germany, Mexico, and all over the globe, but I know they consider themselves to be Americans first.

Recent developments in Vieques cast further doubt on the wisdom of the current commonwealth with the United States. For the first time, American servicemen and women are being denied critical training exercises on U.S. soil. We all regret the recent accident that took the life of a civilian employee working for the Navy, but if we are truly serious about protecting lives, we will continue live-fire training there so that our American military personnel are fully prepared for battle. Instead, we are paying an inordinate amount of attention to an extreme overreaction to any U.S. military presence on the island by a population that relies on that military to keep them free.

These are the facts about Puerto Rico. They might not be politically correct, but they are the truth. I share them today, Mr. Speaker, because I believe it does the American people and the residents of Puerto Rico a great disservice to perpetuate the fiction that Puerto Rico's federally subsidized commonwealth status can continue indefinitely.

I have little doubt that, if fully armed with the facts, the American people would overwhelmingly oppose continued commonwealth status for Puerto Rico. But like a doctor who treats a bad reaction with a double dosage of the same bad medicine, the leaders of the procommonwealth party in Puerto Rico are now proposing an ''enhanced'' commonwealth status that gives Puerto Ricans more rights and even fewer responsibilities.

This enhanced commonwealth proposal, Mr. Speaker, is an outrage that should be swiftly and forcefully rejected by this Congress. This change would not only continue to take advantage of American taxpayers, it would violate the United States Constitution. Article IV, Section 3 of the Constitution states that, ''Congress shall have Power to dispose of and make all needful Rules and Regulations respecting the Territory or other Property belonging to the United States.'' Read in conjunction with the Supremacy Clause of Article VI, the Framers of our Constitution could not have been clearer as to the proper sovereign of U.S. territories. In short, it is the Congress that has sole authority under our Constitution to make all laws and regulations with regard to Puerto Rico. Any proposal that asserts or promises otherwise is irresponsible and plainly unconstitutional.

And, yet, the formula to enhance commonwealth being proposed plainly asserts that the Territorial Clause of the U.S. Constitution does not apply to Puerto Rico now or in the future. It does so without identifying the source of constitutional authority for Congress to abdicate its territorial powers through statute and to conduct a ''bilateral'' relationship with the ''nation'' of Puerto Rico. Mr. Speaker, this is not ''union'' at all under the Constitution. It represents a treaty-based form of free association, despite the fact that Congress already has determined that free association is terminable at will by either party, not permanent. Under such a formula, U.S. sovereignty, nationality, and citizenship would be terminated at once.

To continue or, worse yet, to somehow ''enhance'' this fraudulent relationship with Puerto Rico will only lead to increased resentment on both sides. Consider the anti-death penalty demonstrations taking place today on the island. The majority of Puerto Rico's residents not only disagree with mainland Americans' support for the death penalty, they even object to U.S. officials applying capital punishment for federal crimes committed within Puerto Rico. This is another example, Mr. Speaker, of the desire to have it both ways under commonwealth. Commonwealth proponents want binding permanent union, guaranteed U.S. citizenship, and an uninterrupted stream of federal assistance, but do not want to be bound by federal capital punishment for federal crimes. Enough is enough.

Mr. Speaker, I think the majority of the American people would agree with me and reject both the current and proposed commonwealth status for Puerto Rico. It is about time they were given the opportunity to do so. They should have the opportunity to make their voices heard through their elected representatives. This can only happen if we have a legislative vehicle upon which to begin this debate.

The legislation I am introducing today will provide that vehicle. It is the ''United States–Puerto Rico Bilateral Pact of Permanent Union and Guaranteed Citizenship Act.'' This bill would implement under federal law the ''Proposal for the Development of the Commonwealth of Puerto Rico'' as adopted by the Governing Board of the Popular Democrat Party of Puerto Rico. It would permit Puerto Ricans to continue to receive government handouts without having to pay income taxes. It allows for separate Puerto Rican and American cultures, including different languages. And it would grant to Puerto Rico the authority to negotiate international agreements.

I am introducing this bill today with the intention that it never becomes law. I do hope, however, that this bill will provoke an honest

discussion of Puerto Rico's future and the truth about its current status.

IN HONOR OF JAMES MASTANDREA

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, June 26, 2000

Mr. KUCINICH. Mr. Speaker, I rise today to give honor to James Mastandrea, who has received the George B. Davis award for service to Cleveland State University. He has been a tireless supporter of this institution and has dedicated himself to its growth and advancement.

Mastandrea, a current resident of Cleveland, received his bachelor's degree from the College of Business Administration in 1970. Mr. Mastandrea is recognized for his long and distinguished career in real estate, including his management of several firms in Illinois and Ohio. He has been the top executive of Midwest Development Corporation, First Union Real Estate, Triam Corporation, and Continental Homes of Chicago, Inc. He was also the vice president of Continental Bank as well as financial analyst of Mellon Bank. Since 1998, he has been the chairman and chief executive officer of Eagle's Wings Aviation Corporation, a private investment group.

Mr. Mastandrea's continuous and generous support of Cleveland State University began during his undergraduate years at the University. It was during these first years at Cleveland State where he organized the Student Economics Club and served as its president. Currently, Mr. Mastandrea is a director on the Cleveland State University Foundation and the chairman of its Nominating Committee. In addition to these many contributions, he also chairs the College of Business Visiting Committee, has served on the search committee for a business dean, and devoted many hours to the College's strategic planning process.

Let us join Cleveland State University as they honor Mr. James Mastandrea for his many contributions to the University.

HONORING THE DALAI LAMA

HON. CHRISTOPHER COX

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 26, 2000

Mr. COX. Mr. Speaker, today I join the Taiwanese-American Community of Southern California in welcoming His Holiness the Dalai Lama. His Holiness' speech on ''Love, Compassion and Universal Responsibility'' is certain to motivate and inspire this historic gathering.

In 1991 Congress passed a resolution stating that Tibet is an occupied country whose true representatives are the Dalai Lama and the Tibetan Government-in-Exile.

Forced to flee brutal repression in his homeland, the Dalai Lama is now living in enforced exile. Although the Dalai Lama has repeatedly stated that he seeks only autonomy and not the independence that his people so rightly deserve, the Communist Chinese dictatorship refuses to negotiate. And yet the Dalai Lama continues to exhort his followers to adhere to the Buddhist principle of nonviolence. His message of hope and freedom through non-violence is an inspiration to us all.

We must never forget the suffering that the people of Tibet have been forced to endure. The government of the People's Republic of China should be held accountable for the immense damage that has resulted from its invasion and occupation of Tibet. The almost complete destruction of Tibet's unique cultural treasures, the attempt to eradicate the Buddhist religion, and the intense repression has never been adequately redressed.

I know I speak for all the Members of this House who voted for freedom in Tibet when I say we welcome His Holiness and look forward to the day when Tibet is free and its people can express themselves without fear. We will look back on these meetings and know that the cause of freedom was advanced and that we did the right thing to stand by His Holiness the Dalai Lama's side.

CHURCH PLAN PARITY ACT

HON. SHERROD BROWN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, June 26, 2000

Mr. BROWN of Ohio. Mr. Speaker, as you know, the Commerce Committee shares jurisdiction over this legislation to the extent it pertains to state regulation of the health insurance market.

Church plans provide health benefits for many clergy and laypeople across the country. They represent a wide range of denominations.

Current law has created some uncertainty regarding the regulatory authority under which church plans operate.

This bill, which the Senate has already passed, clarifies the legislative language so that State Insurance Commissioners, Federal Regulators, and Church Plan Administrators can do their respective jobs with certainty.

I am pleased that the National Association of Insurance Commissioners and Church Plans, with the assistance of federal regulators, have been able to reach a compromise on this matter.

By clarifying the various roles each party plays, I hope this bill reinforces the success church plans have achieved in providing reliable, high quality health coverage to their enrollees.

CHAMPION ''TOPHER'' BARETTO

HON. ROBERT A. UNDERWOOD

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Monday, June 26, 2000

Mr. UNDERWOOD. Mr. Speaker, it is in the spirit of tremendous pride that I take the time to pay tribute to Christopher ''Topher'' Crisostomo Baretto from my island of Guam. Topher is a champion in many ways. He is a great young man and he comes from a champion family led by his parents, Carlos and Marie Baretto. And he is also a champion in the personal watercraft circuit. He has won numerous awards and has finished at the top of his sport in many local, national and international events. In 1998, he won the International Jet Sports Boating Association championship in Lake Havasu City, Arizona. He will be bringing honor to himself and our island community for years to come.

He currently is in the middle of the U.S. National Water Cross Tour and is currently ranked second in his class. He will compete in San Diego this weekend and the next race will be in Rochester, New York on July 8. As Topher pursues his sport, he rides the waves not only for medals and recognition, but for Guam. He is being sponsored in his tour by the Bank of Guam and the Guam Visitors Bureau. He proudly represents his home island and he is meeting with Guamanian communities throughout the nation to build support for his endeavors. Organizations like the Sons and Daughters of Guam Club in San Diego have welcomed him enthusiastically as he carries the Guam banner on land and in the water.

Go Topher!

IN HONOR OF THE HONORABLE EDWARD L. THELLMANN

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, June 26, 2000

Mr. KUCINICH. Mr. Speaker, I rise today in recognition of the Honorable Edward L. Thellmann upon receiving the Civic Leadership Award from Cleveland State University. Mr. Thellmann has developed an outstanding leadership style, and he has devoted his life to public service.

Graduating from Cleveland's West Tech High School, Edward currently sits in the schools alumni Hall of Fame. In 1959 he received his Bachelor of Arts Degrees from Cleveland State University College of Arts and Science. Edward had made these two alma maters proud by his inspirational civil leadership.

Having served Walton Hills for 13 years as the city's honorable mayor, Edward Thellmann has contributed greatly to his community. In addition to this service, he was also President of the Cuyahoga County Mayors and City Managers Association. This remarkable position enabled Edward to have an impact on the entire Northeast Ohio area. Furthering this objective still, he was also the vice president of the Greater Cleveland Regional Transit Authority (RTA) Board of Trustees.

I ask my fellow colleagues to join me in applauding and honoring Mr. Edward L. Thellmann for his lifetime of service, dedication and leadership.

EAST 79TH STREET NEIGHBORHOOD ASSOCIATION

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, June 26, 2000

Mrs. MALONEY of New York. Mr. Speaker, please submit the following article into the RECORD.

EAST 79TH STREET NEIGHBORHOOD ASSOCIATION GOES TO WASHINGTON!

(By Deborah de Bauernfeind)

On Tuesday, October 19, 1999, 11 members of the Association embarked on a two-day trip to Washington, DC. The Association works closely with elected officials on quality-of-life issues, transportation matters, building preservation, and zoning regulations. We were particularly interested in getting a first-hand feel for how Congress works. To accomplish this, our Congresswoman, Carolyn Maloney, met with our group in a Rayburn House Office Building Hearing Room for a 30-minute discussion of our issues. Assisted by a note-taking staff member, Congresswoman Maloney fielded our questions and concerns regarding the Second Avenue Subway; the inadequacies of our bus service; our zoning battle to keep East 76th Street and other midblocks under R8B, requiring low density and low height; the rising cost of health insurance; and the necessity of maintaining rent control and rent stabilization laws. Following a productive discussion, we were privileged to sit in the Visitor's Gallery of the House of Representatives where we heard the Congresswoman from Hawaii discuss the gender equity bill, sponsored by Congresswoman Maloney. We also sat in the Visitor's Gallery of the United States Senate Chamber. We heard a portion of the debate on the bill outlawing ''partial birth'' abortions, which was passed the next day.

Congresswoman Maloney's office arranged for us to have a tour of the Capitol Building that afternoon. What a thrill it was to walk through the labyrinth of Minton-tiled corridors, rubbing shoulders with legislators who have the ability to change the course of history. While the legislators deal with our Nation's future, the history of our country abounds in every corner of the Capitol Building. Congress has been housed there since 1800. The current chamber of the House was completed in 1857, and the current Senate chamber was completed in 1859. One can feel the presence of John Adams in the National Statuary Hall. The House used to meet in the space. The acoustical design allowed Adams to sit in one area of the hall and listen to conversations on the opposite end of the room while he acted as though he was dozing. It kept him well informed! The cast-iron dome of the Capitol was completed in 1863. It weighs about nine million pounds. No building in Washington, DC is allowed to be higher than the Statue of Freedom, which tops the dome. The Rotunda is the heart of the Capitol. Prominent Americans have lain in state there, including Abraham Lincoln and John F. Kennedy. A frieze depicting over 400 years of American history encircles the Rotunda. In addition, there are eight paintings covering the discovery and colonization of America, as well as illustrations of scenes from the American Revolution.

Our day concluded with dinner in the Congressional Dining Room. Arranged by Association President Betty Cooper Wallerstein, we were seated at a table set for 11 and were pampered by the dining room staff. Several members of Congress came to our table to introduce themselves. It was a wonderful way to end our stay.

The five-hour bus ride back to New York City provided ample time for us to reflect on everything we saw. It's difficult to determine which sight was the most compelling. The sense of history is everywhere. Being on the steps of the Capitol where Presidential Inaugurations have taken place since 1801 or being in the East Room at the White House and seeing Gilbert Stuart's 1797 portrait of George Washington, which has hung in the White House since 1800—both experiences are moving. And, being told that Civil War troops were quartered in the East Room makes the space seem quite alive. The corridors of the White House are lined with portraits of Presidents and First Ladies. The last portrait one sees when leaving is of John F. Kennedy, our slain President, with his head bowed. Memories abound. On the White House grounds is a magnolia planted by Andrew Jackson. George Washington selected the site for the White House, and it was Thomas Jefferson who began the tradition of opening the White House to the public each morning. It's exciting to be beneficiaries of this practice, but it was the Congressional letter from Congresswoman Maloney that admitted us since White House functions the morning we went restricted visitation.

Memorials dot the Washington landscape. We toured six of them in the evening light, which provided a meditative atmosphere. At the Lincoln Memorial one is reminded of his legacy to freedom while reading inscriptions of the Gettysburg Address and Lincoln's Second Inaugural. The Thomas Jefferson Memorial highlights his beliefs in human liberty. And, the Franklin Delano Roosevelt Memorial, comprised of four outdoor galleries, includes Roosevelt's words of courage and optimism etched in red South Dakota granite. But, it is at the war memorials where one is vividly reminded of the blood shed by individuals to uphold freedom around the world. Inlaid in silver in a granite wall near the Pool of Remembrance at the Korean War Veterans Memorial are the words ''Freedom Is Not Free''. Life-size sculptures of soldiers surrounding the 60-foot flagstaff at the Vietnam Veterans Memorial contrast the soldiers' youth with the weapons of war which they hold, underscoring their level of sacrifice. And, tension and valor can be felt in the depiction of the men raising the American flag on Iwo Jima. But, their victory was short-lived. Three soon died in combat.

Our ''responsibilities as citizens of a democracy'' continued to be reflected upon during our visit to the United States Holocaust Memorial Museum. It was a solemn and emotional experience. One hopes the eternal flame of remembrance will preserve the memory and encourage reflection ''upon the moral and spiritual questions raised by the events of the Holocaust''.

The Association went to Washington to get a feel for the workings of government and for a dialogue with Congresswoman Maloney. We came away with a feeling that there are channels for our opinions. We also felt a tingle of pride in being Americans. The struggle for freedom and the preservation of it to this day is so evident in our Nation's Capital. Our trip experiences reminded us that this legacy to freedom is one of the most enduring birthrights Americans possess.

TRIBUTE TO MR. RICHARD L. KOWALLIK OF MADISON, ALABAMA

HON. ROBERT E. (BUD) CRAMER, JR.

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 26, 2000

Mr. CRAMER. Mr. Speaker, I would like to take this opportunity to recognize Mr. Richard Kowallik of Madison County, Alabama for his many years of outstanding service to the U.S. military and his community. On the occasion of his retirement from the United States Army Space and Missile Defense Command, I stand today to applaud his 34 years of loyal service.

Mr. Kowallik has risen through the ranks of the SMDC currently serving as Division Chief for the Acquisition Management Division of the Contracting and Acquisition Management Office. He has achieved distinction in his field as he is a member and a fellow of the National Contract Management Association and a certified professional contract manager of the National Contract Management Association.

A native of Indiana, Mr. Kowallik has made Alabama his home and will remain there after his retirement. He has taken an active role in his community serving on the Board of Directors for the Optimist Club and Ducks Unlimited and I imagine during his well-deserved ''rest'' he will continue to be a leader in civic organizations.

I join his family, his wife Dee, his daughter Tammy, his son-in-law Steve and grandsons Tyler and Cameron, friends and co-workers in congratulating him on a job well done. On behalf of the people of Alabama's 5th Congressional district, I want to express my gratitude to Richard for his extraordinary service to our community and our nation.

CONGRATULATING THE MEMBERS OF BRAVO COMPANY, 1ST BATTALION, 186TH INFANTRY, OREGON ARMY NATIONAL GUARD

HON. GREG WALDEN

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Monday, June 26, 2000

Mr. WALDEN of Oregon. Mr. Speaker, I would like to take this opportunity to congratulate the members of Bravo Company, part of the 1st Battalion, 186th Infantry of the Oregon Army National Guard, who just returned from service in the Middle East as part of Operation Southern Watch.

The 115 members of Bravo Company have completed 180 days of service in support of the NATO peacekeeping mission in southwest Asia. Deployed to aid in the mission of the United States Army Forces Central Command—Saudi Arabia, these citizen soldiers of Oregon served with the dedication that Americans have come to expect from those who wear the uniform of our armed forces.

The deployment of the soldiers of Bravo Company marks the first time a combat infantry unit from the Oregon Army National Guard has been called to service since World War II. Like their predecessors, they performed their duties with a firm understanding of the gravity of their mission and a sense of devotion that would make any unit proud.

Bravo Company follows a long line of dedicated Oregonians who have served their nation in the armed forces both at home and abroad. The members of this outstanding outfit have continued that tradition proudly and without reservation. As they return to the lives they left behind when they answered their country's call, each of these soldiers can do so with the satisfaction that comes after a job well done.

On behalf of a nation grateful for their service, I'm proud to say welcome home to the members of Bravo Company.

IN HONOR OF MARK K. KEVESDY

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, June 26, 2000

Mr. KUCINICH. Mr. Speaker, I rise today to honor Mr. Mark K. Kevesdy upon receiving the Alumni Emerging Leadership award from Cleveland State University. Mr. Kevesdy is a dedicated and gifted teacher and is being recognized for his exceptional leadership skills in his profession and in his community.

Mr. Kevesdy, a current resident of Bay Village and a teacher at Big Creek Elementary School in Berea City School District, received his bachelor's degree from the College of Education in 1992. Mr. Kevesdy is the leader of a multi-age team of three teachers that works with over eighty children in grades three through five. Mr. Kevesdy, an exceptional leader, is in charge of his 847-student building, a position which requires his leadership when the principal is absent. He and a colleague have published a book entitled ''Creating Dynamic Teaching Teams in Schools.'' In addition to this tremendous feat, he has also served as a staff development trainer for other teachers on multi-age teaching and teaching teams, both inside and outside of the Berea district.

Perhaps Mr. Kevesdy's greatest accomplishment is his quality teaching. He is a gifted communicator and works hard to make learning come alive for his students. He tries to give his students a well designed academic program in a warrn and encouraging environment, while at the same time making the learning relate to real life situations.

Fellow colleagues, please join me in honoring Mr. Kevesdy and the tremendous dedication and devotion that he has shown to his profession.

WITHDRAWING APPROVAL OF UNITED STATES FROM AGREEMENT ESTABLISHING WORLD TRADE ORGANIZATION

SPEECH OF

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 21, 2000

Mr. STARK. Mr. Speaker, with the Senate's impending vote to grant China permanent normal trade relations, and its anticipated passage, I oppose H.J. Res. 90, to withdraw Congressional approval of the agreement establishing the World Trade Organization (WTO). Relinquishing annual review of China's normal trade relations status leaves the WTO as our last resort to ensure that China abides by its agreements. Unfortunately, our means of last resort is unreliable and serves the interests of multinational corporations over the interests of consumers, workers and the environment. While I oppose the resolution before us today, I am far from offering my support of the world body that is supposed to serve U.S. interests.

The biggest problem with the WTO is the way in which the U.S. and our trading partners have developed a narrow definition of trade. Trade encompasses labor, environmental standards, and consumers as well as the industries that manufacture the products for trade. It is high time that the WTO, with strong U.S. leadership, take into account the interests of the environment, consumers, workers and the oppressed when making the rules for trade. The WTO is in desperate need of reform. The U.S. is the largest beneficiary of trade. Meaningful reform will occur when the U.S. insists on meaningful reform in trade negotiations and in the world body that enforces the trade agreements.

Under Article XX(b) of the General Agreement on Tariffs and Trade (GATT), a WTO member country may defend its environmental policy if it is ''necessary to protect human, animal or plant life and health.'' But in two cases—the Tuna-Dolphin and the Shrimp-Turtle cases—the WTO ruled that U.S. statute to prevent import of tuna or shrimp from countries that do not comply with U.S. law to protect dolphins and turtles, is in violation of the international trade agreement. Clearly, this exception clause is ineffective. The goal of the WTO must be to strengthen global environmental standards, not weaken them.

Many developing countries have traditionally excluded food and medicine from their intellectual property rights laws in order to ensure that these basic necessities are accessible and affordable and not subject to private monopoly control. Under the WTO's Trade Related Aspect of Intellectual Property (TRIPs), however, corporations are able to maintain a 20-year monopoly on patents that are often funded through public sponsorship such as the medications to treat AIDs. The United Nations Development Program (UNDP) criticized the TRIPs Agreement in its 1999 Human Development Report. UNDP has determined that TRIPs rules prevent developing countries from obtaining the seeds for crops and prevents them from manufacturing affordable medicines. Corporations or individuals in industrialized countries currently hold 97 percent of all patents worldwide. While the developed world holds the majority of these patents, 95 percent of the AIDs victims reside in the developing world. Those who hold the patents hold a greater interest and influence in the proceedings of the WTO, while those who need the patents are not represented at all. Clearly, this is unfair and reforms are needed to correct this harmful unbalance in representation.

The developed world makes the rules. The developed world must start to make these rules with the suffering of billions of fellow humans in mind. It will take the leadership of the United States to make consumers a priority when reforming and creating the rules under which we trade. We must give a voice to the voiceless. We can do this by continuing our membership in the World Trade Organization and seeking to change that organization.

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

SPEECH OF

HON. DENNIS MOORE

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 14, 2000

The House in Committee of the Whole House on the State of the Union had under consideration the bill, (H.R. 4577) making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2001, and for other purposes:

Mr. MOORE. Mr. Chairman, I rise to express my grave concern with the bill before us today. This bill critically underfunds important national priorities that are too numerous to mention.

Many Members of this House have expressed their concern about the Federal Government's chronic failure to meet its commitment to special-needs kids. Yet, this bill provides just $6.6 billion in funding for special education, $514 million over last year's funding but far short of the $16 billion-plus we need to fulfill this longstanding commitment to our most vulnerable children.

Mr. Chairman, I have a school in my district where exposed wires dangle from the ceiling, and rainwater seeps over those wires, but this bill provides no funds to repair collapsing schools. Never mind that more than 200 of my colleagues have heeded the call of their school districts, who are begging for assistance repairing schools.

53.2 million kids—a national enrollment record—started school in 1999 and 2.2 million teachers will be needed in the coming years to teach them what they need to know. The teacher shortage is an imminent national crisis, yet this bill includes no funds to continue the class size reduction initiative that is putting 100,000 new teachers in our schools.

Mr. Chairman, we know that quality early childhood programs for low-income children can increase the likelihood that children will be literate, employed, and educated, and less likely to be school dropouts, dependent on welfare, or arrested for criminal activity. This bill, however, cuts the President's request for Head Start by $600 million, which denies 53,000 low-income children the opportunity to benefit from this comprehensive child development program.

Tragically, our country has become desensitized to school violence, accustomed to reports of shootings in schools. School shootings are no longer front page news. Yet, this bill eliminates assistance for elementary school counselors that serve more than 100,000 children in 60 high-need school districts that could intervene and identify troubled kids before they harm themselves, their classmates or their teachers.

Earlier this week, I supported a bill to relieve the estate tax with great reservation. I have long been a supporter of responsible estate tax relief that maintains our national commitments—paying down the national debt, protecting Social Security and Medicare, and supporting important domestic priorities such as the ones I have listed here. The leadership of this House, however, gave us one vehicle for estate tax relief, and I supported it with the hope that the Senate and the conference committee will craft a fiscally responsible compromise.

Today, however, I am faced with this bill that turns its back on our Nation's number one priority—our kids. The leadership of this House expects a veto of this irresponsible bill. I am voting against this bill today and I ask my colleagues to do the same. We then can return to the drawing board and craft a fiscally responsible bill that reflects our priorities as a nation.

TRIBUTE TO DEBBIE WILDE—ATHENA AWARD RECIPIENT

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Monday, June 26, 2000

Mr. McINNIS. Mr. Speaker. It is at this moment that I would like to congratulate Debbie Wilde for receiving the ATHENA Award, in recognition of her commitment to helping women reach their full leadership potential. Mary is currently the director of Garfield Youth Services and her professional accomplishments, community efforts and youth activities deserve the recognition of this body.

Mary has played an important role in Garfield Youth Services' road to success. During her time with the organization, GYS has seen a tremendous growth in their staff and their membership. Currently, the youth organization provides more than 10 programs in which area youth and parents play an active role. One of Mary's most notable undertakings is the ''Kiss-A-Pig'' Contest, a contest that has seen an increase in proceeds for the organization from $3,000 to $100,000.

Mary has not only been instrumental in developing the Garfield Youth Services into a renowned organization, but she has also been very active in other facets of her community. As a resident of Glenwood Springs, Colorado, Mary involves herself in church, school, and various recreational activities. She believes it is important to ''be a servant'' and credits her devotion and faith as the backbone to her public service.

It is with this, Mr. Speaker, that I congratulate Mary for receiving the ATHENA Award and I commend her on her public involvement. It is a real pleasure to honor people of Mary's character. We are all very proud of you, Mary. Congratulations!

GEORGE PALKO

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, June 26, 2000

Mr. KUCINICH. Mr. Speaker, I rise today in honor of Mr. George Palko upon receiving the Alumni Emerging Leadership Award from Cleveland State University. Mr. Palko is being recognized for his great engineering work and for his dedication as a educator at the Cleveland State University.

Mr. George Palko earned a bachelor's degree in civil engineering from the Fenn College of Engineering in 1988 and a master's of business administration from the College of Business Administration in 1993. Mr. George Palko is currently a resident of North Royalton.

Mr. George Palko has been engaged in the Cleveland State University's cooperative education program through which he has received training at the Great Lakes Construction Company. Upon graduating from college, Mr. Palko continued working for the Great Lakes Construction Company. As an in-house engineer and project engineer, Mr. Palko worked on many projects in the city of Cleveland. He has been superintendent of many ODOT projects, including the construction of interstate 90. In August 1997, Mr. Palko became president of the Great Lakes Construction Company.

Since Mr. Palko became president of the Great Lakes Construction Company the number of co-op students that the firm employs has quadrupled. In addition, Mr. Palko is teaching Construction Planning and Estimating at the Cleveland State University's Civil Engineering Department and he is a member of the College of Engineering's Visiting Committee.

Mr. Speaker, I know that my colleagues will join me in honoring Mr. Palko's impressive career and wish him all the best as he continues his work.

PERSONAL EXPLANATION

HON. LUCILLE ROYBAL-ALLARD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 26, 2000

Ms. ROYBAL-ALLARD. Mr. Speaker, due to a family health emergency, I was unable to be present for rollcall votes 292 through 321. Had I been present, I would have voted ''yea'' on rollcall votes 292, 293, 294, 296, 297, 298, 300, 301, 304, 307, 313, 315, 316, 317, 318, 319, 320 and ''nay'' on rollcall votes 295, 299, 302, 303, 305, 306, 308, 309, 310, 311, 312, 314, and 321.

CHURCH PLAN PARITY

HON. J.C. WATTS, JR.

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 26, 2000

Mr. WATTS of Oklahoma. Mr. Speaker, today I support S. 1309, the Church Plan Parity and Entanglement Prevention Act. The purpose of this legislation is to clarify the status of church plans under state law and the status of a church welfare plan as a plan sponsored by a single employer. It also addresses the problem of health insurance issuers refusing to do business with church plans because of concern that church plans could be classified as unlicensed entities.

Most major religious denominations in the United States have established health, disability and pension plans for the employees of churches and church-controlled institutions. These church plans provide benefits that are critical to the welfare of the clergy and lay workers of each denomination. All Americans should have access to a viable health insurance plan. Just as the clergy plays a vital role in maintaining the spiritual health and well-being of our nation, it is equally important for us to give churches the tools they need in order to maintain the physical health and well-being of their clergy.

It is imperative that we pass this much needed piece of legislation. Therefore, I urge my colleagues to join me today in supporting and preserving church health plans.

HONORING THOM PEABODY, L.S. WOOD TEACHER OF THE YEAR

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Monday, June 26, 2000

Mr. McINNIS. Mr. Speaker, I would like to take a moment to honor Thom Peabody, a man that has devoted his life to the community and to teaching. Mr. Peabody has been named the L.S. Wood teacher of the year. In recognition of this outstanding achievement, I would like to pay tribute to him today.

Mr. Peabody has been a seventh grade science teacher at the Riverside School, in Glenwood Springs, Colorado, for twenty years. His enthusiasm for teaching is apparent when you only look at his students, and you see how much he has affected their passion for learning. One former student, Audrey Hughes, recalls Mr. Peabody in this way: ''Mr. Peabody is an inspiration to me and many others as a teacher, coach, and a personal role model. This seventh grade science teacher had a way of teaching the material in an exciting, interesting way that made learning easy. Students have a great deal of respect for this man because he shows respect for them. Mr. Peabody emphasizes how hard work and perseverance pay off in the end and how education is a crucial part of life. Mr. Peabody is an example of the person I hope to become someday. He has touched so many lives and means so much to all that know him. I feel privileged to have had this man as such a large part of my life. Mr. Peabody is truly my hero''.

After 20 years of dedicated service, Thom recently retired. Students, staff and the community will miss this man who has touched their lives in so many ways. During his tenure, he went above and beyond the teachers call of duty, serving his community and its youth well.

It is with this, Mr. Speaker, that I would like to pay tribute to Mr. Peabody and his efforts to make his community a better place to live. We are all grateful for his service.

WILLIAM DENIHAN

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, June 26, 2000

Mr. KUCINICH. Mr. Speaker, I rise today in honor of Mr. William Denihan who is being awarded by Cleveland State University with the Alumni Award for Civic Achievement. Mr. Denihan is being recognized for his community leadership and his dedicated work for the betterment of his community.

People call Mr. Denihan a ''leader's leader'' because of his ability to anticipate major issues, to work as a ''change agent'' and conduct constructive process in order to handle major issues. For the past twenty years, Mr. Denihan has helped many prominent public leaders in Cleveland, Cuyahoga County and Ohio solve the toughest public problems.

Mr. Denihan has been selected by the Board of Cuyahoga County Commissioners to serve as executive director of the Department of Children and Family Services. Previously, Mr. Denihan has been appointed by Cleveland's Mayor Mike White to be Police Chief and Director of Public Safety. Former Governor Richard Celeste appointed Mr. Denihan to be director of the Ohio Department of Natural Resources.

Throughout his career, Mr. Denihan has been director of the city's Department of Public Safety and the Ohio Department of Highway Safety, chairman of the Nuclear Power

Emergency Evaluation Committee, director of the Ohio State Employment Relations Board and Cuyahoga County personnel director.

Furthermore, Mr. Denihan is serving on the advisory boards of the Levin College's Local Officials Leadership Academy and Public Works Management Program.

Mr. Speaker, I know that my colleagues will join me in honoring Mr. Denihan's tremendous career and wish him healthy and productive continuation of his career.

CONGRATULATIONS ON THE COMPLETION OF THE HUMAN GENOME PROJECT

HON. SHEILA JACKSON-LEE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, June 26, 2000

Ms. JACKSON-LEE of Texas. Mr. Speaker, today I recognize the tremendous accomplishment of our world's scientific community under the leadership of the United States' private and public research resources at their completion of the historic Human Genome Project's mapping of human Deoxyribonucleic Acid (DNA).

The complete map of human DNA, which is a collection of 100,000 genes, marks the beginning of a new era for mankind. This momentous day may seem ordinary to those who do not know what the world was like without the wheel, penicillin, electric light bulb, radio, television, or computers. Because of the work done by the laboratories and researchers primarily in this country in conjunction with partners in other nations have completed the diagram for the human body's operating instructions.

Today, when the sun rose in the East the world was fundamentally no different than it had been from the start of the previous century. However, at the setting of the sun in the West, the world now has bold new horizons in human health improvements and medical breakthroughs, because of the President' announcement that the Human Genome Project had assembled a working draft of the sequence of the human genome.

Today's announcement means that 97% of the human genome is know know, which precedes the process of finding out what are proper and improper arrangements of DNA links for health persons. We know that keys to cures of dreaded human illnesses such as cancer, diabetes, and degenerative brain disorders reside in the DNA of human beings. However, along with the crippling physical debilitating conditions caused by spinal cord injury and brain trauma can now at long last not be seen as an end to promising lives.

I would like to make special mention of the contributions of Dr. Richard A. Gribbs and his colleagues at the Human Genome Project at the Baylor College of Medicine Human Genome Sequencing Center, located in the City of Houston, Texas. Through their collaborative work with hundreds of other researchers around the country the meticulous process was begun that created by concatenation cDNA sequencing the blueprint for human DNA. The blueprints for human DNA. The blueprints were reproduced in the form of clones that could represent segments of human DNA to create maps. After the study of sections of DNA the process has begun to understand how each of us is different. The critical questions of survival and death can be found in those links, which form human DNA.

More than anything else today's announcement gives each of us hopes that our children's tomorrow will be brighter than all of our yesterday's. We must be sure that we legislate the proper application of the medical achievements, which come from this effort, which must also remain within the reach of the poor of our nation. This goal should be a centerpiece of the continued federal support of the Human Genome Project and spin off medical technologies.

Therefore, I encourage my colleagues to join me in celebrating a momentous accomplishment and offering well wishes for the work, which must follow.

SUPERINTENDENT LARRY WILE

HON. FRED UPTON

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, June 26, 2000

Mr. UPTON. Mr. Speaker, it is my distinct pleasure to come today before this House and the American people to formally recognize and honor Superintendent Larry Wile of the Kalamazoo Regional Educational Service Agency for his 40 year dedication to educating Michigan's children. He has been a friend of mine and a steady friend of education. He has always had the interests of the students first.

Superintendent Wile began his career as a teacher and administrator in the Climax-Scotts Schools, a community in my district. This June, after 40 years of service, he will retire as Superintendent of the Kalamazoo Regional Educational Service Agency.

Larry Wile has had a distinguished professional life. He served as an administrator in Michigan's Comstock Public Schools. For twenty-eight years, he has served southwest Michigan first as the Assistant Superintendent and then Superintendent of the Kalamazoo Regional Educational Service Agency.

Mr. Speaker, I'm here to acknowledge Superintendent Wile as a brilliant example for many young Michiganders. Throughout his service, Larry Wile has exemplified leadership, perseverance, and above all, hopefulness for the future of our great country.

In addition to serving as an educator, Larry Wile has also served as the Chairman of three notable organizations: the State Association of Intermediate School District Administrators, the Regional Principal's Organization, and the Kalamazoo County School Officers Association. He continued his tradition of excellence as a member of the Kalamazoo County Chamber of Commerce Legislative Committee. Superintendent Wile personifies what it means to be a true public servant in today's society. For forty years, and indeed, his entire life, Larry Wile has shown a concern and a proactive attitude in regard to his community, a passion for instilling ethics and knowledge into his students, and ultimately, a love for his family.

Mr. Speaker, I believe I speak for every member of this Congress and all those who have been touched by Superintendent Wile's care and intellect when I extend to his wife Rosie, his children and grandchildren our congratulations and best wishes for a retirement filled with happiness and productivity. I now respectfully ask you to make these remarks a part of the permanent record of the Congress in order to ensure that future generations of educators, students, and the American public have the opportunity to be inspired by the contributions of Superintendent Larry Wile of Kalamazoo, Michigan.

TRIBUTE TO REVEREND MONSIGNOR CLYDE HOLTMAN

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, June 26, 2000

Mr. PAUL. Mr. Speaker, today I pay tribute to the Rev. Msgr. Clyde Holtman on the occasion of his retirement. The Reverend Holtman was born in Westphalia, Texas. He was also baptized, made his First Communion, was confirmed, was ordained to the priesthood May 15, 1949, and offered his first Mass in the Church of the Visitation in that same community.

Msgr. Holtman has served in eleven parishes in the Austin Diocese for over 50 years. He has also served as Dean of the LaGrange Deanery, Judge of the Marriage Tribunal, Diocesan Resettlement Director, Diocesan Consultant and President of the Infirm Priest's Fund.

On May 30, 1985, Msgr. Holtman was invested as a Prelate of Honor in the Church by Pope John Paul II.

Msgr. Holtman has touched thousands of lives in the central Texas area. I ask my colleagues to join me in congratulating Reverend Holtman on his retirement.

HONORING ROY AND JUDY TRIVETT

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Monday, June 26, 2000

Mr. McINNIS. Mr. Speaker, it is with personal privilege that I enter this tribute in acknowledgment of Roy and Judy Trivett, great Americans and superb business leaders.

The Trivetts' family business was recognized by the Greater Pueblo Chamber of Commerce as the Small Business of the Year. The Trivetts were recognized for their tireless efforts developing a successful electrical business. In 1994, the Trivetts started Royal Electrical from one room in their home. Today, Royal Electrical is a successful business with 23 employees and $1.5 million in gross revenues.

The depth of this family goes far beyond the business community. They have been equally active in trade and community organizations. Their company, in conjunction with Electrical Contractors, Inc., provides training for select employees, and they also work with Pueblo Community College providing various other types of training.

In addition, Roy is also the current President of the Rock Mountain chapter of the Electrical Apparatus Service Association, and both the Trivetts are active leaders in the Trinity Lutheran Church and serve on the board of the Rare Breed Foundation.

The people of Colorado have every right to be proud of the Trivetts. On behalf of the people of Colorado, I thank you both, Roy and Judy, for your hard work and service to the Pueblo community. We are all very proud of you.

IN HONOR OF KENNETH E. BROWN

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, June 26, 2000

Mr. KUCINICH. Mr. Speaker, I rise today to honor Kenneth E. Brown, a distinguished Ohio entrepreneur a former recipient of the Northern Ohio Live 1999 Award of Achievement for Neighborhood Revitalization.

Since graduating from the Levin College of Urban Affairs in 1989, Kenneth B. Brown founded Progressive Urbana Real Estate. As the broker and president of this self-financed enterprise, he transformed the one-person storefront in Tremont to a 21-agent, six-person staff in a renovated, company-owned building in Ohio City.

Kenneth Brown is being honored with the Alumni Special Achievement Award for his dedication and collaborative work in the Tremont Ridge Project. This undertaking uses the grid of the original 20-foot-wide housing lots plotted just after the Civil War to maintain the historic pedestrian nature of the neighborhood.

there are now 39 homes completed—bungalows and colonials priced between $130,000 and $150,000 and featuring elegant 10-foot ceilings, loft balconies, hardwood floors, fireplaces, two-story living rooms, above-ground English-style basements, and rooftop decks. When completed, Tremont Ridge will total 60 units, including townhouses and scattered sites. Kenneth Brown's commitment not only beautifies the city, but also allows neighborhoods to benefit from the project, with homeowners able to apply for interest-free loans to rehabilitates their own homes.

My fellow colleagues, please join me in honoring Kenneth E. Brown for his service to the community in maintaining a beautiful historical site.

PERSONAL EXPLANATION

HON. LUCILLE ROYBAL-ALLARD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 26, 2000

Ms. ROYBAL-ALLARD. Mr. Speaker, due to a family health emergency in Los Angeles, I was not present during the House's consideration of the VA, HUD and Independent Agencies Appropriations Bill, last week. However, I was recorded as voting on an amendment to this bill offered by Mr. COLLINS of Georgia. The mistake was fortunately caught by the diligent staff of the Minority Leader. Nevertheless, members should be aware that although the digital voting system used by the House of Representatives is very reliable, it is not perfect. I have been assured by both the Chairman of the Committee on House Administration and the Clerk's Office that they are thoroughly investigating the incident and that it does appear to be a true statistical anomaly which is unlikely to occur again. I would like to thank the Chairman and the office of the Clerk for their quick attention to this matter as well as the staff of the Minority leader, who first discovered this error and brought it to the attention of the Clerk. Finally, while I was mistakenly recorded as voting ''aye'' on the amendment, had I been present, I would have voted ''nay''.

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

SPEECH OF

HON. ROBERT A. BORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 21, 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. BORSKI. Mr. Chairman, I rise to support the Hinchey-Waxman amendment and to express my opposition to the anti-environment provisions contained in the bill and its report.

Mr. Chairman, it seems as though we go down this road every year—fighting riders and report language designed specifically to stop the Environmental Protection Agency from advancing the protection of human health and the environment.

Just a few short weeks ago, the Majority claimed to have adopted a policy of no anti-environmental riders in appropriations bills. Unfortunately for human health and the environment, this is not the case. Instead, the Majority has determined to place anti-environmental provisions in the Committee Report. This amendment is necessary to undo that harm.

Mr. Chairman, I am particularly concerned that the report accompanying this bill would prohibit EPA from removing contaminated sediments from rivers and lakes, even where such removal has been thoroughly studied and is the correct response. Contaminated sediments pose huge risks to human health and the environment.

Mr. Chairman, we all know that there are two sites that drive this issue every year—the Hudson River and Fox River—which are both heavily contaminated with PCBs.

This broad language will stop or delay cleanups not only at these two sites, but also at 26 other sites in 15 states. It is time to stop interfering with EPA protecting human health and the environment, and support the Hinchey-Waxman amendment.

Mr. Chairman, I also am deeply troubled by language in the bill that would prevent EPA from spending any money to advance the process of developing and implementing the program for Total Maximum Daily Loads, or TMDLs.

The TMDL program is the final phase of the Clean Water Act. It is the mechanism by which we will fulfill the promise made to the American public in 1972 to make the Nation's waters fishable and swimmable.

The opposition to the TMDL rule is badly misguided and fueled by an unwillingness to achieve water quality in a fair and timely manner. The TMDL process is the most effective, most rational, and most defensible way to achieve water quality. Let me describe it.

First, states identify those waters where the water quality standards that the states developed are not being met.

Second, states identify the pollutants that are causing the water quality impairment.

Third, states identify the sources of those pollutants.

Finally, states assign responsibility for reducing those pollutants so that the waters can meet the uses that the states have established.

We have made great improvements in water quality through the treatment of municipal waste and industrial discharges. But these point sources are no longer the greatest source of impairment. Nationally, the greatest problem is nonpoint sources, and now, nearly 30 years after the Clean Water Act, it is time for the states to get all sources of pollution to be part of the solution.

Mr. Chairman, while the TMDL process may be complicated in its execution, it is the most fair and efficient way to clean up the Nation's waters. The TMDL rule is not a perfect rule. Many have criticized it, including some in the environmental community. However, the majority of the environmental community supports going forward. The Association of Metropolitan Sewerage Agencies supports going forward. I am attaching letters that demonstrate this support. I hope that EPA does in fact move forward, and that the harmful language in the bill is eliminated.

Mr. Chairman, I urge support for the Hinchey-Waxman amendment and submit the following communications for the RECORD.

JUNE 19, 2000,

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

DEAR REPRESENTATIVE. On behalf of the organizations listed below, we are writing to you in strong opposition to an anti-environmental rider on the FY 2001 VA–HUD appropriations bill regarding the Clean Water Act's TMDL program, which may go to the House floor as early as today. Our organizations have consistently opposed all anti-environmental riders, and we urge you to oppose this and other such anti-environmental riders on appropriations bills this year.

The section of the VA–HUD Sub-Committee report, under EPA–Environmental Programs and Management, attempts to use a rider to interfere with EPA's rulemaking process and guidance on the Clean Water Act. Total Maximum Daily Loads (TMDLs) are part of the Clean Water Act's strategy for attaining and maintaining water quality standards in polluted waters. They require that states identify all sources of pollution that impair the uses of waterbodies, such as drinking, swimming or aquatic habitat. Once identified, the TMDL process is a way to ensure that responsibility for reducing the pollution is fairly allocated. The conservation community considers this rider an attack on a key opportunity under the Clean Water Act to clean up our nation's waterways. Furthermore, we have serious concerns about Congress' interference with the rulemaking process with a rider.

Moreover, Committee report language encourages EPA to revoke a Clean Water Act guidance document issued by the agency's

Region IX related in part to the TMDL program that is deemed by the Committee to be too ''stringent'' for the business community. The Committee's intervention on behalf of polluters and the States to prevent a strong TMDL program by discouraging regional offices from adopting guidance to implement the law is an anti-environmental attack on the Clean Water Act. The Region IX guidance at issue is a clarification of long-standing Clean Water Act legal requirements.

The provision of the proposed TMDL rule which has generated the most controversy is the silviculture provision. In response to industry and congressional concerns, the U.S. EPA last week announced that the TMDL rule that is expected to be finalized this summer will not include this provision.

We believe the TMDL program of the Clean Water Act offers the best opportunity to clean up our nation's polluted waters comprehensively and equitably. We urge you to uphold the interests of the Clean Water Act and the value of the TMDL program by opposing this rider.

Sincerely,

Elizabeth McEvoy, Center for Marine Conservation.

Ted Morton, American Oceans Campaign.

Daniel Rosenberg, Natural Resources Defense Council.

Paul Schwartz, Clean Water Action.

Steve Moyer, Trout Unlimited.

Rick Parrish, Southern Environmental Law Center.

Ann Mills, American Rivers.

Jackie Savitz, Coast Alliance.

Norma Grier, NW Coalition for Alts to Pesticides.

Jim Rogers, Friends of Elk River.

Jennifer Schemm, Grand Ronde Resource Council.

Steve Huddleston, Central Oregon Forest Issues Committee.

Mick Garvin, Many Rivers Group, Sierra Club.

James Johnston, Cascadia Wildlands Project.

Asante Riverwind, Blue Mountains Biodiversity Project.

Mettie Whipple, Eel River Watershed Association, Ltd.

Bill Marlett, Oregon Natural Desert Association.

Elizabeth E. Stokey, Organization for the Assabet River.

Pepper Trail, Rogue Valley Audubon Society.

Ed Himlan, Massachusetts Watershed Coalition.

James S. Lyon, National Wildlife Federation.

Nina Bell, Northwest Environmental Advocates.

David Anderson, Chesapeake Bay Foundation.

Barry Carter, Blue Mountain Native Forest Alliance.

Daniel Hall, American Lands.

Bruce Wishart, People for Puget Sound.

Ric Bailey, Hells Canyon Preservation Council.

Mary Scurlock, Pacific Rivers Council.

Francis Eatherington, Umpqua Watersheds, Inc.

Hillary Abraham, Oregon Environmental Council.

Karen Beesley, Nurse Practitioner.

John Kart, Audubon Society of Portland.

Mr. Benson, Association of Northwest Steelheaders.

Maria Van Dusen, Massachusetts Riverways Program.

Glen Spain, Pacific Coast Federation of Fishermen's Associations.

Pine duBois, Jones River Watershed Association.

Michael Toomey, Friends of Douglas State Forest.

Ellen Mass, Friends of Alewife Reservation.

ASSOCIATION OF METROPOLITAN SEWERAGE AGENCIES,
Washington, DC, June 16, 2000.

Re municipalities support EPA's revised TMDL program.

Hon. ROBERT A. BORSKI,
House of Representatives,
Washington, DC.

DEAR REPRESENTATIVE BORSKI: In August 1999, EPA released proposed regulatory revisions to clarify and redefine the current regulatory requirements for establishing Total Maximum Daily Loads (TMDLs) under the Clean Water Act (CWA) §303(d). Recognizing that the proposed rule has undergone some significant changes in the past year, the Association of Metropolitan Sewerage Agencies (AMSA) supports EPA's efforts to revise the existing TMDL program, as well as its schedule for finalizing the revisions by June 30, 2000.

AMSA anticipates that the final rule will be a major improvement over the existing TMDL program, which has traditionally focused solely on controlling point sources, i.e., municipalities and industry, rather than developing comprehensive solutions to the nation's water quality problems. During the past 30 years, point sources of water pollution—wastewater treatment plants, industry, and others—have met the challenges of the Clean Water Act to achieve our national clean water goals. The investment in wastewater treatment has revived America's rivers and streams, and the nation has experienced a dramatic resurgence in water quality. However, according to the U.S. Environmental Protection Agency (EPA) 40 percent of our waters remain polluted—largely by nonpoint source pollution. The situation will not improve until we include all sources in the cleanup equation.

EPA's revised rule is expected to encourage the development of implementation plans for TMDLs that provide a ''reasonable assurance'' that all sources of pollution, point and nonpoint, will be addressed as part of a cleanup plan. Development of implementation plans will ensure that the regulated community and the public have an opportunity to review and understand how the regulatory agencies will respond to local water quality problems. Implementation plans will also help to ensure that municipalities, which hold many of the nation's existing discharge permits, are not forced to remove increasingly minimal amounts of pollutants from their discharge at significant expense, while the major pollution contributions from uncontrolled sources remain unaddressed. Implementation plans, while requiring extra time and resources to develop, will encourage holistic solutions that will meet water quality goals, and will likely save billions of dollars nationwide by ensuring proper expenditure of limited local resources.

In addition to ensuring more involvement from all sources of pollution, EPA's revised rule is also expected to improve the existing TMDL program in several other areas including:

Improved ability for the regulated community and the public to review decisions by state and federal regulatory agencies to include or exclude waters on TMDL lists—Currently, this lack of protocol has led to the listing of many impaired waters based upon outdated or very limited data, with very little ability for public input or review. Requirements to develop and follow these protocols will help to ensure that TMDLs are properly developed using technically-based, scientific approaches, which are supported by data of adequate quality and quantity.

Allowing new or expanded discharges on impaired waters—Current regulations at 40 CFR Part 122.4 effectively prohibit new discharges to impaired waters during TMDL development. EPA's revised proposal should provide more flexibility for new dischargers, or the expansion of existing discharges during the 8 to 15-year TMDL development process by allowing new or increased discharges where adjustments in source controls will result in reasonable progress toward environmental improvements. Given that 40,000 waters are currently on EPA's impaired water list, this flexibility is critical if we are to allow for the continued economic viability and growth of our nation.

Providing more realistic deadlines—The existing TMDL program is currently being driven by the courts, with extremely ambitious schedules and deadlines for developing and implementing TMDLs. These deadlines will likely result in poorly developed TMDLs based on little or inadequate data, or grossly simplified TMDLs that fail to address costly implementation issues. EPA's revised rules are expected to allow up to 15 years to develop TMDLs, which will provide a more realistic timeframe to develop and analyze the necessary data needed to properly develop adequate TMDLs.

While AMSA still has some concerns with EPA's revised rule, we do believe that the program revisions will provide greater clarity concerning the roles and responsibilities of all stakeholders in the TMDL process, and would make significant improvements in our efforts to improve the nation's water quality. We therefore urge you to oppose any legislative efforts that may interfere with EPA's ability to issue and implement its comprehensive TMDL program revisions.

If AMSA's staff or member POTWs in your home state can assist you in any way, please call me at (202) 833–4653. Thank you for your consideration of our request.

Sincerely,

KEN KIRK,
Executive Director.

IN HONOR OF EMILY LIPOVAN HOLAN

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, June 26, 2000

Mr. KUCINICH. Mr. Speaker, I rise today to honor Emily Lipovan Holan, a distinguished Ohio entrepreneur and former recipient of the Northern Ohio Live 1999 Award of Achievement for Neighborhood Revitalization.

Emily Holan holds a 1990 bachelor of arts degree in real estate development, city planning and architectural design from Levin College. As the executive director of Tremont West Development Corporation, she has overseen four multi-million dollar real estate developments and has spearheaded marketing and publicity efforts for Tremont. Her other achievements included being listed in Crain's Cleveland Business 40 Under 40.

Emily Holan is being honored with the Alumni Special Achievement Award for her dedication and collaborative work in the Tremont Ridge Project. This undertaking uses the grid of the original 20-foot-wide housing lots plotted just after the Civil War to maintain the historic pedestrian nature of the neighborhood.

There are now 39 homes completed—bungalows and colonials priced between $130,000 and $150,000 and featuring elegant 10-foot

ceilings, loft balconies, hardwood floors, fireplaces, two-story living rooms, above-ground English-style basements, and rooftop decks. When completed, Tremont Ridge will total 60 units, including townhouses and scattered sites. Emily Holan's commitment not only beautifies the city, but also allows neighborhoods to benefit from the project, with homeowners able to apply for interest-free loans to rehabilitate their own homes.

My fellow colleagues, please join me in honoring Emily Lipovan Holan for her service to the community in maintaining a beautiful historical site.

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, 2001

SPEECH OF

HON. JUANITA MILLENDER-McDONALD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 15, 2000

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 4578) making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2001, and for other purposes:

Ms. MILLENDER-McDONALD. Mr. Chairman, I rise today in support of the amendment being offered by Representatives SLAUGHTER, HORN, and JOHNSON. I commend them on their continued commitment to arts funding and I urge my colleagues to vote to increase funding for the National Endowment for the Arts, the National Endowment for the Humanities, and the Institute of Museum and Library Services.

After suffering major budgetary cuts in 1995, these three vital organizations have been forced to endure level funding for the last 5 years. It is time, in this period of budget surpluses, to devote more resources to arts and culture.

Art education plays an important role in the development of our youth. Brain research is showing that the stimuli provided by the arts—pictures, song, movement, play acting, are essential for the young child to develop to their fullest potential. These activities are the ''languages'' of the child, the multiple ways in which he or she understands and interprets the world. Active use of these forms also paves the way for the child to use verbal language, to read and to write—critical skills our children need to become productive members of society.

Arts education improves life skills including self-esteem, teamwork, motivation, discipline and problem-solving that help young people compete in a challenging and high-tech workforce. According to the College Board, students who study the arts for four years score an average of 89 points higher than non-arts students on the Scholastic Assessment Test (SAT).

Research conducted between 1987 and 1998 reveals that when young people work in the arts for at least three hours three days each week throughout the year, they show heightened academic standing, a strong capacity for self-assessment, and a secure sense of their own ability to plan and work for a positive future for themselves and their communities.

The results of art education do not just build self confidence but deter crime as well. The U.S. Department of Justice's Office of Juvenile Justice and Delinquency Prevention found in its YouthARTS study that arts programs designed to deter delinquent behavior of at-risk youth dramatically improved troubled youths' academic performance, reduced school truancy, and increased their skills of communication, conflict resolution, completion of challenging tasks, and teamwork.

The effects that an education enriched with art instruction can have on our youths is invaluable. Whether assisting in the development of our children or acting as preventative measures, increased funding for the NEA, and NEH, and the IMLS is in the best interest of our children and their future. I urge my colleagues to vote in favor of the amendment.

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

SPEECH OF

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, June 23, 2000

The House in Committee of the Whole House on the State of the Union 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:

Mr. KUCINICH. Mr. Chairman, I support Congressman TOM CAMPBELL's amendment to the Commerce-Justice-State Appropriations bill, H.R. 4690, to prohibit funds being used for the use of secret evidence. Moreover, I strongly support the Secret Evidence Repeal Act of 1999 introduced by Representative BONIOR, Representative CAMPBELL, Representative BARR, and Representative CONYERS. Recently, both Representative BONIOR and Representative CAMPBELL, offered testimony at a congressional hearing in the House Judiciary Committee. At that hearing, my colleagues Mr. CAMPBELL and Mr. BONIOR offered convincing testimony to the unconstitutional use of secret evidence. Representative TOM CAMPBELL last year introduced an amendment to the Commerce-Justice-State Appropriations Bill to stop the funding for the use of secret evidence by the Immigration Naturalization Service. I supported his effort last year on the House floor and I support his effort now. The use of secret evidence is wrong.

In 1996 an amendment was added to the Antiterrorism and Effective Death Penalty Act, authorizing the INS to use secret evidence in barring or deporting immigrants as well as denying benefits such as asylum. However, this law restricts two rights Americans hold very dear: (1) the right to due process and (2) the right to free speech. This country has always and must continue to value the right to a fair trial and the freedom to hold and practice personal beliefs.

However, allowing the use of secret evidence undermines the rights and liberty of both citizens and legal aliens alike because it lessens the constraints of both Constitutional considerations and conscience on INS cases. The case of the Iraqi six clearly illustrates the flawed use of secret evidence.

Six Iraq individuals were among the many Iraqi Arabs and Kurds who were part of a CIA-backed plot to overthrow Saddam Hussein. While attempting to gain political asylum in the United States after their work in Iraq with 1,200 other Iraqis, these six individuals were singled out and detained by the United States Immigration and Naturalization Service on the claim that they were a risk to national security. These six individuals, who had worked with the U.S. in opposition to Saddam Hussein, were now seen as threat to our national security based on secret evidence. Evidence that no one was allowed to see. Not the 6 Iraqis. And not their attorneys. Evidence that could be used to deny them asylum and deport them back to Iraq where they would surely meet their death.

After much pressure, 500 pages of this so-called secret evidence was released. Closer examination revealed the evidence was tarnished due to its faulty translations, misinformation and use of ethnic and religious stereotyping. There have been about 50 cases where secret evidence was used to detain and deport individuals. This is un-American. The cornerstone of our judicial system is that evidence cannot be used against someone unless he or she has the chance to confront it. The INS is relying more and more on the use of secret evidence. If we continue to use secret evidence against non-citizens, it will soon be used against American citizens too. There will be no limit to its use.

As a member of Congress it is my duty to uphold the Constitution. As members of Congress, we must all continue to maintain and defend the civil rights of all citizens living in the United States under the U.S. Constitution. We can do this by voting in favor of this amendment. I urge my colleagues to vote ''yes'' on the Campbell amendment.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Tuesday, June 27, 2000 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

JUNE 28

9 a.m.
Foreign Relations
Near Eastern and South Asian Affairs Subcommittee
To hold hearings to examine the liberation of Iraq.
SD–419

9:30 a.m.
Energy and Natural Resources
Business meeting to consider pending calendar business.
SD–366
Commerce, Science, and Transportation
To hold hearings to examine airline customer service.
SR–253
Environment and Public Works
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.
SD–406

10 a.m.
Finance
Business meeting to mark up proposed legislation relating to the marriage tax penalty.
SD–215
Judiciary
To hold hearings on the struggle for justice for former U.S. World War II POW's.
SD–226

11 a.m.
Foreign Relations
Business meeting to consider pending calendar business.
SD–419

2 p.m.
Judiciary
Technology, Terrorism, and Government Information Subcommittee
To hold hearings on countering the changing threat of international terrorism.
SD–226
Foreign Relations
European Affairs Subcommittee
To hold hearings to examine the treatment of U.S. business in Central and Eastern Europe.
SD–419

2:30 p.m.
Indian Affairs
To hold hearings on S. 2283, to amend the Transportation Equity Act for the 21st Century to make certain amendments with respect to Indian tribes.
SR–485

JUNE 29

9:30 a.m.
Environment and Public Works
Fisheries, Wildlife, and Drinking Water Subcommittee
To hold hearings on pending issues in the implementation of the Safe Drinking Water Act.
SD–406
Governmental Affairs
Investigations Subcommittee
To hold hearings to examine the nationwide crisis of mortgage fraud.
SD–342
Armed Services
To hold hearings on the report of the National Missile Defense Independent Review Team; to be followed by a closed hearing (SH–219).
SH–216

10 a.m.
Energy and Natural Resources
Forests and Public Land Management Subcommittee
To hold oversight hearings on the United States Forest Service's Draft Environmental Impact Statement for the Sierra Nevada Forest Plan amendment, and Draft Supplemental Environmental Impact Statement for the Interior Columbia Basin Ecosystem Management Plan.
SD–366
Agriculture, Nutrition, and Forestry
Business meeting to consider pending calendar business.
SR–328A
Judiciary
Business meeting to consider pending calendar business.
SD–226

1 p.m.
Governmental Affairs
To hold oversight hearings to examine the rising oil prices and the efficiency and effectiveness of the Executive Branch Response.
SD–342

2 p.m.
Environment and Public Works
Superfund, Waste Control, and Risk Assessment Subcommittee
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.
SD–406

2:30 p.m.
Energy and Natural Resources
National Parks, Historic Preservation, and Recreation Subcommittee
To hold hearings on S. 134, to direct the Secretary of the Interior to study whether the Apostle Islands National Lakeshore should be protected as a wilderness area; S. 2051, to revise the boundaries of the Golden Gate National Recreation Area; S. 2279, to authorize the addition if land to Sequoia National Park; and S. 2512, to convey certain Federal properties on Governors Island, New York.
SD–366

JUNE 30

9:30 a.m.
Governmental Affairs
Investigations Subcommittee
To continue hearings to examine the nationwide crisis of mortgage fraud.
SD–342

JULY 11

10 a.m.
Judiciary
To hold hearings to examine the future of digital music, focusing on whether there is an upside to downloading.
SD–226

2 p.m.
Banking, Housing, and Urban Affairs
Housing and Transportation Subcommittee
To hold hearings to examine the Federal Transit Administration's approval of extension of the Amtrak Commuter Rail contract.
SD–538

JULY 12

2:30 p.m.
Energy and Natural Resources
Forests and Public Land Management Subcommittee
To hold oversight hearings on the Draft Environmental Impact Statement implementing the October 1999 announcement by the Presidnet to review approximately 40 million acres of national forest for increased protection.
SD–366
Indian Affairs
To hold oversight hearings on risk management and tort liability relating to Indian matters.
SR–485

JULY 19

2:30 p.m.
Energy and Natural Resources
Water and Power Subcommittee
To hold oversight hearings on the status of the Biological Opinions of the National Marine Fisheries Service and the U.S. Fish and Wildlife Service on the operations of the Federal hydropower system of the Columbia River.
SD–366
Indian Affairs
To hold oversight hearings on activities of the National Indian Gaming Commission.
SR–485

JULY 20

9:30 a.m.
Energy and Natural Resources
To hold oversight hearings on the United States General Accounting Office's investigation of the Cerro Grande Fire in the State of New Mexico, and from Federal agencies on the Cerro Grande Fire and their fire policies in general.
SD–366

JULY 26

2:30 p.m.

Energy and Natural Resources

Forests and Public Land Management Subcommittee

To hold oversight hearings on potential timber sale contract liability incurred by the government as a result of timber sale contract cancellations.

SD–366

Indian Affairs

To hold hearings on S.2526, to amend the Indian Health Care Improvement Act to revise and extend such Act.

SR–485

SEPTEMBER 26

9:30 a.m.

Veterans' Affairs

To hold joint hearings with the House Committee on Veterans' Affairs on the Legislative recommendation of the American Legion.

345 Cannon Building

Daily Digest

HIGHLIGHTS

The House passed H.R. 4690, Commerce, Justice, State, the Judiciary, and Related Agencies Appropriations.

Senate

Chamber Action

Routine Proceedings, pages S5763–S5822

Measures Introduced: Nine bills were introduced as follows: S. 2783–2791. **Page S5790**

Measures Reported: Reports were made as follows:

S. 2508, to amend the Colorado Ute Indian Water Rights Settlement Act of 1988 to provide for a final settlement of the claims of the Colorado Ute Indian Tribes.

S. 2719, to provide for business development and trade promotion for Native Americans. **Page S5790**

Measures Passed:

M/V MIST COVE Vessel Measurement: Committee on Commerce, Science, and Transportation was discharged from further consideration of H.R. 3903, to deem the vessel M/V MIST COVE to be less than 100 gross tons, as measured under chapter 145 of title 46, United States Code, and the bill was then passed, clearing the measure for the President. **Page S5766**

Commission on Ocean Policy: Senate passed S. 2327, to establish a Commission on Ocean Policy, after agreeing to the following amendment proposed thereto: **Pages S5766–69**

Thomas (for Hollings) Amendment No. 3620, in the nature of a substitute. **Pages S5766–68**

Fisheries Survey Vessel Authorization Act: Senate passed H.R. 1651, to amend the Fishermen's Protective Act of 1967 to extend the period during which reimbursement may be provided to owners of United States fishing vessels for costs incurred when such a vessel is seized and detained by a foreign country, after agreeing to a committee amendment, and the following amendment proposed thereto: **Pages S5769–71**

Thomas (for Snowe) Amendment No. 3621, to strike the forty percent SBA set-aside for the fish research vessel procurement. **Page S5770**

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 S5781–87**

Pending:

McCain Amendment No. 3610, to enhance protection of children using the Internet. **Page S5781**

Cochran Amendment No. 3625, to implement pilot programs for antimicrobial resistance monitoring and prevention. **Page S5781**

A unanimous-consent agreement was reached providing for further consideration of the bill, pending amendments, and an amendment to be proposed thereto, on Tuesday, June 27, 2000, with a vote on Cochran Amendment No. 3625 (listed above) at approximately 9:40 a.m. **Page S5786**

Removal of Injunction of Secrecy: The injunction of secrecy was removed from the following treaty:

Investment Treaty with Nicaragua (Treaty Doc. No. 106–33).

The treaty was transmitted to the Senate today, considered as having been read for the first time, and referred, with accompanying papers, to the Committee on Foreign Relations and were ordered to be printed. **Pages S5816–17**

Messages From the House: **Page S5789**

Measures Referred: **Page S5789**

Communications: **Pages S5789–90**

Statements on Introduced Bills: **Pages S5790–S5813**

Additional Cosponsors: **Pages S5813–14**

Amendments Submitted: **Pages S5814–16**

Notices of Hearings: **Page S5816**

Authority for Committees: **Page S5816**

Additional Statements: **Pages S5787–89**

Privileges of the Floor: Page S5816

Adjournment: Senate convened at 1 p.m., and adjourned at 5:56 p.m., until 9:30 a.m., on Tuesday, June 27, 2000. (For Senate's program, see the remarks of the Acting Majority Leader in today's Record on page S5817.)

Committee Meetings

(Committees not listed did not meet)

KIDNEY DIALYSIS

Special Committee on Aging: Committee concluded hearings on the hardships that dialysis patients endure when being treated for End Stage Renal Disease (kidney failure), and the options for improving the government's oversight of kidney dialysis facilities, after receiving testimony from George F. Grob, Deputy Inspector General for Evaluation and Inspections, and Jeffrey Kang, Director, Office of Clinical Standards and Quality, Health Care Financing Administration, both of the Department of Health and Human Services; William J. Scanlon, Director, Health Financing and Public Health Issues, Health, Education and Human Services Division, General Accounting Office; Terry Bahr, National Renal Administrators Association, Reston, Virginia; Jay Wish, Forum of End-Stage Renal Disease, Midlothian, Virginia; William F. Owen, Jr., Renal Physicians Association, Rockville, Maryland; W. Kenneth Bays, Pelham, Georgia; and Brent Smith, Chandler, Arizona.

House of Representatives

Chamber Action

Bills Introduced: 19 public bills, H.R. 4743–4761, were introduced. Pages H5168–69

Reports Filed: Reports were filed today as follows.

S. 1515, to amend the Radiation Exposure Compensation Act, amended (H. Rept. 106–697);

H.R. 4408, to reauthorize the Atlantic Striped Bass Conservation Act (H. Rept. 106–698);

H.R. 3023, to authorize the Secretary of the Interior, acting through the Bureau of Reclamation, to convey property to the Greater Yuma Port Authority of Yuma County, Arizona, for use as an international port of entry, amended (H. Rept. 106–699);

H.R. 3113, to protect individuals, families, and Internet service providers from unsolicited and unwanted electronic mail, amended (H. Rept. 106–700); and

H. Res. 532, providing for consideration of H.R. 3733, making appropriations for energy and water development for the fiscal year ending September 30, 2001 (H. Rept. 106–701). Page H5168

Speaker Pro Tempore: Read a letter from the Speaker wherein he designated Representative Kuykendall to act as Speaker pro tempore for today. Page H5087

Recess: The House recessed at 12:50 p.m. and reconvened at 2:00 p.m. Page H5089

Suspensions: The House agreed to suspend the rules and pass the following measures:

Security for Former Presidents and Their Families: H.R. 3048, amended, to amend section 879 of title 18, United States Code, to provide clearer coverage over threats against former Presidents and members of their families. Pages H5090–92

Pribilof Islands, Alaska: H.R. 3417, amended, to complete the orderly withdrawal of the National Oceanic and Atmospheric Administration from the civil administration of the Pribilof Islands, Alaska (passed by a yea and nay vote of 400 yeas to 3 nays with 2 voting "present", Roll No. 327); Pages H5092–95, H5162

Neotropical Migratory Birds Conservation: S. 148, amended, to require the Secretary of the Interior to establish a program to provide assistance in the conservation of neotropical migratory birds (passed by a yea and nay vote of 384 yeas to 22 nays, Roll No. 328); Pages H5095–97, H5162–63

Atlantic Striped Bass Conservation: H.R. 4408, amended, to reauthorize the Atlantic Striped Bass Conservation Act (passed by a yea and nay vote of 393 yeas to 12 nays, Roll No. 329); Pages H5097–98, H5163–64

Greater Yuma Port Authority, Arizona Land Conveyance: H.R. 3023, amended, to authorize the Secretary of the Interior, acting through the Bureau of Reclamation, to convey property to the Greater Yuma Port Authority of Yuma County, Arizona, for use as an international port of entry (passed by a yea and nay vote of 404 yeas to 1 nay with 1 voting "present", Roll No. 330); Pages H5098–H5100, H5164

Church Insurance Plans: S. 1309, to amend title I of the Employee Retirement Income Security Act of 1974 to provide for the preemption of State law

in certain cases relating to certain church plans clearing the measure for the President; and

Pages H5100–01

Bankruptcy Provisions for Farmers: H.R. 4718, to extend for 3 additional months the period for which chapter 12 of title 11 of the United States Code is reenacted. **Pages H5101–03**

Commerce, Justice, State, the Judiciary, and Related Agencies Appropriations: The House passed 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 by a yea and nay vote of 214 yeas to 195 nays with 1 voting "present", Roll No. 326. The bill was also considered on June 22 and 23. **Pages H5103–62**

Agreed To:

Mink amendment No. 70 printed in the Congressional Record that increases funding for the Hawaii Longline Fisheries Program by $1.2 million;

Page H5108

Bilbray amendment No. 17 printed in the Congressional Record that increases funding for the International Boundary and Water Commission between United States and Mexico by $500,000 and decreases funding for the State Department Diplomatic and Consular Programs accordingly;

Pages H5111–13

Latham amendment No. 33 printed in the Congressional Record that makes available $4 million for the National Veterans Business Development Corporation; **Page H5132**

Stearns amendment No. 38 printed in the Congressional Record that limits funding for the Office of Media Relations of the Federal Communications Commission to not more that $640,000;

Pages H5138–39

McCarthy amendment No. 28 printed in the Congressional Record that allows the Director of the Bureau of Prisons to accept donated property and services relating to the operation of the Prison Card Program from the Salvation Army; **Pages H5139–40**

Olver amendment No. 72 printed in the Congressional Record that provides that any limitation imposed on activities related to the Kyoto Protocol shall not apply to activities which are otherwise authorized by law (agreed to by a recorded vote of 217 ayes to 181 noes, Roll No. 323

Pages H5136–38, H5145–46

Vitter amendment No. 76 printed in the Congressional Record that prohibits any funding to be used for any activity of the Commission to implement the Memorandum of Understanding Relating to the Treaty Between the United States and the USSR on the Limitations of Anti-Ballistic Missile Systems of May 26, 1972, entered into in New York on September 26, 1997, by the United States, Russian, Kazakhstan, Belarus, and Ukraine; and

Pages H5153–54

Vitter amendment No. 77 printed in the Congressional Record that prohibits any funding to be used by the Department of State to approve the purchase of property in Arlington, Virginia by the Xinhua News Agency (agreed to by a recorded vote of 367 ayes to 34 noes with 7 voting "present", Roll No. 325. **Pages H5155–56, H5160**

Rejected:

Smith of Michigan amendment No. 74 that sought to increase funding for the Economic and Statistical Analysis programs of the Department of Commerce by $4.5 million and reduce funding for State Department Educational and Cultural Exchange Programs by $8.7 million; **Pages H5104–05**

Sanford amendment numbered 33 printed in the Congressional Record that sought to eliminate the $8.2 million funding for the Asia Foundation (rejected by a recorded vote of 86 ayes to 312 noes, Roll No. 322); **Pages H5126–28, H5144–45**

Hostettler amendment No. 23 printed in the Congressional Record that sought to prohibit any funding to be used to enforce, implement, or administer the provisions of the settlement document dated March 17, 2000 between Smith & Wesson and the Department of the Treasury, among other parties (rejected by a recorded vote of 196 ayes to 201 noes, Roll No. 324); **Pages H5140–44, H5146**

Brown of Ohio amendment No. 53 printed in the Congressional Record that sought to prohibit the use of any funding to seek the revocation or revision of laws or regulations of another country that relate to intellectual property rights with respect to pharmaceuticals or other medical technologies;

Pages H5151–53

Points of order sustained against:

Farr amendment No. 79 printed in the Congressional Record that sought to increase funding for National Oceanic and Atmospheric Administration by $85.7 million **Pages H5106–08**

Jackson of Illinois amendment No. 60 printed in the Congressional Record that sought to increase funding for international peacekeeping activities funding by $240.5 million to support activities in Africa; **Pages H5115–23**

Jackson-Lee of Texas amendment No. 66 printed in the Congressional Record that sought to make available funding for United States peacekeeping missions in the Republic of Angola, the Democratic Republic of the Congo, the Federal Democratic Republic of Ethiopia, the State of Eritrea, the Republic of Sierra Leone, and the western Saharan region of Africa; **Pages H5123–26**

Chambliss amendment No. 54 printed in the Congressional Record that sought to require grantees of the Legal Services Corporation who do not prevail in a civil action to pay attorney fees; **Pages H5129–31**

Sec. 611 that sought to specify that earmarks, limitations, or minimum funding requirements contained in any other Act shall not be applicable to funds appropriated under this Act; **Pages H5133–34**

Jackson-Lee of Texas amendment No. 25 printed in the Congressional Record that sought to allow legal amnesty to certain undocumented immigrants; **Pages H5147–49**

Souder amendment No. 75 printed in the Congressional Record that sought to prohibit the use of any funding for a United States delegation or special envoy that advocates the adoption of provisions that limit efforts to combat sex trafficking whether or not the individual being trafficked consents to engage in prostitution; and **Pages H5149–50**

Capuano amendment No. 3 printed in the Congressional Record that sought to require a study by the Federal Communications Commission on the causes and potential solutions to the growing number of area codes in the United States. **Pages H5155–56**

Withdrawn:

Serrano amendment No. 71 printed in the Congressional Record was offered and withdrawn that sought to strike the proviso that requires semi-annual certification by the State Department on the United Nations budget; **Pages H5114–15**

Allen amendment No. 13 printed in the Congressional Record was offered and withdrawn that sought to make available $200,000 for bilateral and multilateral diplomatic activities designed to promote the termination of the North Korean ballistic missile programs; **Pages H5154–55**

Blunt amendment No. 52 printed in the Congressional Record was offered and withdrawn that sought to prohibit any funding to be used for the United States-European Union consultative Group on Biotechnology unless the United States Trade Representative certifies that the European Union has a timely, science based regulatory process for the approval of agricultural biotechnology; and **Pages H5156–58**

Rush amendment No. 11 printed in the Congressional Record was offered and withdrawn that sought to make available $15 million for the program for Investment in Microentrepreneurs. **Page H5159**

H. Res. 529, the rule that is providing for consideration of the bill was agreed to on June 22.

Correction of the Record and Journal: The Chair announced that Roll Call No. 305 of June 21, 2000 will be corrected in the Record and the Journal. **Pages H5164–65**

Senate Messages: Messages received from the Senate today appear on pages H5089–90 and H5105.

Referrals: S. 2043 was referred to the Committee on Government Reform; S. 2460, S. 2682, S. Con. Res. 117, and S. Con. Res. 118 were referred to the Committee on International Relations; S. 2677 was referred to the Committees on International Relations and Banking and Financial Services; and S. 2327 was referred to the Committee on Resources. **Page H5166**

Amendments: Amendments ordered printed pursuant to the rule appear on pages H5169–70.

Quorum Calls—Votes: Five yea and nay votes and four recorded votes developed during the proceedings of the House today and appear on pages H5144–45, H5145–46, H5146, H5160, H5161–62, H5162, H5162–63, H5163–64, and H5164. There were no quorum calls.

Adjournment: The House met at 12:30 p.m. and adjourned at 11:53 p.m.

Committee Meetings

ENERGY AND WATER DEVELOPMENT APPROPRIATIONS

Committee on Rules: Granted, by voice vote, an open rule providing one hour of general debate on H.R. 4733, making appropriations for energy and water development for the fiscal year ending September 30, 2001, to be equally divided between the chairman and ranking minority member of the Committee on Appropriations. The rule waives clause 4 of rule XIII (requiring a three day layover of the committee report and requiring a three day availability of printed hearings on a general appropriations bill) against consideration of the bill. The rule waives clause 2 of rule XXI (prohibiting unauthorized or legislative provisions in an appropriations bill) and clause 5(a) of rule XXI (prohibiting a tax or tariff provision in a bill not reported by a committee with jurisdiction over revenue measures) against provisions in the bill). The rule provides that the amendment printed in the Rules Committee report may be offered only by a Member designated in the report and only at the appropriate point in the reading of the bill, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for a division of the question in the House or in the Committee of the Whole. The rule waives all points of order against the amendment printed in the report. The rule authorizes the Chair to accord priority in recognition to Members who have pre-printed their amendments in the Congressional Record. The rule

allows the Chairman of the Committee of the Whole to postpone votes during consideration of the bill, and to reduce voting time to five minutes on a postponed question if the vote follows a fifteen minute vote. Finally, the rule provides one motion to recommit with or without instructions. Testimony was heard from Representatives Packard, Boehlert, Sherwood, Saxton, and Visclosky.

MEDICARE RX 2000 ACT

Committee on Rules: No action was taken on H.R. 4680, Medicare RX 2000 Act. Testimony was heard from Chairman Archer and Representatives Thomas, Burr, Ganske, Wilson, Emerson, Gutknecht, Chenoweth-Hage, Stark, Cardin, Tanner, Pallone, Brown of Ohio, Capuano, Allen, Baldwin, Berry, and Weygand.

COMMITTEE MEETINGS FOR TUESDAY, JUNE 27, 2000

(Committee meetings are open unless otherwise indicated)

Senate

Committee on Armed Services, 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, 11:30 a.m., SR–222.

Committee on Energy and Natural Resources, 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.

Committee on Foreign Relations, 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, 2:15 p.m., SD–419.

Committee on Health, Education, Labor, and Pensions, to hold hearings to examine reprocessing of single-use medical devices, 10 a.m., SD–430.

Committee on the Judiciary, 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.

Full Committee, to hold hearings on issues relating to the 1996 campaign finance investigations, 2 p.m., SH–216.

Committee on Rules and Administration, to hold hearings on the operations of the Library of Congress and the Smithsonian Institution, 8:30 a.m., SR–301.

House

Committee on Agriculture, to consider H.R. 4541, Commodity Futures Modernization Act of 2000, 10 a.m., 1300 Longworth.

Committee on Appropriations, to mark up the Foreign Operations, Export Financing and Related Programs appropriations for fiscal year 2001, 9:30 a.m., 2359 Rayburn.

Committee on Armed Services, Subcommittee on Military Procurement, hearing on Navy submarine force structure and modernization plans, 10 a.m., 2118 Rayburn.

Subcommittee on Military Readiness, hearing on Defense Logistics Reengineering Initiatives, 2 p.m., 2212 Rayburn.

Committee on Banking and Financial Services, hearing on H.R. 4490, First Accounts Act of 2000, 10 a.m., 2128 Rayburn.

Committee on Commerce, 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.

Subcommittee on Telecommunications, Trade, and Consumer Protection, to mark up H.R. 4019, Telecommunications Merger Review Act of 2000, 10 a.m., 2322 Rayburn.

Committee on Education and the Workforce, Subcommittee on Early Childhood, Youth, and Families, hearing on Examining the National Environmental Education Act, 9:30 a.m., 2175 Rayburn.

Subcommittee on Oversight and Investigations, hearing on Employment Standards Administration Under GPRA, 2 p.m., 2175 Rayburn.

Committee on Government Reform, Subcommittee on Government Management, Information and Technology, hearing on Implementation of the Nazi War Crimes Disclosure Act, 10 a.m., 2154 Rayburn.

Committee on International Relations, hearing on OPEC's Policies: A Threat to the U.S. Economy, 10:45 a.m., 2172 Rayburn.

Subcommittee on Asia and the Pacific, to mark up the following measures: H. Con. Res. 322, expressing the sense of Congress regarding Vietnamese Americans and others who seek to improve social and political conditions in Vietnam; and S. Con. Res. 81, expressing the sense of the Congress that the Government of the People's Republic of China should immediately release Rabiya Kadeer, her secretary, and her son, and permit them to move to the United States if they so desire, 3 p.m., 2255 Rayburn.

Committee on the Judiciary, to continue markup 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.

Committee on Resources, 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.

Committee on Rules, to consider H.R. 4717, Full and Fair Political Activity Disclosure Act of 2000, 5 p.m., H–313 Capitol.

Committee on Ways and Means, Subcommittee on Human Resources, to mark up H.R. 4678, Child Support Distribution Act of 2000, 1 p.m., B–318 Rayburn.

Subcommittee on Social Security, hearing on the Social Security Government Pension Offset, 10 a.m., B–318 Rayburn.

Joint Meetings

Conference, 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**

9:30 a.m., Tuesday, June 27

Senate Chamber

Program for Tuesday: Senate will continue consideration of H.R. 4577, Labor/HHS/Education Appropriations, with a vote on the Cochran Amendment No. 3625 to occur at 9:40 a.m.

(Senate will recess from 12:30 p.m. until 2:15 p.m. for their respective party conferences.)

Next Meeting of the **HOUSE OF REPRESENTATIVES**

9 a.m., Tuesday, June 27

House Chamber

Program for Tuesday: Consideration of Suspensions:

(1) H. Con. Res. 333, Acceptance of a statue of Chief Washakie, presented by the people of Wyoming, for placement in National Statuary Hall.

(2) H. Con. Res. 344, Ceremony in the Rotunda to present the Congressional Gold Medal to Father Theodore Hesburgh;

(3) H. Con. Res. 312, Urging State Regulation on title pawn transactions and outlawing usurious interest rates on title loans to consumers;

(4) H. Res. 494, Urging the courts to uphold the constitutionality of the Ohio State Motto;

(5) S. 1515, Radiation Exposure Compensation Act Amendments;

(6) H. Res. , providing for concurrence with a Senate amendment to H.R. 2614, Small Business Investment Act Amendments;

(7) H.R. 4608, Designating the James H. Quillen United States Courthouse;

(8) H.R. 809, Federal Protective Service Reform Act of 2000;

(9) H.R. 1959, Designating the Adrian A. Spears Judicial Training Center; and

(10) H.R. 3323, Designating the Floyd H. Flake Federal Building;

Consideration of H.R. 3733, Energy and Water Development Appropriations Act for Fiscal Year 2001 (open rule, one hour of debate).

Extensions of Remarks, as inserted in this issue

HOUSE

Congressional Record The public proceedings of each House of Congress, as reported by the Official Reporters thereof, are printed pursuant to directions of the Joint Committee on Printing as authorized by appropriate provisions of Title 44, United States Code, and published for each day that one or both Houses are in session, excepting very infrequent instances when two or more unusually small consecutive issues are printed at one time. ¶Public access to the Congressional Record is available online through *GPO Access,* a service of the Government Printing Office, free of charge to the user. The online database is updated each day the Congressional Record is published. The database includes both text and graphics from the beginning of the 103d Congress, 2d session (January 1994) forward. It is available on the Wide Area Information Server (WAIS) through the Internet and via asynchronous dial-in. Internet users can access the database by using the World Wide Web; the Superintendent of Documents home page address is http://www.access.gpo.gov/su docs, by using local WAIS client software or by telnet to swais.access.gpo.gov, then login as guest (no password required). Dial-in users should use communications software and modem to call (202) 512–1661; type swais, then login as guest (no password required). For general information about *GPO Access,* contact the *GPO Access* User Support Team by sending Internet e-mail to gpoaccess@gpo.gov, or a fax to (202) 512–1262; or by calling Toll Free 1–888–293–6498 or (202) 512–1530 between 7 a.m. and 5:30 p.m. Eastern time, Monday through Friday, except for Federal holidays. ¶The Congressional Record paper and 24x microfiche will be furnished by mail to subscribers, free of postage, at the following prices: paper edition, $179.00 for six months, $357.00 per year, or purchased for $3.00 per issue, payable in advance; microfiche edition, $141.00 per year, or purchased for $1.50 per issue payable in advance. The semimonthly Congressional Record Index may be purchased for the same per issue prices. Mail orders to: Superintendent of Documents, P.O. Box 371954, Pittsburgh, PA 15250–7954, or phone orders to (202) 512–1800, or fax to (202) 512–2250. Remit check or money order, made payable to the Superintendent of Documents, or use VISA, MasterCard, Discover, or GPO Deposit Account. ¶Following each session of Congress, the daily Congressional Record is revised, printed, permanently bound and sold by the Superintendent of Documents in individual parts or by sets. ¶With the exception of copyrighted articles, there are no restrictions on the republication of material from the Congressional Record.