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No. 99

## House of Representatives

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

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### DESIGNATION OF THE SPEAKER PRO TEMPORE

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

WASHINGTON, DC,

July 26, 2000.

I hereby appoint the Honorable DOUG OSE to act as Speaker pro tempore on this day.

J. DENNIS HASTERT,

Speaker of the House of Representatives.

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### PRAYER

The Reverend C.F. McDowell, III, Baptist's Children's Homes of North Carolina, Thomasville, North Carolina, offered the following prayer:

Almighty God, You are worthy of our time and attention as we begin this day.

For each person in this Chamber, may these moments represent a day full of the blessings of Your loving presence, amazing grace, guiding hand, sustaining strength, and perfect wisdom.

May each of us as Americans fulfill the hope of the late Dr. Peter Marshall in casting off all Pharisaical garments, laying down the overcoats of smug complacency, putting aside self-interest and pride, and become truly righteous so that America might rise to her God appointed destiny of world leadership.

May Thy will be done in this place today above party and personality for the good of every American, peace in the world, and Your glory. Amen.

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### THE JOURNAL

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

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

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### PLEDGE OF ALLEGIANCE

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

Mr. WELLER led the Pledge of Allegiance as follows:

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

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### MESSAGE FROM THE SENATE

A message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate has passed with amendments in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 4040. An act to amend title 5, United States Code, to provide for the establishment of a program under which long-term care insurance is made available to Federal employees, members of the uniformed services, and civilian and military retirees, and for other purposes.

The message also announced that the Senate disagrees to the amendment of the House to the amendment of the Senate to the bill (H.R. 2614) "An Act to amend the Small Business Investment Act to make improvements to the certified development company program, and for other purposes," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. BOND, Mr. BURNS, and Mr. KERRY, to be the conferees on the part of the Senate.

The message also announced that pursuant to Public Law 106-65, the Chair, on behalf of the Democratic Leader, and in consultation with the Ranking Member of the Senate Committee on Armed Services, announces the appointment of Alan L. Hansen,

AIA, of Virginia, to serve as a member of the Commission on the National Military Museum.

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### INTRODUCTION OF REVEREND C.F. McDOWELL III

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

Mr. MCINTYRE. Mr. Speaker, it is with great pleasure that I recognize the gentleman who is today's guest chaplain, the Reverend C.F. McDowell, III, who just offered our prayer.

A native of Greensboro, North Carolina, Reverend McDowell currently serves as executive vice president of Special Ministries for the Baptist Children's Homes of North Carolina.

He is immensely involved in community, civic and church-related activities, and he has served the citizens of North Carolina through his decision, dedication, and determination.

He is a man of decision who has provided support and guidance to many, including myself, and many others in many communities throughout North Carolina.

He is a man of dedication who has provided a positive example for all to follow and whose hope he shares with many, especially young people and children, now in his current position.

Finally, he is a man of determination who understands that we face challenges every day, not only as families, but also as a Nation, challenges that will define our future.

Reverend McDowell is one of those special folks that provides advice and guidance to those seeking answers to life's most difficult questions and problems.

Mr. Speaker, Reverend McDowell has spent his entire life serving people. So it was very appropriate today that he came from North Carolina to join us here in the people's House to provide us with keen insight, a man of decision

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

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



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and dedication and determination who is, indeed, I am sure my colleagues will agree, his words in his prayer offered up to God have blessed us and will bless us in this day of decision and dedication and determination for all of us and for America.

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#### ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will receive 15 one-minute speeches on each side.

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#### TAX RELIEF WILL HELP THE AMERICAN FAMILY

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

Mr. GIBBONS. Mr. Speaker, today is just another typical Wednesday for the average hard-working American family because, Mr. Speaker, millions of hard-working people will punch a time card at work in order just to put food on the table and clothes on the back of their children.

Yet, every day, the IRS takes far more than its fair share out of the average American's paycheck.

The continual greed of a bloated and inefficient Washington bureaucracy is being financed on the back of hard-working Americans.

Mr. Speaker, by providing meaningful tax relief, parents will not have to spend their extra time at a second job to make ends meet. Instead, these hard-working parents will have more time to spend with their kids or to lend time to their elderly family members.

Tax relief can bring about a family renewal.

I am proud to be a part of a Republican Congress dedicated to helping American families by keeping Washington in check, balancing the budget, paying off the national debt, protecting Social Security, strengthening Medicare, and reducing taxes on every hard-working American. Thank you and I yield back.

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#### PALESTINIANS NEVER MISS AN OPPORTUNITY TO MISS AN OP- PORTUNITY

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

Mr. LANTOS. Mr. Speaker, as has happened so often before, the Palestinians never miss an opportunity to miss an opportunity.

The President and the Secretary of State may be constrained by diplomatic protocol, but those of us in this House who follow these events are not. This summit collapsed because Yasir Arafat refused to budge. I pay high tribute to the President and his team. I pay high tribute to Prime Minister Barak, who has gone way beyond any-

thing that anybody could rationally expect in terms of compromise and giving.

I deplore that Egypt and Saudi Arabia again encourage the most intransigent position possible on Arafat.

Today, I am introducing legislation that would terminate all aid to the Palestinian Authority if a unilateral declaration of independence should be forthcoming. Such a declaration would mean new violence, and we cannot be party to it. I encourage all of my colleagues to join me.

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#### BORN ALIVE INFANTS PROTECTION ACT

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

Mr. PITTS. Mr. Speaker, ever since *Roe v. Wade*, Americans have debated the question, When does life begin? Some of us believe it starts at conception, others at viability, and others, amazingly, not until birth.

But once a baby has been born, everyone agrees life has begun, and this baby is a new human being with all his or her God-given rights.

Well, what was once obvious seems to have been called into question lately. The Supreme Court shocked America recently by ruling that States may not ban partial birth abortions. Now we are hearing stories of children being born alive in abortion clinics and then left to die.

H.R. 4292, the Born Alive Infants Protection Act, codifies in law that, once a baby is born, it is legally alive. Unbelievably, the National Abortion Rights Action League and their allies call this a renewed assault on *Roe*. What they really mean to say is that, when a doctor botches an abortion and the child is born alive, the doctor should still have the right to kill it. How far we have fallen, Mr. Speaker?

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#### INTERNATIONAL CHILD ABDUCTION

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

Mr. LAMPSON. Mr. Speaker, this weekend I brought together international leaders at a luncheon in London to discuss the problem of international parental child abduction. This is an issue that touches families everywhere and an issue, to be solved, needs to be addressed everywhere. The luncheon was very productive, and I hope that it will lead to action by my foreign counterparts. National boundaries are no barrier to the transportation and victimization of children.

Today, there is no enforceable global system to attack and address this problem. Despite legal, law enforcement, and diplomatic mechanisms, many cases are not identified. Many children are not recovered. Many children who are located are not returned to their

country of origin due to legal and procedural problems. This situation causes anger, outrage, and pain for searching parents around the world.

Unless urgent and rapid action is taken, more and more children will be denied their most basic right, that of having access to both parents. The challenge is now to find commitment at both national and international levels to implement these actions. Family disputes and divorce will never go away. Parental child abduction, however, must be eradicated.

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#### OPPOSITION TO H.R. 4892, SCOUTING FOR ALL ACT

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

Mr. BUYER. Mr. Speaker, the Supreme Court has ruled that the Boy Scouts of America, as a private organization, has the right to set its own standards for membership and leadership. This allows the Scouts to continue developing young men of strong moral character without imposing the mores on them that they find abhorrent.

Would my colleagues like a view of extremist liberal Democrats who seek to control this House? They have filed a bill to revoke the Boy Scouts Federal charter, a blatant attempt to undermine the Supreme Court's ruling and punish the Boy Scouts for their belief.

This bill promotes intolerance. The Boy Scouts respect other people's right to hold differing opinions than their own and ask others to respect their belief. Extremist Democrats believe just the opposite. They believe that if one does not subscribe to their beliefs and their view of the world, then one is intolerant and must be chastised.

These liberal Democrats are in error. Tolerance does not require a moral equivalency. Rather, it implies a willingness to recognize and respect the beliefs of others.

The Boy Scouts are a model of inclusiveness. Today, boys of every ethnic, religious, and economic background, including those with disabilities and special needs, participate in Scouting programs across America.

I urge my colleagues to vote against this extremist measure promoted by liberal Democrats.

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#### ACCIDENTAL HOSPITAL DEATHS ARE HIGHER THAN ACCIDENTAL GUN DEATHS

(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, accidental deaths caused by doctors and hospitals in America reached 120,000 per year. Meanwhile, gun deaths have dropped 35 percent. In fact, accidental gun deaths dropped to 1,500 last year.

Think about it. We have got hospitals slicing and dicing American people like Freddie Kruger, and Congress

is passing more gun laws. Beam me up. There is something wrong in America when one is 80 times more likely to be killed by a doctor than Smith & Wesson. Think about it, 80 to 1. Maybe we need a gun in surgery.

I yield back the fact that the second amendment was not written to cover just duck hunters.

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#### Gore Senior Tax Policy

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

Mr. STEARNS. Mr. Speaker, the Austrian philosopher Karl Krauss once wrote, "When the end comes, I want to be living in retirement."

Many Americans in this country feel that way. They put in countless hours anticipating the day when they will retire. Unfortunately, the Clinton-Gore administration sees these benefits as a prime opportunity to grab more money for the Federal Government.

In 1993, the Clinton-Gore administration decided to tax up to 85 percent of the Social Security benefits received by single seniors whose incomes were \$34,000, and married taxpayers, seniors, with incomes exceeding \$44,000.

Worse yet, Mr. Speaker, because these incomes were not indexed for inflation, the tax effects were more dramatic every year for our seniors.

This week the House will vote to end this burdensome tax and give seniors a well-deserved tax break. Seniors have paid their fair share of taxes. It is time we repeal the Clinton-Gore seniors' tax.

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#### Veterans Right to Know Act

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

Mr. PASCRELL. Mr. Speaker, I rise this morning to commend this body for passing two pieces of legislation yesterday that enhance the benefits of our veterans, H.R. 4850 and H.R. 4864. It does not matter how many benefits we provide our veterans if they do not know what they are entitled to.

Throughout our Nation's history, millions of men and women have served in our Armed Forces during times of peace and times of war. They have defended the very freedoms our country was founded upon.

Too often our Nation's heroes are not adequately informed about what their benefits are and what they are entitled to. This is simply unacceptable.

We have introduced H.R. 3256, the Veterans Right to Know Act; and if anyone has a right to know, our veterans have a right to know. The Veterans Right to Know Act requires the Secretary of VA to prepare an annual outreach plan that will include efforts to identify veterans who are not otherwise enrolled or registered with the Department for benefits or services.

It enjoys the bipartisan support of 72 House members. Veterans have served

this country. We are accountable to our veterans, and we are going to deliver.

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#### Marriage Tax Penalty Relief Deserves Support

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

Mr. WELLER. Mr. Speaker, have you heard Bill Clinton and AL GORE's latest definition of rich? Bill Clinton and AL GORE say that, if one is married and one is a homeowner or if one is married and one gives money to church and charity and one suffers the marriage tax penalty, one is rich.

Bill Clinton and AL GORE say now that they want to veto the Marriage Tax Elimination Act, legislation which wipes out the marriage tax penalty for 25 million married working couples who, on average, pay \$1,400 more in higher taxes. They say that there are people that are homeowners, there are people that give money to church and charity, and there are people that itemize their taxes, and because of that, they are rich, and they do not deserve marriage tax relief, and they should be discriminated against and should continue to receive and suffer from the marriage tax penalty.

I was so proud when this House passed just this past week legislation wiping out the marriage tax penalty for 25 million married working couples, on average, \$1,400. We made sure, if one suffers the marriage tax penalty, whether one is a homeowner or not, one receives relief. It deserves bipartisan support. I hope the President will change his mind.

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#### GOP Accomplishments

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

Mr. BARTLETT of Maryland. Mr. Speaker, nothing we do in Congress can be accomplished alone. Today I want to thank my colleagues on both sides of the aisle who have worked to make the 106th Congress' record one of accomplishments and not of partisan gridlock.

This Congress has passed some of the most solid education reform ever brought before this body, measures that will give parents and teachers more flexibility to meet students' unique needs. But that is not all. We have also worked tirelessly to pay off our public debt portion of our national debt which is saddling children born this year with a \$13,300 debt burden. Our debt relief measures will save the average household an estimated \$4,000 in interest payments over the next 10 years. Think of what American families can do with \$4,000 in additional income.

The 106th Congress has an agenda for success, and I am proud to be a part of it.

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#### Big Brother Is Reading Our E-Mail

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

Ms. MCKINNEY. Mr. Speaker, although it is 16 years after the titled date of 1984 in George Orwell's novel of the same name, Big Brother is really here and now he is reading our e-mail. Our constitutional rights to privacy are currently being trampled by government-sanctioned invasions currently over at the FBI. These privacy invasions use today's latest technology through the FBI's Carnivore system which monitors and captures our e-mail without our consent or our knowledge.

What business is it of the U.S. Government what I say in an e-mail to my family and to my friends? We must never knowingly allow any government agency to use our e-mail to do to us today what they did with other technologies to Malcolm X and Martin Luther King yesterday.

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#### Space Station Teaches Costly Lesson

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

Mr. DUNCAN. Mr. Speaker, yesterday's lead front page story in the Christian Science Monitor newspaper was headlined, "Late, Costly Milestone for Space Base." It was about the Space Station and U.S. costs now approaching \$100 billion. When this project was first started in 1984, cost projections were only 6 to \$8 billion. This is the old Washington con game: Drastically low ball the cost estimates at the beginning, then spread the project around to as many congressional districts as possible and it will never end.

As the well-respected Monitor pointed out yesterday, "The \$96 billion station is 2½ years behind schedule and costs are burgeoning," meaning still going up. U.S. taxpayers have even had to pay out an extra 3 to \$5 billion to help the Russians participate.

This Space Station will go down in history as the biggest boondoggle this Nation has ever produced. Mr. Speaker, it just goes to show once again that the Federal Government cannot do anything in an economical, cost-effective manner.

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#### Recognizing El Paso Vet Center

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

Mr. REYES. Mr. Speaker, I rise to recognize an outstanding institution in

my district, the Department of Veterans Affairs El Paso Vet Center which has served the veterans of west Texas and southern New Mexico for the last 21 years. The center provides quality care to improve the lives of men and women who fought and defended our Nation's security and freedom. These services are provided with incredible compassion and understanding. Through counseling, guidance and rehabilitation programs, the center is an invaluable link between our veterans and the Department of Veterans Affairs. By reaching out to more than 100,000 veterans in the El Paso area, the center makes an incredible difference in our community.

It is veterans programs like this that deserve the full support and appreciation of this institution. Abraham Lincoln once said, "Let us strive on to finish the work we are in, to bind up the Nation's wounds, to care for him who shall have borne the battle and for his widow and his orphan."

Wars indeed have left behind men and women who need our assistance. As we celebrate the 25th anniversary of the end of the Vietnam War, I am proud to recognize the El Paso Vet Center, an institution that has continuously provided assistance to our Nation's veterans in El Paso.

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#### THE FLEEING OF UTAH PROPERTY OWNERS

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

Mr. HANSEN. Mr. Speaker, the U.S. Constitution says that if the Government takes private property, the owner of the property shall receive just compensation. In Washington County, Utah, the desert tortoise was put on the endangered species list. Therefore, the U.S. Government required hundreds of acres of tracts for that habitat. About 30 taxpayers were involved. They did not want to give up their ground. They wanted to keep it. But no, the Federal Government says, "We've got to take that ground for this habitat." And they said, "It's not taking your ground."

And then you ask, "What is it taking?"

"Well," they say, "you can keep your property but you can't put your foot on it. You can pay taxes on your property, but you can't use it. We're not taking your property."

So the Federal Government offered about one-fourth of the value of the ground. Now, is that fair? Is that just? Is that just compensation? I do not think it is.

Tom Brokaw of NBC does a program called The Fleecing of America. He used this land issue saying these poor taxpayers fleeced the American Government when they got it for that price. Well, he got it wrong, as the press normally does. I am just amazed that the media misses one so far. Who

really got fleeced on this, Mr. Speaker? The people who got fleeced were those people that gave up their ground for one-fourth of the value.

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#### REPUBLICAN ACCOMPLISHMENTS

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

Mr. SAM JOHNSON of Texas. Mr. Speaker, Democrats are running scared. Their message of fear, class warfare and big government has failed again. Even their own focus groups and polls tell them Americans want the Republican agenda of less taxes, less government and local control.

And who can blame them? Just listen to what the Republicans have accomplished: we have created the longest economic expansion in America's history, balanced the budget, paid down the national debt, saved Medicare, locked away 100 percent of the Social Security surplus, eliminated the Social Security earnings penalty, and eliminated the marriage penalty and death tax. That is just to name a few.

The Democrats have attacked these accomplishments as risky. But I do not think it is risky to give something back to the very Americans who made this country great, the people.

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#### ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. OSE). Pursuant to clause 8, rule XX, the Chair will now put the question on each motion to suspend the rules on which further proceedings were postponed on Tuesday, July 25, 2000, in the order in which that motion was entertained.

Votes will be taken in the following order:

H.R. 4033, by the yeas and nays;

H.R. 4710, by the yeas and nays.

The Chair will reduce to 5 minutes the time for the second electronic vote after the first such vote in this series.

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#### BULLETPROOF VEST PARTNERSHIP GRANT ACT OF 2000

The SPEAKER pro tempore. The unfinished business is the question of suspending the rules and passing the bill, H.R. 4033, 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 Ohio (Mr. CHABOT) that the House suspend the rules and pass the bill, H.R. 4033, as amended, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 413, nays 3, not voting 18, as follows:

[Roll No. 439]

YEAS—413

Ackerman  
Aderholt  
Allen

Andrews  
Archer  
Armey

Baca  
Bachus  
Baird

Baldacci  
Baldwin  
Ballenger  
Barcia  
Barr  
Barrett (NE)  
Barrett (WI)  
Bartlett  
Bass  
Bateman  
Becerra  
Bentsen  
Bereuter  
Berkley  
Berman  
Berry  
Biggart  
Bilbray  
Bilirakis  
Bishop  
Blagojevich  
Bliley  
Blumenauer  
Boehler  
Boehner  
Bonilla  
Bonior  
Bono  
Borski  
Boswell  
Boucher  
Boyd  
Brady (PA)  
Brady (TX)  
Brown (FL)  
Brown (OH)  
Bryant  
Burr  
Burton  
Buyer  
Callahan  
Calvert  
Camp  
Campbell  
Canady  
Cannon  
Capps  
Capuano  
Cardin  
Carson  
Castle  
Chabot  
Chambliss  
Chenoweth-Hage  
Clay  
Clayton  
Clement  
Clyburn  
Coble  
Coburn  
Collins  
Combest  
Condit  
Conyers  
Cook  
Cooksey  
Costello  
Cox  
Coyne  
Cramer  
Crane  
Crowley  
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  
English  
Eshoo  
Etheridge  
Evans  
Everett  
Farr  
Fattah  
Filner  
Fletcher  
Foley  
Forbes  
Ford  
Fossella  
Fowler  
Frank (MA)  
Franks (NJ)  
Frelinghuysen  
Frost  
Gallegly  
Ganske  
Gejdenson  
Gekas  
Gephardt  
Gibbons  
Gilchrest  
Gillmor  
Gonzalez  
Goode  
Goodlatte  
Goodling  
Gordon  
Goss  
Graham  
Green (TX)  
Green (WI)  
Greenwood  
Gutierrez  
Gutknecht  
Hall (OH)  
Hall (TX)  
Hansen  
Hastings (FL)  
Hastings (WA)  
Hayes  
Hayworth  
Hefley  
Herger  
Hill (IN)  
Hill (MT)  
Hilleary  
Hilliard  
Hinchey  
Hinojosa  
Hobson  
Hoeffel  
Hoekstra  
Holden  
Holt  
Hooley  
Horn  
Hostettler  
Houghton  
Hoyer  
Hulshof  
Hunter  
Hutchinson  
Hyde  
Inslee  
Isakson  
Istook  
Jackson (IL)  
Jackson-Lee  
(TX)  
Jefferson  
John  
Johnson (CT)  
Johnson, E. B.  
Johnson, Sam  
Jones (NC)  
Jones (OH)  
Kanjorski  
Kaptur  
Kasich  
Kelly  
Kennedy  
Kildee  
Kilpatrick  
Kind (WI)  
King (NY)  
Kingston  
Kleczka  
Klink  
Knollenberg  
Kolbe  
Kucinich  
Kuykendall

LaFalce  
LaHood  
Lampson  
Lantos  
Largent  
Larson  
Latham  
LaTourette  
Lazio  
Leach  
Lee  
Levin  
Lewis (CA)  
Lewis (GA)  
Lewis (KY)  
Linder  
Lipinski  
LoBiondo  
Lofgren  
Lowey  
Lucas (KY)  
Lucas (OK)  
Luther  
Maloney (CT)  
Maloney (NY)  
Manzullo  
Markey  
Martinez  
Mascara  
Matsui  
McCarthy (MO)  
McCarthy (NY)  
McCollum  
McCrery  
McDermott  
McGovern  
McHugh  
McInnis  
McIntyre  
McKeon  
McKinney  
McNulty  
Meehan  
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  
Payne  
Pease  
Pelosi  
Peterson (MN)  
Peterson (PA)  
Petri  
Phelps  
Pickering  
Pickett  
Pitts  
Pombo  
Pomeroy  
Porter  
Portman  
Price (NC)  
Pryce (OH)  
Quinn  
Radanovich

Rahall	Shays	Thornberry
Ramstad	Sherman	Thune
Rangel	Sherwood	Thurman
Regula	Shimkus	Tiahrt
Reyes	Shows	Toomey
Reynolds	Shuster	Towns
Riley	Simpson	Trafficant
Rivers	Sisisky	Turner
Rodriguez	Skeen	Udall (CO)
Roemer	Skelton	Udall (NM)
Rogan	Slaughter	Upton
Rogers	Smith (MI)	Velazquez
Rohrabacher	Smith (NJ)	Visclosky
Ros-Lehtinen	Smith (TX)	Vitter
Rothman	Snyder	Walden
Roukema	Souder	Walsh
Roybal-Allard	Spence	Wamp
Royce	Spratt	Watkins
Rush	Stabenow	Watt (NC)
Ryan (WI)	Stearns	Watts (OK)
Ryun (KS)	Stenholm	Waxman
Sabo	Strickland	Weiner
Salmon	Stump	Weldon (FL)
Sanchez	Stupak	Weldon (PA)
Sanders	Sununu	Weller
Sandlin	Sweeney	Wexler
Sawyer	Talent	Weygand
Saxton	Tancredo	Whitfield
Scarborough	Tanner	Wick
Schaffer	Tauscher	Wilson
Shakowsky	Tauzin	Wise
Scott	Taylor (MS)	Wolf
Sensenbrenner	Taylor (NC)	Woolsey
Serrano	Terry	Wu
Sessions	Thomas	Wynn
Shadegg	Thompson (CA)	
Shaw	Thompson (MS)	

## NAYS—3

Blunt	Paul	Sanford
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## NOT VOTING—18

Abercrombie	Gilman	Stark
Baker	Granger	Tierney
Barton	Jenkins	Vento
Cubin	McIntosh	Waters
Engel	Meek (FL)	Young (AK)
Ewing	Smith (WA)	Young (FL)

## b 1049

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.

f

ANNOUNCEMENT BY THE SPEAKER  
PRO TEMPORE

The SPEAKER pro tempore (Mr. OSE). Pursuant to the provisions of clause 8 of rule XX, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device may be taken on this additional motion to suspend the rules on which the Chair has postponed further proceedings.

f

ILLEGAL PORNOGRAPHY  
PROSECUTION ACT OF 2000

The SPEAKER pro tempore. The unfinished business is the question of suspending the rules and passing the bill, H.R. 4710.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Ohio (Mr. CHABOT) that the House suspend the rules and pass the bill, H.R. 4710, 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 412, nays 4, not voting 18, as follows:

[Roll No. 440]

## YEAS—412

Abercrombie	DeMint	Johnson, Sam
Ackerman	Deutsch	Jones (NC)
Aderholt	Diaz-Balart	Jones (OH)
Allen	Dickey	Kanjorski
Andrews	Dicks	Kaptur
Archer	Dingell	Kasich
Armey	Dixon	Kelly
Baca	Doggett	Kennedy
Bachus	Dooley	Kildee
Baird	Doolittle	Kilpatrick
Baker	Doyle	Kind (WI)
Baldacci	Dreier	King (NY)
Baldwin	Duncan	Kingston
Ballenger	Dunn	Kleczka
Barr	Edwards	Klink
Barrett (NE)	Ehlers	Knollenberg
Barrett (WI)	Ehrlich	Kolbe
Bartlett	Emerson	Kucinich
Bass	Engel	Kuykendall
Bateman	English	LaFalce
Becerra	Eshoo	LaHood
Bentsen	Etheridge	Lampson
Bereuter	Evans	Lantos
Berkley	Everett	Largent
Berman	Farr	Larson
Berry	Fattah	Latham
Biggert	Filner	LaTourette
Bilbray	Fletcher	Lazio
Bilirakis	Foley	Leach
Bishop	Forbes	Lee
Blagojevich	Ford	Levin
Bliley	Fossella	Lewis (CA)
Blumenauer	Fowler	Lewis (GA)
Blunt	Frank (MA)	Lewis (KY)
Boehlert	Franks (NJ)	Linder
Boehner	Frelinghuysen	Lipinski
Bonilla	Frost	LoBiondo
Bonior	Gallely	Lofgren
Bono	Ganske	Lowey
Borski	Gedensson	Lucas (KY)
Boswell	Gekas	Lucas (OK)
Boucher	Gephardt	Luther
Boyd	Gibbons	Maloney (CT)
Brady (PA)	Gilchrest	Maloney (NY)
Brady (TX)	Gillmor	Manzullo
Brown (FL)	Gonzalez	Markey
Brown (OH)	Goode	Martinez
Bryant	Goodlatte	Mascara
Burr	Goodling	Matsui
Burton	Gordon	McCarthy (MO)
Buyer	Goss	McCarthy (NY)
Callahan	Graham	McCollum
Calvert	Green (TX)	McCrery
Camp	Green (WI)	McDermott
Campbell	Greenwood	McGovern
Canady	Gutierrez	McHugh
Cannon	Gutknecht	McInnis
Capps	Hall (OH)	McIntyre
Capuano	Hall (TX)	McKeon
Cardin	Hansen	McKinney
Carson	Hastings (FL)	McNulty
Castle	Hastings (WA)	Meehan
Chabot	Hayes	Meeks (NY)
Chambliss	Hayworth	Menendez
Chenoweth-Hage	Hefley	Metcalf
Clay	Herger	Mica
Clayton	Hill (IN)	Millender-
Clement	Hill (MT)	McDonald
Clyburn	Hilleary	Miller (FL)
Coble	Hilliard	Miller, Gary
Coburn	Hinchee	Miller, George
Collins	Hinojosa	Minge
Combest	Hobson	Mink
Condit	Hoefel	Moakley
Conyers	Hoekstra	Mollohan
Cook	Holden	Moore
Cooksey	Holt	Moran (KS)
Costello	Hooley	Morella
Cox	Horn	Murtha
Coyne	Hostettler	Myrick
Cramer	Houghton	Napolitano
Crane	Hoyer	Nethercutt
Crowley	Hulshof	Northrup
Cummings	Hunter	Norwood
Cunningham	Hutchinson	Nussle
Danner	Hyde	Oberstar
Davis (FL)	Inslee	Obey
Davis (IL)	Isakson	Olver
Davis (VA)	Istook	Ortiz
Deal	Jackson (IL)	Ose
DeFazio	Jackson-Lee	Owens
DeGette	(TX)	Oxley
DeLahunt	Jefferson	Packard
DeLauro	John	Pallone
DeLay	Johnson (CT)	Pascrell
	Johnson, E.B.	Pastor

Payne	Sanders	Tauscher
Pease	Sandlin	Tauzin
Pelosi	Sanford	Taylor (MS)
Peterson (MN)	Sawyer	Taylor (NC)
Peterson (PA)	Saxton	Terry
Petri	Scarborough	Thomas
Phelps	Schaffer	Thompson (CA)
Pickering	Schakowsky	Thompson (MS)
Pickett	Sensenbrenner	Thornberry
Pitts	Serrano	Thune
Pombo	Sessions	Thurman
Pomeroy	Shadegg	Tiahrt
Porter	Shaw	Toomey
Portman	Shays	Towns
Price (NC)	Sherman	Trafficant
Pryce (OH)	Sherwood	Turner
Quinn	Shimkus	Udall (CO)
Radanovich	Shows	Udall (NM)
Rahall	Shuster	Upton
Ramstad	Simpson	Velazquez
Rangel	Sisisky	Visclosky
Regula	Skeen	Vitter
Reyes	Skelton	Walden
Reynolds	Slaughter	Walsh
Riley	Smith (MI)	Wamp
Rivers	Smith (NJ)	Watkins
Rodriguez	Smith (TX)	Watt (NC)
Roemer	Snyder	Watts (OK)
Rogers	Souder	Waxman
Rohrabacher	Spence	Weiner
Ros-Lehtinen	Spratt	Weldon (FL)
Rothman	Stabenow	Weldon (PA)
Roukema	Stearns	Weller
Roybal-Allard	Stenholm	Wexler
Royce	Strickland	Weygand
Rush	Stump	Whitfield
Ryan (WI)	Stupak	Wicker
Ryun (KS)	Sununu	Wilson
Sabo	Sweeney	Wise
Salmon	Talent	Wolf
Sanchez	Tancredo	Woolsey
	Tanner	Wu

## NAYS—4

Moran (VA)	Paul
Nadler	Scott

## NOT VOTING—18

Barton	McIntosh	Tierney
Cubin	Meek (FL)	Vento
Ewing	Neal	Waters
Gilman	Ney	Wynn
Granger	Smith (WA)	Young (AK)
Jenkins	Stark	Young (FL)

## b 1057

So (two-thirds having voted in favor thereof), the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mrs. MEEK of Florida. Mr. Speaker, on roll-call No. 440, final passage on H.R. 4710, Illegal Pornography Prosecution Act, I was unable to vote. Had I been present, I would have voted "yea."

f

DISAPPROVING EXTENSION OF  
MOST FAVORED NATION TRADING STATUS TO VIETNAM

Mr. CRANE. Mr. Speaker, pursuant to the previous order of the House, I call up the joint resolution (H.J. Res. 99) disapproving the extension of the waiver authority contained in section 402(c) of the Trade Act of 1974 with respect to Vietnam, and ask for its immediate consideration.

The Clerk read the title of the joint resolution.

The text of House Joint Resolution 99 is as follows:

## H.J. RES. 99

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That Congress does not*

approve the extension of the authority contained in section 402(c) of the Trade Act of 1974 recommended by the President to Congress on June 2, 2000, with respect to Vietnam.

The SPEAKER pro tempore. Pursuant to the order of the House of Monday, July 24, 2000, the gentleman from Illinois (Mr. CRANE) and a Member in support of the joint resolution each will control 30 minutes.

Is there a Member in support of the joint resolution?

Mr. McNULTY. Mr. Speaker, I claim the time in support of the joint resolution.

The SPEAKER pro tempore. The gentleman from New York (Mr. McNULTY) will control 30 minutes.

The Chair recognizes the gentleman from Illinois (Mr. CRANE).

Mr. CRANE. Mr. Speaker, I yield 15 minutes of my time to my colleague, the gentleman from Michigan (Mr. LEVIN), and I ask unanimous consent that he be allowed to yield further blocks of time.

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

There was no objection.

#### GENERAL LEAVE

Mr. CRANE. 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.J. Res. 99.

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

There was no objection.

b 1100

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

Mr. Speaker, I rise in opposition to H.J. Res. 99 and in support of Vietnam's Jackson-Vanik waiver. Over the past decade, the United States has taken gradual steps to normalize our bilateral relations with Vietnam. This process has borne tangible results on the full range of issues on our bilateral agenda including increased accounting of our missing in action, MIAs; substantial progress on remaining immigration cases; and increased trade and investment opportunities for U.S. firms and workers.

The paramount issue in our bilateral relationship with Vietnam remains the fullest possible accounting of MIAs. Since 1993, 288 sets of remains of U.S. servicemen have been repatriated and fate has been determined for all but 41 of 196 persons associated with last known-alive cases.

Future progress in terms of the ability of U.S. personnel to conduct excavations, interview eye witnesses and examine archival items is dependent upon continued cooperation by the Vietnamese.

On immigration, the central issue to the Jackson-Vanik waiver, more than 500,000 Vietnamese citizens have entered the United States under the or-

derly departure program in the past 10 to 15 years. As a result of steps taken by Vietnam to streamline its immigration process, more than 98 percent of cases in the resettlement opportunity for Vietnamese returnees have been cleared for interview.

Currently, Vietnam has agreed to help us reinstate a refugee program for former U.S. Government employees.

Earlier this month, the administration concluded a bilateral trade agreement with Vietnam that will serve as the basis for a reciprocal extension of normal trade relations once it is transmitted and approved by Congress. The trade agreement contains provisions on market access in goods, trade in services, intellectual property protection and investment which are necessary for U.S. firms to compete in the Vietnamese market, the 13th most populous in the world. Because Congress has not yet approved a bilateral agreement, the effect of the Jackson-Vanik waiver at this time is quite limited, enabling U.S. exporters doing business in Vietnam to have access to U.S. trade financing programs, provided that Vietnam meets the relevant program criteria.

At this time, I would insert into the RECORD a letter I received from over 40 trade associations supporting Vietnam's Jackson-Vanik waiver as an important step in the ability of the U.S. business community to compete in the Vietnamese market.

July 19, 2000.

Hon. PHILIP CRANE,  
U.S. Congress,  
Washington, DC.

DEAR REPRESENTATIVE CRANE: As members of the American business and agricultural community, we strongly support action to normalize trade relations with Vietnam. Renewal of the Jackson-Vanik waiver is a key step in this process. We oppose H.J. Resolution 99, which would overturn the waiver, and urge you to vote against the resolution when it comes to the floor Wednesday, July 26, 2000. Renewal of the Jackson-Vanik waiver will ensure that U.S. companies and farmers exporting to Vietnam will maintain access to critical U.S. export promotion programs, such as those of the U.S. Export-Import Bank, the Overseas Private Investment Corporation, and agricultural and maritime credit programs. Ultimately, the Jackson-Vanik waiver, plus the bilateral trade agreement, will lead the way for normal trade relations, enabling American companies and products to compete effectively with European and Asian companies and products in the Vietnamese market.

Important progress in the bilateral relationship has been made this year. The agreement on trade relations between the U.S. and Vietnam has just been successfully concluded, paving the way to full normalization of trade relations. The bilateral trade agreement, which addresses issues relating to trade in goods and farm products, trade in services, intellectual property rights and foreign investment, creates more open market access, greater transparency and lower tariffs for U.S. exporters and investors in Vietnam.

Also this year, the Ex-Im Bank framework agreements, which allow Ex-Im to open operations in Vietnam, were concluded and OPIC made its first loan to a U.S. company in Vietnam. In March Secretary of Defense Wil-

liam Cohen became the first U.S. Defense Secretary to visit Vietnam in 25 years.

The American business and agricultural community believes that a policy of economic normalization with Vietnam is in our national interest. Last year, the House defeated the resolution of disapproval on Jackson-Vanik by a vote of 297 to 130. We urge you to support the renewal of the Jackson-Vanik waiver this July as an important step in the normalization process.

We stand ready to work with Congress towards renewal of the Jackson-Vanik waiver for Vietnam, which will help American businesses and farmers reach this important market.

Sincerely,

American Apparel Manufacturers Association, American Chamber of Commerce in Hanoi, American Chamber of Commerce in Ho Chi Minh City, American Chamber of Commerce in Hong Kong, American Chamber of Commerce in Japan, American Chamber of Commerce in Singapore, American Chemistry Council, American Electronics Association, American Feed Industry Association, American Council of Life Insurers, American Meat Institute, American Potato Trade Alliance, AMT—The Association for Manufacturing Technology, Asia Pacific Council of American Chambers, Coalition for Employment Through Exports, Emergency Committee for American Trade, The Fertilizer Institute, Footwear Distributors and Retailers of America, The Grocery Manufacturers of America, and Information Technology Industry Council.

International Association of Drilling Contractors, International Mass Retail Association, National Association of Manufacturers, National Association of Wheat Growers, National Corn Growers Association, National Oilseed Processors Association, National Potato Council, National Retail Federation, New Orleans Regional Chamber of Commerce, National Foreign Trade Council, North American Export Grain Association, North American Millers' Association, Oregon Potato Commission, Pacific Basin Economic Council—U.S. Committee, Sporting Goods Manufacturers Association, Telecommunications Industry Association, U.S.-ASEAN Business Council, U.S. Association of Importers of Textiles and Apparel, U.S. Chamber of Commerce, U.S.-Vietnam Trade Council, Washington State Potato Commission, and Wheat Export Trade Education Commission.

Although the practical effect of Vietnam's Jackson-Vanik waiver is small at this time, its significance is that it permits us to stay engaged with Vietnam and to pursue further reforms on the full range of issues on the bilateral agenda.

Terminating Vietnam's waiver will give Vietnam an excuse to halt further reforms. I ask my colleagues not to take away our ability to pressure the Vietnamese for progress on issues of importance to the United States and I urge a no vote on H.J. Res. 99.

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

Mr. McNULTY. Mr. Speaker, I ask unanimous consent that half of my time be yielded to the gentleman from California (Mr. ROHRBACHER) and that he be permitted to allocate that time as he sees fit.

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

There was no objection.

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

Mr. Speaker, I rise in support of joint resolution 99, which disapproves the President's determination to waive the Jackson-Vanik freedom of information requirement for Vietnam. Others will point out that this debate is not about extension of normal trade relations with Vietnam but rather about the more limited issue of whether Vietnam should be eligible to participate in U.S. credit and credit-guaranteed programs.

Technically, Mr. Speaker, that is correct. However, I think we all know that this debate is about something much more important. As I said last year, Mr. Speaker, I do not oppose the eventual normalization of relations with Vietnam, but I do oppose declaring business as usual while the remains of American servicemen are still being recovered.

According to the Department of Defense, we are receiving newly discovered remains on a fairly frequent basis. As recently as June 3, last month, Mr. Speaker, the possible remains of three American military personnel were recovered. Can we not wait until this process is completed?

Mr. Speaker, on August 9, 1970 my brother, HM3 William F. McNulty was killed in Vietnam. He was a Navy medical corpsman transferred to the Marines. He spent his time patching up his buddies, and one day he stepped on a land mine and lost his life. That was a tremendous loss for our family, and I can tell my colleagues from personal experience that while the pain may subside it never goes away.

There is a difference between what the McNulty family went through and what an MIA family goes through. Because Bill's body was returned to us, we had a wake and a funeral and a burial. What we had, Mr. Speaker, was closure. I can only imagine what the family of an MIA has gone through over these past several decades.

Mr. Speaker, until there is a more complete accounting of those missing in action, this waiver should not be granted.

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

Mr. LEVIN. Mr. Speaker, I ask unanimous consent that the gentleman from Louisiana (Mr. JEFFERSON) be allowed to yield further time.

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

There was no objection.

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

Mr. Speaker, I rise in opposition to H.J. Res. 99. I support the President's decision to waive the Jackson-Vanik prohibitions with respect to Vietnam for an additional year.

This action takes place against a backdrop of bitter relationships in the past with Vietnam. Memories of those years remain, and appropriately so.

Over the past 5 years, the U.S. has gradually been reengaging with Viet-

nam. In 1994, we lifted the comprehensive embargo that had been in place since 1975. In 1995, we reopened the American Embassy in Hanoi. In 1998, the President decided to waive the Jackson-Vanik prohibitions. This body supported that decision with decisive margins. Each of these steps was a long time in evolving. Each responded to positive developments in Vietnam. Notably, the government of Vietnam has improved cooperation in the location of U.S. servicemen and women missing in Vietnam, and there has been improvement in the administration of programs to facilitate the resettlement of Vietnamese wishing to immigrate.

We must be clear concerning what today's vote is about, and what it is not about.

Today we simply vote on whether to approve or disapprove the Jackson-Vanik waiver for Vietnam for an additional year. Approving the waiver will continue the availability of export-related financing from OPIC, Ex-Im Bank, and the Department of Agriculture. Disapproving the waiver will cut off those sources of financing with an impact on U.S. exports, our businesspeople and our workers. Approving the waiver will not extend most favored nation status to goods and services from Vietnam. Imports from Vietnam will remain subject to restrictive tariffs until the Congress approves a bilateral trade agreement.

Two weeks ago, our country did, in fact, sign a trade agreement with Vietnam, negotiated over a period of 4 years. However, that agreement is not before the House today. When the President eventually submits it for approval, we will have to give careful consideration to a number of issues, including the extent of Vietnam's commitments, the extent to which it is implementing its commitments, our ability to monitor and enforce those commitments and Vietnam's compliance with international standards in areas including labor and the environment.

Fully normalizing relations with Vietnam is a long-term task. It requires us to work with Vietnam, including through the provision of technical assistance. For now, we must preserve the forward momentum that has developed over the past 6 years. To cut off programs now would be to pull out the rug from under U.S. producers of goods and services.

In short, let us keep intact the groundwork upon which a meaningful and enduring relationship hopefully could be built.

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

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

Mr. Speaker, I rise in strong support of H.J. Res. 99. The American people and our colleagues should listen carefully to this debate. What is it about? It is about trade subsidies. It is about a subsidy by the American people, the taxpayers of American businessmen

that want to invest in Vietnam. Investing in Vietnam? That does not mean selling American products in Vietnam. That means setting up manufacturing units in Vietnam to take advantage of the fact that that country is a brutal dictatorship that does not permit unions, that does not permit strikes, and thus there is virtual slave labor there at a cheap price.

Do we really want to give taxpayer subsidies and encourage American businessmen to close factories in the United States and open them up to take advantage of that type of market? That is immoral. It is immoral against the people of Vietnam and it is against the well-being of our own people. We are sinning against our own people by providing subsidies for our businessmen to close up operations here and open up there in a dictatorship.

It has been 2 years, Mr. Speaker, since President Clinton issued the first Jackson-Vanik waiver for Vietnam. Each year we have been assured by this administration and by our ambassador to Hanoi that this action would lead to greater political openness and prosperity for the Vietnamese people and a better economic climate for American investors so they would not need those subsidies. Unfortunately, the exact opposite has happened.

As The Washington Post stated on May 3, Vietnam remains a one-party state, rampant with corruption that retards foreign investment, and the Communist party fears more openness to the outside world could bring in more political heterodoxy for which the party shows zero tolerance, end of quote.

In a recent Human Rights Watch, reports link the ongoing persecution of dissidents and religious believers in Vietnam to the pervasive economic and political corruption in that country. There is no free press in Vietnam. All information is controlled by the state. Radio Free Asia broadcasts are jammed routinely.

The repeated promises by Hanoi of economic reform have been no more credible than their pledges in 1973 at the Paris Peace Agreement that the Communist violence against the people of South Vietnam would end and that there would be peaceful elections rather than bombs in resolving that war.

There is still not even the slightest hint of a free and fair election or opposition parties in Vietnam.

In that repressive government, it is hardly surprising that foreign investors and businessmen are bailing out. They are bailing out, but let us come by and save them. Let us use taxpayer subsidies and give them an encouragement to stay there in that corrupt and support that corrupt and undemocratic society, that tyrannical regime.

b 1115

As this panel is aware, the Jackson-Vanik provision primarily addresses the issue of freedom of immigration and migration for people who fear or



who have had the experience of persecution. The Vietnam Exit Permit system for immigration, including the longtime reeducation camp survivors, Amer-Asians, Americans, Montagnards and other people who have an interest in the United States of America, that state remains ripe for corruption. Many Vietnamese on the U.S. migration list have not been able to come to the United States because they could not afford to pay the bribes.

Contrary to the claims that we have just heard here today, there has been no progress in the MIA/POW issue. Hanoi has not even released the records. This Member has repeatedly, and last year, I might add, I made the same demand, but I have made this over and over again: if you want to prove good faith to us, simply release the records that you have of the prisons that you held Americans in during the war. Just give us those records. How about giving us the records of the facility that held our American ambassador, Pete Peterson. Just give us those records so we can examine it to see how many prisoners you really had. They have not given us those records after repeated demands. That is a sign of bad faith, and it is bad faith in the whole MIA/POW effort.

Mr. Speaker, my joint resolution disapproving the President's waiver for the corrupt Vietnamese dictatorship does not intend to isolate Vietnam or to stop U.S. companies from doing business there. It simply prevents the Communist Vietnam regime from enjoying a trade status that enables American businessmen, now listen to this, to make increasingly risky investments with loan guarantees and subsidies provided by the American taxpayer.

Why are we giving this perverse incentive for American companies to shut down their operations here or even refrain from opening up operations in countries that are struggling to be democratic and instead, to invest in dictatorships like Vietnam and China. If private banks and insurance companies will not back up these private ventures, why should the American taxpayer do that? American taxpayers should not be asked to do this.

Rampant corruption and mismanagement, as well as the abuse of the migration program, the lack of free trade unions, the suppression of freedom of expression, and the persecution of dissidents and religious believers, these are valid reasons to oppose the Jackson-Vanik waiver, and also it is not in our interests to make sure the American people are shortchanged by subsidizing investments in dictatorships.

Mr. Speaker, we do no favors for the Vietnamese people or American investors by again reflexively supporting the President's bogus Jackson-Vanik waiver. I propose that we get the Communists to give the Communist dictators in Vietnam to give a strong message from the United States Congress that corruption, mismanagement and

tyranny will no longer be tolerated, much less subsidized.

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

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

Our colleagues should have received a letter yesterday, in fact, and it was initiated by our distinguished colleague on the minority side, the gentleman from California (Mr. MATSUI), and the gentleman from Nebraska (Mr. BEREUTER) on ours; and in it it explains something, and there is one paragraph I would like to read to my colleagues: "At this time, Vietnam's waiver only allows that country to be reviewed for possible coverage by U.S. trade financing programs, such as those administered by the Overseas Private Investment Corporation, OPIC; the Export-Import Bank, Exim; and the U.S. Department of Agriculture, USDA. Vietnam is not automatically covered by these programs as a result of its Jackson-Vanik waiver."

Mr. Chairman, I yield 2 minutes to the gentleman from Illinois (Mrs. BIGGERT).

Mrs. BIGGERT. Mr. Speaker, I thank the gentleman from Illinois (Mr. CRANE), chairman of the Subcommittee on Trade, for yielding me this time.

Mr. Speaker, I rise today to urge my colleagues to oppose the resolution disapproving the President's extension of the Jackson-Vanik waiver for Vietnam. Rejecting this resolution is especially important now that the United States and Vietnam have signed a bilateral trade agreement which will allow Vietnam in the future to gain Normal Trade Relations status renewable on an annual basis. But before that bilateral agreement is approved by Congress, we must continue the process of normalizing trade relations with Vietnam that began when we ended our trade embargo 6 years ago.

Over these few years, good progress has been made. From its accounting of U.S. POWs and MIAs, to its movement to open trade with the world, to its progress on human rights, Vietnam has taken the right steps. Vietnam is not there yet, but Vietnam is moving in the right direction.

Mr. Speaker, House Joint Resolution 99 is the wrong direction for us to take today. Who is hurt if we pass this resolution? We are. It is the wrong direction for U.S. farmers and manufacturers who do not have a level playing field when they compete with their European or Japanese counterparts in Vietnam. It is the wrong direction for our joint efforts with the Vietnamese to account for the last remains of our soldiers and to answer, finally, the questions of their loved ones here. It is the wrong direction for our efforts to influence the Vietnamese people, 65 percent who were not even born when the war was being waged.

Let us not turn back the clock on Vietnam. Let us continue to work with them and, in doing so, teach the youthful Vietnamese the values of democ-

racy, the principles of capitalism, and the merits of a free and open society.

Mr. McNULTY. Mr. Speaker, I yield 2 minutes to the gentleman from Ohio (Ms. KAPTUR).

Ms. KAPTUR. Mr. Speaker, I thank the gentleman for yielding me this time, and I support the McNulty resolution to disapprove the extension of trade waiver authority with Vietnam.

Mr. Speaker, last year I supported the exact opposite position, in hopes that there would be signs in Vietnam that, in fact, that government would move toward a more open society. There are no signs of that, and political repression continues. Talk to people who live here in the United States who have relatives in Vietnam; many live in the Washington area.

What was even more troubling to me and the reason for this change in my own position, and I am not going to use the person's name, but one of the two most important Americans in charge of shaping U.S. policy toward Vietnam was speaking with me the other day; and I said, what are you going to do about the treatment of workers in Vietnam under this trade authority to give them dignity, whether they are working for a U.S.-based company or some other multinational working over there? And this American said to me, oh, that is not a trade issue, that is probably more cultural. That offended me so much.

Mr. Speaker, I think our government is on the wrong song sheet here. We ought to be for developing a civil society in Vietnam, beginning with humanitarian linkages, as our community is trying to do by helping build schools and clinics. We ought to be having educational exchanges to teach people something about democracy-building. We ought to have family reunification. We ought to have arts and cultural exchanges; but by golly, when top-ranking people from our own government fail to see that the basis of Jackson-Vanik is that political repression is wrong and this Nation ought to stand up for liberty at every cost, we ought to bring back those who are missing in action and call the government of Vietnam to task on that.

But we need to support the McNulty resolution and deny the additional extension, because it is in freedom's interests here and abroad.

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

Mr. Speaker, I rise to urge support of the Jackson-Vanik waiver by voting no on H.J. Res. 99, to encourage progress by Vietnam on a host of issues important to the United States.

It is undeniable that we have had a very troubled history with Vietnam, and we still have difficult issues. The scars of the past, as we have seen evidenced today, and this discussion run very deep; and we could never forget those who sacrificed their lives in the service of that country there.

But isolating Vietnam will not heal these scars. Perhaps no one can speak



more authoritatively on that issue than one of our former colleagues, Pete Peterson, who is here with us today. Pete Peterson was shot down flying his 67th mission during the Vietnam War and spent 6½ years as a prisoner of war. After serving 6 years with us in the U.S. House as a member of my class in 1991, Pete Peterson returned to Vietnam, this time as the first ambassador since the Communist takeover.

It is Ambassador Peterson's remarkable optimism about the changes going on in Vietnam, I believe, that sheds the greatest light on what our policy toward Vietnam should be. So while serious issues remain in our relationship with Vietnam, the dialogue with the Vietnamese on a full range of issues is the foundation on which those issues can be resolved.

For this reason, support for the Jackson-Vanik waiver for Vietnam and a no vote on this resolution is in our best interests, I believe.

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

Mr. ROHRABACHER. Mr. Speaker, I yield myself 30 seconds.

Mr. Speaker, we have heard here that this really is not about taxpayer subsidy, because what we are doing today only makes possible that we will give taxpayer subsidies to American businessmen for closing factories here and opening up in this dictatorship in Southeast Asia, Vietnam.

The fact is, that is what this debate is all about, whether or not it should be permitted for American companies to receive these subsidies from the American taxpayer that are not in the interest of the American people so that they can go over and manufacture things in Vietnam and then to export them back to the United States. That is what this is about, the same way it is about this in China in our China debate, and what the gentleman from Illinois (Mr. CRANE) read confirms that.

Mr. Speaker, I yield 2½ minutes to the gentleman from California (Mr. ROYCE).

Mr. ROYCE. Mr. Speaker, I thank the gentleman for yielding, and I rise today in support of the Rohrabacher resolution.

Mr. Speaker, let me say that we have heard about the terrible human rights situation in Vietnam; and sadly, let me say it, in fact, is true. If we look at the rights abolished by the socialist republic of Vietnam, political freedoms are gone, all religious freedom is gone, economic freedom has been systematically abolished for the people there.

Now, the State Department tells us that the Vietnamese government quote, "maintains an autocratic one-party state that tolerates no opposition." Earlier this year, I visited Vietnam and I saw firsthand the Communist Party's harassment of those Vietnamese citizens who decide to peacefully set forth dissenting political and religious views. I visited several who were under house arrest.

Now, we can argue whether or not engagement best advocates freedom in

Vietnam. In fact, I believe engagement does. If done right, a two-track policy of engaging Vietnam on economic reform, while pressuring it on its political and religious repression with Radio Free Asia and other means, promises to promote the freedom the Vietnamese people have long sought.

Trade in investment terms with Vietnam, though, is not what this particular piece of legislation addresses. Denying this waiver would not make U.S. businesses any more or less free to do business in Vietnam. Approving this resolution would simply disallow taxpayer dollars from being used to continue subsidizing U.S. companies to do business in Vietnam. The reforms the Vietnamese government promises to make in its trade agreement with the U.S. generally are comprehensive. They are comprehensive because the business climate in Vietnam right now is so bad. The Communist Party runs the economy, making Vietnam abjectly poor, despite the talents and drive of the Vietnamese people. The economy is riddled with corruption, red tape, and cronyism.

Mr. Speaker, the State Department says, U.S. businesses find the Vietnamese market is a tough place to operate. That is an understatement. American and European companies, which eagerly entered Vietnam a few years ago, are in retreat. If they wish to stay the course, that is their decision; but we should not ask for a U.S. Government subsidy to do that.

Mr. Speaker, we all hope that freedom comes to Vietnam. Today we are debating whether the U.S. Government subsidies for American business is a constructive way to promote this freedom. I do not think that that case has been made for Vietnam, or from any other places, for that matter. I ask my colleagues to support this resolution.

Mr. CRANE. Mr. Speaker, I would remind our colleagues that OPIC and Ex-Im Bank help businesses in a majority of countries around the globe; it is not confined to Vietnam.

Mr. Speaker, I yield 2 minutes to the gentleman from Maryland (Mr. GILCHREST).

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

Mr. Speaker, I rise in opposition to the resolution from the gentleman from California (Mr. ROHRABACHER) and support the Jackson-Vanik waiver.

In the 1870s, France colonized Vietnam. From 1940 to 1945, the Japanese and the French collaborated to oppress and colonize Vietnam. In 1945, President Roosevelt sent an agent, Archimedis Patti of the OSS, the forerunner of the CIA, to see what was going on in Vietnam and what should happen after World War II, which was fought for self-determination around the world.

Archimedis Patti suggested that Ho Chi Minh was fighting for independence against the French and the Japanese.

Roosevelt died. Archimedis Patti persisted with President Truman. Throughout the 1950s, the OSS, which turned into the CIA, recommended that the United States not become involved in the Vietnam conflict because it was a matter of a civil war and a matter of a fight for independence.

Now, I know the decisions were tough back then. In the 1940s and 1950s it was Communist expansion, China fell to the Communist, there was a Korean War and so on. But the United States got involved in the conflict. I served in Vietnam. I lost close friends in Vietnam. I knew men who are still to this day MIAs. I was proud to fight for the democratic process in the 1950s in Vietnam.

It is now 25 years later. The war virtually ended in 1975. The United States does have business interests around the globe and in Vietnam. The United States does have humanitarian interest around the world and in Vietnam. We will not lose sight of those humanitarian interests regardless of what anybody says about cultural interests.

So I highly recommend to my colleagues that we vote against the gentleman from California (Mr. ROHRABACHER), we stand firm in favor of the Jackson-Vanik waiver; and while we do that, we salute Pete Peterson, the Ambassador to Vietnam from the United States.

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

(Mr. GREEN of Texas asked and was given permission to revise and extend his remarks.)

Mr. GREEN of Texas. Mr. Speaker, I rise in support of H.J. Res. 99 and oppose the granting of the waiver for Vietnam.

Mr. Speaker, I do not believe Vietnam has made significant improvements in allowing political express or religious freedom.

I intend to support today's resolution opposing the waiver of the Jackson-Vanik provisions of the 1974 Trade Act. The Communist government in Hanoi still clings to the belief that any form of individualism is a threat to their grip on power.

Every year the House is asked to make exceptions to the countries who consistently oppress political dissent and religious freedom. When is the United States going to say enough is enough?

I understand that we are here today because of the tremendous economic opportunities that are available in Vietnam. I understand that. Vietnam has the cheap labor and lax environmental regulations that we seem to favor to produce our clothes and our shoes.

What would we get in return for waiving the Jackson-Vanik provisions of the 1947 Trade Act? Are we going to get more help in locating our missing servicemen? The legacy of the Vietnam War will remain open and festering without a higher level cooperation from the government in Hanoi.

I hope that next year, if we repeat this process, the United States is not running a huge trade deficit with Vietnam. Injecting large amounts of foreign investment in Vietnam to bring about social change is a flawed theory. We have been doing that with China for years, and it still suppresses religious expression, and it still sells weapons to some of the most unstable nations in the world.

It is interesting that the companies and businesses who are successful in our country because of the freedom of individualism and initiative want to take advantage of a society that suppresses it to the point, and that is the very reason that our society and our government is successful because, individually, we have the right to succeed.

Mr. Speaker, I urge my colleagues to support the resolution.

Mr. JEFFERSON. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from California (Mr. GEORGE MILLER).

(Mr. GEORGE MILLER of California asked and was given permission to revise and extend his remarks.)

Mr. GEORGE MILLER of California. Mr. Speaker, I rise in opposition to this resolution and in support of the continuation of the Jackson-Vanik waiver for Vietnam.

Last year, 297 Members of the House voted against a disapproval waiver. Since that time, major steps have been taken in many areas of greatest concern to the Congress and the American people with respect to issues between the United States and Vietnam.

The number of Vietnamese who have been able to leave the country to resettle in the United States has reached merely 16,000 in the first 6 months of this year compared to 3,800 2 years ago.

Ambassador Pete Peterson, our former colleague, has declared that "Vietnam's cooperation on emigration policy, the test issue for the Jackson-Vanik waiver, is exemplary." Close cooperation between our governments is also continuing in the location, identification, and the return of remains, and in resolving the remaining MIA questions has been considerable.

I had an opportunity to visit with our teams in the country that are seeking these remains and going through this intensive, arduous process. They will tell us the cooperation that they are getting from the government now that they did not get before. The program is working, not as fast as we would like, but the cooperation is in fact there.

In reaching an accord with the United States on a comprehensive trade agreement, which is not an issue before this Congress today, the government of Vietnam has also demonstrated that it is prepared to move in the direction of transparency, fair trade, and a more open economy that will ultimately serve the people of that nation well.

Our continued waiver of Jackson-Vanik, which is strongly supported by a number of veterans organizations,

has encouraged Vietnam to implement reforms that are needed to establish the basic labor and political rights we believe are critical. There is still much room for improvement, to be sure, on all of these fronts, on freedom of expression, on religious freedom, on labor rights, on political rights; but the fact of the matter is progress is being made because of this engagement.

We should continue to encourage these reforms in Vietnam through expanded trade, labor, and educational exchanges, again which are taking place already; cooperation, environmental and scientific initiatives which, again, are already taking place. But we need more of them. We need these efforts to build a stronger relationship between the two countries to promote the kind of open and democratic societies we believe they have a right to enjoy.

Mr. ROHRABACHER. Mr. Speaker, will the Chair please let me know what the time is remaining.

The SPEAKER pro tempore (Mr. OSE). The gentleman from California (Mr. ROHRABACHER) has 6 minutes remaining. The gentleman from Louisiana (Mr. JEFFERSON) has 8 minutes remaining. The gentleman from New York (Mr. McNULTY) has 8½ minutes remaining. The gentleman from Illinois (Mr. CRANE) has 7 minutes remaining.

Mr. ROHRABACHER. Mr. Speaker, I yield myself 1 minute.

Mr. Speaker, first and foremost, let us look again at the central issue. No matter how much people are trying to deny it, the central issue is whether or not the American taxpayer should be subsidizing the investment by American businesses, not to sell American products in Vietnam but to set up factories in Vietnam, to take advantage of their, basically, slave labor, people who have no right to form a union, people who have no legal protections. Should we subsidize with our taxpayers' dollars American businessmen that want to go over there and exploit that market, closing factories in the United States, and then exporting their produce that they produced with this slave labor back to the United States, again, competing with our own goods made by our own people? That is immoral.

Let us just say, yes, I agree with the gentleman from Illinois (Mr. CRANE). OPIC and Exim Bank, these are the vehicles that we use taxpayers' dollars to subsidize this investment overseas. They do it with a lot of countries. But we should put our foot down here today and say dictatorships should not receive this kind of subsidy, especially the dictatorship in Vietnam that has not cooperated in finding our missing in action and POWs.

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

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

Mr. Speaker, our distinguished colleague, Ambassador Pete Peterson, was

here a moment ago. He is over here on the floor. I would like to recognize him. He spent 6 years with us here in the House. He spent 6½ years in the Hanoi Hilton, and he is doing an outstanding job as our Ambassador in Vietnam. He assures me that he has the records from the prison in which he was held for 6½ years. These records are now publicly available.

Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Arizona (Mr. KOLBE).

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

Mr. Speaker, I rise in opposition to this House Joint Resolution 99. As a Vietnam veteran, I empathize with many of the arguments that I have heard by some of the opponents to this waiver. I am concerned about the issue of emigration of Vietnamese from that country. I also, of course, want a full accounting of our MIAs and POWs, and our ambassador has been working very hard on achieving that.

Of course I am concerned about religious freedom and its state in a country like Vietnam. But I disagree with the proposed solutions that the other side suggested as denying the Jackson-Vanik waiver for Vietnam does nothing to further the progress in any of these areas. In fact, I believe it has just the opposite effect.

Let us put this vote today in its historical perspective. It was 1991 that President Bush proposed a road map for improving our relations with Vietnam. To follow the road map, Vietnam had to take steps to help us account for our missing servicemen. In return for this cooperation, the United States agreed to move towards normalizing relations in an incremental fashion.

Progress has been made through the years in that. In 1994, a second step was taken when President Clinton lifted the trade embargo against Vietnam. In 1995, in response to further reforms by the Vietnamese, formal diplomatic relations were established between the United States and Vietnam. In 1998, President Clinton issued the first waiver for Vietnam under the Jackson-Vanik procedures. This waiver, which was approved by this House by a very substantial margin, made American products eligible for trade investment programs such as Ex-Im and OPIC.

This year, an even more historic step was reached when the United States and Vietnam signed a bilateral trade agreement which contained significant concessions for the U.S. industry in Vietnam.

Now, this vote today is not going to provide us with all the benefits of the agreement, nor will it mean that we will have normal trade relations with Vietnam. That will require an additional vote by Congress. But today's vote does send a message that Congress supports the policy of continued engagement with Vietnam. I believe that has helped us.

I urge a no vote on this resolution.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair wishes to remind all Members that references to the presence on the floor of non-Members during debate is not appropriate.

Mr. McNULTY. Mr. Speaker, I yield 4 minutes to the gentlewoman from California (Ms. SANCHEZ).

Ms. SANCHEZ. Mr. Speaker, I thank the gentleman from New York (Mr. McNULTY) for yielding me this time.

As the Congresswoman who represents the largest Vietnamese-American population in the United States in Orange County, California, this Jackson-Vanik is about the immigration issue and the reunification of the families, the Vietnamese-American families that we have here in our country.

We have gone through the process. Our State Department has allowed that these members of families come to the United States, and then they run into a problem. The problem is that the corrupt government of Vietnam charges bribes of about \$2,000 to try to get an exit for each person who is trying to come here to the United States to be with their family members.

Well, when one considers that the household income in Vietnam is \$300 a year, \$2,000 is not an easy amount to get one's hands on to get one's exit visa so that one can come here and be with one's family after our State Department says, in fact, one should and can be here in the United States.

So on the issue of immigration, the government of Vietnam has not held up its end. But in addition to that, why should we, the United States, help a government that is so against human rights?

The government continues to repress basic political and religious freedoms and does not tolerate most types of public dissent. This is what the United States State Department reported in its 1999 review of the human rights situation in Vietnam.

What they are doing now in Vietnam is that, instead of holding prisoners in prisons, they put them in house arrest so that the rest of the nations will not criticize them internationally. In fact, the last time I was in Vietnam, while I was talking to a dissident under house arrest in his home, the government figured out I was there. They sent their police knocking on the door trying to get through. I do not know, if I had not had a couple of Marines there with me, what would have happened.

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But the situation is that dissidents do not have an ability to speak their mind under this government. So I ask again, why should we reward that government with a Jackson-Vanik waiver?

It was just 2 months ago when the Vietnamese police placed Ha Si Phu under house arrest and threatened to charge him with treason. The Vietnamese authorities apparently believe that Mr. Ha is connected to an open appeal for democracy issued by intellec-

tual dissidents. If convicted, he could face the death penalty.

Sadly, this is not the first time that Ha Si Phu has been harassed by authorities for peacefully expressing his views. In recent years, he has become well known at home and abroad for his political discourses and for focusing international attention on Vietnam's terrible human rights record. For his efforts, he was imprisoned in December 1995 for a year; and he continues to be under House arrest, like the rest of the people who speak up in Vietnam and say that what they are doing is wrong.

How do we reward this country when it punishes its citizens for exercising basic human rights; a country where a citizen is punished for speaking out against what he or she believes is wrong?

Unfortunately, Mr. Ha's situation is not the only example of what we see over and over and over in this country. Our ambassador, Mr. Pete Peterson, says that human rights conditions are getting better. They are not. We have only to ask the relatives who live here in the United States.

I urge my colleagues to vote "yes" on this resolution.

Mr. JEFFERSON. Mr. Speaker, I yield 2 minutes to the gentleman from Illinois (Mr. EVANS).

Mr. EVANS. Mr. Speaker, this vote today is a vote on whether we are truly dedicated to the hard work of getting full accounting of our missing from the Vietnam War.

As the Veterans of Foreign Wars have stated, passing this resolution of disapproval will only hurt our efforts at a time in which we are receiving the access and cooperation we need from the Vietnamese to determine the fate of our POW-MIAs. There is no more authoritative force and voice on this issue than our former colleague and now ambassador to Vietnam, Mr. Pete Peterson, who supports this waiver. As a prisoner of war who underwent years of imprisonment in the notorious Hanoi Hilton, he should have every reason to be skeptical and harbor bitterness against the Vietnamese. Yet he believes the best course is to develop better relations between our two nations.

We have achieved progress on this POW-MIA issue because of our evolving relationship with the Vietnamese, not despite it. Without access to the jungles and the rice paddies, to the information and documents, and to the witnesses of these tragic incidents, it would be impossible to give the families of the missing the answers our country owes them.

We are making progress and providing these answers. Much of this is due to the Joint Task Force—Full Accounting, our military presence in Vietnam tasked with looking for our missing. I have visited with these young men and women, and they are among the most brave and motivated troops I have ever met. Every day, from the searches of jungle battle sites

to the excavation of crash sites on precarious mountain summits, they put themselves in harm's way to perform a mission they truly believe in.

It is moving to see these young men and women, some who were not even born when our presence was so involved in Vietnam. They have told me time and time again one thing; allow us to remain on this job.

The resolution before us today puts this at risk. I urge my colleagues to please vote against this resolution.

Mr. CRANE. Mr. Speaker, I yield 2½ minutes to the gentleman from Nebraska (Mr. BEREUTER).

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

Mr. BEREUTER. Mr. Speaker, as chairman of the Subcommittee on Asia and the Pacific, this Member rises in opposition to the resolution.

It is important for us, I think, to recognize what the Jackson-Vanik waiver does and what it does not do. By law, the underlying issue here is about immigration. Based on Vietnam's record of progress on immigration and its continued cooperation on U.S. refugee programs over the past year, renewal of the Jackson-Vanik waiver will continue to promote freedom of immigration. Disapproval would undoubtedly result in the opposite.

The Jackson-Vanik waiver also symbolizes our interest in further developing relations with Vietnam. Having lifted the trade embargo and established diplomatic relations 5 years ago, the United States has tried to work with Vietnam to normalize incrementally our bilateral, political, economic, and consular relationships. This is in America's own short-term and long-term national interests. It builds on Vietnam's own policy of political and economic reintegration into the world.

This will be a lengthy and challenging process. However, now is not the time to reverse course on Vietnam. Vietnam continues to cooperate fully with our priority efforts to achieve the fullest possible accounting of American POW-MIAs. The Jackson-Vanik waiver supports this process.

The Jackson-Vanik waiver certainly does not constitute an endorsement of the Communist regime in Hanoi. We cannot approve of a regime that places restrictions on basic freedoms, including the right to organize political parties, freedom of speech, and freedom of religion. On May 4, however, this body passed a resolution condemning just such violations of human rights.

The Jackson-Vanik waiver does not provide Vietnam with new trade benefits, including Normal Trade Relations, NTR, status. With the Jackson-Vanik waiver, the United States has been able to successfully negotiate and sign a new bilateral commercial trades agreement with Vietnam. Congress will have an opportunity in the future whether to approve it or not, and whether to

grant NTR or not, but that is a separate process. The renewal of the Jackson-Vanik waiver only keeps this process going, nothing more.

Renewal of the Jackson-Vanik waiver does not automatically make American exports to Vietnam eligible for possible coverage by U.S. trade financing programs. The waiver only allows American exports to Vietnam to be eligible for such coverage.

Mr. Speaker, the war with Vietnam is over, and we have embarked upon a new, although cautious, expanded relationship with Vietnam. Now is not the time to reverse this constructive course. Accordingly, this Member urges a "no" vote on the resolution.

Having summarized the key reasons to oppose the resolution, this Member would like to expand on a few of these points. First, the issue of emigration, which indeed, is what the Jackson-Vanik provision is all about. Since March of 1998, the United States has granted Vietnam a waiver of the Jackson-Vanik emigration provisions of the Trade Act of 1974. As this is only an annual waiver, the President decided on June 2, 2000, to renew this extension because he determined that doing so would substantially promote greater freedom of emigration from that country in the future. This determination was based on Vietnam's record of progress on emigration and on Vietnam's continued cooperation on U.S. refugee programs over the past year. As a result, we are approaching the completion of many refugee admissions categories under the Orderly Departure Program (ODP), including the Resettlement Opportunity for Vietnamese Returnees, Former Re-education Camp Detainees, "McCain Amendment" sub-programs and Montagnards. The Vietnamese Government has also agreed to help implement our decision to resume the ODP program for former U.S. Government employees, which was suspended in 1996. The renewal of the Jackson-Vanik waiver is an acknowledgment of that progress. Disapproval of the waiver would, undoubtedly, result in Vietnam's immediate cessation of cooperation.

Second, the Jackson-Vanik waiver also symbolizes our interest in further developing relations with Vietnam. Having lifted the trade embargo and established diplomatic relations five years ago, the United States has tried to work with Vietnam to normalize incrementally our bilateral political, economic and consular relationship. This policy is in America's own short- and long-term national interest. It builds on Vietnam's own policy of political and economic reintegration into the world. In the judgment of this Member, this will be a lengthy and challenging process. However, he suggests that now is not the time to reverse course on Vietnam.

Third, over the past five years, Vietnam has increasingly cooperated on a wide range of issues. The most important of these is the progress and cooperation in obtaining the full-est possible accounting of Americans missing from the Vietnam War. Those members who attended the briefing by the distinguished Ambassador to Vietnam, a former Prisoner of War and former Member of this body, the Honorable "Pete" Peterson, learned of the significant efforts to which Vietnam is now extending to address our concerns regarding the POW/MIA issue, including their participation in

remains recovery efforts which are physically very dangerous.

Fourth, the Jackson-Vanik waiver does not constitute an endorsement of the Communist regime in Hanoi. We cannot approve of a regime that places restrictions on basic freedoms, including the right to organize political parties, freedom of speech, and freedom of religion. However, our experience has been that isolation and disengagement does not promote progress on human rights. New sanctions, including the symbolic disapproval of the Jackson-Vanik waiver, only strengthens the position of the Communist hard-liners at the expense of those in Vietnam's leadership who are inclined to support more openness. Engagement with Vietnam has resulted in some improvements in Vietnam's human rights practices, though we still remain disappointed at the very limited pace and scope of such reforms. As this Member mentioned, on May 4, 2000, this body adopted a resolution condemning Vietnam's human rights record. Given the strong reaction to our resolution by Hanoi, it is evident that our actions and concerns did not go unnoticed.

Fifth, the Jackson-Vanik waiver does not provide Vietnam with any new trade benefits, including Normal Trade Relations (NTR) status. However, with the Jackson-Vanik waiver, the United States has been able to successfully negotiate a new bilateral commercial trade agreement with Vietnam. This agreement was signed two weeks ago in Washington. In the opinion of this Member, this agreement is in our own short and long term national interest. Vietnam remains a very difficult place for American firms to do business. Vietnam needs to undertake additional fundamental economic reforms. This new bilateral trade agreement will require Vietnam to make these reforms and will result in increased American exports supporting jobs here at home.

In a separate process with a separate vote Congress will have to decide whether to approve or reject this new trade agreement and to grant NTR status to Vietnam. Given that the agreement has yet to even be transmitted to Congress and there are only a limited number of legislative days before the body's scheduled adjournment, this Member believes that these decisions will not be made until the 107th Congress meets next year. Thus, the Jackson-Vanik waiver simply ensures that the modest trade opportunities currently available to American businesses will continue until Congress considers the agreement.

Sixth, contrary to the claims of some opponents of the Jackson-Vanik waiver, renewal of the Jackson-Vanik waiver does not automatically make American investment in and exports to Vietnam eligible for coverage by U.S. trade financing programs such as those administered by the Overseas Private Investment Corporation, the Export-Import Bank, and the U.S. Department of Agriculture. The waiver only allows American exports and investments to be eligible for such coverage. Each must still face separate individual reviews against each program's relevant criteria.

Mr. Speaker, Americans must conclusively recognize that the war with Vietnam is over. With the restoration of diplomatic relations in 1995, the United States and Vietnam embarked on a new relationship for the future. It will not be an easy or quick process. Vietnam today remains a Communist country with very

limited freedoms for its citizens. Significant reforms must occur before relations can be truly normal. The emotional scars of the Vietnam war remain with many Americans. In the mid-1960's, this Member was an infantry officer and intelligence officer with the First Infantry Division. Within a month of completing my service, members of my tight-knit detachment of that division were in Vietnam and taking casualties the first night after arrival. Like other Vietnam-era veterans, this Member has emotional baggage about Vietnam, but this Member would suggest that it is time to get on with our bilateral relationship and not reverse course on Vietnam.

Passing this resolution of disapproval of the Jackson-Vanik waiver would represent yet another reflection of animosities of the past at a time when Vietnam is finally looking ahead and making changes towards its integration into the international community. A retrenchment on our part by this disapproval resolution is not in America's short and long term national interests. Accordingly, this Member strongly urges the rejection of House Joint Resolution 99.

Mr. McNULTY. Mr. Speaker, I would like to inquire of the Chair about the procedure for closing statements?

It is my understanding that the order would be the gentleman from California (Mr. ROHRBACHER), followed by the gentleman from Louisiana (Mr. JEFFERSON), followed by myself, and then followed by the gentleman from Illinois (Mr. CRANE); is that correct?

The SPEAKER pro tempore (Mr. OSE). The gentleman's understanding is correct.

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

Mr. JEFFERSON. Mr. Speaker, I yield 2 minutes to the gentleman from Oregon (Mr. BLUMENAUER).

Mr. BLUMENAUER. Mr. Speaker, I thank the gentleman from Louisiana (Mr. JEFFERSON) for yielding me this time, and I strongly associate myself with the comments of my colleague, the gentleman from Nebraska (Mr. BE-REUTER).

I too rise in opposition to this resolution and support President Clinton's decision to waive Jackson-Vanik requirements for the next year. This would absolutely be the worst thing we could do at this point, undercutting the outstanding work that Ambassador Peterson and our team has done in terms of continued progress in immigration, in terms of continued accounting and cooperation in dealing with prisoners of war and missing in action. It would also undercut the progress that has been represented by the successful conclusion of the bilateral trade agreement, a critical, critical milepost.

This debate is absolutely not about some hypothetical huge potential trade deficit with Vietnam. The amount of trade involved is minuscule at this point and is not going to be, under the wildest circumstances, anything significant in the foreseeable future.

It is absolutely not about closing United States' factories and shipping

this process overseas. The goods that have been identified here as the primary products for Vietnam are not things that the United States is specializing in right now. Most of those products are already manufactured overseas and simply shifting suppliers.

And it is categorically not about slave labor. That is absolute nonsense and referenced by someone who clearly has never seen the activity that is going on now in Vietnam factories. I am informed by our embassy in Vietnam that there have been dozens of strikes already this year. And if we talk to the men and women who have done work in Vietnam, we see that even in this area progress is being achieved.

Mr. Speaker, this House is poised to make some very significant accomplishments in foreign policy; a historic realignment of our policy with China. Last week's vote sent signals about being real about our relationship with Cuba and reversing some absolutely ineffectual activities in the past. We are now on the verge of doing the same with Vietnam. I strongly urge rejection of this resolution and keeping us moving in this direction.

Mr. ROHRABACHER. Mr. Speaker, I yield myself 2½ minutes.

Mr. Speaker, again, we should take a look at what is being said here today and what the central issues are. We have heard that if we vote today for this resolution that these subsidies for businessmen who go over there, who close factories in the United States and open up factories to produce goods with the slave labor in Vietnam and export them to the United States, will not "automatically" be granted; will not "automatically" have these subsidies available.

We keep getting these words that should make it very clear that is what this debate is about. The debate is about whether or not U.S. taxpayers are going to subsidize American companies to close their doors in the United States, go over there and take advantage of, yes, slave labor.

I am not impressed when I hear that there have been strikes in Vietnam. The question is what happened to the strikers after the strike. The question is whether those strikers had a right to form a union and to try to peacefully advocate their own position, which is the right of every person in a free society.

There has been no progress reported in labor relations in Vietnam. There is no progress in terms of a free press, no progress in terms of religious freedom, no progress in terms of an opposition party. So where is this progress? We are rewarding the Communist government of Vietnam for continuing its repression.

As far as Mr. Peterson's report, this is the first time any of us have ever heard of a report that there are records from a prison available. Let me note this, and I have just spoken to the gentleman from Nebraska (Mr. BEREUTER),

chairman of the committee, that it has never been reported to him; it has never been reported to me, a senior member of the Committee on International Relations and the Subcommittee on Asia and the Pacific, that those records are available.

Now, how limited are they? How long have they been available? We are being told this right now, during this debate, that records that have been denied us for 10 years of our demanding are now available to us. Let me just say if that is the case, and those records have been available and it has not been reported to the oversight committee of the United States Congress, there is something wrong with our State Department or something wrong with the process.

And I would put on the record today that I expect to see those prison records. I would put this on the record for our ambassador to Vietnam that I expect to see those prison records forthwith and immediately so that they can be examined in relationship to the MIA-POW issue. Those records have not been made available to us. We have not had a good faith effort, and it is wrong to spring this in the middle of a debate on the floor on this issue.

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

Mr. JEFFERSON. Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. REYES).

Mr. REYES. Mr. Speaker, I thank the gentleman for yielding me this time, and I rise this morning in support of maintaining the President's waiver of Jackson-Vanik for Vietnam and in opposition of this resolution.

Our policy of engagement with Vietnam is our most effective tool for influencing Vietnamese society and achieving positive relationships with that country. With engagement, we are able to insert American ideals of freedom and liberty to the Vietnamese people. Furthermore, as a global leader in economic enterprise, American companies are poised to develop even broader commercial ties and influential relationships throughout Vietnam.

I can tell my colleagues that our presence in Vietnam impacts their society in all areas, from commercial relations to worker rights.

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Moreover, as a Vietnam veteran, I believe that the coordination and co-operation of the Vietnamese government in the recovery of remains of our servicemen is essential and has been extremely successful and possible through our policy of engagement.

Clearly, additional progress must be made in Vietnam on a whole range of issues including trade, human rights, religious freedom, and freedom of expression. However, we can only do that through a policy of engagement. We all agree that there must be greater political and democratic reforms as well as more open access to Vietnamese markets in order to address the large and growing trade imbalance.

In my view, the most effective way to bring about improvements in trade, human rights, and political and religious freedoms and to maintain other progress in successful joint searches for veterans' remains is through continued engagement with the Vietnamese government and increased contacts with the Vietnamese people so that they can learn and appreciate the values of democracy and the values of freedom.

If we do not support the President's waiver of Jackson-Vanik for Vietnam, the result will be that it will cause us to disengage and withdraw. This will harm and not improve our situation with Vietnam.

Removal of Vietnam's status would likely result in the withdrawal of American goods and, therefore, American values.

I strongly urge everyone in this House to support the waiver of Jackson-Vanik for a status for Vietnam and vote against this resolution.

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

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

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

Mr. JEFFERSON. Mr. Speaker, I yield 1 minute to the gentlewoman from Missouri (Ms. MCCARTHY).

(Ms. MCCARTHY of Missouri asked and was given permission to revise and extend her remarks.)

Ms. MCCARTHY of Missouri. Mr. Speaker, I rise in strong opposition to the resolution and thank my friend and colleague, the gentleman from Louisiana (Mr. JEFFERSON), for giving me this opportunity to speak.

There is no question that the Vietnam War strained the very fiber of our nation, however, the time has come to reconcile the discord of the past. Including trade in our new diplomatic relationship with Vietnam will allow us to create a positive partnership for the future.

In January, I traveled to Vietnam and was struck by the evolution of their economy and the progress which has occurred to provide opportunities for both our countries.

Mr. Speaker, in our increasingly global economy, shutting Vietnam out would be detrimental not only for the people of Vietnam and southeast Asia but for American citizens and businesses, as well.

In the shadow of the historic market-opening agreement made only this month thanks to the efforts of U.S. Ambassador Pete Peterson, it would be a disaster for Congress to approve legislation to deny Vietnam eligibility for U.S. trade credits.

Opening the Vietnamese markets will not only provide an economic boon for both Vietnam and the U.S. but will improve trade between the two countries, and that will go a long way toward healing the wounds both nations have been nursing for decades.

I urge my colleagues to oppose this resolution.

I rise in strong opposition to the resolution and thank my friend and colleague from Louisiana Mr. JEFFERSON, for giving me the opportunity to speak.

The Vietnam war is the war of my generation and I will always have strong feelings regarding the longest war in our country's history and the conflict which strained the fiber of our nation.

In January, I traveled to Vietnam and was struck by the evolution of their economy and the progress which has occurred to provide opportunities for both our countries.

Mr. ROHRABACHER. Mr. Speaker, could I get the time that is left for all of us and what sequence that we will be making our closing arguments.

The SPEAKER pro tempore (Mr. OSE). The order of close shall be the gentleman from California (Mr. ROHRABACHER) first, the gentleman from Louisiana (Mr. JEFFERSON) second, the gentleman from New York (Mr. McNULTY) third, and finally the gentleman from Illinois (Mr. CRANE) will have the final word.

The amount of time remaining for the gentleman from California (Mr. ROHRABACHER) is 2½ minutes, for the gentleman from Louisiana (Mr. JEFFERSON) 1 minute, for the gentleman from New York (Mr. McNULTY) 4½ minutes, and the gentleman from Illinois (Mr. CRANE) 2 minutes.

Mr. ROHRABACHER. Mr. Speaker, I yield myself the balance of the time.

Mr. Speaker, I ask my colleagues to join me in support of this resolution. Mr. Speaker, I would ask my colleagues to support this resolution. Let us today make a stand for principle. Let us send the message to the world and to the American people about what America stands for.

Today we are really a government that simply can be manipulated by large financial interests, billionaires who want to invest in various parts of the world under a guise of globalism.

Is that what we are all about? No. We have Mr. Lafayette who watches us today. We have George Washington who watches us today. Is that the America that they fought for? Is that the globalism they had in mind?

The globalism our forefathers had in mind were universal rights where the concept of the United States stands as a hope of liberty and justice for the world, not just that we are a place where people can come and do business together. Yes, we believe in that and that our businessmen have a right to do businesses overseas. Yes, they have a right to do that. But there is some higher value involved with our country.

We can reaffirm that today, and not only reaffirming that principle that human rights and democracy means something, but at the same time, watch out for the interests of the American people.

We see this American flag behind us. What does that flag stand for? It stands for, number one, we believe in liberty and justice and independence and freedom. We believe in those things our Founding Fathers talked about 225 years ago. But, number two, it also stands for that we are going to represent the interests of those American people who have come here to this

country and become citizens of our country.

It is not in their interest, and it is not in the interest of human freedom that we subsidize American businesses to go over and do business in dictatorships, dictatorships where they throw the leaders of strikes in jail 2 days after the strike is over, dictatorships where they do not allow any opposition parties or freedom of religion.

There has been no progress in terms of human rights in Vietnam. And now we are thinking about offering a perverse incentive again today. That is what this debate is about, to our businessmen to close their doors here, not watching out for the interests of the American people, but instead making sure that these business men can go over and use that slave labor.

Those people in Vietnam have a \$300 a year per capita income, and they are going to be exploited by American businessmen.

Let us vote for this resolution. Let us not give them this waiver. Let us put them on notice that they have a year to clean up their act, and then we can grant them some concessions if they have progressed in those areas.

I ask for support of the resolution.

Mr. JEFFERSON. Mr. Speaker, I yield myself the balance of the time.

Mr. Speaker, I think it is important to keep in mind what this legislation is all about. It is not to cure all these difficulties that exist between the United States and Vietnam, nor between the debate over democracy versus communism. It is strictly about providing greater access for immigration and our review of whether or not that is taking place in that country in sufficient capacity to permit us to continue with the waiver.

Since the 1980s, over 500,000 Vietnamese people have emigrated as refugees of that country to the United States. Ambassador Peterson reports that while there are bribes and corruption, these are isolated incidents and this is not a form of government policy in Vietnam.

And so Vietnam is meeting the requirement for us to continue the waiver, and that is all that is important here. While incident to this there will be permission of OPEC and Ex-Im Bank to engage and support U.S. business there, that is not the overriding purpose of what we are doing here. And so Vietnam has met its obligation.

It is time for our country to step up and meet its obligation as well and to permit the Jackson-Vanik waiver to continue and to permit people to continue to enjoy free immigration to this country.

Mr. McNULTY. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, I thank Ron Cima and Chuck Henley of the Office of the Secretary of Defense for the briefing that they gave me last week on the search for our MIAs. I am grateful to them, to Pete Peterson, and to all of those who are working to bring our MIAs home.

As I grow older, Mr. Speaker, I try to keep my priorities in proper order. I am not always successful at that, but I work at it. That is why when I get up in the morning the first two things I do are to thank God for my life and veterans for my way of life.

Had it not been for my brother Bill and all of those who gave their lives in service to this country through the years, had it not been for people like the gentleman from Texas (Mr. SAM JOHNSON) and Pete Peterson and JOHN MCCAIN, who endured torture as prisoners of war, had it not been for people like Pete Dalessandro, a World War II Congressional Medal of Honor winner from my district who was just laid to rest last year in our new veterans' cemetery in Saratoga, had it not been for them and all of the men and women who wore the uniform of the United States military through the years and put their lives on the line for us, we would not have the privilege of going around bragging about how we live in the freest and most open democracy on Earth.

Freedom is not free. We paid a tremendous price for it. And we should always remember those who paid the price.

So today, Mr. Speaker, based upon the comments that I made earlier on behalf of all 2,014 Americans who are still missing in southeast Asia, on behalf of their families, I ask my colleagues to join with me, the American Legion, the National League of POW/MIA Families, the National Alliance of POW/MIA Families, the National Vietnam Veterans Coalition, the Veterans of the Vietnam War, and the Disabled American Veterans in supporting this resolution of disapproval.

Mr. CRANE. Mr. Speaker, I yield myself the balance of the time.

Mr. Speaker, I want to just make one brief concluding remark, and it has to do with the events in Vietnam that all of us have recollections of.

My two kid brothers served over there. I know that we all had a concern not just for the welfare of our friends, neighbors and relatives, but we had a concern about the Vietnamese people, too.

I think it is important for us to recognize that since the Vietnam War ended that there is a whole new Vietnam that has come into existence. Sixty-five percent of the people in Vietnam were not alive at the end of the Vietnam War. As this new population has taken over the country, I think it is important for us to lend our efforts in advancing the Vietnamese country and people toward those civilized values that we cherish.

For that reason, I think the Jackson-Vanik waiver is a very tiny but incremental and important step in that direction. And for that reason, with all due respect to my colleagues who are supporting H.J. Res. 99, I would urge my colleagues to vote no on H.J. Res. 99 and keep us moving in the right direction.

Mr. ROHRBACHER. Mr. Speaker, I am surprised to hear for the first time today that the Vietnamese communists have made available the records of one of the prisons where Ambassador Peterson was held. In response, I just asked Ambassador Peterson which records he was referring to. Unfortunately, the records he is speaking of are not from the prisons in which he was held early during his captivity, for which I am most concerned that some Americans may not have returned from. I do not doubt that Ambassador Peterson is being honest that commanders from those prisons told him that they do not know where the records are after so many years. However, they as individuals were not the record keepers. The Vietnamese communist government kept many overlapping records on prisoners they held in Vietnam, Laos and Cambodia or transferred from Indochina to other communist countries. It is those meticulous records that I am concerned about and to which my request to communist officials in Hanoi has not been addressed.

Former American POWs such as Mike Benge and Colonel Ted Guy have told my staff and I how they were repeatedly interviewed and had written records made by overlapping Vietnamese communist intelligence and military organizations while they were transferred between Laos and a number of prison camps in Vietnam. U.S. officials have to this day, not had those records made available to them by the Vietnamese regime.

In addition, there are some 400 Americans who U.S. intelligence agencies have identified as having been alive or who perished under Vietnamese communist control. The Vietnamese regime could easily account for these men, but to this day, refuse to do so. Finally, the CIA and DIA have verified the validity of the testimony before Congress by a Vietnamese mortician who testified to processing hundreds of deceased American prisoners' remains in Hanoi during the war. He testified that the organization he worked for kept meticulous records of the deceased Americans, processed the remains for storage, and carefully packaged and labeled personal belongings of the deceased Americans. To this day, none of the records of that organization—which could resolve the fates of scores of missing American servicemen—have been made available by the Vietnamese regime.

Mr. MORAN of Virginia. Mr. Speaker, I rise in opposition to this resolution and urge my colleagues to uphold the current Jackson-Vanik waiver.

The Jackson-Vanik provision of the 1974 Trade Act was intended to encourage communist countries to relax their restrictive emigration policies. At the time, the Soviet Union was prohibiting Soviet Jewry from emigrating to the United States and Israel.

The Jackson-Vanik waiver specifically granted the President the power to waive the restrictions on U.S. government credits or investment guarantees to communist countries if the waiver would help promote significant progress toward relaxing emigration controls.

To avoid confusion among some of my colleagues, this waiver does not provide Vietnam with normal trade relations. Ironically, the economic incentives provided in the Jackson-Vanik are all one-sided favoring U.S. firms doing business in Vietnam.

Mr. Chairman, Senator Scoop Jackson was a staunch anti-communist. Yet, he was willing

to consider to incentives to encourage the Soviet Union to relax its emigration policy.

In 1998, Charles Vanik, former Member and co-author of the Jackson-Vanik provision, sent me a letter expressing his strong opposition to the motion to disapprove trade credits for Vietnam and upholding the current waiver.

Vietnam is experiencing a new era, driving by a population where 65 percent of its citizens were born after the war. Vietnam today welcomes U.S. trade and economic investment.

The Vietnamese Government has made significant progress in meeting the emigration criteria in the Jackson-Vanik amendment. Through a policy of engagement and U.S. business investment, Vietnam has improved its emigration policies, cooperated on U.S. refugee programs, and worked with the United States on achieving the fullest possible accounting of POW/MIAs from the Vietnam War.

Despite problems of corruption and government repression, there is reason to believe that our presence in Vietnam can improve the situation and encourage its government to become more open, respect human rights and follow the rule of law.

U.S. Ambassador to Vietnam, Pete Peterson, our esteemed former colleague and former POW, has been one of our nation's strongest advocates for expanding trade with Vietnam. Renewing the Jackson-Vanik waiver will increase market access for U.S. goods and services in the 12th most populous country in the world.

Disapproval of this waiver will only discourage U.S. businesses from operating in Vietnam, arm Soviet-style hardliners with the pretext to clamp down on what economic and social freedoms the Vietnamese people now experience, and eliminate what opportunity we have to influence Vietnam in the future.

Mr. Speaker, last year we debated and soundly rejected a similar disapproval resolution. I urge my colleagues to do the same today and uphold the presidential waiver of the Jackson-Vanik requirements.

Ms. LOFGREN. Mr. Speaker, I rise in support of H.J. Res. 99.

I represent San Jose California, a community greatly enhanced by the presence of immigrants. Many years ago, as a Supervisor on the Santa Clara County Board of Supervisors I worked with refugees escaping a brutal and oppressive political regime.

As an immigration lawyer, I did my best to help these courageous individuals adjust to their new life. During that time, I met families torn apart by a government that would not let them leave unless they escaped. All of these families sacrificed—so that some of them could see freedom.

Over the past two decades these brave people have become my friends and my neighbors. I have learned lessons about freedom and liberty from them. These same people tell me that we must not waive the Jackson-Vanik amendment.

I am a strong supporter of fair trade. I believe that an economic search for open markets often results in a more open society. I believe that an economic dialogue often results in an enhanced political one. I also believe that a trusted economic partner can evolve into a trusted political ally.

However, not every nation travels the same path to a more open society. In the case of Vietnam, I believe we can achieve more by

making Vietnam live up to the free emigration requirements of the Jackson-Vanik amendment to the Trade Act of 1974.

Why? Because Vietnam is so eager for a trade relationship with America that they would improve their human rights policies in order to get it—but only if we insist.

One cornerstone of our trade policy with nonmarket economies has been the Jackson-Vanik Amendment. This amendment requires that a country make progress in allowing free emigration in order to achieve normal trade status. More than two decades after the end of the Vietnam War, my congressional staff in San Jose continues to receive letters from Vietnamese American families seeking reunification with a brother or sister, a mother or a father, a son or a daughter.

Think of what this resolution says to them. More than two decades after the end of the Vietnam War, they are still waiting for a loved one. And in the face of their wait, we are exploring the extension of normal trade relations to a nation that still holds those captive who would leave if only they could.

I understand my colleagues when they say Vietnam has changed. It has changed, but not enough. In a 1999 review of Vietnam's human rights record, the State Department reached the conclusion that Vietnam's overall human rights record remained poor. The report pointed out that "the government continued to repress basic political and some religious freedoms and to commit numerous abuses." The report pointed out that the government was "not tolerating most types of public dissent."

Additionally, reports from human rights organizations indicate that the Vietnamese government has tried to clamp down on political and religious dissidents through isolation and intimidation. Dissidents are confined through house arrest and subject to constant surveillance. During her trip to Vietnam Secretary Albright said that the bilateral relationship between Vietnam and the United States "can never be totally normal until we feel that the human rights situation has been dealt with." I agree.

The essence of this debate is freedom—how we can best achieve greater freedom for the Vietnamese people and how we as a nation can more greatly influence the government to create a more open society. I believe that course is to pass this resolution. After all, leverage is no longer leverage once it is given away. I urge my colleagues to support H.J. Res. 99.

Mr. DAVIS of Virginia. Mr. Speaker, I rise today in support of H.J. Res. 99, Disapproving the Extension of Emigration Waiver Authority to Vietnam.

While the United States and Vietnam signed a trade agreement last week which requires Vietnam to overhaul its economy, by reducing tariffs on a range of goods and allowing foreign firms to participate in businesses in Vietnam; the resolution on the House floor today is whether Vietnam allows free and open emigration for its citizens. In 1999, President Clinton granted Vietnam a waiver of the Jackson-Vanik Amendment's on this condition. Unfortunately, not much improvement can be cited nor documented. *Boat People*, SOS an organization in my district, informed me that there is significant corruption in Vietnam and the Vietnamese government continues to exclude thousands of former political prisoners and



former U.S. government employees from participating in U.S. refugee programs. On average, an applicant must pay \$1,000 in bribes to gain access to these programs. In a country where the average Vietnamese's annual salary is \$250—impoverished former political prisoners and former U.S. government employees simply cannot afford these outrageous bribes to apply for these programs.

Corruption exists not only in the Vietnamese government but also undermines U.S. exchange programs as well. Our programs offer outstanding Vietnamese students the opportunity to study in the U.S. However, the Vietnamese government excludes those students whose parents are not members of the Communist cadre. Thus, many qualified Vietnamese students are denied the opportunity to study in U.S. exchange programs simply because their parents are not card-carrying members of the Communist party. This discrepancy is only one example of the apartheid system that the Vietnamese government has implemented to punish those who do not agree with their ideology.

On the issue of human rights, while Vietnam has released some political prisoners, many more remain imprisoned while the Communist government continues to arrest others for speaking out against the government. While the Vietnamese government may claim to make strides, I would like to share with you 2 prominent cases: Dr. Nguyen Dan Que, a prominent prisoner of conscience who was released in late 1998, remains under house arrest in Saigon; while Professor Doan Viet Hoat, a former prisoner of conscience who had been imprisoned for over 20 years for promoting democratic ideals, was forced to leave Vietnam as a condition of his release. The government of Vietnam does not tolerate liberties, such as the right to free speech, the right to freely practice one's religion, and the right to peacefully assemble. Reports reveal that the Vietnamese police have forced many religious groups to renounce their beliefs or face the threat of imprisonment. Furthermore, when I visited Vietnam in 1998, a Catholic priest told me that the Communist government did not allow him to wear vestments in public.

Even more egregious is the persecution of the Hmong, approximately 10,000 of them have had to flee their ancestral lands in the north, traveling 800 miles to the south central highlands in Dak Lak Province. Many have been arrested as "illegal migrants" or on charges of "illegal religion" as part of a government crackdown on Hmong Christians.

Mr. Speaker, in light of these offenses, I believe H.J. Res. 99 is an important bill that deserves the support of every Member, and I urge my colleagues on both sides of the aisle to vote in favor of this resolution.

The SPEAKER pro tempore. All time for debate has expired.

Pursuant to the order of the House of Monday, July 24, 2000, the joint resolution is considered read for amendment and the previous question is ordered.

The question is on engrossment and third reading of the joint resolution.

The joint resolution 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 joint resolution.

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

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

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

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 91, nays 332, not voting 11, as follows:

[Roll No. 441]

YEAS—91

Aderholt	Green (WI)	Metcalfe
Andrews	Gutknecht	Paul
Baca	Hall (TX)	Pitts
Bachus	Hayes	Pombo
Barr	Hayworth	Riley
Bartlett	Hefley	Rivers
Bonilla	Hill (MT)	Rogan
Bonior	Hilleary	Rohrabacher
Brown (OH)	Holden	Ros-Lehtinen
Burton	Hunter	Royce
Buyer	Hyde	Sanchez
Canady	Jackson-Lee	Sanders
Chabot	(TX)	Saxton
Chenoweth-Hage	Johnson, Sam	Scarborough
Coble	Jones (NC)	Schaffer
Collins	Kaptur	Shadegg
Cook	Kasich	Sherwood
Cox	Kelly	Smith (NJ)
Davis (VA)	Kennedy	Souder
Deal	Kildee	Strickland
Diaz-Balart	King (NY)	Stump
Doolittle	Kucinich	Sweeney
Duncan	LaHood	Taylor (MS)
Ehrlich	Lazio	Taylor (NC)
Everett	Lewis (GA)	Walsh
Forbes	LoBiondo	Wamp
Fossella	Lofgren	Weldon (FL)
Goode	McIntyre	Weldon (PA)
Goodling	McKinney	Wolf
Graham	McNulty	Young (FL)
Green (TX)	Menendez	

NAYS—332

Abercrombie	Campbell	Emerson
Ackerman	Cannon	Engel
Allen	Capps	English
Archer	Capuano	Eshoo
Armey	Cardin	Etheridge
Baird	Carson	Evans
Baker	Castle	Farr
Baldacci	Chambliss	Fattah
Baldwin	Clayton	Filner
Ballenger	Clement	Fletcher
Barcia	Clyburn	Foley
Barrett (NE)	Coburn	Ford
Barrett (WI)	Combest	Fowler
Bass	Condit	Frank (MA)
Bateman	Conyers	Franks (NJ)
Becerra	Cooksey	Frelinghuysen
Bentsen	Costello	Frost
Bereuter	Coyne	Gallegly
Berkley	Cramer	Ganske
Berman	Crane	Gejdenson
Berry	Crowley	Gekas
Biggert	Cummings	Gephardt
Bilbray	Cunningham	Gibbons
Bilirakis	Danner	Gilchrest
Bishop	Davis (FL)	Gillmor
Blagojevich	Davis (IL)	Gonzalez
Bliley	DeFazio	Goodlatte
Blumenauer	DeGette	Gordon
Blunt	Delahunt	Goss
Boehlert	DeLauro	Greenwood
Boehner	DeLay	Gutierrez
Bono	DeMint	Hall (OH)
Borski	Deutscher	Hansen
Boswell	Dickey	Hastings (FL)
Boucher	Dicks	Hastings (WA)
Boyd	Dingell	Heger
Brady (PA)	Dixon	Hill (IN)
Brady (TX)	Doggett	Hilliard
Brown (FL)	Dooley	Hinchey
Bryant	Doyle	Hinojosa
Burr	Dreier	Hobson
Callahan	Dunn	Hoefel
Calvert	Edwards	Hoekstra
Camp	Ehlers	Holt

Hooley	Miller, George	Sensenbrenner
Horn	Minge	Serrano
Hostettler	Mink	Sessions
Houghton	Moakley	Shaw
Hoyer	Mollohan	Shays
Hulshof	Moore	Sherman
Hutchinson	Moran (KS)	Shimkus
Inslee	Moran (VA)	Shows
Isakson	Morella	Shuster
Istook	Murtha	Simpson
Jackson (IL)	Myrick	Sisisky
Jefferson	Nadler	Skeen
John	Napolitano	Skelton
Johnson (CT)	Neal	Slaughter
Johnson, E.B.	Nethercutt	Smith (MI)
Jones (OH)	Ney	Smith (TX)
Kanjorski	Northup	Snyder
Kilpatrick	Norwood	Spence
Kind (WI)	Nussle	Spratt
Kingston	Oberstar	Stabenow
Klecza	Obey	Stark
Klink	Olver	Stearns
Knollenberg	Ortiz	Stenholm
Kolbe	Ose	Stupak
Kuykendall	Owens	Sununu
LaFalce	Oxley	Talent
Lampson	Packard	Tancred
Lantos	Pallone	Tanner
Largent	Pascrell	Tauscher
Larson	Pastor	Tauzin
Latham	Payne	Terry
LaTourette	Pease	Thomas
Leach	Pelosi	Thompson (CA)
Lee	Peterson (MN)	Thompson (MS)
Levin	Peterson (PA)	Thornberry
Lewis (CA)	Petri	Thune
Lewis (KY)	Phelps	Thurman
Linder	Pickering	Tiahrt
Lipinski	Pickett	Tierney
Lowe	Pomeroy	Toomey
Lucas (KY)	Porter	Towns
Lucas (OK)	Portman	Trafficant
Luther	Price (NC)	Turner
Maloney (CT)	Pryce (OH)	Udall (CO)
Maloney (NY)	Quinn	Udall (NM)
Manzullo	Rahall	Upton
Markley	Ramstad	Velazquez
Martinez	Rangel	Visclosky
Mascara	Regula	Vitter
Matsui	Reyes	Walden
McCarthy (MO)	Reynolds	Waters
McCarthy (NY)	Rodriguez	Watkins
McCollum	Roemer	Watt (NC)
McCrery	Rogers	Watts (OK)
McDermott	Rothman	Waxman
McGovern	Roukema	Weiner
McHugh	Roybal-Allard	Weller
McInnis	Rush	Wexler
McKeon	Ryan (WI)	Weygand
Meehan	Ryun (KS)	Whitfield
Meek (FL)	Sabo	Wicker
Meeks (NY)	Salmon	Wilson
Mica	Sandin	Wise
Millender	Sanford	Woolsey
McDonald	Sawyer	Wu
Miller (FL)	Schakowsky	Wynn
Miller, Gary	Scott	Young (AK)

NOT VOTING—11

Barton	Gilman	Radanovich
Clay	Granger	Smith (WA)
Cubin	Jenkins	Vento
Ewing	McIntosh	

b 1235

Messrs. EHLERS, DEMINT, CROWLEY and Ms. BERKLEY changed their vote from "yea" to "nay."

Messrs. DUNCAN, SOUDER, WAMP, SHERWOOD, BACHUS, FOSSELLA, BONILLA, BARTLETT of Maryland, and JONES of North Carolina changed their vote from "nay" to "yea."

So the joint resolution was not passed.

The result of the vote was announced as above recorded.

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#### MESSAGE FROM THE PRESIDENT

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

PROVIDING FOR CONSIDERATION OF H.R. 4942, DISTRICT OF COLUMBIA APPROPRIATIONS ACT, 2001

Mr. LINDER. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 563 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 563

*Resolved*, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 4942) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 2001, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations. After general debate the bill shall be considered for amendment under the five-minute rule. Points of order against provisions in the bill for failure to comply with clause 2 of rule XXI are waived except against section 153. No amendment to the bill shall be in order except those printed in the portion of the Congressional Record designated for that purpose in clause 8 of rule XVIII, pro forma amendments for the purpose of debate, and the amendments printed in the report of the Committee on Rules accompanying this resolution. Each amendment printed in the Record may be offered only by the Member who caused it to be printed or his designee and shall be considered as read. Each amendment printed in the 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 division of the question in the House or in the Committee of the Whole. All points of order against the amendments printed in the report are waived. The Chairman of the Committee of the Whole may: (1) postpone until a time during further consideration in the Committee of the Whole a request for a recorded vote on any amendment; and (2) reduce to five minutes the minimum time for electronic voting on any postponed question that follows another electronic vote without intervening business, provided that the minimum time for electronic voting on the first in any series of questions shall be 15 minutes. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore (Mr. PEASE). The gentleman from Georgia (Mr. LINDER) is recognized for 1 hour.

Mr. LINDER. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Texas (Mr. FROST), pending which

I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, House Resolution 563 is a modified open rule providing for consideration of H.R. 4942, the District of Columbia Appropriations Bill for fiscal year 2001.

The rule waives all points of order against consideration of the bill and provides for 1 hour of general debate divided equally between the chairman and the ranking minority member on the Committee on Appropriations.

The rule waives clause 2 of rule XXI, prohibiting unauthorized appropriations, legislative provisions or reappropriations in an appropriations bill, against provisions in the bill except as noted in the rule.

The rule makes in order only those amendments that have been preprinted in the CONGRESSIONAL RECORD and those amendments printed in the Committee on Rules report. All points of order are waived against the amendments printed in the Committee on Rules report.

These amendments shall be offered by the Member designated in the report and only at the appropriate point in the reading of the bill. The amendments in the report shall be decreed as read and shall be debatable for the time specified in the report to be equally divided between a proponent and an opponent. Finally, the amendments printed in the report 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 permits the chairman of the Committee of the Whole to postpone votes during consideration of the bill, and to reduce voting time to 5 minutes on a postponed question if the vote follows a 15-minute vote. Finally, the rule provides a motion to recommit, with or without instructions, which is the right of the minority.

Mr. Speaker, House Resolution 563 is a modified open rule, similar to those considered for other general appropriations bills. Any Member who wishes to offer an amendment to the District of Columbia appropriations bill and has preprinted the amendment in the RECORD will have an opportunity to do so.

In order to better manage the debate, the Committee on Rules has structured the debate on four specific amendments. An amendment offered by the gentleman from Oklahoma (Chairman ISTOOK) would reprogram funds from a survey of the District's tax policies to help fund Metrorail construction.

Another amendment, to be offered by the gentleman from Kansas (Mr. TIAHRT), would prevent needle exchange programs from operating within 1,000 feet of schools, day care centers, playgrounds, public housing or other places where children play and spend time during the day.

The gentleman from Indiana (Mr. SOUDER) plans to offer an amendment

to prohibit the use of funds to finance needle exchange programs in the District. This language mirrors a provision in the D.C. appropriations bill that passed the House last year.

Finally, an amendment by the gentleman from California (Mr. BILBRAY) would prohibit individuals under the age of 18 from possessing tobacco in the District. The amendment imposes the same restrictions on tobacco use by minors that are in force in most States, including Maryland and Virginia.

Under this rule, the House will have the opportunity to exercise its responsibility to address these important social issues facing the District. Rather than avoiding controversial issues like needle exchanges and tobacco use by minors, Members of this House will be accountable to their constituents and the people of the District. I am pleased that this open rule will bring these honest policy disputes out into the open so that Americans will know where their Representatives stand on these issues that affect them right in their towns and neighborhoods.

Mr. Speaker, H.R. 4942 appropriates a total of \$414 million in Federal funding support for the District. I applaud the gentleman from Oklahoma (Mr. ISTOOK), the chairman of the subcommittee, and the gentleman from Virginia (Mr. MORAN), the ranking Member, for their hard work to produce this solid legislation. This is a responsible bill that makes the Federal Government a partner in D.C. government and helps our Nation's Capital move closer to the success and independence that its residents deserve.

On a separate note, this is the last of 13 appropriations bills that must be considered each year. The Committee on Appropriations has once again performed admirably, working within the responsible budget limits while managing the available resources to best serve the American people. Congress is on track to have all spending bills complete before the end of the fiscal year, having again preserved the Social Security surplus, provided tax relief for working Americans, and maintain important funding priorities that millions of Americans depend on.

Mr. Speaker, H.R. 4942 was favorably reported out of the Committee on Appropriations, as was this fair rule by the Committee on Rules. I urge my colleagues to support the rule so we can proceed with general debate and consideration of this legislation.

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

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

Mr. Speaker, the District of Columbia finds itself last, but certainly not least, in the appropriations lineup for fiscal year 2001. This is the last of 13 appropriations bills, but it is the bill which accords the least amount of respect to the residents of this city.

b 1245

Year after year, the Republican majority has gone out of its way to turn

what should be an easy task into an unnecessarily difficult one. This year is no different; and for that reason, Mr. Speaker, I rise in opposition to this rule and in opposition to the bill.

Mr. Speaker, last year the D.C. appropriations was considered six times before finally becoming the engine that drove the omnibus appropriations bill. I must ask, is there a good reason the Republican majority seems to want to repeat that exercise again this year?

The bill is loaded with the usual social riders the Republican majority seems willing to impose on the residents of the District, but not on their own constituents. Again the bill contains veto bait such as barring the District from using its own local funds to provide abortion services to low-income residents, or implementing its own domestic partnership law.

But to add insult to injury, this rule makes in order two amendments that the delegate from the District of Columbia specifically asked the Committee on Rules to deny. These two amendments, one relating to the issue of needle exchange and one relating to the sale of tobacco to minors, are perennial Republican favorites on this bill. But, Mr. Speaker, these are the amendments the elected government of the District of Columbia, as well as the gentlewoman from the District of Columbia (Ms. NORTON), oppose.

Mr. Speaker, the chairman of the Committee on Rules has pointedly through the consideration of 12 appropriation bills denied Members the right to offer amendments that required a waiver of clause 2 of Rule XXI; but when it comes to the District, the chairman and the Republican majority of the committee send out an engraved invitation to any Member who has a particular legislative ax to grind.

Mr. Speaker, is it any wonder the District Government has proposed license plates for its residents that proclaim "Taxation Without Representation"?

Mr. Speaker, I oppose this rule for the simple reason that the Republican majority has again set up this appropriation for an unnecessary protracted legislative debate. I urge my colleagues to vote no on this rule and on the bill. Let us put some common sense and some respect into this process.

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

Mr. LINDER. Mr. Speaker, I yield myself such time as I may consume to take a moment to point out to my colleague from Texas that no Democrat submitted a request for a waiver on amendment. The ones that were denied were only Republican amendments.

Mr. Speaker, I yield such time as he might consume to the gentleman from California (Mr. CUNNINGHAM).

Mr. CUNNINGHAM. Mr. Speaker, first of all I would like to thank the ranking minority Member, the gentleman from Virginia (Mr. MORAN). He and I have become very close friends in this body. It does not mean like two

Irishmen we do not disagree on occasion passionately, but I want to thank him. We disagree on some issues in this particular bill. I do not agree with everything in the bill; but like everything that comes forward in this House, it is a good bill overall.

The Constitution of the United States of America, and we were all sworn and held up our hand to support the Constitution, which says that all legislation, all legislation, for the D.C. area, is from this body. We were all sworn to uphold that. If we uphold the Constitution of the United States, we will support this bill because we are legislating in the best interests.

I would say to my friends on the other side that for 30 years you controlled this House, and if you take a look what happened to Washington, D.C., in those 30 years of neglect, look at the systems that are typical of the United States, you look at education. Members of Congress, the President, the Vice President, all send their children to private schools. Why? Because the D.C. system has been so terrible.

But I want to tell you, I have been in some of those schools; and I have seen some wonderful dedicated teachers and schools. But where you have roofs that are caving in, that the fire department has to shut down those schools, that we do not have the support over that 30 years for education systems, something is wrong.

We came in and appointed boards. Another bright light is Mayor Williams. He has got a monumental task at hand to get through that bureaucracy that he has; but if you look at education and what we have done, we fully funded charter schools. When my own party in the last Congress wanted to reduce the amount of funds for the public schools, we fought, the gentleman from Virginia (Mr. MORAN) and I, and said we reward schools for going in the right direction. We do not penalize them. Together we were able to come up with full funding for the public school systems and charter schools. I think that is a positive, and that is in this bill as well.

I look at the economy. When you have month-to-month leases because you have got some members in this bureaucracy taking money under the table on a month-to-month lease, we fought together to have those leases extended so we could get business to invest in Washington, D.C.

We can make this waterfront the best waterfront in the whole country, like San Diego or San Francisco or the others. But you cannot when you have got drugs going down there; and we have worked together, not only there but to clean up the Anacostia River, the worst river in the United States for pollution. The fecal count is the highest in any river in the United States. We are working together on a bipartisan fashion with the Mayor and on both sides to fix that. These are very positive things that we are working on.

But I would say to my friend that there are things in this bill that I dis-

agree with, and that my colleagues disagree with; but overall it is a good bill, and it moves not only the legislation forward, but in the long run it is the best for the D.C. residents. I would ask for full support of this.

I thank the gentleman from Oklahoma (Chairman ISTOOK) for his work with the ranking minority Member.

Mr. FROST. Mr. Speaker, I yield 8 minutes to the gentlewoman from the District of Columbia (Ms. NORTON).

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

I want to begin as we embark upon the D.C. appropriation by thanking the gentleman from Oklahoma (Mr. ISTOOK) for his hard work on this bill. The gentleman and I have had disagreements on this bill, but I appreciate his efforts to work out some of those disagreements with me. I want to thank the gentleman from Virginia (Mr. MORAN) for his strong advocacy and work for the District as well.

Mr. Speaker, I rise to oppose a rule shot through with financial, operational, and social intrusions that should concern no one unless you happen to be a resident of the District of Columbia. D.C. is once again bringing up the rear of the appropriations. Here is hoping that the number 13 in the appropriations cycle has nothing to do with bad luck.

This should be the easiest of the 13 appropriation bills. Few Members have or should bother to acquire familiarity with the complicated, necessarily parochial operations of a big American city that is not their own.

Mr. Speaker, I oppose this rule because the bill before us is full of avoidable problems any city would have to find objectionable.

First, movement of available funds from D.C. priorities to others chosen by the subcommittee without any consultation with the District.

Second, movement of riders, and not only social riders, but riders that are so old that they are laughably out of date or redundant because the provisions are already in the D.C. code or Federal law. Anyone scrutinizing the D.C. appropriation would find attachments so dated or irrelevant as to cast doubt on the committee's work product.

With a lot of hard work and sacrifices, the District has emerged from insolvency, but the city has no State to fall back on and has urgent needs it cannot possibly fund. City officials requested funding from the President for some urgent priorities. The White House chose to fund just a few of them.

The city understands, of course, that the subcommittee's 302(b) allocation was cut, and, therefore, all the District's priorities could not be fully funded. The city fully understands that the shortfall was beyond the subcommittee's control. Those funds must, in our judgment, be restored. However, at the very least, the District cannot be expected to endorse transfer of whatever funds are left over after

the cuts to items not in the first tier of the city's own urgent priorities.

The White House funded the state functions that are now Federal responsibilities and added \$66.2 million for priorities negotiated and ratified by city officials. A cut of \$31 million from the 302(b) allocation left only \$34.8 million.

Instead of redistributing the scarce remaining funds to the District's stated priorities, \$13.85 million for new matters was actually added to the D.C. appropriation. How can items be added to an appropriation that has been cut? The only way to do this, of course, is to cut funding for the priorities the city has stated it must have. Yet, new items were added, for example, funding for the Arboretum, a Federal facility funded by the Agriculture Department that never before has appeared in a D.C. appropriation. Adding new items guaranteed that the District's priorities would be downgraded and defunded.

What was left after a combination of cuts and new additions was predictable: \$7 million instead of \$25 million for D.C.'s top economic priority, a New York Avenue subway station, now in great jeopardy; \$14 million instead of \$17 million for the D.C. College Access Act, despite a letter from Mayor Williams requesting funding for juniors and seniors previously excluded only because it was erroneously thought there would be insufficient funding. The subcommittee says to the District, pay for critical items like the New York Avenue Metro station, not from Federal funds, but from interest on D.C. funds held by the Control Board.

This requirement remains in the bill, despite a letter from the Control Board Chair, Alice Rivlin, that says that such funds no longer exist, but, to quote her words, "have already been included by the District as a source of funds to support governmental operations."

The requirement to pay for the subway from interest remains in the bill, despite the fact that D.C. could never pay for the great majority of a subway station's cost itself and was able to make a commitment to use its own funds for a station only because the OMB and the private sector had each committed to pick up one-third of the cost.

Mayor Williams wrote to Chairman ISTOOK: "In the case of the New York Avenue Metro, the reduction in Federal funds has sent a chilling message to the business community who have expressed interest in bringing business to the District. The \$22 million cut greatly imperils the District's ability to secure the private funds that were to be leveraged by the public allocation. Local businesses have made investments in the city based on this project. Without full funding, the success of this effort is jeopardized. I urge you to restore full funding."

It is one thing for the subcommittee to make cuts; it is quite another for the subcommittee to nullify the Dis-

trict's carefully thought-out priorities. Adding funding controversy to the attachments disputes that always surround this appropriation has not helped this bill, for we also will waste a lot of time discussing riders today. It is wasted time because, in the end, the riders have caused a veto of the bill; and to get the bill signed at all, they are removed or substantially changed.

The chairman indicated these riders simply reflected those transmitted by the President from prior years. OMB has worked with the District to remove riders from prior years that are outdated, no longer relevant or are already included in D.C. or Federal law; and the city has moved to make other riders permanent that should be permanent a part of D.C. law. The Chair must prefer long and wasteful debates, because he has reinserted into the bill not only the very few that were social riders, but all the redundant, outdated, and irrelevant riders as well.

What is the point, if we ever were striving to get a bill that could be signed? When even steps to remove patently irrelevant material provokes disagreement, we seem well on our way to a veto of the D.C. bill.

I had hoped for better this year. Please oppose this rule.

Mr. LINDER. Mr. Speaker, I yield such time as he might consume to the gentleman from Oklahoma (Mr. ISTOOK), the chairman of the subcommittee.

Mr. ISTOOK. Mr. Speaker, I thank the gentleman for the opportunity to speak.

Mr. Speaker, I rise in support of this rule, which enables us to go forward with this bill which, in addition to the District of Columbia's own tax revenue, and budget allocates \$414 million from the taxpayers in the rest of the United States of America to the District of Columbia.

b 1300

Now one might have thought, from listening to people, that we are not doing anything for the District of Columbia, and here is \$414 million, Federal money from the rest of the country, not going to New York City, not going to Chicago or Los Angeles or Oklahoma City, we do not make direct appropriations to those communities or to any others, only the District of Columbia. This is in addition to its own tax revenues and budget, in addition to qualifying for Federal grants from all sorts of other sources. In addition to those, the District of Columbia gets \$414 million directly from the Federal Government. We do it year after year. Why? Because the District of Columbia is not just another city. It is the Nation's capital, so designated in the United States Constitution.

As the Nation's Capital, it has a very different relationship.

Now, I heard the gentlewoman from the District of Columbia (Ms. NORTON) in this House say, and I think these were the words, that what happens here

should not concern anyone not a resident of D.C., and said people should not be concerned with a city not their own. If that were the case, we would not be talking about \$414 million for Washington, D.C., but we are because Washington, D.C. is not just another city.

The Constitution specifies it is the Capital of the United States of America, and as the Capital it has a distinct position. Article I, section 8 of the U.S. Constitution says that exclusive control over all legislation, in all cases whatsoever, for the District of Columbia resides right here in the Congress of the United States, because the Founding Fathers knew that the Nation's Capital would be distinct, would be different.

One thing they wanted to be sure was that the Nation's Capital was in harmony with the rest of the country. We do not want one thing going on in what is supposed to symbolize and represent America that is totally foreign to the rest of the country. We do not want one set of standards in the Nation's Capital that is inconsistent with Federal law or that is inconsistent with the values of the Nation.

So to create that consistency, the Constitution says legislative control over the Nation's city belongs to the Nation.

I realize that is difficult sometimes for people that live here to recognize why it is set up that way, but to say that this should not concern people who are not residents or this is a city that does not belong to the rest of the country, I have to disagree. When one comes here and they see the best of Washington, they visit the Capitol, they see the Lincoln Memorial, the Washington Monument, the Jefferson Memorial, the new memorials to FDR, to Korean veterans, the Vietnam veterans, the one underway for World War II veterans, they see those things and they get a sense, they get an inspiration from it. Then to be told, oh, no, they are not a part of this, this is not their city, sure it is. It is the Nation's city.

That is why we do things and will do things here today, to try to make sure that Washington, D.C. is in harmony with the Nation. If we are not the Nation's city would we have the hundreds of thousands of people that are employed here because the Federal Government is located here? No, the District of Columbia would not have that guarantee of employment, of revenue, of opportunity that comes with it. It would not enjoy that.

The District also would not have the burdens that come with it; the Presidential inauguration, for example, coming up. One of the things in this bill is approximately \$6 million to reimburse D.C. for special expenses that it will have when the presidential inauguration occurs, the security needs, all the influx of Americans coming here for the presidential inaugural. Now some cities would be saying, hey, that is great for business, that is great for

tourism; we do not need the extra money to pay for these additional costs; that revenue itself is going to be enough.

We have not taken that approach with D.C. We have said they have an extra burden. We want to help them with it. So some of the money which the gentlewoman complains about, and says I wish it were applied some place else, is to reimburse the District of Columbia for this expense when they have to have all of the overtime, all the extra work by their transit people, their public safety people, their people that work with waste disposal, with cleaning up afterward. It is a big expense, and we are trying to be responsible in taking care of that.

Washington, D.C., in addition to \$414 million of Federal money from the rest of the country under this bill, still qualifies the same as any other municipality and school district in the Nation to receive Federal grants, Federal assistance, Federal funds that help their schools. In addition, they get transportation grants.

One of the riders of which the gentlewoman complains is to improve the ability of Washington, D.C. to fully qualify for grants from the Environmental Protection Agency, because they do have pollution problems, especially the Anacostia River. We provided special funding to help with cleaning that up. We are doing these things because we do believe Washington, D.C. belongs to all of us. We do not all live here. There is a difference between people who live here and people who do not, but that difference is not to say that the Nation's Capital does not belong to all of us. It does belong to all of us. It must belong to all of us, and if we want to have pride in the country we have to have pride and confidence in what is happening in Washington, D.C.

If we find out that the District is going off in a totally different direction and thereby become the symbol for the whole country, we have to make sure that it is in tune instead. So sometimes the local officials do things and Congress says, no. If you were in New York, if you were Chicago, if you were Detroit, if you were Phoenix, if you were Tampa, if you were Wisconsin's Madison, any of these other communities, we would not do that because they are not the Nation's Capital.

They do not belong to all of us, but we will do some things differently.

This rule makes in order an opportunity to consider those things, and Members have had the opportunity to present them.

Now I heard the gentlewoman from the District of Columbia (Ms. NORTON) say, well, we have riders on the bill and some of them have been there too long. Well, what was not mentioned was we went through and we dropped 25 provisions that have been carried year after year after year after year in this bill that we did not see where they served any further purpose. We knocked out 25 of them.

Now, are there some others that still need to go? We are going to look at them and continue to make deletions as we go through the process. If something is actually outdated or covered by some other provision of law, we will continue working with people to do that. But the ones that remain are the ones in harmony with what I have explained, that distinct relationship between the Nation's Capital and the Nation. It is not just another city.

We have in this bill, and this is a program adopted last year, we have in this bill millions of dollars to provide assistance to any student who has graduated from public school, or private school for that matter, in the District of Columbia. I think the cutoff date is since 1998. This program provides them assistance up to \$10,000 a year to go to college. We have not done that for any other community in the country.

We think there are good reasons why we have set it up, because there is not a State education system and there are definitely education problems, major ones, here in the District of Columbia. That program was started last year and every penny necessary for every student who qualifies is fully funded in this bill, plus a reserve fund of about an extra 12 percent.

We hear people say but the President requested more. Well, last year we appropriated \$17 million for the program. Guess what? Now that we have had a year to get the program in motion to find out how much it really costs, we found out that \$14 million does the job. So there is a \$3 million carryover. So we do not need to appropriate as much next year, but we have still gone 12 percent beyond what they figured they needed next year just to be sure.

Just because we do not give the same amount of money as the President requests does not justify coming here and saying, oh, our budget is being cut. No, that simply is not true. We are not cutting a single penny from the budget submitted by the District of Columbia with the control board that has been helping it out with oversight. Not a single penny is cut from their budget. We have approved their budget, and we have \$414 million of Federal money beyond that.

The Federal Government, a couple of years ago, assumed new responsibilities. We are in charge of funding the court system. We are in charge of funding the probation and parole services. We are in charge of funding the prison system. That consumes most of the \$414 million, and we fund that in here. Yes, sometimes Federal agencies submit budgets to us, and we make adjustments, but we have not adjusted the District's own budget.

Now let us talk about this Metro station. We have put over \$7 million of Federal money in this bill and allocated an additional \$18 million from an account where the District deposits funds it gets from the Federal government and collects interest on those and other funds. We have said they can use

the rest. Last year it was Congress that made the decision on how to use that same fund, to assist the District with buy-outs of its employees because they have a big problem with too many workers not doing enough work. To try to reduce the size of the work force the Mayor, Anthony Williams, who is a good man and a good mayor, says he needs to reduce the size by buying out people's contracts. And we provided money from the same fund last year, done by this Congress, to help them with what the Mayor said was his top priority.

This year, we are told the top priority is the Metro station, we said fine, we will make that money available from that same fund for the Metro station, and suddenly we are told, oh, we are meddling; that they should not have to use that fund for the metro construction.

Contrary to what has been claimed by some people before, that fund is not part of the District's budget. The District has not put any budget here that says this is a part of our budget to spend it. What they have done, since we said we will put it on their top priority then, they have come up with a laundry list and say, oh, we want to spend it on some different things instead. Some of those things are bonuses for people working in the Mayor's office. Some of those things are severance pay, perhaps golden parachutes, for this control board that has been helping with the fiscal responsibility in helping D.C. get its budget back in balance, which they have done and they deserve a lot of credit for that, both D.C. and the control board, because they were in deficit for so many years and now they are in their 4th year of having a budget surplus; and we want that to continue.

As this control board goes out of existence, they want to double their budget in their last year, double their budget in their last year. They want to go into this fund, which we say ought to go to the New York Avenue Metro station, and they say no, we ought to help double the budget in the last year for the control board so we can have all of these real nice severance pay packages for them.

That is what this debate is about. We have funded the priorities of the District. Every penny that is necessary for what has been authorized in this college assistance program is in the bill, paid for. We have provided the money for the New York Avenue Metro station. Now we were told those are the top two priorities, and we have been responsible and handled them responsibly. Had this been the top two priorities for any other city in the country, do my colleagues think they would get a direct Federal appropriation for it like this? No. They might qualify for Federal assistance through different grant programs and apply for this and so forth, but they would not just get it handed to them on a silver platter, saying because they are Washington, D.C.

we are going to do something more for them. We are trying to be responsible and do that, and it really galls me to hear some people in the District griping: "well, this is being done for us but we want more."

The rest of the country does not appreciate that. The rest of the country, if they see somebody from Washington, D.C. in their State and the license plate says "Washington, D.C., taxation without representation," what will they think? Something very different than people in the District will think. Others around the country will think, yes, they are taking my money and I am not getting enough representation for it.

Let us have some perspective here. We have a special responsibility for the Capital of the United States of America. It has severe drug problems. It has severe crime problems. It has some decrepit public schools that need improvement for the future of our kids. It has major management problems and a huge bureaucracy that has more confusion and more complexity than the Federal bureaucracy, but still it is the Nation's Capital and we are doing things trying to help D.C. come back and rebound.

b 1315

And I hear people come up on this Floor and try to pretend, oh, you are not doing this and you are not doing that. Take a look at what we are doing. This is a good bill. It deserves support from every Member of this body. It deserves support from people who say, I do not want to give money to Washington, D.C., because I do not like a lot of the things they do there. I understand that; I do not like a lot of things the District does either. But it is the Nation's Capital; it was set up differently under the Constitution. They do not get the same tax base that some people do because of all of the Federal land here.

There are restrictions on construction, for example, of high-rise buildings that do not exist elsewhere, because of national security issues. The District is different. We should be helping the District, whether one is on the right, or on the left, or in the middle. We are doing the right thing with this bill. Because it gives us a fair chance to consider the differences, the rule should be adopted, and the bill as well.

I thank the gentleman for yielding to me.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. PEASE). The Chair notes a disturbance in the gallery in contravention of the law and the Rules of the House. The Sergeant at Arms will remove those persons responsible for the disturbance and restore order to the gallery.

Mr. FROST. Mr. Speaker, I yield 5 minutes to the gentleman from Virginia (Mr. MORAN).

Mr. MORAN of Virginia. Mr. Speaker, this rule should be rejected.

Let me first say to the chairman of the subcommittee, I appreciate his

feelings that are inspired by the Federal monuments, whether it be the F.D.R. Memorial, the Vietnam Memorial, the Washington Monument, or the Lincoln Memorial. Of course, that is all on Federal land, it is owned by the Federal Government, it is run by the Interior Department through the National Park Service. That is not at issue here.

What we are talking about here is the people who live within the District of Columbia who buy their own home, who are responsible for maintaining their own property, who elect their own representatives, and would like their representatives to be able to represent them, but would not like the Congress necessarily to be overruling their elected representatives, because they have no democratic right to hold us accountable, and that is the problem with this bill. The legitimately elected representatives of the District of Columbia are being overridden by Members of Congress who will never be held accountable for what they do to the District of Columbia.

In terms of the budget, we made a deal back in 1997. Basically, because the District of Columbia has no State to support it, there are certain functions that we agreed we would pick up, and those functions are being short-changed in this bill to the tune of \$31 million. The bill is even \$22 million less than last year's level. For those reasons, plus four specific reasons, I think this rule should be rejected.

First of all, it protects four Republican amendments, which are all of the Republican amendments that were offered. Those Republican amendments, if they were treated the same way as the Democratic amendments, would be subject to a point of order. The Democratic amendments are all subject to a point of order. The gentlewoman from the District of Columbia (Ms. NORTON) wanted to offer a "Democracy" amendment. I think she has some very compelling arguments, and I totally agree with those arguments; but they are going to be ruled out of order. We cannot bring them up, we cannot get a vote on them, because they are not protected. Why? Because they were Democratic amendments.

Secondly, two of these Republican amendments that could have been ruled out of order are wholly contrary to what we would do to our own citizens in the jurisdictions that we are legitimately elected to represent. The Tiahrt needle exchanges amendment inserts new language that will kill the District's private needle exchange program that is run by a local nonprofit organization. It negates it. We are going to show that. It means that, despite what the House full Committee on Appropriations did, this program, run by a private organization, will not be able to operate. No Federal and no local public funds are involved in this program, and yet we are going to ensure that it cannot even operate.

The Bilbray smoking amendment would impose Federal penalties and

sanctions on children caught smoking. That is a well-intentioned thing to do, but no other jurisdiction in this country faces a similar Federal penalty for children caught smoking. We would never do that to any district we represent. It is clearly legislating on an appropriations bill. There is not one Member of this body that would impose this restriction on any citizen that elects them directly to represent them.

Third, it protects the bill against a point of order that could be raised against a whole host of provisions in this bill that are legislating on an appropriations and have no business in an appropriations bill. We do not have those type of legislative restrictions on any other appropriations bills. They are punitive provisions put in to fix one-time situations and left in there.

Lastly, these amendments are a clear violation of the spirit of District home rule, offering amendments that prohibit the District from implementing local initiatives where no Federal funds are involved. It is an abuse of congressional power. With the passage of the 1997 D.C. Revitalization Act that eliminated direct Federal payments to the district, the context and circumstances with which Congress might have justified past intervention is now gone. Federal taxpayer funds are not involved, we should not be involved, and that means we should vote against the rule.

Mr. FROST. Mr. Speaker, I urge a no vote on the rule.

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

Mr. LINDER. Mr. Speaker, I urge all of my colleagues to support this rule so we can begin the important debate on the Washington, D.C. Appropriations bill for 2001.

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

The previous question was ordered.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair notes a disturbance in the gallery in contravention of the law and the Rules of the House. The Sergeant at Arms will remove those persons responsible for the disturbance and restore order to the gallery.

The SPEAKER pro tempore. The question is on the resolution.

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

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

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

The Sergeant at Arms will notify absent Members.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair notes a disturbance in the gallery in contravention of the law and Rules of the House. The Sergeant at

Arms will remove those persons responsible for the disturbance and restore order to the gallery.

The vote was taken by electronic device, and there were—yeas 217, nays 203, not voting 14, as follows:

[Roll No. 442]

#### YEAS—217

Aderholt	Goodlatte	Pitts
Archer	Goodling	Pombo
Armey	Goss	Porter
Bachus	Graham	Portman
Baker	Green (WI)	Pryce (OH)
Ballenger	Greenwood	Quinn
Barr	Gutknecht	Radanovich
Barrett (NE)	Hall (TX)	Ramstad
Bartlett	Hansen	Regula
Bass	Hastings (WA)	Reynolds
Bateman	Hayes	Riley
Bereuter	Hayworth	Rogan
Biggert	Hefley	Rogers
Bilbray	Herger	Rohrabacher
Bilirakis	Hill (MT)	Ros-Lehtinen
Bliley	Hilleary	Roukema
Blunt	Hobson	Royce
Boehlert	Hoekstra	Ryan (WI)
Boehner	Horn	Ryun (KS)
Bonilla	Hostettler	Salmon
Bono	Houghton	Sanford
Brady (TX)	Hulshof	Saxton
Bryant	Hunter	Scarborough
Burr	Hutchinson	Schaffer
Burton	Hyde	Sensenbrenner
Buyer	Isakson	Sessions
Callahan	Istook	Shadegg
Calvert	Johnson (CT)	Shaw
Camp	Johnson, Sam	Shays
Campbell	Jones (NC)	Sherwood
Canady	Kasich	Shimkus
Cannon	Kelly	Shows
Castle	King (NY)	Shuster
Chabot	Kingston	Simpson
Chambliss	Knollenberg	Skeen
Chenoweth-Hage	Kolbe	Smith (MI)
Coble	Kuykendall	Smith (NJ)
Coburn	LaHood	Smith (TX)
Collins	Largent	Souder
Combest	Latham	Spence
Cook	LaTourette	Stearns
Cooksey	Lazio	Stump
Cox	Leach	Sununu
Crane	Lewis (KY)	Sweeney
Cunningham	Linder	Talent
Davis (VA)	LoBiondo	Tancredo
Deal	Lucas (OK)	Tauzin
DeLay	Manzullo	Taylor (NC)
DeMint	Martinez	Terry
Diaz-Balart	McCollum	Thomas
Dickey	McCrery	Thornberry
Doolittle	McHugh	Thune
Dreier	McInnis	Tiahrt
Duncan	McKeon	Toomey
Dunn	Metcalfe	Trafficant
Ehlers	Mica	Upton
Ehrlich	Miller (FL)	Vitter
Emerson	Miller, Gary	Walden
English	Moran (KS)	Walsh
Everett	Myrick	Wamp
Fletcher	Nethercutt	Watkins
Foley	Ney	Watts (OK)
Fossella	Northup	Weldon (FL)
Fowler	Norwood	Weldon (PA)
Franks (NJ)	Nussle	Weller
Frelinghuysen	Ose	Whitfield
Gallely	Oxley	Wicker
Ganske	Packard	Wilson
Gekas	Paul	Wolf
Gibbons	Pease	Young (AK)
Gilchrest	Peterson (PA)	Young (FL)
Gillmor	Petri	
Goode	Pickering	

#### NAYS—203

Abercrombie	Berman	Capps
Ackerman	Berry	Capuano
Allen	Bishop	Cardin
Andrews	Blagojevich	Carson
Baca	Blumenauer	Clay
Baird	Bonior	Clayton
Baldacci	Borski	Clement
Baldwin	Boswell	Clyburn
Barcia	Boucher	Condit
Barrett (WI)	Boyd	Conyers
Becerra	Brady (PA)	Costello
Bentsen	Brown (FL)	Coyne
Berkley	Brown (OH)	Cramer

Crowley	Kilpatrick	Phelps
Cummings	Kind (WI)	Pickett
Danner	Klecza	Pomeroy
Davis (FL)	Kucinich	Price (NC)
Davis (IL)	LaFalce	Rahall
DeFazio	Lampson	Rangel
DeGette	Lantos	Reyes
Delahunt	Larson	Rivers
DeLauro	Lee	Rodriguez
Deutsch	Levin	Rothman
Dicks	Lewis (GA)	Roybal-Allard
Dingell	Lipinski	Rush
Dixon	Lofgren	Sabo
Doggett	Lowey	Sanchez
Dooley	Lucas (KY)	Sanders
Doyle	Luther	Sandlin
Edwards	Maloney (CT)	Sawyer
Engel	Maloney (NY)	Schakowsky
Eshoo	Markey	Scott
Etheridge	Mascara	Serrano
Evans	Matsui	Sherman
Farr	McCarthy (MO)	Sisisky
Fattah	McCarthy (NY)	Skelton
Filner	McGovern	Slaughter
Forbes	McIntyre	Snyder
Ford	McKinney	Spratt
Frank (MA)	McNulty	Stabenow
Frost	Meehan	Stark
Gejdenson	Meek (FL)	Stenholm
Gephardt	Meeks (NY)	Strickland
Gonzalez	Menendez	Stupak
Gordon	Millender	Tanner
Green (TX)	McDonald	Tauscher
Gutierrez	Miller, George	Taylor (MS)
Hall (OH)	Minge	Thompson (CA)
Hastings (FL)	Mink	Thompson (MS)
Hilliard	Moakley	Thurman
Hinchey	Mollohan	Tierney
Hinojosa	Moore	Towns
Hoefel	Moran (VA)	Turner
Holden	Morella	Udall (CO)
Holt	Murtha	Udall (NM)
Hooley	Nadler	Velazquez
Hoyer	Napolitano	Visclosky
Inslie	Neal	Waters
Jackson (IL)	Oberstar	Watt (NC)
Jackson-Lee	Obey	Waxman
(TX)	Olver	Weiner
Jefferson	Ortiz	Wexler
John	Owens	Weygand
Johnson, E. B.	Pallone	Wise
Kanjorski	Pascrell	Woolsey
Kaptur	Pastor	Wu
Kennedy	Payne	Wynn
Kildee	Pelosi	
	Peterson (MN)	

#### NOT VOTING—14

Barton	Jenkins	McIntosh
Cubin	Jones (OH)	Roemer
Ewing	Klink	Smith (WA)
Gilman	Lewis (CA)	Vento
Granger	McDermott	

#### b 1344

Messrs. KUCINICH, CROWLEY and THOMPSON of California and Mrs. MALONEY of New York, Ms. BROWN of Florida and Mrs. CLAYTON changed their vote from "yea" to "nay".

Mr. SMITH of Michigan and Mr. SHOWS changed their vote from "nay" to "yea".

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated against:

Mr. McDERMOTT. Mr. Speaker I was unavoidably detained by official business and unable to vote on H. Res. 563. I would have voted against H. Res. 563 (rollcall No. 442).

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#### PERSONAL EXPLANATION

Ms. GRANGER. Mr. Speaker, due to attendance at a funeral, I was not present for several rollcall votes today.

Had I been present, I would have voted "aye" on rollcall 439, 440 and 442. I would have voted "no" on rollcall 441.

b 1345

#### GENERAL LEAVE

Mr. ISTOOK. 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 (H.R. 4942) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 2001, and for other purposes, and that I may include tabular and extraneous material.

The SPEAKER pro tempore (Mr. PEASE). Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

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#### DISTRICT OF COLUMBIA APPROPRIATIONS ACT, 2001

The SPEAKER pro tempore. Pursuant to House Resolution 563 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for consideration of the bill H.R. 4942.

b 1346

#### IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 4942) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 2001, and for other purposes, with Mr. LAHOOD in the chair.

The Clerk read the title of the bill.

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

Under the rule, the gentleman from Oklahoma (Mr. ISTOOK) and the gentleman from Virginia (Mr. MORAN) each will control 30 minutes.

The Chair recognizes the gentleman from Oklahoma (Mr. ISTOOK).

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

Mr. Chairman, this is the appropriation bill that we consider each year for the District of Columbia, the Capital of the United States of America. In addition to local monies and in addition to monies that the District receives, just as other communities and other States do through different Federal programs for transportation, for education, for public assistance, for Medicaid and Medicare; in addition to all of those, this bill appropriates \$414 million for the District of Columbia to operate its prisons, its courts, and the program of supervising those that are on some form of probation or parole.

And even beyond that, this makes additional monies available for a number of special items in the District of Columbia, such as the new expansion of the metro system, the subway system



in the District; funding for a special college tuition program that provides thousands of dollars to D.C. students to go to college, dollars that are not provided to students from any other part of the country; providing environmental cleanup monies; or providing assistance in the development and the strengthening of the charter school movement here in the District of Columbia.

I do not want to detail all of them right now. I do not think I need to. Mr. Chairman, as I made the point earlier, this is a different community than any other community in the Nation or we would not be talking about this. We would not be making special money available to D.C. were it not our Nation's Capital.

We have a Nation's Capital that was in severe financial straits, basically bankrupt financially, a few years ago; murder rates were at the top of the charts; failure rates in schools at the bottom. This Congress got busy several years ago and created a plan to restructure and restrengthen the District of Columbia, to get it back on its feet. And I want to applaud the people that were involved in this Congress, the people that were involved in the administration, the people involved in the District government, the people involved on the control board that was set up to oversee the District government, who collectively have worked together and have brought the Nation's Capital out of bankruptcy so that this year, for the fourth straight year, they are going to have a budget surplus. The figure I am hearing is they are looking at a surplus of about \$280 million. That is great.

Now, it would not have happened, Mr. Chairman, had the Federal Government not assumed some direct liabilities that other States and communities face themselves, such as I mentioned earlier, the prison system, the court system and so forth. We also assumed some retirement obligations that are not directly appropriated but are paid through the Federal Government, and increased the Federal share of Medicaid reimbursements from 50 percent to 70 percent. So, with that

help, and some of it seen and some unseen, but with an agreement of involvement and help of this Congress, the District of Columbia is back on its financial feet.

They still have severe problems in schools, with drugs, with crime, but there is also a resurgence of the business community. The D.C. Council—and they deserve all the credit in the world for this—a year ago they led the way saying that D.C. was going to reduce taxes on people here because they wanted people to come back and live in the city. Tens of thousands of people over the years moved out of the District. We want them back and we want to create financial incentives as well as a better and safer place for the people who live here, who work here, and who visit here.

The District has made a lot of financial progress. But everything is not straightened out yet, and we understand that and we are trying to work patiently. There is a new Mayor: Anthony Williams. He is a good man doing a good job, really focusing on working the bureaucracy and getting it whittled down because it consumes resources and it stops things from happening that ought to be happening, whether it is a business that wants a permit or whether it is a matter of running the D.C. General Hospital.

Now, here we have a public hospital that already gets tens of millions of dollars each year in direct subsidies from the District government and still has been going beyond that. They have taken hundreds of millions of dollars in money that was not even budgeted. It was not even budgeted. And here is where I will fault the local government. They took money that was not even budgeted, and hundreds of millions of dollars were supposedly loaned to the hospital and then they wrote off the loans. The District needs to be honest in its budgeting. And taxpayers are not getting their monies' worth in public health benefits, yet they are paying inordinately high amounts for it. And they are paying through the use of gimmicks such as loans, which they then write off.

I say that as one example of the management problems and the waste problems that are still severe in the District. If they took even half the money that they were wasting and applied it to things like a metro station, or a cleanup problem, or an economic development problem, whatever it might be, they would not need to ask for special money from Congress to help with the revitalization of the District of Columbia. They would have it.

So we are trying to work with them on all fronts. This bill does that. It helps with the charter school movement, which is a part of public schools, but is run differently without the normal school bureaucracy, that is approaching 15 percent of the students in D.C. public schools. These parents have chosen to send their children to a public charter school instead of one of the other regular public schools, and we are trying to help give them equal footing with the regular public schools as far as the way that public resources are allocated and the way the bureaucracy treats them so the bureaucracy does not try to hold them back but, for the benefit of the future of these kids, it lets them advance.

So we will have a debate, Mr. Chairman, on many of these different items. I know it is not all financial. Life is not just all about money, and being the Nation's Capital and being in harmony with the rest of the country is not all about money either.

I appreciate the gentleman from Virginia (Mr. DAVIS), who chairs the authorizing committee, the oversight committee. We have not worked with him as smoothly as we should have on many things, but he and his committee have been so supportive of helping D.C. to get back on its feet and helping to make reforms happen in Washington, D.C.

Mr. Chairman, I am submitting herewith for the RECORD a chart comparing the amounts recommended in H.R. 4942 with the appropriations for fiscal year 2000 and the request for fiscal year 2001:

**DISTRICT OF COLUMBIA APPROPRIATIONS BILL, 2001 (H.R. 4942)**  
**(Amounts in thousands)**

	FY 2000 Enacted	FY 2001 Request	Bill	Bill vs. Enacted	Bill vs. Request
<b>FEDERAL FUNDS</b>					
Federal payment for Resident Tuition Support.....	17,000	17,000	14,000	-3,000	-3,000
Federal payment for Incentives for Adoption of Children.....	5,000	5,000	.....	-5,000	-5,000
Federal Payment to the Chief Financial Office of the District of Columbia.....	.....	.....	1,500	+1,500	+1,500
Federal payment to the Citizen Complaint Review Board.....	500	.....	.....	-500	.....
Federal payment to the Department of Human Services.....	250	.....	.....	-250	.....
Federal payment to the District of Columbia Corrections Trustee Operations.....	176,000	134,300	134,300	-41,700	.....
Federal payment to the District of Columbia Courts.....	99,714	103,000	99,500	-214	-3,500
Defender Services in District of Columbia Courts.....	33,336	38,387	34,387	+1,051	-4,000
Federal payment to the Court Services and Offender Supervision Agency for the District of Columbia.....	93,800	103,527	115,752	+21,952	+12,225
Federal payment of Washington Interfaith Network.....	.....	.....	1,000	+1,000	+1,000
Children's National Medical Center.....	2,500	.....	.....	-2,500	.....
Federal payment for Metropolitan Police Department.....	1,000	.....	.....	-1,000	.....
Federal payment to the General Services Administration (Lorton Correctional Complex).....	6,700	.....	.....	-6,700	.....
Federal payment to the Georgetown Waterfront Park Fund.....	1,000	.....	.....	-1,000	.....
Federal payment for Study of Tax Reform in the District.....	.....	.....	100	+100	+100
Federal payment for Simplified Personnel System.....	.....	.....	250	+250	+250
Metrorail construction.....	.....	25,000	7,000	+7,000	-18,000
(By transfer).....	.....	.....	18,000	+18,000	+18,000
Federal payment for the National Museum of American Music.....	.....	3,000	250	+250	-2,750
Federal payment for Brownfield remediation.....	.....	10,000	.....	.....	-10,000
Presidential Inauguration.....	.....	6,211	5,961	+5,961	-250
<b>Total, Federal funds to the District of Columbia.....</b>	<b>436,800</b>	<b>445,425</b>	<b>414,000</b>	<b>-22,800</b>	<b>-31,425</b>
<b>DISTRICT OF COLUMBIA FUNDS</b>					
<b>Operating Expenses</b>					
District of Columbia Financial Responsibility and Management Assistance Authority.....	(3,140)	(6,500)	(3,140)	.....	(-3,360)
Governmental direction and support.....	(167,356)	(197,771)	(194,621)	(+27,265)	(-3,150)
Economic development and regulation.....	(190,335)	(205,638)	(205,638)	(+15,303)	.....
Public safety and justice.....	(778,770)	(762,346)	(762,346)	(-16,424)	.....
Public education system.....	(867,411)	(998,418)	(995,418)	(+128,007)	(-3,000)
Human support services.....	(1,526,361)	(1,542,204)	(1,532,204)	(+5,843)	(-10,000)
Public works.....	(271,395)	(278,242)	(278,242)	(+6,847)	.....
Receivership Programs.....	(342,077)	(394,528)	(389,528)	(+47,451)	(-5,000)
Workforce Investments.....	(8,500)	.....	.....	(-8,500)	.....
Buyouts and Management Reforms.....	(18,000)	.....	.....	(-18,000)	.....
Reserve.....	(150,000)	(150,000)	(150,000)	.....	.....
Financing and Other.....	(384,948)	(331,529)	(331,279)	(-53,669)	(-250)
Procurement and Management Savings.....	(-21,457)	.....	.....	(+21,457)	.....
<b>Total, operating expenses, general fund.....</b>	<b>(4,666,836)</b>	<b>(4,867,176)</b>	<b>(4,842,416)</b>	<b>(+155,580)</b>	<b>(-24,760)</b>
<b>Enterprise Funds</b>					
Water and Sewer Authority and the Washington Aqueduct.....	(279,608)	(275,705)	(275,705)	(-3,903)	.....
Lottery and Charitable Games Control Board.....	(234,400)	(223,200)	(223,200)	(-11,200)	.....
Sports and Entertainment Commission.....	(10,846)	(10,968)	(10,968)	(+122)	.....
Public Benefit Corporation.....	(89,008)	(78,235)	(78,235)	(-10,773)	.....
D.C. Retirement Board.....	(9,892)	(11,414)	(11,414)	(+1,522)	.....
Correctional Industries Fund.....	(1,810)	(1,808)	(1,808)	(-2)	.....
Washington Convention Center.....	(50,226)	(52,726)	(52,726)	(+2,500)	.....
<b>Total, Enterprise Funds.....</b>	<b>(675,790)</b>	<b>(654,056)</b>	<b>(654,056)</b>	<b>(-21,734)</b>	.....
<b>Total, operating expenses.....</b>	<b>(5,362,626)</b>	<b>(5,521,232)</b>	<b>(5,496,472)</b>	<b>(+133,846)</b>	<b>(-24,760)</b>
<b>Capital Outlay</b>					
General fund.....	(1,218,638)	(1,029,975)	(1,022,074)	(-196,564)	(-7,901)
Water and Sewer Fund.....	(197,169)	(140,725)	(140,725)	(-56,444)	.....
<b>Total, Capital Outlay.....</b>	<b>(1,415,807)</b>	<b>(1,170,700)</b>	<b>(1,162,799)</b>	<b>(-253,008)</b>	<b>(-7,901)</b>
<b>Total, District of Columbia funds.....</b>	<b>(6,778,433)</b>	<b>(6,691,932)</b>	<b>(6,659,271)</b>	<b>(-119,162)</b>	<b>(-32,661)</b>
<b>Total:</b>					
Federal Funds to the District of Columbia.....	436,800	445,425	414,000	-22,800	-31,425
District of Columbia funds.....	(6,778,433)	(6,691,932)	(6,659,271)	(-119,162)	(-32,661)

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

Mr. MORAN of Virginia. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the District of Columbia has 13 elected city council members; they have an elected mayor; and there are six members on the control board that are not elected but have responsibility. It is more members than we have on the Subcommittee on the District of Columbia of the Committee on Appropriations, and yet we gave the elected representatives of the District of Columbia 1 day of hearings and then turned around the very next day and marked up this bill.

In the markup we decided to impose our fixes on some of the most serious problems that the District faces. For example, let me just give one example. In Anacostia, in the poorest part of this city and one of the poorest parts of this Nation, where there are homicides that occur on a nightly basis, where there is some of the worst poverty and desperation, rapes and all the things that occur when too many low-income people are forced into desperate circumstances, they depend on what is called D.C. General Hospital. The folks who use that hospital do not have health insurance, for the most part, and the care they need is very expensive care and it is very difficult to get doctors and health care professionals working there.

So what we decided to do, because they have management problems and financial problems, is to say that D.C. General cannot use its line of credit any more. It is actually operated by what is called the Public Benefits Corporation. We are now told that means that this hospital goes under; it will become insolvent within a year, as well as the Southeast Community and a number of health care clinics in Southeast D.C. that deal with women and children throughout the neighborhoods.

Now, an alternative might have been to consult with the mayor, the city council, the professional experts working on this problem. But we did not do that. We gave 1 day, then imposed our solutions. I do not think that is the way we should be doing things.

Now, we are going to talk at greater length on that when we have a specific discrete amendment on that issue, but it is typical of a number of what are called general provisions in this bill that attempt to legislate and to override what D.C.'s legitimately elected officials are trying to do to solve their own problems. But in addition to that, we have a funding shortfall. The bill is \$31 million short of what the administration and the District of Columbia government requested. It is \$22 million below what Congress appropriated for the District of Columbia last year.

Now, what excuse can we offer? We are in a time of great surplus. This is one of the cities that needs help the most. It is our capital city, and we

made a commitment in the 1997 D.C. Revitalization Act to assume certain responsibilities; to make them Federal responsibilities. And now, in this bill, we are shortchanging the D.C. government, reneging on our commitment to the tune of \$31 million. In a \$1.7 trillion budget we cannot find \$31 million to meet our own commitments? The fact is we can, but we choose not to.

Now, with this lower allocation, what don't we fund? Well, we have two critically needed economic development initiatives in the District, and one is completion of a New York Avenue metro station. The private sector, the business community, said that they would put up \$25 million, D.C.'s own taxpayers said they would put up \$25 million, and the Federal Government was to put up \$25 million as well. This bill does not do that, though. They met their share, we are not meeting our share.

We are putting up \$7 million in federal funds. We are going to use \$18 million from an interest account that exists, but we find out now that the \$18 million does not exist. It has already been used in the D.C. budget that has already been submitted; that has been approved by the District and will become law unless Congress disapprove it, which we will not do.

So the \$18 million does not exist. It is a shell game. It is double counted. So we are underfunding the New York Avenue metro station when two-thirds of it is not even being funded by the Federal Government.

And then there is the Poplar Point brownfield remediation project, an excellent project. We agree with it. We give it all the rhetoric and none of the money that it needs.

b 1400

We will not have the funds to extend the foster care adoption incentives. There are kids languishing in the foster care. There are people that want to adopt them, good parents, and we underfund that. It even underfunds our own Financial Control Board that we set up to oversee the District's budget.

So I do not think that this is a bill that we should be particularly proud of. But even more troubling, once again we are going to debate a series of social riders and address some new ones as well that violate the principle of democracy and home rule and restrict how the District may elect to use its own funds to address its own set of priorities.

Earlier this year I asked the gentleman from Oklahoma (Chairman ISTOOK) if we could not start with a clean appropriations bill this year, clear it of all of last year's general provisions that did not belong in an appropriations bill. The District of Columbia, the Mayor, and the President of the United States followed this recommendation in their budget. But we have not done so.

We have got 68 superfluous general provisions; and in the vast majority of

them we would never think of imposing these kind of punitive, paternalistic restrictions on any jurisdiction that we were elected to represent.

Why do we do it to the District of Columbia? We do it to the District of Columbia because they cannot fight back, they are helpless, we have control over them, and they cannot vote us out of office. They cannot hold us responsible. They cannot do a darn thing to us. And so we beat up on them with these kinds of restrictive provisions and make ourselves look good back home.

So we are going to offer a series of amendments here. I know we will probably lose them, and many of them are going to be found out of order because of this rule that protected Republican amendments and did not protect the Democratic initiatives.

One of them deals with a controversial issue, medicinal use of marijuana. But what did we do? We decided that D.C. took a referendum, and we prevented them for the last year from even counting the results of that referendum.

Well, that is not the responsible way to address a controversial issue. I will not get into that any further except to say this is not the way that we treat a community; it is not the way we would treat communities within our district.

We have got a domestic partners law, and it says that D.C. cannot offer health insurance for domestic partners. But yet 3,000 employers across the country do it in any number of State and local jurisdictions. We never restrict any of those States and local jurisdictions. We did not tell employers they cannot do it, but we tell D.C. it cannot do it.

There is a Contraceptive Coverage Act that has received a lot of publicity. It does seem that if a health insurance company is going to cover things like Viagra for men, it ought to cover contraception for women. That seems only fair and equitable.

We put in legislation that said that they cannot do that unless they include the kind of religious exemption and ability to opt out on the grounds of moral objections, which makes sense, except that it is very broad and, again, we do not do it to anyone else.

I think D.C. should be able to control these issues on their own. They are the ones that are being held responsible. The Mayor is going to pocket veto the contraceptive coverage and insist on the religious exemption clause. But let him do it. He is held accountable. Let them make that kind of decision. It is not up to us to be doing that.

And the same legislation exists in 13 States. We have not tried to restrict them in any of those States that we have legitimate control over.

Again, there are a number of specific situations that are objectionable in this bill. We have 68 general provisions that I mentioned. Many of them were punitive. They were one-time measures. Five of them are already Federal law. We have got another dozen roughly that are already included in the D.C.

Code or in the D.C. budget. To include them is superfluous.

Why do we leave this junk in an appropriations bill? We want to clear it out. That amendment should have been made in order.

Mr. Chairman, we will now embark upon probably a spirited and controversial debate. But the bottom line is that we ought not be having this debate because every issue we will discuss has been discussed by the members of the District of Columbia City Council, has been considered by the Mayor, has been considered by the citizens of the District of Columbia.

We live in a democracy. They should be able to exercise their democratic rights, and we should not be overruling them.

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

Mr. ISTOOK. Mr. Chairman, I yield 2 minutes to the gentleman from Florida (Mr. YOUNG), chairman of the full Committee on Appropriations.

Mr. YOUNG of Florida. Mr. Chairman, I rise in support of the bill.

I want to compliment the chairman and members of the subcommittee. This was not an easy bill to bring before the subcommittee or the full committee. There were considerable differences of opinion, to say the least.

However, I am happy to report to our colleagues the good news. This is the final appropriations bill to go through the House of Representatives in this phase of our appropriations process. Not only is this number 13, but the House has already concluded work on the Supplemental. We have conferenced the Supplemental. We have conferenced the Military Construction appropriations bill. We have conferenced the Defense Appropriations bill. And several other conferences are under way as we speak.

So we are moving right along. I think the Members will be happy to hear that this is the final bill, this is the 13th bill.

I wanted to say something about the process. The gentleman from Virginia (Mr. MORAN) when he spoke earlier talked about treating the Democratic amendments one way and Republican amendments another way. I will say to our colleagues that during the entire process on this bill and every other bill we have treated both Republicans and Democrats the same way. If an amendment was germane to the bill, we debated the amendment as much time as the Members wanted. And on occasion that was a lot of time. But we took whatever time was necessary to give everybody a fair opportunity to present their views and to support or oppose the amendments that were before the committee.

Here in the House, on each of those amendments that we knew were subject to a point of order, we allowed the Member who sponsored that amendment sufficient time to explain the amendment before we ever pressed for the point of order. So I think we have bent over backwards.

I served here for a long time in the minority, and I do not recall that ever happening to one of our amendments when we were in the minority. If there was a point of order lying, the point of order was raised and the amendment was stricken at that point.

In fact, on one occasion, just a few days ago, we allowed 3 hours of debate under unanimous consent on an amendment offered by the Democratic side of the House knowing full well that it was subject to a point of order. The sponsor of the amendment knew that it was subject to a point of order, but yet we allowed 3 hours of debate.

Now, how the gentleman could suggest that we have treated Democrats differently than Republicans I do not know. But we have bent over backwards to be extremely fair to both sides of the aisle. And what is fair for one side is fair for the other.

I hope that we can resolve these differences today, Mr. Chairman; and I hope that we can pass this bill and let the appropriators get busy with the conference meetings with the other body so we can conclude our appropriations business well ahead of the beginning of the fiscal year.

Mr. MORAN of Virginia. Mr. Chairman, I yield 5 minutes to the gentleman from the District of Columbia (Ms. NORTON), who is the one person actually elected by the D.C. residents to represent them.

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

Mr. Chairman, I rise to speak for the city where free Americans reside, not the Federal city. The Federal city belongs to everyone. As free American citizens, Wards 1 through 8 belong to those of us who live in the District of Columbia.

Each year lots of time has been spent debating the minutia of details of one city far afield from urgent national business and outside the competence of national legislators. The result, without exception, has been multiple vetoes that ultimately result in turning around the very controversial amendments voted into this bill or substantially changing them.

When will we learn? Hopefully, this year. There is not enough time left in this session to play games with the D.C. appropriation.

The Mayor, the D.C. council and I have been clear about our two major objections to this bill. One: not merely cuts, but redirection of the remaining funds from indispensable priorities that the Mayor and the council specifically requested Federal funds to cover, including a subway station that is essential to the District's number one economic priority and to a new Federal ATF facility on New York Avenue; and two: reinserting into the bill not only social riders, to which we have always objected, but gratuitously a far larger number of riders that are so out of date, or irrelevant that OMB and the District believed that no Member

would want the bill encumbered with them.

A new administration that is cleaning house in the city and streamlining D.C. government deserves at least to be relieved of outdated and redundant riders from prior city administrations.

The dollars used in this bill to pay for items meant to be federally funded deserve special mention and has been discredited in a June 30 GAO report commissioned by the chairman himself.

The bill requires D.C. to use interest accumulated on D.C. accounts instead of Federal money in the President's budget. Yet the June 30 GAO report to the chairman stated that Congress has already instructed the District on how the interest must be used. The GAO concluded: "As a result, the District does not have any interest earnings on available Federal funds."

The Mayor and the city council have made their views known in writing to the chairman, and I have had some discussions with him. The bill is not yet acceptable to the District, and I ask my colleagues to vote no on this bill.

We are not naive about bills before this body. We are prepared to support any amendments or changes that would produce not the preferred bill but a better bill. To accomplish this, it will take more give and take and more respect for the local prerogatives freely given to every other locality than this bill reflects for the District.

Let us get to work and challenge ourselves to do better.

Mr. YOUNG of Florida. Mr. Chairman, I yield 4 minutes to the distinguished gentleman from Virginia (Mr. DAVIS).

Mr. DAVIS of Virginia. Mr. Chairman, I thank my friend, the distinguished chairman of the full committee, for yielding me the time.

My compliments to the chairman and the ranking member for the time and energy they and their staffs have put forward devoted to reviewing the D.C. budget and bringing this bill to the floor in a timely manner.

Just a few years ago, the District of Columbia government faced a financial crisis of epic proportions. That situation was so severe that the District could not deliver basic services, and there was a very real concern that it would run out of cash to pay its debt service or to even meet its payroll.

Today, the city's population is stabilizing, the real estate market is up, suburban residents are making more leisure trips into the city, and jobs have increased dramatically.

Next year, the Control Board will go in a dormant state, as anticipated in the legislation that we passed here in 1995. The city has balanced its budget for a fourth straight year; and its leaders are showing, with only a handful of exceptions, that they are focused on fostering economic growth and delivering basic services.

This budget goes a long way toward continuing the tremendous strides we

have made in the Nation's capital over the past 6 years. It funds a wide variety of programs. It will greatly enhance the quality of life for D.C. residents and those who visit and work in this wonderful city from enhanced resource for foster care, for drug treatment and public education, to money to clean up the Anacostia River and construct a Metro Rail Station on New York Avenue.

b 1415

There are funds for a number of programs to bolster opportunities for the city's youth population, including \$500,000 for character education and \$250,000 for youth mentoring programs.

And there is much more: \$1 million for the Washington Interfaith Network for affordable housing in low-income neighborhoods and another \$250,000 for new initiatives to battle homelessness; \$6 million to cover the city's costs associated with the 2001 presidential inauguration; \$250,000 for Mayor Williams to simplify personnel practices, money which will allow the city to build on the many improvements already under way in the area of management reform.

But there are shortcomings to this bill as well. I am concerned, for example, that funding for the D.C. college access program, a program created by legislation I introduced in the last Congress, is cut by \$3 million in this budget. I am profoundly concerned that this shortage could leave some D.C. students out in the cold, back in their old disadvantaged position and unable to become all that they can and should be. However, I am heartened by the fact that the Senate has a higher 302(b) allocation and that hopefully when this comes to conference some of this money can be restored. I urge my colleagues to restore the funding level for this historic program.

The religious exemption or conscience clause that is in this legislation may be rendered moot by the fact that the Mayor has said that he will pocket veto this legislation. In my judgment, the city council made a huge mistake in not having a conscience clause attached to their contraceptive coverage legislation, but we ought to let the city and encourage the city to remedy the mistakes they make. That is the only way democracy is going to grow and nurture, is not having us try to redo everything that they do but make them accountable for their own ordinances and their own mistakes. In this case, I think the council and most importantly the Mayor have stepped up to the plate and have said that they would try to remedy this on their own.

Overall, I commend the gentleman from Oklahoma (Mr. ISTOOK), though, for this forward-looking spending plan, a budget that ensures the District of Columbia's renaissance will continue in coming years. I am proud to have played a part in the city's rebirth these past years, and I want to thank the fellow members of my subcommittee on the authorizing side, the gentlewoman

from the District of Columbia (Ms. NORTON), the ranking Democrat; and the gentlewoman from Maryland (Mrs. MORELLA), my vice chairman; and other Republicans and Democrats for the work that they have done over these past years to get the District back on its feet. I wish Mayor Williams and the city council the best of luck in the future. I think the city is in pretty good hands at this point. Although this bill is not everything it can and probably should be, this is a very difficult measure to craft, as we have found every year on this floor.

I urge a "yes" vote on the bill.

Mr. MORAN of Virginia. Mr. Chairman, I yield 3 minutes to the gentleman from Massachusetts (Mr. DELAHUNT).

Mr. DELAHUNT. Mr. Chairman, I rise to express my concern about the amendments regarding needle exchange programs in the District of Columbia that are being offered by the gentleman from Indiana (Mr. SOUDER) and the gentleman from Kansas (Mr. TIAHRT). The bill before us already bars the use of Federal funds to pay for these programs. But the Souder amendment would go further. It would prohibit the people of the District from using their own money, money obtained through local taxation, for programs that are widely supported by the local citizenry. This is unfair to D.C. citizens who find themselves subject to the whims of representatives whom they did not elect. But I would submit it is also a terrible precedent for the country as a whole, because despite the squeamishness of some Members of Congress at the mere sight of a needle, the truth is that these programs work. They prevent HIV infection. They do not encourage or increase drug abuse. In fact, there is solid evidence that they actually help reduce drug abuse by encouraging injection drug users to enter treatment.

It is bad enough for legislators to overrule local decision-makers in matters of this kind, but it is the worst kind of irresponsibility for us to substitute our own uninformed opinions for the sound judgment of the public health community, to say, in effect, Our minds are made up. Don't confuse us with facts.

I have seen what needle exchange programs have accomplished in Massachusetts, Mr. Chairman. I know they save lives. If the Souder amendment becomes law, more people in Washington, D.C., may be infected with the AIDS virus. More people will die of it. And our Nation's capital will continue to lose ground in its fight to protect the public health of its citizens.

On the other hand, if the Souder amendment is enacted, local needle exchange programs in the District will somehow manage to carry on their work without the benefit of public funding as they have been doing with the current restrictions. But the Tiahrt amendment would have a serious and immediate impact on these ex-

isting programs. It would prohibit them from distributing sterile needles within 1,000 feet of a school or university, public housing project, student center or other recreational facility. I realize the gentleman is trying to protect children from exposure to unsafe needles and the drugs that are used to inject. I only wish the problem were that simple. As a former law enforcement official, I have spent considerable time in our inner cities. The reality is there are plenty of needles out there well within 1,000 feet of schools and housing projects and student centers, and those needles are not sterile.

This amendment will do nothing to change that tragic reality. It will not keep out the drugs and drug paraphernalia that litter these urban battlegrounds, if you will. It will not keep out the diseases that are spread by ignorance and lack of sanitation. What it will do is make sure that these kids who inject drugs and who live in these neighborhoods, the very young people who are at most risk for HIV/AIDS, hepatitis and other diseases transmitted through infected needles, will have no recourse but to reuse unsterile equipment.

We cannot cure the problem by throwing a cordon around our public institutions. Only good science and sound health policy can do that.

I urge my colleagues to reject these amendments.

Mr. ISTOOK. Mr. Chairman, I yield 3 minutes to the gentleman from Kansas (Mr. TIAHRT), one of the valued members of our subcommittee.

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

Mr. TIAHRT. Mr. Chairman, I would like to step back just 6 years and look at the District of Columbia because it was a very different place then. They were running a budget deficit. Schools were failing. It was known as the murder capital. And crime had kept people in fear.

The first interaction that I had with the District of Columbia was trying to get a constituent who had been killed by a taxi, have their body released to the family. Red tape ruled in the District of Columbia, and it was a very large task just to get the deceased released to their family.

But today it is a better city by a long ways. The D.C. budget is balanced, and that is why it was accepted in this bill. The quality of education has improved through charter schools and through new projects in public schools. It is a safer community to live in. And the people from Kansas are more comfortable when they come to the District of Columbia. Things have gotten better.

But it did not happen by accident. Congress did get involved. It provided oversight. The D.C. control Board insisted on revisions to the city and to the police department. The gentlewoman from the District of Columbia (Ms. NORTON) said earlier the Federal

city belongs to everyone. I think that is exactly what the writers of the Constitution had in mind when they gave Congress, and I quote, "power to exercise exclusive legislation in all cases whatsoever," in article 1, section 8 of our Constitution.

The opponents of our bill say, Well, our cities aren't regulated like this, so we shouldn't be involved. But if you talk to the city councils in Kansas, they know that Congress has intervened. They have intervened through the Clean Air Act, through clean water regulations, through transportation regulations, air travel regulations, labor regulations, wage restrictions. And the people in the city have been regulated by Congress, too, health care, work requirements. Congress has injected itself into our schools, our hospitals, our city councils and our own homes. Congress does have oversight of the District of Columbia.

So the question is, How should we be involved in this process? I think one of the things that this bill does that is very positive is that we go into the areas of this city which need to be reclaimed and provide mentoring programs to children that are at risk, giving a mentor to them, to be with them when they need to go to school to find out their homework assignments, when they need to go to the hospital or to the physician, and God forbid they should have to go to court, the mentor is there with them. This bill provides such help. It also provides a hotline so that if someone is in need in this city, they call a hotline and they are not let off the phone line until they are directly connected with an agency that can provide directly for their need.

There are other things we are going to debate. We are going to debate where we should deliver needles through the drug needle exchange program. I personally think we ought to protect the children. We have talked to the District of Columbia Police Department. There are currently four locations that would not be affected by my amendment where needles could be distributed.

As we continue this debate, Mr. Chairman, I hope we come to a conclusion and pass this bill today.

Mr. MORAN of Virginia. Mr. Chairman, I yield myself 30 seconds on this issue, we are going to have a little time later on to discuss it, in terms of needle exchange.

D.C. has the worst problem of AIDS infection of women and children, and the principal reason is the exchange of dirty needles. The exchange of clean needles works, but it is very restricted because of the Congress' intervention. This amendment would effectively preclude even private organizations from being able to address this problem. There are too many women and children dying of AIDS in D.C. We ought to do whatever is necessary to save their lives.

Mr. Chairman, I yield 3½ minutes to the gentleman from Oregon (Mr.

BLUMENAUER), the leader of the Smart Growth Initiative nationwide.

Mr. BLUMENAUER. Mr. Chairman, I can only imagine the frustration that the gentlewoman from the District of Columbia (Ms. NORTON) must feel talking about the special benefits that are accorded to the District of Columbia; for indeed what we have done, the District has special obligations that no other local government in the country has. It has the burdens of both a city and a State and it does not have the tools that we give the rest of America. On top of that, Congress is interfering unnecessarily, making that job even harder.

Not only does it add unnecessary and outdated riders, but the budget that we are discussing here today is \$22 million below last year's funding level. The funding that remains is not fairly distributed to the city's most urgent economic and educational priorities.

I care specifically about livable communities, and I would like to reference two: one, the New York Avenue Metro station and Poplar Point in Southeast District of Columbia. The proposed Metro station at New York and Florida Avenues is the linchpin of proposed new economic development activity for the District.

We here in the District every day experience poor air quality, choking traffic. We hear about problems of sprawl and economic development. The proposed Metro station represents an important step in bringing jobs and people together in a location that is convenient for commuters and does not increase sprawl or require massive additional infrastructure investments in outlying areas.

This has been extensively planned through public and private initiatives with the District, the Federal Government, and the private sector each committing one-third of the funds. While the city and the private sector have stepped up, Congress is shirking its duty by not providing the full \$25 million in Federal funds that the President has proposed. It includes only \$7 million directly and makes up the remaining \$18 million through accounting gimmicks, including the borrowing on the city's interest fund which only has \$6 million left and is already obligated by other uses.

The choice forced on the city to delay building the station or losing other important priorities is not acceptable. We compound this missed opportunity by the nearby development of the Metropolitan Branch Trail, the bicycle beltway within the Beltway that could have the \$8 million that we have already allocated through TEA-21 coordinated with the station. We risk losing both the station and the coordination of the trail. It would be a tragedy.

Poplar Point, a 110-acre site along the southern corridor of the Anacostia River, has the potential of becoming a vital urban waterfront, serving the needs of District residents who now

must travel faraway to enjoy the waterfront amenities that are right outside their and our door.

Not only has the site been neglected by the Federal Government, but a portion of the environmental damage is the result of pesticide residue left by the Architect of the Capitol, because that was our nursery that operated there for many years. It adds a new dimension of interference for the Congress in the District of Columbia. It illustrates the special responsibility we owe to the District both as a neighbor and as a tenant.

The bill does not provide the requested \$10 million for environmental cleanup and infrastructure improvement needed to spur the redevelopment and improve the economic health for the residents living near Poplar Point.

b 1430

Between the irrelevant riders, the limitations of the District's ability to self-govern, we are missing an opportunity. It is not just unfair to the residents of the District of Columbia, it is not fair to the American public.

Mr. ISTOOK. Mr. Chairman, I yield myself 1 minute.

Mr. Chairman, I keep hearing people try to create a fiction that supposedly we are not taking care of what the District says is its top priority; namely, the Metrorail station at New York Avenue. In fact, at the Full Committee, we shifted a few million dollars more of Federal funds into the Metrorail project, as well as the interest earnings on the Federal and other funds that we are allocating.

Mr. Chairman, I heard the gentleman from Oregon (Mr. BLUMENAUER) say, oh, but the fund only has \$6 million, and it does not have \$18 million. That is not accurate. Mr. Chairman, what has happened is after the control board found out that we thought that money should go to the top priority of the District, then we started receiving lists saying "we have these things that were not part of our budget, we want to spend this money on something different than our top priority." And that is where we found out they want to spend the money on more bonuses at city hall and golden parachutes for people involved with the control board, to double their budget in the control board in their last year of operation, Mr. Chairman.

I wanted to correct that, Mr. Chairman; and I yield 4 minutes to the gentleman from California (Mr. CUNNINGHAM), a member of our subcommittee.

Mr. CUNNINGHAM. Mr. Chairman, I live in D.C. and have for some time. I have sat and I have talked to residents, many of them minorities, and many saying to me we need help for years and years and years. When we look at the school systems, we look at the economy, we look at the Anacostia River, the sewage systems, the crime, the drugs and the lack of response, they would say, I know you are a Republican, we are Democrat, but would you help us?

I think this committee has done a lot in the last few years. I say to my colleagues that for 30 years my D.C. was kind of an anachronism, that there was not that help and we let the D.C. rule, but then we had a mayor that ended up putting more cocaine up his nose than worrying about the economy of his own city. The good news is that Mayor Williams is trying to work with us and do many of the things that we are trying to do for this city.

I lived by the train station and in one year, my car was broken into twice. I heard a gunshot out my driveway, a young man was caught and said he just wanted to know what it felt like to kill somebody. Two of the women in my complex were mugged going into a locked gate. There is a grocery store, the little mom and pop store, across the street was robbed six times in one year. The residents were saying, we have to live in this, can you do something, Mr. Congressman. Our children, the roofs on their schools are falling apart. And my colleagues will remember they had to cancel schools. We fully funded schools. We established charter schools.

My own party wanted to cut funds from our public funds, and we were able to work in a bipartisan way saying that our schools are moving in the right direction, let us fully fund them. And I think we have seen some movement. We have a long way to go in this Nation's Capital, but there are good teachers. There are good schools, but many of those schools are still failing and we need help.

That is the direction we are working in. When I first arrived here, there was a woman on the board that was appointed by Marion Barry that could not read. She was on the committee on the budget, but she had never had an accounting course. She was a functioning illiterate, but yet she was a political appointee. We appointed a board to try and help that. And we have done a lot of very positive things in that.

We wanted to work on something for D.C. We need a long-term sewage problem. Every time it rains in Washington, D.C., and it is raining right now, that raw sewage goes into the Anacostia River every time it rains. It has the highest fecal count in any river in the United States, and we need to address that.

The mayor is trying to take that up as well, the cleanup of the Anacostia River. But I look at the economy. When I first came here, the city was left up to its own devices, they had month-to-month leases. Now no business is going to come into the city and make an investment, because people were getting money under the table.

They had governmental control over those businesses to make them do what they wanted, and no one would invest. And we looked at the businesses. We could not even get a Safeway here because of the practices of the city councils and the government, and we have changed that, in a bipartisan way. We

are starting to get investment. We have increased those leases. We are starting to get jobs into D.C., and I think that is positive change.

I would say one thing about the Tiahrt amendment, if we look at his amendment on drug exchange, none of my colleagues would want one of these outside their door, because it attracts drug dealers, it attracts drug users. Needles are discarded. What his amendment says, where we have schools, where we have parks and swimming pools, where children play barefooted and fall, that we do not want to have our children to have the risk of the contracting AIDS or other diseases like hepatitis.

Mr. Chairman, I ask for a support of the bill.

Mr. MORAN of Virginia. Mr. Chairman, I yield myself 10 seconds to respond to the gentleman from Oklahoma (Mr. ISTOOK). With regard to the use of the New York Avenue Metro money, the reality is that that money was included in the D.C. budget, that D.C. budget was received by the Congress before the bill was marked up. There is no way that the D.C. government could have known, and so that money was already spent before we spent it again.

Mr. Chairman, I yield 3 minutes to the gentleman from Maryland (Mr. CUMMINGS), a most respected and effective legislator.

Mr. CUMMINGS. Mr. Chairman, I want to thank the gentleman from Oklahoma (Mr. ISTOOK) for yielding the time to me and to say to the last speaker, the gentleman from California (Mr. CUNNINGHAM), one of the interesting things is about the needle exchange program in Baltimore, there are people who actually want the needle exchange program in certain areas, because they have discovered that it cleans up the needles. It gets rid of the problem. I think that one should take a look at that, and that is something very important.

The other thing that I find so interesting is how the gentleman from Virginia (Mr. DAVIS) and now the distinguished gentleman from California (Mr. CUNNINGHAM) have talked about the wonderful job that the mayor is doing. He is doing an outstanding job and a wonderful job. I would also say that the gentlewoman from the District of Columbia (Ms. NORTON) is doing a wonderful job.

At some point in time, folks ought to be able to control D.C. themselves. We do not have to have Big Brother hanging around forever and forever. I think that it has been clear and it has been said here over and over again by both sides that they are doing an outstanding job.

The motto for the District of Columbia is justice to all. Justice in the form of the ability of District of Columbia residents to use their own funds to operate needle exchange programs in areas they deem appropriate. Justice in allowing D.C. to determine appropriate

laws to address the issue of tobacco use among minors. Justice in the right of District of Columbia residents and the city council to approve and enact legislation that will permit city employees to receive health insurance benefits for their long-term partners, regardless of gender, and to require insurers and employers to cover contraceptive if other prescription drugs are covered.

Justice in increased funding for Metrorail construction at New York and Florida Avenues, Northeast, an area ripe for economic development.

Justice in increased funding for tuition assistance for District of Columbia college-bound students, helping to offset out-of-State tuition costs at colleges and universities across the country. As a result of this program, numerous D.C. students applied to Maryland colleges and universities, including 10 at Coppin State University and Morgan State University in my district.

Justice in the right of the District to use funds to petition for or file a civil action intended to obtain District voting representation in Congress.

Unfortunately, if this bill is passed in its current form, justice to all will not prevail. Instead, this body will send a message to District residents that they are not to be afforded justice, but are to be burdened with requirements that Congress imposes on no other local jurisdiction and stripped of their right to make local decisions.

I submit that it is our duty as lawmakers to ensure that justice is applied impartially and equally to all of our Nation's citizens. Therefore, I urge my colleagues to oppose this bill and support District residents and the principle of justice for all.

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

Mr. Chairman, there is a general principle we often quote here that says, you should not do for people what they are capable of doing for themselves, because you don't want to restrict their ability to grow and to achieve.

It is not a matter of we do not want to help them, but it is a matter we want to do it in the right way.

I hear a lot of comments about we ought to be doing more for the District here, we ought to be doing more for the District there. Then I hear people say, oh, we have cut this budget or that budget. For example, they claim, inaccurately, but they claim, that we have cut a Federal commitment to the metro subway station. Let us back up.

What Federal commitment are we talking about? We are talking about the budget proposal submitted by the White House which is not a budget submitted or approved by the Congress. Just because something is proposed by the President, let us not pretend that if we do not agree with the President on something, that we have gone out and we have cut budgets or that we reneged on a commitment; that is not the case.

We have made sure that rather than going to this new, after-the-budget,



laundry list of things that now they say are higher priorities than the metro subway station, so we cannot spend money out of this account for it. Instead of doing that, we said no, we are going with the top priority of the metro station.

Let us look at what the District is doing or not doing for themselves. We know they have remaining significant management and financial problems. Let me just give my colleagues the figures on just one of them. In addition to the money budgeted and tens of millions of dollars of subsidies that were budgeted, the D.C. General Hospital with the Public Benefit Corporation in the last 4 years has had loans, so-called, of \$174 million, which were, in fact, spending beyond what was authorized or appropriated by law.

In that one institution alone there was \$174 million. On top of the subsidies, on top of their budget. We had a hearing on this, more than one hearing that we had, and District officials including the central board said they are not loans they are receivables because the hospital is supposed to pay it back out of money they receive. No, they know that. They do not even have the hospital sign any paper. There is no written agreement. The city and the control board just write checks for millions of dollars until they have gone \$174 million in the hole, beyond their budget, beyond the subsidies, and then the District government writes it off.

They have a group looking at it right now that is telling horror stories about the level of management. In fact, the just-fired individual in charge, even though people will say when he was in charge, this hospital got run into the ground even farther than it was already, he wants a million dollars severance pay, a million dollars severance pay for helping something go \$174 million in the red.

That is the kind of priorities or lack of them that waste money, and then they come to Congress and say we make up the difference, and then claim we are reneging on a pledge made at 1600 Pennsylvania Avenue if we do not just rubber stamp that instead of trying to take a more responsible approach.

They say we are using too much of their money for these things. We are using money of the taxpayers of the United States of America in this bill, \$414 million. And we still have management problems. I agree that Mayor Williams is working diligently and making a bona fide effort, but if we look at who is still in charge, the upper level, what they call the "excepted service" positions, in other words, these are the people that can be hired and fired by the mayor, as opposed to through a civil service system.

The Department of Consumer and Regulatory Affairs still has 62 percent of the upper level people who are holdovers from the prior administration and administrations that had these severe problems with how they handled taxpayers' money.

b 1445

In the Department of Employment Services, two-thirds, two-thirds are still management holdovers. In the Office of Contracting and Procurement, two-thirds are holdovers. In the Department of Public Works, 62 percent. There is a lot of change that has not happened yet. There is a lot of savings the District can achieve in its own budget, and we are trying everything we can to help them to do that.

But remember, you ought to come to this Congress, and if you are wanting people to do something because you are the Nation's Capital, you ought to show what you have done for yourself. We had, I believe it was \$330 million in past years, that this Congress provided to the District for management reforms to achieve savings, and we had the General Accounting Office go in a few months ago and say, okay, we spent \$330 million supposedly to create savings beyond that figure. How much savings can you find?

GAO said, well, you spent \$330 million, and the savings were supposed to be \$200 million annually. What was actually achieved was about \$1.5 million annually. You spend \$330 million, and you get back \$1.5 million? That is not a good investment by the taxpayers. The District needs more focus on getting its own House in order. It is making progress, but it has not made near enough. It needs more focus on that, rather than accusing the Congress of not doing its job.

Mr. Chairman, I ask support for this bill.

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

Mr. MORAN of Virginia. Mr. Chairman, we debated the D.C. bill six times on the floor, and it was vetoed twice last year. The principal issue was needle exchanges. We are going to have the ranking member of the Permanent Select Committee on Intelligence, and for many years the chairman of the Subcommittee on the District of Columbia of the Committee on Appropriations, the gentleman from Los Angeles, California (Mr. DIXON), explain how important this needle exchange program is and why the amendment that is going to be offered will not work.

Mr. Chairman, I yield 3 minutes to the gentleman from Los Angeles, California (Mr. DIXON).

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

This is the traditional day that when the city is wrong, it is wrong; and when the city is right, it is wrong.

The bill provides to allow the city of Washington D.C. to have a needle exchange program to use its own funds and private funds. The gentleman from Kansas (Mr. TIAHRT) is going to offer an amendment that basically says within 330 yards of 14 designated areas, that you shall not be able to implement the needle exchange program. It is really a fox in sheep's clothing. The gentleman from Kansas (Mr. TIAHRT) in

the full committee voted against the program, so he is not here to in fact assist the needle exchange program in any way or for good public policy reasons.

When the gentleman shows you a chart later, he will have designated some schools that in fact one will not be allowed within 330 yards to provide needle exchange programs. But that is only one element of the amendment. There are 13 others. So when you add that to the list, and you consider that Washington, D.C., is only 66 square miles, that leaves about five positions that you can exchange needles: the Mall, Soldiers' Home, Bolling Air Force Base, St. Elizabeth's, Washington Hospital Center, and Rock Creek Park.

The problem with the D.C. bill is that no one comes to the floor straight; they come with a cosmetic reason for whatever they want to do. This Tiahrt amendment is designed to make the needle exchange program ineffective. It should be voted down.

Mr. MORAN of Virginia. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, as the gentleman from California (Mr. DIXON) explained, the amendment that we will be considering precludes the ability of any needle exchange program to effectively operate.

Now, why is that important? It is important because we have hundreds, thousands, of residents of the District of Columbia who are infected with the ignominious disease of AIDS, and in the District the population where the AIDS epidemic is growing fastest are women and children.

Imagine what it must be like to realize that your baby is infected with AIDS. Now, you can blame the mother, you can blame whoever, you can blame society; but the reality is that there is horrible, unjust suffering going on, and the principal reason for that pain and suffering is because of the use of dirty needles.

The only program we have found that actually works, and we have any number of studies that proves that it works, is when an organization offers clean needles. But you only get a clean needle if you give back a dirty needle, and you have to get into a program. It is access to drug treatment, and it is working.

Mr. Chairman, we might like to turn our backs and pretend this stuff does not go on and pretend there are easier ways to do it and ways that are less controversial, but there are not. They are not working as effectively, and that is why the administration stood up and kept vetoing this bill, because we have to care about people who are suffering and dying needlessly, if there is a way that we can stop it.

This program can stop it, and that is why we ought to let it function, but not with any Federal funds, not with any public money, all with private donations. That is the point, that is how the program is being operated. But it

ought to be allowed to operate. That is only fair. And the D.C. Government ought to be allowed to decide how it is going to cope with its problem, and not let us gain political advantage by superseding their judgment and preventing them from being able to address a critically important, desperate need within the District of Columbia. That is why this issue is so important.

There are funding issues. Maybe we can take care of the funding issues in conference. We are going to try to do that. It is silly, when we have a \$2.2 trillion surplus, a \$1.7 trillion budget, we cannot find \$31 million to make the District whole on a contractual obligation that we agreed to assume.

So I trust we will be able to find that money. The District is getting on its feet. It has got a great Mayor, it has got a good city council. It is getting a lot of good people in running its government. If we believe in democracy, if we believe that the people have the power to regulate, to run their own affairs, that they will elect the people that will provide the kind of quality of life and security in the future for their children that they decide they want, that is what this is all about.

Let us extricate ourselves from these matters where we ought not be involved. Let us do right for the District of Columbia. Until we fix this bill, I do not think we can support it.

Mr. ISTOOK. Mr. Chairman, I yield myself the balance of my time.

The CHAIRMAN. The gentleman from Oklahoma is recognized for 2 minutes.

Mr. ISTOOK. Mr. Chairman, drug problems in the District of Columbia are America's problem, because Washington, D.C., is America's capital. I am sorry to hear that the gentleman says that if you do not have a program to exchange drug needles, you are causing pain and suffering. No. Pain and suffering is caused by the use of drugs. Crime is caused by the use of drugs. Parents failing to take care of their kids is caused by the use of drugs.

You are saying dirty needles cause pain and suffering? No, people injecting themselves with drugs cause pain and suffering. We are not talking about sewing needles here; we are talking about hypodermic syringes, needles for people to inject illegal drugs into themselves, and a program operating in broad daylight out on public streets to do these swaps. Bring in a dirty needle, get a clean needle, go shoot yourself up.

I know a couple of people that the other day observed one of these sites, and it was an area where there were residences and small businesses. The van is there for a few hours, and just minutes after the van they used for the needle exchange pulls away, you know what pulled up? A school bus. It is a bus stop for school kids.

The D.C. Council passed its own law declaring drug-free zones. The amendment of the gentleman from Kansas (Mr. TIAHRT) just says those areas that

the District has already chosen to be drug-free zones should not be used for these programs to exchange drug needles. The D.C. Council defined them. For example, 1,000 feet around a youth center or public library or public housing or a swimming pool or an elementary school or vocational school or a video arcade, the D.C. Council says those sites are supposed to be drug free zones. The amendment of the gentleman from Kansas (Mr. TIAHRT) just says if that is supposed to be a drug-free zone, what are you doing with a drug needle exchange program taking place in the same spot?

I urge support of the bill; and when the time comes, I certainly will support the amendment of the gentleman from Kansas (Mr. TIAHRT).

The CHAIRMAN. All time for general debate has expired.

Pursuant to the rule, the bill shall be considered for amendment under the 5-minute rule.

No amendment to the bill shall be in order except those printed in the CONGRESSIONAL RECORD, pro forma amendments for the purpose of debate, and amendments printed in the House Report 106-790.

Amendments printed in the 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 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.

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

The Clerk will read.

The Clerk read as follows:

H.R. 4942

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the District of Columbia for the fiscal year ending September 30, 2001, and for other purposes, namely:

#### FEDERAL FUNDS

##### FEDERAL PAYMENT FOR RESIDENT TUITION SUPPORT

For a Federal payment to the District of Columbia for a nationwide program to be administered by the Mayor for District of Columbia resident tuition support, \$14,000,000, to remain available until expended: *Provided*, That such funds may be used on behalf of eligible District of Columbia residents to pay an amount based upon the difference between in-State and out-of-State tuition at public institutions of higher education, usable at both public and private institutions for higher education: *Provided further*, That the awarding of such funds may be prioritized on the basis of a resident's academic merit and such other factors as may

be authorized: *Provided further*, That not more than 5 percent of the funds may be used to pay administrative expenses.

##### FEDERAL PAYMENT FOR INCENTIVES FOR ADOPTION OF CHILDREN

The paragraph under the heading "Federal Payment for Incentives for Adoption of Children" in Public Law 106-113, approved November 29, 1999 (113 Stat. 1501), is amended to read as follows: "For a Federal payment to the District of Columbia to create incentives to promote the adoption of children in the District of Columbia foster care system, \$5,000,000: *Provided*, That such funds shall remain available until September 30, 2002, and shall be used to carry out all of the provisions of title 38, except for section 3808, of the Fiscal Year 2001 Budget Support Act of 2000, D.C. Bill 13-679, enrolled June 12, 2000.

##### FEDERAL PAYMENT TO THE CHIEF FINANCIAL OFFICER OF THE DISTRICT OF COLUMBIA

For a Federal payment to the Chief Financial Officer of the District of Columbia, \$1,500,000, of which \$250,000 shall be for payment to a mentoring program and for hotline services; \$500,000 shall be for payment to a youth development program with a character building curriculum; \$500,000 to remain available until expended, shall be for the design, construction, and maintenance of a trash rack system to be installed at the Hickey Run stormwater outfall; and \$250,000 shall be for payment to support a program to assist homeless individuals to become productive, taxpaying citizens in the District of Columbia.

##### FEDERAL PAYMENT TO THE DISTRICT OF COLUMBIA CORRECTIONS TRUSTEE OPERATIONS

For salaries and expenses of the District of Columbia Corrections Trustee, \$134,300,000 for the administration and operation of correctional facilities and for the administrative operating costs of the Office of the Corrections Trustee, as authorized by section 11202 of the National Capital Revitalization and Self-Government Improvement Act of 1997 (Public Law 105-33; 111 Stat. 712) of which \$1,000,000 is to fund an initiative to improve case processing in the District of Columbia criminal justice system: *Provided*, That notwithstanding any other provision of law, funds appropriated in this Act for the District of Columbia Corrections Trustee shall be apportioned quarterly by the Office of Management and Budget and obligated and expended in the same manner as funds appropriated for salaries and expenses of other Federal agencies: *Provided further*, That in addition to the funds provided under this heading, the District of Columbia Corrections Trustee may use any remaining interest earned on the Federal payment made to the Trustee under the District of Columbia Appropriations Act, 1998, to carry out the activities funded under this heading.

##### FEDERAL PAYMENT TO THE DISTRICT OF COLUMBIA COURTS

For salaries and expenses for the District of Columbia Courts, \$99,500,000 to be allocated as follows: for the District of Columbia Court of Appeals, \$7,709,000; for the District of Columbia Superior Court, \$72,399,000; for the District of Columbia Court System, \$16,892,000; and \$2,500,000, to remain available until September 30, 2002, for capital improvements for District of Columbia courthouse facilities: *Provided*, That none of the funds in this Act or in any other Act shall be available for the purchase, installation or operation of an Integrated Justice Information System until a detailed plan and design has been submitted by the courts and approved by the Committees on Appropriations of the House of Representatives and the Senate: *Provided further*, That notwithstanding any other provision of law, all amounts under

this heading shall be apportioned quarterly by the Office of Management and Budget and obligated and expended in the same manner as funds appropriated for salaries and expenses of other Federal agencies, with payroll and financial services to be provided on a contractual basis with the General Services Administration (GSA), said services to include the preparation of monthly financial reports, copies of which shall be submitted directly by GSA to the President and to the Committees on Appropriations of the Senate and House of Representatives, the Committee on Governmental Affairs of the Senate, and the Committee on Government Reform of the House of Representatives:

DEFENDER SERVICES IN DISTRICT OF COLUMBIA COURTS

For payments authorized under section 11-2604 and section 11-2605, D.C. Code (relating to representation provided under the District of Columbia Criminal Justice Act), payments for counsel appointed in proceedings in the Family Division of the Superior Court of the District of Columbia under chapter 23 of title 16, D.C. Code, and payments for counsel authorized under section 21-2060, D.C. Code (relating to representation provided under the District of Columbia Guardianship, Protective Proceedings, and Durable Power of Attorney Act of 1986), \$34,387,000, to remain available until expended: *Provided*, That the funds provided in this Act under the heading "Federal Payment to the District of Columbia Courts" (other than the \$2,500,000 provided under such heading for capital improvements for District of Columbia courthouse facilities) may also be used for payments under this heading: *Provided further*, That in addition to the funds provided under this heading, the Joint Committee on Judicial Administration in the District of Columbia shall use funds provided in this Act under the heading "Federal Payment to the District of Columbia Courts" (other than the \$2,500,000 provided under such heading for capital improvements for District of Columbia courthouse facilities), to make payments described under this heading for obligations incurred during any fiscal year: *Provided further*, That such funds shall be administered by the Joint Committee on Judicial Administration in the District of Columbia: *Provided further*, That notwithstanding any other provision of law, this appropriation shall be apportioned quarterly by the Office of Management and Budget and obligated and expended in the same manner as funds appropriated for expenses of other Federal agencies, with payroll and financial services to be provided on a contractual basis with the General Services Administration (GSA), said services to include the preparation of monthly financial reports, copies of which shall be submitted directly by GSA to the President and to the Committees on Appropriations of the Senate and House of Representatives, the Committee on Governmental Affairs of the Senate, and the Committee on Government Reform of the House of Representatives: *Provided further*, That the District of Columbia Courts shall implement the recommendations in the General Accounting Office Report GAO/AIMD/OGC-99-226 regarding payments to court-appointed attorneys and shall report to the Office of Management and Budget and to the House and Senate Appropriations Committees quarterly on the status of these reforms.

FEDERAL PAYMENT TO THE COURT SERVICES AND OFFENDER SUPERVISION

AGENCY FOR THE DISTRICT OF COLUMBIA (INCLUDING TRANSFER OF FUNDS)

For salaries and expenses of the Court Services and Offender Supervision Agency for the District of Columbia, as authorized

by the National Capital Revitalization and Self-Government Improvement Act of 1997, (Public Law 105-33; 111 Stat. 712) \$115,752,000, of which \$69,871,000 shall be for necessary expenses of Community Supervision and Sex Offender Registration, to include expenses relating to supervision of adults subject to protection orders or provision of services for or related to such persons; \$18,778,000 shall be transferred to the Public Defender Service; and \$27,103,000 shall be available to the Pretrial Services Agency: *Provided*, That of the amount provided under this heading, \$22,161,000 shall be used to improve pretrial defendant and post-conviction offender supervision, enhance drug testing and sanctions-based treatment programs and other treatment services, expand intermediate sanctions and offender re-entry programs, continue planning and design proposals for a residential Sanctions Center and improve administrative infrastructure, including information technology; and \$836,000 of the \$22,161,000 referred to in this proviso is for the Public Defender Service: *Provided further*, That notwithstanding any other provision of law, all amounts under this heading shall be apportioned quarterly by the Office of Management and Budget and obligated and expended in the same manner as funds appropriated for salaries and expenses of other Federal agencies: *Provided further*, That notwithstanding section 446 of the District of Columbia Home Rule Act or any provision of subchapter III of chapter 13 of title 31, United States Code, the use of interest earned on the Federal payment made to the District of Columbia Offender Supervision, Defender, and Court Services Agency under the District of Columbia Appropriations Act, 1998, by the Agency during fiscal years 1998 and 1999 shall not constitute a violation of such Act or such subchapter.

FEDERAL PAYMENT FOR WASHINGTON INTERFAITH NETWORK

For a Federal payment to the Washington Interfaith Network to reimburse the Network for costs incurred in carrying out preconstruction activities at the former Fort Dupont Dwellings and Additions, \$1,000,000: *Provided*, That such activities may include architectural and engineering studies, property appraisals, environmental assessments, grading and excavation, landscaping, paving, and the installation of curbs, gutters, sidewalks, sewer lines, and other utilities: *Provided further*, That the Secretary of the Treasury shall make such payment only after the Network has received matching funds from private sources (including funds provided through loans) to carry out such activities in an aggregate amount which is equal to the amount of such payment (as certified by the Inspector General of the District of Columbia) and has provided the Secretary of the Treasury with a request for reimbursement which contains documentation certified by the Inspector General of the District of Columbia showing that the Network carried out the activities and that the costs incurred in carrying out the activities were equal to or less than the amount of the reimbursement requested: *Provided further*, That none of the funds provided under this heading may be obligated or expended after December 31, 2001 (without regard to whether the activities involved were carried out prior to such date).

TAX REFORM IN THE DISTRICT

For a Federal payment to the Mayor of the District of Columbia for a study analyzing the District's tax structure, and the anticipated impact upon the District's economy and government of recent and potential tax changes, and of tax simplification, \$100,000, to remain available until expended. This may include but not be limited to proposals

made by the District's Delegate to the House of Representatives. *Provided*, That the Mayor shall enter into a contract for such analysis only with a qualified independent auditor who is experienced in analyzing tax sources and who has no other affiliation with the District government.

AMENDMENT NO. 1 OFFERED BY MR. ISTOOK  
PRINTED IN HOUSE REPORT 106-790

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 1 printed in House Report 106-790 offered by Mr. ISTOOK:

Strike the item relating to "TAX REFORM IN THE DISTRICT".

In the item relating to "METRORAIL CONSTRUCTION (INCLUDING TRANSFER OF FUNDS)", strike "\$7,000,000" and insert "\$7,100,000".

In the item relating to "METRORAIL CONSTRUCTION (INCLUDING TRANSFER OF FUNDS)", strike "\$18,000,000" and insert "\$17,900,000".

The CHAIRMAN. Pursuant to House Resolution 563, the gentleman from Oklahoma (Mr. ISTOOK) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Oklahoma (Mr. ISTOOK).

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

Mr. Chairman, I do not think 5 minutes will be necessary. I believe this amendment will be adopted by unanimous consent and neither of us will need the 5 minutes.

This simply removes an item for a study of the future tax structure potential in the District and shifts the \$100,000 in Federal funds that was allocated for it to support the new Metro station that is planned at the New York Avenue site.

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I believe there is no debate, and if that is the case I would ask unanimous consent that we yield back the balance of our time and adopt the amendment.

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

Mr. MORAN of Virginia. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I want to respond, but not in a critical manner. Mr. Chairman, what we are withdrawing here is a study that was proposed that was related to the idea of a D.C. commuter tax. There had been a provision that was included in the subcommittee bill by the gentleman from Oklahoma (Mr. ISTOOK) that said that if residents of suburban Maryland or Virginia earned money in the District of Columbia they do not have to pay state income taxes on that money to Virginia or Maryland or basically any other State where they might reside. So it meant every Member of Congress who earns their money here would not have to pay any state income taxes on their income, until the District was permitted to tax income they might earn in the District.

What we could have done is to suggest then that if that is the case then

any resident of the District of Columbia that earns money in another State would not pay taxes in D.C., and D.C. would have wound up worse because the reverse flow of people finding jobs in the suburbs where the economic growth is happening is even greater than economic development in D.C. So there were problems with that. It was withdrawn.

There was going to be a further study. The gentleman from Oklahoma (Mr. ISTOOK), upon consideration and discussion with the chair of the authorizing committee, has decided not to do that study. I personally would have preferred that we do a study that was broad based, looking at D.C.'s long-term revenue needs. I think that needs to be done. I think it could probably be done for \$100,000. So I was hoping we would do that, but the study ought to be done by organizations that are located within the District of Columbia, private, nonprofit organizations, probably nonpartisan. We could get maybe the Brookings Institution and the Hudson Institute to collaborate. In doing so, they could look at ways that we can raise sufficient revenues to ensure that D.C. remains the economic core of the metropolitan Washington region but also sustain the economic viability of the suburbs as well.

That is a long-term, mutually shared objective. I know that the gentleman from Virginia (Mr. DAVIS) is in agreement with that objective. I would hope that we could find the money to put in this bill to do that kind of a study, but I have no objection to the manager's amendment and the decision of the gentleman from Oklahoma (Mr. ISTOOK) at this point to withdraw funding for this study.

No one on this side is going to object to the manager's amendment, Mr. Chairman.

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

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

Mr. Chairman, any study that the District may desire to do certainly they have the authority and the capability of doing whatever study. I certainly would not agree with all of the characterizations of the gentleman, but I certainly appreciate his interest in the economic conditions in the District, as well as in the surrounding Northern Virginia area that he represents.

However, I think we have all agreed that right now there is a high priority with the District of the New York Avenue Metrorail station, and if the District wants to do a study they can do it. In the meantime, we would like to put this Federal contribution of the \$100,000 toward that Metro station at New York Avenue.

Mr. Chairman, I ask adoption of the amendment.

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

The CHAIRMAN. The question is on the amendment offered by the gentleman from Oklahoma (Mr. ISTOOK).

The amendment was agreed to.  
The CHAIRMAN. The Clerk will read.  
The Clerk read as follows:

#### FEDERAL PAYMENT FOR SIMPLIFIED PERSONNEL SYSTEM

For a Federal payment to the Mayor of the District of Columbia to study and design a system approved by the Comptroller General for simplifying the administration of personnel policies (including pay policies) with respect to employees of the District government, \$250,000: *Provided*, That the Mayor shall carry out such study and design through a contractor approved by the Comptroller General.

#### METRO RAIL CONSTRUCTION (INCLUDING TRANSFER OF FUNDS)

For a contribution to the Washington Metropolitan Area Transit Authority for construction of a Metrorail station located at New York and Florida Avenues, Northeast, \$25,000,000, to remain available until expended, of which \$7,000,000 is appropriated under this heading and \$18,000,000 shall be transferred by the District of Columbia Financial Responsibility and Management Assistance Authority (DCFRMA) from interest earned on accounts held by DCFRMA on behalf of the District of Columbia government.

#### FEDERAL PAYMENT FOR NATIONAL MUSEUM OF AMERICAN MUSIC

For a Federal payment to the Federal City Council for the establishment of a National Museum of American Music, \$250,000, to remain available until expended: *Provided*, That such funds shall be used for the costs of activities necessary to complete the planning phase for such Museum, including the costs of personnel, design projects, environmental assessments, and the preparation of requests for proposals: *Provided further*, That such funds shall be deposited into a separate account of the Federal City Council used exclusively for the establishment of such Museum: *Provided further*, That the Secretary of the Treasury shall make such payment only after the Federal City Council has deposited matching donated funds from private sources into the account in an aggregate amount which is equal to 200 percent of the amount appropriated herein (as certified by the Inspector General of the District of Columbia.)

#### PRESIDENTIAL INAUGURATION

For a payment to the District of Columbia to reimburse the District for expenses incurred in connection with Presidential inauguration activities, \$5,961,000, as authorized by section 737(b) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 824; D.C. Code, sec. 1-1132), which shall be apportioned by the Chief Financial Officer within the various appropriation headings in this Act.

#### DISTRICT OF COLUMBIA FUNDS OPERATING EXPENSES DIVISION OF EXPENSES

The following amounts are appropriated for the District of Columbia for the current fiscal year out of the general fund of the District of Columbia, except as otherwise specifically provided: *Provided*, That notwithstanding any other provision of law, except for section 136(a) of this Act, the total amount appropriated in this Act for operating expenses for the District of Columbia for fiscal year 2001 under this heading shall not exceed the lesser of the sum of the total revenues of the District of Columbia for such fiscal year or \$5,689,276,000 (of which \$192,804,000 shall be from intra-District funds and \$3,245,623,000 shall be from local funds): *Provided further*, That the Chief Financial Officer of the District of Columbia and the District of Columbia Financial Responsibility

and Management Assistance Authority shall take such steps as are necessary to assure that the District of Columbia meets these requirements, including the apportioning by the Chief Financial Officer of the appropriations and funds made available to the District during fiscal year 2001, except that the Chief Financial Officer may not reprogram for operating expenses any funds derived from bonds, notes, or other obligations issued for capital projects.

#### DISTRICT OF COLUMBIA FINANCIAL RESPONSIBILITY AND MANAGEMENT ASSISTANCE AUTHORITY

For the District of Columbia Financial Responsibility and Management Assistance Authority, established by section 101(a) of the District of Columbia Financial Responsibility and Management Assistance Act of 1995 (109 Stat. 97; Public Law 104-8), \$3,140,000 from local funds: *Provided*, That none of the funds contained in this Act may be used to pay any compensation of the Executive Director or General Counsel of the Authority at a rate in excess of the maximum rate of compensation which may be paid to such individual during fiscal year 2001 under section 102 of such Act, as determined by the Comptroller General (as described in GAO letter report B-279095.2).

#### GOVERNMENTAL DIRECTION AND SUPPORT

Governmental direction and support, \$194,621,000 (including \$161,022,000 from local funds, \$20,424,000 from Federal funds, and \$13,175,000 from other funds): *Provided*, That not to exceed \$2,500 for the Mayor, \$2,500 for the Chairman of the Council of the District of Columbia, and \$2,500 for the City Administrator shall be available from this appropriation for official purposes: *Provided further*, That any program fees collected from the issuance of debt shall be available for the payment of expenses of the debt management program of the District of Columbia: *Provided further*, That no revenues from Federal sources shall be used to support the operations or activities of the Statehood Commission and Statehood Compact Commission: *Provided further*, That the District of Columbia shall identify the sources of funding for Admission to Statehood from its own locally-generated revenues: *Provided further*, That all employees permanently assigned to work in the Office of the Mayor shall be paid from funds allocated to the Office of the Mayor: *Provided further*, That notwithstanding any other provision of law, or Mayor's Order 86-45, issued March 18, 1986, the Office of the Chief Technology Officer's delegated small purchase authority shall be \$500,000: *Provided further*, That the District of Columbia government may not require the Office of the Chief Technology Officer to submit to any other procurement review process, or to obtain the approval of or be restricted in any manner by any official or employee of the District of Columbia government, for purchases that do not exceed \$500,000: *Provided further*, That \$303,000 and no fewer than 5 FTEs shall be available exclusively to support the Labor-Management Partnership Council: *Provided further*, That no funds except those already encumbered shall be available for the Maximus, Inc., revenue recovery services contract (Contract GF 98104) until such time as the contract is renegotiated to require Maximus, Inc., to recover maximum revenue first for Medicaid reimbursable special education transportation costs, second for Medicaid reimbursable special education residential placement costs, and third for the Medicaid reimbursable costs of Mental Retardation and Developmental Disabilities Administration clients.

#### ECONOMIC DEVELOPMENT AND REGULATION

Economic development and regulation, \$205,638,000 (including \$53,562,000 from local

funds, \$92,378,000 from Federal funds, and \$59,698,000 from other funds), of which \$15,000,000 collected by the District of Columbia in the form of BID tax revenue shall be paid to the respective BIDs pursuant to the Business Improvement Districts Act of 1996 (D.C. Law 11-134; D.C. Code, sec. 1-2271 et seq.), and the Business Improvement Districts Amendment Act of 1997 (D.C. Law 12-26): *Provided*, That such funds are available for acquiring services provided by the General Services Administration: *Provided further*, That Business Improvement Districts shall be exempt from taxes levied by the District of Columbia.

#### PUBLIC SAFETY AND JUSTICE

Public safety and justice, including purchase or lease of 135 passenger carrying vehicles for replacement only, including 130 for police-type use and five for fire-type use, without regard to the general purchase price limitation for the current fiscal year, and such sums as may be necessary for making refunds and for the payment of judgments that have been entered against the District of Columbia government \$762,346,000 (including \$591,365,000 from local funds, \$24,950,000 from Federal funds, and \$146,031,000 from other funds): *Provided further*, That the Metropolitan Police Department is authorized to replace not to exceed 25 passenger carrying vehicles and the Department of Fire and Emergency Medical Services of the District of Columbia is authorized to replace not to exceed five passenger carrying vehicles annually whenever the cost of repair to any damaged vehicle exceeds three fourths of the cost of the replacement: *Provided further*, That not to exceed \$500,000 shall be available from this appropriation for the Chief of Police for the prevention and detection of crime: *Provided further*, That notwithstanding any other provision of law, or Mayor's Order 86-45, issued March 18, 1986, the Metropolitan Police Department's delegated small purchase authority shall be \$500,000: *Provided further*, That the District of Columbia government may not require the Metropolitan Police Department to submit to any other procurement review process, or to obtain the approval of or be restricted in any manner by any official or employee of the District of Columbia government, for purchases that do not exceed \$500,000: *Provided further*, That the Mayor shall reimburse the District of Columbia National Guard for expenses incurred in connection with services that are performed in emergencies by the National Guard in a militia status and are requested by the Mayor, in amounts that shall be jointly determined and certified as due and payable for these services by the Mayor and the Commanding General of the District of Columbia National Guard: *Provided further*, That such sums as may be necessary for reimbursement to the District of Columbia National Guard under the preceding proviso shall be available from this appropriation, and the availability of the sums shall be deemed as constituting payment in advance for emergency services involved: *Provided further*, That the Metropolitan Police Department is authorized to maintain 3,800 sworn officers, with leave for a 50 officer attrition: *Provided further*, That \$100,000 shall be available for inmates released on medical and geriatric parole: *Provided further*, That commencing on December 31, 2000, the Metropolitan Police Department shall provide to the Committees on Appropriations of the Senate and House of Representatives, the Committee on Governmental Affairs of the Senate, and the Committee on Government Reform of the House of Representatives, quarterly reports on the status of crime reduction in each of the 83 police service areas established throughout the District of Columbia.

#### PUBLIC EDUCATION SYSTEM

Public education system, including the development of national defense education programs, \$995,418,000 (including \$821,367,000 from local funds, \$147,643,000 from Federal funds, and \$26,408,000 from other funds), to be allocated as follows: \$769,443,000 (including \$628,809,000 from local funds, \$133,490,000 from Federal funds, and \$7,144,000 from other funds), for the public schools of the District of Columbia; \$200,000 from local funds for the District of Columbia Teachers' Retirement Fund; \$1,679,000 from local funds for the State Education Office, \$14,000,000 from local funds, previously appropriated in this Act as a Federal payment, for resident tuition support at public and private institutions of higher learning for eligible District of Columbia residents; \$105,000,000 from local funds for public charter schools: *Provided*, That there shall be quarterly disbursement of funds to the D.C. public charter schools, with the first payment to occur within 15 days of the beginning of each fiscal year: *Provided further*, That the D.C. public charter schools will report enrollment on a quarterly basis: *Provided further*, That the quarterly payment of October 15, 2000, shall be fifty (50) percent of each public charter school's annual entitlement based on its unaudited October 5 enrollment count: *Provided further*, That if the entirety of this allocation has not been provided as payments to any public charter schools currently in operation through the per pupil funding formula, the funds shall be available for public education in accordance with the School Reform Act of 1995 (D.C. Code, sec. 31-2853.43(A)(2)(D); Public Law 104-134, as amended): *Provided further*, That the Mayor of the District of Columbia shall convene a task force to recommend changes, which shall be released by December 31, 2000, to the School Reform Act of 1995, for the purpose of instituting a funding mechanism which will account for the projected growth of charter schools: *Provided further*, That \$480,000 of this amount shall be available to the District of Columbia Public Charter School Board for administrative costs: *Provided further*, That \$76,433,000 (including \$44,691,000 from local funds, \$13,199,000 from Federal funds, and \$18,543,000 from other funds) shall be available for the University of the District of Columbia: *Provided further*, That \$200,000 is allocated for the East of the River Campus Assessment Study, \$1,000,000 for the Excel Institute Adult Education Program to be used by the Institute for construction and to acquire construction services provided by the General Services Administration on a reimbursable basis, \$500,000 for the Adult Education State Plan, \$650,000 for The Saturday Academy Pre-College Program, and \$481,000 for the Strengthening of Academic Programs; and \$26,459,000 (including \$25,208,000 from local funds, \$550,000 from Federal funds and \$701,000 other funds) for the Public Library: *Provided further*, That the \$1,020,000 enhancement shall be allocated such that; \$500,000 is used for facilities improvements for 8 of the 26 library branches, \$235,000 for 13 FTEs for the continuation of the Homework Helpers Program, \$166,000 for 3 FTEs in the expansion of the Reach Out And Roar (ROAR) service to license day care homes, and \$119,000 for 3 FTEs to expand literacy support into branch libraries: *Provided further*, That \$2,204,000 (including \$1,780,000 from local funds, \$404,000 from Federal funds and \$20,000 from other funds) shall be available for the Commission on the Arts and Humanities: *Provided further*, That the public schools of the District of Columbia are authorized to accept not to exceed 31 motor vehicles for exclusive use in the driver education program: *Provided further*, That not to exceed \$2,500 for the Super-

intendent of Schools, \$2,500 for the President of the University of the District of Columbia, and \$2,000 for the Public Librarian shall be available from this appropriation for official purposes: *Provided further*, That none of the funds contained in this Act may be made available to pay the salaries of any District of Columbia Public School teacher, principal, administrator, official, or employee who knowingly provides false enrollment or attendance information under article II, section 5 of the Act entitled "An Act to provide for compulsory school attendance, for the taking of a school census in the District of Columbia, and for other purposes", approved February 4, 1925 (D.C. Code, sec. 31-401 et seq.): *Provided further*, That this appropriation shall not be available to subsidize the education of any nonresident of the District of Columbia at any District of Columbia public elementary and secondary school during fiscal year 2001 unless the nonresident pays tuition to the District of Columbia at a rate that covers 100 percent of the costs incurred by the District of Columbia which are attributable to the education of the nonresident (as established by the Superintendent of the District of Columbia Public Schools): *Provided further*, That this appropriation shall not be available to subsidize the education of nonresidents of the District of Columbia at the University of the District of Columbia, unless the Board of Trustees of the University of the District of Columbia adopts, for the fiscal year ending September 30, 2001, a tuition rate schedule that will establish the tuition rate for nonresident students at a level no lower than the nonresident tuition rate charged at comparable public institutions of higher education in the metropolitan area: *Provided further*, That \$2,200,000 is allocated to the Temporary Weighted Student Formula to fund 344 additional slots for pre-K students: *Provided further*, That \$50,000 is allocated to fund a conference on learning support for children ages 3-4 in September 2000 hosted jointly by the District of Columbia Public Schools and District of Columbia public charter schools: *Provided further*, That no local funds in this Act shall be used to administer a system wide standardized test more than once in FY 2001: *Provided further*, That no less than \$389,219,000 shall be expended on local schools through the Weighted Student Formula: *Provided further*, That the District of Columbia Public Schools may spend \$500,000 to engage in a Schools Without Violence program based on a model developed by the University of North Carolina, located in Greensboro, North Carolina: *Provided further*, That section 441 of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 798; D.C. Code, sec. 47-101), is amended as follows:

(a) The third sentence is amended to read as follows:

"However, the fiscal year for the Armory Board shall begin on the first day of January and shall end on the thirty-first day of December of each calendar year, and, beginning the first day of July 2001, the fiscal year for the District of Columbia Public Schools and the District of Columbia Public Charter Schools shall begin on the first day of July and end on the thirtieth day of June of each calendar year."

(b) One new sentence is added at the end to read as follows: "The District of Columbia Public Schools shall take appropriate action to ensure that its financial books are closed by June 30, 2003."

#### HUMAN SUPPORT SERVICES

Human support services, \$1,532,204,000 (including \$633,897,000 from local funds, \$881,589,000 from Federal funds, and \$16,718,000 from other funds): *Provided*, That \$25,836,000 of this appropriation, to remain

available until expended, shall be available solely for District of Columbia employees' disability compensation: *Provided further*, That the District of Columbia shall not provide free government services such as water, sewer, solid waste disposal or collection, utilities, maintenance, repairs, or similar services to any legally constituted private nonprofit organization, as defined in section 411(5) of the Stewart B. McKinney Homeless Assistance Act (101 Stat. 485; Public Law 100-77; 42 U.S.C. 11371), providing emergency shelter services in the District, if the District would not be qualified to receive reimbursement pursuant to such Act (101 Stat. 485; Public Law 100-77; 42 U.S.C. 11301 et seq.): *Provided further*, That \$1,250,000 shall be paid to the Doe Fund for the operation of its Ready, Willing, and Able Program in the District of Columbia as follows: \$250,000 to cover debt owed by the District of Columbia government for services rendered shall be paid to the Doe Fund within 15 days of the enactment of this Act; and \$1,000,000 shall be paid in equal monthly installments by the 15th day of each month: *Provided further*, That \$400,000 shall be available for the administrative costs associated with implementation of the Drug Treatment Choice Program established pursuant to section 4 of the Choice in Drug Treatment Act of 2000, signed by the Mayor on April 20, 2000 (D.C. Act 13-329): *Provided further*, That \$7,000,000 shall be available for deposit in the Addiction Recovery Fund established pursuant to section 5 of the Choice in Drug Treatment Act of 2000, signed by the Mayor on April 20, 2000 (D.C. Act 13-329).

#### PUBLIC WORKS

Public works, including rental of one passenger carrying vehicle for use by the Mayor and three passenger carrying vehicles for use by the Council of the District of Columbia and leasing of passenger-carrying vehicles, \$278,242,000 (including \$265,078,000 from local funds, \$3,328,000 from Federal funds, and \$9,836,000 from other funds): *Provided further*, That this appropriation shall not be available for collecting ashes or miscellaneous refuse from hotels and places of business: *Provided further*, That \$100,000 shall be available for a commercial sector recycling initiative: *Provided further*, That \$250,000 shall be available to initiate a recycling education campaign: *Provided further*, That \$10,000 shall be available for community clean-up kits: *Provided further*, That \$190,000 shall be available to restore a 3.5 percent vacancy rate in Parking Services: *Provided further*, That \$170,000 shall be available to plant 500 trees: *Provided further*, That \$118,000 shall be available for two water trucks: *Provided further*, That \$150,000 shall be available for contract monitors and parking analysts within Parking Services: *Provided further*, That \$1,409,000 shall be available for a neighborhood cleanup initiative: *Provided further*, That \$1,000,000 shall be available for tree maintenance: *Provided further*, That \$600,000 shall be available for an anti-graffiti program: *Provided further*, That \$226,000 shall be available for a hazardous waste program: *Provided further*, That \$1,260,000 shall be available for parking control aides: *Provided further*, That \$400,000 shall be available for the Department of Motor Vehicles to hire additional ticket adjudicators, conduct additional hearings, and reduce the waiting time for hearings.

#### RECEIVERSHIP PROGRAMS

For all agencies of the District of Columbia government under court ordered receivership, \$389,528,000 (including \$234,913,000 from local funds, \$135,555,000 from Federal funds, and \$19,060,000 from other funds).

#### RESERVE

For replacement of funds expended, if any, during fiscal year 2000 from the Reserve es-

tablished by section 202(i) of the District of Columbia Financial Responsibility and Management Assistance Act of 1995, Public Law 104-8, \$150,000,000: *Provided*, That none of these funds shall be obligated or expended under this heading until (1) the reductions from "Operational Improvement Savings", "Management Reform Savings", and "Cafeteria Plan" have been achieved and the achievement certified by the District of Columbia Inspector General; (2) the Chief Financial Officer certifies that the reserve assets are not required to replace funds expended in fiscal year 2000 from the Reserve established by section 202(i) of the District of Columbia Financial Responsibility and Management Assistance Act of 1995, Public Law 104-8; and (3) the District of Columbia government enters into leases provided for under the heading "Federal Payment for Waterfront Improvements" in Public Law 105-277, approved October 21, 1998 (112 Stat. 2681-124), as amended by section 164 of Public Law 106-113, approved November 29, 1999 (113 Stat. 1529): *Provided further*, That the unexpended portion of the fiscal year 2000 reserve that is carried over into fiscal year 2001 will free up local funds in the fiscal year 2001 Reserve that can be used to fund selected programs upon certification by the Chief Financial Officer of the District of Columbia that: (1) the Mayor will achieve operational improvement savings and management reform productivity savings in the fiscal year 2001 Budget and Financial Plan, (2) the collection of additional revenues within the fiscal year 2001 Budget and Financial Plan will be achieved; and (3) agency expenditures are monitored and fiscal challenges are addressed to the satisfaction of the Chief Financial Officer during fiscal year 2001. The programs that will be funded following certification by the Chief Financial Officer are as follows: GOVERNMENTAL DIRECTION AND SUPPORT, \$4,163,000 (including \$621,000 for the Office of the Mayor; \$1,042,000 for Human Resource Development; \$2,500,000 for the Office of Property Management); ECONOMIC DEVELOPMENT AND REGULATION, \$3,496,000 (including \$3,296,000 for the Department of Housing and Community Development; \$200,000 for the Department of Employment Services); PUBLIC SAFETY AND JUSTICE, \$6,483,000 (including \$200,000 for the Metropolitan Police Department, \$1,293,000 for the Fire and Emergency Medical Services Department, \$4,890,000 for Settlements and Judgments, \$100,000 for the Citizen Complaint Review Board); PUBLIC EDUCATION SYSTEM, \$15,099,000 (including \$12,079,000 for Public Schools, \$2,500,000 for the University of the District of Columbia, \$400,000 for the Public Library, \$120,000 for the Commission on the Arts and Humanities); HUMAN SUPPORT SERVICES, \$17,830,000 (including \$4,245,000 for the Department of Health, \$1,511,000 for the Department of Recreation and Parks, \$574,000 for the Office on Aging, \$1,500,000 for the Office on Latino Affairs, \$10,000,000 for Children and Youth Investment Fund); PUBLIC WORKS, \$4,050,000 (including \$1,500,000 for the Department of Public Works, \$1,000,000 for the Department of Motor Vehicles, \$1,550,000 for the Taxicab Commission); RECEIVERSHIP PROGRAMS, \$19,300,000 (including \$6,300,000 for Child and Family Services, \$13,000,000 for the Commission on Mental Health Services); and CAFETERIA PLAN SAVINGS, \$5,000,000: *Provided further*, That the freed-up appropriated funds in fiscal year 2001 from the reserve rollover shall be used to provide funding in the following order: (1) the first \$32,000,000 shall be used to provide in the following order, \$6,300,000 to the LaShawn Receivership, \$13,000,000 to the Commission on Mental Health, \$12,079,000 to the District of Columbia Public Schools, and \$621,000 to the Office of the Mayor, if the Chief Financial Officer

certifies that the first \$32,000,000 is not required to replace funds expended in fiscal year 2000 from the Reserve established by section 202(i) of the District of Columbia Financial Responsibility and Management Assistance Act of 1995, Public Law 104-8; (2) the next \$37,189,000 shall be used to provide \$37,189,000 to Management Savings to the extent, if any, the Chief Financial Officer determines the Management Savings is not achieving the required savings, and the balance, if any, shall be provided in the following order: \$10,000,000 to the Children Investment Trust, \$1,511,000 to the Department of Parks and Recreation, \$1,293,000 to the Department of Fire and Emergency Medical Services, \$120,000 to the Commission on the Arts and Humanities, \$400,000 to the District of Columbia Public Library, \$574,000 to the Office on Aging, \$3,296,000 to the Department of Housing and Community Development, \$200,000 to the Department of Employment Services, \$2,500,000 to the University of the District of Columbia, \$1,500,000 to the Department of Public Works, \$1,000,000 to the Department of Motor Vehicles, \$4,245,000 to the Department of Health, \$1,500,000 to the Commission on Latino Affairs, \$1,550,000 to the Taxicab Commission, \$2,500,000 to the Office of Property Management, and \$5,000,000 for the savings associated with the implementation of the Cafeteria Plan, if the Chief Financial Officer certifies that the \$37,189,000 is not required to replace funds expended in fiscal year 2000 from the Reserve established by section 202(i) of the District of Columbia Financial Responsibility and Management Assistance Act of 1995, Public Law 104-8, in fiscal year 2000, and that all the savings are being achieved from the Management Savings; (3) the next \$10,000,000 shall be used to provide \$6,232,000 to Operational Improvement to the extent, if any, the Chief Financial Officer determines the Operational Improvement is not achieving the required savings, and the balance, if any, shall be provided in the following order: \$100,000 to the Civilian Complaint Review Board, \$200,000 to the Metropolitan Police Department for the Emergency Response Team, \$1,042,000 to be used for Training, and \$4,890,000 to the Settlement and Judgments Funds, if the Chief Financial Officer certifies that the \$6,232,000 is not required to replace funds expended in fiscal year 2000 from the Reserve established by section 202(i) of the District of Columbia Financial Responsibility and Management Assistance Act of 1995, Public Law 104-8, in fiscal year 2000 and that all the savings are being achieved from the Operational Improvement Savings; and (4) the balance shall be used for Pay-As-You-Go Capital Funds in lieu of capital financing if the Chief Financial Officer certifies that the balance is not required to replace funds expended in fiscal year 2000 from the Reserve established by section 202(i) of the District of Columbia Financial Responsibility and Management Assistance Act of 1995, Public Law 104-8: *Provided further*, That section 202(j) of the District of Columbia Financial Responsibility and Management Assistance Act of 1995, approved April 17, 1995 (109 Stat. 109; D.C. Code, sec. 47-392.2(j)), is amended as follows:

#### REPAYMENT OF LOANS AND INTEREST

For payment of principal, interest and certain fees directly resulting from borrowing by the District of Columbia to fund District of Columbia capital projects as authorized by sections 462, 475, and 490 of the District of Columbia Home Rule Act, approved December 24, 1973, \$243,238,000 from local funds: *Provided further*, That for equipment leases, the Mayor may finance \$19,232,000 of equipment cost, plus cost of issuance not to exceed 2 percent of the par amount being financed on a lease purchase basis with a maturity not to



exceed 5 years: *Provided further*, That \$2,000,000 is allocated to the Metropolitan Police Department, \$4,300,000 for the Fire and Emergency Medical Services Department, \$1,622,000 for the Public Library, \$2,010,000 for the Department of Parks and Recreation, \$7,500,000 for the Department of Public Works and \$1,800,000 for the Public Benefit Corporation.

#### REPAYMENT OF GENERAL FUND RECOVERY DEBT

For the purpose of eliminating the \$331,589,000 general fund accumulated deficit as of September 30, 1990, \$39,300,000 from local funds, as authorized by section 461(a) of the District of Columbia Home Rule Act, (105 Stat. 540; D.C. Code, sec. 47-321(a)(1)).

#### PAYMENT OF INTEREST ON SHORT-TERM BORROWING

For payment of interest on short-term borrowing, \$1,140,000 from local funds.

#### PRESIDENTIAL INAUGURATION

For reimbursement for necessary expenses incurred in connection with Presidential inauguration activities as authorized by section 737(b) of the District of Columbia Home Rule Act, Public Law 93-198, as amended, approved December 24, 1973 (87 Stat. 824, and D.C. Code, sec. 1-1803), \$5,961,000, which shall be apportioned by the Chief Financial Officer within the various appropriation headings in this Act.

#### CERTIFICATES OF PARTICIPATION

For lease payments in accordance with the Certificates of Participation involving the land site underlying the building located at One Judiciary Square, \$7,950,000 from local funds.

#### WILSON BUILDING

For expenses associated with the John A. Wilson Building, \$8,409,000.

#### OPTICAL AND DENTAL INSURANCE PAYMENTS

For optical and dental insurance payments, \$2,675,000 from local funds.

#### MANAGEMENT SUPERVISORY SERVICE

For management supervisory service, \$13,200,000 from local funds, to be transferred by the Mayor of the District of Columbia among the various appropriation headings in this Act for which employees are properly payable.

#### TOBACCO SETTLEMENT TRUST FUND TRANSFER PAYMENT

There is transferred \$61,406,000 to the Tobacco Settlement Trust Fund established pursuant to section 2302 of the Tobacco Settlement Trust Fund Establishment Act of 1999, effective October 20, 1999 (D.C. Law 13-38; to be codified at D.C. Code, sec. 6-135), to be spent pursuant to local law.

#### OPERATIONAL IMPROVEMENTS SAVINGS (INCLUDING MANAGED COMPETITION)

The Mayor and the Council in consultation with the Chief Financial Officer and the District of Columbia Financial Responsibility and Management Assistance Authority, shall make reductions of \$10,000,000 for operational improvements savings in local funds to one or more of the appropriation headings in this Act.

#### MANAGEMENT REFORM SAVINGS

The Mayor and the Council in consultation with the Chief Financial Officer and the District of Columbia Financial Responsibility and Management Assistance Authority, shall make reductions of \$37,000,000 for management reform savings in local funds to one or more of the appropriation headings in this Act.

#### CAFETERIA PLAN SAVINGS

For the implementation of a Cafeteria Plan pursuant to Federal law, a reduction of \$5,000,000 in local funds.

#### ENTERPRISE AND OTHER FUNDS WATER AND SEWER AUTHORITY AND THE WASHINGTON AQUEDUCT

For operation of the Water and Sewer Authority and the Washington Aqueduct, \$275,705,000 from other funds (including \$230,614,000 for the Water and Sewer Authority and \$45,091,000 for the Washington Aqueduct) of which \$41,503,000 shall be apportioned and payable to the District's debt service fund for repayment of loans and interest incurred for capital improvement projects.

For construction projects, \$140,725,000, as authorized by the Act entitled "An Act authorizing the laying of watermain and service sewers in the District of Columbia, the levying of assessments therefor, and for other purposes" (33 Stat. 244; Public Law 58-140; D.C. Code, sec. 43-1512 et seq.): *Provided*, That the requirements and restrictions that are applicable to general fund capital improvements projects and set forth in this Act under the Capital Outlay appropriation title shall apply to projects approved under this appropriation title.

#### LOTTERY AND CHARITABLE GAMES ENTERPRISE FUND

For the Lottery and Charitable Games Enterprise Fund, established by the District of Columbia Appropriation Act for the fiscal year ending September 30, 1982 (95 Stat. 1174, 1175; Public Law 97-91), for the purpose of implementing the Law to Legalize Lotteries, Daily Numbers Games, and Bingo and Raffles for Charitable Purposes in the District of Columbia (D.C. Law 3 172; D.C. Code, sec. 2-2501 et seq. and sec. 22-1516 et seq.), \$223,200,000: *Provided*, That the District of Columbia shall identify the source of funding for this appropriation title from the District's own locally generated revenues: *Provided further*, That no revenues from Federal sources shall be used to support the operations or activities of the Lottery and Charitable Games Control Board.

#### SPORTS AND ENTERTAINMENT COMMISSION

For the Sports and Entertainment Commission, \$10,968,000 from other funds: *Provided*, That the Mayor shall submit a budget for the Armory Board for the forthcoming fiscal year as required by section 442(b) of the District of Columbia Home Rule Act (87 Stat. 824; Public Law 93-198; D.C. Code, sec. 47-301(b)).

#### DISTRICT OF COLUMBIA HEALTH AND HOSPITALS PUBLIC BENEFIT CORPORATION

For the District of Columbia Health and Hospitals Public Benefit Corporation, established by D.C. Law 11-212, D.C. Code, sec. 32-262.2, \$123,548,000 of which \$45,313,000 shall be derived by transfer from the general fund, and \$78,235,000 from other funds: *Provided*, That no appropriated amounts and no amounts from or guaranteed by the District of Columbia government (including the District of Columbia Financial Responsibility and Management Assistance Authority) may be made available to the Corporation (through reprogramming, transfers, loans, or any other mechanism) which are not otherwise provided for under this heading.

#### DISTRICT OF COLUMBIA RETIREMENT BOARD

For the District of Columbia Retirement Board, established by section 121 of the District of Columbia Retirement Reform Act of 1979 (93 Stat. 866; D.C. Code, sec. 1-711), \$11,414,000 from the earnings of the applicable retirement funds to pay legal, management, investment, and other fees and administrative expenses of the District of Columbia Retirement Board: *Provided*, That the District of Columbia Retirement Board shall provide to the Congress and to the Council of the District of Columbia a quarterly report

of the allocations of charges by fund and of expenditures of all funds: *Provided further*, That the District of Columbia Retirement Board shall provide the Mayor, for transmittal to the Council of the District of Columbia, an itemized accounting of the planned use of appropriated funds in time for each annual budget submission and the actual use of such funds in time for each annual audited financial report.

#### CORRECTIONAL INDUSTRIES FUND

For the Correctional Industries Fund, established by the District of Columbia Correctional Industries Establishment Act (78 Stat. 1000; Public Law 88-622), \$1,808,000 from other funds.

#### WASHINGTON CONVENTION CENTER ENTERPRISE FUND

For the Washington Convention Center Enterprise Fund, \$52,726,000 from other funds.

#### CAPITAL OUTLAY

##### (INCLUDING RESCISSIONS)

For construction projects, an increase of \$1,077,282,000 of which \$806,787,000 is from local funds, \$66,446,000 is from highway trust funds and \$204,049,000 is from Federal funds, and a rescission of \$55,208,000 from local funds appropriated under this heading in prior fiscal years, for a net amount of \$1,022,074,000 to remain available until expended: *Provided*, That funds for use of each capital project implementing agency shall be managed and controlled in accordance with all procedures and limitations established under the Financial Management System: *Provided further*, That all funds provided by this appropriation title shall be available only for the specific projects and purposes intended: *Provided further*, That notwithstanding the foregoing, all authorizations for capital outlay projects, except those projects covered by the first sentence of section 23(a) of the Federal Aid Highway Act of 1968 (82 Stat. 827; Public Law 90-495; D.C. Code, sec. 7-134, note), for which funds are provided by this appropriation title, shall expire on September 30, 2002, except authorizations for projects as to which funds have been obligated in whole or in part prior to September 30, 2002: *Provided further*, That upon expiration of any such project authorization, the funds provided herein for the project shall lapse.

Mr. ISTOOK (during the reading). Mr. Chairman, I ask unanimous consent that the remainder of the bill through page 40, line 19 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 Oklahoma?

There was no objection.

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

AMENDMENT NO. 12 OFFERED BY MR. MORAN OF VIRGINIA

Mr. MORAN of Virginia. Mr. Chairman, I offer amendment No. 12.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 12 printed in the CONGRESSIONAL RECORD offered by Mr. MORAN of Virginia:

In the item relating to "DISTRICT OF COLUMBIA HEALTH AND HOSPITALS PUBLIC BENEFIT CORPORATION", strike "funds;" and all that follows and insert a period.

Strike section 164 (and redesignate the succeeding provisions accordingly).

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



The CHAIRMAN. The point of order is reserved.

Mr. MORAN of Virginia. Mr. Chairman, the purpose of this amendment is, again, to let the District of Columbia deal with its most severe problems, and one of its most severe problems has to do with the operation of D.C. General Hospital.

Mr. Chairman, within the District of Columbia, there are over 80,000 people who have no health insurance, and D.C. General is their health care of last resort. When they go to the hospital, it is too often because they have a gunshot wound, because they have been physically attacked, because women have been raped, because they have serious drug problems, because they have problems that take acute attention and oftentimes very expensive care. Because these people generally do not have the money to pay for their health care, D.C. General has gone broke, as has Southeast Community Hospital, a number of the health clinics in the community.

We are talking about places like Anacostia primarily, very low-income section of the city. Some people are in desperate poverty, even in today's world in the capital city. So a public benefit corporation was set up to see if they cannot manage these health care facilities and find a way to finance them. The PBC has not been successful in doing that. It is unfortunate. It needs to be corrected, but this bill tries to correct it without consultation with the mayor, the D.C. council and the outside health care consultants who have been looking at this problem for years.

One of the ways it attempts to correct it is by cutting off its funding, terminating its line of credit. So what happens? The hospital, we are told, will become insolvent, will shut down within a year if this amendment is included in the bill and the bill is enacted.

Okay. Fine. It is not being run well. It is losing money, but tell me, Mr. Chairman, what do we do with the thousands of people who go to D.C. General as their health care of last resort? No one else wants to handle them. No one else wants to handle these gunshot victims. No one else wants to handle these drug addicts. No one else wants to handle these people who have no money to pay for their health care.

So what are we going to do with them? Are we just going to let them loose without health care? We are going to send them to other hospitals that do not take them, that do not want them, that are not going to treat them. So that is my problem with this solution. It is too easy. It was not done by D.C. because D.C. is held accountable by its voters for coming up with constructive alternatives. This is too easy an alternative: Cut it off, shut it down.

That is not the way to handle a very difficult, complex problem. So what I want to do with this amendment is

strike the language, leave it to D.C. to deal with. Do not come up with solutions that are going to make the situation worse. Do not have that pain and suffering of people who have no health care and desperately need it on our hands. We have no business getting involved in this issue, unless we have a constructive alternative. We do not, so we ought to strike the language.

#### POINT OF ORDER

Mr. ISTOOK. Mr. Chairman, I make a point of order against the amendment as to the underlying merits. I will offer at an appropriate time a written statement for the record.

Mr. Chairman, I make a point of order against the amendment because it violates the rules of the House since it calls for the en bloc consideration of two different paragraphs in the bill. The precedents of the House are clear in this matter: Amendments to a paragraph or section are not in order until such paragraph or section has been read. Cannon's Precedents, Volume 8, section 2354.

Mr. Chairman, I ask for a ruling from the Chair.

The CHAIRMAN. If no other Member desires to be heard, for the reasons stated by the gentleman from Oklahoma (Mr. ISTOOK), the point of order is sustained.

Are there any other amendments to this portion of the bill?

#### PARLIAMENTARY INQUIRY

Ms. NORTON. Mr. Chairman, parliamentary inquiry. Are we at general provisions where an amendment can be at the desk and now be pursued?

The CHAIRMAN. When the Clerk begins to read again, he will begin at that portion.

The Clerk will read section 101.

The Clerk read as follows:

#### GENERAL PROVISIONS

SEC. 101. 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.

AMENDMENT NO. 22 OFFERED BY MS. NORTON

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 22 printed in the CONGRESSIONAL RECORD offered by Ms. NORTON:

Strike "GENERAL PROVISIONS" and all that follows through the last section before the short title.

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

The CHAIRMAN. This amendment touches portions of the bill that have not yet been read or considered. Does the gentlewoman from the District of Columbia (Ms. NORTON) ask unanimous consent for its present consideration?

Ms. NORTON. I do, Mr. Chairman.

The CHAIRMAN. Is there objection to the request of the gentlewoman from the District of Columbia?

Mr. ISTOOK. Mr. Chairman, I reserve a point of order. I have no objection to the gentlewoman proceeding for, I believe, the agreed upon time was for 5 minutes to certainly explain her amendment and her position.

The CHAIRMAN. Without objection, pending the point of order, the gentlewoman from the District of Columbia (Ms. NORTON) is recognized for 5 minutes on her amendment.

There was no objection.

Ms. NORTON. Mr. Chairman, I believe that there has been a time agreement for 20 minutes divided equally. If I may have unanimous agreement on that time?

Mr. ISTOOK. Mr. Chairman, I would certainly agree to that. I misstated on the time. I agree to a unanimous consent request of 20 minutes to be divided 10 minutes per side.

The CHAIRMAN. Without objection, the time on the amendment of the gentlewoman from the District of Columbia (Ms. NORTON) will be 20 minutes divided equally.

There was no objection.

The CHAIRMAN. That will include any amendments thereto.

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

Mr. Chairman, I rise to introduce a democracy amendment that will wipe out all riders, most of them operational riders, that are outdated or irrelevant. Members would not commit themselves one way or the other on the substance of any underlying provision by voting to eliminate them all.

The chairman announced on the floor just a few minutes ago that he has himself begun to look at these provisions and has found some of them to be outmoded. I appreciate that he is now looking into the bill in this way.

In his budget, as transmitted, the President offered to work with the Congress and the District to identify and limit at the very least the number of general provisions or attachments not only to be consistent with the principle of home rule but also because most are so old that they have been overtaken by events, or they are now a part of D.C. or Federal law.

Last year, the chairman indicated that riders in the D.C. appropriation reflected the fact that over many years, whoever was President had been transmitting old riders and the chairman had simply included what the President sent. Upon inspection, the White House found that most of the attachments are no longer applicable. Many already exist in Federal law or the D.C. Code. Example, section 114 requires council approval of capital project borrowing; but that is now required by the D.C. code.

Other riders should be deleted because they are incorporated into the D.C. budget text or the local budget act, or will be proposed locally this year. Example, restrictions on the use

of official vehicles, a restriction required by Congress and adopted in the local Budget Support Act.

Still, other riders should be deleted because they are one-time provisions, are no longer applicable or duplicate existing Federal law. Example, the bill says appropriations or obligations that expire at the end of the year unless otherwise stated. Yet this matter is covered by Federal law.

Other provisions should be deleted because they are issues of local home rule and/or should be deleted to ensure that the District is treated the same as any other State or local jurisdiction. Some of these are social riders, such as voting rights. Most, however, are operational matters normally left to local jurisdictions. The democracy amendment I offer today would eradicate all of these riders, most of them operational and out of date or redundant of current law.

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No Member would answer for any one of them, because the amendment is a democracy and autonomy amendment that does not address any substantive issue or specific provision. However, we will surely answer for the piling on of amendments that are already in local or Federal law, or corpses, left over from prior years and circumstances and administrations that are dead and gone.

Mr. Chairman, District residents gave themselves a new start with a new mayor and a reconstructed city council. I ask the House to respond with a new bill that does not hang on the back of today's cities, tails, and times it has thrown off.

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

Mr. ISTOOK. Mr. Chairman, I continue to reserve my point of order, and I yield myself such time as I may consume.

Mr. Chairman, basically, the gentlewoman representing the District of Columbia has offered an amendment to strike out all of the provisions after the appropriating paragraphs, all of the substantive provisions in this bill; and basically, as I believe she stated, there are two categories. One of them are so-called social riders, such as the concern with programs to exchange drug needles out on the public streets, and programs such as the marijuana initiative that the District in a referendum adopted, which this Congress has expressly disapproved and said it shall not go into effect. Other provisions are not so-called social riders, but they are provisions that have been carried on this bill for a number of years because they have not been enacted into substantive law, where this would be the controlling standard if they were not in the bill.

Now, I realize that the gentlewoman says, well, these are old things to be done away with; they are not needed anymore. We went through those provisions before this bill was offered this

year; and we wiped out two dozen, two dozen provisions that have been carried on this bill for years, that I agree, fit the description of things that were outdated, outmoded, duplicative, and no longer necessary. If there are any others of those that still remain, we want to take them out too; but we are not satisfied that that is the case.

For example, we do have provisions in this bill to make it clear that all contracts regarding the District are a matter of public record. We had a circumstance, Mr. Chairman, just a few weeks ago when the former head of the Public Benefit Corporation, which operates the D.C. General Hospital, said, since you fired me, I am entitled to \$1 million, and people said, where is the contract? And people could not find it. It should have been public record.

We had testimony in a hearing from the control board that is supposed to be a repository of these, and they said, we never saw such a contract. And get this: the control board, headed by the former vice chairman of the Federal Reserve Board, has been writing checks for millions of dollars not budgeted, not approved, for millions of dollars, as I mentioned before, to keep this facility afloat, despite years of efforts by this Congress, years and years by this Congress saying, they are wasting money over there, it is a sink hole, they have not fixed it, and the control board continued writing millions of dollars worth of checks.

There were no signed agreements, there were no memoranda, there were no security agreements, there was no promissory note, there was no statement of collateral, there was nothing, nothing, for about \$200 million of outlay of public money, not budgeted, not authorized by law, and they did not even have any sort of written agreements for it.

So of course we need a provision that says, all of these contracts are a matter of public record. If the District or the control board is going to loan money to the Public Benefit Corporation for the D.C. General Hospital, they ought to have at least one piece of paper that reflects why they wrote all of these millions of dollars of checks. All contracts are a matter of public record. That is an example of one of the provisions that the gentlewoman wishes to strike.

Also, a restriction saying, we do not use this public money for personal cooks, chauffeurs or other servants. They cannot use it for any sole-source contracts. They cannot renew contracts or extend them without taking competitive bids. Let us protect the taxpayer from sweetheart deals.

Now, we can be satisfied that some provisions are actually in the law elsewhere so that they do not need to be carried in this bill. That is why we wiped out two dozen of them that have been carried year after year; and we want to get rid of all of these and have them in substantive law, but they are not there yet.

That is just an example, Mr. Chairman, of the provisions of the gentlewoman's amendment, along with many others that we will be discussing later, would wipe out all in one block.

As well as reserving my point of order against this amendment, Mr. Chairman, as an improper way to bring issues up before this House, I certainly oppose the amendment.

Mr. Chairman, I reserve my point of order, and I reserve the balance of my time.

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

If I may respond, the gentleman has named what amounts to violations of D.C. law and violations of what is required in this appropriation attachment. All that demonstrates is having it in an attached provision, does not get the provision enforced.

The point is, is it a matter of D.C. law, and is it a matter of Federal law? Once it is a matter of law, anything else we do to make it a matter of law is redundant, a law that is already there. And if one has a complaint about sole-source contracts, and I certainly would, if one has a complaint about competitive bids, and I certainly would, then you have to go to those who are not enforcing the law, not simply pile on attachments, which also do not enforce the law.

Mr. Chairman, I yield 3 minutes to the gentleman from Virginia (Mr. MORAN).

Mr. MORAN of Virginia. Mr. Chairman, I offered this democracy amendment in the full Committee on Appropriations, and I appreciate the gentlewoman from the District of Columbia (Ms. NORTON) offering it today on the House floor, because she is the democratically elected representative of the District of Columbia, and she well knows that most of the provisions in this appropriations bill do not belong in any Federal appropriations bill.

There are 72 provisions at last count, 17 new ones in the bill this time. We have a couple dozen provisions that are either already part of Federal law, other parts of Federal law that do not need to be here for any purpose, or are in the D.C. Code. D.C. is legally required to do these things. It is in their law. What are we doing keeping this stuff in the D.C. appropriations bill? It is sort of just making sure that that heel stays deep on D.C.'s throat so that they do not ever think that they can run their own affairs.

Let us get rid of this junk. It is detritus. It does not belong on an appropriations bill. There are so many of these examples, punitive examples where we tell them what to do with their own vehicles, how much allowance for privately owned vehicles, how fuel-efficient automobiles have to be. It is all stuff that is contained in other places, or it ought not to be contained anywhere.

Now, there are some controversial issues included in this amendment. There is a domestic partnership, tough

issue. But the reality is that 3,000 employers across the country offer domestic partnership coverage. All kind of States and localities. I was not given those numbers this year, but we know the numbers; and it is a whole bunch of States and localities that do this. Why are we telling the District that it cannot? We do not turn around and tell anybody in the jurisdictions that we represent that they cannot do this; but we tell D.C. they cannot do it, because we are not accountable to them. They cannot do anything to fight back.

Mr. CHAIRMAN, that is why this democracy amendment is in order, and that is why it is called a democracy amendment. We believe that people ought to be able to run their own affairs, that the power comes not from the State to the people, but from the people to the government. Then let the people of the District of Columbia be empowered to run their own government and get rid of this extraneous stuff. It does not belong here. Treat D.C. residents the way we treat our own constituents. That is all we are asking. That is the bottom line of this amendment. Do unto others as you would do unto yourself.

Mr. CHAIRMAN, we would not do it to our constituents; we should not do it to D.C. residents.

Mr. ISTOOK. Mr. Chairman, I yield 1 minute to the gentleman from Wisconsin (Mr. PETRI).

Mr. PETRI. Mr. Chairman, I rise to commend the subcommittee chairman for the provisions he has put in the bill, and I oppose the amendment. The fact of the matter is, there has been an ongoing effort to expand charter schools in the District of Columbia. It is one of the most successful efforts in the United States. We have had a policy for a number of years, when the D.C. government closes a school, to allow the people who have charter school programs to have an opportunity to use the unused school building, and that policy has been flouted. It has not been put into effect. The chairman, in the bill, is trying to honor that agreement and get the D.C. Government off the dime to allow the unused school buildings, under proper circumstances, to be used by the children of the District who are enrolled in charter schools.

I understand that if we drop this language, the charter school people are going to be ignored. If we keep the language in, we will have an opportunity to work out something reasonable, so I commend the chairman for his language.

Ms. NORTON. Mr. Chairman, I yield 1 minute to the gentlewoman from Wisconsin (Ms. BALDWIN).

Ms. BALDWIN. Mr. Chairman, I rise in strong support of my colleague's amendment, and I thank her for her leadership on these issues.

I want to address just one provision in the gentlewoman's democracy amendment, the domestic partnership health benefits.

At a time when 44 million people in our country lack health care coverage, this House has decided that it will erect new barriers for certain citizens of our capital city to obtain health care insurance. They have decided to prohibit the implementation of the District's plan to extend health care coverage to domestic partners of city employees, and I must ask why. Congress stands as the only barrier between affordable health care for countless families of city employees. This stand could mean the difference between having a sensible health care plan or no plan at all; it could mean the difference between wellness and illness, and in some cases, life and death.

As a proponent for health care for all, I am extremely disturbed by this underlying provision. The employees of this city want nothing more and nothing less than fairness and equality in the workplace. Allowing access to the most basic of benefits, health care, does just that.

Mr. ISTOOK. Mr. Chairman, I yield 2 minutes to the gentleman from Kansas (Mr. TIAHRT).

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

Mr. TIAHRT. Mr. Chairman, on July 11, the D.C. Council passed a bill which would require employers in the District of Columbia to provide contraceptive coverage to their employees. Despite the fact that a good conscience clause exempting employers who wish to waive this on religious or moral obligations was offered, it was not adopted by the council.

Furthermore, the debate got rather ugly and some council members espoused anti-Catholic and anti-Christian beliefs in the course of this discussion. One of the provisions that would be deleted by the gentlewoman's amendment would be the requirement for the District of Columbia City Council to go back and reconsider the conscience clause, allowing for religious and moral obligations.

Now, if the concern is that there are not contraceptives available in the District of Columbia, according to the Department of Health and Human Services, there are 10 locations inside the District of Columbia where contraceptives can be obtained free.

b 1530

If one is above the poverty level, one can pay a minimum cost for contraceptives. Contraceptives are available in the District of Columbia. There is no reason for the District, for the council to carry on this debate about religious and moral convictions not being applicable. Because if someone for some reason did not have access to health care coverage that provided contraceptives, and they wanted to obtain contraceptives, they could go to one of the 10 locations in the District of Columbia where they could get free contraceptives at low cost if they are above the poverty level.

So I think the gentlewoman's amendment to strike all provisions would go way too fast and would not task the city council with going back and reconsidering the conscience clause which I think they should could consider.

So if one strikes all the general provisions, I think it is a bridge too far, a step too far; and I think it is a wrong thing. I think we should allow Congress, which has the constitutional requirement to oversee this, to carry on with these general provisions as are listed in the bill.

The CHAIRMAN. The gentlewoman from the District of Columbia has 1½ minutes remaining.

Ms. NORTON. Mr. Chairman, I yield 1½ minutes to the gentleman from Maryland (Mr. HOYER).

Mr. HOYER. Mr. Chairman, I thank the gentlewoman for yielding me this time, and I rise in strong support of her amendment.

Mr. CHAIRMAN, as I sat here to think about what could one say in 90 seconds, it occurs to me that each and every one of my colleagues ought to consider this. None of us, not one of us in this body wants to take ownership of every policy adopted by the D.C. City Council and its mayor, not one of us. It is theirs to take, theirs to do.

But I suggest to my colleagues, to the extent that we include provision 1, 2, 3, and 4 and leave out 5, 6, and 7, one could clearly argue, well, apparently one is against 1 through 5, but one must be for 6, 7 and 8. That is not the case. It is not the case. I am not responsible for what the D.C. City Council does, the D.C. City Council is, and the voters of the District of Columbia are, any more than the D.C. Council is responsible for what I do on this floor.

This is called a democracy amendment, because, in a democracy, we believe that the people can be wrong. The people can disagree. The people do not all need to be overseen by Big Brother. It seems to me that is a conservative concept. It seems to me that is something that people who want smaller government adopt as a premise, that Big Brother ought not to be overseeing the District of Columbia. Vote for this democracy amendment.

The CHAIRMAN. The gentleman from Oklahoma (Mr. ISTOOK) has 2 minutes remaining.

Mr. ISTOOK. Mr. Chairman, I yield 1 minute to the gentleman from Colorado (Mr. TANCREDO).

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

There has always been, there always will be, there is now bureaucratic opposition to any sort of reform, especially in school reform that gives parents greater opportunities, greater freedoms.

The gentleman rails on about micro-managing this and avoidance of that. What we are trying to do with, especially the charter school provision, is

to give people, the individuals, the parents in the District of Columbia, greater freedom, greater choice, not the bureaucrats, not the educational system in general, but parents, individuals.

Is that not the best kind of freedom to give anybody? Is that not the best kind of public policy to adopt here? It is not a hard hand of government coming down on the District. It is the freedom we are going to give parents in the District of Columbia to select charter schools for their kids, the greatest opportunity we can possibly give to anyone, including the residents of the District of Columbia.

The CHAIRMAN. The gentleman from Oklahoma (Mr. ISTOOK) has 1 minute remaining.

Mr. ISTOOK. Mr. Chairman, I yield myself the balance of the time.

Certainly, as I said before, I agree with the concept that, if there are things in this bill that are carry-overs that serve no purpose any further, then they should join the two dozen provisions that we have already taken out that have been carried year after year in this bill.

We will continue to work with the other side of the aisle and our own side to make sure that we do not carry anything that is not necessary. Of course, the other issues are policy issues such as we have talked about relating to drug needles, relating to contraceptive mandates that exclude a conscience clause. Those issues are going to be brought up in further amendments.

But as to this one, Mr. Chairman, I would like to close the debate.

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

#### POINT OF ORDER

Mr. Chairman, I make a point of order against the amendment because it violates the rules of the House since it calls for the en bloc consideration of two different paragraphs in the bill.

The precedents of the House are clear in this matter: "Amendments to a paragraph or section are not in order until such paragraph or section has been read," Cannon's Precedents, Volume 8, section 2354.

I ask for a ruling from the Chair.

The CHAIRMAN. Does the gentleman from the District of Columbia desire to be heard on the point of order?

Ms. NORTON. Mr. Chairman, I understand the rules of the House. I appreciate that I have been heard on what, for us, is a vital amendment. I will continue to work with the gentleman from Oklahoma (Mr. ISTOOK) to eliminate such provisions as we can agree should be eliminated.

The CHAIRMAN. For the reasons stated by the gentleman from Oklahoma (Mr. ISTOOK), the point of order is sustained.

Mr. ISTOOK. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. PETRI) having assumed the chair, Mr.

LAHOOD, 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. 4942) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 2001, and for other purposes, had come to no resolution thereon.

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#### LIMITATION ON AMENDMENTS DURING FURTHER CONSIDERATION OF H.R. 4942, DISTRICT OF COLUMBIA APPROPRIATIONS ACT, 2001

Mr. ISTOOK. Mr. Speaker, I ask unanimous consent that during further consideration of H.R. 4942 in the Committee of the Whole pursuant to House Resolution 563 no further amendment to the bill shall be in order except, one, pro forma amendments offered by the chairman or ranking minority member of the Committee on Appropriations or their designees for the purpose of debate; two, the amendments printed in House Report 106-790; three, the additional amendment printed in the CONGRESSIONAL RECORD and numbered 23, which shall be debatable for 40 minutes; and, four, the additional amendment printed in the CONGRESSIONAL RECORD and numbered 13, which shall be debatable for 10 minutes.

Each additional amendment shall be debatable for the time specified 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 SPEAKER pro tempore. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

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#### DISTRICT OF COLUMBIA APPROPRIATIONS ACT, 2001

The SPEAKER pro tempore. Pursuant to House Resolution 563 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. 4942.

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#### 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. 4942) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 2001, and for other purposes, with Mr. LAHOOD in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee of the Whole rose earlier today,

the bill was open from pages 41 line 1 through page 41 line 3.

Pursuant to the order of the House of today, no further amendment to the bill shall be in order except pro forma amendments offered by the chairman or ranking member of the Committee on Appropriations, or their designees for the purpose of debate, the amendments printed in House Report 106-790, and the following additional amendments, which shall be debatable for the time specified, 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:

One, the additional amendment printed in the CONGRESSIONAL RECORD and numbered 23, which shall be debatable for 40 minutes; and

Two, the additional amendment printed in the CONGRESSIONAL RECORD and numbered 13, which shall be debatable for 10 minutes.

The Clerk will read.

The Clerk read as follows:

SEC. 102. Except as otherwise provided in this Act, all vouchers covering expenditures of appropriations contained in this Act shall be audited before payment by the designated certifying official, and the vouchers as approved shall be paid by checks issued by the designated disbursing official.

SEC. 103. Whenever in this Act, an amount is specified within an appropriation for particular purposes or objects of expenditure, such amount, unless otherwise specified, shall be considered as the maximum amount that may be expended for said purpose or object rather than an amount set apart exclusively therefor.

SEC. 104. Appropriations in this Act shall be available, when authorized by the Mayor, for allowances for privately owned automobiles and motorcycles used for the performance of official duties at rates established by the Mayor: *Provided*, That such rates shall not exceed the maximum prevailing rates for such vehicles as prescribed in the Federal Property Management Regulations 101-7 (Federal Travel Regulations).

Mr. ISTOOK. Mr. Chairman, I ask unanimous consent that the remainder of the bill through page 53 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 Oklahoma?

There was no objection.

The text of the remainder of the bill from page 41, line 24, through page 53 line 14 is as follows:

SEC. 105. Appropriations in this Act shall be available for expenses of travel and for the payment of dues of organizations concerned with the work of the District of Columbia government, when authorized by the Mayor: *Provided*, That in the case of the Council of the District of Columbia, funds may be expended with the authorization of the chair of the Council.

SEC. 106. There are appropriated from the applicable funds of the District of Columbia such sums as may be necessary for making refunds and for the payment of judgments that have been entered against the District of Columbia government: *Provided*, That nothing contained in this section shall be construed as modifying or affecting the provisions of section 11(c)(3) of title XII of the

District of Columbia Income and Franchise Tax Act of 1947 (70 Stat. 78; Public Law 84-460; D.C. Code, sec. 47-1812.11(c)(3)).

SEC. 107. (a) **REQUIRING MAYOR TO MAINTAIN INDEX.**—Effective with respect to fiscal year 2001 and each succeeding fiscal year, the Mayor of the District of Columbia shall maintain an index of all employment personal services and consulting contracts in effect on behalf of the District government, and shall include in the index specific information on any severance clause in effect under any such contract.

(b) **PUBLIC INSPECTION.**—The index maintained under subsection (a) shall be kept available for public inspection during regular business hours.

(c) **CONTRACTS EXEMPTED.**—Subsection (a) shall not apply with respect to any collective bargaining agreement or any contract entered into pursuant to such a collective bargaining agreement.

(d) **DISTRICT GOVERNMENT DEFINED.**—In this section, the term “District government” means the government of the District of Columbia, including—

(1) any department, agency or instrumentality of the government of the District of Columbia;

(2) any independent agency of the District of Columbia established under part F of title IV of the District of Columbia Home Rule Act or any other agency, board, or commission established by the Mayor or the Council;

(3) the Council of the District of Columbia;

(4) any other agency, public authority, or public benefit corporation which has the authority to receive monies directly or indirectly from the District of Columbia (other than monies received from the sale of goods, the provision of services, or the loaning of funds to the District of Columbia); and

(5) the District of Columbia Financial Responsibility and Management Assistance Authority.

(e) No payment shall be made pursuant to any such contract subject to subsection (a), nor any severance payment made under such contract, if a copy of the contract has not been filed in the index. Interested parties may file copies of their contract or severance agreement in the index on their own behalf.

SEC. 108. 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. 109. No funds appropriated in this Act for the District of Columbia government for the operation of educational institutions, the compensation of personnel, or for other educational purposes may be used to permit, encourage, facilitate, or further partisan political activities. Nothing herein is intended to prohibit the availability of school buildings for the use of any community or partisan political group during non-school hours.

SEC. 110. None of the funds appropriated in this Act shall be made available to pay the salary of any employee of the District of Columbia government whose name, title, grade, salary, past work experience, and salary history are not available for inspection by the House and Senate Committees on Appropriations, the Subcommittee on the District of Columbia of the House Committee on Government Reform, the Subcommittee on Oversight of Government Management, Restructuring and the District of Columbia of the Senate Committee on Governmental Affairs, and the Council of the District of Columbia, or their duly authorized representative.

SEC. 111. There are appropriated from the applicable funds of the District of Columbia such sums as may be necessary for making payments authorized by the District of Co-

lumbia Revenue Recovery Act of 1977 (D.C. Law 2-20; D.C. Code, sec. 47-421 et seq.).

SEC. 112. No part of this appropriation shall be used for publicity or propaganda purposes or implementation of any policy including boycott designed to support or defeat legislation pending before Congress or any State legislature.

SEC. 113. At the start of the fiscal year, the Mayor shall develop an annual plan, by quarter and by project, for capital outlay borrowings: *Provided*, That within a reasonable time after the close of each quarter, the Mayor shall report to the Council of the District of Columbia and the Congress the actual borrowings and spending progress compared with projections.

SEC. 114. The Mayor shall not borrow any funds for capital projects unless the Mayor has obtained prior approval from the Council of the District of Columbia, by resolution, identifying the projects and amounts to be financed with such borrowings.

SEC. 115. The Mayor shall not expend any moneys borrowed for capital projects for the operating expenses of the District of Columbia government.

SEC. 116. None of the funds provided under this Act to the agencies funded by this Act, both Federal and District government agencies, that remain available for obligation or expenditure in fiscal year 2001, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act, shall be available for obligation or expenditure for an agency through a reprogramming of funds which: (1) creates new programs; (2) eliminates a program, project, or responsibility center; (3) establishes or changes allocations specifically denied, limited or increased by Congress in the Act; (4) increases funds or personnel by any means for any program, project, or responsibility center for which funds have been denied or restricted; (5) reestablishes through reprogramming any program or project previously deferred through reprogramming; (6) augments existing programs, projects, or responsibility centers through a reprogramming of funds in excess of \$1,000,000 or 10 percent, whichever is less; or (7) increases by 20 percent or more personnel assigned to a specific program, project or responsibility center; unless the Appropriations Committees of both the Senate and House of Representatives are notified in writing 30 days in advance of any reprogramming as set forth in this section.

SEC. 117. None of the Federal funds provided in this Act shall be obligated or expended to provide a personal cook, chauffeur, or other personal servants to any officer or employee of the District of Columbia government.

SEC. 118. None of the Federal funds provided in this Act shall be obligated or expended to procure passenger automobiles as defined in the Automobile Fuel Efficiency Act of 1980 (94 Stat. 1824; Public Law 96-425; 15 U.S.C. 2001(2)), with an Environmental Protection Agency estimated miles per gallon average of less than 22 miles per gallon: *Provided*, That this section shall not apply to security, emergency rescue, or armored vehicles.

SEC. 119. Notwithstanding any other provisions of law, the provisions of the District of Columbia Government Comprehensive Merit Personnel Act of 1978 (D.C. Law 2-139; D.C. Code, sec. 1-601.1 et seq.), enacted pursuant to section 422(3) of the District of Columbia Home Rule Act (87 Stat. 790; Public Law 93-198; D.C. Code, sec. 1-242(3)), shall apply with respect to the compensation of District of Columbia employees: *Provided*, That for pay purposes, employees of the District of Columbia government shall not be subject to the provisions of title 5, United States Code.

SEC. 120. No later than 30 days after the end of the first quarter of the fiscal year ending September 30, 2001, the Mayor of the District of Columbia shall submit to the Council of the District of Columbia the new fiscal year 2001 revenue estimates as of the end of the first quarter of fiscal year 2001. These estimates shall be used in the budget request for the fiscal year ending September 30, 2002. The officially revised estimates at midyear shall be used for the midyear report.

SEC. 121. No sole source contract with the District of Columbia government or any agency thereof may be renewed or extended without opening that contract to the competitive bidding process as set forth in section 303 of the District of Columbia Procurement Practices Act of 1985 (D.C. Law 6-85; D.C. Code, sec. 1-1183.3), except that the District of Columbia government or any agency thereof may renew or extend sole source contracts for which competition is not feasible or practical: *Provided*, That the determination as to whether to invoke the competitive bidding process has been made in accordance with duly promulgated rules and procedures and said determination has been reviewed and approved by the District of Columbia Financial Responsibility and Management Assistance Authority.

SEC. 122. For purposes of the Balanced Budget and Emergency Deficit Control Act of 1985 (99 Stat. 1037; Public Law 99-177), the term “program, project, and activity” shall be synonymous with and refer specifically to each account appropriating Federal funds in this Act, and any sequestration order shall be applied to each of the accounts rather than to the aggregate total of those accounts: *Provided*, That sequestration orders shall not be applied to any account that is specifically exempted from sequestration by the Balanced Budget and Emergency Deficit Control Act of 1985.

SEC. 123. In the event a sequestration order is issued pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985 (99 Stat. 1037; Public Law 99-177), after the amounts appropriated to the District of Columbia for the fiscal year involved have been paid to the District of Columbia, the Mayor of the District of Columbia shall pay to the Secretary of the Treasury, within 15 days after receipt of a request therefor from the Secretary of the Treasury, such amounts as are sequestered by the order: *Provided*, That the sequestration percentage specified in the order shall be applied proportionately to each of the Federal appropriation accounts in this Act that are not specifically exempted from sequestration by such Act.

SEC. 124. (a) An entity of the District of Columbia government may accept and use a gift or donation during fiscal year 2001 if—

(1) the Mayor approves the acceptance and use of the gift or donation: *Provided*, That the Council of the District of Columbia may accept and use gifts without prior approval by the Mayor; and

(2) the entity uses the gift or donation to carry out its authorized functions or duties.

(b) Each entity of the District of Columbia government shall keep accurate and detailed records of the acceptance and use of any gift or donation under subsection (a) of this section, and shall make such records available for audit and public inspection.

(c) For the purposes of this section, the term “entity of the District of Columbia government” includes an independent agency of the District of Columbia.

(d) This section shall not apply to the District of Columbia Board of Education, which may, pursuant to the laws and regulations of the District of Columbia, accept and use gifts to the public schools without prior approval by the Mayor.

SEC. 125. None of the Federal funds provided in this Act may be used by the District

of Columbia to provide for salaries, expenses, or other costs associated with the offices of United States Senator or United States Representative under section 4(d) of the District of Columbia Statehood Constitutional Convention Initiatives of 1979 (D.C. Law 3-171; D.C. Code, sec. 1-113(d)).

SEC. 126. (a) The University of the District of Columbia shall submit to the Mayor, the District of Columbia Financial Responsibility and Management Assistance Authority and the Council of the District of Columbia no later than 15 calendar days after the end of each quarter a report that sets forth—

(1) current quarter expenditures and obligations, year-to-date expenditures and obligations, and total fiscal year expenditure projections versus budget broken out on the basis of control center, responsibility center, and object class, and for all funds, non-appropriated funds, and capital financing;

(2) a list of each account for which spending is frozen and the amount of funds frozen, broken out by control center, responsibility center, detailed object, and for all funding sources;

(3) a list of all active contracts in excess of \$10,000 annually, which contains the name of each contractor; the budget to which the contract is charged, broken out on the basis of control center and responsibility center, and contract identifying codes used by the University of the District of Columbia; payments made in the last quarter and year-to-date, the total amount of the contract and total payments made for the contract and any modifications, extensions, renewals; and specific modifications made to each contract in the last month;

(4) all reprogramming requests and reports that have been made by the University of the District of Columbia within the last quarter in compliance with applicable law; and

(5) changes made in the last quarter to the organizational structure of the University of the District of Columbia, displaying previous and current control centers and responsibility centers, the names of the organizational entities that have been changed, the name of the staff member supervising each entity affected, and the reasons for the structural change.

(b) The Mayor, the Authority, and the Council shall provide the Congress by February 1, 2001, a summary, analysis, and recommendations on the information provided in the quarterly reports.

SEC. 127. (a) Nothing in the Federal Grant and Cooperative Agreements Act of 1977 (31 U.S.C. 6301 et seq.) may be construed to prohibit the Administrator of the Environmental Protection Agency from negotiating and entering into cooperative agreements and grants authorized by law which affect real property of the Federal Government in the District of Columbia if the principal purpose of the cooperative agreement or grant is to provide comparable benefits for Federal and non-Federal properties in the District of Columbia.

(b) Subsection (a) shall apply with respect to fiscal year 2001 and each succeeding fiscal year.

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

SEC. 128. (a) CONDITIONS FOR GRANTING PREFERENCE IN USE OF SURPLUS SCHOOL PROPERTIES TO PUBLIC CHARTER SCHOOLS.—

(1) IN GENERAL.—Section 2209(b)(1)(A) of the District of Columbia School Reform Act of 1995 (sec. 31-2853.19(b)(1)(A), D.C. Code) is amended—

(A) by striking “purchase or lease” and inserting “purchase, lease-purchase, or lease”; and

(B) by striking “, provided that” and all that follows and inserting a period.

(2) PROPERTY SUBJECT TO PREFERENCE.—Section 2209(b)(1)(B)(iii) of such Act (sec. 31-2853.19(b)(1)(B)(iii), D.C. Code) is amended to read as follows:

“(iii) with respect to which the Authority or the Board of Education has transferred jurisdiction to the Mayor at any time prior or subsequent to the date of the enactment of this title.”.

(b) PROCEDURES FOR DISPOSITION OF PROPERTY.—Section 2209(b)(1) of such Act (sec. 31-2853.19(b)(1), D.C. Code) is amended by adding at the end the following new subparagraphs:

“(C) DISPOSITION TO PUBLIC CHARTER SCHOOLS.—

“(i) IN GENERAL.—Public charter schools shall have the priority right to lease, lease-purchase, or purchase any vacant facility or property described in subparagraph (B), and any facility or property described in subparagraph (B) which is leased or occupied as of the date of the enactment of this subparagraph by an entity other than a public charter school.

“(ii) APPRAISAL OF PROPERTY.—When a public charter school notifies the Mayor of its intention to exercise its rights under clause (i), the Mayor shall obtain within 90 days an independent fair market appraisal of the facility or property based on its current permitted use, and shall transmit a copy of the appraisal to the public charter school. The public charter school shall have 30 days from the date of receipt of the appraisal to enter into a contract for the purchase, lease-purchase, or lease of such facility or property, which time may be extended by mutual agreement. Upon execution of the contract, the public charter school shall have 180 days to complete the acquisition of the property.

“(iii) PRICES.—

“(I) PURCHASE.—The purchase price of a facility or property described in this clause and in subparagraph (B) shall be the fair market value of the facility or property, less a 25 percent discount.

“(II) LEASE.—The lease price of a facility or property described in this clause and in subparagraph (B) shall be the price charged by the District of Columbia to other nonprofit organizations leasing public facilities or, if there is no nonprofit rate, fair market value less a 25 percent discount. The price shall be reduced to take into account the value of any improvement to the public school facility or property which is preapproved by the Mayor.

“(III) LEASE-PURCHASE.—A lease-purchase price of a facility or property described in this clause and in subparagraph (B) shall reflect a 25 percent discount from fair market value, in a manner consistent with subclauses (I) and (II).

“(iv) QUARTERLY REPORT.—On January 1, April 1, July 1, and October 1 of each calendar year, the Mayor shall publish a report describing the status of each facility or property described in subparagraph (B), including the date of expiration of the lease term or right of occupancy, if any, and the date, if any, each facility or property was or will be put out for bid or transferred to a District of Columbia agency, if any. The Mayor shall deliver such report to each eligible chartering authority and shall publish it in the District of Columbia register.

“(D) DISPOSITION OF FACILITIES OR PROPERTIES AFTER EXCLUSIVE PERIOD.—

“(i) IN GENERAL.—The Mayor may put out for bid to the public or transfer to a District of Columbia agency for the use of such agency any facility or property described in this subparagraph (B) which was not acquired by a public charter school pursuant to subparagraph (C).

“(ii) NOTICE.—At least 90 days prior to putting any such facility property out for bid or transferring it to a District of Columbia

agency, the Mayor shall notify each eligible chartering authority in writing of his intention to do so.

“(iii) PUBLIC CHARTER SCHOOL RIGHT TO ACQUIRE BEFORE BID OR TRANSFER.—Prior to the expiration of the 90-day notice period described in clause (ii), a public charter school may purchase, lease-purchase, or lease any facility or property described in the notice under the terms described in clause (iii) of subparagraph (C).

“(iv) PUBLIC CHARTER SCHOOL RIGHT TO MATCH BID.—With regard to any facility or property offered for bid under this subparagraph, the Mayor shall notify each eligible chartering authority in writing within 5 days of the amount of the highest acceptable bid. A public charter school may purchase, lease-purchase, or lease such facility or property by submitting a bid for the facility or property within 30 business days of receipt by each eligible chartering authority of such notice. The cost of acquisition shall be as described in clause (iii) of subparagraph (C).

“(v) FACILITIES OR PROPERTIES NOT PUT OUT FOR BID OR TRANSFERRED.—A public charter school shall have the right to purchase, lease-purchase, or lease, under the terms described in clause (iii) of subparagraph (C), any facility or property described in this paragraph that has not been put out for bid or transferred to a District of Columbia agency by the Mayor as provided for in this subparagraph.”.

(c) PREFERENCES FOR USE OF CURRENT PROPERTY.—Section 2209(b)(2) of such Act (sec. 31-2853.19(b)(2), D.C. Code) is amended—

(1) in subparagraph (B)(ii), by striking “purposes,” and inserting “purposes directly related to its mission,”; and

(2) by adding at the end the following new subparagraph:

“(C) PREFERENCE DESCRIBED.—A public charter school shall have first priority to lease, or otherwise contract for the use of, any property described in subparagraph (B), at a rate which does not exceed the rate charged a private nonprofit entity for the use of a comparable property of the District of Columbia public schools and which is reduced to take into account the value of repairs or improvements made to the facility or property by the public charter school.”.

(d) EXERCISE OF PREFERENCES BY OTHER ENTITIES.—Section 2209(b) of such Act (sec. 31-2853.19(b), D.C. Code) is amended by adding at the end the following new paragraph:

“(3) EXERCISE OF PREFERENCE BY CERTAIN OTHER ENTITIES.—A public charter school may delegate to a nonprofit, tax-exempt organization in the District of Columbia the public charter school's authority under this subsection.”.

AMENDMENT NO. 13 OFFERED BY MR. MORAN OF VIRGINIA

Mr. MORAN of Virginia. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 13 printed in the CONGRESSIONAL RECORD offered by Mr. MORAN of Virginia:

Strike sections 128 and 129 (and redesignate the succeeding provisions accordingly).

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

The CHAIRMAN. The gentleman from Oklahoma (Mr. ISTOOK) reserves a point of order.

Pursuant to the order of the House of today, the gentleman from Virginia (Mr. MORAN) and the gentleman from Oklahoma (Mr. ISTOOK) each will control 5 minutes.

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

Mr. MORAN of Virginia. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the reason for doing this is we want to strike sections 128 and 129. The reason is that the District of Columbia is already on the leading edge of the charter school movement throughout the country. It is reforming its schools. In fact, it had an enrollment increase of over 100 percent in the last year. Mayor Williams has seen to it that the funding has increased by 300 percent to \$77 million for charter schools. That is good. That is what we want.

The Center for Washington Area Studies reported that D.C. charter schools funding is among the most generous in the entire Nation in terms of per-pupil expenditures. Unfortunately, these two provisions could potentially jeopardize both that funding and the positive impact which charter schools are having because it substantially reduces the authority of local elected officials to determine the best use of surplus school properties. It was done without consultation with the Mayor or the school board or local elected officials.

So passage of these provisions is going to have a very serious effect potentially upon homeless shelters, alternative education programs, the Metropolitan Police Department, because these organizations, these services are using surplus school properties.

These amendments say any charter school can go in and buy these surplus school properties at 25 percent less than market even if they are occupied. So potentially, one could displace the Commission on Mental Health which operates a clinic at the Addison School, the Center of Hope which leases Keene School, the Commission on Mental Health which operates a children's program at the Reno School, the homeless shelters at Madison School in Old Emery, the Police Department at Petworth School.

I have got all kinds of examples here that could be displaced if any charter school wants to come in and buy these surplus properties. They can get it at 25 percent discount on all leases, sales and lease sales. That means that the District of Columbia could lose \$48 million from the market value of this property. That is why the Mayor does not want this.

This does not make sense. We would not want it if we were mayor. Why would one lose that kind of money? We want to cooperate with charter schools. We are strongly in favor of charter schools. D.C. is doing a good job on charter schools. But this could really impede its efforts.

Mr. Chairman, how much time do I have remaining?

The CHAIRMAN. The gentleman from Virginia (Mr. MORAN) has 2½ minutes remaining.

Mr. MORAN of Virginia. That is exactly even, Mr. Chairman, and that is what we want.

Mr. Chairman, I yield the balance of my time to the very distinguished gentlewoman from the District of Columbia (Ms. NORTON).

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

I am a strong supporter of charter schools. This city has more charter schools than any other jurisdiction in the United States. It has been very generous with them.

Some residents went around our mayor and came up here to get this amendment. I believe Mr. Peabody and Mr. Patten. There may be others. If they were having trouble with the District, they have now had a meeting with the District, they should have come to me or someone else. Instead, what we get is a heavy-handed amendment that this House could never, never, at least if it is a market-driven House, could never approve. It slaps a huge compelled nonmarket-driven reduction on property without knowing where the property is or what it is worth and otherwise directs how properties should be disposed of. We do not do that in a free economy. We do not do that in a market-driven economy.

The District has very scarce resources precisely because the Federal Government takes up all of the space. Mayor Williams wrote to the chairman saying, "I am opposed to language concerning disposition of surplus school property that would hamper the District Government's ability to utilize its assets to reform our schools."

This amendment is big-time overkill to tell the City how much it should sell property for, how much it should reduce property to. Some of it should be reduced to nothing; some of it should be reduced very little. None of us in this body knows.

I arranged a meeting when I learned of this problem. I understand that the City itself is going to deal with this and it should have it dealt with within a month. I hope that by the time we get to conference, the chairman will see fit to withdraw this, because I think the matter shall have already been taken care of.

Mr. ISTOOK. Mr. Chairman, I rise in opposition to the amendment, as well as reserving a point of order.

What is happening with charter schools in the District of Columbia is that parents and students are flocking to them because they offer an escape from the bureaucracy that governs the District's schools, that assumes the cash, that has one of the highest per-pupil funding rates in the country; but where the cash ends up in a bureaucracy not helping out in the classroom with Johnny and Suzy.

Charter schools have now attracted over 10 percent of the student enrollment, moving toward 15 percent of the

students in the public schools in the District of Columbia. Charter schools are themselves public schools but they do not get stuck with the same bureaucracy, and parents want these charter schools. They are sending their kids to them. But what is happening, Mr. Chairman, is that the bureaucracy is striking back. Not openly, not out in the open, but using their weapon of choice, red tape, and strangling the charter schools when they try to do something. Charter schools are supposed to have the same access to public resources as public schools do.

We did not create this, Mr. Chairman, but the control board had an order that they issued in 1998 saying that if a charter school wanted to match the bid price of a vacant school, and they have tons of them in the District of Columbia, if a charter school wanted to match the bid price, because they were also part of the public school system, that if the price was a million dollars or less, they would get a 25 percent discount; if the price was over a million dollars, it would be 15 percent. That is where this language providing discounts comes from. It is the standard the control board approved.

But guess what? Let me tell my colleagues a couple of things. Charter schools found when they tried to make the leases, the process was being dragged out. Let me tell my colleagues the story of the Franklin School. The Franklin School had bids solicited for this vacant property in February of 1998. There was an appraisal made so the taxpayer would be protected. The appraisal was \$4.1 million, and the successful bidder was a charter school.

But then the emergency board of education trustees said, well, we want to oppose this, and the control board rejected the bid. Why? Well, the control board said they found out there was an assessment and the District claimed the building is worth more than the \$4 million, that it is worth \$15 million. And they hung on to that claim for months and months as a reason, until somebody finally went back to the District and checked the records, and the District had changed its own assessment, but no one bothered to ask the District about it. The District had agreed. They had changed it back in June of 1999 that the assessed value was \$4.2 million, right in line with the appraisal of \$4.1 million.

Despite the successful bid of the charter school, which is now, gosh, Mr. Chairman, it is a year and a half old now, the D.C. schools and their bureaucracy are dragging their feet and refusing to let the building be used for a charter school. They just drag it out. Never any overt actions; just we are waiting on this, we are waiting on that. Mr. Chairman, we have to cut through the red tape sometime.

Now, I want to work with the gentlewoman from the District; I want to work with the gentleman from Virginia, the ranking member; and I want to work with the District people and



the school people. I just want to make sure that they want to work with the charter schools. The charter schools are public schools. They have the same rights, because they represent and teach the same kids, the same source of kids, and we have to stop the bureaucracy from trying to strangle them.

The general provisions in the bill just put in common sense requirements to make sure they get equal treatment. We could delve into the details, but as I said, they could change as we work through this process. We want to protect the kids, whether they attend a regular public school or a charter school. They need protection. They need a good solid education so that they can have a future of hope and growth and opportunity.

Mr. Chairman, we certainly oppose the amendment that tries to take out these efforts at reform, but we do want to continue to work with everyone involved to make these provisions the best they can be.

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

Mr. MORAN of Virginia. Mr. Chairman, I yield myself the balance of my time to sum up here.

Mr. Chairman, I do not object if the intent is simply to help the charter school movement. The mayor wants to do that. I think most people in D.C. want to have an alternative school system.

The problem is this amendment could potentially take \$48 million out of the public school system. It could displace a number of very important organizations; the Commission on Mental Health; the D.C. Police Department is using Petworth School. Homeless shelters. So I do not think it was fully thought out.

The problem is that it was done without consultation with the mayor, D. C. Council, and the school board. That is why the amendment really should be struck. I understand the point of order, but I also know we are doing the right thing if we were to strike it.

Mr. ISTOOK. Mr. Chairman, I yield myself the balance of my time.

I appreciate the gentleman's concern, Mr. Chairman. I want to assure him this is not about displacing anyone, and certainly I do not believe the amendment does what the gentleman claims, but I understand the bona fide concern to make sure that it does not.

We have been working both directly and indirectly with the mayor's office and other entities involved and will continue to do so.

#### POINT OF ORDER

Mr. ISTOOK. Mr. Chairman, I make a point of order against the amendment because it violates the rules of the House since it calls for the en bloc consideration of two different paragraphs in the bill.

The precedents of the House are clear in this matter: "Amendments to a paragraph or section are not in order until such paragraph or section has

been read." Cannon's Precedents, Volume 8, section 2354.

I ask for a ruling from the Chair.

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

If not, for the reasons stated by the gentleman from Oklahoma (Mr. ISTOOK), the point of order is sustained.

The Clerk will read.

The Clerk read as follows:

SEC. 129. (a) MODIFICATION OF CONTRACTING REQUIREMENTS.—

(1) CONTRACTS SUBJECT TO NOTICE REQUIREMENTS.—Section 2204(c)(1)(A) of the District of Columbia School Reform Act (sec. 31-2853.14(c)(1)(A), D.C. Code) is amended to read as follows:

"(A) NOTICE REQUIREMENT FOR PROCUREMENT CONTRACTS.—

"(i) IN GENERAL.—Except in the case of an emergency (as determined by the eligible chartering authority of a public charter school), with respect to any procurement contract proposed to be awarded by the public charter school and having a value equal to or exceeding \$25,000, the school shall publish a notice of a request for proposals in the District of Columbia Register and newspapers of general circulation not less than 7 days prior to the award of the contract.

"(ii) EXCEPTION FOR CERTAIN CONTRACTS.—The notice requirement of clause (i) shall not apply with respect to any contract for the lease or purchase of real property by a public charter school, any employment contract for a staff member of a public charter school, or any management contract entered into by a public charter school and the management company designated in its charter or its petition for a revised charter."

(2) SUBMISSION OF CONTRACTS TO ELIGIBLE CHARTERING AUTHORITY.—Section 2204(c)(1)(B) of such Act (sec. 31-2853.14(c)(1)(B), D.C. Code) is amended—

(A) in the heading, by striking "AUTHORITY" and inserting "ELIGIBLE CHARTERING AUTHORITY";

(B) in clause (i), by striking "Authority" and inserting "eligible chartering authority"; and

(C) by amending clause (ii) to read as follows:

"(ii) EFFECTIVE DATE OF CONTRACT.—A contract described in subparagraph (A) shall become effective on the date that is 10 days after the date the school makes the submission under clause (i) with respect to the contract, or the effective date specified in the contract, whichever is later."

(b) CLARIFICATION OF APPLICATION OF SCHOOL REFORM ACT.—

(1) WAIVER OF DUPLICATE AND CONFLICTING PROVISIONS.—Section 2210 of such Act (sec. 31-2853.20, D.C. Code) is amended by adding at the end the following new subsection:

"(d) WAIVER OF APPLICATION OF DUPLICATE AND CONFLICTING PROVISIONS.—Notwithstanding any other provision of law, and except as otherwise provided in this title, no provision of any law regarding the establishment, administration, or operation of public charter schools in the District of Columbia shall apply with respect to a public charter school or an eligible chartering authority to the extent that the provision duplicates or is inconsistent with any provision of this title."

(2) EFFECTIVE DATE.—The amendments made by this subsection shall take effect as if included in the enactment of the District of Columbia School Reform Act of 1995.

(c) LICENSING REQUIREMENTS FOR PRE-SCHOOL OR PREKINDERGARTEN PROGRAMS.—

(1) IN GENERAL.—Section 2204(c) of such Act (sec. 31-2853.14(c), D.C. Code) is amended by adding at the end the following new paragraph:

"(18) LICENSING AS CHILD DEVELOPMENT CENTER.—A public charter school which offers a preschool or prekindergarten program shall be subject to the same child care licensing requirements (if any) which apply to a District of Columbia public school which offers such a program."

(2) CONFORMING AMENDMENTS.—(A) Section 2202 of such Act (sec. 31-2853.12, D.C. Code) is amended by striking clause (17).

(B) Section 2203(h)(2) of such Act (sec. 31-2853.13(h)(2), D.C. Code) is amended by striking "(17)".

(d) Section 2403 of the District of Columbia School Reform Act of 1995 (sec. 31-2853.43, D.C. Code) is amended by adding at the end the following new subsection:

"(c) ASSIGNMENT OF PAYMENTS.—A public charter school may assign any payments made to the school under this section to a financial institution for use as collateral to secure a loan or for the repayment of a loan."

(e) Section 2210 of the District of Columbia School Reform Act of 1995 (sec. 31-2853.20, D.C. Code), as amended by subsection (b), is further amended by adding at the end the following new subsection:

"(e) PARTICIPATION IN GSA PROGRAMS.—

"(1) IN GENERAL.—Notwithstanding any provision of this Act or any other provision of law, a public charter school may acquire goods and services through the General Services Administration and may participate in programs of the Administration in the same manner and to the same extent as any entity of the District of Columbia government.

"(2) PARTICIPATION BY CERTAIN ORGANIZATIONS.—A public charter school may delegate to a nonprofit, tax-exempt organization in the District of Columbia the public charter school's authority under paragraph (1)."

SEC. 130. None of the funds appropriated under this Act shall be expended for any abortion except where the life of the mother would be endangered if the fetus were carried to term or where the pregnancy is the result of an act of rape or incest.

SEC. 131. None of the funds made available in this Act may be used to implement or enforce the Health Care Benefits Expansion Act of 1992 (D.C. Law 9-114; D.C. Code, sec. 36-1401 et seq.) or to otherwise implement or enforce any system of registration of unmarried, cohabiting couples (whether homosexual, heterosexual, or lesbian), including but not limited to registration for the purpose of extending employment, health, or governmental benefits to such couples on the same basis that such benefits are extended to legally married couples.

SEC. 132. The Superintendent of the District of Columbia Public Schools shall submit to the Congress, the Mayor, the District of Columbia Financial Responsibility and Management Assistance Authority, and the Council of the District of Columbia no later than 15 calendar days after the end of each quarter a report that sets forth—

(1) current quarter expenditures and obligations, year-to-date expenditures and obligations, and total fiscal year expenditure projections versus budget, broken out on the basis of control center, responsibility center, agency reporting code, and object class, and for all funds, including capital financing;

(2) a list of each account for which spending is frozen and the amount of funds frozen, broken out by control center, responsibility center, detailed object, and agency reporting code, and for all funding sources;

(3) a list of all active contracts in excess of \$10,000 annually, which contains the name of each contractor; the budget to which the contract is charged, broken out on the basis of control center, responsibility center, and agency reporting code; and contract identifying codes used by the District of Columbia

Public Schools; payments made in the last quarter and year-to-date, the total amount of the contract and total payments made for the contract and any modifications, extensions, renewals; and specific modifications made to each contract in the last month;

(4) all reprogramming requests and reports that are required to be, and have been, submitted to the Board of Education; and

(5) changes made in the last quarter to the organizational structure of the District of Columbia Public Schools, displaying previous and current control centers and responsibility centers, the names of the organizational entities that have been changed, the name of the staff member supervising each entity affected, and the reasons for the structural change.

SEC. 133. (a) IN GENERAL.—The Superintendent of the District of Columbia Public Schools and the University of the District of Columbia shall annually compile an accurate and verifiable report on the positions and employees in the public school system and the university, respectively. The annual report shall set forth—

(1) the number of validated schedule A positions in the District of Columbia public schools and the University of the District of Columbia for fiscal year 2000, fiscal year 2001, and thereafter on full-time equivalent basis, including a compilation of all positions by control center, responsibility center, funding source, position type, position title, pay plan, grade, and annual salary; and

(2) a compilation of all employees in the District of Columbia public schools and the University of the District of Columbia as of the preceding December 31, verified as to its accuracy in accordance with the functions that each employee actually performs, by control center, responsibility center, agency reporting code, program (including funding source), activity, location for accounting purposes, job title, grade and classification, annual salary, and position control number.

(b) SUBMISSION.—The annual report required by subsection (a) of this section shall be submitted to the Congress, the Mayor, the District of Columbia Council, the Consensus Commission, and the Authority, not later than February 15 of each year.

SEC. 134. (a) No later than November 1, 2000, or within 30 calendar days after the date of the enactment of this Act, which ever occurs later, and each succeeding year, the Superintendent of the District of Columbia Public Schools and the University of the District of Columbia shall submit to the appropriate congressional committees, the Mayor, the District of Columbia Council, the Consensus Commission, and the District of Columbia Financial Responsibility and Management Assistance Authority, a revised appropriated funds operating budget for the public school system and the University of the District of Columbia for such fiscal year that is in the total amount of the approved appropriation and that realigns budgeted data for personal services and other-than-personal services, respectively, with anticipated actual expenditures.

(b) The revised budget required by subsection (a) of this section shall be submitted in the format of the budget that the Superintendent of the District of Columbia Public Schools and the University of the District of Columbia submit to the Mayor of the District of Columbia for inclusion in the Mayor's budget submission to the Council of the District of Columbia pursuant to section 442 of the District of Columbia Home Rule Act (Public Law 93-198; D.C. Code, sec. 47-301).

SEC. 135. The District of Columbia Financial Responsibility and Management Assistance Authority, acting on behalf of the District of Columbia Public Schools (DCPS) in formulating the DCPS budget, the Board of

Trustees of the University of the District of Columbia, the Board of Library Trustees, and the Board of Governors of the University of the District of Columbia School of Law shall vote on and approve the respective annual or revised budgets for such entities before submission to the Mayor of the District of Columbia for inclusion in the Mayor's budget submission to the Council of the District of Columbia in accordance with section 442 of the District of Columbia Home Rule Act (Public Law 93-198; D.C. Code, sec. 47-301), or before submitting their respective budgets directly to the Council.

SEC. 136. (a) ACCEPTANCE AND USE OF GRANTS NOT INCLUDED IN CEILING UNDER "DIVISION OF EXPENSES".—

(1) IN GENERAL.—The Mayor, in consultation with the Chief Financial Officer, during a control year, as defined in section 305(4) of the District of Columbia Financial Responsibility and Management Assistance Act of 1995 (Public Law 104-8; 109 Stat. 152), may accept, obligate, and expend Federal, private, and other grants received by the District government that are not reflected in the amounts appropriated in this Act.

(2) REQUIREMENT OF CHIEF FINANCIAL OFFICER REPORT AND AUTHORITY APPROVAL.—No such Federal, private, or other grant may be accepted, obligated, or expended pursuant to paragraph (1) until—

(A) the Chief Financial Officer of the District of Columbia submits to the Authority a report setting forth detailed information regarding such grant; and

(B) the Authority has reviewed and approved the acceptance, obligation, and expenditure of such grant in accordance with review and approval procedures consistent with the provisions of the District of Columbia Financial Responsibility and Management Assistance Act of 1995.

(3) PROHIBITION ON SPENDING IN ANTICIPATION OF APPROVAL OR RECEIPT.—No amount may be obligated or expended from the general fund or other funds of the District government in anticipation of the approval or receipt of a grant under paragraph (2)(B) of this subsection or in anticipation of the approval or receipt of a Federal, private, or other grant not subject to such paragraph.

(4) QUARTERLY REPORTS.—The Chief Financial Officer of the District of Columbia shall prepare a quarterly report setting forth detailed information regarding all Federal, private, and other grants subject to this subsection. Each such report shall be submitted to the Council of the District of Columbia, and to the Committees on Appropriations of the House of Representatives and the Senate, not later than 15 days after the end of the quarter covered by the report.

(b) REPORT ON EXPENDITURES BY FINANCIAL RESPONSIBILITY AND MANAGEMENT ASSISTANCE AUTHORITY.—Not later than 20 calendar days after the end of each fiscal quarter starting October 1, 2000, the Authority shall submit a report to the Committees on Appropriations of the House of Representatives and the Senate, the Committee on Government Reform of the House, and the Committee on Governmental Affairs of the Senate providing an itemized accounting of all non-appropriated funds obligated or expended by the Authority for the quarter. The report shall include information on the date, amount, purpose, and vendor name, and a description of the services or goods provided with respect to the expenditures of such funds.

SEC. 137. If a department or agency of the government of the District of Columbia is under the administration of a court-appointed receiver or other court-appointed official during fiscal year 2001 or any succeeding fiscal year, the receiver or official shall prepare and submit to the Mayor, for

inclusion in the annual budget of the District of Columbia for the year, annual estimates of the expenditures and appropriations necessary for the maintenance and operation of the department or agency. All such estimates shall be forwarded by the Mayor to the Council, for its action pursuant to sections 446 and 603(c) of the District of Columbia Home Rule Act, without revision but subject to the Mayor's recommendations. Notwithstanding any provision of the District of Columbia Home Rule Act (87 Stat. 774; Public Law 93-198) the Council may comment or make recommendations concerning such annual estimates but shall have no authority under such Act to revise such estimates.

SEC. 138. (a) Notwithstanding any other provision of law, rule, or regulation, an employee of the District of Columbia public schools shall be—

(1) classified as an Educational Service employee;

(2) placed under the personnel authority of the Board of Education; and

(3) subject to all Board of Education rules.

(b) School-based personnel shall constitute a separate competitive area from nonschool-based personnel who shall not compete with school-based personnel for retention purposes.

SEC. 139. (a) RESTRICTIONS ON USE OF OFFICIAL VEHICLES.—Except as otherwise provided in this section, none of the funds made available by this Act or by any other Act may be used to provide any officer or employee of the District of Columbia with an official vehicle unless the officer or employee uses the vehicle only in the performance of the officer's or employee's official duties. For purposes of this paragraph, the term "official duties" does not include travel between the officer's or employee's residence and workplace (except (1) in the case of an officer or employee of the Metropolitan Police Department who resides in the District of Columbia or is otherwise designated by the Chief of the Department; (2) at the discretion of the Fire Chief, an officer or employee of the District of Columbia Fire and Emergency Medical Services Department who resides in the District of Columbia and is on call 24 hours a day; (3) the Mayor of the District of Columbia; and (4) the Chairman of the Council of the District of Columbia).

(b) INVENTORY OF VEHICLES.—The Chief Financial Officer of the District of Columbia shall submit, by November 15, 2000, an inventory, as of September 30, 2000, of all vehicles owned, leased or operated by the District of Columbia government. The inventory shall include, but not be limited to, the department to which the vehicle is assigned; the year and make of the vehicle; the acquisition date and cost; the general condition of the vehicle; annual operating and maintenance costs; current mileage; and whether the vehicle is allowed to be taken home by a District officer or employee and if so, the officer or employee's title and resident location.

SEC. 140. (a) SOURCE OF PAYMENT FOR EMPLOYEES DETAILED WITHIN GOVERNMENT.—For purposes of determining the amount of funds expended by any entity within the District of Columbia government during fiscal year 2001 and each succeeding fiscal year, any expenditures of the District government attributable to any officer or employee of the District government who provides services which are within the authority and jurisdiction of the entity (including any portion of the compensation paid to the officer or employee attributable to the time spent in providing such services) shall be treated as expenditures made from the entity's budget, without regard to whether the officer or employee is assigned to the entity or otherwise treated as an officer or employee of the entity.

(b) MODIFICATION OF REDUCTION IN FORCE PROCEDURES.—The District of Columbia Government Comprehensive Merit Personnel Act of 1978 (D.C. Code, sec. 1-601.1 et seq.), is further amended in section 2408(a) by striking "2000" and inserting, "2001"; in subsection (b), by striking "2000" and inserting "2001"; in subsection (i), by striking "2000" and inserting, "2001"; and in subsection (k), by striking "2000" and inserting, "2001".

(c) No officer or employee of the District of Columbia government (including any independent agency of the District but excluding the District of Columbia Financial Responsibility and Management Assistance Authority, the Metropolitan Police Department, and the Office of the Chief Technology Officer) may enter into an agreement in excess of \$2,500 for the procurement of goods or services on behalf of any entity of the District government until the officer or employee has conducted an analysis of how the procurement of the goods and services involved under the applicable regulations and procedures of the District government would differ from the procurement of the goods and services involved under the Federal supply schedule and other applicable regulations and procedures of the General Services Administration, including an analysis of any differences in the costs to be incurred and the time required to obtain the goods or services.

SEC. 141. Notwithstanding any other provision of law, not later than 120 days after the date that a District of Columbia Public Schools (DCPS) student is referred for evaluation or assessment—

(1) the District of Columbia Board of Education or its successor, and DCPS shall assess or evaluate a student who may have a disability and who may require special education services; and

(2) if a student is classified as having a disability, as defined in section 101(a)(1) of the Individuals with Disabilities Education Act (84 Stat. 175; 20 U.S.C. 1401(a)(1)) or in section 7(8) of the Rehabilitation Act of 1973 (87 Stat. 359; 29 U.S.C. 706(8)), the Board and DCPS shall place that student in an appropriate program of special education services.

SEC. 142. (a) COMPLIANCE WITH BUY AMERICAN ACT.—None of the funds made available in this Act may be expended by an entity unless the entity agrees that in expending the funds the entity will comply with the Buy American Act (41 U.S.C. 10a-10c).

(b) SENSE OF CONGRESS; REQUIREMENT REGARDING NOTICE.—

(1) PURCHASE OF AMERICAN-MADE EQUIPMENT AND PRODUCTS.—In the case of any equipment or product that may be authorized to be purchased with financial assistance provided using funds made available in this Act, it is the sense of the Congress that entities receiving the assistance should, in expending the assistance, purchase only American-made equipment and products to the greatest extent practicable.

(2) NOTICE TO RECIPIENTS OF ASSISTANCE.—In providing financial assistance using funds made available in this Act, the head of each agency of the Federal or District of Columbia government shall provide to each recipient of the assistance a notice describing the statement made in paragraph (1) by the Congress.

(c) PROHIBITION OF CONTRACTS WITH PERSONS FALSELY LABELING PRODUCTS AS MADE IN AMERICA.—If it has been finally determined by a court or Federal agency that any person intentionally affixed a label bearing a "Made in America" inscription, or any inscription with the same meaning, to any product sold in or shipped to the United States that is not made in the United States, the person shall be ineligible to receive any contract or subcontract made with funds

made available in this Act, pursuant to the debarment, suspension, and ineligibility procedures described in sections 9.400 through 9.409 of title 48, Code of Federal Regulations.

SEC. 143. None of the funds contained in this Act may be used for purposes of the annual independent audit of the District of Columbia government (including the District of Columbia Financial Responsibility and Management Assistance Authority) for fiscal year 2000 unless—

(1) the audit is conducted by the Inspector General of the District of Columbia pursuant to section 208(a)(4) of the District of Columbia Procurement Practices Act of 1985 (D.C. Code, sec. 1-1182.8(a)(4)); and

(2) the audit includes a comparison of audited actual year-end results with the revenues submitted in the budget document for such year and the appropriations enacted into law for such year.

SEC. 144. Nothing in this Act shall be construed to authorize any office, agency or entity to expend funds for programs or functions for which a reorganization plan is required but has not been approved by the District of Columbia Financial Responsibility and Management Assistance Authority. Appropriations made by this Act for such programs or functions are conditioned only on the approval by the Authority of the required reorganization plans.

SEC. 145. Notwithstanding any other provision of law, rule, or regulation, the evaluation process and instruments for evaluating District of Columbia Public School employees shall be a non-negotiable item for collective bargaining purposes.

SEC. 146. None of the funds contained in this Act may be used by the District of Columbia Corporation Counsel or any other officer or entity of the District government to provide assistance for any petition drive or civil action which seeks to require Congress to provide for voting representation in Congress for the District of Columbia.

SEC. 147. None of the funds contained in this Act may be used to transfer or confine inmates classified above the medium security level, as defined by the Federal Bureau of Prisons classification instrument, to the Northeast Ohio Correctional Center located in Youngstown, Ohio.

SEC. 148. (a) Section 202(j) of the District of Columbia Financial Responsibility and Management Assistance Act of 1995 (sec. 47-392.2(j), DC Code), as amended by section 148(a) of the District of Columbia Appropriations Act, 2000, is amended to read as follows:

“(j) RESERVE.—

“(1) IN GENERAL.—Beginning with fiscal year 2000, the financial plan or budget submitted pursuant to this Act shall contain \$150,000,000, to remain available until expended, for a reserve to be established by the Mayor, Council of the District of Columbia, Chief Financial Officer for the District of Columbia, and the District of Columbia Financial Responsibility and Management Assistance Authority.

“(2) CONDITIONS ON USE.—The reserve funds—

“(A) shall only be expended according to criteria established by the Chief Financial Officer and approved by the Mayor, Council of the District of Columbia, and District of Columbia Financial Responsibility and Management Assistance Authority;

“(B) shall not be used to fund the agencies of the District of Columbia government under court ordered receivership; and

“(C) shall not be used to fund shortfalls in the projected reductions budgeted in the budget proposed by the District of Columbia government for general supply schedule savings, management reform savings, and cafeteria plan savings.

“(3) REPORT REQUIREMENT.—The Authority shall notify the Committees on Appropriations of the Senate and House of Representatives in writing 30 days in advance of any expenditure of the reserve funds.

“(4) REPLENISHMENT.—Any amount of the reserve funds which is expended in one fiscal year shall be replenished in the reserve funds from the following fiscal year appropriations to maintain the \$150,000,000 balance.”.

(b) Section 202(k) of such Act (sec. 47-392.2(k), DC Code), as amended by section 148(b) of the District of Columbia Appropriations Act, 2000, is amended to read as follows:

“(k) POSITIVE FUND BALANCE.—

“(1) IN GENERAL.—The District of Columbia shall maintain at the end of a fiscal year an annual positive fund balance in the general fund of not less than 4 percent of the projected general fund expenditures for the following fiscal year.

“(2) EXCESS FUNDS.—Of funds remaining in excess of the amounts required by paragraph (1)—

“(A) not more than 50 percent may be used for authorized non-recurring expenses; and

“(B) not less than 50 percent shall be used to reduce the debt of the District of Columbia.”.

(c) The amendments made by this section shall take effect as if included in the enactment of the District of Columbia Appropriations Act, 2000.

SEC. 149. Subsection 3(e) of Public Law 104-21 (D.C. Code sec. 7-134.2(e)) is amended to read as follows:

“(e) INSPECTOR GENERAL AUDIT.—Not later than February 1, 2001, and each February 1, thereafter, the Inspector General of the District of Columbia shall audit the financial statements of the District of Columbia Highway Trust Fund for the preceding fiscal year and shall submit to Congress a report on the results of such audit. Not later than May 31, 2001, and each May 31, thereafter, the Inspector General shall examine the statements forecasting the conditions and operations of the Trust Fund for the next five fiscal years commencing on the previous October 1 and shall submit to Congress a report on the results of such examination.”.

SEC. 150. None of the Federal funds contained in this Act may be used for any program of distributing sterile needles or syringes for the hypodermic injection of any illegal drug.

AMENDMENT NO. 2 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. 2 printed in House Report 106-790 offered by Mr. SOUDER:

In section 150, strike “Federal”.

The CHAIRMAN. Pursuant to House Resolution 563, 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 1 minute.

Mr. Chairman, my amendment would prohibit the use of any funds appropriated by this bill to finance needle exchange programs in the District of Columbia.

The reasoning is simple: Needle exchange programs sanction and facilitate the use of the same illegal drugs we are spending billions of dollars to

keep off our streets. They send the wrong message, and it simply does not work.

This is consistent with the needle exchange ban we passed and that was enacted in the bill last year, and I urge my colleagues to maintain the ban in this bill. This amendment restores the exact same language as the amendment that passed last year with 240 votes and was signed by the President.

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

Mr. MORAN of Virginia. Mr. Chairman, I am opposed to the amendment.

The CHAIRMAN. The gentleman from Virginia (Mr. MORAN) is recognized for 5 minutes.

Mr. MORAN of Virginia. Mr. Chairman, I yield 2 minutes to the gentleman from California (Mr. Dixon), whose amendment passed in full committee and whose amendment would be negated by this amendment.

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

This amendment clearly illustrates the philosophy of this bill, and that is "do as I say." Let me read to my colleagues the people that support the needle exchange program.

b 1600

The American Medical Association, the American Public Health Association, the United States Conference of Mayors.

Let me read to my colleagues what, on March of this year, the Surgeon General said. He said that "after reviewing all of the research to date, the senior scientists of the Department and I have unanimously agreed that there is conclusive scientific evidence that syringe exchange programs as part of a comprehensive HIV prevention strategy are, in effect, public health intervention that reduces the transmission of HIV and does not encourage the use of illegal drugs."

Clearly, everyone can see that some people are opposed to it notwithstanding the facts, and that is the reason this amendment is being offered.

The American Medical Association says that it has an impact. The Surgeon General has studied this. It is a simple amendment. It is a matter of simple philosophy. They do not like it.

What funds are they using? Their own funds. Is this some novel idea? Thirty States have these programs where they use State and local funds, 133 cities. But we come to the floor because we personally do not like it and say to them that they cannot use their own funds.

I urge my colleagues to vote no on this.

Mr. SOUDER. Mr. Chairman, I yield 1½ minutes to the distinguished gentleman from Virginia (Mr. GOODLATTE).

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

Mr. GOODLATTE. Mr. Chairman, I thank the gentleman from Indiana (Mr.

SOUDER) for yielding me the time and commend him for his effort.

I strongly support his amendment. This is something that would make it absolutely clear that the taxpayers' dollars, no matter what taxpayers' dollars those might be, cannot be used to provide needles to drug addicts to participate in an illegal activity.

We should not tell our children do not do drugs on the one hand while giving them free needles to shoot up with on the other. We need a national drug control policy which emphasizes education, interdiction, prevention and treatment, not subsidies for addicts.

Providing free hypodermic needles to addicts so that they can continue to inject illegal drugs sends a terrible message to our children that Congress has given up on the fight to stop illegal drug use and that the Federal Government implicitly condones this illegal activity.

As lawmakers, we have a responsibility to rise up and fight against the use and spread of drugs everywhere we can. We should start by making it harder, not easier, to practice this deadly habit.

This amendment will reaffirm the Federal Government's commitment to the war on drugs by prohibiting Federal and District funds from being used to conduct needle exchange programs in the District of Columbia. These programs are harmful to communities and undermine our Nation's drug control efforts.

Drug abuse continues to ravage our communities, our schools, and our children. Heroin use is again on the rise. Thousands of children will inject hard-core drugs like heroin and cocaine. The first year, many will die.

Oppose the effort to have needle exchanges. Support the Souder amendment.

Mr. MORAN of Virginia. Mr. Chairman, I yield 1 minute to the very distinguished gentleman from Wisconsin (Ms. BALDWIN).

Ms. BALDWIN. Mr. Chairman, I rise in strong opposition to this amendment to prohibit the District of Columbia from using any funds, Federal or local, for a needle exchange program.

The positive effects of needle exchange are proven. In communities across the country, needle exchange programs have been established and are contributing to the reduction of HIV transmission among IV drug users.

In my hometown of Madison, Wisconsin, as well as in other Wisconsin communities, outreach workers and volunteers go into the community and provide drug users with risk-reduction education and referrals to drug counseling treatment and other medical services.

Yet Congress continues to ignore the overwhelming scientific evidence showing that needle exchange is an effective HIV prevention tool.

I want to end with a personal note on this issue. When outreach workers in my community and in other Wisconsin

communities go out to drug abusers and say, I care about whether you live or die, it brings them into treatment and takes them off their dependency.

Mr. SOUDER. Mr. Chairman, I yield 2 minutes to the gentleman from Florida (Mr. MICA), the distinguished chairman who chairs the Subcommittee on Criminal, Justice, Drug Policy and Human Resources of the Committee on Government Reform.

Mr. MICA. Mr. Chairman, I do not ask my colleagues to support this amendment. I implore them to support this amendment.

If we want to listen to people who are making statements about needle exchange programs, take the word of our drug czar, this administration's drug czar, General Barry McCaffrey, who said, "by handing out needles, we encourage drug use. Such a message would be inconsistent with the tenure of our national youth-oriented anti-drug campaign."

That is our drug czar that made that statement.

If we want to look at examples where they have instituted drug and needle exchange programs and see the results, a 1997 Vancouver study reported that their needle exchange program started in 1988 with HIV prevalence in drug addicts at only 1 to 2 percent and now it is 23 percent.

The study found that 40 percent of the HIV-positive addicts had lent their used syringes in the previous 6 months.

Additionally, the study found that 39 percent of the HIV-negative addicts had borrowed a used syringe in the previous 6 months.

If we want to see what a liberal program will do to a city, just look to the sister city to the north, Baltimore. With a liberal mayor who adopted a liberal policy on needle exchange, everyone could do it.

The murder rate is a national disgrace. The addicts, and this information was given to our subcommittee by DEA, in 1996 were at 39,000.

Recently, a councilwoman, Rickie Specter, said that the statistics are not one in 10 of the city population, according to a Time Magazine report in September of 1999, but, and these are her words, "it is more like one in eight."

So if we want to ruin this city, adopt the policy in the bill and defeat the amendment.

Mr. MORAN of Virginia. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, drug czar General McCaffrey has never opposed a prohibition on local jurisdiction's efforts to implement a needle exchange program.

Mr. Chairman, I yield 1 minute to my friend, the honorable gentleman from New York (Mr. HINCHEY).

Mr. HINCHEY. Mr. Chairman, this amendment is an example of the misguided moralism that is so replete in this District of Columbia appropriations bill.

What is at issue here is public health. It has been clearly demonstrated that

by providing sterile syringes and needles to drug addicts, we cut back dramatically on the incidence of HIV and AIDS.

Fifty percent of the AIDS-positive people in the District of Columbia contracted that condition by using contaminated needles. Seventy-five percent of the women in the District of Columbia who are HIV-positive got that way as a result of contaminated needles. Seventy-five percent of the children who are HIV-positive in the District of Columbia got that way as a result of contaminated needles.

This is a public health issue. My colleagues ought to poke their noses out of it. Let the District run their own business. They are condemning people to contract HIV and AIDS by proposing this amendment if it passes. More people will become HIV-positive and more people will die of AIDS as a result of this amendment if it passes. It should be defeated.

Mr. SOUDER. Mr. Chairman, I yield myself the balance of the time.

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

Mr. SOUDER. Mr. Chairman, let me make it clear. There are only two scientific long-term studies, one in Vancouver and one in Montreal. In Montreal, the number that contracted the AIDS virus more than doubled; in Vancouver, it was higher among participants in the program.

Furthermore, one prominent advocate of the needle exchange program said most needle exchange programs provide a valuable service to users. They serve as sites of informal and increasingly formal organizing and coming together. A user might be able to do the networking needed to find good drugs in the half an hour he spends at the street-based needle exchange site, networking that might otherwise have taken half a day.

This does not help HIV people. This does not help drug addicts. The merciful thing to do, the caring thing to do is to help people get off of their addiction, not to fuel their habit by giving them free needles paid for by the taxpayers either directly or indirectly.

This idea that the money is not fungible is laughable. Either directly or indirectly, it should not come from the taxpayers of Indiana or anywhere else to fuel people's drug habits that also can lead them to the HIV virus.

Mr. Chairman, my amendment would prohibit the use of any of the funds appropriated by this bill to finance needle exchange programs in the District of Columbia. The reasoning is simple: needle exchange programs sanction and facilitate the use of the same illegal drugs we are spending billions of dollars to keep off our streets, send the wrong message, and simply don't work. It is consistent with the needle exchange ban we passed and that was enacted in the bill last year, and I urge my colleagues to maintain the ban in this bill. This amendment restores the exact language that passed last year with 240 votes and was signed by the President.

#### NEEDLE EXCHANGE PROMOTES DRUG USE

Our experience with the needle exchange programs so far has shown us that needle exchange programs can become havens not only for drug use, but also magnets for drug dealers and networking sites for addicts to learn where to find more drugs. For example, Donald Grovers, who is a prominent advocate of needle exchange programs, has said:

Most needle exchange programs provide a valuable service to users. . . . They serve as sites of informal (and increasingly formal) organizing and coming together. A user might be able to do the networking needed to find good drugs in the half an hour he spends at the street-based needle exchange site—networking that might otherwise have taken half a day.

It's also a basic economic law that sellers go where their customers are, and for a drug dealer there can be few targets of opportunity riper than a needle exchange location. It is almost literally bringing sheep to the wolf. The New York Times reported in 1997 that:

When a storefront is handing out 20,000 syringes a week, suppliers are not far away. East Villagers who have been trying to rebuild a neighborhood devastated by drugs during the 1980s complain that the needle exchange has brought more dealers back to the streets and more addicts into the halls of the public housing projects at the corner.

James Curtis, a Columbia University Professor, observed in a New York Times Op Ed that tenant groups around one of New York's largest needle exchange programs told him that the center had become a magnet for dealers, and that used needles, syringes and crack vials litter their sidewalks. The police do nothing.

Needle exchange sites have become, for all practical purposes, safe havens for drug users to escape law enforcement. The office of the DC Police Chief has previously said that its policy is to "look the other way" when drug addicts approach the Whitman-Walker clinic's mobile van unit to receive needles, and other programs are designated "police-free zones." The Office of National Drug Control Policy concluded that the highest rates of property crime in Vancouver were within two blocks of the needle exchange.

#### NEEDLE EXCHANGE PROGRAMS SEND THE WRONG MESSAGE

Mr. Chairman, we have already appropriated billions of dollars for next year to keep drugs off our streets through drug interdiction and law enforcement, including aid to the states and the District of Columbia. We have also appropriated substantial sums to help those who are addicted to drugs get off and stay off through prevention and treatment efforts, also including aid to the states and the District of Columbia. It makes no sense whatsoever to turn around in this bill and appropriate more funds to directly counter those efforts by passing out free needles to addicts, or to support efforts by the District of Columbia (or any state for that matter) to counter the goals of federal policy in these areas.

Finally, General McCaffrey also pointed out that:

Needle exchange programs are almost exclusively located in disadvantaged, predominantly minority, low income neighborhoods. . . . These programs are magnets for all social ills—pulling in crime, violence, addicts, prostitution, dealers, and gangs and driving out hope and opportunity. The overwhelming

likelihood is that the burdens of any expansion in needle exchange programs will continue to fall upon those already struggling to get by.

Just yesterday, we passed the Community Renewal bill, one of the most hopeful and optimistic pieces of legislation we have considered this Congress. Do we want to turn around today and go in the other direction?

#### NEEDLE EXCHANGE PROGRAMS DON'T WORK

Finally, even if we were to ignore all of that and adopt for the purposes of argument the fundamental premises of needle exchange advocates, the cold fact of the matter is that needle exchange programs simply don't work.

Dr. Fred Payne, medical advisor to the Children's AIDS Fund, found that "the data from four studies . . . strongly indicate that needle exchange is ineffective in reducing HIV transmission among study participants," and concluded that the evidence on the whole indicated that programs were ineffective.

Mr. MORAN of Virginia. Mr. Chairman, I yield the final one minute to the gentlewoman from the District of Columbia (Ms. NORTON).

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

Mr. Chairman, for many of us, this has become an issue laden with emotional content because of its life-or-death consequences so visible where we live.

HIV-AIDS has become another burden of race in our country and in this majority black and Hispanic city. Today, the disease is largely a black and brown killer because of contaminated needles. The overwhelming majority of new cases have been black and Hispanic for years now. HIV-AIDS is now a racially based public health emergency.

What Congress does on needle exchange is heavily laden with racial content. The Congress allows citizen localities everywhere else on Earth to do what is safe and what works for them.

The Congress must not condemn women, men, and children who live in the District to die because they live in the District. That is what we do if we wipe out the District needle exchange program in the city.

Mr. MORAN of Virginia. Mr. Chairman, I yield such time as she may consume to the gentlewoman from Maryland (Mrs. MORELLA).

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

Mrs. MORELLA. Mr. Chairman, I urge my colleagues to allow the District to make its own decisions on how to best prevent new HIV infection.

Mr. Chairman, I rise in opposition to the Souder amendment. This amendment will prohibit the use of both federal and local funds for the City's needle exchange program to prevent new HIV infections in injection drug users and their partners.

The District of Columbia has one of the highest HIV infection rates in the country. Intravenous drug use is the District's second highest mode of transmission, accounting for over 37 percent of all new AIDS cases. For

women, where the rate of infection is growing faster than among men, it is the highest mode of transmission.

Scientific evidence supports the fact that needle exchange programs reduce HIV infection and do not contribute to illegal drug use. The American Medical Association, the American Bar Association, the American Public Health Association, the American Academy of Pediatrics, and the United States Conference of Mayors all have expressed their support for needle exchange, as part of a comprehensive HIV prevention program. Dr. C. Everett Koop, former Surgeon General, also expressed support for clean needle exchange programs. These are his words, "Having worked on the HIV/AIDS epidemic since its emergence in the U.S., I . . . express my strong belief that local programs of clean needle exchange can be an effective means of preventing the spread of the disease without increasing the use of illicit drugs."

Once again, we are engaged in heated debate over policies that are best left in the hands of the scientific community. We should not be politicizing public health decisions.

The District of Columbia has had a local needle exchange program in place since 1997. By using its own funds the number of new HIV/AIDS cases due to intravenous drug uses had fallen more than 65% through 1999. This represents the most significant decline in new AIDS cases, across all transmission categories, over this time period.

Mr. Chairman, AIDS is the third leading cause of death in the District. Without a needle exchange program, HIV will spread unchecked, and more people will be at risk. Public health decisions should be made by public health officials; science should dictate such decisions, not politics. I urge my colleagues allow the District to make its own decisions on how best to prevent new HIV infections. Vote "no" on this amendment.

Mr. DAVIS of Illinois. Mr. Chairman, I rise today to oppose the Souder amendment and the bill for several reasons.

The bill ignores the fact that needle exchange does not increase drug use. It ignores the fact that society would have fewer individuals infected with HIV if they used clean needles. Needle exchange programs make needles available on a replacement basis only, and refer participants to drug counseling and treatment. Numerous studies concluded that needle exchange programs have shown a reduction in risk behaviors as high as 80 percent in injecting drug users, with estimates of 30 percent or greater reduction of HIV.

Mr. Chairman, it has long been known that socioeconomic status impacts not only an individual's access to and use of health care but also the quality and benefits derived from health care. Impoverished communities have higher numbers of homeless individuals. Homelessness, in turn, increases risk for HIV due to associated high rates of substance abuse and prostitution.

The Federal Office of Minority Health has determined that increased economic inequality is the driving force behind the rising health disparities among Americans. Today, racial and ethnic minorities comprise approximately 27 percent of the U.S. population, but account for more than 66 percent of the Nation's new AIDS cases.

Mr. Chairman, last year I said this amendment was politically driven, rather than sci-

entifically based and that still remains true. This bill whips on the poorest of the poor. This bill puts at risk millions of Americans who might be married or committed to someone who they may not know is an intravenous drug user. More importantly, this bill puts children at risk.

Mr. Chairman, in order to stop the spread of HIV and improve the health care of those already infected, prevention and intervention programs that are designed to address the specific needs of the population affected must be supported. The D.C. "clean" needle exchange program must be funded. I urge all members to vote against this thoughtless amendment.

The CHAIRMAN. All time has expired.

The question is on the amendment offered by the gentleman from Indiana (Mr. SOUDER).

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

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

The CHAIRMAN. Pursuant to House Resolution 563, further proceedings on the amendment offered by the gentleman from Indiana (Mr. SOUDER) will be postponed.

The point of no quorum is considered withdrawn.

The Clerk will read.

The Clerk read as follows:

SEC. 151. (a) RESTRICTIONS ON LEASES.—Upon the expiration of the 60-day period that begins on the date of the enactment of this Act, none of the funds contained in this Act may be used to make rental payments under a lease for the use of real property by the District of Columbia government (including any independent agency of the District) unless the lease and an abstract of the lease have been filed (by the District of Columbia or any other party to the lease) with the central office of the Deputy Mayor for Economic Development, in an indexed registry available for public inspection.

(b) ADDITIONAL RESTRICTIONS ON CURRENT LEASES.—

(1) IN GENERAL.—Upon the expiration of the 60-day period that begins on the date of the enactment of this Act, in the case of a lease described in paragraph (3), none for the funds contained in this Act may be used to make rental payments under the lease unless the lease is included in periodic reports submitted by the Mayor and Council of the District of Columbia to the Committees on Appropriations of the House of Representatives and Senate describing for each such lease the following information:

(A) The location of the property involved, the name of the owners of record according to the land records of the District of Columbia, the name of the lessors according to the lease, the rate of payment under the lease, the period of time covered by the lease, and the conditions under which the lease may be terminated.

(B) The extent to which the property is or is not occupied by the District of Columbia government as of the end of the reporting period involved.

(C) If the property is not occupied and utilized by the District government as of the end of the reporting period involved, a plan for occupying and utilizing the property (including construction or renovation work) or

a status statement regarding any efforts by the District to terminate or renegotiate the lease.

(2) TIMING OF REPORTS.—The reports described in paragraph (1) shall be submitted for each calendar quarter (beginning with the quarter ending December 31, 2000) not later than 20 days after the end of the quarter involved, plus an initial report submitted not later than 60 days after the date of the enactment of this Act, which shall provide information as of the date of the enactment of this Act.

(3) LEASES DESCRIBED.—A lease described in this paragraph is a lease in effect as of the date of the enactment of this Act for the use of real property by the District of Columbia government (including any independent agency of the District) which is not being occupied by the District government (including any independent agency of the District) as of such date or during the 60-day period which begins on the date of the enactment of this Act.

SEC. 152. (a) MANAGEMENT OF EXISTING DISTRICT GOVERNMENT PROPERTY.—Upon the expiration of the 60-day period that begins on the date of the enactment of this Act, none of the funds contained in this Act may be used to enter into a lease (or to make rental payments under such a lease) for the use of real property by the District of Columbia government (including any independent agency of the District) or to purchase real property for the use of District of Columbia government (including any independent agency of the District) or to manage real property for the use of the District of Columbia (including any independent agency of the District) unless the following conditions are met:

(1) The Mayor and Council of the District of Columbia certify to the Committees on Appropriations of the House of Representatives and Senate that existing real property available to the District (whether leased or owned by the District government) is not suitable for the purposes intended.

(2) Notwithstanding any other provisions of law, there is made available for sale or lease all real property of the District of Columbia that the Mayor from time to time determines is surplus to the needs of the District of Columbia, unless a majority of the members of the Council override the Mayor's determination during the 30-day period which begins on the date the determination is published.

(3) The Mayor and Council implement a program for the periodic survey of all District property to determine if it is surplus to the needs of the District.

(4) The Mayor and Council within 60 days of the date of the enactment of this Act have filed with the Committees on Appropriations of the House of Representatives and Senate, the Committee on Government Reform of the House of Representatives, and the Committee on Governmental Affairs of the Senate a report which provides a comprehensive plan for the management of District of Columbia real property assets, and are proceeding with the implementation of the plan.

(b) TERMINATION OF PROVISIONS.—If the District of Columbia enacts legislation to reform the practices and procedures governing the entering into of leases for the use of real property by the District of Columbia government and the disposition of surplus real property of the District government, the provisions of subsection (a) shall cease to be effective upon the effective date of the legislation.

SEC. 153. Section 158(b) of Public Law 106-113, approved November 29, 1999 (113 Stat. 1527) is amended to read as follows:

"(b) SOURCE OF FUNDS.—An amount not to exceed \$5,000,000 from the National Highway



System funds apportioned to the District of Columbia under section 104 of title 23, United States Code, may be used for purposes of carrying out the project under subsection (a)."

POINT OF ORDER

Mr. PETRI. Mr. Chairman, I raise a point of order against section 153 on the grounds that it is legislation on an appropriations bill in violation of clause 2 of rule XXI of the rules of the House.

This provision makes changes to existing law by earmarking up to \$5 million of the District of Columbia's Federal highway funds to complete design and environmental requirements for the construction of expanded lane capacity for the 14th Street Bridge. This would be an unprecedented earmarking of State formula highway funds by the Congress.

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

The gentleman from Virginia (Mr. MORAN) is recognized.

Mr. MORAN of Virginia. Mr. Chairman, put this language in. We have a desperate situation on the 14th Street Bridge that is going to be exacerbated by construction on the Woodrow Wilson Bridge and construction on I-66.

Right now, on many days we will see backups for miles both north and south on the GW Parkway. I am sure that many of the Members who do live in Virginia are acutely aware of this problem. We need to widen the 14th Street Bridge desperately. It should be taken care of by the Public Works Committee.

Now, all this is is money for planning, design, and construction to widen the 14th Street Bridge. I can see that the Public Works Committee wants to retain all of its prerogatives and this is a turf thing, and that is understandable.

What we were trying to do was to help out the District of Columbia so they did not have to take it from their own transportation money.

No good deed generally goes unpunished, and I see this good deed is going to be punished. So I understand the motion of the gentleman from Wisconsin (Mr. PETRI). There is little we can do at this point because, under the parliamentary rules, it is a point of order.

At this point I would concede the point of order.

b 1615

The CHAIRMAN. Section 153 of the bill proposes directly to amend existing law. As such, it constitutes legislation in violation of clause 2(b) of rule XXI. The point of order is sustained. Section 153 is stricken from the bill.

The Clerk will read.

The Clerk read as follows:

SEC. 154. (a) CERTIFICATION.—None of the funds contained in this Act may be used after the expiration of the 30-day period that begins on the date of the enactment of this Act to pay the salary of any chief financial officer of any office of the District of Columbia government (including the District of Columbia Financial Responsibility and Man-

agement Assistance Authority and any independent agency of the District) who has not filed a certification with the Mayor and the Chief Financial Officer of the District of Columbia that the officer understands the duties and restrictions applicable to the officer as a result of this Act (and the amendments made by this Act), including any duty to prepare a report requested either in the Act or in any of the reports accompanying the Act and the deadline by which each report must be submitted, and the District's Chief Financial Officer shall provide to the Committees on Appropriations of the Senate and the House of Representatives by the 10th day after the end of each quarter a summary list showing each report, the due date and the date submitted to the Committees.

(b) PENALTY.—Any chief financial officer who carries out any activity in violation of any provision of this Act or any amendment made by this Act shall be subject to a civil money penalty in accordance with applicable District of Columbia law.

SEC. 155. (a) Notwithstanding the provisions of the District of Columbia Government Comprehensive Merit Personnel Act of 1978 (D.C. Law 2-139; D.C. Code 1-601.1 et seq.), or any other District of Columbia law, statute, regulation, the provisions of the District of Columbia Personnel Manual, or the provisions of any collective bargaining agreement, employees of the District of Columbia government will only receive compensation for overtime work in excess of 40 hours per week (or other applicable tour of duty) or work actually performed, in accordance with the provisions of the Fair Labor Standards Act, 29 U.S.C. §201 et seq.

(b) Subsection (a) of this section shall be effective December 27, 1996 in order to ratify and approve the Resolution and Order of the District of Columbia Financial Responsibility and Management Assistance Authority, dated December 27, 1996.

SEC. 156. The proposed budget of the government of the District of Columbia for fiscal year 2002 that is submitted by the District to Congress shall specify potential adjustments that might become necessary in the event that the management savings achieved by the District during the year do not meet the level of management savings projected by the District under the proposed budget.

SEC. 157. In submitting any document showing the budget for an office of the District of Columbia government (including an independent Agency of the District) that contains a category of activities labeled as "other", "miscellaneous", or a similar general, nondescriptive term, the document shall include a description of the types of activities covered in the category and a detailed breakdown of the amount allocated for each such activity.

SEC. 158. (a) None of the funds contained in this Act may be used to enact or carry out any law, rule, or regulation to legalize or otherwise reduce penalties associated with the possession, use, or distribution of any schedule I substance under the Controlled Substances Act (21 U.S.C. 802) or any tetrahydrocannabinols derivative.

(b) The Legalization of Marijuana for Medical Treatment Initiative of 1998, also known as Initiative 59, approved by the electors of the District of Columbia on November 3, 1998, shall not take effect.

SEC. 159. Notwithstanding any other provision of law, the Mayor of the District of Columbia, in consultation with the committee established under section 603(e)(2)(B) of the Student Loan Marketing Association Reorganization Act of 1996 (Public Law 104-208; 110 Stat. 8009-293, as amended by Public Law 106-113; 113 Stat. 1526), is hereby authorized to allocate the District's limitation amount

of qualified zone academy bonds (established pursuant to 26 U.S.C. 1397E) among qualified zone academies within the District.

SEC. 160. (a) Section 11232 of the Balanced Budget Act of 1997 (sec. 24-1232, DC Code) is amended—

(1) by redesignating subsections (f) through (i) as subsections (g) through (j); and

(2) by inserting after subsection (e) the following new subsection:

"(f) TREATMENT AS FEDERAL EMPLOYEES.—

"(1) IN GENERAL.—The Trustee and employees of the Trustee who are not covered under subsection (e) shall be treated as employees of the Federal Government solely for purposes of the following provisions of title 5, United States Code:

"(A) Chapter 83 (relating to retirement).

"(B) Chapter 84 (relating to the Federal Employees' Retirement System).

"(C) Chapter 87 (relating to life insurance).

"(D) Chapter 89 (relating to health insurance).

"(2) EFFECTIVE DATES OF COVERAGE.—The effective dates of coverage of the provisions of paragraph (1) are as follows:

"(A) In the case of the Trustee and employees of the Office of the Trustee and the Office of Adult Probation, August 5, 1997, or the date of appointment, whichever is later.

"(B) In the case of employees of the Office of Parole, October 11, 1998, or the date of appointment, whichever is later.

"(C) In the case of employees of the Pretrial Services Agency, January 3, 1999, or the date of appointment, whichever is later.

"(3) RATE OF CONTRIBUTIONS.—The Trustee shall make contributions under the provisions referred to in paragraph (1) at the same rates applicable to agencies of the Federal Government.

"(4) REGULATIONS.—The Office of Personnel Management shall issue such regulations as are necessary to carry out this subsection."

(b) The amendment made by subsection (a) shall take effect as if included in the enactment of title XI of the Balanced Budget Act of 1997.

SEC. 161. It is the sense of Congress that the patients of Saint Elizabeths Hospital and the taxpayers of the District of Columbia are being poorly served by the current facilities and management of the Hospital.

SEC. 162. It is the sense of Congress that the District of Columbia Financial Responsibility and Management Assistance Authority should quickly complete the sale of the Franklin School property, a property which has been vacant for over 20 years.

SEC. 163. It is the sense of Congress that the District of Columbia government should take all steps necessary to ensure that officials of the District government (including officials of the District of Columbia Financial Responsibility and Management Assistance Authority, independent agencies, boards, commissions, and corporations of the government) maintain a fiduciary duty to the taxpayers of the District in the administration of funds under their control.

SEC. 164. No amounts may be made available during fiscal year 2001 to the District of Columbia Health and Hospitals Public Benefit Corporation (through reprogramming, transfers, loans, or any other mechanism) other than the amounts which are otherwise provided for the Corporation in this Act under the heading "DISTRICT OF COLUMBIA HEALTH AND HOSPITALS PUBLIC BENEFIT CORPORATION".

SEC. 165. (a) For each payment or group of payments made by or on behalf of the District of Columbia Health and Hospitals Public Benefit Corporation, the Chief Financial Officer of the District of Columbia shall sign an affidavit certifying that the making of the payment does not constitute a violation of any provision of subchapter III of chapter



13 of title 31, United States Code, or of any provision of this Act.

(b) More than one payment may be covered by the same affidavit under subsection (a), but a single affidavit may not cover more than one week's worth of payments.

(c) It shall be unlawful for any person to order any other person to sign any affidavit required under this section, or for any person to provide any signature required under this section on such an affidavit by proxy or by machine, computer, or other facsimile device.

SEC. 166. The District of Columbia Health and Hospitals Public Benefit Corporation may not obligate or expend any amounts during fiscal year 2001 unless (at the time of the obligation or expenditure) the Corporation certifies that the obligation or expenditure is within the budget authority provided to the Corporation in this Act.

SEC. 167. Nothing in this Act bars the District of Columbia Corporation Counsel from reviewing or commenting on briefs in private lawsuits, or from consulting with officials of the District government regarding such lawsuits.

SEC. 168. (a) Notwithstanding any other provision of law, the Health Insurance Coverage for Contraceptives Act of 2000 (D.C. Bill 13-399) shall not take effect.

(b) Nothing in this section may be construed to prevent the Council or Mayor of the District of Columbia from addressing the issue of the provision of contraceptive coverage by health insurance plans, but it is the intent of Congress that any legislation enacted on such issue should include a "conscience clause" which provides exceptions for religious beliefs and moral convictions.

AMENDMENT NO. 23 OFFERED BY MS. NORTON

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 23 printed in the CONGRESSIONAL RECORD offered by Ms. NORTON:

In section 168, strike "(a)" and all that follows through "(b)".

The CHAIRMAN. Pursuant to the order of the House today, the gentlewoman from the District of Columbia (Ms. NORTON) and the gentleman from Oklahoma (Mr. ISTOOK) each will control 20 minutes.

The Chair recognizes the gentlewoman from the District of Columbia (Ms. NORTON).

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

I rise to ask that subsection (a) of section 168 be stricken as moot. It certainly repeals a section of D.C. law soon to be vetoed locally. The Congress like every legislature or law enforcement body always prefers to have people act on their own.

This is what the mayor and the D.C. council have done to extinguish the controversy that arose concerning the council bill to provide contraception as an option in insurance sold in the District. The council, on its own, came close to adopting a conscience clause but narrowly failed. Now indisputably the council is ready, willing and able to act. A joint letter from Mayor Anthony Williams and Council Chair Linda Cropp to the chairman indicated that they, quote, "who know the issues best

and all the parties well are prepared to address the necessary clause, giving great weight to parties in the District who advocate family planning and religious liberty," end quote.

To make good on his letter, the mayor publicly announced, on television, that he will pocket veto the contraception bill and work with the council to produce an acceptable compromise. The mayor is using a pocket veto rather than a veto now not because of any reluctance to veto the bill but because he has taken upon himself to bring all the parties together to a solution acceptable to all.

Mayor Williams is himself Catholic, and he has met with Auxiliary Bishop William Lori. He knows his council, and his judgment is that a pocket veto is what is appropriate if the point is to reach a solution acceptable to church and state alike, rather than further polarize the parties. The letter from Council Chair Cropp and Mayor Williams to the gentleman from Oklahoma (Mr. ISTOOK) and the Mayor's public announcement that he will pocket veto the bill as well as assurances of the pocket veto received here in writing to the chairman makes subsection (a) of section 168 moot. What would remain is section 168(b).

This section relating to religious and moral concerns more than satisfies the issue that has been raised in the Congress. Not to strike section (a) comes close to an insult to the Mayor and the Council Chair who have given their word in writing and publicly. In political life, a public man or woman's word is his or her bond. What D.C. officials have written and the Mayor has publicly declared concerning a pocket veto surely closes the circle and gives all the assurances that out of respect and dignity should ever be asked.

There is more. As you know, D.C. law is not law until it lays over for 30 legislative days. That time frame means that considering the upcoming recess days, no bill could become law until sometime in March. To add to that insurance policy, the Congress can on its own, sui sponte, introduce and enact any bill or amendment concerning the District, such is your all-consuming power over the District of Columbia.

Mayor Anthony Williams and Council Chair Linda Cropp and the D.C. City Council deserve their dignity as grown-up public officials with reputations for integrity elected to govern our Nation's capital. I ask you to show them the same respect we ourselves would demand. Please strike section 168(a).

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

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

I am going to have a somewhat mixed response to the comments by the gentlewoman from the District of Columbia. What we are talking about here has not, I do not think, been fully stated, and it needs to be. I believe the date was July 11 when the Council had its meeting.

At that meeting, an ordinance came up for consideration requiring placing a mandate compelling employers in the District of Columbia to make one portion of health insurance coverage be that contraceptives would be covered, that they would be part of the benefit. Now, we could have a separate debate, we are not going to, but we could have a separate debate about what happens when you keep putting different mandates on health insurance.

No matter how common sense some particular mandate may seem to some people, it still drives up the cost. It is like every time you buy a car, they say, do you want this option or that option, or anything else that you purchase that you have got options, the more options you choose, the higher it costs. The same thing is true, of course, with health insurance.

If you require that people cannot buy health insurance unless you get it with all these options, then you find that nobody can buy plain coverage. Just like they could not buy a plain car if they had to buy the ones with all the options with it. Now, that is a separate issue because frankly it is not the core of the debate but that is where it started.

They said we want to mandate. We want to make sure if you are an employer in the District of Columbia and you are offering health care benefits, you cannot do it unless you include coverage for contraceptives. In the process of doing so, there had been a lot of work behind the scenes and a lot of debate and a lot of effort by the D.C. Council and by people within the community bringing up the issue of a conscience clause.

The Catholic Church, and entities affiliated with it, which has religious beliefs that are negative toward contraceptives, at least in the way that many other people may look at them, but the Catholic Church is a major employer in the District of Columbia. Georgetown University, the hospital services they provide, I will mention maybe as part of the laundry list later, but the point is they said, "For us and for other people, you are asking us to be doing something that is against our beliefs. You shouldn't do that."

We have got the first amendment protecting religion in this country. And what happened—and people saw it on TV, and they read about it—was that a little bit of a fire storm developed because rather than accommodating a good faith request for a conscience clause for people who have a religious or moral problem with providing contraceptives, the D.C. Council ran roughshod over them. Not only that, they conducted a hearing that was vitriolic toward people of faith in general and the Catholic Church in particular.

That did not sit well with this Congress. That did not sit well with a great many people in the District. That did not sit well with people in the country. So we put in the bill a simple

provision under our authority, under our obligation of article 1, section 8 of the Constitution, to have the legislative authority over the District of Columbia, saying this proposed law, that I believe ultimately was even adopted unanimously by the D.C. Council, this proposed law shall not take effect, cannot do it. And if you come back to fix things, to adopt a conscience clause, make sure that it covers religious beliefs and moral convictions, which is the law that is found in the Federal standard that we have adopted, for example, for the Federal employees health benefit plan. The Federal standard provides coverage for contraceptives but does not mandate that it has to be done so in violation of a religious belief or a moral conviction of the employer, employee and so forth. So we have got that in there.

The gentlewoman from the District of Columbia, however, makes an objection to the portion, and to her credit she is not asking that we strike the entire section, she is not asking that and nobody should think that she is. She is not asking that we strike the section that says if they come back and do something again, they must provide a conscience clause for religious belief and moral conviction. What she is requesting is that we strike the part that says this proposed law shall not go into effect.

Well, why? Because, she says, having been subjected to this fire storm, the mayor and the council have learned and they have made public statements that they intend to do this and the mayor has made a public statement, indeed he has done so to me in writing, that he intends to do a pocket veto of the bill.

Now, that legislation was passed by the D.C. Council a couple of weeks ago, and he has had an opportunity to veto this legislation. He has had the opportunity. He could just take it, write veto, and it is vetoed. And then what is left for us to do?

Instead, he said he wants to use a procedure that drags it out, that gives them, I think it is about 10 business days or so, that may ultimately result in vetoing that legislation which so many people find so offensive, but he has not done it yet. We are dealing with the here and now. We are talking about the current circumstances, which is that this provision is alive, and people want to look to us and they say, "We don't want you to demonstrate the disregard for religious convictions and beliefs of people of faith in this country that was demonstrated by the Council in the District of Columbia." They want to make sure that we take action to show which side we are on on this issue.

If we do not use our opportunity to disapprove it, who are we siding with? The mayor could veto this bill, the bill that was passed by the D.C. Council. He could veto it. He has chosen not to do so. He has said he will do it with a pocket veto in the future. I believe him.

Nevertheless, right now it is a live issue. And since a live issue is before us and people in the District government knew the basic schedule of when this bill would come to the floor, they could have taken action before it got to this point. They have not chosen to do so. The D.C. Council could have gotten together and said, we rescind, we take back what we did. They have not done that. They have had time to do it. They have not done it. People want to know where we stand. I believe that we, under the situation as it exists now, should not accept this amendment, we should oppose it, but certainly we look forward to the future when the D.C. Council and the mayor will actually take action, not just say they are going to do something but will actually take action to fix this situation.

Mr. Chairman, I would like to include a letter from the National Conference of Catholic Bishops and printed excerpts from D.C. Council proceedings on this issue.

NATIONAL CONFERENCE OF  
CATHOLIC BISHOPS,  
Washington, DC, July 25, 2000.

To Hon. ERNEST ISTOOK, JR.

DEAR MEMBER OF CONGRESS: As the House of Representatives considers the District of Columbia appropriations bill for Fiscal Year 2001, I write to explain the need for strong conscience protection in the bill's provision on mandated contraceptive coverage.

As approved by committee, the bill prevents implementation of the D.C. City Council's proposal to force all employers in the District of Columbia, to buy coverage for a broad range of contraceptives and abortifacient "morning-after" drugs for their employees. The bill also expresses the intent of Congress that any future D.C. legislation on this issue include a conscience clause that "provides exceptions for religious beliefs and moral convictions."

On the House floor there may be an effort to delete or weaken this provision, possibly by deleting conscience protection based on moral convictions. Congress should reject such a change.

We object to a government mandate for contraceptive coverage generally. At a time when tens of millions of Americans lack even the most basic health coverage, effort to mandate elective drugs and devices which raise serious moral problems and can pose their own health risks are misguided. In addition, any such mandate will cause needless injustice if it does not provide full protection to those who object for reason of conscience. This is so for several reasons:

Narrow Language Protecting only Churches Is Inadequate. City Council members who strongly favor the contraceptive mandate offered a conscience clause protecting only "religious organizations" when they approved their bill July 11. But they defined a "religious organization" so narrowly that it would exclude hospitals, universities, religiously affiliated social service agencies such as Catholic Charities, and even Catholic elementary schools. An organization could qualify for exemption only if its "primary purpose" is the "inculcation of religious beliefs"—and as a Council member observed, Catholic schools teach subjects other than religion. The Council also would have assessed a fine against each religious organization claiming an exemption; the fine would defray the costs of investigations by the D.C. Insurance Commissioner to ensure that the organization is "religious enough." Council

members who support genuine conscience protection rightly declined the offer of "protection" framed in this way. A vague requirement to protect only "religious beliefs," however, may invite renewed mischief of this kind.

Moral Concerns and Abortifacient Drugs. The D.C. mandate requires coverage of all prescription drugs and devices approved by the FDA for contraception, including, what the FDA calls "postcoital emergency contraception." Aside from specifically religious concerns, there is broad agreement that such drugs often work by destroying an early human embryo. This raises moral concerns about early abortion which transcend any particular religion. Congress itself bans federal funding of experiments that harm or destroy human embryos in the first two weeks of life—a sound moral decision based on no one religious belief. Congress should not deny the same right of morally based decision making to others.

Federal Precedent on Rights on Conscience. Numerous conscience clauses in federal law protect conscientious objection based on both religious and moral grounds, in contexts ranging from capital punishment to abortion and sterilization. Many state laws are similarly broad. These are based on a sound understanding that forcing someone to engage in activity that violates his or her deeply held conscientious beliefs is a violation of human rights and an abuse of government. Clearly, not all conscientious moral convictions are based on religious belief. Indeed, Congress protects medical residency programs from being forced to provide abortion training regardless of whether their opposition is morally based, because abortion is simply not the kind of practice which anyone should be forced to participate in for any reason. Current protections against forced participation in abortion and sterilization also extend to organizations as well as individuals. To retreat from this tradition now in favor of narrower and more grudging protection restricted to religious belief alone would send an ominous signal regarding the U.S. government's respect for rights of conscience.

Protecting Individuals' Conscience Rights. By mandating prescription contraceptive coverage in health plans, the government increases the pressure on individual physicians and pharmacists in these plans to violate their own consciences. Even without a government mandate, pharmacists' careers have been endangered when they refuse on moral grounds to fill prescriptions for abortifacient "emergency contraception" (see J. Allen, "Morning-after pill" battles flare: Patients, doctors, druggists in birth-control tug of war," Washington Times, May 27, 1997, p. A3). In light of such cases, the American Pharmaceutical Association and other organizations have urged respect for rights of "conscientious refusal" which they do not confine to religious grounds. Codes of medical ethics, as well, generally speak of physicians' right to refuse participation in activities they find immoral or unethical. The federal government has already enacted conscience protection based on both religious and moral convictions for health care personnel in health plans providing coverage to federal employees. It should do no less here, attending as well to employees who could be forced by government to purchase morally objectionable contraceptive coverage or forgo prescription drug coverage altogether.

We believe contraceptive mandates should not be imposed on private organizations. But if some form of mandate is adopted, effective

protection for conscientious objection on both moral and religious grounds should be ensured.

Sincerely yours,

Rev. Msgr. DENNIS M. SCHNURR,  
General Secretary.

REMARKS BY DC CITY COUNCIL ON  
CONTRACEPTIVE COVERAGE

KATHLEEN PATTERSON (WARD 3)

"It would, in fact, put the District in the role of sanctioning workplace discrimination. . . . If we approve this amendment, we are, as a matter of policy, permitting one particular large and powerful institution to between low income District women and comprehensive health care coverage."

SHARON AMBROSE (WARD 6)

"If some other religion, let's say some other religion that was not quite so large an employer in Ward 5 and in the city in general as is the Holy Roman Church. Let us say another religion, Mrs. Allen's Sunday Morning Worship Service over on K St., SE . . . what if decided it was going to exclude certain employees of its large church kitchen from coverage in its plan. Would that be, would that be OK?"

JIM GRAHAM (WARD 1)

"And you know, I spent years in this city fighting—and let me mention the Catholic Church by name—fighting Church dogma in terms of availability of condoms in this city which prevented, which prevented us have from having an effective program in many instances for the prevention of the transmission of HIV. Now I see on both of these amendments . . . the standard is religious belief, religious belief whether it be bona fide or not. I am very concerned about having religious principles impact health policy . . . what does this mean in terms of domestic partnership? . . . Are we going to say that we are going to defer to Rome in terms of our views on whether domestic partners should be covered by insurance plans that happen to be operated by religious organizations?"

DAVID CATANIA (AT-LARGE)

"I mean, so to suggest that the church is somehow unduly burdened in this society by this minor provision, I think is absurd . . . And, I want to associate myself very strongly with the comments of Mr. Graham on other issues, not only with respect to the teaching of some churches on gay and lesbian issues, but also the role of fighting against the use of contraceptives and role that it has in the spread of HIV, . . ."

KEVIN CHAVOUS (WARD 7)

" . . . And not necessarily this feeling that we should respect the individual religious doctrine of a certain organization. . . . and urge my colleagues to act not just on this nation that we are, and this has nothing to do with the separation of church and state. I mean, we're not imposing our will on any particular religious organization. Again, the question is to what extent should we accommodate those religious organizations that seek to profit off of the public in some way."

JIM GRAHAM (WARD 1)

" . . . we are permitting religious principles to dictate public health policy. . . . There is a difference b/n the words 'tenets' and 'beliefs,' but it is the same thing. It's the same thing. The church will now determine, a particular church will now determine, if, why, whether contraceptives and contraceptive devices will now be available. We're going to turn over the responsibility for these decisions in effect to the pope. . . . Because ROME has determined that this is against the tenets of the Catholic Church and so you're not going to have access to this of the terms of your health care plan . . . My problem of surrendering de-

cisions on public health matters to a church so that religious principles rather than sound public policy can determine whether a contraceptive device is or is not available. . . . The church is homophobic so we have to say, we respect what are homophobic points of view."

b 1630

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

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

Mr. Chairman, I have had it. I have really had it. Why do you see people go to the gallery, screaming at the top of their lungs, something I do not encourage now and did not encourage then, it has a lot to do with what we have just heard.

A mayor of the District of Columbia who has credibility with every Member of this body has indicated in writing and publicly on television that he will pocket veto a bill, and the reason he is going to pocket veto the bill is because if he just vetoed it in the face of the council, then it would be hard of him to bring the Catholic Church, and he is a Catholic, together with his council.

He has indicated publicly, this mayor, who has all the credibility in the world, that he is going to do what this chairman has asked him to do. The mayor has asked me to accept the language this chairman has written and this chairman has just gotten up and said that that is not enough. We, in the District, are damned if we do and we are damned if we try to do what we say do.

A pocket veto from a mayor who is trying to do what you say do should be all you need when he has accepted the language that we asked him to accept and when he is working with his own Catholic Church, and they have agreed to work with him and they have agreed not to come here to ask us to do another thing, we ought to declare victory and go home.

I am insulted by the fact that you would not accept my amendment by how hard my mayor and my city council have worked. You have cast aspersions on their credibility. You have indicated that the mayor had nothing to do with the debate in the council, it will never be enough for you.

You have two more bites at the apple. Supposedly he is a liar, and that is what you called him today. Supposedly he is a liar. You need to have a veto. You need to make it almost impossible for him to bring the sides together by putting a veto in his face. Supposedly he is a liar.

You still have two bites at the apple by rubbing the city's nose in it, time and time again. Patience is running out with this body. I resent what the gentleman has done, and I want you to know it.

Mr. Chairman, I yield such time as he may consume to the gentleman from Virginia (Mr. MORAN).

Mr. MORAN of Virginia. Madam Chairman, perhaps some people take umbrage at the passion of the gentlewoman from the District of Columbia (Ms. NORTON), but I would expect that any of us if facing the same level of

frustration and unfairness would react in the same passionate manner.

She is defending, not only her constituents but a process, a democratic process, that she believes in that caused all of us to get into public service, and the fact is, she is right, Madam Chairman. The mayor of the District of Columbia said he is going to pocket veto this bill. We have to believe the mayor, I cannot believe any of us do not believe that he is going to do that. So if we believe he is going to do that, why are we doing this?

He is going to insist that there be a religious exemption clause. People that have moral objections are going to be able to raise them. So why are we doing this, putting this offensive language in this bill? Just to show that we are more powerful than them, just to show them. She is right. This is wrong.

Now, let me also say it is wrong for insurance companies to cover viagra for men and not cover contraception for women. Let us just tell it like it is. What could be more unfair? All this contraceptive equity provision says is that insurance companies ought to be fair and start respecting women, when contraception is the largest single expense, out-of-pocket expense, for women during most of their lives. It ought to be covered.

So it is the right legislation. They should have passed this legislation, and it is also true that most of these Catholic institutions are self-insured. It does not even apply to them. They are self-insured.

Let me also say something else. I certainly would never say this if my own life were different, but having been educated in Catholic schools all my life, I understand the sense of frustration and disappointment that Councilman Jim Graham expressed on the D.C. council on this matter.

He expressed disappointment with the Catholic church as an institution because of its position towards homosexuality. That is his right. So I do not blame him for that. I know he wishes he had not said that, but these are debates that belonged in the D.C. council. These are debates and issues that should be settled, should be settled by the D.C. government.

The Catholic institutions within the D.C. government have plenty of access. They are well respected, deservedly so. They contribute tremendous benefits to D.C. government and its society. They will be fully reflected in the legislation that becomes law, and that is the way it ought to be. We have no business getting involved in this issue, particularly when we have no legitimate role to play.

The gentlewoman from the District of Columbia (Ms. NORTON) is absolutely right. The mayor is going to take care of that situation. Let him take care of the situation. He will be held accountable. He should be held accountable. He

is elected. He understands it. He has a solution for it, and that is the way it should be, and what we are doing on this floor is not what should be done by this Congress. Madam Chairman, I gather we are going to continue this debate tomorrow.

Ms. NORTON. Madam Chairman, I reserve the balance of my time.

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

Madam Chairman, although I think everyone wants to continue the debate tomorrow, I do find it necessary to take at least 30 seconds, because I think a couple of things need to be said.

I certainly would not endorse and extend the attacks on the Catholic Church or any other church, whether the gentleman from Virginia (Mr. MORAN) wishes to do so is his free speech right. I fear that he has added fuel to the fire rather than trying to suppress it.

In response to the gentlewoman from the District (Ms. NORTON), I said clearly, and I will repeat it, the mayor said in writing to me that he intends to do the pocket veto of the bill, and I believe him. That does not change the fact that it has not been vetoed; it remains a live issue where people expect this Congress to do something. It is a live issue until such time as the veto has indeed occurred.

Madam Chairman, I reserve the balance of my time.

Ms. PELOSI. Mr. Chairman, I rise in support of Representative NORTON's Amendment because I am concerned about several of the provisions in the "General Provisions" section of this bill. Specifically, I object to discriminatory riders targeting the District's lesbian and gay people, and people living with HIV/AIDS.

Approximately half of all new HIV infections are linked to injection drug use, and three-quarters of new HIV infections in children are the result of injection drug use by a parent. Why would we pass up the opportunity to save a child's life by shutting down programs that work?

Although AIDs deaths have declined in recent years as a result of new treatments and improved access to care, HIV/AIDS remains the leading cause of death among African-Americans aged 25–44 in the District. In spite of these statistics Republicans have singled out the District and attempted to shut down programs that the local community has established to reduce new HIV infections. This Congress should be supporting the decisions that local communities make about their health care. Giving local control back to the American people has been a major theme of the current Congress, and interfering with District self-government is contradictory to that goal.

Numerous health organizations including the American Medical Association, the American Public Health Association, and the National Alliance of State and Territorial AIDS Directors have concluded that needle exchange programs are effective. In addition, at my request the Surgeon General's office has prepared a review of all peer-reviewed, scientific studies of needle exchange programs over the past two years and they also conclusively found

that needle exchange programs reduce HIV transmission and do not increase drug use.

I also object to the provision in this bill that prevents the Health Care Benefits Expansion Act from being implemented. The District passed this legislation eight years ago to allow District employees to purchase health insurance for a domestic partner, take family and medical leave to care for a partner, and visit a hospitalized partner. This legislation provides basic, fundamental health care rights that all Americans should enjoy regardless of sexual orientation.

Over 3,000 employers around the country, including hundreds of cities, municipalities, private and public college and universities, have established domestic partnership health programs. A list of these firms includes almost a hundred Fortune 500 companies, including some of the biggest, like AT&T, Citigroup, and IBM. These companies understand the benefits of offering these programs in today's competitive work environment.

Cities such as Atlanta, Chicago, Los Angeles, San Francisco, and New York all have domestic partnership benefits in place. Congress has taken no action to block any of the domestic partnership benefits provided by hundreds of municipalities throughout the nation.

Gay and Lesbian Americans in the District of Columbia and across the country make significant contributions to our society and their relationships, in the community and in the workplace, should be treated with respect. I urge my colleagues to support the Norton Amendment.

Mr. ISTOOK. Madam Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. LATOURETTE) having assumed the chair, Mrs. Morella, Chairman pro tempore of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 4942) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 2001, and for other purposes, had come to no resolution thereon.

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MOTION TO GO TO CONFERENCE  
ON H.R. 4205, FLOYD D. SPENCE  
NATIONAL DEFENSE AUTHORIZATION  
ACT FOR FISCAL YEAR 2001

Mr. SPENCE. Mr. Speaker, by direction of the Committee on Armed Services and pursuant to clause 1 of rule XXII, I offer a privileged motion.

The SPEAKER pro tempore. The Clerk will report the motion.

The Clerk read as follows:

Mr. SPENCE moves that the House take from the Speaker's table the bill H.R. 4205, with the Senate amendment thereto, disagree to the Senate amendment, and agree to the conference requested by the Senate on the disagreeing votes of the two Houses thereon.

The SPEAKER pro tempore (Mr. LATOURETTE). The gentleman from South Carolina (Mr. SPENCE) is recognized for 1 hour.

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

Mr. Speaker, I look forward to going to conference with the Senate and bringing back an agreement that can be supported by all of my House colleagues.

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

The previous question was ordered.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from South Carolina (Mr. SPENCE).

The motion was agreed to.

MOTION TO INSTRUCT CONFEREES OFFERED BY  
MR. TAYLOR OF MISSISSIPPI

Mr. TAYLOR of Mississippi. Mr. Speaker, I offer a motion to instruct conferees.

The Clerk read as follows:

Mr. TAYLOR moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the Senate amendment to the bill H.R. 4205 be instructed to insist upon the provisions contained in section 725, relating to the Medicare subvention project for military retirees and dependents, of the House bill.

The SPEAKER pro tempore. Pursuant to rule XXII, the gentleman from Mississippi (Mr. TAYLOR) and the gentleman from South Carolina (Mr. SPENCE) each will be recognized for 30 minutes.

The Chair recognizes the gentleman from Mississippi (Mr. TAYLOR).

Mr. TAYLOR of Mississippi. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the motion to instruct conferees would instruct the House conferees to retain the House-passed provisions of the bill that make Medicare subvention for our Nation's military retirees permanent and nationwide.

I think in May when the House voted on this we finally took a historic step in fulfilling a promise that has been made by recruiters across our country for decades, those recruiters were wearing the uniforms of the United States of America; they were in Federal buildings. They promised young, unsuspecting 17-year-olds, 18-year-olds, and 19-year-olds that if they enlisted in our country, if they served their country honorably for 20 years, they would be given lifetime health care in a military installation.

Mr. Speaker, as a result of the Defense drawdown and as a result of shrinking Defense budgets, the Department of Defense was unfortunately left with no other choice but to start asking military retirees who have attained the age of 65 to go out and see a private sector doctor and have Medicare pay the bill.

After going to the same hospital since they were 18 years old or 19 years old, you can imagine how angry they were, because they had kept their promise to our Nation, and our Nation did not keep its promise to them.

It is said when a politician breaks his word, shame on him; but when a Nation breaks its word, shame on all of us.

In May, the House took what I thought was the unprecedented step of making lifetime health care for military retirees, for the first time it will be treated the same as Medicare and Medicaid and that that money will be there every year and not subject to an annual appropriation.

Mr. Speaker, I was very pleased to have a number of people helping on that, Democrats and Republicans from all parts of our country, in an united effort that just passed the House by 400 votes.

Mr. Speaker, I yield such time as he may consume to the gentleman from Missouri (Mr. SKELTON), one of the Members that helped make this possible.

Mr. SKELTON. Mr. Speaker, I thank the gentleman from Mississippi (Mr. TAYLOR) for granting me this time, and I urge my colleagues to support the motion to instruct conferees that has been offered by the gentleman.

The motion directs the House conferees to maintain the House position in conference on expanding and making TRICARE Senior Prime permanent.

b 1645

As you may recall, on May 18 during consideration of H.R. 4205, the Floyd D. Spence National Defense Authorization Act for fiscal year 2001, the House overwhelmingly voted 406 to 10 to make permanent TRICARE Senior Prime, more commonly known as Medicare Subvention. The House sent a clear signal that Medicare Subvention should continue to be available to our Medicare-eligible military retirees and their families. Expansion of permanent authority for Medicare Subvention is a vital step toward fulfillment of the commitment made to our career men and women in uniform who were promised access to health care services for life.

We made a promise to take care of those who served their Nation with distinction for 20 years or more. We must keep that promise. The motion to instruct conferees to retain the House position will help to ensure access to medical care for Medicare-eligible military retirees.

By spreading TRICARE Senior Prime to military hospitals and making the program permanent, we will begin to meet our promise. Medicare Subvention is an important step toward ensuring access to care for retirees and their dependents over the age of 65 who live near military facilities. Military retirees and their dependents that participate in the program are very satisfied with the quality of health care they receive. In fact, there are many retirees and their family members in the current test areas that have been placed on a waiting list because military treatment facilities cannot take more patients at this time.

As I have stated before, this is the year of military health care. As the ranking member of the House Committee on Armed Services, I focused on

the need to improve access to health care services for men and women in uniform, particularly for our Medicare-eligible retirees. Retention of TRICARE's Senior Prime is the first important step in meeting our moral obligation to provide access to quality health care for our military retirees and their families.

Mr. Speaker, I urge my colleagues to support this motion to instruct offered by the gentleman from Mississippi (Mr. TAYLOR).

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

Mr. Speaker, the motion by the gentleman speaks to a provision that passed this House by an overwhelming vote of 406 to 10 on May 18. I supported the provision at the time, reflecting my strong support for addressing the health care crisis afflicting our over-65 military retiree population.

Since that vote, the Senate, the other body, adopted a differing proposal to accomplish the same objective that in turn will form the basis for negotiating between our two bodies. Given the strong support in both Chambers for each of these provisions, it is clear to me that the conference will bring back an agreement that goes a long way toward addressing this legitimate and pressing priority.

Accordingly, I will support and urge my colleagues to support the gentleman's motion as a further affirmation of the bipartisan and bicameral commitment to address the unacceptable situation facing our military retirees.

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

Mr. TAYLOR of Mississippi. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, let me say that I certainly welcome the support of the gentleman from South Carolina, a person who has served our country all the way from a paratrooper to the chairman of the Committee on Armed Services.

Mr. Speaker, in the bipartisan spirit in which we passed this amendment and hope to keep this amendment in the bill in the final form, I yield such time as he may consume to the gentleman from Maryland (Mr. BARTLETT).

Mr. BARTLETT of Maryland. Mr. Speaker, I am very pleased to rise in strong support of the Taylor motion to instruct the conferees.

I have seen the recruitment brochures from a number of years ago when those who are now our seniors were recruited. The recruitment brochures promised them and their family lifetime care in a military facility. We have broken that promise, and we are paying a heavy price for having broken that promise.

Three of the services are now unable to meet their recruitment goals, and that is partly because when prospective enlistees confer with their father or their uncle or their grandfather, they frequently get the advice that "I am not sure that you can believe what they are telling you, because they did not keep their promise to me."

We are having problems with retention for exactly the same reason, because our young men and women in the military are not sure that what we have now promised them is going to be there after they retire because we have broken our promise to their elders.

What Medicare Subvention does is to permit our retired military people, who either with great difficulty or not at all, can now get health care in a military facility. For those who have not been in the military or worked for the military and lived in a military community, they cannot understand the sense of community that these people have, how important it is that they continue to get health care where they have gotten it all their life, in a military facility.

We have had a demonstration project which has been very successful, and what the legislation now in conference does is simply to make this universal and permanent. It is the right thing to do, and the benefits we are going to accrue from this are enormous compared to the modest cost, because the cost should be very, very modest, because Medicare Subvention assures that the money is going to be there.

What this does is to help us in recruitment and help us in retention. Even if there were a meaningful cost, I think that that cost should be more than justified by the benefits that we are going to have in recruiting and keeping our young people in the military.

This is the right thing to do. My only regret is that we did not do it years ago. But we are doing it now. So let us make sure that our conferees understand that we want them to hold with the position that we voted so overwhelmingly here in the House.

Again, I want to thank the gentleman from Mississippi (Mr. TAYLOR) for his commitment to this cause.

Mr. SPENCE. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. CUNNINGHAM).

Mr. CUNNINGHAM. Mr. Speaker, the promise for veterans health care has been 58 years, 58 years. The subvention bill was not written by DUKE CUNNINGHAM; it was written by my constituents in San Diego, California.

I was the originator of this subvention bill. Why? Because nothing was being done for our veterans. TRICARE, if you live in a rural area, is a Band-aid and does not serve. Subvention, if you live in a rural area, my bill is a Band-aid if it is not controlled.

I am going to support this. Even though it was in my bill, I have concern. Subvention, TRICARE, FEHBP, like civilians have, if you take a civilian secretary that works alongside a major or lieutenant commander, when they retire they get a government health care plan that supplements their Medicare. The military worker does not.

There is a board already formed looking at what is the most universal way that we can provide this health care;

and whatever that is, I would hope that this House and the other body will come together to provide whatever is needed, whether it is a combination of TRICARE, a combination of subvention, or FEHBP. I do not feel that subvention is an end-all for our veterans, and I would hope that we come together on that.

I would also tell my colleagues there was another promise. My colleague, the gentleman from California (Mr. FILLNER), is working on it, as I am. A promise was made to our Filipinos in World War II on that health care. It has not been completed, and I would hope that this body and the other body would act on that as well.

Mr. Speaker, I want to commend the gentleman for what he has done. I still have concern that it may in some way, down the line, if we do not come together, negate what we could do in totality for our veterans. I would like to work with the gentleman to make sure that that comes to fruition.

Mr. TAYLOR of Mississippi. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I want to thank the gentleman from California (Mr. CUNNINGHAM) for his assistance on this. As the gentleman pointed out during the previous debate, he was truly one of the founding fathers of the idea of subvention. And I do not claim to have invented it; I just think it is a heck of a good idea.

For the public who may not quite understand what we are trying to do, we are trying to fulfill the promise of lifetime health care to our Nation's military retirees, a promise made to them. We are trying to do it in a way they are comfortable with. They have been going to military treatment facilities for most of their lives, and they are justifiably angry that upon hitting the age of 65 they are being turned away from those treatment facilities, when they have been promised they could use that facility, they and their spouse, for the rest of their lives.

It is also something that we did not point out in the first debate, but if you look on the pay stub of the people who serve in our Nation, on their tax form they pay into the Medicare Trust Fund, just like every other American. So the question is, should not they be allowed to take that Medicare that they have contributed to and use it in the hospital that they wish to go to? That is the hospital on a military installation.

Let us give them the choice that every other American has been having, to go to the private sector. Let us let them go to the hospital that they want to go to. We know that we can save money.

The Treasury report that came out just a couple of days ago showed that the Nation, despite the talk of unprecedented surpluses, really had to borrow \$11 billion from other trust funds thus far this year. There is not a lot of money laying around. But we know

that with Medicare Subvention, that we can treat these same people for 95 cents on the dollar of what we would have paid a private sector doctor for the exact same treatment. So we are going to let them go to the hospital they want to go to. They have not only paid into the system with their taxes, but paid into the system with at least 20 years of dedicated service to their Nation. They deserve it.

Mr. Speaker, I yield such time as he may consume to the gentleman from North Carolina (Mr. JONES).

Mr. JONES of North Carolina. Mr. Speaker, I thank the gentleman from Mississippi for yielding time, as I thank the chairman of the Committee on Armed Services.

This is an important motion to recommit, to make sure that those who serve on the conference understand that the House, as the chairman of the Committee on Armed Services said, almost 100 percent said that we want to make sure that our retirees who are 65 years and older will have adequate health care.

I want to thank the gentleman from Mississippi, because I know he has been fighting this issue for a couple of years, and I was delighted along with other Members from the Republican Party as well as the Democratic Party to be part of his amendment.

Mr. Speaker, I have 77,000 retired veterans in my district. I have about 13,000 retired military retirees. I have three military bases: two Marine, Camp Lejeune and Cherry Point Marine Air Station; and Seymour Johnson Air Force Base. Since I have been in Congress, for approximately 6 years, I can tell you from day one, the biggest issue has been health care for our veterans and our military retirees.

I think we have made some great progress in the last 6 years to speak to this issue, because as has been said by the gentleman from Mississippi (Mr. TAYLOR) and by the gentleman from South Carolina (Chairman SPENCE) and others, the gentleman from California (Mr. CUNNINGHAM) and the gentleman from Maryland (Mr. BARTLETT), those men and women who have served this Nation, whether it be wartime or peacetime, certain promises were made to them, and if you cannot look to your government who made that promise to keep that promise, then there is a big problem; and in the eyes of many of our men and women who have served this Nation, the Government has not kept its promise.

I want to thank again the gentleman from Mississippi (Mr. TAYLOR) and the gentleman from South Carolina (Mr. SPENCE), because we are keeping that promise now; and this amendment by the gentleman from Mississippi (Mr. TAYLOR) was certainly a great step forward, as it deals with those who are reaching the age of 65.

Many of our veterans and retirees are like all of us, with the better quality of life and health care, we are living to be in the seventies and eighties, and these

men and women were made a promise, and the promise should be kept.

So I strongly support this motion to instruct conferees as it relates to the Taylor amendment, because this issue of Medicare Subvention is with us, and we have to do what is right for those men and women who have served this Nation.

Mr. Speaker, as I start closing down on my comments, it is always brought to my attention back home that we seem to find the monies to send our troops to Bosnia, or we seem to find the money to go to Yugoslavia. I think Bosnia and Yugoslavia both have probably cost the American people about 10 or 11 billion, and yet we have got men and women who have served this Nation that do not have adequate health care.

b 1700

That is what this bill is doing and that is what this amendment by the gentleman from Mississippi (Mr. TAYLOR) is doing. We are finally saying to those who have served we are not going to make them wait any longer. We are going to start addressing this issue of them having adequate health care and we are going to make sure that they have it.

Mr. Speaker, let me quote Abraham Lincoln because he said it better than I could ever say it. He said, "Let us care for him who shall have borne the battle and for his widow and his orphan."

I think that should always be a reminder to those of us in Congress that men and women who have served this Nation in wartime or peacetime, that we made a promise to give them the very best of health care and I want to say to them today that we are taking giant steps to keep that promise.

I want to thank the gentleman from Mississippi (Mr. TAYLOR) for his effort. I want to thank the chairman of the Committee on Armed Services who has been fighting to help those men and women to have the very best health care possible.

I am pleased to support this motion to instruct.

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

Mr. TAYLOR of Mississippi. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the last point I would like to make is that since the passage of this amendment I have had the opportunity to visit with the surgeon general of the United States Air Force, and I had some concerns that quite possibly the services, if they were not in favor of this idea, could administratively poison it.

I asked him, I said if we can find the money for this will he make it work?

I am not smart enough to remember his exact words, but his sentiments were that he was extremely excited about the idea of being compensated for taking care of 65 and older retirees, something that he has been doing basically out of hide.



The second thing that he was extremely excited about is the variety of health care cases that his doctors will now be able to see and be compensated for because, as he said, and I will never say it as well as he did, cardiologists do not stay very busy when all they are taking care of is 18- and 19- and 20-year-olds; but in order to have them well trained for mobilization, it is important that some of the older retirees are included in this mix so that those people can hone their skills that they are going to need in the event of a national emergency.

So for so many reasons, I think this is a good idea for our Nation. Number one, it is the right thing to do. We are going to keep our promise to those people who kept their promise to us.

Number two, we are going to do it in a fiscally responsible manner.

I think, Mr. Speaker, quite frankly, I am most pleased that in the history of this committee we have tried to do things in a bipartisan manner. I am most pleased that we are going to keep that promise in a bipartisan manner. I very much welcome the remarks of the chairman of the committee. I very much welcome the remarks of gentleman from Missouri (Mr. SKELTON), the ranking member.

Mr. Speaker, I yield 3 minutes to the gentleman from Ohio (Mr. KUCINICH).

Mr. KUCINICH. Mr. Speaker, I thank the gentleman from Mississippi (Mr. TAYLOR) for yielding me this time.

Mr. Speaker, I rise in opposition. The Congressional Budget Office has estimated that this national missile defense system, which is part of this report, will cost \$60 billion to build and deploy. Congress intends to spend \$12 billion in the next 6 years. The SDI Star Wars system has cost the taxpayer more than \$60 billion, and it is estimated that this system though less far-reaching than Star Wars will cost more. We have spent more than \$122 billion on various missile defense systems. We need to reorganize our priorities and look at how we could better use these funds for programs that benefit the poor, seniors, and our Nation's children.

Before the decision is made, three exo-atmospheric intercept tests have been scheduled to determine the system's success rate and reliability to deploy the system, but one of two tests failed. The third test failed miserably as well. Three tests cannot define the technical readiness of the system and serve the basis for deploying a national missile defense.

According to the Union for Concerned Scientists, countermeasures could be deployed more rapidly and would be available to potential attackers before the United States could deploy even the much less capable first phase of the system.

A report by the Union of Concerned Scientists details how easily countermeasures could be used against this system and would not have to use new technology or new materials.

We are the only superpower in the world. The deterrent that we currently have is sufficient. We have thousands of missiles on hand that act as a deterrent. Any attack by another state would not be massive and would not be able to completely destroy our country or our nuclear arsenals. So any attack would leave the United States and its Armed Forces intact.

Our deterrent is impaired only if another state had enough missiles to knock off ours before they launched.

The national missile defense system will simply line the pockets of weapons contractors, spending billions of dollars for a system that does not work and does not protect against real threats. We will undermine our legitimate military expenditures and erode the readiness of our forces.

So who is benefiting from having a national missile defense system? According to The Washington Post, Boeing in 1998 already obtained a 3-year contract for \$1.6 billion to assemble a basic system before the President even decided to deploy the system. The Post states that TRW has contracts for virtually every type of missile defense program. The military industry has the most to gain from a national defense system. According to The Washington Post, Lockheed Martin is the major contractor on theater missile defense with its upgraded version of the Patriot missile and the Army's \$14 billion Theater High Altitude Area Defense system.

Deploying a national missile defense system could politically succeed in setting the stage for a worldwide arms race and dismantle past arms treaties.

The NMD violates the central principle of the ABM treaty, which is a ban on deployment of strategic missile defenses. It will undermine the nuclear nonproliferation treaty. It will frustrate SALT II and SALT III. It will lead directly to proliferation by the nuclear nations. It will lead to transitions toward nuclear arms by the non-nuclear nations. It will make the world less safe. It will lead to the impoverishment of the people of many nations as budgets are refashioned for nuclear arms expenditures.

Mr. TAYLOR of Mississippi. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, one of the lessons I had to teach myself was that almost every Member of Congress represents about 600,000 people. Even those people I disagree with, everybody in this floor was elected by a majority of the voters and I am going to respect their ability to say what they want to say.

I would like to remind the gentleman from Ohio (Mr. KUCINICH) that the matter at hand is health care for our Nation's military retirees. This is a motion to instruct the conferees to stick to the House-passed provisions of the bill, provisions that I think greatly improve health care for our Nation's military retirees; a much better package than the other body.

At this moment we are instructing our conferees to stick to what I think is the better language of the two. It really has nothing to do with missile defense.

Mr. Speaker, again, it is always to be a position to be envied when one has their chairman and ranking member with them and most of their subcommittee chairmen with them.

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

The SPEAKER pro tempore (Mr. LATOURETTE). Without objection, the previous question is ordered on the motion to instruct.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to instruct offered by the gentleman from Mississippi (Mr. TAYLOR).

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

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

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question are postponed.

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## TWENTY-FIRST ANNUAL REPORT OF FEDERAL LABOR RELATIONS AUTHORITY FOR FISCAL YEAR 1999

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Government Reform.

*To the Congress of the United States:*

In accordance with section 701 of the Civil Service Reform Act of 1978 (Public Law 95-454; 5 U.S.C. 7104(e)), I have the pleasure of transmitting to you the Twenty-first Annual Report of the Federal Labor Relations Authority for Fiscal Year 1999.

The report includes information on the cases heard and decisions rendered by the Federal Labor Relations Authority, the General Counsel of the Authority, and the Federal Service Impasses Panel.

WILLIAM J. CLINTON.

THE WHITE HOUSE, July 26, 2000.

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## EDUCATION DEPARTMENT'S MIS-MANAGEMENT OF TAXPAYERS' MONEY

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

Mr. SCHAFFER. Mr. Speaker, I am here on a personal crusade. I came to Congress because I have got five children and I care about their school. They are getting ready to go back to school in August.

A couple of things disturb me, Mr. Speaker. The Department of Education contract employees, some of them,



pleaded guilty to participating in a scheme to defraud the Department of more than \$1 million in equipment and false overtime. They illegally procured equipment, including a 61-inch television set, digital cameras, and Gateway computers for the personal use of Department employees and their families.

That is not all. Another fraudulent overtime claim includes a trip to Baltimore to pick up crab cakes for another Department employee. Two more Department employees were recently charged by the Department of Justice with involvement in this scandal, and as many as four other Department employees remain under investigation.

In 1998, the Department could not even audit its books, they were so badly managed. In 1999 when they did audit their books, they got a D minus.

Republicans have a different idea. We want to get dollars to the classroom and out of that bureaucracy over there.

Mr. Speaker, unbeknownst to all but Beltway bureaucrats and a handful of reform minded Members of Congress, the U.S. Department of Education has failed its last two financial audits.

The nationally known and respected accounting firm Ernst and Young has attempted, for fiscal years 1998 and 1999, to determine if the Department of Education has spent the money sent to it by Congress appropriately and lawfully.

The sad truth is, we just don't know. The Department's books were un-auditable for FY 1998. This means the auditors couldn't even form an opinion on the state of the Department's books, let alone say whether those books were balanced and accurate.

In FY 1999, the Department received a grade equivalent of a D-. This means the auditors could put the books together into some sort of coherence, but not well enough to give the Department a passing grade in Accounting 101.

According to the auditors, if a private company received the same results the Department did on its FY 1999 audit, its stock would plummet. A real life example of this is MicroStrategy, whose stock, on the day a critical and unfavorable audit was announced, fell 62% and unleashed a slew of investor lawsuits.

Sadly, no one really knows when the Department will be able to receive a clean audit.

So, Mr. Speaker, what does this really mean to taxpayers—parents—and children? A few recent incidents illustrate the effects of this financial mis-management.

A Department of Education contract employee pleaded guilty to participating in a scheme to defraud the Department of more than one million dollars in equipment and false overtime. Illegally procured equipment included a 61 inch TV, digital cameras, and Gateway computers for the personal use of Department employees and their families.

However, that's not all. Among the fraudulent overtime claims was a trip to Baltimore to pick-up crab-cakes for another Department employee.

Two more Department employees were recently charged by the Department of Justice with involvement with this scandal, and as many as four other Department employees remain under investigation.

Earlier this year, 39 students were incorrectly notified by the Department that they had won the prestigious Jacob Javits scholarships. The cost of the mistake? Nearly \$4 million dollars.

The theft ring and mis-identified students may only be the tip of the iceberg. Who knows what other kinds of waste, fraud, abuse and mismanagement might be taking place right now because of the inaction of the AL GORE and Education Secretary Riley?

For example, in one academic year alone, \$177 million dollars in Pell Grants were improperly awarded, and the Department forgave almost \$77 million in student loans for borrowers who falsely claimed to be either permanently disabled or dead.

The Department of Education also maintains a "grantback" account which at one time contained \$750 million. Not surprisingly for an agency that cannot pass a basic audit, most of this money didn't really belong there. So far, the Department has been unable to explain exactly where the money came from, where it went, or why it came and went.

Is a clean audit an unreasonable goal for a federal agency? Bureaucrats would have you believe it is, but we all know it isn't. In fact, businesses large and small comply with this simple measure of fiscal responsibility every day. Any business owner will tell you the importance of a clean audit to maintain the confidence of investors and customers and to prevent waste, fraud and abuse.

The Department has failed to address its financial management for eight years running. Inaction has consequences and our children are paying the price. Fortunately, Republicans have responded to this inexcusable waste of hard-earned taxpayer money devoted to support the education of American children. We have held numerous oversight hearings, continue a rigorous investigation and passed a bill requiring a comprehensive fraud audit of the Department by the General Accounting Office.

We know what needs to be done. Until it is, the taxpayers' investment in the education of American school children will not reap anything close to maximum return.

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OMISSION FROM THE CONGRESSIONAL RECORD OF TUESDAY, JULY 25, 2000 AT PAGE H-6853

(The following addition to the statement of the gentleman from Wisconsin (Mr. RYAN) was omitted from the CONGRESSIONAL RECORD of Tuesday, July 25, 2000 at page H6853.)

Mr. Speaker, H.R. 4924, the "Truth in Regulating Act of 2000," is a bipartisan, good government bill. It establishes a regulatory analysis function within the General Accounting Office (GAO). This function is intended to enhance Congressional responsibility for regulatory decisions developed under the laws Congress enacts. It is the product of the leadership over the last few years by Small Business Subcommittee Chairwoman on Regulatory Reform and Paperwork Reduction, Sue Kelly.

The most basic reason for supporting this bill is Constitutional: Just as Congress needs a Congressional Budget Office (CBO) to check and balance the executive Branch in the budget process,

so it needs an analytic capability to check and balance the Executive Branch in the regulatory process. GAO is a logical location since it already has some regulatory review responsibilities under the Congressional Review Act (CRA).

Article I, Section 1 of the U.S. Constitution vests all legislative powers in the U.S. Congress. While Congress may not delegate its legislative functions, it routinely authorizes Executive Branch agencies to issue rules that implement laws passed by Congress. Congress has become increasingly concerned about its responsibility to oversee agency rulemaking, especially due to the extensive costs and impacts of Federal rules.

During the 105th congress, the House Government Reform Subcommittee on National Economic Growth, Natural Resources, and Regulatory Affairs, chaired by David McIntosh, held a hearing on Mrs. Kelly's earlier regulatory analysis bill (H.R. 1704), which sought to establish a new, freestanding Congressional agency. The Subcommittee then marked up and reported her bill (H. Rept. 105-441, Part 2). H.R. 1704 called for the establishment of a new Legislative Branch Congressional Office of Regulatory Analysis (CORA) to analyze all major rules and report to Congress on potential costs, benefits, and alternative approaches that could achieve the same regulatory goals at lower costs. This agency was intended to aid Congress in analyzing Federal regulations. The Committee Report stated, "Congress needs the expertise that CORA would provide to carry out its duty under the CRA. Currently, Congress does not have the information it needs to carefully evaluate regulations. The only analysis it has to rely on are those provided by the agencies which promulgate the rules. There is no official, third-party analysis of new regulations" (p. 5).

Unfortunately, CORA supporters in the 105th Congress could not overcome the resistance of the defenders of the regulatory status quo. Opponents argued against creating a new Congressional agency on the basis of fiscal conservatism. By this logic, Congress ought to abolish CBO, as an even more heroic demonstration of fiscal conservatism in action. Of course, most of us recognize that dismantling CBO, however penny wise, would be pound foolish.

In the 106th Congress, Government Reform Subcommittee Chairman David McIntosh and Small Business Subcommittee Chairwoman Sue Kelly, seeking to accommodate the prejudice against a freestanding agency, introduced bills (H.R. 3521 and H.R. 3669, respectively) to establish a CORA function within GAO, which is an existing Legislative Branch agency. McIntosh and Kelly introduced their bills in January and February 2000. On May 10th, the Senate passed its own regulatory analysis legislation, S. 1198, the "Truth

in Regulating Act of 2000," by unanimous consent. Like the McIntosh and Kelly bills, the Senate legislation would also establish a regulatory analysis function within GAO.

During the 106th Congress, the Government Reform Committee did not hold a hearing specifically on H.R. 4924 but the Subcommittee on National Economic Growth, Natural Resources, and Regulatory Affairs did hold a June 14th hearing, entitled "Does Congress Delegate Too Much Power to Agencies and What Should be Done About It?" At the hearing, Senator SAM BROWNBACK and Representative J.D. HAYWORTH testified that Congress needs to assume more responsibility for regulations. Dr. Wendy Lee Gramm, Director, Regulatory Studies Program, Mercatus Center, George Mason University and former Administrator of the Office of Information and Regulatory Affairs (OIRA) in the Office of Management and Budget (OMB); Alan Raul, partner, Sidley & Austin and former OMB General Counsel; and David Schoenbrod, Professor of Law, New York Law School and Adjunct Scholar, Cato Institute, all affirmed that Congress needs to conduct more oversight of regulations, especially regulatory proposals lacking an explicit delegation of authority from Congress.

Witnesses discussed the need for a CORA function that would assist Congress in assuming more responsibility for agency rules, which now impose over \$700 billion in annual off-budget costs on the American people. Witnesses stressed the need for analytical assistance so that Congress could especially provide timely comment on proposed rules, while there is still an opportunity to influence the cost, scope and content of the final agency action. Witnesses stated that a regulatory analysis function should: (a) take into account Congressional legislative intent; (b) examine other, less costly regulatory and nonregulatory alternative approaches besides those in an agency proposal; and (c) identify additional, non-agency sources of data on benefits, costs, and impacts of an agency's proposal.

Dr. Gramm testified that, "there's clearly a need for more and better analysis that is independent of the agency writing the regulation . . . In my view, Congress cannot carry out its responsibilities effectively without such analysis." She continued by recommending, "a shadow OIRA, and that is to perform independent, high-quality analysis of agency regulations at the proposal stage . . . whether or not the agency has considered the different alternatives, what might be other alternatives . . . I would suggest that all this analysis be done at the proposal stage so that this information can be put into the rulemaking record."

On June 26th, Chairwoman Kelly and Chairman McIntosh introduced H.R. 4744, which made several needed improvements to the Senate-passed S. 1198, along the lines sug-

gested by the witnesses at the June 14th hearing. For example, whereas S. 1198 merely permits GAO to assist Congress in submitting timely comments on proposed regulations during the public comment period, H.R. 4744 would require GAO to provide such assistance. This was a critical improvement, because it is only by commenting on proposed rules during the public comment period that Congress has any real opportunity to influence the cost, scope, and content of regulation. In addition, unlike the Senate bill, H.R. 4744 would require GAO to review not only the agency's data but also the public's data to assure a more balanced evaluation, analyze not only rules costing \$100 million or more but also rules with a significant impact on small businesses, and examine whether alternatives not considered by the agencies might achieve the same goal in a more cost-effective manner or with greater net benefits.

On June 29th, the Government Reform Committee favorably reported H.R. 4744, with a thorough discussion of issues in its accompanying report (H. Rept. 106-772).

H.R. 4924, introduced July 24th, includes only two—or, more accurately, one and a half—of H.R. 4744's improvements to S. 1198: (a) inclusion, within the scope of GAO's purview, of agency rules with a significant impact on small businesses; and (b) a directive to GAO to submit its independent evaluation of proposed rules within the public comment period, albeit only when doing so is "practicable." House Report 106-772 explains the basis for these improvements. Nonetheless, I am deeply disappointed that we could not persuade the Honorable gentleman from California that timely comments on proposed rules are better than untimely or late comments. But, I understand that, in politics, half a loaf—or, in this case, a fraction of a loaf—may still be better than none. H.R. 4924 is, in my judgment, inferior to H.R. 4744, which is itself a watered down version of the complete reform needed to implement Congress' Constitutional responsibility for regulatory oversight. But, it is a step in the right direction. And, it will give reformers something to build upon in the next Congress.

H.R. 4924 is truly a modest proposal. It does not require or expect GAO to conduct any new Regulatory Impact Analyses (RIAs), cost-benefit analyses, or other impact analyses. However, GAO's independent evaluation should lead the agencies to prepare any missing cost/benefit, small business impact, federalism impact, or any other missing analysis. For example, after the McIntosh Subcommittee insisted that the Department of Labor prepare a missing RIA for its Birth and Adoption Unemployment Compensation ("Baby UI") proposed rule, Labor finally prepared one.

Unfortunately, H.R. 4924 excludes from GAO's purview major rules promulgated by the independent regulatory agencies, such as the Federal Communications Commission, the Federal Trade Commission, and the Securities and Exchange Commission, which regulate major sectors of the U.S. economy. Since the analyses accompanying rules issued by the independent regulatory agencies are often incomplete or inadequate, this omission is unfortunate and makes the bill less useful than either S. 1198 or H.R. 4744.

Here's how H.R. 4924 works. The Chairman or Ranking Member of a Committee of juris-

diction may request that GAO submit an independent evaluation to the Committee on a major proposed rule during the public comment period or on a major final rule within 180 days. GAO's analysis shall include an evaluation of the potential benefits of the rule, the potential costs of the rule, alternative approaches in the rulemaking record, and the various impact analyses.

Congress currently has two opportunities to review agency regulatory actions. Under the Administrative Procedure Act (APA), Congress can comment on agency proposed and interim rules during the public comment period. The APA's fairness provisions require that all members of the public, including Congress, be given an equal opportunity to comment. Late Congressional comments cannot be considered by the agency unless all other late public comments are equally considered. Agencies can ignore comments filed by Congress after the end of the public comment period, as the Department of Labor did after its proposed "Baby UI" rule. Therefore, since GAO cannot be given more time than other members of the public to comment, GAO should complete its review of agency regulatory proposals during public comment period.

Under the CRA, Congress can disapprove an agency final rule after it is promulgated but before it is effective. Unfortunately, Congress has been unable to fully carry out its responsibility under the CRA because it has neither all of the information it needs to carefully evaluate agency regulatory proposals nor sufficient staff for this function. In fact, since the March 1996 enactment of the CRA, there has been no completed Congressional resolutions of disapproval.

In recent years, various statutes (such as the Unfunded Mandates Reform Act of 1995 and the Small Business Regulatory Enforcement Fairness Act of 1996) and executive orders (such as President Reagan's 1981 Executive Order 12291, "Federal Regulation," and President Clinton's 1993 Executive Order 12866, "Regulatory Planning and Review") have mandated that Executive Branch agencies conduct extensive regulatory analyses, especially for economically significant rules having a \$100 million-or-more effect on the economy or a significant impact on small businesses. Congress, however, does not have the analytical capability to independently and fairly evaluate these analyses.

To assume oversight responsibility for Federal regulations, Congress needs to be armed with an independent evaluation. What is needed is an analysis of legislative history to see if there is a non-delegation problem, such as in the Food and Drug Administration's proposed rule to regulate tobacco products, which was struck down by the Supreme Court in *FDA v. Brown & Williamson*, or backdoor legislating, such as in the Department of Labor's "Baby UI" rule, which provides paid family leave to small business employees, even though Congress in the Family and Medical Leave Act said no to paid family leave and any coverage of small businesses.

Sometimes the quickest (or only) way to find out that an agency has ignored Congressional intent or failed to consider less costly or non-regulatory alternatives, is to examine non-agency (i.e., "public") data and analyses. It is for that reason that, under H.R. 4744, GAO would be required to consult the public's data

in the course of evaluating agency rules. Although H.R. 4924 does not require GAO to review public data, neither does it forbid or preclude GAO from doing so. I bring this up, because some hope that H.R. 4924 implicitly contains a gag order, forbidding GAO to consult any analyses or data except those supplied by the agency to be reviewed. This reading of H.R. 4924 would defeat the whole purpose of the bill, which is to enable Congress to comment knowledgeably about agency rules from the standpoint of a truly independent evaluation of those rules.

Instructed by GAO's independent evaluations, Congress will be better equipped to review final agency rules under the CRA. More importantly, Congress will be better equipped to submit timely and knowledgeable comments on proposed rules during the public comment period. I say this, notwithstanding the words "where practicable," which some CORA foes hope will ensure that all GAO analyses of proposed rules are untimely and, therefore, worthless. I am confident that, despite the "where practicable" language, GAO will want to please rather than annoy its customers and employers, and will not fail to help Members of Congress submit timely comments on regulatory proposals.

Thus, even though a far cry from the original idea of an independent CORA agency, and although inferior to the Kelly-McIntosh bill reported by the Government Reform Committee, H.R. 4924 will increase the transparency of important regulatory decisions, promote effective Congressional oversight, and increase the accountability of Congress. The best government is a government accountable to the people. For America to have an accountable regulatory system, the people's elected representatives must participate in, and take responsibility for, the rules promulgated under the laws Congress passes. H.R. 4924 is a meaningful step towards Congress's meeting its regulatory oversight responsibility.

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#### 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.

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#### FARM ECONOMY IN THE UNITED STATES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Minnesota (Mr. MINGE) is recognized for 5 minutes.

Mr. MINGE. Mr. Speaker, I rise this afternoon to address this Chamber on the topic of the farm economy in the United States and the agricultural policies that we have adopted in Congress.

The 1996 farm bill, generally called the Freedom to Farm Act, has been effective in one respect, and that is it has given farmers flexibility to plant what they are interested in raising and not be tied as closely to particular commodities by the design of the farm bill itself.

Unfortunately, the Freedom to Farm Act has become a freedom to fail act, and we have farmers that are exiting

from farming at a record rate. We have prices for commodities in this country that have dropped to levels that are as low as they have been in 100 years, if we adjust for inflation. We constantly hear about the plight of those who were producing oil and now we have gasoline at \$1.50 to \$1.75 a gallon throughout the country.

Well, if farmers had seen their prices go up without any adjustment for inflation, they at least would be paying \$2.50 for corn, \$3.00 for wheat, and higher amounts for other products. Tragically, in the United States, in the midst of a very robust and healthy and growing economy, one sector of the American economy that is hurting severely is agriculture. So I am pleased to announce that today I have joined with my colleague, the gentleman from North Dakota (Mr. POMEROY), and we have introduced legislation that is the Family Farm Safety Net Act of 2000.

The purpose of this legislation is to provide an outline or guide to the type of prices that are necessary in order to enable a farm to survive in the United States.

Since 1996, we can see what has happened to the prices for corn, wheat and soybeans. Prices have dropped precipitously. In 1996, corn was at \$2.71 a bushel. Here we are in the summer of the year 2000, corn is roughly half that price at most of the elevators in the Midwest.

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The drop in the price of wheat has not been quite as dramatic, but it still has come down by roughly \$1.80 a bushel, and the price for a bushel of soybeans has come down by about \$2.50 a bushel.

This certainly is not success in terms of agricultural policy.

In terms of flexibility, we also have a very frustrating situation. This chart shows what has happened in terms of the planting of wheat compared to the planting of soybeans. Soybeans, according to agricultural economists, are favored by the current situation. Wheat, by comparison, is not as advantageous to raise. So as a consequence, we have seen the acreage of wheat, it has been reduced by thousands of acres, and at the same time, the planting of soybeans has gone up by about a corresponding amount.

Mr. Speaker, we need to reestablish parity among the various crops. One way to do this is to take the loan rate for the marketing loans and harmonize the loan rates so that the loan rates for soybeans, for corn, for wheat, barley and other crops are neutral, and at the same time, have the loan rates pegged at a level where America's farmers can cover most of the costs of their operation. So as a consequence, our proposal is to increase the loan rate for corn as an example, to \$2.43 a bushel; the loan rate on soybeans to \$5.50 a bushel; to extend the period of the marketing loan to 20 months; and to include payment limitations, so that this

farm program does not enrich those that are farming tens of thousands of acres, but instead, focuses its benefits and its attention on those farmers that are moderate size, family farming operations.

Mr. Speaker, I submit that this is the track that we need to take if we are going to get American agriculture back on course, and I urge my colleagues to join with the gentleman from North Dakota (Mr. POMEROY) and myself on this legislation.

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#### TOPICS OF NATIONAL INTEREST

The SPEAKER pro tempore (Mr. LATOURETTE). Under a previous order of the House, the gentleman from Tennessee (Mr. DUNCAN) is recognized for 5 minutes.

Mr. DUNCAN. Mr. Speaker, I rise tonight to speak on two unrelated, but very important topics of national interest.

#### CAPITAL PUNISHMENT

Mr. DUNCAN. Mr. Speaker, first, I spent 7½ years before coming to Congress as a criminal court judge, trying felony criminal cases. I tried several death penalty cases, and I think I am the only Member of this Congress who has sentenced anyone to the electric chair.

It is almost impossible, Mr. Speaker, to get a jury to return a death sentence today. Despite polls showing very high support for capital punishment, it is one thing to favor the death penalty, but a much more difficult thing to actually impose it. It is so difficult, in fact, that most prosecutors will not even ask for a death sentence except in the most gruesome, horrible cases; and that is the main point I wish to make today, that juries return death sentences only in extremely brutal, terrible crimes.

In fact, it has been the law in this country for many years that an ordinary, simple murder, if there is such a thing, with nothing more, is not a capital case. To have a case justifying the death penalty, there must be aggravating circumstances that outweigh any mitigating factors, anything sympathetic in favor of the defendant. There have to be multiple crimes or killings, circumstances that make the case especially heinous.

I do not think a death sentence is appropriate except in 1 in 1 million very rare, very unusual kinds of cases. But I do believe that there are cases which are so gruesome, so horrendous that a death sentence is the only appropriate punishment. Those who oppose the death penalty should ask themselves, would they oppose it if their daughter or wife or sister was brutally raped as her three small children watched and then all were strangled to death, an actual case.

The media does a great job gaining sympathy for those who are about to be put to death. I wish they would do just as good a job describing the sickening details of the murders that have been

committed, even if almost shockingly, a prosecutor can get a rare, unusual jury to return a death sentence, the trial judge sits as the 13th juror and must later approve the verdict or grant a new trial or sometimes a lesser sentence. Following the trial judge, both State and Federal appellate courts review the case. Usually at least 30 or 40 judges review a death sentence before it is carried out, and many of these judges are philosophically opposed to the death penalty. There seems to be a real drum beat in the media to do away with capital punishment.

I urge my colleagues and others to look very closely at this before they jump on this particular band wagon.

#### SHORTAGE OF TEACHERS IN AMERICA

Mr. DUNCAN. Secondly, Mr. Speaker, another important, but unrelated issue of national concern is the impending teacher shortage. This is a very artificial, political government-produced shortage. It has come about only because the teachers' unions and colleges of education want to drastically restrict and limit and control the number of people allowed to teach in the Nation's public schools.

If a person with a Ph.D. and 30 years of experience, say a chemist, wanted to teach after working for years for the Government, he cannot do so under the rules in most States today. If a small college went under and a professor with 25 years of teaching experience, let us say a professor of English, wanted to move to a public school, he could not do so in most States today. If a very successful businessman wanted to teach for a few years as a way to contribute back to society, he could not do so today, despite all of his great wealth and success and experience. Why? Because they would not have the required degrees in education.

So school boards are restricted to hiring 22-year-olds with no experience because they have taken a few education courses over people with Ph.D.s and great experience and success and knowledge who have not had the education courses. This makes no sense at all at any time, but it is crazy in a time when there is or is about to be a teacher shortage. School boards should never hire an unqualified teacher, but they should be given the flexibility and freedom and power to hire people who have great knowledge or experience or success in a particular field, even if they have never taken an education course. If they could do this, there would be no teacher shortage in this country. There are hundreds of thousands of experienced, well-trained, well-educated people with degrees and even graduate degrees who have not taken education courses, but who could and would make great teachers, if only government regulations would give them the freedom and opportunity to do so.

#### HIV/AIDS, THE WORLD'S DEADLIEST DISEASE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Maryland (Mr. CUMMINGS) is recognized for 5 minutes.

Mr. CUMMINGS. Mr. Speaker, today I rise to discuss one of the most challenging and life-threatening public health issues facing the global community, HIV infection and AIDS. I will also highlight significant actions our government and fellow Americans have taken to combat this threat.

HIV/AIDS is now the world's deadliest disease with more than 40 million persons infected worldwide. Not surprisingly, the pandemic affects the most vulnerable citizens of our global community. In fact, nearly 95 percent of infected persons live in the developing countries, with sub-Saharan Africa being the hardest hit of any other region in the world.

The statistics are startling. New HIV infections in Africa have numbered more than 1.4 million each year since 1991. That is an average of more than 3,800 new HIV/AIDS infections per day. Nearly 6,000 will die within this same time frame. Mr. Speaker, 23.3 million adults and children are infected with the HIV virus in the region, which has about 10 percent of the world's population, but nearly 70 percent of the worldwide total of infected people.

Life expectancy in these nations has been reduced by the disease to between 22 and 40 years. Some sub-Saharan African countries could lose as much as a third of their adult population by 2010, and 16 African countries have an HIV infection rate of more than 10 percent. South Africa is 20 percent, Zimbabwe and Swaziland are at 25 percent; and in Botswana, which has the highest infection rate in the region, 36 percent of adults are HIV infected.

When I hear these daunting statistics, I am reminded of a quote by John F. Kennedy. He said, "Mankind must put an end to war, or war will put an end to mankind." HIV/AIDS and its death toll have declared war on our humanity. We must fight back. All sectors and all spheres of society have to be involved as equal partners in fighting this assault. The health sector cannot meet this challenge on its own, nor can one government or nation. It is imperative that we have a collective global effort.

Although I do believe we can do more, I am proud to say that the executive and legislative branches of our government, as well as the private sector, have taken significant steps in that direction. Earlier this month, the U.S. Export-Import Bank extended up to \$1 billion in financing to 24 sub-Saharan African countries to buy anti-AIDS drugs. The financing will be combined with a \$500 million commitment from the World Bank to help these countries purchase reduced-priced drugs, buy medical equipment, and develop specialized health services.

More recently, the gentlewoman from California (Ms. LEE), along with

the gentlewoman from California (Ms. WATERS), the gentleman from Florida (Mr. HASTINGS), and the gentleman from Illinois (Mr. JACKSON), and the Congressional Black Caucus successfully offered an amendment adding \$42 million to the Infectious Disease Account for international HIV/AIDS funding in the House-passed version of the fiscal year 2001 Foreign Operations Appropriations Act. The amendment increased this important funding for HIV/AIDS to the President's original budget request of \$244 million, which is \$190 million over current-year funding.

Additionally, during the 13th International Annual AIDS Conference in Durban, South Africa this month, the Bill and Melinda Gates Foundation announced a round of grants amounting to \$100 million to prevent AIDS in mothers and children, assist AIDS orphans, and relieve suffering in dying patients. Of this funding, a \$50 million grant will go to Botswana, the country in sub-Saharan Africa with the highest HIV infection rate. That will be matched mostly through drug donations by the U.S. Merck Pharmaceutical Corporation.

When the history of this war is written, it will record the collective efforts of societies. Future generations will judge us on the adequacy of our response. I commend the Ex-Im Bank, my colleagues in this House, and the Bill and Melinda Gates Foundation for their compassion and foresight in addressing this issue.

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#### TENTH ANNIVERSARY OF THE AMERICANS WITH DISABILITIES ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Maryland (Mrs. MORELLA) is recognized for 5 minutes.

Mrs. MORELLA. Mr. Speaker, I am pleased to comment this evening to this body on the 10th anniversary of the Americans With Disabilities Act.

I want to make a quote: "I now lift my pen to sign the Americans With Disabilities Act and say, let the shameful wall of exclusion finally come tumbling down."

That was spoken by President Bush on July 26, 1990. Mr. Speaker, I rise today to reflect on how far we as a Nation have come since that summer day 10 years ago when I was honored to be an original cosponsor of the Americans With Disabilities Act.

Today, I joined another President and disability advocates at the F.D.R. Memorial, President Franklin Delano Roosevelt Memorial, to commemorate this landmark law.

I want to discuss a little bit what has happened in the decade since its enactment, but I would like to recognize for about 40 seconds the distinguished gentleman from Pennsylvania (Mr. GEKAS), who would like to make a comment.

Mr. GEKAS. Mr. Speaker, I join with the gentlewoman in the celebration of

the moment of the 10 years of good times spent in developing the Americans With Disabilities Act. I was on the committee, as I still am, on the Committee on the Judiciary, when we had the first hearing; and one of the principal witnesses, some may remember, was Attorney General, then Attorney General Dick Thornberg in the Bush administration, speaking for the Bush administration, endorsing the Americans With Disabilities Act, and bringing into play not only his personal and professional endorsement of it for the Bush administration, but also because he himself as a father has undergone problems in the family with people with disabilities.

So we had a merging, during that committee, of all of the elements that are necessary to make the Americans With Disabilities Act work, namely, that the administration, whatever administration it is, always is behind it; number two, that spokesmen for the administration now and in the future will be developing programs with the Americans With Disabilities Act; and, third, to recognize that members of our own families and neighbors and friends are all subject to the benefits of the Americans With Disabilities Act.

I thank the gentlewoman.

b 1730

Mrs. MORELLA. Yes, Mr. Speaker, in the decade since its enactment, the ADA has changed the social fabric of our Nation. It has brought the principle of disability civil rights into the mainstream of public policy. In fact, the law, coupled with the disability rights movement, has fundamentally changed the way Americans perceive disability.

ADA placed disability discrimination alongside race gender discrimination, and exposed the common experiences of prejudice and segregation, and provided a cornerstone for the elimination of disability discrimination in this country.

The passage of ADA resulted from a long struggle by Americans with disabilities to bring an end to their inferior status and unequal protection under law. It is well documented the severe social, vocational, economic, and educational disadvantages of people with disabilities.

Besides widespread discrimination in employment, housing and public accommodations, education, transportation, communication, recreation, I could go on, institutionalization, health services, voting, and access to public services, people with disabilities faced the additional burden of having little or no legal recourse to redress their exclusion.

Mr. Speaker, over the past decade, ADA has become a symbol of the promise of human and civil rights. It has brought change and access to the architectural and telecommunications landscape of the United States. It has created increased recognition and understanding of the manner in which the

physical and social environment can pose discriminatory barriers to people with disabilities.

I want to point out that we have been making some strides. My Subcommittee on Technology passed and allows Congress significant assistive technology which was included in the budget. Just last week, a commission on the advancement of women, minorities, and persons with disabilities in science, engineering, and technology established under my legislation in the last Congress did a roll-out of their recommendations. We are hoping to pull together a public-private partnership so that we can give more access and opportunity to persons with disabilities.

ADA is not self-acting in ensuring its provisions are fully enforced.

The Federal Government commitment to the full implementation of ADA and its effective enforcement is essential to fulfill the law's promises. Although this country has consistently asserted its strong support for the civil rights of people with disabilities, many of the Federal agencies charged with enforcement and policy development under ADA, to varying degrees, have been overly cautious, reactive and lacking any coherent and unifying national strategy.

Enforcement efforts are largely shaped by a case-by-case approach based on individual complaints rather than an approach based on compliance monitoring and a cohesive, proactive enforcement strategy.

In addition, enforcement agencies have not consistently taken leadership roles in clarifying frontier or emergent issues, issues that, even after nearly 10 years of enforcement, continue to be controversial, complex, unexpected, and challenging.

Mr. Speaker, for ADA to be effective, this needs to be changed.

There is something ADA cannot legislate, and that is attitude. There is a saying with the disability community: "Attitude is the real disability." The attitude toward employment of people with disabilities has to change.

In closing, President Bush said it best at the signing of the ADA. He said, "This Act is powerful in its simplicity. It will ensure that people with disabilities are given the basic guarantees for which they have worked so long and so hard. Independence, freedom of choice, control of their lives, the opportunity to blend fully and equally into the right mosaic of the American mainstream." Let us remember that.

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#### CONGRATULATIONS ON THE RETIREMENT OF GENERAL JOHN GORDON, USAF

The SPEAKER pro tempore (Mr. LATOURETTE). Under a previous order of the House, the gentleman from Florida (Mr. GOSS) is recognized for 5 minutes.

Mr. GOSS. Mr. Speaker, I rise today to recognize an outstanding American who has faithfully served our country

for the past 32 years, General John A. Gordon.

General Gordon, who retired from the Air Force earlier this month, was awarded two commendations this morning in a ceremony at the George Bush Center for Intelligence. George Tenet, Director of Central Intelligence, awarded him the National Intelligence Distinguished Service Medal; and General Michael Ryan, Air Force Chief of Staff, awarded him the Air Force Distinguished Service Medal.

John Gordon's Air Force career began in 1968, and his early assignments were in the highly scientific areas of weapons research, development and acquisition. He went on to serve as a long-range planner at the Strategic Air Command. He was then assigned as a politico-military affairs officer at the Department of State. He returned to the real Air Force as commander of the 90th Strategic Missile Wing.

General Gordon also served our country as a staff officer with the National Security Council and in several senior Department of Defense planning and policy-making positions.

Joining the intelligence community late in his career, General Gordon was first appointed as associate director of Central Intelligence for Military Support back in 1996. Following that assignment, he was named Deputy Director of Central Intelligence, the second-highest ranking intelligence officer in the United States, a position he held with great distinction from October of 1997 through June of this year.

His tenure came at a time when the intelligence community was rebuilding in response to new threats to the United States national security that have emerged since the end of the Cold War, things we know as transnational threats, terrorism, weapons proliferation, weapons of mass destruction proliferation, illegal arms sales, narcotics, those types of things. As DDCI, General Gordon worked closely with Congress and the House Permanent Select Committee on Intelligence to improve U.S. intelligence capability and to safeguard sensitive national security information.

General Gordon brought a singular sense of purpose to the Deputy Director's job that was highly valued by those inside and outside the intelligence community.

I would like to point out, despite the fact that he does not have a background in intelligence, John Gordon would have made a great case officer. Last year he took time to sit down with a group of high school students from my district, some of the top students in southwest Florida. After he spoke to them, several were ready to sign up for a career in the U.S. intelligence community; and this comes in an era where many gifted students are leaving school early to earn a fortune in a new digital economy. I think General Gordon has another career out there as a recruiter for Intelligence if he wants it.

From this gentleman's perspective, it was a pleasure to work with General Gordon while he wore the uniform of the United States Air Force. I am sure he will bring the same diligence and professionalism and integrity to his first civilian job as the Under Secretary of Energy for Nuclear Security and the first administrator for the National Nuclear Security Administration. As we all know, our nuclear secrets and weapons abilities will be more secure, and needs to be more secure in places like Los Alamos, with John Gordon as their steward. We look forward to his taking up the reins.

On behalf of the members of the House Permanent Select Committee on Intelligence, I would like to thank General John Gordon for his continuing service to our Nation. I wish John and his wife, Marilyn, and their daughter, Jennifer, all the best for their future. I offer sincere gratitude for the family sacrifices I know have been made to allow General Gordon to commit so much time and energy to distinguish himself in critical 7-day-a-week, 24-hour-a-day top-level jobs that he has done so well. That is a great contribution to our country. It deserves to be recognized.

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#### PRESCRIPTION DRUG COVERAGE FOR SENIORS TOP PRIORITY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan (Ms. STABENOW) is recognized for 5 minutes.

Ms. STABENOW. Mr. Speaker, I appreciate the opportunity to rise today and have an opportunity to speak about an issue that I have come to the floor very frequently to speak about for many, many months now.

I am asking my colleagues to make sure that we place prescription drug coverage for seniors under Medicare as a top priority for us before we leave session this year. Time is running out.

We have the best economy in a generation. We have budget surpluses that we are deciding how to use and how to invest. I cannot think of a more important issue than investing in the future health and well-being of older Americans and families all across the United States.

I have been coming to the floor of the House on a regular basis to speak out and to share stories of constituents of mine, family members, older Americans who have been calling me and writing me.

I set up a hotline back in August of last year and have set up something called the Prescription Drug Fairness Campaign, whereby I have been asking people to share with me their stories, what is really happening in their lives as it relates to the issue of their medications and the high costs of prescription drugs. I have been overwhelmed with the letters and the phone calls that we have received.

I want one more time to be reading a letter this evening on the floor of this

House from one of my constituents in Michigan. This is a letter from Mr. James Schlieger from Flint, Michigan. He writes to me: "My wife Joan has Alzheimer's Disease. In 1999, my out-of-pocket payment for preparations was \$3,020.43. Our other medical expenses were \$3,909.79. Our Social Security income is \$20,252. This leaves us little over \$13,000 to pay our property taxes, utility bills, food, and gasoline and all of our other expenses. Bottom line, there is nothing left to enjoy the Golden Years. With my wife's condition, in a few years, we will have depleted our savings, then we will have to become dependent on government care. Please help us. James Schlieger from Flint, Michigan."

I think we need to help Mr. Schlieger. We need to make sure that our seniors are not using all of their savings to pay for the cost of the health care that they are supposed to be receiving under Medicare.

This Sunday is the 35th anniversary of the day that the Medicare legislation was signed. At the time it was set up, it covered the way health care was provided. The promise was there that, once an American reached the age of 65 or was disabled, they knew that there would be health care available to them.

The difficulties that we have now is that health care has changed. The way we treat people has changed. Instead of it being in the hospital and with operations and inpatient prescription drugs, we are now in a situation where the majority of care is outpatient, is home health care. It almost always involves prescription drugs. So Medicare simply needs to be modernized to cover the way health care is provided today.

There are others who are talking about privatizing. There are others talking about other kinds of approaches. I would urge my colleagues to simply look at a system that the seniors of our country know and trust. It has worked. It just needs to be updated. If we cannot do that now with the best economy in a generation, with budget surpluses and the ability to take a small percentage and invest that back into Medicare to lower the cost of prescription drugs, I do not believe we ever will.

So I call on my colleagues one more time. Let us not let one more senior sit down at breakfast in the morning and decide, do I eat today or do I pay for my medications? That is a choice that older Americans should not have to make.

I am going to do everything in my power to fight on behalf of the seniors of Michigan, to make sure that we modernize Medicare for prescription drugs.

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#### WHALE KILLING ENDS FOR MAKAH INDIAN TRIBE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Washington (Mr. METCALF) is recognized for 5 minutes.

Mr. METCALF. Mr. Speaker, the Makah Indian Tribe in Washington State has been granted special permission by the Clinton-Gore administration to kill four gray whales each year. They have already killed one whale and injured at least one. By the way, for every whale killed, there is an average of two that are injured and get away.

But last year, I filed an appeal along with several co-plaintiffs to overturn the decision made by the U.S. District Court to allow whaling by the Makah Indian Tribe. Two months ago, a three-judge panel from the 9th Circuit Court handed down a decision in that case. The decision specifically confirmed my position. We won. Whale killing was ended. The only way the Clinton-Gore administration would be able to gain approval for this whale hunt now would be to blatantly violate the Federal environmental protections law.

In fact, the court specifically asked, and I quote from the decision language, "Can the Federal Defendants now be trusted to take the clear-eyed hard look at the whaling proposal's consequences required by law, or will a new (Environmental Assessment) be a classic Wonderland case of first-the-verdict, then-the-trial?"

Alice in Wonderland, indeed. However, in this story, the heads that are being chopped off belong to the majestic gray whales that ply the western coast of America and each year travel north to the Bering Sea and occasionally even to Siberia. Most Americans believe that we have risen above the wanton slaughter of the buffalo for their hides, or the whales for the value of their body parts.

This would have been the first step toward returning to the terrible commercial exploitation of whales of the 19th century. In the papers filed with NOAA by the Makah Tribe, the tribe refused to deny that this was a move toward renewal of commercial whaling.

b 1745

It is important to understand that the International Whaling Commission has never sanctioned the Makah whale hunt. Under the International Whaling Convention, of which the United States is a signatory, it has been legal to hunt whales for scientific or aboriginal subsistence purposes only. The tribe clearly has no nutritional need nor subsistence need to kill the whales.

Even in the face of the strong International Whaling Commission's opposition to the original Makah proposal in 1997, the U.S. delegation unbelievably ignored years of U.S. opposition to whale killing and cut a sleazy deal with the Russian government in a back-door effort to find a way to grant the Makah's the right to kill whales.

The agreement was to allow the Makah Tribe to kill four of the whales from the Russian quota each year under the artificial construction of cultural subsistence. Before this shameful back-door deal, the United States had led the opposition worldwide to any



whale killing not based on true subsistence need. Cultural subsistence is a fraud. It is a slippery slope to disaster.

Cultural subsistence would have expanded whale hunting to any nation with an ocean coastline and any history of whale killing. The whaling interests in Norway and Japan, who still occasionally pirate whales on the high seas, were delighted with the U.S. position. They have orchestrated and financed an international cultural subsistence movement. America's historical role as a foe of renewed whaling around the world would have been drastically undercut.

The treaty signed by the Makah Tribe in 1855 only gives them the right to hunt whales in common with the citizens. This provision was to ensure equal rights, not special rights. Now, under the 9th Circuit Court ruling, the Makah Tribal Government will not be allowed to kill whales when it is illegal for anyone else in the United States to do so.

It is shameful that the Clinton-Gore administration supported a proposal that flies in the face of the values, interests and desires of the majority of United States citizens. It violates the law and the clearly stated U.S. policy in opposition to whaling.

I support those Makah tribal elders and others who oppose this hunt, and I am deeply appreciative of the court ruling and our success in stopping the renewal of the barbaric practice of whaling.

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#### ENSURING A COMPETITIVE AIRLINE INDUSTRY

The SPEAKER pro tempore (Mr. LATOURETTE). Under a previous order of the House, the gentleman from Minnesota (Mr. OBERSTAR) is recognized for 5 minutes.

Mr. OBERSTAR. Mr. Speaker, I am deeply troubled over the possibility of mergers of major domestic airlines. Many observers have predicted that if the proposed merger of United Airlines and US Airways is allowed to proceed, it will be followed by mergers of other major carriers, and soon we will have an industry dominated by three mega-carriers. This would be devastating to consumers.

The father of deregulation, Alfred Kahn, observed "Because of the United-US Airways threatening to set off a series of imitative mergers that would substantially increase the concentration of the domestic industry, there is a possible jeopardy here to the many billions of dollars that consumers have been saving each year because of the competition set off by deregulation."

I am strongly opposed to the United-US merger and other mergers that likely will follow. I have asked the Department of Justice and Transportation to use all available authority to stop the mergers under the antitrust laws, and many Members have indicated they share those concerns.

At hearings held in several House and Senate committees there was little

support for the United-US merger. Members raised concerns about the impact of the merger on service to the areas they represent as well as to the Nation at large. As one Member in our hearing in our Committee on Transportation and Infrastructure observed, "I don't think the merger is a win-win for the consumer. As a matter of fact, it might be a lose-lose look for the consumer." A number of Members expressed the sentiment that if Congress were to vote on the proposed United-US merger, it would fail.

I hope and expect that the Department of Justice will heed those strongly-held views. At the same time, however, I believe we have to begin thinking about steps we would take to protect consumers if competition in the industry is reduced to a point where it is no longer an affective check on monopolistic behavior. I must emphasize that this type of legislation is not my preference. I would greatly prefer an environment in which consumers are protected by adequate competition in a free market.

The legislation I am introducing will give the Department of Transportation extended authority to protect the American consumer should a series of mergers or acquisitions be approved, leaving our domestic market with three or fewer carriers, who would account for over 70 percent of scheduled revenue passenger miles. The authority that I would extend to the Department of Transportation in this legislation will include oversight of air carrier pricing, anti-competitive responses to new entrant competition, and other unfair competitive practices.

This is not reregulation. Airlines will remain free to set prices and enter or leave markets without prior government approval. But the bill will give DOT authority to intervene if the airlines take unfair advantage of the absence of sufficient competition.

I just want to cite the highlights of this legislation. The bill would take effect when, as a result of mergers between two or more of the top seven carriers, three or fewer carriers control more than 70 percent of domestic revenue passenger miles.

Monopolistic fares. The Secretary of Transportation is authorized to require reduction in fares that are unreasonably high. When the Secretary finds that a fare is unreasonably high, he may order that it be reduced and that the reduced fare be offered for a specified number of seats and that rebates be offered.

Preventing unfair practices against low-fare new entrants. If a dominant incumbent carrier responds to low-fare service by a new entrant, and matches that low fare, and offers two or more times the low-fare seats as the new entrant, the dominant carrier must continue to offer the fare for 2 years, for at least 80 percent of the highest level of low-fare seats it offered.

Increasing competition at hubs. If a dominant carrier at a hub airport

takes advantage of its monopoly power by offering fares 5 percent or more above industry averages in more than 20 percent of hub markets, DOT may take steps to facilitate added competition at the hub.

And, finally, the measures to encourage competition may include measures relating to the dominant carrier's gates, slots, or other airport facilities, to travel agent commissions, frequent flyer programs and corporate discount programs.

I hope we do not ever have to come to a point where this legislation must be enacted and must take effect. I hope that the Justice Department will disapprove the United-US merger and discourage all other mergers that are likely to follow this one. If not, and if the domestic airspace and the world airspace is reduced to three globe-straddling mega-carriers, then we will need this legislation in place to protect competition and protect consumers.

Mr. Speaker, I want to go into a little more detail about some of the problems my legislation seeks to address.

#### MONOPOLISTIC FARES

If the airline sector is reduced to three major carriers the remaining mega-carriers could substantially reduce competition and raise fares. The way airline competition works today, when established carriers control markets, the tendency is for the carriers to follow each other's fare changes so that the fares are identical, and the passenger choice is limited. These tendencies would be magnified if there were only a few major airlines. There would be enormous incentives for each carrier to avoid competing with the others at their strong hubs and routes. This strategy would likely lead to the greatest mutual profitability, while strong competition across the board could prove suicidal. As the DOT aptly stated, "[e]conomic theory teaches that the competitive outcome of a duopoly is indeterminate: the result could be either intense rivalry or comfortable accommodation, if not collusion, between the duopolists." Collusion to fix prices is not new to the airline industry—in 1992 it was caught red-handed in an elaborate price-fixing scheme using computer reservations software.

The impact of mergers on fares goes beyond the effects of having only three major competitors. Each merger by itself eliminates competition between the parties to the merger; history shows that this reduction in competition will lead to higher fares. The General Accounting Office, in a 1988 report, found that after TWA bought Ozark, it raised roundtrip fares 13 to 18 percent on 67 routes serving St. Louis. An October 1989 report by the Economic Analysis Group, a DOJ research arm, noted that: "The merger of Northwest and Republic appears to have caused a significant increase in fares [5.6 percent] and a significant reduction in overall service on city pairs out of Minneapolis-St. Paul." That happened despite the fact the number of cities served from Minneapolis-St. Paul increased after Northwest/Republic merger.

My bill will give DOT authority to intervene if carriers take advantage of the absence of competition by raising fares above competitive levels. The bill gives DOT authority to require



reductions in fares which it finds to be unreasonably high. The bill gives examples of situations in which a fare might be found to be unreasonably high: if the fare in a particular market is higher than the fare the carrier charges in other markets with similar characteristics, or if the fare in a market is increased beyond increases in costs. The bill provides that if DOT finds that a fare is excessively high it may order that the fare be reduced, specify the number of seats at which the reduced fare must be offered, and order rebates.

#### UNFAIR COMPETITIVE PRACTICES AGAINST LOW FARE CARRIERS

A second problem that my bill deals with is unfair competitive practices against new entrants.

New entrants providing low fare service have been a critical element in airline competition under deregulation. In fact, history has shown that the public experiences real competition only when low fare carriers like Southwest Airlines enters a market. DOT called it the "Southwest effect." Studies have shown that when Southwest begins service to a new city, competitors tend to lower their fares and more people start flying. DOT studies show that average fares in markets served by low-fare carriers were \$70–\$90 lower than average fares in other markets. On the other hand, fares were higher in markets not served by a low-fare carrier, even when these markets had competition from several established carriers. New entrants with low fare service will be even more important in an industry dominated by three large carriers.

In recent years, low fare carriers have faced great difficulty in establishing their services. Last year on the House floor, I expressed my concern over unfair competitive practices that incumbent airlines have used when new entrant low fare carriers try to compete. In the typical scenario, the low fare carrier enters a market with a limited amount of low fare service. The incumbent carrier responds by matching the low fare and adding service so that the low fare will be available on many times the number of seats offered by the low fare carrier. This flooding of the market frequently drives the low fare carrier out, and permits the incumbent to raise its fare to the prior level.

The adverse effect of these practices on competition does not end with the particular challenger. Once it becomes known in the industry that an incumbent will respond aggressively to a challenge by a low fare carrier, other prospective competitors will also be deterred in the future. This is not a theoretical problem. DOT investigations and Congressional hearings have uncovered a number of instances in which major airlines have adopted money-losing strategies to drive out new entrants who have instituted low fare service at the major carrier's hub airports.

The Transportation Research Board (TRB), in its 1999 study *Entry and Competition in the U.S. Airline Industry*, examined 32 complaints of unfair competition on file with the DOT, concluding that "it is apparent that some of the actions described are difficult to reconcile with fair and efficient competition." The TRB reported that one-half of the cases involved sharp price cutting and excessive increases in capacity. In fact, last year the DOJ filed suit against American Airlines to enforce the anti-trust laws against alleged predatory practices by American Airlines to drive new entrants out of its Dallas/Ft. Worth hub.

If the industry is reduced to three mega-carriers, these carriers will have greater financial resources and general freedom from competition. This will enhance their ability to eliminate new entrants by unfair practices.

To deal with this problem, my bill adopts a concept suggested by Dr. Kahn and others to discourage unfair tactics against new entrants. In cases where a dominant carrier at a hub airport meets new low fare competition by reducing its fares and offering the new low fare on more than twice the number of seats as the new entrant carrier on that route, the bill requires the dominant carrier to continue to offer the new low fares for two years. During this two year period, the low fares must be made available on at least 80 percent of the highest number of seats per week for which that fare has been offered. This will ensure that a dominant carrier's efforts to defend its market, route or hub will be a truly competitive response, not one designed only to drive a new competitor out of business and then recoup reduced profits or losses by raising fares.

#### MONOPOLISTIC ABUSES AT HUB AIRPORTS

Another major problem that my bill addresses is monopolistic practices at hub airports dominated by a single airline. Several studies have shown that fares for hub airports are higher than fares in markets where there is more competition. The recent TRB study concluded that "the consistency with which hub markets appear among the highest-free markets is noteworthy and raises the possibility that the hub carriers are exploiting market powers in ways that would not be sustained if they were subject to more competition."

In an environment of less competition, the hub problem can be expected to grow worse. My bill addresses this problem in several ways. First, as I have previously discussed, the bill gives the Secretary authority to require that fares at hub airports be reduced if they are higher than fares elsewhere.

Secondly, the bill includes provisions to encourage more competition at hubs. The bill provides that, upon a finding that a dominant carrier is exploiting its position at a hub airport by offering unreasonably high fares in more than 20 percent of the hub's markets, the Secretary may require the dominant air carrier to make gates, slots, and other airport facilities reasonably available to other carriers. We have often heard of dominant air carriers that refuse to give to other carriers, especially new entrants, access to key airport facilities.

The ability to prevent other air carriers from competing effectively at hub airports will only be magnified if the industry is reduced to three major carriers.

My bill would also give the Secretary the authority to require that the air carrier exploiting a hub monopoly make adjustments in commissions paid to travel agents, in frequent flyer programs, and in corporate discount arrangements. Each of these marketing programs has served, in the past, to make it nearly impossible for new entrants to gain a foothold in a dominant hub market. The recent TRB report noted that use of these programs to drive out competition "merits further investigation by DOT."

#### UNREASONABLY HIGH FARES FOR BUSINESS PASSENGERS

A final problem the bill addresses is excessively high fares for business travelers and others who cannot meet the conditions on

discount tickets. In the last several years, airlines have been charging increasingly higher airfares to business travelers who do not qualify for discount tickets. The TRB noted that the: "higher-fare travelers . . . are now paying 5 to 25 percent more. Also evident is that these travelers are paying fares much higher than the median, at least in comparison with earlier periods (1995 to 1992). For instance, travelers paying the highest fares in 1992 paid 2 to 2.1 times the median fare. In 1998, these travelers paid 2.7 to 2.9 times the median." If the aviation industry were to consolidate to just three globe-straddling mega-carriers, the business traveler is the one who would bear the brunt of the super-premium airfares that are sure to be charged in those monopoly power airport markets.

My bill would give the Secretary power to require reductions in fares that are unreasonably high, either in and of themselves, or by comparison to the lower fares offered other passengers.

Mr. Speaker, I believe that we are at a critical point for the future of a competitive airline industry. The inescapable lesson of 22 years of deregulation is that mergers and a reduction in competition often lead to higher fares for the American traveling public. We cannot stand idly by and allow the benefits of deregulation to be derailed by a wave of mergers. If these mergers are approved, we will need a new legislative framework to give the Secretary of Transportation appropriate authority to combat anti-competitive practices by the new line-up of powerhouse mega carriers, to preserve competition in the public interest, and ensure the widest range of travel options at the lowest possible prices for air travel.

If the mergers proceed without the competitive protections I am proposing, then the ultimate irony of deregulation will be that we will have traded government control in the public interest, for private monopoly control in the interests of the industry.

Mr. Speaker, I submit for the RECORD herewith a section-by-section summary of my legislation:

#### AIRLINE COMPETITION PRESERVATION ACT— SECTION-BY-SECTION SUMMARY SECTION 1—SHORT TITLE

This section provides that the Act may be cited as the "Airline Competition Preservation Act of 2000."

#### SECTION 2—OVERSIGHT OF AIR CARRIER PRICING

Subsection (a)(1) provides that the Act takes effect immediately upon a determination by the Secretary of the Department of Transportation that, as a result of consolidation or mergers between two or more of the top 7 air carriers, three or fewer of those air carriers control more than 70 percent of scheduled revenue passenger miles in interstate air transportation.

Subsection (a)(2) states that the Secretary shall, in determining the number of scheduled revenue passenger miles under subsection (a)(1), use data from the latest year for which complete data is filed. In addition, subsection (a)(3) provides that the Secretary in making the concentration determination in (a)(1) should attribute to the remaining airline those routes acquired from the air carrier with which it has merged or consolidated.

Subsections (b)(1) and (b)(2) give the Secretary the authority to investigate whether an air carrier is charging a fare or an average fare on a route that is unreasonably high. The factors in making this determination include whether the fare or average fare

in question: is higher than fares charged in similar markets; has been increased in excess of cost increases; and strikes a reasonable relationship between fares charged to passengers who are price sensitive and those charged to passengers who are time sensitive.

Under subsection (b)(3), if a fare is found to be unreasonably high, the Secretary may order, after providing the air carrier with an opportunity for a hearing, that it be reduced, that the reduced fare be offered for a specified number of seats and that rebates be offered.

Subsection (c) provides that if a dominant air carrier, on any route in interstate transportation to or from a hub airport, responds to low fare service by a new entrant by matching the low fare, and offering two or more times the low fare seats as the new entrant, the dominant carrier must continue to offer the low fare for two years, for at least 80 percent of the highest level of low fare seats it offered.

Subsection (d)(1) authorizes the Secretary to investigate whether a dominant carrier at a hub airport is charging higher than average fares at that airport. Subsection (d)(2) provides that the Secretary may determine that higher than average fares are being charged where an air carrier is offering fares that are 5 percent or more above industry average fares, in more than 20 percent of its routes that begin or end in its hub market. If higher than average fares are being charged, the DOT may, after providing the air carrier with an opportunity for a hearing, take steps to facilitate added competition at the hub, including measures to relating to the dominant carrier's gate, slots, and other airport facilities, travel agent commissions, frequent flyer programs and corporate discount programs.

Subsection (e) defines the terms "dominant air carrier," "hub airport," "interstate air transportation," and "new entrant air carrier." "Dominant air carrier" is defined, with respect to a hub airport, as an air carrier that accounts for more than 50 percent of the total annual boardings at the airport in the preceding 2-year period or a shorter period as specified by the Secretary. A "hub airport" means an airport that each year has at least .25 percent of the total annual boardings in the United States. "Interstate air transportation" is defined as including intrastate air transportation. A "new entrant air carrier," with respect to a hub airport, is defined as an air carrier that accounts for less than 5 percent in the preceding 2-year period or a shorter period as specified by the Secretary.

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#### SEND EDMOND POPE HOME

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. PETERSON) is recognized for 5 minutes.

Mr. PETERSON of Pennsylvania. Mr. Speaker, I rise today with a heavy heart. On my left is a picture of Edmond and Cheri Pope, a lovely couple from State College, Pennsylvania. On March 14, Edmond left for Russia on a routine trip, a business trip. It would have been his 27th trip there. He was someone very involved in working with the Russians on business development, helping them market their declassified technology, someone who was very fond of the Russians and liked to help them economically in deals that were beneficial to both our countries.

For 115 days Edmond Pope, from April 3 on, has been in a Russian pris-

on. For 115 days Mrs. Pope has not had a husband, except for 2 hours that she spent with him several weeks ago. His children have had no father for 115 days. His aging parents do not understand why for 115 days they have not been able to talk to their son.

My colleagues, Edmond Pope was placed in prison unfairly. He is not a spy. He was charged with espionage. That is not true. And what is disturbing is for the first 11 weeks his wife and family had no chance to communicate with him; did not receive one note from him, one phone call from him, or able to get a note or a phone call or letter to him. That is 77 days he was absolutely separated from his family. They had no idea of his health, no idea if he had a lawyer; a good lawyer.

On June 19, Mrs. Pope, Cheri, and two of my staff, were leaving for Russia to attempt to visit him. That afternoon Cheri's mother passed away unexpectedly in San Diego, California. Mrs. Pope had to make the decision whether she went to bury her mother or she went to Russia to encourage her husband. She made the decision to go to Russia, and so she went. And several days later she had the chance to spend a few moments with him.

On Tuesday, June 20, they met for the first time in 3 months, just a few feet from a watchful prosecutor in Lefortovo prison. Edmond and Cheri Pope hugged and belatedly wished each other a happy 30th anniversary. Then Cheri Pope said, "The first thing he said to me was, 'Cheri, I didn't do anything wrong. I didn't.' And I said to him, I never thought for a minute you did."

In an emotional interview on Tuesday after that reunion, Cheri Pope said her husband, whom the Russians had accused of spying, was strikingly thin. He had a rash; he had lost a lot of weight; he had a pallor about him and some skin problems. She said, "Even though he didn't look well, he still looked handsome to me."

While they were there, Cheri and my staff were able to obtain a good lawyer for him. He did not have a good lawyer, and they had no way of knowing that. And since that time we have been working hard to obtain his release.

On June 26, we wrote President Putin a letter, and I will share with my colleagues some of the things we shared with him. "Mr. Putin, if you value our friendship, send Edmond Pope home. President Putin, if you value the growing business relationships beneficial to both of our countries, send Edmond Pope home." It said, "President Putin, if you value the many ways we aid you financially, send Edmond Pope home."

"Edmond Pope is a man who was there on sound financial business reasons. He is not a spy. He needs to be home with his family and with his grieving wife. He needs to be home to visit his father, who is seriously ill. He needs to be home to have his own health monitored, and he needs to be home so that our relationship between

the Russian Federation and America can grow and not be destroyed."

We have not heard from that letter, though we thought we would. Today, I wrote another letter to President Putin and it has been faxed to him. One hundred fifteen days have passed. This case has no merit. His new lawyer tells us he has shredded the evidence completely. On August 5, in just a few days, his son, Dusty Pope, plans to marry a young lady named Justin. It is only fitting that Edmond Pope be home to stand with his son and his future daughter-in-law and wish them into the world of matrimony.

I hope and believe that it is important that we get this issue resolved and that we get him home, because it is vital that we build a relationship between these two countries. I have a resolution that urges the President, with 109 signatures, and I could get many more, to discontinue our assistance to the Russian Federation, to approve no more loans to the Russian Federation, or no more technical assistance. I do not want to do that. I believe the future of Russia depends much on a friendship with this country. But it is time to send Edmond Pope home so that our relationship can grow to the benefit of both our countries. I ask President Putin to help us accomplish this today.

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#### CALLING ON RUSSIAN GOVERNMENT AND PRESIDENT PUTIN TO FREE EDMOND POPE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Oregon (Mr. WALDEN) is recognized for 5 minutes.

Mr. WALDEN of Oregon. Mr. Speaker, I rise this evening to reinforce the comments of my colleague, the distinguished gentleman from Pennsylvania (Mr. PETERSON), and to call on the Russian government and President Putin to free Mr. Ed Pope. We have heard he is an American businessman that they have held without trial for months, and I rise to assure Mr. And Mrs. Pope's family that the gentleman from Pennsylvania (Mr. PETERSON) and I are doing everything we can to secure his release.

b 1800

Mr. Speaker, the Russian government's continued incarceration of Mr. Pope, an American citizen, is nothing short of outrageous. Not only was his arrest and subsequent imprisonment contrary to international law, but the treatment he has received while in custody has been appalling.

Until recently, I am told, he has been denied communications with his wife. We heard they went for 70-plus days without being able to exchange letters or any communication. He has been denied access to sufficient food and medical treatment by American standards and certainly every other basic right we associate with justice systems of civilized nations.

Indeed, Mr. Speaker, Mr. Pope's imprisonment is reminiscent of those ugly dark days of the old Soviet regime when men and women were taken from their homes in the dark of night, interrogated, and sometimes never seen again. And that is wrong.

Mr. Speaker, as of yesterday, I was told that Mr. Pope still lacks such basics as a blanket, a blanket his wife has been trying to send to him, a blanket that has been described and detailed about what they have to do to get through the Russian bureaucracy and yet continued to be denied, a blanket.

A few weeks ago, I had the opportunity to meet with Mr. Pope's parents, Roy and Elizabeth Pope, who live in my district in Grant's Pass, Oregon. Mr. Speaker, both of them are elderly. Mr. Pope suffers from terminal cancer and dementia. They and I do not fully comprehend the diplomatic obstacles that keep their son away from his family.

Mr. Speaker, on May 9, I wrote to our own Secretary of State. On June 27, I wrote again. In neither case has this administration bothered to respond to the two letters of inquiry that I have sent directly to the Secretary of State.

Mr. Speaker, Ed's family knows that Ed is no criminal and that his imprisonment is unjust.

Mr. Speaker, we simply must do everything in our collective power to see to it that he is freed as soon as humanly possible.

Mr. Pope is no spy and he should be returned to his family. So I urge my colleagues on both sides of the aisle to join us in sending a strong message to President Putin and the Russian government that the American people are serious about this and will not forget their actions if Mr. Pope is not returned immediately.

In an era when the opportunity exists for better relations between our two nations, now is not the time to return to the mutual antagonism and suspicion that held the entire world hostage for a half a century of the Cold War.

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#### TRIBUTE TO HONORABLE JIMMY MORRISON

The SPEAKER pro tempore (Mr. LATOURETTE). Under the Speaker's announced policy of January 6, 1999, the gentleman from Louisiana (Mr. VITTER) is recognized for 60 minutes as the designee of the majority leader.

Mr. VITTER. Mr. Speaker, tonight I rise to mourn the passing of a former Member of this body, the Honorable Jimmy Morrison of Louisiana.

Congressman Morrison was one of my constituents and represented much of the district I now represent. He served in this body from 1944 through 1966.

I was only 5 years old when he left this House, so my knowledge, obviously, of his tenure here is limited to conversations with those who were privileged to work with him and to the history books. I do know that he was a Member of whom we can all be proud.

In 1944, when he was first elected to office, his district was, like much of the country, a rural area still working to recover from the Great Depression.

Congressman Morrison earned a seat on the Committee on Agriculture and the Post Office and Civil Service committee, two assignments that allowed him to address the immediate needs of his constituents.

The esteem in which my older constituents hold him speaks volumes of his effectiveness. He had a distinguished record in this body. He always stood up for the downtrodden and spoke very passionately about his commitment to speaking and working for the causes of the downtrodden.

Perhaps the clearest example of that was his vocal support of the Civil Rights Act of 1964. He was extremely instrumental in furthering the needs and the interests of his particular district. He was really personally responsible for seeing to it that the intersection of I-12 and I-55 in his district happened in the area of Hammond, which helped enormously with the growth of the entire Hammond area.

He also worked as a leading member of the Committee on Post Office and Civil Service to establish needed post offices throughout his district.

On a more national scale, he introduced the legislation that led to the John F. Kennedy Center for the Performing Arts.

He was also very colorful and effective in the realm of politics. Besides being a sterling stump speaker, Mr. Morrison staged what he called the "convicts parade" on Canal Street during the 1939-1940 campaign to call attention to the convictions arising out of the Louisiana scandals involving the Huey Long machine.

Perhaps those of us in Louisiana politics today should take a lead from that in light of the recent conviction of our former governor, Edwin Edwards. Maybe we need another convicts parade.

I can speak from personal knowledge of his life after Congress. He returned full time to his hometown of Hammond and resumed an active role as an attorney and civic leader. Leaving Congress in no way weakened his commitment to public service. He was a strong supporter of Southeastern Louisiana University in Hammond, the institution that houses his congressional papers.

In honor of this support, the University hosts an annual lecture. The James H. Morrison Lecture on Politics and Government has brought leaders from throughout Louisiana and the Nation to Hammond to share their wisdom with the southeastern community.

Shortly after joining this body a little over a year ago, I traveled to Hammond to seek Congressman Morrison's advice. It is clear from our conversation that he held the House in great esteem and viewed his opportunity to serve as a great honor accompanied by great responsibilities. I always will remember our discussion and the advice and wisdom he shared.

To his wife, Marjorie, to family and many friends, let us all offer our sincere condolences. May they be comforted by the knowledge that he is now blessed with the joy and peace far greater than any on Earth.

Mr. Speaker, Congressman Morrison served with only two present Members of the House. One of those with whom he served for quite a bit of time was the honorable gentleman from Michigan (Mr. DINGELL).

The gentleman from Michigan (Mr. DINGELL) could not join with me tonight. He had a pressing engagement off the floor. But he did give me a statement which he asked for me to read on his behalf. This again is from the gentleman from Michigan (Mr. DINGELL):

Mr. Speaker, I rise to pay tribute to an honorable, courageous man who passed away last Thursday in his hometown of Hammond, Louisiana. James H. "Jimmy" Morrison represented his constituents well, fought for the underdog admirably, and served in this body with distinction.

I had the pleasure of serving with Jimmy Morrison, a principled populist and a passionate fighter on behalf of Louisiana and his Sixth District, which he served from 1942-1966. He was an advocate for working men and women before he came to Congress, beginning his legal career organizing strawberry farmers who fell prey to unfair price fixing. In Congress, he continued to fight to ensure that every individual was entitled to fair treatment in the workplace and given the opportunity to live the American dream. Always alert to the needs of his constituents, he brought back federal dollars home for roads, schools, and post offices.

Mr. Speaker, I would like to note Jimmy Morrison's courage. Jimmy Morrison's proudest and most courageous vote, in support of the Civil Rights Act of 1964, undoubtedly cost him his seat. His opponent played the race card during a tense time in the South, throwing fuel on the fire of fear and hate, and beat Jimmy in doing so. But that did not matter; Jimmy Morrison knew he was on the side of righteousness, not political expediency. History should remember his courage.

I would ask my colleagues to join me in honoring James H. Morrison, a good, decent, courageous public servant who should be remembered both for his accomplishments and the example he set.

Those were the comments, as I said, Mr. Speaker, of the gentleman from Michigan (Mr. DINGELL).

Mr. Speaker, I know the gentleman from Louisiana (Mr. BAKER) joins me in this special order, and he is here with us on the floor. I yield to the gentleman.

Mr. BAKER. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, as a recent high school graduate many, many years ago, I had the occasion to open my mail and there in the mailbox was a letter from my Congressman. I was so shocked to think that he first knew that I had graduated high school and that he would send me such a nice congratulatory note.

Many years later, I was at the dedication of a new building project in the congressional district and in the audience was Congressman Jimmy Morrison. And I reminded him of his kind act

of courtesy in sending me this congratulatory letter in which he not only said "Congratulations on your fine academic achievement. But should you ever have occasion to come to Washington, I certainly want to invite you."

In that context, I extended my appreciation for that offer and accepted his kind invitation to come to Congress.

Congressman Jimmy Morrison was more than just a good political figure. He had exemplary courage. In fact, he was a leader in the civil rights fights of the 1960s. And many believe it was his belief and conviction in the action of civil rights that brought his long and distinguished congressional career to an end.

But it was also exemplary of the core of what Congressman Morrison's strengths really were. He was a courageous person. Serving in office from 1943 to 1967, he was never afraid to take a stand whether controversial or not.

Many might say about many Louisiana politicians that at times they can be flamboyant. Certainly Congressman Morrison was no exception to that observation. But throughout it all, he was a leader. He is a leader who is known in the State for his accomplishments but also as a political legend. But he is known as a legend for all the right reasons.

Mr. VITTER. Mr. Speaker, reclaiming my time, we will all remember Congressman Morrison very fondly, very proudly for his contributions not only to his part of Louisiana, to our home State, but to the Congress and to the country.

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#### FUNDING FOR NATIONAL INSTITUTES OF HEALTH

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 1999, the gentleman from Pennsylvania (Mr. GEKAS) is recognized for 50 minutes.

Mr. GEKAS. Mr. Speaker, we rise here today to state and restate a goal that we had set several years ago to attempt to and to succeed in doubling the funding for NIH, the National Institutes of Health, over a 5-year period. This was 3 years ago.

We began that by introducing a resolution to that effect and gathering sponsorship. And lo and behold, the first 3 years have yielded the steady advance toward that doubling of funding that we so earnestly felt was necessary for the people of our country.

Today, as we stand here, the Congress is poised to do the third leg of that doubling process down the road by engaging in a conference report between the House and the Senate in which the top figure, that contained in the Senate, \$2.7 billion, or thereabout, would be exactly the amount required to keep us on the path towards the doubling of the funding.

We anticipate that Members of the House and the Senate will eventually support that final figure that will keep us on this track.

But why is this important? It is important not just for the sake of the money required to keep an enterprise moving, but the work of that enterprise will be to relieve pain, to relieve suffering, to prevent disease, to cure disease. Because that is what the business of the NIH is, to reach out and, through research and through efforts in the world of medicine and healthcare, to bring about breakthroughs in the various maladies that face the people of the Earth.

We have seen evidence over the last 10 years of tremendous breakthroughs and advances in Parkinson's disease, in women's breast cancer, in other types of cancer, in Alzheimer's disease, in many of the things that plague us and for which there is sometimes said to be no cure. And that is true, but we do not know how soon we could reach a point where we might develop a cure.

b 1815

But the point is that is the purpose of the increased funding for the NIH. Along the way, then, we in this Congress submitted a similar resolution, H. Res. 437, which does the very same thing. \$2.7 billion is our target. We are short of that in the House, but as I said the conference report will probably yield assent by the Congress to this third leg of the doubling effort about which we speak. We have ample documentation and evidence from other Members of Congress and people throughout the Nation that there is gigantic support for this particular effort.

Mr. Speaker, I want to enter into the RECORD my own statement in this regard, a copy of H. Res. 437, various Dear Colleague letters that speak on the subject, a list of cosponsors of the effort, and also letters of support, some dozen of them.

H. RES. 437

Whereas past Federal investment in biomedical research has resulted in better health, an improved quality of life for all Americans, and a reduction in national health care expenditures;

Whereas the Nation's commitment to biomedical research has expanded the base of scientific knowledge about health and disease, and revolutionized the practice of medicine;

Whereas the Federal Government is the single largest contributor to biomedical research conducted in the United States;

Whereas biomedical research continues to play a vital role in the growth of this Nation's biotechnology, medical device, and pharmaceutical industries;

Whereas the origin of many new drugs and medical devices currently in use is biomedical research supported by the National Institutes of Health;

Whereas women have traditionally been underrepresented in medical research protocols, yet are severely affected by diseases including breast cancer, which will kill over 43,300 women this year; ovarian cancer, which will kill 14,500; and osteoporosis and cardiovascular disorders;

Whereas research sponsored by the National Institutes of Health is responsible for the identification of genetic mutations relating to nearly 100 diseases, including Alz-

heimer's disease, cystic fibrosis, Huntington's disease, osteoporosis, many forms of cancer, and immunodeficiency disorders;

Whereas many Americans face serious and life-threatening health problems, both acute and chronic;

Whereas neurodegenerative diseases of the elderly, such as Alzheimer's and Parkinson's disease, threaten to destroy the lives of millions of Americans, overwhelm the Nation's health care system, and bankrupt the Medicare and Medicaid programs;

Whereas 2.7 million Americans are currently infected with the hepatitis C virus, an insidious liver condition that can lead to inflammation, cirrhosis, and cancer as well as liver failure;

Whereas 297,000 Americans are now suffering from AIDS, and hundreds of thousands more are infected with HIV;

Whereas cancer remains a comprehensive threat to any tissue or organ of the body at any age, and remains a top cause of morbidity and mortality;

Whereas the extent of psychiatric and neurological diseases poses considerable challenges in understanding the workings of the brain and nervous system;

Whereas recent advances in the treatment of HIV illustrate the promise research holds for even more effective, accessible, and affordable treatments for persons with HIV;

Whereas infants and children are the hope of our future, yet they continue to be the most vulnerable and underserved members of our society;

Whereas approximately one out of every six American men will develop prostate cancer and over 40,000 men will die from prostate cancer each year;

Whereas juvenile diabetes and diabetes, both insulin and non-insulin forms, afflict 16 million Americans and place them at risk for acute and chronic complications, including blindness, kidney failure, atherosclerosis, and nerve degeneration;

Whereas the emerging understanding of the principles of biometrics have been applied to the development of hard tissue such as bone and teeth as well as soft tissue, and this field of study holds great promise for the design of new classes of biomaterials, pharmaceuticals, and diagnostic and analytical reagents;

Whereas research sponsored by the National Institutes of Health will map and sequence the entire human genome by 2003, leading to a new era of molecular medicine that will provide unprecedented opportunities for the prevention, diagnoses, treatment, and cure of diseases that currently plague society;

Whereas the fundamental way science is conducted is changing at a revolutionary pace, demanding a far greater investment in emerging new technologies, research training programs, and development of new skills among scientific investigators; and

Whereas most Americans overwhelmingly support an increased Federal investment in biomedical research: Now, therefore, be it

*Resolved,*

#### SECTION 1. SHORT TITLE.

This resolution may be cited as the "Biomedical Revitalization Resolution of 2000".

#### SEC. 2. SENSE OF THE HOUSE OF REPRESENTATIVES.

It is the sense of the House of Representatives that funding for the National Institutes of Health should be increased by \$2,700,000,000 in fiscal year 2001 and that the budget resolution should appropriately reflect sufficient funds to achieve this objective.

WASHINGTON, DC,  
July 12, 2000.

TAKE THE THIRD STEP TOWARD DOUBLING THE NIH BUDGET IN FIVE YEARS: COSPONSOR THE "BIOMEDICAL REVITALIZATION RESOLUTION OF 2000"

DEAR COLLEAGUE: We are writing to invite you to join us in becoming a cosponsor of the "Biomedical Research Revitalization Resolution of 2000," a bipartisan resolution that takes the third step toward doubling the National Institutes of Health (NIH) budget in five years. This Resolution expresses the sense of the House of Representatives that the NIH budget should be increased by \$2.7 billion in Fiscal Year 2001.

The Resolution states that we can accomplish this goal in five years through budget surpluses, budget offsets, and the regular appropriations process. The budget resolution must reflect these potential funding opportunities to make this goal a reality. NIH funding has doubled over the past ten years, but with scientific discoveries occurring at a revolutionary pace, this investment must be accelerated NOW! The outstanding performance of the American economy is providing budget surpluses at just the time when NIH needs this money the most. By 2005, the NIH will complete the mapping and sequencing of the human genome. This will usher in a new era of molecular medicine with unprecedented research potential to prevent, diagnose, treat, and cure diseases that currently plague our society.

These future breakthroughs, however, depend upon Congress appropriating sufficient funds to continue and expand on the research currently being conducted. We are seeking funding that will ensure the realization of major biomedical breakthroughs in the next decade. We must demonstrate our commitment to improving the health and well-being of all Americans by increasing funding for NIH and keep medical advancements on the fast track to discovery.

NIH research has spawned the biotechnology revolution, whose products grew into a \$50 billion industry in 1999. NIH supports over 50,000 scientists at 1,700 universities and research institutes across the United States. The biotechnology industry—a direct result of advances in biomedical research funded by the NIH—employs 118,000 people in over 12,000 biotechnology companies across the country. The biotechnology revolution has also spurred advancements in other industries that have applied the discoveries to their own fields. In agriculture, biotechnology is producing greater crop yields while reducing the dependence on traditional chemical pesticides. Biotechnology research, while conducted by the public sector, has had substantial impacts on the economy and society as a whole that affect the lives of every individual in this country. Continued advances, however, are directly dependent on the biomedical research conducted by the NIH.

Whether affecting our family, friends, neighbors, and colleagues, we have all seen the heart-breaking impact of cancer, stroke, diabetes, heart disease, AIDS, and other diseases that cause chronic disability and shortened lives. We can do something about these diseases by making the investment to double NIH funding this year. Last year a similar proposal to double the NIH budget in five years received the bipartisan support of over sixty five members of the House of Representatives. We enjoyed some success in the effort when we added \$2.3 billion to the NIH Fiscal Year 2000 budget. Please contact Matt Zonarich in Representative Gekas' office at 5-4315 to cosponsor the Biomedical Revitalization Resolution of 2000.

Very truly yours,

GEORGE W. GEKAS,  
NANCY PELOSI,  
KEN BENSTEN,  
SONNY CALLAHAN,  
CONSTANCE MORELLA,  
*Members of Congress.*

#### H. RES. 437 COSPONSORS

Rep. Baldacci, John Elias  
Rep. Bentsen, Ken  
Rep. Blagojevich, Rod R.  
Rep. Borski, Robert A.  
Rep. Brady, Robert  
Rep. Callahan, Sonny  
Rep. Capuano, Michael E.  
Rep. Castle, Michael N.  
Rep. Cunningham, Randy (Duke)  
Rep. DeFazio, Peter A.  
Rep. DeGette, Diana  
Rep. Fowler, Tillie  
Rep. Frank, Barney  
Rep. Gejdenson, Sam  
Rep. Gilchrest, Wayne T.  
Rep. Gonzalez, Charles A.  
Rep. Greenwood, James C.  
Rep. King, Peter T.  
Rep. LaFalce, John J.  
Rep. Lantos, Tom  
Rep. McGovern, James P.  
Rep. McNulty, Michael R.  
Rep. Moakley, John Joseph  
Rep. Morella, Constance A.  
Rep. Nethercutt, George R., Jr.  
Rep. Pelosi, Nancy  
Rep. Porter, John Edward  
Rep. Price, David E.  
Rep. Rivers, Lynn N.  
Rep. Schakowsky, Janice D.  
Rep. Slaughter, Louise McIntosh  
Rep. Stearns, Cliff  
Rep. Wolf, Frank R.

#### JOINT STEERING COMMITTEE FOR PUBLIC POLICY, Bethesda, MD, July 18, 2000.

Hon. George Gekas,  
*House of Representatives,  
Washington, DC.*

DEAR REPRESENTATIVE GEKAS: On behalf of the Joint Steering Committee for Public Policy, representing 25,000 basic biomedical researchers, thank you for your leadership in organizing a Special Order to support doubling the NIH budget from 1999–2003. We also salute your introduction of H. Res. 437, which calls for the same.

Your outstanding efforts to educate the Congress through the Congressional Biomedical Research Caucus about the National Institute of Health and its ability to effectively utilize a 15%, \$2.7 billion increase in this year's appropriation. We recognize the difficulty Congress faces in achieving this goal, but we are confident that through your leadership and that of Congressman Porter, this goal will be achieved and health research will be accelerated by this visionary investment.

As you well know, our country leads the world in biological science, enabled by a far-sighted national policy of federal funding for research at our Nation's colleges and universities through the NIH and other agencies. The NIH is the major source of funds for critical basic research in laboratories throughout the U.S., on Alzheimer's disease, cancer, diabetes, heart disease and many other devastating diseases. This investment will provide a significant boost to these important efforts by translating the promise of scientific discovery into better health.

The sequencing of the human genome has provided a huge amount of information highly relevant to human health. However, the information is encoded in a form that is currently unreadable by modern methods for deciphering the biological meaning of genome

sequences require extensive computation, some of it still beyond the limits of existing computer algorithms, software and hardware. Incremental investment in the NIH will enable the important search for the key to the human genome.

Thank you for your support of biomedical research and basic science.

Sincerely yours,

ERIC S. LANDER, Ph.D.,  
*Chair.*

FEDERATION OF AMERICAN SOCIETIES  
FOR EXPERIMENTAL BIOLOGY,  
May 8, 2000.

Hon. GEORGE W. GEKAS,  
*House of Representatives, Rayburn House Office  
Building, Washington, DC.*

DEAR REPRESENTATIVE GEKAS: On behalf of the more than 60,000 scientists belonging to the Federation of American Societies for Experimental Biology (FASEB), thank you for your continued efforts to support biomedical research, specifically the National Institutes of Health (NIH). By introducing the Biomedical Revitalization Resolution of 2000 (H. Res. 437) in support of a \$2.7 billion dollar increase in NIH funding in FY 2001, you have made a testament to your steadfast dedication to this cause.

As stated in the resolution, continued investment in biomedical research will result in further improvements in our nation's health, quality of life and economy. We can expect this investment to lead to decreases in health care expenditures and stimulation of biotechnology and pharmaceutical industries. This increase, together with the momentum from other recent investments, should enable the biomedical sciences to capitalize on expanding knowledge of disease processes and their underlying genetic basis in order to develop new therapies.

We depend on the insight and leadership you have shown once again. Your strong support enables scientists to seize current opportunities in biomedical research and bring about advances in science and health that benefit the American public.

Sincerely,

DAVID G. KAUFMAN, M.D., PH.D.

AMERICAN HEART ASSOCIATION,  
Washington, DC, June 14, 2000.

Hon. GEORGE GEKAS,  
*House of Representatives,  
Washington, DC.*

DEAR REPRESENTATIVE GEKAS: The American Heart Association applauds your continuing initiative and leadership in the bicameral, bipartisan effort to double funding for the National Institutes of Health by FY 2003. The historically large funding increase received by the NIH for FY 2000 represented the second step toward that goal.

Your ongoing efforts and those of the 33 cosponsors of H. Res. 437, expressing the sense of the House that the federal investment in biomedical research should be increased by \$2.7 billion in FY 2001, are vital in securing the third installment to double funding for the NIH. The American Heart Association strongly supports your hard work in making funding for the NIH a top priority in the FY 2001 appropriations process.

State-based polls show that an overwhelming majority of Americans favor doubling federal spending on medical research by FY 2003. NIH research reduces health care costs, provides cutting-edge treatment and prevention efforts, creates jobs and maintains America's status as the world leader in the biotechnology and pharmaceutical industries.

Also, an overwhelming majority of Americans want Congress to increase funding for heart and stroke research. According to an April 2000 national public opinion poll, 73

percent of Americans say increased federal funding for heart research is very important and 66 percent say increased federal funding for stroke research is very important.

The fight against heart disease—America's No. 1 killer—and stroke—America's No. 3 killer—requires innovative research and prevention programs. However, these programs to help advance the battle against heart disease and stroke are contingent on a significant increase in funding for the NIH. Now is the time to capitalize on progress and pursue promising opportunities that could lead to novel approaches to diagnose, treat, prevent or cure heart disease and stroke.

The American Heart Association commends you for your outstanding leadership and steadfast commitment to double funding for the NIH for FY 2003. Thank you.

Sincerely,

LYNN SMAHA, M.D., Ph.D.,  
President.

JEFFERSON MEDICAL COLLEGE,  
May 11, 2000.

Representative GEORGE W. GEKAS,  
U.S. House of Representatives, Room 2410, Rayburn HOB, Washington, DC.

DEAR REPRESENTATIVE GEKAS: I write to urge you to support the 15%, \$2.7 billion increase in the Fiscal Year 2001 Labor, Health and Human Services and Education Appropriations bill for the National Institutes of Health. I also call for your support of a 17% increase for the National Science Foundation in the Fiscal Year 2001 VA-HUD and Independent Agencies Appropriations bill.

These increases are essential for biomedical research to capitalize on the many opportunities that we now have to benefit the health of the Nation. Strong NIH and NSF funding is also essential for the scientific discoveries that fuel the burgeoning biotechnology industry in the United States.

My own work on steroid receptors and cell death, especially in cells that invade the airway during asthmatic attack, is supported by the National Institutes of Health.

Thank you for your consideration.

Yours sincerely,

GERALD LITWACK, Ph.D.,  
Chairman, Department of Biochemistry  
and Molecular Pharmacology.

SCHOOL OF MEDICINE, CENTER FOR  
GENE THERAPY,  
MCP HAHNEMANN UNIVERSITY,  
Philadelphia, PA, April 4, 2000.

Hon. GEORGE GEKAS,  
House of Representatives, Washington, DC.

DEAR REPRESENTATIVE GEKAS: I would like to ask for your continuing support of a 15% increase in the National Institutes of Health budget and a 17% increase in the National Science Foundation budget for FY 2000. As you are well aware, the tremendous investments that the citizens of the United States have made in research over the past several decades are beginning to pay off. We are just at the brink of tremendous benefits that will include dramatic new cures for diseases and produce a thriving industry for creating new jobs for our citizens.

I know you have been a strong supporter of these research budgets in the past. I thank you for that support.

Sincerely yours,

DARWIN J. PROCKOP, M.D., Ph.D.,  
Director.

AMERICAN ASSOCIATION FOR  
CANCER RESEARCH, INC.,  
Philadelphia, PA, March 23, 2000.

Hon. GEORGE W. GEKAS,  
House of Representatives, Washington, DC.

DEAR REPRESENTATIVE GEKAS: As we enter the 21st Century, we have an unprecedented opportunity to take the bold steps required to end the human and economic devastation

caused by cancer. As you consider and deliberate the 2001 budget, consider that cancer will kill more than half a million of our citizens this year, more Americans than were lost in all of the wars we fought in the 20th Century. More than 1.2 million Americans will receive a diagnosis of cancer in 2000. However, as horrible as these statistics are, we anticipate that cancer incidence and mortality will increase significantly in the next 10-20 years due primarily to the aging and changing demographics of America. Cancer will hit those hardest who can least afford it, the minority and medically underserved and aged populations. Addressing the current and future cancer epidemic must become one of America's highest health care priorities. If we act now with a sense of urgency to provide the resources and continuity needed to cure and prevent cancer, we can and will prevail.

On behalf of the more than 15,500 basic, translational, clinical researchers and other research professionals who are the members of American Association of Cancer Research (AACR), we appreciate your steadfast support for increasing our commitment to the conquest of cancer. We recognize that as a member of the House of Representatives you face a range of priorities and deserving requests each year to provide increased funds for many of this Nation's healthcare needs. However, this year we ask that you carefully reflect on the very real possibility that we can finally turn the tide against cancer. Our prior investments in cancer research are paying off in advances in basic research that we could have only dreamed of 10 years ago. There are now unimagined opportunities to prevent and cure cancer through the transfer of these discoveries into new prevention and treatment technologies. We can accelerate the realization of these new diagnostic technologies, therapeutic drugs and prevention programs and continue needed advances in basic cancer research by deciding as a Nation to mount a multi-year final assault to defeat cancer at the earliest possible time.

To achieve the first step in this bold goal, the AACR requests that you support full funding for the Bypass Budget of the National Cancer Institute (NCI) at the \$4.135 billion requested. This level of funding will provide funding to support major initiatives such as individual research grants, clinical trials, training, cancer centers, improving quality of life for cancer patients, and allow the NCI to pursue several extraordinary research opportunities in cancer imaging, new cancer therapeutics, chemoprevention and tobacco control and tobacco related cancers. We also urge you to ensure that the National Institutes of Health receives a 15% increase in funding to continue the current plan of doubling the NIH budget in five years. Lastly, to provide needed funds for key programs in early cancer detection and cancer prevention, so badly needed by minority and medically underserved populations, the AACR requests that you support increasing the budget for cancer control programs of the Centers for Disease Control (CDC).

This is a bold first step, but we urge you to look beyond 2001. Last year Congress received a document, created by more than 150 of the Nation's leading cancer researchers, clinicians, survivors, advocates and business leaders, entitled, "Report from The March Research Task Force," that outlined in simple fashion a set of cogent recommendations regarding what it will take to accelerate progress against cancer. This unprecedented Report stated that if we are willing to look beyond 2001 and define a multi-year strategy and plan to address the cancer epidemic now and in the future, we can conquer cancer. We strongly encourage you to do just that—take the bold step this year to provide the needed

increases for the NCI, NIH and the CDC, and take the next bold step, to develop a five-year strategy and funding plan to finally defeat this tragic killer.

Thank you again for your past support. The AACR looks forward to working with you in the future as we take the steps necessary to prevent and cure cancer.

Sincerely yours,

ANNA D. BARKER,  
Chairperson, Public Education Committee.  
MARGARET FOTI, Ph.D.,  
Chief Executive Officer.

THE AD HOC GROUP FOR  
MEDICAL RESEARCH FUNDING,  
June 13, 2000.

Hon. GEORGE GEKAS,  
House of Representatives, Washington, DC.  
Attn: Matt Zonarich

DEAR REPRESENTATIVE GEKAS: The Ad Hoc Group for Medical Research Funding greatly appreciates your continued leadership on behalf of doubling the budget for the National Institutes of Health (NIH), as demonstrated by your special order on Wednesday, June 14.

Enclosed is the FY 2001 proposal from the Ad Hoc Group for Medical Research Funding, which calls for a \$2.7 billion (15 percent) increase in the NIH appropriation as the third step in doubling the NIH budget by FY 2003. This report highlights some of the advances made possible by NIH-supported research and discusses the continuing health challenges that we believe justify doubling the NIH budget. Also enclosed is the list of nearly 200 patient groups, scientific societies, and research institutions and organizations that have endorsed the group's proposal.

We hope that you will consider including this material in the CONGRESSIONAL RECORD during your special order on June 14 on NIH funding.

Sincerely,

DAVID B. MOORE,  
Executive Director.

THE AD HOC GROUP FOR MEDICAL RESEARCH  
FUNDING

ORGANIZATIONS ENDORSING THE FY 2001  
PROPOSAL AS OF MAY 24, 2000

Academy of Clinical Laboratory Physicians and Scientists.

Academy of Osseointegration.  
Administrators of Internal Medicine.

Allergan.  
Alliance for Aging Research.

Alzheimer's Association.  
Ambulatory Pediatric Association.

American Academy of Allergy, Asthma and Immunology.

American Academy of Child and Adolescent Psychiatry

American Academy of Dermatology.

American Academy of Neurology.

American Academy of Ophthalmology.

American Academy of Optometry.

American Academy of Otolaryngology—

Head and Neck Surgery

American Academy of Pediatrics

American Academy of Physical, Medicine & Rehabilitation.

American Association for Cancer Research

American Association of Dental Research.

American Association for the Study of

Liver Diseases.

American Association of Anatomists.

American Association of Cancer Research.

American Association of Colleges of Nursing

American Association of Colleges of Osteopathic Medicine

American Association of Colleges of Pharmacy.

American Association of Dental Schools

American Association of Immunologists

American Association of Pharmaceutical

Scientists.



American Association of Plastic Surgeons  
 American Chemical Society  
 American College of Clinical Pharmacology.  
 American College of Preventive Medicine.  
 American College of Radiology.  
 American College of Surgeons.  
 American Federal for Medical Research.  
 American Foundation for AIDS research  
 American Gastroenterological Association.  
 American Heart Association.  
 American Lung Association.  
 American Nephrology Nurses' Association.  
 American Optometric Association.  
 American Osteopathic Association.  
 American Pediatric Society.  
 American Podiatric Medical Association.  
 American Preventive Medical Association.  
 American Psychiatric Association.  
 American Psychiatric Nurses Association.  
 American Psychological Association.  
 American Psychological Society.  
 American Society for Biochemistry and Molecular Biology.  
 American Society for Bone and Mineral Research.  
 American Society for Cell Biology.  
 American Society for Clinical Nutrition.  
 American Society for Clinical Oncology.  
 American Society for Clinical Pharmacology and Therapeutics.  
 American Society for Investigative Pathology.  
 American Society for Microbiology.  
 American Society for Nutritional Sciences.  
 American Society for Pharmacology and Experimental Therapeutics.  
 American Society for Reproductive Medicine.  
 American Society of Addiction Medicine.  
 American Society of Hematology.  
 American Society of Human Genetics.  
 American Society of Nephrology.  
 American Society of Pediatric Nephrology.  
 American Society of Tropical Medicine and Hygiene.  
 American Thoracic Society.  
 Americans for Medical Progress.  
 American Urogynecologic Society.  
 American Urological Association.  
 American Veterinary Medical Association.  
 Arthritis Foundation.  
 Association for Research in Vision and Ophthalmology.  
 Association of Academic Health Centers.  
 Association of Academic Health Sciences Libraries.  
 Association of American Cancer Institutes.  
 Association of American Medical Colleges.  
 Association of American Universities.  
 Association of American Veterinary Colleges  
 Association of Departments of Family Medicine.  
 Association of Independent Research Institutes.  
 Association of Medical and Graduate Departments of Biochemistry.  
 Association of Medical School Microbiology and Immunology Chairs.  
 Association of Medical School Pediatric Department Chairs.  
 Association of Minority Health Professions Schools.  
 Association of Pathology Chairs.  
 Association of Pediatric Oncology Nurses.  
 Association of Professors of Dermatology.  
 Association of Professors of Medicine.  
 Association of Schools and Colleges of Optometry.  
 Association of Schools of Public Health.  
 Association of Subspecialty Professors.  
 Association of Teachers of Preventive Medicine.  
 Association of University Professors of Ophthalmology.  
 Association of University Radiologists.  
 Boys Town National Research Hospital.

Campaign for Medical Research.  
 Cancer Research Foundation of America.  
 Candlelighters Childhood Cancer Foundation.  
 Citizens for Public Action.  
 Coalition for American Trauma Care.  
 Coalition for Heritable Disorders of Connective Tissue.  
 Coalition of National Cancer Cooperative Group Organization.  
 College on Problems of Drug Dependence.  
 Columbia University College of Physicians and Surgeons.  
 Consortium of Social Science Associations.  
 Cooley's Anemia Foundation.  
 Corporation for the Advancement of Psychiatry.  
 Crohn's and Colitis Foundation of America.  
 Cystic Fibrosis Foundation.  
 Digestive Disease National Coalition.  
 Dystonia Medical Research Foundation.  
 Emory University.  
 ESA, Inc.  
 Eye Bank Association of America.  
 FDA-NIH Council.  
 Federation of American Societies for Experimental Biology.  
 Federation of Behavioral, Psychological and Cognitive Sciences.  
 Fred Hutchinson Cancer Research Center.  
 Friends of the National Institute of Dental and Craniofacial Research.  
 Friends of the National Library of Medicine.  
 Genetics Society of America.  
 The Genome Action Coalition.  
 Immune Deficiency Foundation.  
 International Myeloma Foundation.  
 Jeffrey Modell Foundation.  
 Joint Council of Allergy, Asthma and Immunology.  
 Johns Hopkins University.  
 Johns Hopkins University School of Medicine.  
 Juvenile Diabetes Foundation International.  
 Krasnow Institute for Advanced Study.  
 Massachusetts Institute of Technology.  
 Medical Device Manufacturers Association.  
 Medical Library Association.  
 MedStar Research Institute.  
 Mount Sinai School of Medicine.  
 National Alliance for the Mentally Ill.  
 National Alliance for Eye and Vision Research.  
 National Association for Biomedical Research.  
 National Association of State University and Land-Grant College.  
 National Caucus of Basic Biomedical Science Chairs.  
 National Childhood Cancer Foundation.  
 National Coalition for Cancer Research.  
 National Committee to Preserve Social Security and Medicare.  
 National Foundation for Ectodermal Dysplasias.  
 National Health Council.  
 National Hemophilia Foundation.  
 National Marfan Foundation.  
 National Organization for Rare Disorders.  
 National Osteoporosis Foundation.  
 National Perinatal Association.  
 National Vitiligo Foundation.  
 New York State Cancer Programs Association, Inc.  
 New York University School of Medicine.  
 North American Society of Pacing and Electrophysiology.  
 Ocular Microbiology and Immunology Group.  
 Oncology Nursing Society.  
 Oregon Health Sciences University.  
 Osteoporosis and Related Bone Disorders Coalition.  
 Pfizer.  
 The Protein Society.

PXE International, Inc.  
 Radiation Research Society.  
 Research America.  
 Research Society on Alcoholism.  
 Research to Prevent Blindness.  
 Resolve, The National Infertility Association.  
 Society for Academic Emergency Medicine.  
 Society for Investigative Dermatology.  
 Society for Maternal-Fetal Medicine.  
 Society for Neuroscience.  
 Society for Pediatric Research.  
 Society for Women's Health Research.  
 Society of Academic Anesthesiology Chairs.  
 Society of Gynecologic Oncologists.  
 Society of Toxicology.  
 Sudden Infant Death Syndrome Alliance.  
 Tourette Syndrome Association, Inc.  
 University of Utah Health Sciences.  
 University of Washington.  
 Wake Forest University School of Medicine.

#### WHY DOUBLE THE NIH BUDGET?

Based on the potential of current scientific opportunities and the successes of the past, we can confidently predict that an investment of a doubling over five years will be easily repaid in discoveries that will benefit the U.S. public and mankind.

The Human Genome Project will enable doctors to identify individuals at increased risk for diseases like hypertension and stroke, glaucoma, osteoporosis, Alzheimer's disease, or severe depression.

Our ultimate goal will be to find ways to prevent the development or progression of these diseases and design ways to intervene to prevent the development of these horrific diseases.

Cancer therapy will change; physicians will be able to customize cancer treatment by knowing the molecular fingerprint of a patient's tumor.

The genetic "fingerprint" of a person's cancer cells will be used to create a drug that will attack only the cancer cells—and render targeted treatment which is more effective and safe.

We will have effective vaccines for infectious diseases such as AIDS, tuberculosis, and malaria.

New science on the brain will lead to treatments for alcoholism, drug abuse, and mental illness.

#### HOW CAN INCREASED FUNDING BE USED TO HELP MAKE MORE PROGRESS?

Improvements in the treatment and prevention of disease are dependent on the generation of new ideas. The speed of discovery can be accelerated by devoting greater resources to the NIH and NSF budgets.

The explosion of new knowledge from explorations of the human genome and the biology of the cell is providing new opportunities to further understand disease, and new innovative ways of treating, diagnosing, and preventing illness.

Unused capacity remains available in this great research enterprise. The great resources provided the Congress in FY 1999 and FY 2000 have facilitated the nation's research system to more fully use its potential capacity to respond more quickly to new ways to cure disease.

The more new ideas explored and the more rapid the effort, the sooner these findings will be translated into the real life medical benefits and medical practice.

#### ECONOMIC COSTS OF MAJOR ILLNESSES

(Dollar amounts in billions)

Illness	Year	Direct costs	Indirect costs	Total costs	Ratio <sup>1</sup>
Injury .....	1995	\$89.0	\$248.0	\$337.0	74



## ECONOMIC COSTS OF MAJOR ILLNESSES—Continued

(Dollar amounts in billions)

Illness	Year	Direct costs	Indirect costs	Total costs	Ratio <sup>1</sup>
Heart diseases .....	1999	101.8	81.3	183.1	44
Disability .....	1986	82.1	87.3	169.4	52
Mental disorders .....	1992	66.8	94.0	160.8	58
Cancer .....	1994	41.4	68.7	110.1	62
Alzheimer's disease .....	1997	15.0	85.0	100.0	85
Diabetes .....	1997	44.1	54.1	98.2	55
Chronic pain condition .....	1986	45.0	34.0	79.0	43
Arthritis .....	1992	15.2	49.6	64.8	77
Digestive diseases .....	1985	41.5	14.7	56.2	26
Stroke .....	1998	28.3	15.0	43.3	35
Kidney and urological diseases .....	1985	26.2	14.1	40.3	35
Eye diseases .....	1991	22.3	16.1	38.4	42
Pulmonary diseases .....	1998	21.6	16.2	37.8	43
HIV/AIDS .....	1999	13.4	15.5	28.9	54
Other (10 further illnesses) ....	( <sup>2</sup> )	53.4	23.9	77.2	31
Total: 25 illnesses .....		707.1	917.5	1624.0	56

<sup>1</sup> Ratio of indirect total costs (percent).<sup>2</sup> Various.

## THE PROMISE OF NIH RESEARCH FOR HEALTH

Identify genetic predispositions and risk factors for heart attack and stroke.

New approaches to treating and preventing diabetes and its complications.

Genomic sequencing of disease-causing organisms to identify new targets for drug development.

Earlier detection of cancer with new molecular technologies.

New ways to relieve pain.

Diagnostic imaging for brain tumors, cancers, chronic illnesses.

Assess drugs for their safety and efficacy in children.

Medications for the treatment of alcoholism and drug addiction.

Rigorous evaluation of CAM practices (complementary and alternative medicine).

Clinical trials database—help public gain access to information about clinical trials.

Understand the role of infections in chronic diseases.

Vaccines for preventing HIV infection, middle ear infection, typhoid, dysentery, TB, *E. coli* food contamination.

Human genome sequence to assess predisposition to disease, predict responses to drugs and environmental agents, and design new drugs.

New means of detecting and combating agents of bioterrorism.

New ways to repair/replace organs, tissues, and cells damaged by disease and trauma.

Understand and ameliorate health disparities.

Improved interventions for lead poisoning in children.

New interventions for neonatal hearing loss.

Safer, more effective medications for depression and other mental illnesses.

New approaches to preventing rejection of transplanted organs, tissues, cells.

New treatment, and preventive strategies for STDs (sexually transmitted diseases).

New approaches to restoring function after spinal cord injury.

New effective vaccines for infectious disease such as AIDS, tuberculosis, and malaria.

## WHO WAS THE FIRST TO CALL FOR DOUBLING OF THE NIH AND NSF BUDGETS FOR BASIC RESEARCH?

In 1993, the magazine *Science* published a call for action by two Nobel Prize Laureates, and other science leaders Drs. Michael Bishop, Harold Varmus and Mark Kirschner, who plead that their Government and their Congress double the amounts of federal funding for the basic research being undertaken by the National Institutes of Health over a period of five years. This was not the enterprise of some creative lobbyists, but rather born from the thoughtful, rational and sci-

entific deliberations of some of the foremost minds in science. When Members of this great Chamber consider their votes for the consistent and substantial increases in funding of basic research at the National Institutes of Health and the National Science Foundation, they can rely with great confidence on the fact that these scientists placed their entire reputations on the line in making the recommendation that this Government and this Congress continue to expand their investment of federal dollars in basic research.

## RECOMMENDATIONS

These great scientists stated and I quote in part, "If the United States is to realize the promise of science for our society, the new Administration should take action on several fronts:

Develop an economic strategy for optimizing investment in biomedical research, which would take into account the new opportunities that have been made available by the recent revolution in biology, the potential for reducing health-care costs, and the benefits to agriculture and industry. Until a full evaluation has been completed, Drs. Bishop, Varmus, and Kirschner recommend increasing the NIH budget by 15% per year, which would double the budget in current dollars by 1998. This increase would provide funds for approximately 30% of approved grants, thereby retaining healthy competition and exploiting the major areas of scientific opportunity.

Generate a comprehensive plan for the best use of federal funds for biomedical research.

Institute a mechanism for the periodic evaluation of peer-review procedures, utilizing scientists from inside and outside the government.

Facilitate the application of fundamental discoveries by encouraging technology research in the private sector.

Ensure that new departures by the NIH and NSF in education and technology do not diminish the support of basic research.

Strengthen the position of the presidential advisor on science and technology.

Create a program for long-term investment in research laboratories and equipment.

Increase federal attention to science education."

These were the recommendations of America's best and brightest scientists in 1993 and we should work to fulfill and implement these excellent recommendations.

## SCIENCE AND THE NEW ADMINISTRATION

(J. Michael Bishop, Marc Kirschner, Harold Varmus)

With the new presidential Administration now in office, the scientific community is hopeful that measures will be taken to enhance research and the contributions it can make to our society. What little was said of research during the presidential campaign concerned technological improvement and economic stimulus. This limited focus probably arose from the necessities of electoral politics. Now it is important to broaden the discussion to include aspects of the scientific enterprise that are essential for its long-term viability.

The opportunities for progress through science are greater than ever. However, the last decade has witnessed an accelerating erosion of the infrastructure for fundamental research in the United States. If that erosion is not reversed soon the pace of discovery will necessarily decline, with widespread consequences for industry, health care, and education.

In hopes that President Clinton and Vice President Gore will soon address the prospects for basic science in the United States, we offer our view of how fundamental re-

search benefits our nation and what should be done to secure those benefits for the future. We speak here for biomedical research, our area of expertise, but believe that our remarks illustrate problems and opportunities found throughout science.

## THE PROMISE OF BIOMEDICAL RESEARCH

Recent progress in biomedical research has brought an understanding of molecules, cells, and organisms far beyond anything anticipated a generation ago. The benefits of this progress include the makings of a revolution in preventive medicine, novel approaches to the diagnosis and treatment of cancer, heart attacks, infections, inherited diseases, and other ailments; the prospect of improving agricultural productivity in ways never imagined by the Green Revolution; new tools for environmental protection; and a renewed impetus to stimulate and inform public interest in science.

The economic benefits of these gains are substantial. Consider two examples: First, it is often argued that advances in research increase the costs of health care. However, biomedical research typically generates simpler and less costly devices; Inexpensive viral vaccines now save the United States billions of dollars annually; new tests for viruses have helped cleanse our blood supply, greatly reducing the economic losses from diseases that are spread by transfusion; and growth factors for blood cells are cutting the costs of caring for patients who receive bone marrow transplantation or chemotherapy for cancer. Second, fundamental research spawned the biotechnology industry, of which our nation is the undisputed leader. Biotechnology is a growing contributor to our economy, a source of diverse and gratifying employment, a stimulus to allied industries that produce the materials required for molecular research and development (R&D), and a vigorous partner to our academic institutions in the war against disease.

## CHALLENGES TO BIOMEDICAL RESEARCH

Despite the progress, preeminence, and promise of American biomedical research, the enterprise is threatened by inadequate funding of research and its infrastructure; flawed governmental oversight of science, confusion about the goals of federally supported research, and deficiencies in science education.

The productivity of biomedical research is limited most immediately by financial resources. In 1992 the nation spent about \$10 billion on biomedical research, mostly by congressional appropriations to the National Institutes of Health (NIH). This investment is too small by several measures: (i) The United States currently devotes between \$600 and \$800 billion annually to health care, yet less than 2% is reinvested in the study of disease. In contrast, the defense industry spends about 15% of its budget on research. (ii) U.S. expenditures on R&D as a percentage of our gross national product have been declining steadily and are now lower than those of Japan and Germany. Moreover, 60% of our R&D dollars is designated for defense. (iii) The funding of approved NIH grant applications has fallen below 15% in some categories and under 25% in many, compared with rates of 30% or more in the preceding two decades, when progress was so rapid. Under these conditions, outstanding proposals cannot be pursued, first-rate investigators have become dispirited, and even the best students are discouraged from pursuing a career in science. (iv) Outstanding institutions lack funds for laboratories and replacement of inadequate instruments; as a result, the conduct of biomedical research is constrained and even dangerous.

Biomedical research is also impeded by outmoded procedures for the federal administration of science. Agencies that should be working together to promote research in the life sciences, instead remain separated in competing departments. NIH has suffered from a chain of command that requires approval from secretaries and undersecretaries with little expertise or interest in science. Some sources of funding for research in the life sciences lack appropriate mechanisms or expertise for initiating, judging, and administering programs, and others have not adapted their mechanisms appropriately to the progress that has been made in research. For example, many of the NIH study sections, traditionally the pride of the peer-review system, are now organized according to outmoded or otherwise inappropriate categories. In addition, the government has not learned how to involve the scientific community adequately in administrative decisions to initiate targeted projects. To cope with a decaying infrastructure, Congress has occasionally appropriated substantial funds for construction, but they have done so in a way that circumvents peer review and serves local needs rather than the advancement of science as a whole.

The confidence that the scientific community once had in the federal governance of biomedical research has been further eroded by the use of inappropriate criteria for appointments to high-ranking positions, particularly within the Department of Health and Human Services. In recent administrations it has become commonplace to consider political views on issues such as abortion and the use of fetal tissue in research. This tendency has compromised our ability to select leaders on the basis of their scientific accomplishments and their capacity to manage complex programs and make objective decisions.

These administrative problems have been compounded by confusion over the goals of federally supported biomedical research. Economic woes have encouraged call for increased application of current knowledge to practical problems in all branches of science. These appeals have special resonance in biomedical science now that so many opportunities for practical applications are at hand. In recent months such calls for applied science have gained further prominence because they have been championed by National Science Foundation (NSF) director Walter Massey and Representative George Brown (D-CA), a long-time friend of science. (1)

Claims that "society needs to negotiate a new contract with the scientific community . . . rooted in the pursuit of explicit, longterm social goals" (2) are, however, based on debatable assumptions and threaten the viability of our greatest asset—basic research. Such claims imply that basic research has become an entitlement program, although evidence shows it to be underfunded. They presume that basic and applied research can be unambiguously distinguished, although the experimental objective of academic and industrial sectors of biomedical research are often synonymous. They seem to deny that science has produced benefits for society, although its positive effects on health and the economy can be readily measured. Finally, in asking that federally supported academic investigators become responsible for practical applications, they ignore the demonstrated ability of the biotechnology and pharmaceutical industries to develop the fruits of basic science.

Enactment of policies that favor practical applications over basic science or narrowly defined objectives over scientific excellence is likely to come at the expense of traditional, broadly conceived explorations of biology. At this stage in the growth of bio-

medical science, when major discoveries are still unpredictable, this sacrifice would jeopardize the scientific progress required for social benefits and economic growth in the future. This year, for example, the NSP budget for basic research declined, despite an overall increase that benefited more applied areas.

The long-range future of biomedical science is also jeopardized by the deterioration of our educational programs in math and science. Academic institutions and the biotechnology and pharmaceutical industries depend on the nation's schools to supply a competent work force by stimulating interest in scientific thought and by training students in scientific methods. Many indicators show that we are failing to achieve these goals, especially with students in their early school years and when our performance is compared to those of other countries. We are also failing to produce an informed public that can respond intelligently to scientific advances.

#### RECOMMENDATIONS

If the United States is to realize the promise of science for our society, the new Administration should take action on several fronts.

(1) Develop an economic strategy for optimizing investment in biomedical research, which would take into account the new opportunities that have been made available by the recent revolution in biology, the potential for reducing health-care costs, and the benefits to agriculture and industry. Until a full evaluation has been completed, we recommend increasing the NIH budget by 15% per year, which would double the budget in current dollars by 1998. This increase would provide funds for approximately 30% of approved grants, thereby retaining healthy competition and exploring the major areas of scientific opportunity.

(2) Generate a comprehensive plan for the best use of federal funds for biomedical research. Development of new strategies, programs, and funding mechanisms should include the active participation of the scientific community and not originate solely from administrative directives.

(3) Institute a mechanism for the periodic evaluation of peer-review procedures, utilizing scientists from inside and outside the government. Efforts should be made to ensure that the thematic alignments of review panels accurately reflect contemporary progress and opportunities in biomedical research.

(4) Facilitate the application of fundamental discoveries by encouraging technology research in the private sector, culminating alliances between industry and academia, and clarifying the federal areas of conflict of interest.

(5) Ensure that new departures by the NIH and NSF in education and technology do not diminish the support of basic research. If the Administration or Congress provides new mandates or new requirements for the NIH and NSF, it should also provide the necessary additional funds.

(6) Strengthen the position of the presidential adviser on science and technology. The adviser should have strong credentials as a scientist and as an administrator, be alert to contemporary developments in both the biological and physical sciences, be encouraged to consult the diverse representatives of the research community, and have regular access to the president and vice president.

(7) Establish the NIH as an independent federal agency and consolidate the authority of the director over the individual institutes.

(8) Apply appropriate criteria to the choice of science administrators. Appointments

should be based on stature in the research community and administrative ability rather than on political and religious considerations.

(9) Implement a uniform and comprehensible policy for indirect costs that provides incentives to institutions for cost savings and ensure that the funds will be used only to support the infrastructure required for research.

(10) Create a program for long-term investment in research laboratories and equipment based on peer review of merit and need rather than on political affiliations.

(11) Increase federal attention to science education. Measures could include the development and dissemination of new curricula and textbooks, enrichment programs for established teachers, improvements in the training of science teachers, and scholarships and other incentives for prospective science teachers.

#### CONCLUSION

We look to our new president and vice president for leadership in fulfilling the promise of science for our nation. We hope that they will not fall prey to the view that the problems of our society might be solved by a shift in emphasis from basic science to applied research. Instead, the U.S. federal government should act decisively and soon to revitalize the support of fundamental as well as applied research. President Clinton and Vice President Gore have spoken clearly on health care, economic policy, and education. We ask them to do the same on the issues that confront science (3).

#### REFERENCE AND NOTES

1. D. Thompson, \* \* \* 140, 84 (25 November 1992).
2. G. Brown, Los Angeles Times (8 September 1992), P. 12.
3. This policy forum is based in part on a statement prepared in November 1992 by the Joint Steering Committee for Public Policy, representing the American Society for Cell Biology, the American Society for Biochemistry and Molecular Biology, the Biophysical Society, and the Genetics Society of America.

#### STATEMENT OF PURPOSE FOR THE BIOMEDICAL RESEARCH CAUCUS

To broaden support and knowledge of basic and clinical biomedical research issues throughout the Congress in a bipartisan manner.

To support the excellent work of existing Committees and Members with jurisdiction over National Institutes of Health, National Science Foundation, science research and health issues. The caucus seeks to augment their work.

To encourage careers for men and women in biomedical research among all segments of our society by ensuring stability and vitality in the programs at the National Institutes of Health and the National Science Foundation.

To inform and educate the Congress about potential and actual advances in health care made by our investment in biomedical research. Also, we will explore future advances that could be achieved with increase support.

To maintain our economic advantage in world markets in biomedical research and resulting biotechnology enterprises.

To provide an educational forum for discussion and exchange of ideas on issues involving biomedical research.

Biomedical Research Caucus Co-Chairs:

Congressman George W. Gekas, Congresswoman Nancy Pelosi, Congressman Sonny Callahan, and Congressman Ken Bentsen.

CONGRESSIONAL BIOMEDICAL RESEARCH  
CAUCUS

## 2000 SCHEDULE OF EVENTS

March 1, 1999, Angiogenesis in Health and Disease, Napoleone Ferrara, Genentech, Inc.  
 March 29, 2000, Caucus 10th Anniversary Commemoration, Harold Varmus, Memorial Sloan-Kettering Cancer Center.

April 4, 2000, Using Genomics to Study Human History, Mary-Claire King, University of Washington.

May 3, 2000, Race and Ethnicity in Human Health and Disease, Harold Freeman, North General Hospital, New York.

June 7, 2000, Metastasis: How Cancer Cell Invade the Body, Richard Hynes, Massachusetts Institute of Technology.

July 12, 2000, Bioinformatics and Human Health, David Bolstein, Stanford University.

September 6, 2000, The Crisis at Academic Health Centers, Samuel Thier, Partners HealthCare System, Inc.

October 4, 2000, Pharmacogenetics & Genomics: Tailor-Made Therapies, Elliot Sigal, Bristol-Myers Squibb.

CONGRESS OF THE UNITED STATES,  
 HOUSE OF REPRESENTATIVES,  
 Washington, DC, June 7, 2000.

JOIN ME IN COSPONSORING H.R. 2399 THE NATIONAL COMMISSION FOR THE NEW NATIONAL GOAL: THE ADVANCEMENT OF GLOBAL HEALTH

DEAR COLLEAGUE: The entire world acknowledges that the 20th century was engaged by our nation's leadership in the removal of the threat of totalitarianism and of world communism. The national goals were the safeguarding and expansion of democracy through the maintenance of military and political power. With the fall of the Berlin Wall, these goals were made a reality. As we approach the beginning of the 21st century, America has a unique opportunity to channel the genius of its technology, industrial might, scientific research and dedicated will of our people into a positive goal equal to the 20th century challenge of defeating totalitarianism. Today, it is time to rechannel these tremendous energies to an all-out effort to enhance the health of Americans and to combat disease worldwide.

America has both humanitarian and enlightened, self-interested reasons to commit to the global eradication of disease—such accomplishments would protect our citizens, improve the quality of life, enhance our economy, and ensure the continued advancement of American interests worldwide. While the actual eradication of disease on a global scale may not be possible, the pursuit of such a goal could lead to new products in health care, new medicines, and new methods of treating disease.

On June 30, 1999, I introduced H.R. 2399, the National Commission for the New National Goal: The Advancement of Global Health Act. This legislation would create a Presidential/Congressional commission to investigate how we as a nation can commit ourselves to the goal of the global eradication of disease. Specifically, this commission would recommend to Congress a nationwide strategy of coordination among governmental health agencies, academia, industry, and other institutions and organizations that are established for the purpose of preventing and eradicating diseases.

In order to accomplish these objectives, H.R. 2399 sets two tangible goals for the Commission. First, the Commission would assist the Center for Vaccine Development at NIH to achieve global control of infectious diseases. In addition, the Commission would use NIH and NSF to expand health resources and research information globally through Internet conferencing and data dissemination capabilities. The Commission would be

authorized to spend up to \$1 million as seed money to coordinate and attract private and public funds, both at home and abroad, to reach these goals.

The knowledge and unbounded imagination of our researchers, doctors and scientists have ensured the preeminence of research that has fostered our freedom and economic well being. Now, we can empower these individuals in a all-out effort to devise the methods and substances to eradicate disease worldwide. The concern for human life requires us to muster all available resources, bolstered by a concerted, dedicated will to eradicate diseases from the face of the Earth.

Please join me and Rep. John Porter in cosponsoring this important legislation. If you have any questions about this proposal, or would like to become a cosponsor, please contact Matt Zonarich at 5-4315.

Very truly yours,

GEORGE W. GEKAS,  
 Member of Congress.

H.R. 2399

*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 "National Commission for the New National Goal: The Advancement of Global Health Act".

**SEC. 2. FINDINGS.**

The Congress makes the following findings:

(1) During the 20th century the United States led the world in defeating totalitarianism and communism.

(2) The United States also led the world in spreading and establishing democracy in every region.

(3) The end of global conflict and the end of the Cold War, now guaranteed by the power and leadership of the United States, allow the Nation to establish new goals for the 21st century.

(4) The United States, the world leader in the research, development, and production of technologies, medicines, and methodologies utilized to prevent and cure disease, has established a Center for Vaccine Development at the National Institutes of Health that could assist in the global control of infectious diseases. Infectious disease is the number one global health challenge killing 11 million people globally and 180,000 people in the United States and is the third leading cause of death in the United States. The United States has the resources, through the National Institutes of Health and the National Science Foundation, to expand health research information globally through the use of Internet conferencing and dissemination of data.

**SEC. 3. ESTABLISHMENT.**

There is established a commission to be known as the "National Commission for the New National Goal: The Advancement of Global Health" (in this Act referred to as the "Commission").

**SEC. 4. DUTIES OF COMMISSION.**

The Commission shall recommend to the Congress a national strategy for coordinating governmental, academic, and public and private health care entities for the purpose of the global eradication of disease. The Commission shall address how the United States may assist in the global control of infectious diseases through the development of vaccines and the sharing of health research information on the Internet.

**SEC. 5. MEMBERSHIP.**

(a) MEMBERSHIP OF THE COMMISSION.—The Commission shall consist of individuals who are of recognized standing and distinction and who possess the demonstrated capacity to discharge the duties imposed on the Commission, and shall include representatives of

the public, private, and academic areas whose capacity is based on a special knowledge, such as computer sciences or the use of the Internet for medical conferencing, or expertise in medical research or related areas.

(b) NUMBER AND APPOINTMENT.—The Commission shall be composed of 15 members appointed as follows:

(1) The Secretary of Health and Human Services (or the Secretary's delegate).

(2) The Chairman of the Federal Trade Commission.

(3) The Director of the National Institutes of Health.

(4) The Director of the National Science Foundation.

(5) 3 Members of the Senate appointed jointly by the President of the Senate and the President pro tempore. Not more than 2 members appointed under this paragraph may be of the same political party.

(6) 3 Members of the House of Representatives appointed by the Speaker of the House of Representatives. Not more than 2 members appointed under this paragraph may be of the same political party.

(7) 2 individuals appointed by the President, by and with the advice and consent of the Senate, from among individuals who are not officers or employees of any government and who are specially qualified to serve on the Commission by virtue of their education, training, or experience.

(8) 3 individuals appointed by the President from among individuals who will represent the views of recipients of health services. Not more than 1 member appointed under this paragraph may be an officer or employee of the Federal Government.

(c) CONTINUATION OF MEMBERSHIP.—If a member was appointed to the Commission as a Member of Congress and the member ceases to be a Member of Congress, that member may continue as a member for not longer than the 30-day period beginning on the date that member ceases to be a Member of Congress.

(d) TERMS.—Each member shall be appointed for the life of the Commission.

(e) BASIC PAY.—Members shall serve without pay.

(f) QUORUM.—Nine members of the Commission shall constitute a quorum but a lesser number may hold hearings.

(g) CHAIRPERSON; VICE CHAIRPERSON.—The Chairperson and Vice Chairperson of the Commission shall be designated by the President at the time of the appointment.

(h) MEETINGS.—The Commission shall meet monthly or at the call of a majority of its members.

**SEC. 6. POWERS OF COMMISSION.**

(a) HEARINGS AND SESSIONS.—The Commission may, for the purpose of carrying out this Act, hold hearings, sit and act at times and places, take testimony, and receive evidence as the Commission considers appropriate.

(b) POWERS OF MEMBERS AND AGENTS.—Any member or agent of the Commission may, if authorized by the Commission, take any action which the Commission is authorized to take by this section.

(c) OBTAINING OFFICIAL DATA.—The Commission may secure directly from any department or agency of the United States information necessary to enable it to carry out this Act. Upon request of the Chairperson or Vice Chairperson of the Commission, the head of that department or agency shall furnish that information to the Commission.

(d) GIFTS, BEQUESTS, AND DEVICES.—The Commission may accept, use, and dispose of gifts, bequests, or devises of services or property, both real and personal, for the purpose of aiding or facilitating the work of the Commission. Gifts, bequests, or devises of money

and proceeds from sales of other property received as gifts, bequests, or devises shall be deposited in the Treasury and shall be available for disbursement upon order of the Chairperson or Commission. For purposes of Federal income, estate, and gift taxes, property accepted under this subsection shall be considered as a gift, bequest, or devise to the United States.

(e) **MAILS.**—The Commission may use the United States mails in the same manner and under the same conditions as other departments and agencies of the United States.

(f) **ADMINISTRATIVE SUPPORT SERVICES.**—Upon the request of the Commission, the Administrator of General Services shall provide to the Commission, on a reimbursable basis, the administrative support services necessary for the Commission to carry out its responsibilities under this Act.

(g) **CONTRACT AUTHORITY.**—The Commission may contract with and compensate government and private agencies or persons for administrative and other services, without regard to section 3709 of the Revised Statutes (41 U.S.C. 5).

#### **SEC. 7. REPORTS.**

(a) **INTERIM REPORTS.**—The Commission may submit to the President and the Congress interim reports as the Commission considers appropriate.

(b) **FINAL REPORT.**—The Commission shall transmit a final report to the President and the Congress not later than 12 months after the date of enactment of this Act. The final report shall contain a detailed statement of the findings and conclusions of the Commission, together with its recommendations for legislative, administrative, or other actions, as the Commission considers appropriate.

#### **SEC. 8. TERMINATION.**

The Commission shall terminate 30 days after submitting its final report pursuant to section 7.

#### **SEC. 9. EFFECTIVE DATE.**

This Act shall take effect 60 days after the date of its enactment.

#### **SEC. 10. AUTHORIZATION OF APPROPRIATIONS.**

There are authorized to be appropriated not to exceed \$1,000,000 for fiscal year 2000 for the National Institutes of Health to carry out coordination activities under this Act with the Commission, the National Science Foundation, and other appropriate groups to transfer health research information on the Internet and to transfer the benefits of the infectious disease vaccine development program.

#### **SEC. 11. BUDGET ACT COMPLIANCE.**

Any spending authority (as defined in subparagraphs (A) and (C) of section 401(c)(2) of the Congressional Budget Act of 1974 (2 U.S.C. 651(c)(2)(A) and (C))) authorized by this Act shall be effective only to such extent and in such amounts as are provided in appropriation Acts.

Mr. GEKAS. Mr. Speaker, we have here a little poster that tells the story and tells you the intricate number of steps and areas in which we are involved on behalf of the American people. That is the important thing. Are you not interested as an American in the person down the street who has cancer and might be dying from cancer? Are you not concerned about him? How about your own child who might need a new device, a new biotechnical device to sustain life? How about an elderly person that is beginning to be afflicted by Alzheimer's? Do we not want to do something about this? That is what we are going to be doing in the continued work of the National Institutes of Health. And doubling it will increase the focus and effort on every one of these diseases that can plague

your family or the people down the street.

For instance, the human genome project will enable doctors to identify individuals at increased risk for diseases like hypertension and stroke, glaucoma, osteoporosis, Alzheimer's or severe depression. These are not just labels that we throw out. These are living organisms of disease that are killing us, that are hurting us as an American people; and we are trying through this effort to reduce the pain and suffering and to eliminate the early deaths that so hurt our Nation.

Our ultimate goal will be to find ways to prevent the development of progression of these diseases and design ways to intervene to prevent the development of these horrific diseases as we have said. Cancer therapy will change. Physicians will be able to customize cancer treatment by knowing a molecular fingerprint of a patient's tumor. That is important work. The genetic fingerprint of a person's cancer cells will be used to create a drug that will attack only the cancer cells and render targeted treatment which is more effective and safe. In other words, hit the cancer cells and do not allow this other destruction of tissues that so often this day and age while sometimes helping to cure the cancer kills the patient because of the reduction of vital tissues in other parts of the body.

These are living species that we are talking about. We will have effective vaccines for infectious diseases such as AIDS, tuberculosis and malaria. New science on the brain will lead to the treatments for alcoholism, drug abuse and mental illness. What this new funding brings about is progress in all of these things. Improvements in the treatment and prevention of disease are dependent on the generation of new ideas. We all know that.

The speed of discovery can be accelerated by devoting greater resources to the NIH and the National Science Foundation budgets. We have been saying that, we will resay it, it is important to restate it as often as possible, but it is absolutely vital.

One thing I want to mention, that not only do we along the way start to discover methodologies for preventing disease but there is a side dividend to the American people for all of this, because as we begin to treat and, let us say, cure kidney disease, just to give you an example, we would be saving millions and millions of dollars to the American taxpayers, to the Federal budget, to the local budgets by bringing about a closure to this terrible disease.

And when you add that combined with kidney disease are blindness, hypertension, all other kinds of side maladies, bringing them all into a cure or preventive methodology means that we will be saving not just the pain and suffering which are reason enough to try to do this but to have the added benefit of reduced health care costs which is so much on the mind of all the Members of the Congress and on the members of the public, knowing what bills they

have for pharmaceuticals, for doctors bills, for HMOs, for hospital care, all of the various expenses to keep us healthy.

We will, as we progress towards doubling this effort of funding, come to a point where we are also saving money. That should be good news because that is one of our duties as Members of Congress, not just to bring about an investment in trying to prevent disease but also to do it as economically and with as much saving of taxpayers' money as possible.

Just to give you an example, in 1994, the direct costs for cancer, in billions, \$41 billion was spent. Indirect costs, some \$68 billion. So the total cost for cancer in 1994, \$110 billion. What happens if we start to focus on certain cures and bring about a no cost to that kind of particular tumor or cancer that has taken the life of someone? We will not only have saved the life and other lives and prevent it, but the costs of health care go down proportionately.

Look at diabetes. In 1997, \$44 billion actually spent, \$54 billion of indirect costs, \$98 billion in costs for just that, in one year, 1997. As we know, diabetes, back to kidney disease and other consequences of diabetes, the costs and the effects all mount up to the detriment of the American people. We are out to stem the tide of these adverse effects on our fellow Americans. And so on and so forth.

Look at pulmonary diseases in 1998, \$21 billion. Kidney and urological diseases in 1985, \$26 billion. Stroke, \$28 billion. And so on and so forth. No wonder we have rising health care costs. All the more reason why we should be devoting our efforts, legislative and financial, fiscally, fiscal concentration, on defeating some of these diseases that plague us as they are doing. So we save lives and while we are doing it, not an inconsequential thing, we save taxpayers' money.

Now, what I want to do, also, is to mention here that in support of the NIH and all these efforts, about 10 years ago we developed a very unique lecture series here in the Capitol. The Biomedical Research Caucus as we framed it at that time was going to bring and has brought scientists of the first order to the Capitol to explain the latest developments and bring us up to date on what is happening in the field of women's breast cancer or Alzheimer's disease or Parkinson's disease. Just today, we had a wonderful lecture by astronauts and astronaut scientists, NASA scientists on microgravity and some of the things that are being discovered in space that help us here on Earth to early detection of certain diseases and prevention of other diseases, and the cure of some diseases.

Why? Because we are engaged in while we are funding space projects, marrying them to the National Institutes of Health so that the new science

of the space age can be adopted and adapted to human endeavors here on Earth, blending every new advance that we make, in space and on Earth.

Which brings me to something poignant in what we have been trying to say here. In one of our recent lectures on June 7, 2000, the subject was, just to give you an example, metastasis, how cancer cells invade the body. We all know what metastasis is. That is, a discovered tumor, even though excised from the body, can still result in the destruction of that individual, the death of that individual through metastasis, that it spreads to other vital parts of a body and the surgeons and the medical people are helpless to stem the tide of this metastasis, this spreading of the tumor.

Ironically, one of the stronger figures in our enterprise, a lady by the name of Belle Cummins, an attorney who has been helping us for years in all these projects and was very close to the scientists and to the legislators and knew the subject matter back and forth, was very helpful, as I say, on every detail of our massive enterprise here, herself was struck with cancer, a rare form of cancer, actually. But the cause of final death was the metastasis, the irreverent spreading of this cancer to other parts of the body which killed her and robbed us of a friendly agent in the gigantic enterprise in which we have found ourselves here.

The other kinds of subject matter we had, just in the year 2000, we have had some 90 sessions on Capitol Hill since we started this program and among the people who lectured to us were a handful, six or seven or eight, Nobel winners. I sometimes jokingly say they won the Nobel because they came and lectured to us, because we brought them to Capitol Hill. That is not exactly the case. But the point is that we have had the latest news that has been developed across the globe on the various diseases, from cloning and the genome project, the mapping of the human gene, all of these things are a part of the regular routine of our Biomedical Research Caucus, keeping all the Members of Congress aware of the various developments.

I see sitting with us one of the members of the Biomedical Research Caucus, as a matter of fact one of the co-chairs, the gentleman from Texas (Mr. BENTSEN). I wish to yield to him now for the purpose of adding his commentary to this special order.

Mr. BENTSEN. I thank my colleague from Pennsylvania for yielding. Let me say, Mr. Speaker, at the outset that the gentleman from Pennsylvania (Mr. GEKAS) is the real driving force behind this particular effort in doubling the NIH budget as well as in the entire Congressional Biomedical Caucus.

I think all Members of the House and the American people owe him a great debt of gratitude for the tireless work that he has put into this effort. I also want to join with him in his comments regarding Belle Cummins. It was a tre-

mendous loss to this effort and to many of us personally for the work that she had done in her tireless effort. She will be greatly missed. But perhaps in her loss, that should afford us the ability to redouble our efforts in trying to achieve the goal that she so much sought to see the Congress achieve.

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I also want to add, before I get to my prepared statement, my comments regarding the marriage of medical research and scientific research, because, in fact, in my congressional district that I have the honor of representing, it includes the Texas Medical Center and it abuts the Johnson Space Center; and the Texas Medical Center is the first biomedical research center of NASA.

It is a joint project between NASA and Baylor College of Medicine, Rice University and several other institutions, including some other institutions around the country.

This is something that the NASA administrator, Dan Golden, and his people came up with early on as an idea of how to leverage both the basic scientific research being done at NASA, with the medical research being done at our medical institutions with the hope that this type of leveraging can go on in other areas beyond medical research.

But it would not have happened, it would not have happened had it not been for the seed capital put in by the Congress through the National Institutes of Health and through the Medicare program and other programs that have established these academic medical centers which now are true laboratories for growth. It is a tremendous effort.

I want to say, I am not going to go through my whole statement, I will submit most of it for the RECORD, but I do have the honor of being one of the co-chairs with the gentleman from Pennsylvania (Mr. GEKAS), he is the real chair, we just work for him in this process. He is absolutely correct on H. Res. 437, a sense of the House that the House should provide an additional \$2.7 billion for the National Institutes of Health budget for fiscal year 2001.

This is one of the best things we could do in the United States in terms of what it does to continue to try and find cures for diseases that ail our populace and the populace of the world. People do not realize that we have a quarter of a million people who come to this country every year seeking medical treatment, because we have the best medical treatment in the world in the United States, and that is because of the leverage done off of the NIH.

This resolution would help to ensure that more scientists and doctors and researchers have the resources to conduct the cutting edge research. Today, only one-third of NIH peer-reviewed, merit-based grants are funded, and this additional investment would allow us

to increase the number awarded each year and ensure, particularly, that the younger scientists have the resources that they need to find the cures to save the lives of so many Americans.

I am also convinced that this additional 50 percent investment in NIH is being wisely used. There are more than 50,000 scientists across the United States who directly benefit from NIH research funds.

At the Texas Medical Center, which I mentioned is in the district I represent, there was a total of \$289 million funded through the NIH for clinical research projects in fiscal year 1999 alone. For many of these scientists, the NIH funding is critically important to funding their research and without it, they would not be able to test new therapies.

Today with many academic medical centers struggling to maintain their mission of training our Nation's health care professionals with the advent of managed care, providing quality health care services and conducting clinical research, it is critical, it is critical that they have adequate resources from the NIH.

Mr. Speaker, I also believe that investing in the NIH helps our economy to grow. For every dollar spent on research and development, our national output is permanently increased by 50 cents or more each year. There are not many government programs we can find that have that kind of yield on investment.

The government funds the basic research with which biotechnology and pharmaceutical companies use to create new therapies and treatments for cancer, diabetes and heart disease and the like.

A lot of our colleagues may say, why should we not just allow the private sector to fully fund this? The fact remains that there is a lot of research where the private sector will not go. The risk is far too great, and there is a large gap there, which only a public entity, in this case, the Federal Government, can fill that gap.

It can underwrite that risk and, yet, even doing that, we know that there is a tremendous return, not only in the better well-being and health of our citizens, which should be our first concern, but there is an economic return in the long run to the general economy of the United States, and that is a benefit I think all of us can be proud of.

Let me just finally say that we are all extremely excited with the announcement just this past month that the scientists who were mapping the human genome have made significant discoveries and are on the cusp of finalizing that project.

I was honored that Baylor College of Medicine is one of the three research organizations that are part of the NIH program. I met with the officials from the researchers from Baylor on numerous occasions about this program that they are doing, and I know that at one point it appeared there was a race between the Federally funded project

with worldwide assistance and the private project that was being done. But I think it goes without saying, had NIH not been there at the beginning, not funded this, we would not have seen a private entity come in to it.

Furthermore, and I have talked with many of the researchers about this, had there not been a Federal public domain involvement in something as critical as the human genome project, I think it is unlikely that we would have had the early commitment that the data that has been found will be data that is part of the public domain and not something that is down at the Patent Office that says that the future treatment that can be so critical to the future well-being of the American citizenry is something that we would have to go through a copyright and pay a premium for as opposed to something that we as Americans can all enjoy the opportunity of.

So I think it is a testament to the work of the NIH, and I would just say to my colleague, the gentleman from Pennsylvania (Mr. GEKAS), that, once again, on this particular issue, and there are other issues as well, but on this particular issue, he is very much on the right track, taking a leadership role in saying that the United States taxpayers should put its resources behind funding and doubling the budget for the NIH.

We get a tremendous return for our well-being, and I commend the gentleman for once again taking the lead on this and this resolution. I look forward to continuing to working with him on this until we achieve that goal of doubling it over the 10-year period.

Mr. Speaker, I rise today in strong support of H. Res. 437, a Sense of the House of Resolution that the House of Representatives should provide an additional \$2.7 billion for the National Institutes of Health (NIH's) budget for Fiscal Year 2001. This \$2.7 billion investment would be the third installment on our five-year effort to double the NIH's budget.

As one of four Co-Chairs of the Congressional Biomedical Caucus, I have strongly supported providing maximum resources for biomedical research conducted at the NIH. This \$2.7 billion investment in NIH's budget will help to save lives and improve our international competitiveness. Our nation's biomedical research is the envy of the world, but we must continue this investment to ensure that we maintain this preeminence.

This resolution would help to ensure more scientists have the resources they need to conduct cutting-edge research. Today, only one-third of NIH peer-reviewed, merit-based grants are funded. This additional investment would help us to increase the number of grants awarded each year and ensure that young scientists have the resources they need to save lives and cure diseases.

I am also convinced that this additional 50 percent investment in the NIH is being used wisely. Today, there are more than 50,000 scientists who directly benefit from NIH research funds. At the Texas Medical Center, which I represent, the NIH provides a total of \$289 million for clinical research projects in Fiscal Year 1999. For many of these scientists, the

NIH funding is critically important to funding their research. Without it, they would not be able to test new therapies. Today, many academic health centers are struggling to maintain their mission of training our nation's health care professionals, providing quality health care services, and conducting clinical research. As managed care plans reducing reimbursements for health care services, the NIH funding helps to ensure that this mission is achieved.

I also believe that investing in the NIH helps our economy to grow. For every dollar spent on research and development, our national output is permanently increased by 50 cents or more each year. The government funds the basic research which biotechnology and pharmaceutical companies use to create new therapies and treatments for cancer, diabetes, and heart disease.

As the representative for the Texas Medical Center, one of our nation's premiere research centers, I have seen firsthand that this investment is yielding promising new therapies and treatments for all Americans. Just this month, it was announced by Baylor College of Medicine and 2 other research organizations have reached their goal of mapping the human genome. With this genetic map, researchers will have the information they need to develop new treatments to cure diseases such as cancer, heart disease, AIDS, and Alzheimer's. At Baylor College of Medicine, the NIH funding is leading to new information about pediatric AIDS treatments, tuberculosis, and prostate cancer treatments.

As a member of the House Budget Committee, I coauthored an amendment to add \$2.7 billion to the NIH's budget. Although the NIH amendment was not successful, I believe it is critically important to continue to remind my colleagues of the potential for success with more investment in biomedical research. For many families, maximizing the NIH budget is an important part of their efforts to fight and beat chronic diseases such as heart disease and diabetes. As we learn more about the molecular basis for disease, we can bring new tools to defeat diseases and save lives.

As part of the Congressional Biomedical Caucus, we have also sponsored luncheons to discuss biomedical topics in Congress. These well attended luncheons provide an opportunity for Congress and staff to learn about new research programs which have been funded by the NIH-sponsored grants. This first-hand information will help to highlight how well these resources are being used.

I strongly urge the House of Representatives to support and become a cosponsor of H. Res. 437, legislation that would provide \$2.7 billion more for the NIH's budget as part of the Fiscal Year 2001 budget process.

In a related matter, a conference is currently meeting to reconcile the differences between the two versions of Fiscal Year 2001 Labor, Health and Human Services, and Education appropriations bill. I am concerned that the House bill includes \$18.8 million, a 6 percent increase above this year's budget. However, I am pleased that the Senate appropriations bill includes the additional \$2.7 billion investment in the NIH that we need. I strongly urge my colleagues in this conference committee to adopt the Senate funding level so that the NIH's budget will be doubled over five years.

Mr. GEKAS. Mr. Speaker, we thank the gentleman from Texas (Mr. BENTSEN) for his very valuable contribution.

There is something I always wanted to put in the RECORD to how we got started on this tremendous effort on behalf of the National Institutes of Health, and after a number of searches of memory as to how this all began, we concluded that the starting point was an article written by scientists interested in expanding the avenue towards increased research.

In 1993, the magazine Science published a call for action by two Nobel Peace Laureates and other science leaders like Dr. Michael Bishop, Harold Varmus and Mark Kirschner, who at that time pleaded with their government and their Congress to double the amounts of Federal funding for the basic research being undertaken by the National Institutes of Health over a period of 5 years.

This was not the enterprise of some creative lobbyists, but rather born from the thoughtful rationale and scientific deliberations of some of the foremost minds in science.

When Members of this great Chamber consider their votes for the consistent and substantial increases in funding of basic research at the National Institutes of Health and the National Science Foundation, they can rely with great confidence on the fact that these scientists placed their entire reputations on the line in making recommendation that the government and the Congress continue to expand their investment of Federal dollars in basic research. So there we have it.

Dr. Kirschner, Bishop and Varmus preeminent scientists who thought it would be a great idea if we could double the effort of the NIH to get scientists to focus on new research and continued expanded research. We seized upon that, certain Members of Congress, and thought that was a light bulb for the Congress upon which to become enlightened as to progress that can be made.

And from that, emerged the effort about which we speak here tonight, the resolution to double the effort. We picked up adherence and supporters in the Senate of the United States, and lo and behold, again, we are here tonight reporting to the American people that we are intent on moving along on this spiraled staircase towards doubling the funding of the NIH within 5 years.

The 3rd year is here upon us, next year we will come back to these Chambers and see how far we have gotten and be able to report to my colleagues even more progress.

Mr. Speaker, the last item that we wish to record for my colleagues are some of the recommendations that have come out of the scientific dialogue on this important question. These great scientists stated, and I quote, in part, if the United States is to realize the promise of science for our society, the new administration, this was back in 1993, should take action on several fronts, and here are bits and pieces of these several fronts, develop an economic strategy for optimizing

investment and biomedical research, and what we are saying is, the doubling of the funding of NIH is one of those strategies.

Number two, generate a comprehensive plan for the best use of Federal funds for biomedical research; implicit in what we have said.

Institute a mechanism for the periodic evaluation of peer-review procedures utilizing scientists from inside and outside the government. That is very important in the world of health care, because if one scientist says a-ha, I can cure brain cancer overnight, that has to be evaluated and reviewed and criticized and analyzed, et cetera.

The American people know that we have a system in place that has checks and balances in everything we do, not the least of which should be in the discoveries or research breakthroughs that we see now on a daily basis.

They go on and say facilitate the application of fundamental discoveries by encouraging technology research in the private sector; that goes without saying. Strengthen the position of the Presidential advisor on science and technology, increase Federal attention to science education.

Do you know what? Without knowing it, it just dawned on me that about 2 years ago I introduced a concept, and it is in legislation and heading for a hearing in September, on something akin to this, that is, I believe that in the 20th century, the one which was just engulfed us in so many conflicts, so many tears, but so much progress at the same time, this century, our country was faced with one gigantic goal, that goal was to overturn tyranny and repression and to advance democracy, to repel tyrannical governments, Communism, Naziism, all of the tyrannical forms that have hurt us so blatantly across the years. Our goal as a Nation was to repulse all of that and to establish and reestablish and ferment democracy throughout the remainder of the world.

It dawned on me we ought to be stating a goal for the next century, for the 21st century. What should that goal be for the United States of America? In my judgment, it should be the eradication of disease from the face of the Earth.

Mr. Speaker, now the goal of repulsing tyranny and establishing democracy was worthwhile, we would not be in a position where we could even talk about eradication of disease as in a new goal, but listen to what has happened. Our country is the foremost in every endeavor of the human mind can generate, in everything. We are the superpower. We are the supersuperpower in everything. We do not want to be just the superpower in military strength, we have the capacity now to lead the world in those efforts that can lead to the eradication of disease.

Now, I mentioned this to Dr. Harold Varmus, who later became the director of the National Institutes of Health, and now most recently has transferred

his talents to Sloan Kettering in New York, a renowned scientist, a Nobel winner.

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I mentioned this to him while he was director of NIH, that we ought to try to do something to try to eradicate disease across the face of the Earth. He said, "George, I don't think we can actually eradicate every disease." I said, "I know that, Harold. I know though the effort has to yield progress in the eradication of disease, even if we fall short of total eradication of every disease known to mankind."

But the point is that should be the national goal. And if you look at it again, in rounder terms, the goal of eradicating disease that the United States would undertake would be in its own self-interest, its own enlightened self-interest.

Why? While we are trying to eradicate disease or leading the world in those efforts, we are producing new pharmaceuticals, new biotechnology devices, new methodologies for treating disease, for discovering new anecdotes, et cetera. While we are doing that then, we are creating economic fervor, economic opportunities and economic expansion, enterprises of every stripe while marching down the road towards leading the world, leading mankind, in the eradication of disease.

We are number one in biotechnology now, number one in biomedical research, number one in every effort leading towards these things. Why not then move towards this goal about which I speak?

Let me tell you that my bill, the one I have introduced and on which a hearing will be held, as I said in September, would create a commission of the greatest experts our country can produce on how we can begin this worldwide enterprise of eradicating disease from the face of the Earth. It would employ every sector of our country and all its citizenry, from teaching children in first grade about washing their hands before meals and in washing their hands as often as possible, a simple little gesture, as part of a global strategy to eradicate disease, not to mention space exploration and all of the other things about which we have made mention here today.

So from washing one's hands in kindergarten to climbing to Mars in 3 years, all of these things can be a part of the global effort on the part of the United States to eradicate disease from the face of the Earth; and these members of these commissions, the commission that I envision through this legislation, could create the steps necessary to begin that enterprise.

We have been joined by the gentlewoman from North Carolina, is that correct?

Mrs. CLAYTON. That is correct.

Mr. GEKAS. I get North and South mixed up once in a while.

Mrs. CLAYTON. South Carolina is good, but North is even better.

Mr. GEKAS. I yield to the gentlewoman.

Mrs. CLAYTON. Mr. Speaker, I thank the gentleman for his leadership on this issue and allowing me to participate. I think this issue that the gentleman brings before us is exciting and has great potential and is critical and needed.

Mr. Speaker, I strongly support the gentleman from Pennsylvania (Mr. GEKAS) and others in their effort to double the funding for the National Institutes of Health for research in the biomedical field. Research today will be the basis for the discovery of treatments and prescription drugs that will provide much needed benefits tomorrow.

Passive investments in biomedical research have resulted in better health and improved quality of life for all Americans, as well as a reduction in national health care expenditures. The Federal Government represents the single largest contributor to biomedical research conducted in the United States and must continue to play a vital role in the growth of this national biotechnology industry.

The National Institutes of Health is prepared to lead us into a new era of molecular medicine that will provide us with unprecedented opportunities for the prevention, the diagnosis, the treatment, the cure of all diseases that currently plague our society.

Currently more than 297,000 Americans are suffering from AIDS, and hundreds of thousands more with HIV infections. These Americans, although still facing serious and life-threatening health problems, can benefit from biomedical and biotechnology advances in the treatment of HIV. Biomedical advances assist in providing assurances of more effective and accessible and affordable treatment for persons with HIV and the hope of arresting the disease until a cure is discovered.

Patients with debilitating diseases such as osteoporosis and diabetes, or life-threatening cervical, breast, and prostate cancer will benefit from the further understanding of the principles of biometrics. The development of new hard tissue, such as bone and teeth, as well as the study of soft tissue development, holds great promise for the design of new classes of bio-materials and pharmaceuticals, and the diagnosis and analytical reagents for use in the treatment of disease and their side effects.

We are on the dawn of a biomedical revolution, and most Americans show overwhelming support for an increased Federal investment in biomedical research to improve the quality of their lives and of world citizens.

Again, I support the request to increase by \$2.7 billion the budget to the National Institutes of Health to fund biomedical research. American biomedical researchers should not have to wait any longer than necessary to begin the new generation of discovery that awaits them and to benefit the



overall health of our great Nation and the world.

Again, I thank the gentleman for allowing me to participate.

Mr. GEKAS. I thank the gentleman.

Mr. Speaker, to bring to a close our special Special Order, I just want to repeat some of the promises that lie ahead with the continued development of our research capability: new ways to relieve pain, that goes without saying; medications for the treatment of alcoholism and drug addiction; clinical trials database to help the public gain access to information about all of these trials through the Internet and through other devices that we have.

I see our colleague, the gentleman from Iowa (Mr. GANSKE), who is seated here, ready to take a Special Order on his own. Just today he and I had a discussion about the Patients' Bill of Rights and the pharmaceuticals and all of that, which is a part of all of this; and I maintain if we can pass our bill and establish this commission to look at all the phases of health care for the eradication of disease, that the plight of our teaching hospitals, patient care, pharmaceuticals, everything that worries us on a daily basis, can be placed in a proper order to take the lead globally in the eradication of disease.

Mr. PACKARD. Mr. Speaker, I urge my colleagues to support increased funding for the National Institutes of Health (NIH). The NIH is the pre-eminent biomedical research enterprise in the world, relied on for its innovation by countries spanning the developing and industrialized world. The vast bulk of the NIH funding we appropriate goes to the large medical research institutions in this country that lead the fight against disease and illness.

The NIH has always enjoyed strong bipartisan support from Congress. An increase in NIH funding would accommodate substantial increases in the grants, training awards, and infrastructure improvements that are critical to the continued success of medical research. Additional funding would also give the NIH a greater ability to disseminate information on new breakthroughs to patients and health care providers. NIH researchers are on the verge of tremendous new discoveries in science and medicine.

Mr. Speaker, I again urge my colleagues to continue their support for the NIH in the best way possible—by increasing funding.

Mr. LAFALCE. Mr. Speaker, the National Institutes of Health benefits all Americans, and we should all be proud of the research work that they do. Thanks to the scientists, doctors and other professionals at NIH, we are closer than ever before to finding cures and improved treatments for diseases like Alzheimer's, diabetes and cancer. We need to show our unwavering commitment to the NIH and the important work that they do. That is why I strongly support doubling the NIH budget.

In addition to the countless health benefits that this will bring to the American people, it will result in savings as well. Every dollar that we invest, particularly in preventive medicine, will reduce hospitalization and the costs of treating a disease that we can cure. Diabetes is a prime example of this. It is estimated that

one out of every ten health care dollars in the United States and one out of every four Medicare dollars is spent on diabetes care. If we invest enough money to follow all the promising leads that the congressionally-mandated Diabetes Research Working Group has identified, we can cure this disease. We should do that. Just think what it would mean to the 16 million Americans, and their families, who suffer from this disease. As Vice-Chair of the House Diabetes Caucus, I urge all of my colleagues to support this investment in finding a cure. And it truly is a cost-effective, life-saving investment. In this time of unparalleled prosperity, there is no reason that we can't do it.

Alzheimer's, arthritis, multiple sclerosis, osteoporosis, diabetes, cancer, autism, macular degeneration and on and on—we all have family, friends, constituents who are affected by these diseases in one way or another. Particularly as our older population continues to grow, we need to increase our commitment to health care. An appropriate investment now, when the resources are available, will translate into immeasurable savings, both in human life and in dollars, down the road.

This is truly an investment in our future. Let's make this commitment and let science show us how we can all live healthier, happier, longer lives.

Mr. FILNER. Mr. Speaker, I rise today in support of doubling the budget of the National Institutes of Health to further life-saving research.

The world is at the cutting edge of biomedical research breakthroughs that will alter forever the age-old battle of humans against disease. The discovery of cures for most life threatening diseases can, and will, be achieved in our lifetime. But, we can cross that ultimate frontier of an improved quality of life for all Americans only if this Nation commits itself to funding biomedical research at a sufficient level to do the job.

Mr. Speaker, we can demonstrate our collective resolve to accomplish that result by doubling the funding for the National Institutes of Health.

Our research is beginning to pay off. Hundreds of new drug discoveries are rapidly making their way through clinical trials. Through the concerted genome effort, we will in a very short time have effectively decoded the enormous amount of DNA sequence information that forms the blueprint for human life. The developing field of proteomics will provide the tools to understand the function of proteins produced by genes. The quantity and quality of targets for the development of new drugs will be increased by a factor of previously unbelievable proportions. In addition, progress is being made in learning how to stimulate the immune system itself to fight cancer and other diseases. Immunotherapy, and gene therapy, as demonstrated by the scientists at the Sidney Kimmel Cancer Center in San Diego, are beginning to unlock the secrets of how to effectively combat disease in virtually every cell of the body. Anti-angiogenesis—a process which prevents the formation of new blood vessels which feed the cancer as it multiplies—offers great hope. The progress being made in San Diego research institutes suggest that the accelerating pace of laboratory discoveries will soon be translated into innovative treatments. In San Diego, basic science breakthroughs are happening at the University of California, San Diego (UCSD)—one of

the largest recipients of NIH funding in the country—and also at the Salk Institute, the Burnham Institute, and the Scripps Research Institute. And, the most dramatic results of these scientific advances may be demonstrated when they work in combination with chemotherapy, radiation, and surgery.

At the University of California at San Diego, for example, Dr. Mark Tuszynski has received approval from the FDA to test a form of gene therapy in humans with the dreaded Alzheimer's disease. Alzheimer's now afflicts 4 million Americans, a number which is projected to grow to 8 million in this country alone by the year 2020. Dr. Tuszynski will surgically implant genetically modified cells into the brains of human volunteers to determine if we can slow the progression of Alzheimer's disease and enhance the function of some of the remaining brain cells.

Mr. Speaker, charitable contributions and the scholarship of great universities and research institutes play important roles in the evolution of our scientific success. It is through the investment of significant Federal dollars in the National Institutes of Health that we can combine all of these positive forces to realize the medical miracles on our horizon. NIH promotes the research and coordinates the science. NIH helps to develop new skills of scientific investigators, and provides the stimulus for the emergence of new technologies.

I am privileged to represent San Diego, the biotech capital of the world. What we do in San Diego in collaboration with scientists around the globe will enhance life itself at a time in history when life is most worth living.

Now is the time to redouble our investment in biomedical research. America is at peace, our economy is prospering, our citizens are gainfully employed, our budget is balanced, and our surplus is real. There is no excuse to ignore what Americans want more than anything else: the cure of diseases which inflict death, pain, suffering, and economic distress to almost every family.

Mr. Speaker, let's do it; let's do it now.

Mr. CUNNINGHAM. Mr. Speaker, I am grateful to the gentleman from Pennsylvania (Mr. GEKAS) for arranging this special order tonight, to focus on the importance of doubling America's investment in health research over the next five years.

I am honored to be a cosponsor of his resolution, H. Res. 437, expressing the sense of Congress on how to accomplish our goal of doubling our national investment in health research. This research is the gift of America's hard-working taxpayers to this generation and the next—not just to Americans, but to the world.

Furthermore, for us to take fullest advantage of this investment, we must take care to invest it wisely. So in addition to increasing our work in basic health research at the National Institutes of Health, we should treat in a similar fashion our investment in the Centers for Disease Control and Prevention, and in the programs of the Health Resources Service Administration, which are vital to putting in practice the things we learn through basic health research. As a strong fiscal conservative, and as a member of the House Appropriations Subcommittee on Labor, Health and Human Services and Education, I am committed to working with my colleagues to achieve these goals within a limited federal budget.

Rather than to address this issue myself, I have asked several of my constituents and leaders in the field of health research to address this issue themselves. With the consent of the gentleman from Pennsylvania (Mr. GEKAS), I would like to insert in the RECORD at this point several letters, e-mails, and notes that describe in further detail the importance of doubling our investment in health research.

Mr. Speaker, I submit the following letters for the RECORD.

CHIRON CORPORATION,  
Emeryville, CA, June 14, 2000.

Hon. RANDY "DUKE" CUNNINGHAM,  
House of Representatives,  
Washington, DC.

DEAR REPRESENTATIVE CUNNINGHAM: On behalf of Chiron Corporation's Blood Testing Division, I appreciate this opportunity to convey our support for increased funding for biomedical research.

Chiron Corporation, headquartered in Emeryville, California, is a leading biotechnology company with innovative products in three global healthcare markets: biopharmaceuticals, vaccines and blood testing. Chiron, and its partner, Gen-Probe Incorporated of San Diego, formed a strategic alliance in 1998 to develop, manufacture and market genomic nucleic acid testing (NAT) for detection of blood transfusion associated viruses such as Human Immunodeficiency Virus (HIV) and Hepatitis C Virus (HCV).

Genomic NAT is the next technological advance in ensuring the safety of the nation's blood supply. It detects small amounts of virus in donated blood before antibodies or viral proteins are detectable by current blood screening technologies. Today's blood testing methods depend solely on the detection of these antibodies or viral proteins, so newly infected donors may escape detection during the "window period" between infection and appearance of these serologic markers.

Since April of 1999, the Chiron-Gen-Probe partnership has been supplying NAT reagents, instrumentation, training, and technical support to U.S. blood centers performing NAT under FDA approved clinical protocols. The Chiron Procleix HIV-1/HCV Assay is currently utilized to screen approximately 75% of all volunteer blood donations in the U.S. In addition, the Armed Services Blood Program now routinely screens blood donations with the Chiron assay.

Genomic NAT testing has already increased the safety of the U.S. blood supply. In less than one year, testing by Chiron's system alone has detected 28 infected HCV donors and 4 HIV-1 infected donors. Identification of these infected donors prevented the potential transfusion of over 100 HCV and/or HIV-1 infected units of blood components. Scientific studies estimate that genomic NAT may reduce the window period of potential HCV infection by 70% and by nearly 50% for HIV. Recent studies also indicate that genomic NAT, when used on individual donor samples, may close the Hepatitis B Virus (HBV) window by 50% (as much as four weeks) compared to currently available tests.

Implementation of NAT has required the utilization of many new scientific inventions and innovations. One historic discovery in this effort was the genomic mapping of the HIV and HCV viruses by Chiron scientists. Gen-Probe Incorporated developed new high throughput genomic amplification and detection technologies known as TMA, that are required to detect very low levels of viruses in blood donations.

The National Heart, Lung, and Blood Institute of the National Institutes of Health contracted with Chiron's partner, Gen-Probe In-

corporated, to develop genomic NAT testing assays and automation. All of these factors in combination have led to the development of genomic NAT as the new world standard in blood screening technology, and offers the promise of providing Americans a blood supply that is safer from risk of HIV, HCV and HBV transmission.

HCV is becoming a significant public health concern, both here in California and elsewhere. Despite these remarkable advances in blood testing and safety, our work is not complete. There are new viral strains that may contaminate our blood supply. The immensely important genomic amplification technologies are at the beginning of their technological life cycle. It is vitally important that the U.S. Government continues, and increases where possible, its investment in these areas of biomedical research.

Thank you again for the opportunity to provide Chiron's comments on this important public policy issue.

Sincerely,

RAJEN DALAL,  
President,  
Chiron Blood Testing Division.

POWEY, CA,  
June 14, 2000.

DEAR CONGRESSMAN CUNNINGHAM: I am a 47 year old woman. My diabetes was discovered 40 years ago. I should be dead! Due to the advances in health research I am not only alive but a success despite my physical challenges.

I am a speaker for UCSD transplantation and animal research program. I should have died at the age of 15, being unconscious and having extremely high, unexplained blood sugars. I survived that challenge and then later went on to college supported by the Rehab. center for the blind in Connecticut. My kidneys failed as I was receiving my BA in Psychology and BS in Business. (Double Major). I then moved to San Diego and received my first kidney transplant. My right leg was amputated as I was in Graduate school. As I was finishing Graduate school I received my first Service dog for Physical assistance.

To make a long story short. I am able to drive with one good eye—medical research. I can walk, but do use a wheelchair, to reserve energy. I am now a licensed Marriage and Family Therapist!!! (long haul and Hall) AND I have founded and co run with my fiancé, Leashes for Living Assistance/Service Dogs. A unique program enabling the challenged to train their own Service Dogs.

Without medical and health research I would not be able to give back so much to the community. I pride myself in the fact that along with the medical teams, I have worked hard to stay alive . . . and now am able to help others live happier and healthier lives despite their challenges.

With my highest regards for your endeavors,

CYNTHIA CLAY.

POLYCYSTIC OVARIAN  
SYNDROME ASSOCIATION, INC.,  
Rosemont, IL, June 14, 2000.

Rep. RANDY CUNNINGHAM,  
Rayburn Bldg.  
Washington, DC.

DEAR CONGRESSMAN CUNNINGHAM, We at the Polycystic Ovarian Syndrome Association, Inc., or PCOSA, would like to add our voices in support of House Resolution 437, sponsored by Rep. George Gekas from Pennsylvania.

Polycystic Ovary Syndrome (PCOS) is a little understood endocrine disease that affects as many as 1 in 10 women and yet continues to be misdiagnosed by doctors. Recent research strides point only to the need for more research, education and raised aware-

ness about PCOS, which is the leading cause of infertility and puts women at risk for type II diabetes, endometrial cancer, and cardiovascular disease. PCOSA is an international non-profit organization dedicated to the education and support of women with PCOS and their healthcare providers.

Dr. R. Jeffrey Chang, at the University of California at San Diego is a pioneer in the research and education of women and doctors about PCOS. Having edited one of the few texts on the subject for doctors, he remains a strong voice for women's health care. At our recent membership conference in San Diego, Dr. Chang spoke to patients and other doctors, and was even able to explain this complicated syndrome to members of the San Diego press. He is a tremendous asset to endocrinology and to California.

It is imperative that Dr. Chang's research, and that of his colleagues searching for the cause and treatment of PCOS, continue to be supported by the NIH until we understand the disease and have an answer for every single woman that suffers from it.

With Best Regards,  
CORRINA P. SMITH,  
Dir. of Media Relations.

UNIVERSITY OF CALIFORNIA, SAN DIEGO,  
La Jolla, CA, June 12, 2000.

Hon. RANDY DUKE CUNNINGHAM,  
House of Representatives,  
Washington, DC.

DEAR DUKE, I am writing to urge you and your colleagues to support an increase in funding for the NIH for FY2001 that will keep us on track for doubling in five years. In spite of our continued and spectacular recent progress in the fight against disease, too many of our friends and loved-ones die prematurely or suffer needlessly from diseases that we could defeat if our research efforts could proceed more swiftly. This year alone, I have already lost one dear friend to a premature death from cancer, and several other friends are literally in a fight for their lives. I have also received many phone calls and letters from people afflicted with presently incurable diseases, but where research holds hope for treatment in the not too distant future. Better and faster biomedical research is clearly the best answer for these people. It is only by understanding fully the cellular and molecular basis for disease that we can then develop effective therapeutic strategies.

As you know, the House and Senate have been working toward the goal of the doubling of NIH by the year 2003. Congress has provided the necessity 15% increases over each of the past two years to meet this important goal. For FY2001, Congress must provide an increase of \$2.7 billion in order to reach the doubling goal. These funds are critical for our continued rapid progress in the battle against cancer, diabetes, ALS, Alzheimer's and other diseases affecting millions of Americans.

I know that you share my belief that biomedical research and our fight against disease is one of our most important national priorities. I look forward to working together with you in the future on this important battle.

Sincerely,  
LAWRENCE S.B. GOLDSTEIN, Ph. D.

Mr. CAPUANO. Mr. Speaker, I would like to take a moment to thank my colleague from Pennsylvania, Mr. GEKAS, for arranging tonight's special order, as well as the distinguished chairman of the Labor-HHS-Education Appropriations Subcommittee, Mr. Porter, for his work and dedication in support of biomedical research at the National Institutes of

Health (NIH). I believe it is essential that Congress move forward in its commitment to double the research budget at the NIH. Currently, scientists at the NIH are developing cutting-edge treatments for hundreds of diseases, including cancer, Alzheimer's, and diabetes. Increased funding for medical research and development will allow millions of Americans to lead healthier lives. I, therefore, rise in support of efforts to provide a 15% increase for NIH in FY2001. This increase will mark the third installment of the plan to double the NIH budget over a period of five years.

Each and every day, researchers at the NIH succeed in making important discoveries about the human body and the diseases that may effect it. These scientists work tirelessly to develop cutting-edge technologies that push the envelope of human capacity.

For FY2001, the NIH have developed four critical initiatives. These include: (1) Genetic Medicine—this involve the mapping of the human genome and the subsequent gene therapy. Advances in the treatment of cancer, chronic illness, and infectious disease may be possible through this work; (2) Clinical Research—this initiatives reinforces the goal of turning the results of laboratory research into treatment for patients; (3) Fostering Interdisciplinary Research; and (4) Eliminating Health Disparities. These four areas of scientific research present incredible opportunities that have the promise to generate tremendous benefits in the future. Providing increased funding for biomedical research today will allow millions of Americans to lead healthier lives tomorrow.

With this in mind, I urge each of my colleagues to support funding the full 15% budget increase for the National Institutes of Health.

Mr. BILIRAKIS. Mr. Speaker, I rise in support of increasing the Federal Government's commitment to biomedical research through the National Institutes of Health. As chairman of the Health and Environment Subcommittee of the House Commerce Committee, and as a member of the Congressional Biomedical Research Caucus, I am a strong advocate of this agency's vital mission. I have joined many of my colleagues in supporting efforts to double federal funding for the NIH.

The NIH is the primary Federal agency charged with the conduct and support of biomedical and behavioral research. Each of its institutes has a specialized focus on particular diseases, areas of human health and development, or aspects of research support. When we consider its role as one of the world's foremost research centers, it is amazing to remember that the NIH actually began its existence as a one-room Laboratory of Hygiene in 1887.

Medical research represents the single most effective weapon against the diseases that affect many Americans. The advances made over the course of the last century could not have been predicted by even the most farsighted observers. It is equally difficult to anticipate the significant gains we may achieve in years to come through increased funding for further medical research.

Last year, Congress gave a substantial increase in funding to the NIH. The fiscal year 2000 omnibus appropriations law provided \$17.8 billion for the NIH—an increase of \$2.2 billion or 14 percent over the previous fiscal year. This increase represents a sizable down payment toward the goal of doubling its fund-

ing over 5 years. This year, I am hopeful that we can make similar progress in that regard.

As we work to increase Federal funding, I am also sponsoring legislation to encourage private support for NIH research efforts. My bill, H.R. 785, the Biomedical Research Assistance Voluntary Option or "BRAVO" Act, would allow taxpayers to designate a portion of their federal income tax refunds to support NIH research efforts. I introduced the bill on a bipartisan basis with the ranking member of the Health and Environment Subcommittee, Mr. BROWN of Ohio.

Mr. Speaker, every dollar invested in research today will yield untold benefits for all Americans in years to come. Indeed, our own lives might some day depend on the efforts of scientists and doctors currently at work in our Nation's laboratories. I urge all Members to join me in supporting a strong Federal commitment to biomedical research.

Mr. LEVIN. Mr. Speaker, I am pleased to join my colleagues on both sides of the aisle to talk about the importance of doubling the funding for the National Institutes of Health over the next 5 years. As we all know, we have already made two down payments on this goal, first in 1999 and again in 2000. Unfortunately, last month the House approved a Labor-HHS-Education bill which significantly backtracks from our commitment. We must insist on a bipartisan basis that this serious underfunding is corrected in conference.

I support full funding for the NIH on behalf of all of my constituents who struggle with illnesses that we do not fully understand. I know, as they do, that the work of NIH-funded scientists offers their best hope for a cure. At the same time, each year NIH researchers uncover new information which helps doctors better treat patients with heart disease, cancer, diabetes, mental illness, and many other terrible diseases.

The National Institutes of Health fund well over a third of all biomedical research in the United States. But NIH's role goes well beyond that, because NIH is the primary funder of all basic research. Basic research, which is generally focused on discovering new scientific principles, often cannot be patented and is therefore not appealing to for-profit companies. But basic research provides the building blocks on which new treatments and cures are built. Of the 21 most important medications introduced between 1965 and 1992, 15 were developed using tools from federally funded research. Seven were directly developed by government-funded researchers.

One of these exciting new drugs, Cisplatin, was developed by researchers in my home State at Michigan State University. Working with NIH's National Cancer Institute, biophysicist Barnett Rosenberg developed Cisplatin, an anti-cancer drug which cures sixty to sixty-five percent of testicular cancer cases and reduces risk of death by fifty percent when used to treat cervical cancer. Without NIH's expertise and resources, Dr. Rosenberg might not have been able to complete the pharmacology, toxicology, and clinical trials needed to get this drug to the cancer patients who need it.

Each year that we increase funding for NIH, we make possible more discoveries like this and we make sure that the public benefits from those discoveries. Currently, the economic cost of illness in the United States is estimated at about \$3 trillion. An annual ap-

propriation of \$16 billion—less than 1 percent of the Federal budget—is a small price to pay to maintain NIH's strength in controlling and curing disease. I hope that all of my colleagues will join with me and the other members of the Congressional Biomedical Caucus in supporting full funding for the NIH and medical research.

Mrs. MALONEY of New York. Mr. Speaker, I join my colleagues in support of doubling the NIH budget for fiscal year 2001.

I thank my colleague GEORGE GEKAS for organizing this special order. This is one budget that affects every single American. Whether it is diabetes, Alzheimer's, cancer, or safe childbirth, the NIH is there as a shining star to protect our Nation and help us understand and treat dreaded diseases.

One of the diseases that NIH researchers feel could be cured in a matter of years is Parkinson's disease. I am proud to be the founder and co-chair of the Congressional Group on Parkinson's Disease with my friend and colleague FRED UPTON. We are so close to a cure for this disease.

Leading scientists describe Parkinson's as the most curable neurological disorder. Breakthrough therapy or—perhaps a cure—is expected within a decade. When have researchers ever said that they think they can cure a disease in 10 years?

I would like to focus my remarks tonight on the importance of giving NIH the largest increase possible. Specifically, I have been advocating for \$71.4 million to implement NIH's Parkinson's Disease Research Agenda. During last year's appropriations debate, we were successful in including language to support the development of this research agenda for Parkinson's disease.

It truly is a roadmap for what needs to be done in the next 5 years to beg to a cure. I have spearheaded a letter to the conferees asking for the \$71.4 million needed in the first year to enact this research agenda. I am very hopeful that we will get this money in the budget this year. But if we don't, I will introduce legislation requiring this plan be funded in its entirety.

Finally, I just want to mention that I am anxiously awaiting the release of the final guidelines on stem cell research. We worked hard in Congress this year to not let stem cell research get politicized. We stood firm that Parkinson's disease—along with diabetes, ALS, and a host of other diseases—must not be held hostage to extremists in Congress. I will continue to work for prompt implementation of this critical research when the guidelines are finalized. I thank my colleagues again for organizing this special order.

Mr. GEKAS. Mr. Speaker, reluctantly, because I am having a good time here, reluctantly, I am looking around, I see no other recourse except to yield back the balance of my time.

f

#### GENERAL LEAVE

Mr. GEKAS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the Special Order just given.

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

There was no objection.

f

# IMPORTANT HEALTH CARE ISSUES FACING AMERICA

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 1999, the gentleman from Iowa (Mr. GANSKE) is recognized for 60 minutes.

## HMO ABUSES

Mr. GANSKE. Mr. Speaker, tonight I am going to talk about two important health care issues that are facing Congress. One concerns HMO abuses, and the other concerns the number one public health problem in the country, and that is the use of tobacco.

Mr. Speaker, about 8 months ago on the floor of this House we had a momentous debate for about 2½ days on patient protection legislation; and at the end of that debate, 275 bipartisan Republican and Democratic Members of this Congress voted to pass the Norwood-Dingell-Ganske bipartisan consensus Managed Care Reform Act of 1999. Nearly every nurse, nearly every dentist, nearly every doctor who is a Member of this body voted for that.

Well, what has happened since then? Very little. A conference committee was belatedly named to try to get agreement between the bill that passed the House, the strong patient reform bill, and the bill that passed the Senate, which was more an HMO reform bill.

Unfortunately, nothing much is going on in that conference now. I do not think they have met for probably about 2 months. There has been a paucity of public meetings. But a few weeks ago the issue was brought back to the floor of the Senate and a GOP HMO bill was added as an amendment to a bill, and it passed, just barely. It was the Nickles HMO amendment.

I would have to advise my colleagues that that GOP Senate bill that passed a few weeks ago by a margin of about one or two votes is worse than no bill at all. In fact, it is an HMO protection bill, not a patient protection bill. Would Members like to have some proof of that? Well, let me tell my fellow colleagues about some of the things that HMOs have been doing that have been documented in a recent article in *Smart Money* magazine in their July issue.

Consider the case of a man named Jim Ridler. It was shortly after noon on a Friday back in August 1995 when Jim Ridler, then 35 years old, had been out doing some errands. He was returning to his home in a small town in Minnesota on his motorcycle when a minivan coming from the opposite direction swerved right into his lane. It hit Jim head on. It threw him more than 200 feet into a ditch. He broke his neck, his collarbone, his hip, several ribs, all of the bones in both legs. It ripped the muscles right through his arm.

Over the next 4 months, after a dozen surgeries, he still did not know wheth-

er he would ever walk again. When he got a phone call from his lawyer who had started legal proceedings against the driver of that minivan who had swerved into his path, that call that he got from his lawyer really shook him up.

"I am afraid I have got some bad news for you," said his lawyer. He told Jim that even if Jim won his lawsuit, his health plan, his HMO, wanted to take a big chunk out of what they had spent on his care.

"You are joking, right?" said Jim.

"Nope," said the lawyer.

Jim's health plan had a clause in its contract that allowed the HMO to stake a claim in his settlement, a claim known in insurance as subrogation.

"So I pay the premium, and then something happens that I need the insurance for, and they want their money back?" Ridler asked incredulously. "The way I figure it, my health insurance is just a loan."

Well, Ridler eventually settled his lawsuit for \$450,000, which was all the liability insurance available. His health plan then took \$406,000, leaving him after expenses with a grand total of \$29,000.

Jim said, "I feel like I was raped by the system," and I guess I can understand his point of view.

I doubt that my colleagues know, and I doubt that most people know, that they have what are called subrogation clauses in their contracts that mean that if they have been in an accident and they try to recover from a negligent individual, like the person who almost killed Ridler, that their HMO can go after that settlement.

Now, Mr. Speaker, originally subrogation was used for cases in which care was provided to patients who had no health insurance at all, but who might receive a settlement due to somebody else's negligence. However, HMOs are now even seeking to be reimbursed for care that they have not even paid for.

Susan De Garmos found that out 10 years ago when her HMO asked for reimbursement on her son's medical bills. In 1990 her son, Stephen De Garmos, who was age 10 at that time, was hit by a pickup truck while riding his bike to football practice near his home in West Virginia. That accident left him paralyzed from the waist down. His parents sued the negligent driver; and they collected \$750,000 in settlement, plus \$200,000 from the underinsured motorist policy. Now, remember, this little boy is paralyzed for the rest of his life.

Well, the Health Plan of Upper Ohio Valley wanted \$128,000 in subrogation for Stephen's bills. It so happens that Stephen's mother thought that amount was high, so she phoned the hospital in Columbus, Ohio, where Stephen had been treated; and she got an itemized list of the charges.

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What she found out infuriated her. The HMO had paid much less than the

\$128,000 it was now seeking from her son, her paralyzed son's settlement.

Mrs. DeGarmo had found another dirty little secret of managed care, and that was that HMOs often use subrogation to go after a hospital's billed charges, the fee for full paying patients, even though the HMO gets a discount off the bill charges.

According to DeGarmo's lawyer, the health plan of Upper Ohio Valley actually paid about \$70,000 to treat Steve. That meant they were trying to take \$50,000 that they had not even paid for from Steve's settlement. They were going to make money off this little boy who had been paralyzed.

When the DeGarmos refused to pay, get this, the HMO had the gall to sue them.

Well, others found out about this HMO's action and in 1999 the HMO, that HMO, settled suits for \$9 million among roughly 3,000 other patients that they had treated like the DeGarmos.

Now, when HMOs get compensation in excess of their costs, I believe they are depriving victims of funds that those victims need to recover. This subrogation process has even spawned an industry of companies that handle collections for a fee. It could be 25 to 33 percent of the settlement. The biggest of these subrogation companies is Louisville, Kentucky-based Health Care Recoveries, Inc. Last year, Health Care Recoveries, Inc., of Louisville, whose biggest customer, not surprisingly is United Health Care, recovered \$226 million from its clients and its usual cut was 27 percent.

According to one former claims examiner for HRI, Steve Pope, the company is so intent on maximizing collections that it crosses the line into questionable perhaps.

Take the case of 16-year-old Courtney Ashmore, who had been riding a four-wheeler on a country road near her home by Tupelo, Mississippi. The owner of the bordering land had strung a cable across the road. You guessed it. Courtney ran into it and almost cut off her head.

Her family collected \$100,000 from the property owner. Their health plan paid \$26,000 for Courtney's medical care. Steve Pope, the claims examiner for HRI, that Louisville, Kentucky, company, contacted the family's lawyer and wanted the \$26,000 back.

Well, the lawyer was no dummy. He asked for a copy of the contract showing the subrogation clause. Well, HRI could not find a copy of the contract so Mr. Pope was told by his supervisor at HRI to send out a page from a generic contract that did have a subrogation clause in it, and later Mr. Pope found out that Courtney's health plan did not, in fact, mention subrogation.

Still he has testified he was told to pursue the money anyway. Let me repeat that. This employee of this company in Louisville, Kentucky, the right-hand man company for United Health Care, was told to go after part

of this little girl's settlement even though they did not have a subrogation clause in the contract.

Mr. Pope has testified, quote, these practices were so widespread and I just got tired of being told to cheat and steal from people, unquote.

Mr. Speaker, the notion that subrogation should be prohibited or at least restricted is gaining ground. Twenty-five States have adopted doctrine that injured people get fully compensated before health plans, HMOs, can collect any share of personal injury money.

In March, a Maryland appeals court went even further. It ruled that the State's HMO act prohibits managed care companies from pursuing subrogation at all. The Court said, quote, an HMO by its definition provides health care services on a prepaid basis. A subscriber has no further obligation beyond his or her fee, unquote.

So what did the Senate GOP bill do to address this problem with subrogation? Did the Senate GOP bill try to make the system more fair for patients? Did it protect those State laws which are being passed to prevent subrogation abuses by HMOs? Oh, no, Mr. Speaker. The Senate GOP bill goes even further than subrogation in protecting HMOs. It says that the total amount of damages to a patient like Jim Ridler or Steve DeGarmo or Ashley Courtland could be reduced by the amount of care costs whether they have a subrogation clause in their contract or not.

In other words, the Senate GOP bill passed a few weeks ago would preclude State laws being passed on subrogation entirely, and over in the Senate they say, oh, we are for States' rights; we do not want to take away the States rights to regulate insurance? And in their bill they do exactly that.

If that were not enough of a sop to the HMO industry, the Nickels bill says that the reduction in the award would be determined in a pretrial proceeding.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. GREEN of Wisconsin). The Chair will caution the gentleman that it is not in order to characterize Senate action or to otherwise cast reflection on the Senate.

Mr. GANSKE. In talking about other legislation on Capitol Hill, the bill that passed a couple of weeks ago says that the reduction in the award would be determined in a pretrial proceeding and that any evidence regarding this reduction would be inadmissible in a trial between the injured patient and the HMO.

Well, what does that mean? Well, let us say that one is hit by a drunk driver while crossing the street and one's HMO subsequently refuses to pay for necessary physical therapy even though these are covered services under one's employer plan.

So one files two separate lawsuits, one against the drunk driver in the State court and the other against the

HMO in the Federal court because the HMO is not treating one fairly.

Let us say the civil case against the drunk driver is delayed because criminal charges are prevailing against him. If the Federal case, the one against the HMO, proceeds to trial under the bill that passed a couple of weeks ago, the Federal judge would have to guess how much a State jury would award one, and the Federal judge would have no way of knowing what one actually could collect.

This collateral source damages rule would leave patients uncompensated for very real injuries. For example, if one is injured in a car accident by another driver who has a \$50,000 insurance policy but one has medical costs of \$100,000 that one's HMO refuses to cover, when one goes to collect the \$50,000 from the negligent driver they might get nothing. Why? Because whether one has brain damage or broken legs or one's loved one is dead, one gets nothing because under the bill that passed a couple of weeks ago the HMO gets to collect all \$50,000, even though it denied one necessary medical care for their injuries and one does not get a penny.

Mr. Speaker, bills that have passed in the other body that value the financial well-being of HMOs more than the values and well-being of the patient do not deserve the name "patient protection."

We passed a strong bill in this House. That is what we should be working on. We can do better than what has been done recently. The voters are watching.

Now, Mr. Speaker, the Congressional leadership is trying to limit damages by putting \$300,000 caps on awards. Many times I have stood on this floor and talked about a mother, for instance, who has been mistreated by her HMO and lost her life. I want to ask, is that mother's life worth \$350,000?

How many times have I stood on this floor talking about a little boy in Atlanta, Georgia, whose HMO was responsible for his losing both of his hands and both of his feet, the rest of his life, no hands, no feet? And they want to put a cap of \$350,000 on that? That little boy, when he grows up and gets married, will never be able to touch the face of the woman that he loves with his hand.

I am sorry, Mr. Speaker, but that is a travesty. People who put those kind of provisions in bills that deal with patient protection should be ashamed of themselves.

THE RESULTS OF TOBACCO, A TOUGH PRICE TO PAY

Mr. GANSKE. Now, Mr. Speaker, I want to move on to another topic, a number one public health problem. I think that HMO patient protection is very important, but the reason that this House is out tonight is because we are having the Congressional baseball game. I think that is a good thing, a little bit of bipartisanship, have a nice competition, but I will say what is going on on that baseball field right

now. There are colleagues of ours that are chewing tobacco, and they are spitting that tobacco out there and there are a bunch of little kids that are in that audience and they are looking at dad out there chewing and spitting that tobacco and they are thinking, boy, that is kind of a neat thing.

There are over 1 million high school boys in this country who chew tobacco. They probably watch some of the baseball stars do it. They certainly have been enticed to do it by the tobacco companies.

Before I came to Congress, I was a reconstructive surgeon and I can say about some of the patients that I took care of who chewed that tobacco, who ended up with cancer of their gums and cancer of their jaw and I had to remove their lower jaws, and they ended up like Andy Gump, cannot talk right, if at all. They end up breathing through a hole in their windpipe. That is a stiff price to pay for watching somebody chewing tobacco that one respects.

Mr. Speaker, more than 400,000 people die prematurely each year from diseases attributable to tobacco use in the United States alone. Tobacco really is the Grim Reaper. More people die each year from tobacco use in this country than die from AIDS, automobile accidents, homicide, suicides, fires, alcohol and illegal drugs combined.

More people in this country die in one year from tobacco than all the soldiers killed in all of the wars that this country has fought.

Treatment of these diseases will continue to drain over \$800 million from the Medicare Trust Fund. The VA spends more than one half billion dollars annually on inpatient care of smoking-related diseases, but these victims of nicotine addiction are statistics that have names and faces.

Mr. Speaker, about a month or two ago I was talking to a vascular surgeon who is a friend of mine in Des Moines, Iowa. He looked pretty tired. I said, "Bob, you must be working pretty hard these days."

He said, "Greg, yesterday I went to the operating room at about 7:00 in the morning. I operated on three patients. I finished up about midnight and every one of those patients I had to operate on to save their legs."

I said, "Were they smokers, Bob?"

He said, "You bet. And the last one that I operated on was a 38-year-old woman who would have lost her leg to arteriosclerosis caused by heavy tobacco use."

I said, "Bob, what do you tell those people?"

He said, "Greg, I talk to every patient, every peripheral vascular patient that I have, and I try to get them to stop smoking. I ask them a question, I say, if there were a drug available on the market that they could buy that would help save their legs, that would help prevent them from having coronary artery bypass surgery, that would significantly decrease their chances of having lung cancer or losing their larynx, would they buy that drug?"

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Every one of those patients say, you bet I would buy that drug and I would spend a lot of money for it. Do my colleagues know what he says to those patients then, my friend, the vascular surgeon? He says, well, you know what? You can save an awful lot of money by quitting smoking, and it will do exactly the same thing as that magical drug would have done.

Mr. Speaker, my mom and dad were both heavy smokers, and they are only alive today because coronary artery bypass surgery saved their lives; and they have finally stopped smoking. I will never forget some patients that I took care of in the VA hospital. They had a disease called thromboangitis obliterans.

Now, I have talked about this on the floor a couple of times in the past, and we got some phone calls from constituents. They said, what are you talking about? I have never heard of this disease. Well, this is a disease that really happens, and I really took care of this patient I am about to describe. Basically, these people are addicted to tobacco, and it sets up sort of an allergic reaction to the small vessels in their fingers, in their hands, and in their feet, and those vessels clot off, they thrombose, and they start to lose one finger after another.

I remember taking care of one patient who had lost both lower legs, he had lost all of the fingers in one hand, and he only had one finger left on his right hand, all due to that disease caused by his tobacco addiction. Do my colleagues know what he had done? He had a little wire loop made that he could put one loop over his one remaining finger and then a nurse or somebody, a friend, could stick a cigarette in the loop at the other end of that wire and then he could smoke. He knew that he could stop that disease from progressing and taking his fingers and his hand and his feet if he would just stop smoking.

Mr. Speaker, he could not. Tobacco is one of the most addicting substances that we know of, nicotine and tobacco, we know that. It is as addicting as cocaine; it is as addicting as morphine and heroin.

Statistics show the magnitude of this problem. Over a recent 8-year period, tobacco use by children increased 30 percent. More than 3 million American children and teenagers now smoke cigarettes. Every 30 seconds, a child in the United States becomes a regular smoker. The sad fact is, Mr. Speaker, that each day, 3,000 kids in this country start smoking. Each day, 1,000 of those kids will die of a disease related to smoking tobacco.

So why did it take a life-threatening heart attack to get my folks to quit smoking? I nagged at them all the time. It took that near-death experience to get them to quit. Why would my patient with that one finger not quit smoking? Why do fewer than one in seven adolescents quit smoking, even though 70 percent regret starting?

I say to my colleagues, it is sadly because of that addictive nature of the drug nicotine that is in tobacco. The addictiveness of tobacco has become public knowledge in recent years as a result of painstaking scientific research that demonstrates that nicotine is similar to amphetamines, cocaine, and morphine. In fact, Mr. Speaker, there is a higher percentage of addiction among tobacco users than among users of cocaine or heroin; and recent tobacco industry deliberation show that the tobacco industry knew about this a long time ago. Those tobacco CEOs who testified before Congress raised their right hands and took an oath to tell the truth. When they testified that tobacco was not addicting, they were committing perjury, Mr. Speaker.

Internal tobacco company documents dating back to the early 1960s show that tobacco companies knew of the addicting nature of nicotine, but they withheld those studies from the Surgeon General. A 1978 Brown & Williamson memo stated that very few customers are aware of the effects of nicotine, i.e., its addictive nature and that nicotine is a poison. A 1983 Brown & Williamson memo stated that nicotine is the addicting agent in cigarettes. Indeed, the industry knew that there was a threshold dose of nicotine necessary to maintain addiction.

A 1980 Lorillard document summarized the goals of an internal task force whose purpose was not to avert addiction, but to maintain addiction. It said, "Determine the minimal level of nicotine that will allow continued smoking. We hypothesize that below some very low nicotine level, diminished physiological satisfaction cannot be compensated for by psychological satisfaction. At that point, smokers will learn to quit or return to higher tar and nicotine brands."

Mr. Speaker, we also know that for the past 30 years, the tobacco industry manipulated the form of nicotine in order to increase the percentage of "free base" nicotine delivered to smokers as a naturally occurring base; and I have to say, Mr. Speaker, this takes me back to medical school, biochemistry. Nicotine favors the salt form at its lower PH levels, and the free base form at its higher levels.

So what does that mean? Well, the free base nicotine crosses the alveoli in the lungs faster than the bound form, thus giving the smoker a greater kick, just like the druggie who free bases cocaine, and the tobacco companies knew that very well.

In 1966, British American Tobacco, BAT, reported, "It would appear that the increased smoker response is associated with nicotine reaching the brain more quickly. On this basis, it appears reasonable to assume that the increased response of a smoker to the smoke with a higher amount of extractable nicotine, not synonymous with, but similar to free-based nicotine, may be either because this nicot-

tine reaches the brain in a different chemical form, or because it reaches the brain more quickly."

Tobacco industry scientists were well aware of the effect of PH on absorption and on the physiological response. In 1976, RJR reported, "Since the unbound nicotine is very much more active physiologically and much faster acting than bound nicotine, the smoke in PH seems to be strong in nicotine." Therefore, the amount of free nicotine in smoke may be used for at least a partial measure of the physiologic strength of the cigarette.

Indeed, Mr. Speaker, Philip Morris commenced the use of ammonia in their Marlboro brand in the 1960s in order to raise the PH of its cigarettes, and it subsequently emerged as the leading brand.

So, by reverse engineering, the other manufacturers caught on to Philip Morris's nicotine manipulation, and they copied it. The tobacco industry hid the fact that nicotine was an addicting drug for a long time, even though they privately called cigarettes "nicotine delivery devices."

Claude E. Teague, assistant director of research at RJR said in a 1972 memo, "In a sense, the tobacco industry may be thought of as being a specialized, highly ritualized and stylized segment of the pharmaceutical industry. Tobacco products uniquely contain and deliver nicotine, a potent drug with a variety of physiologic effects. Thus, a tobacco product is, in essence, a vehicle for the delivery of nicotine designed to deliver the nicotine in a generally acceptable and attractive form. Our industry is then based upon the design, manufacture, and sale of attractive forms of nicotine."

Mr. Speaker, I yield to the gentleman from California (Mr. DREIER.)

Mr. DREIER. Mr. Speaker, I would like to thank the gentleman for allowing me to take this time to congratulate him on his effort. While our Republican colleagues are at this point out working on a stunning victory over our Democratic colleagues on the baseball field, the Committee on Rules is hard at work; and I know my friend from Iowa is working hard too, and I thank him.

Mr. GANSKE. Mr. Speaker, I have a bill before Congress that would basically allow the FDA to prevent the tobacco companies from marketing and targeting children. It is not a tax increase bill, it is not a prohibition bill, it simply addresses the Supreme Court's decision which says, Congress must give the FDA authority for the FDA to regulate, to issue regulations that would prevent tobacco companies from marketing and targeting kids. We have 95 bipartisan cosponsors on that bill.

Mr. Speaker, I want to continue on about tobacco, because I came across an article in the July 31 issue of Newsweek magazine, and it is entitled "Big Tobacco's Next Legal War." I wanted to bring this to the attention of my

colleagues. I sit on the Committee on Commerce, and we held hearings on tobacco a couple years ago when Senator McCain had his tobacco bill outstanding and we were looking at a tobacco bill here in the House. The tobacco companies said, if you raise the tax on tobacco, that will create a black market, and a lot of smuggling and illegal activities, i.e., look at what happened in Canada.

Well, since that testimony, it turns out that it was the tobacco companies who were involved in the smuggling. This is an amazing story. I would highly recommend it to my colleagues. It is called "Tobacco's Next War," Newsweek magazine, July 31. I just need to read a few of the excerpts from this article.

This is a quote from the article: "For cigarette salesman Leslie Thompson, 1993 was an especially good year. A star employee with Northern Brands International, a tiny 4-person export outfit owned by the tobacco giant RJR Nabisco, Thompson sold an astonishing 8 billion cigarettes that year, reaping about \$60 million in profits. Walking the company's halls, Thompson received a standing ovation from RJR executives who had gotten hefty bonuses as a result of his work. On his wrist he flashed a Rolex, a gift from grateful wholesalers."

"These days, Thompson's name is no longer greeted with applause in the tobacco industry. He and other former executives are soon to be quizzed by Federal prosecutors about the shady side of the cigarette business. Newsweek has learned that a Federal grand jury in North Carolina is investigating explosive allegations about links between major cigarette makers and global smuggling operations that move vast quantities of cigarettes across borders without paying any taxes. It is a multibillion-dollar-a-year enterprise.

"The grand jury deliberations spotlight a new round of legal troubles for big tobacco. The proceedings are secret and it could not be learned which companies are under scrutiny. The U.S. Attorney in Raleigh, North Carolina declined to comment. Cigarette makers are under attack from governments around the world that seek to hold them responsible for the costs of smuggling: billions in lost taxes, soaring violence, and weakened efforts to prevent kids from smoking."

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Last week, the European Union announced that it plans to launch a civil suit against U.S. cigarette makers for their alleged involvement in smuggling. In the last 8 months, Canada, Colombia, and Ecuador have all filed smuggling suits against American tobacco companies using U.S. anti-racketeering laws.

Britain, Italy, China have also mounted extensive investigations. The Canadian and European investigators are cooperating closely with their U.S. counterparts building a case against

the industry. The World Bank and World Health Organization plan to release the results of the 3-year investigation claiming the tobacco industry has deliberately thwarted international efforts to control the tobacco trade.

In the United States, Thompson is expected to be an important witness in the Grand Jury proceedings. In February, he began serving a 6-year sentence in Federal prison after pleading guilty to money laundering related to the smuggling case.

American and Canadian prosecutors charged that Thompson racked up his impressive sales numbers through his involvement with smugglers who shipped billions of RJR cigarettes into Canada. On the books, everything looked legitimate. But once over the border, the cigarettes were passed on to black marketers, evading high Canadian cigarette taxes.

Investigators believe this soft-spoken 52-year-old family man was merely a bit player in the global smuggling scene. Before his sentencing and in press interviews before he went to prison, he said he operated with the knowledge and encouragement of his superiors.

His case has given prosecutors a road map of how the underground trade works. His company MBI was located inside R.J. Reynolds' Winston Salem, North Carolina headquarters. To the public Thompson's job was to sell Export A's, a leading Reynolds brand in Canada. But the Canadian government charges MBI was nothing more than a shell company that supplied smugglers with cigarettes.

According to court documents and Thompson's own testimony, Thompson shipped millions of cartons of Export A's from Canada and Puerto Rico to the United States where virtually no one smokes them. The crates were then diverted to a Mohawk reservation on the U.S.-Canadian border, the secret staging ground for the operation.

Smugglers on the reservation built huge warehouses to stockpile the cigarettes. After dark, a flotilla of speed boats would ferry the cargo across the Saint Lawrence River to the Canadian side of the reservation. The cigarettes were then sold on the black market, skirting Canada's cigarette taxes.

In 1994, Canadian politicians were so horrified by the brazenness of the law breakers that the government rolled back the cigarette taxes, and that slowed down the smuggling.

MBI worked out a plea bargain with U.S. prosecutors and paid \$15 million in fines and forfeitures. In a related Canadian proceeding against Thompson, the prosecutors made it clear that he believed that the tobacco company had hung its former employee out to dry. In other words, he was a little guy, so he was going to get the 6-year term in jail while his superiors who knew about those tobacco CEOs for RJR, they skate free with their big bonuses.

"Thompson was not on a lark of his own here, he told the court. He did not

commit this crime by himself. His acts were part and parcel of a corporate strategy developed largely by other senior executives who closely monitored his work."

We then have reports in the British press that have focused attention on the alleged role of British-American tobacco in foreign smuggling operations drawing on internal company documents recently made public.

The British House of Commons, the equivalent of our House of Representatives, has recommended that the British government launch a formal investigation into the allegations. One set of documents highlighted by English anti-smoking groups they say indicates that the company went out of its way to bill market share by encouraging smuggling.

Those pages, culled from vast archives, suggest that the company was aware of just how many of its own cigarettes were being smuggled. The 1993 through 1997 marketing plan for one of BAT's key subsidiaries included projected profits from what are called "general trade" cigarettes. These are cigarettes where taxes are not paid on them.

The document describes plans to "grow our business" in "general trade" countries, including China and Vietnam where most foreign-made cigarettes are illegal.

Anti-smoking activists say that general trade is industry jargon for smuggled cigarettes. Another BAT document they focus on suggests that the company closely monitored the smuggling of its brands. Records show it tracking how cigarettes entered Vietnam "from sailors, 40 percent; from fisherman, 25 percent; from smuggling by sea, 35 percent."

Mr. Speaker, Mr. Thompson was the first to go to jail, but given all the heavy guns trained on the industry, I doubt that he will be the last.

I would ask this of my colleagues, especially my colleagues and the chairman of the Committee on Commerce on which I sit, we have ample evidence that the tobacco companies have been smuggling cigarettes and breaking the law. It is time for the oversight committee of the Committee on Commerce to hold a full-scale investigation into this corrupt practice, another example of how tobacco companies have not really shot straight with the American public.

Mr. Speaker, I have talked briefly tonight about patient protection legislation, something we need to get done before we recess, a piece of legislation modeled after what passed the House. Neither the gentleman from Georgia (Mr. NORWOOD), the gentleman from Michigan (Mr. DINGELL), nor I who wrote the bill that passed with 275 votes have ever said that it has to be every word our way or the highway. We have never said that. We have always said that we would be willing to sit down and try to achieve a compromise.

Unfortunately, the Speaker of this House decided not to appoint to the



conference committee the two Republicans, the gentleman from Georgia (Mr. NORWOOD) and myself, who wrote the bill that passed this House with 275 votes, thus precluding our efforts to try to achieve a compromise to get a strong piece of legislation passed. But we are still available, and we are still working.

I actually am optimistic about the chances of getting true patient protection legislation passed because, as I look at the vote in the Senate, I think we now have 50 supporters plus for the bill that passed this House. I expect that, when that bill comes up again in the Senate after the August recess, we very well may see that the bill that passed the House with 275 votes also passes the Senate, and I am sure the President will sign that.

On the matter of tobacco, I see very little movement in the House even though the gentleman from Michigan (Mr. DINGELL) and I have 95 cosponsors for a bill that would simply allow the FDA the authority to regulate an addicting substance, as I said, not to increase taxes and not to prohibit the substance, but to make sure that those tobacco companies which have marketed and targeted kids 14 and younger cannot get away with that in the future.

Well, I remain optimistic that, as we continue to work on these issues, we will make progress. I sincerely thank all of my colleagues from both sides of the aisle who have shown so much interest in actually achieving true and real reform legislation in both of these areas.

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#### REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 4865, SOCIAL SECURITY BENEFITS TAX RELIEF ACT OF 2000

Mr. DREIER (during the Special Order of Mr. GANSKE), from the Committee on Rules, submitted a privileged report (Rept. No. 106-795) on the resolution (H. Res. 564) providing for consideration of the bill (H.R. 4865) to amend the Internal Revenue Code of 1986 to repeal the 1993 income tax increase on Social Security benefits, which was referred to the House Calendar and ordered to be printed.

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#### RECESS

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

Accordingly (at 7 o'clock and 39 minutes p.m.), the House stood in recess subject to the call of the Chair.

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#### AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. REYNOLDS) at 11 o'clock and 28 minutes p.m.

#### LEGISLATIVE PROGRAM

Mr. DREIER. Mr. Speaker, I ask unanimous consent to address the House for 1 minute for the purpose of explaining the schedule for the rest of the evening and tomorrow.

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

There was no objection.

Mr. DREIER. Mr. Speaker, it is our intention to have the House recess until 7 a.m. tomorrow, at which time we hope to file H.R. 4516, the Legislative Branch Appropriations bill conference report. Then, the Committee on Rules hopes to meet at 8:30 a.m., at which time we will consider the rules on both the Legislative Branch conference report for H.R. 4516; the adjournment resolution; and the Child Support Distribution Act, H.R. 4678. At that time, the House, after the filing of those rules, would adjourn, and the House would then convene at 10 a.m. tomorrow and we would consider the bills that I have just mentioned, the 3 measures that I have just mentioned, as well as continue work on the District of Columbia Appropriations bill and H.R. 4865, the Social Security Benefits Tax Relief Act.

Mr. Speaker, that is our intention at this point.

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#### RECESS

Mr. DREIER. Mr. Speaker, I move that the House recess until 7 a.m. tomorrow, July 27, 2000.

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the Chair declares the House in recess until 7 a.m. tomorrow, July 27, 2000.

Accordingly (at 11 o'clock and 30 minutes p.m.), the House stood in recess until 7 a.m. on Thursday, July 27, 2000.

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#### EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

9375. A letter from the Under Secretary, Food, Nutrition, and Consumer Services, Department of Agriculture, transmitting the Department's final rule—Food Stamp Program: Recipient Claim Establishment and Collection Standards (RIN 0584-AB88) received July 24, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

9376. A letter from the Small Business Advocacy Chair, Environmental Protection Agency, transmitting the Agency's final rule—Imidacloprid; Extension of Tolerance for Emergency Exemptions [OPP-301023; FRL-6597-1] (RIN: 2070-AB78) received July 20, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

9377. A communication from the President of the United States, transmitting the request and availability of appropriations for the Low Income Home Energy Assistance Program of the Department of Health and Human Services; (H. Doc. No. 106-274); to the Committee on Appropriations and ordered to be printed.

9378. A letter from the Chief, Programs and Legislative Division, Office of Legislative Liaison, Air Force, Department of Defense, transmitting notification that the Commander of Anderson Air Force Base (AFB), Guam, has conducted a cost comparison to reduce the cost of the Supply and Transportation function, pursuant to 10 U.S.C. 2461; to the Committee on Armed Services.

9379. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting on behalf of the Secretary of State, the Annual Report on the Panama Canal Treaties, Fiscal Year 1999, pursuant to 22 U.S.C. 3871; to the Committee on Armed Services.

9380. A letter from the Under Secretary, Comptroller, Department of Defense, transmitting a report on the Feasibility Study on Department of Defense Electronic Funds Transfer Process; to the Committee on Armed Services.

9381. A letter from the Akternate OSD Federal Register Liaison Officer, Department of Defense, transmitting the Department's final rule—TRICARE; Civilian Health and Medical Program of the Uniformed Services (CHAMPUS); Nonavailability Statement Requirement for Maternity Care—received July 19, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

9382. A letter from the Secretary of Transportation, transmitting the Sixth Annual Report Required Pursuant to the National Shipbuilding and Shipyard Conversion Act of 1993; to the Committee on Armed Services.

9383. A letter from the Under Secretary for Domestic Finance, Department of the Treasury, transmitting the 1999 Annual Report of the Resolution Funding Corporation, pursuant to Public Law 101-73, section 501(a) (103 Stat. 387); to the Committee on Banking and Financial Services.

9384. A letter from the Secretary of the Treasury, transmitting the Report on the Audited Fiscal Years 1999 and 1998 Financial Statements of the United States Mint; to the Committee on Banking and Financial Services.

9385. A letter from the Assistant Secretary, Elementary and Secondary Education, Department of Education, transmitting the Department's final rule—Federal Activities Effective Alternative Strategies: Grant Competition to Reduce Student Suspensions and Expulsions and Ensure Educational Progress of Students who are Suspended or Expelled—received June 7, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

9386. A letter from the Assistant Secretary, Elementary and Secondary Education, Department of Education, transmitting the Department's final rule—Federal Activities Middle School Drug Prevention and School Safety Program Coordinators Grant—received July 7, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

9387. A letter from the Clerk, District of Columbia Circuit, United States Court of Appeals, transmitting two opinions for the United States Court of Appeals for the District of Columbia, concerning: Tax Analysts v. Internal Revenue Service and Christian Broadcast Network, Inc. and Brandon Calloway, et al. v. District of Columbia, et al.; to the Committee on Education and the Workforce.

9388. A letter from the Director Congressional Relations, Consumer Product Safety Commission, transmitting the Commission's Annual Report for Fiscal Year 1999, pursuant to 15 U.S.C. 2076(j); to the Committee on Commerce.

9389. A letter from the Assistant General Counsel for Regulatory Law, Office of the Environment, Safety & Health, Department

of Energy, transmitting the Department's final rule—Guidelines for Preparing Criticality Safety Evaluations at Department of Energy Non-Reactor Nuclear Facilities [DOE-STD-3007-93, Change Notice No. 1] received June 26, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

9390. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Revisions to the Interim Enhanced Surface Water Treatment Rule (IESWTR), the Stage 1 Disinfectants and Disinfection Byproducts Rule (Stage 1 DBPR) and Revisions to State Primacy Requirements to Implement the Safe Drinking Water Act (SDWA) Amendments [FRL-6715-4] received June 20, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

9391. A letter from the Associate Bureau Chief, Wireless Telecommunication, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Parts 0, 80 and 90 of the Commission's Rules to make the Frequency 156.250 MHz available for Port Operations purposes in Los Angeles and Long Beach, CA Ports [WT Docket No. 99-332, FCC 00-220] received July 21, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

9392. A letter from the General Counsel, Federal Energy Regulatory Commission, transmitting the Commission's final rule—Well Category Determinations [Docket No. RM00-6-000; Order No. 616] received July 26, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

9393. A letter from the Secretary, Federal Trade Commission, transmitting the Report to Congress for 1998 pursuant to the Federal Cigarette Labeling and Advertising Act, pursuant to 15 U.S.C. 1337(b); to the Committee on Commerce.

9394. A letter from the Director, Regulations Policy and Management, Food and Drug Administration, transmitting the Administration's final rule—Irradiation in the Production, Processing and Handling of Food [Docket No. 98F-0165] received July 24, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

9395. A letter from the Secretary of Commerce, transmitting the second annual report mandated by the International Anti-Bribery and Fair Competition Act of 1998 (IAFCA); to the Committee on Commerce.

9396. A letter from the Secretary, Division of Corporation Finance, Securities and Exchange Commission, transmitting the Commission's final rule—Commission Guidance on Mini-Tender Offers and Limited Partnership Tender Offers—received July 25, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

9397. A letter from the Deputy Director, Defense Security Cooperation Agency, transmitting notification concerning the Department of the Army's Proposed Letter(s) of Offer and Acceptance (LOA) to Thailand for defense articles and services (Transmittal No. 00-47), pursuant to 22 U.S.C. 2776(b); to the Committee on International Relations.

9398. A letter from the Deputy Director, Defense Security Cooperation Agency, transmitting notification concerning the Department of the Army's Proposed Letter(s) of Offer and Acceptance (LOA) to Thailand for defense articles and services (Transmittal No. 00-48), pursuant to 22 U.S.C. 2776(b); to the Committee on International Relations.

9399. A letter from the Deputy Director, Defense Security Cooperation Agency, transmitting notification concerning the Department of the Navy's proposed Letter(s) of Offer and Acceptance (LOA) to Republic of Korea for defense articles and services (Transmittal No. 00-55), pursuant to 22 U.S.C.

2776(b); to the Committee on International Relations.

9400. A letter from the Acting Director, Defense Security Cooperation Agency, transmitting the Department of the Navy's proposed lease of defense articles to the Federal Republic of Germany (Transmittal No. 06-00), pursuant to 22 U.S.C. 2796a(a); to the Committee on International Relations.

9401. A letter from the Deputy Director, Defense Security Cooperation Agency, transmitting the Department of the Air Force's proposed lease of defense articles to Sweden (Transmittal No. 05-00), pursuant to 22 U.S.C. 2796a(a); to the Committee on International Relations.

9402. A letter from the Director, International Cooperation, Department of Defense, transmitting a copy of Transmittal No. 09-00 which constitutes a Request for Final Approval for the Amendment II to the Medium Extended Air Defense System (MEADS) Project Definition/Validation (PD/V) Memorandum of Understanding for the MEADS Risk Reduction Effort (RRE) with the Federal Republic of Germany and the Republic of Italy, pursuant to 22 U.S.C. 2767(f); to the Committee on International Relations.

9403. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed Manufacturing License Agreement with Canada, Australia and New Zealand [Transmittal No. DTC 079-00], pursuant to 22 U.S.C. 2776(d); to the Committee on International Relations.

9404. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold commercially under a contract to Australia [Transmittal No. DTC 92-00], pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

9405. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold commercially under a contract to Germany, NATO, Sweden, Switzerland, Austria, and Thailand [Transmittal No. DTC 059-00], pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

9406. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold commercially under a contract to Italy [Transmittal No. DTC 90-00], pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

9407. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold commercially under a contract to Saudi Arabia [Transmittal No. DTC 085-00], pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

9408. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles and/or defense services sold commercially under a contract to Japan [Transmittal No. DTC 084-00], pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

9409. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed Manufacturing License Agreement with the United Kingdom [Transmittal No. DTC 091-00], pursuant to 22 U.S.C. 2776(d); to the Committee on International Relations.

9410. A letter from the Assistant Secretary for Legislative Affairs, Department of State,

transmitting certification of a proposed Manufacturing License Agreement with the United Kingdom [Transmittal No. DTC 088-00], pursuant to 22 U.S.C. 2776(d); to the Committee on International Relations.

9411. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold commercially under a contract to the United Kingdom [Transmittal No. DTC 36-00], pursuant to 22 U.S.C. 2776(d); to the Committee on International Relations.

9412. A letter from the Assistant Secretary for Export Administration, Department of Commerce, transmitting the Department's final rule—Reexports to Serbia of Foreign Registered Aircraft Subject to the Export Administration Regulations [Docket No. 000717209-0209-01] (RIN: 0694-AC26) received July 26, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on International Relations.

9413. A letter from the Secretary of Agriculture, transmitting the semiannual report of the Inspector General for the 6-month period ending March 31, 2000, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

9414. A letter from the Secretary of Commerce, transmitting the semiannual report on the activities of the Office of Inspector General for the period September 1, 1999 through March 31, 2000, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

9415. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting the Department's Affirmative Employment Program Accomplishments Report for FY 1999, pursuant to 22 U.S.C. 3905(d)(2); to the Committee on Government Reform.

9416. A letter from the Administrator, Environmental Protection Agency, transmitting the semiannual report on activities of the Inspector General for the period October 1, 1999, through March 31, 2000, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

9417. A letter from the Chairman, Federal Trade Commission, 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.

9418. A letter from the Inspector General, General Services Administration, transmitting the Audit Report Register, including all financial recommendations, for the period ending March 31, 2000, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(d); to the Committee on Government Reform.

9419. A letter from the Executive Director, Interstate Commission on the Potomac River Basin, transmitting the report pursuant to the Federal Managers' Financial Integrity Act and the Inspector General Act of 1978 for the period October 1, 1998–September 30, 1999, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Reform.

9420. A letter from the Deputy Associate Administrator, Office of Acquisition Policy, GSA, National Aeronautics and Space Administration, transmitting the Administration's final rule—Amending the Federal Acquisition Regulation (FAR) to implement the Sections 411-417 of the Small Business Reauthorization Act of 1997 (RIN: 9000-AI55) received July 25, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

9421. A letter from the Acting Director, Office of Sustainable Fisheries, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—

Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Ocean Perch in the Central Aleutian District of the Bering Sea and Aleutian Islands [Docket No. 000211040-0040-01; I.D. 071400C] received July 20, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

9422. A letter from the Acting Executive Director, Commodity Futures Trading Commission, transmitting the Commission's final rule—Adjustment of Civil Monetary Penalties for Inflation (RIN: 3038-AB59) received July 25, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

9423. A letter from the Assistant Secretary of the Army, Civil Works, Department of Defense, transmitting a report on an environmental restoration and recreation project along the Rio Salado and Indian Bend Wash in Phoenix and Tempe, Arizona; to the Committee on Transportation and Infrastructure.

9424. A letter from the Associate Administrator for Procurement, National Aeronautics and Space Administration, transmitting the Administration's Final rule—Exemption of SBIR/STTR Phase II Contracts from Interim Past Performance Evaluations Under FAR Part 42—received July 18, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Science.

9425. A letter from the Associate Administrator for Procurement, National Aeronautics and Space Administration, transmitting the Administration's final rule—Revises the Final Reports under NASA Research and Development Contracts—received July 18, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Science.

9426. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Coordinated Issue: Motor Vehicle Industry Service Technician Tool Reimbursements (UIL 62.15-00) received July 24, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

9427. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Weighted Average Interest Rate Update [Notice 2000-40] received July 24, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

9428. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Determination of Issue Price in the Case of Certain Debt Instruments Issued for Property [Rev. Rul. 2000-38] received July 24, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

9429. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Coordinated Issue: All Industries Lease Stripping Transactions [UIL 9226.00-00] received July 24, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

9430. A letter from the Clerk, District of Columbia Circuit, United States Court of Appeals, transmitting two opinions of the United States Court of Appeals for the District of Columbia Circuit, concerning: Tax Analysts v. Internal Revenue Service and Christian Broadcast Network, Inc. and Brandon Calloway, et al. v. District of Columbia, et al.; to the Committee on Ways and Means.

9431. A letter from the Board Members, Railroad Retirement Board, transmitting the 2000 annual report on the financial status of the railroad unemployment insurance system, pursuant to 45 U.S.C. 369; jointly to the Committees on Ways and Means and Transportation and Infrastructure.

## 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:

*[Omitted from the Record of July 25, 2000]*

Mr. TALENT: Committee on Small Business. H.R. 4530. A bill to amend the Small Business Investment Act of 1958 to direct the Administrator of the Small Business Administration to establish a New Market Venture Capital Program, and for other purposes (Rept. 106-785). Referred to the Committee of the Whole House on the State of the Union.

*[Submitted July 26, 2000]*

Mr. ARCHER: Committee on Ways and Means. H.R. 4844. A bill to modernize the financing of the railroad retirement system and to provide enhanced benefits to employees and beneficiaries; with an amendment (Rept. 106-777 Pt. 2). Referred to the Committee of the Whole House on the State of the Union, and ordered to be printed.

Mr. ARCHER: Committee on Ways and Means. H.R. 4678. A bill to provide more child support money to families leaving welfare, to simplify the rules governing the assignment and distribution of child support collected by States on behalf of children, to improve the collection of child support, to promote marriage, and for other purposes; with an amendment (Rept. 106-793 Pt. 1).

Mr. ARCHER: Committee on Ways and Means. House Joint Resolution 99. Resolution disapproving the extension of the waiver authority contained in section 402(c) of the Trade Act of 1974 with respect to Vietnam (Adverse Rept. 106-794). Referred to the Committee of the Whole House on the State of the Union, and ordered to be printed.

Mr. SESSIONS: Committee on Rules. House Resolution 564. Resolution providing for consideration of the bill (H.R. 4865) to amend the Internal Revenue Code of 1986 to repeal the 1993 income tax increase on Social Security benefits (Rept. 106-795). Referred to the House Calendar.

### DISCHARGE OF COMMITTEE

Pursuant to clause 5 of rule X the Committees on the Judiciary and Education and the Workforce discharged. H.R. 4678 referred to the Committee of the Whole House on the State of the Union and ordered to be printed.

### TIME LIMITATION ON REFERRED BILL

Pursuant to clause 5 of rule X the following action was taken by the Speaker:

H.R. 4678. Referral to the Committees on the Judiciary and Education and the Workforce extended for a period ending not later than July 26, 2000.

†

### MEMORIALS

Under clause 3 of rule XII, memorials were presented and referred as follows:

433. The SPEAKER presented a memorial of the Senate of the State of Michigan, relative to Senate Resolution No. 189 memorializing the Congress of the United States to investigate the rapid increase in gasoline prices and to take immediate action; to the Committee on Commerce.

434. Also, a memorial of the Legislature of the State of New Hampshire, relative to House Concurrent Resolution No. 35 memorializing the United States Food and Drug Administration to defer its proposed rules requiring pasteurization for apple cider and consider adoption of alternative processing standards; to the Committee on Commerce.

435. Also, a memorial of the General Assembly of the State of New Jersey, relative to Assembly Resolution No. 72 memorializing the United States Congress and the President to enact statutory provisions which would permit additional states to establish private long-term care insurance programs with asset protection features similar to the New York State Partnership for Long-Term Care, in order to stimulate the development of an expanded private long term care insurance market nationwide; to the Committee on Commerce.

436. Also, a memorial of the Legislature of the State of Alaska, relative to CSSenate Joint Resolution No. 39 L.R. No. 38 memorializing the United States Congress to pass S. 2214, a bill opening the coastal plain of the Arctic National Wildlife Refuge to responsible exploration, development, and production of its oil and gas resources; to the Committee on Resources.

437. Also, a memorial of the House of Representatives of the Commonwealth of Massachusetts, relative to a Resolution memorializing the Congress of the United States to fully fund the Ricky Ray Hemophilia Relief Fund Act of 1998 in the year 2000 so that there is no delay between the authorization and timely appropriation of this relief; to the Committee on the Judiciary.

438. Also, a memorial of the Legislature of the State of New Hampshire, relative to House Concurrent Resolution No. 27 memorializing Congress to propose an amendment to the U.S. Constitution to prevent federal courts from instructing states or political subdivisions of states to levy or increase taxes; to the Committee on the Judiciary.

439. Also, a memorial of the Legislature of the State of Alaska, relative to CS House Joint Resolution No. 48 L.R. No. 40 memorializing the United States Congress to amend the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 to exempt from the requirements of sec. 110 of that Act Canadian citizens who enter at land border crossing stations along the border between the United States and Canada; and further requesting that additional resources are provided to adequately facilitate the free flow of people and the fair trade of goods and services across the border between the United States and Canada; to the Committee on the Judiciary.

440. Also, a memorial of the General Assembly of the State of New Jersey, relative to Assembly Resolution No. 58 memorializing the President and the Congress of the United States to enact H.R. 271 of 1999, the Justice for Holocaust Survivors Act, which would permit U.S. citizens who are victims of the Holocaust, whether or not they were U.S. citizens during World War II, to sue the Federal Republic of Germany for compensation in U.S. courts of law; to the Committee on the Judiciary.

441. Also, a memorial of General Assembly of the State of New Jersey, relative to Resolution No. 48 memorializing Congress to enact H.R. 2456, The Marriage Tax Elimination Act; to the Committee on Ways and Means.

442. Also, a memorial of the House of Representatives of the State of Michigan, relative to House Concurrent Resolution No. 27 memorializing the Congress of the United States to maintain its commitment to America's retirees by providing lifetime health care for military retirees over the age of sixty-five; to enact comprehensive legislation that affords military retirees the ability to access health care either through military treatment facilities or through the military's network of health care providers, as well as legislation to require opening the Federal Employees Health Benefits Program to those eligible for Medicare; jointly to the

Committees on Armed Services and Government Reform.

443. Also, a memorial of the Legislature of the Commonwealth of Guam, relative to Resolution No. 308 memorializing the President, the United States Congress and the Surgeon General to establish a small National Public Health Service Hospital on Guam to provide free health care to medically indigent patients on Guam because of Federal law; to provide additional doctors and nurses through the National Public Health Service for the purpose of caring for medically indigent patients; or to appropriate four million dollars annually to the Guam Memorial Hospital to defray costs; jointly to the Committees on Commerce and Resources.

444. Also, a memorial of the Senate of the State of Michigan, relative to Senate Resolution No. 133 memorializing the Congress of the United States to provide adequate funding for Michigan's remedial action plans for areas of concern under the Great Lakes Water Quality Agreement; jointly to the Committees on Transportation and Infrastructure and Commerce.

445. Also, a memorial of the Legislature of the State of New Hampshire, relative to House Joint Resolution No. 22 memorializing the Congress to instruct the Health Care Financing Administration and its fiscal intermediaries that the legislative intent under the Balanced Budget Act of 1997 has been ac-

complished; and further urging the President of the United States and Congress to act to eliminate further Medicare revenue reductions of the Act and thereby protect beneficiaries' access to quality care when needed; jointly to the Committees on Ways and Means and Commerce.

446. Also, a memorial of the Senate of the State of Michigan, relative to Senate Joint Resolution No. 153 memorializing the Congress of the United States to enact legislation to remove the time limit for medicare coverage for immunosuppressive drugs; jointly to the Committees on Ways and Means and Commerce.

447. Also, a memorial of the Legislature of the State of New Hampshire, relative to House Concurrent Resolution No. 20 memorializing Congress to stop the collection of certain kinds of information from patients in a home health care setting; jointly to the Committees on Ways and Means and Commerce.

448. Also, a memorial of the Legislature of the State of New Hampshire, relative to House Joint Resolution memorializing Congress to pass legislation ensuring improved access to local television for households in unserved and underserved rural areas; jointly to the Committees on Commerce, Agriculture, and the Judiciary.

#### PETITIONS, ETC.

Under clause 3 of rule XII, petitions and papers were laid on the clerk's desk and referred as follows:

99. The SPEAKER presented a petition of Essex County Board of Supervisors, Essex, NY, relative to Resolution No. 100 supporting the Heritage Corridor-Champlain Valley Economic Initiative; to the Committee on Resources.

100. Also, a petition of City of Detroit City Council, Detroit, MI, relative to a Resolution in support of reparations to descendants of African/African American Slaves and petitioning the United States Congress to convene hearings on the issue of reparations, in support of legislation to authorize such reparations; to the Committee on the Judiciary.

101. Also, a petition of City of Detroit City Council, Detroit, Michigan, relative to a Resolution supporting the Stebenow Bill, H.R. 3144, and urges its immediate passage; to the Committee on the Judiciary.

102. Also, a petition of City of Kaktovik, Office of the Mayor, relative to Resolution No. 00-04 petitioning the United States Congress to support the Conservation and Reinvestment act of 1999: H.R. 701 and S. 2123; jointly to the Committees on Resources, Agriculture, and the Budget.

#### NOTICE

*The House is in Recess.*

*The balance of today's proceedings will be continued in the next issue.*



United States  
of America

# Congressional Record

PROCEEDINGS AND DEBATES OF THE 106<sup>th</sup> CONGRESS, SECOND SESSION

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No. 99

## Senate

The Senate met at 9:31 a.m. and was called to order by the President pro tempore [Mr. THURMOND].

### PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Almighty God, take charge of the control centers of our brains. Think Your thoughts through us and send to our nervous systems the pure signals of Your peace, power, and patience. Give us minds responsive to Your guidance.

Take charge of our tongues so that we may speak truth with clarity, without rancor or anger. May our debates be efforts to reach agreement rather than simply to win arguments. Help us to think of each other as fellow Americans seeking Your best for our Nation, rather than enemy parties seeking to defeat each other. Make us channels of Your grace to others. May we respond to Your nudges to communicate affirmation and encouragement.

Help us to catch the drumbeat of Your direction and march to the cadence of Your guidance. Here are our lives. Inspire them with Your calming Spirit, strengthen them with Your powerful presence, and imbue them with Your gift of faith to trust You to bring unity into our diversity. In our Lord's name. Amen.

### PLEDGE OF ALLEGIANCE

The Honorable WAYNE ALLARD, a Senator from the State of Colorado, led the Pledge of Allegiance, as follows:

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

### RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The acting majority leader, Senator ALLARD, is recognized.

### SCHEDULE

Mr. ALLARD. Mr. President, today the Senate will be in a period of morning business until 10:15 a.m. with Senators DURBIN and COLLINS in control of the time. Following morning business, the Senate will proceed to a cloture vote on the motion to proceed to the Treasury and general government appropriations bill. If cloture is invoked, the Senate will begin 30 hours of postcloture debate. If cloture is not invoked, the Senate will proceed to a second vote on the motion to proceed to the intelligence authorization bill. Again, if cloture is invoked on the motion, postcloture debate will begin immediately.

As a reminder, on Thursday the morning hour has been set aside for those Senators who wish to make their final statements in remembrance of the life of our former friend and colleague, Senator Paul Coverdell. At the expiration of that time, a vote on the motion to proceed to the energy and water appropriations bill will occur.

I thank my colleagues for their attention. I yield the floor. 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. DURBIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. ALLARD). 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, there will now be a period for the transaction of morning

business for debate only, except for a motion to proceed made by the majority leader or his designee and the filing of a cloture motion thereon. Senators will be permitted to speak therein for up to 10 minutes each. Under the previous order, there should be 20 minutes under the control of the Senator from Illinois, Mr. DURBIN, or his designee, and under the previous order there should be 20 minutes under the control of the Senator from Maine, Ms. COLLINS, or her designee.

The Senator from Illinois.

### LEGISLATIVE PRIORITIES

Mr. DURBIN. Mr. President, I am certain those who were observing the Senate Chamber yesterday and perhaps the day before are curious as to why absolutely nothing is happening. It reflects the fact that there is no agreement between the parties as to how to proceed on the business of the Senate, particularly on the appropriations bills.

At this moment in time negotiations are underway, and hopefully they will be completed successfully very soon. At issue is the number of amendments to be offered, the time for the debate, and some tangential but very important issues such as the consideration of appointments of Federal district court judges across America to fill vacancies. These judgeships have been a source of great controversy in recent times because there is a clear difference of opinion between Democrats and Republicans about how many judges should be appointed this year.

Of course, the Republicans in control of the Senate are hopeful that their candidate for President will prevail in November and that all of the vacancies can then be filled by a Republican President. That is understandable. The Democrats, on the other hand, in the minority in the Senate, have a President who has the authority to appoint these judges and wants to exercise that

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.



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authority in this closing year. Therein lies the clash in confrontation.

Historically, the last time the tables were turned and there was a Republican President and a Democratic Senate, President Ronald Reagan had 60 Federal district court judges appointed in the election year. In fact, there were hearings on some of them as late as September of that year. This year, we have had about 30 appointed and we have many more vacancies, many more pending. We are hopeful, on the Democratic side, these will be filled. Those on the Republican side are adamant that they do not want to bring them up. I hope they will reconsider that and at least give Democrats the same consideration we offered President Reagan when he faced a Democratic Senate with many Federal district court vacancies.

The other item of business which consumed our attention over the last week or two related to tax relief. It is an interesting issue and one that many Members like to take back home and discuss; certainly most American families, regardless of whether they are rich or poor, desire some reduction in their tax burden.

The difference of opinion between the Democrats and Republicans on this issue is very stark. There is a consideration on the Republican side that tax relief should go to those who pay the most. Of course, those who pay the most taxes are, in fact, the wealthiest in this country. We have a progressive tax system. We have had it for a long time. We believe if one is fortunate enough to be successful, those taxpayers owe something back to this country. Those who are more successful owe more back to this country. You can't take blood from a turnip; you can't put a high tax rate on a person with a low income. But you can certainly say to a successful person: We ask you to contribute back to America. We ask you, in the payment of taxes, to help maintain this great Nation which has given you, your family, and your business such a wonderful opportunity.

The Republican program from the start, as long as I have served in Congress, has always been to reduce the tax burden on those who are the wealthiest in this country. I happen to believe the tables should be turned and we should have a situation where those who are in the lower income groups and middle-income families who are struggling to make ends meet should be the ones most deserving of tax relief. That is a difference in philosophy, a difference between the parties, and is reflected very clearly in the debate we have had over the last 2 weeks.

This is a chart which I have been bringing to the floor on a regular basis. Some House Republicans told me this morning that they are tired of seeing my chart. They are going to have to get a little more exhausted because I am going to produce it again today. This chart outlines what happens with

the Republican tax plans, with their idea of tax cuts.

In the area of the estate tax, a tax is imposed on less than 2 percent of the American population. Of 2.3 million people who die each year, only 40,000 end up with any liability under the estate tax. It is a tax reserved for those who really have large estates that they have accumulated during a lifetime. There are exemptions that people can write off when it comes to the estate tax liability, and those exemptions are growing, as they should, to reflect the cost of living increases.

By and large, the Republicans have proposed to do away with the tax completely, so the very wealthiest of Americans who pay this tax would receive the tax relief.

What does it mean? On the Republican plan, if you happen to be a person making over \$300,000 a year in income—if my calculations are correct, that is about \$25,000 a month in income—the Republicans have suggested you need an annual tax cut of \$23,000 as a result of their elimination of the estate tax. That boils down to close to \$2,000 a month, for those making \$25,000 a month, that the Republicans would send your way when it comes to tax relief.

Most American income categories are people making between \$40,000 and \$65,000 a year. Under the Republican plan, if you happen to be with the vast majority of Americans paying taxes, you aren't going to notice this tax relief; \$200 a year is what the Republicans offer to you. That comes down to \$16 a month they are going to send your way. If you are in the highest income categories, you receive \$2,000 a month; if you happen to be with the vast majority of Americans, you receive \$16 a month.

That is the Republican view of the world. That is the Republican view of tax relief: If we are going to help people, for goodness' sake, let's help the wealthy feel their pain, understand the anxiety they must face in making investments, in choosing locations for new vacation homes, and give them some tax relief.

The fact is that 80 percent of Americans are making under \$50,000 a year. For these Americans, \$15 or \$16 a month is something, but it is certainly not going to change their lifestyle.

Mr. President, 26 percent of Americans make between \$50,000 and \$100,000 a year. In those two categories of people under \$100,000 a year and under \$50,000 a year, we find the vast majority of American families, the overwhelming majority, and the people who will not benefit from the idea of tax relief propounded by the Republicans on the floor. They suggest to all American families they have them in mind when it comes to tax relief. The facts tell a different story.

Look at what we have suggested instead. The Democrats think we have to be much more responsible in spending this Nation's surplus or investing. It

wasn't that long ago we were deep in deficit with a national debt that accumulated to almost \$6 trillion. Now we are at a point where we have a strong economy, families are doing better, businesses are doing better, people are making more money, and the tax revenues coming in reflect it. That surplus is what we are debating. We have gone from the days of the Reagan-Bush deficits to a new era where we are talking about a surplus and what we will do with it.

Those who are younger in America should pay attention to this debate. If you are a young person in America, we are about to give you a very great nation. Our generation hopes to hand over as good a country as we found, perhaps even better, but we are also going to hand over to you a very great debt of \$6 trillion. That debt we have to pay interest on. It is like a mortgage. You say to your children and grandchildren: Welcome to America, welcome to this land of opportunity, here's the debt you will have to pay.

In the late 1980s and 1990s in America, the political leadership in this country accumulated a massive debt, starting with the election of President Reagan, then with President Bush, and for the first few years of President Clinton we continued to see this debt grow. We have turned the corner. Under the Clinton-Gore leadership, under the votes that have been cast by Democrats in Congress, we now have a stronger economy.

People have a right to ask, What are we going to do with the surplus? The Republican answer is: Tax cuts for wealthy people. The Democratic answer is much different: First, pay down the national debt. We can't guarantee the surplus will be here in a year, 2 years, or 10 years. If it is here, shouldn't it be our highest priority? Let's wipe off the debt of this country as best we can, reduce the burden on our children, invest in Social Security and in Medicare.

This is not a wild-eyed idea. It is what Alan Greenspan of the Federal Reserve recommends. It is what major economists recommend. But you cannot sell it on the Republican side of the aisle. They think, instead, we should give tax cuts to the wealthy.

We think we should bring down the national debt and invest in Social Security and Medicare. If we are to have tax cuts, let us target these tax cuts to people who really need them, not the folks making over \$300,000 a year. They are going to do quite well. They are going to have nice homes on islands off the coast of Maine. They are going to have places in Florida and California. They are going to have a very comfortable life.

But what about the people who live in Chicago? What about the people who live in Portland, ME? What about those who live in Philadelphia, PA? I would like to take to them this proposal, not to eliminate taxes on those making

over \$300,000 a year but to say to working families and middle-income families: Here are targeted tax cuts that you can use, that will help your life. Let's provide for a marriage tax penalty elimination for working families. Let's expand educational opportunities by making tuition costs tax deductible. Think about your concern of sending your son or daughter through college and the increasing cost of a college education. For a family who is struggling to try to make ends meet and to give their kids the best opportunity, to be able to deduct those college education expenses means an awful lot more to them than the comfort in knowing that Donald Trump does not have to pay estate taxes under the Republican proposal.

That is the difference in our view of the world. The Republicans feel the pain of Donald Trump, that he might have to pay these estate taxes. We believe that families across America face a lot more anxiety and pain over how to pay for college education expenses. We had a vote on the floor here, up or down, take your pick: Estate tax relief for Donald Trump or college deductions for the families working across America. Sadly, the Republicans would not support the idea of college education expense deductions.

Let's talk about caring for elderly parents. Baby boomers understand this. Everyone understands it. As your parents get older, they need special help. You are doing your best. I cannot tell you how many of my friends this affects. I am in that generation of baby boomers—slightly older, I might add—but in a generation where a frequent topic of conversation for my age group is how are your mom and dad doing? The stories come back, and some of them are heartbreaking, about Parkinson's and Alzheimer's and complications with diabetes that lead to amputations and people finally having to make the tough decision of asking their parents to consider living in a place where they can receive some assistance.

It is expensive. We, on the Democratic side, believe that helping to pay for those expenses the families endure because of aging parents is a good tax cut, one that is good for this country and good for the families. Not so on the Republican side. When we offered this, they voted against it. They would rather give estate tax relief to the wealthiest people.

How about child care? Everybody who got up this morning in America and headed to work and left a small child with a neighbor or at a day-care center understands that this is tugging at your mind constantly during the day. Is my child in safe hands? Is this a quality and positive environment for my child to be in? How much does it cost? Can we afford it? Can we do a little better?

We, on the Democratic side, think we ought to help these families. They are working families who should have

peace of mind. Senator DODD offered an amendment that proposed tax credits, not only for day care, but also tax credits for stay-at-home moms who decide they are going to forgo working, to stay with the children and try to raise them. We want to help in both of those circumstances. We think those are the real problems facing America. The Republicans instead believe that estate tax relief for the superrich is much more important.

Expand the earned-income tax credit for the working poor, help families save for retirement, provide estate tax relief—particularly to make sure that a family-owned farm or a family-owned business can be passed on to the next generation. I think the estate tax needs reform. We support that. We voted for it. But we think the Republican proposal goes way too far in proposing we abolish it.

I see my time is coming to a close. We think the agenda before this Congress is an agenda of missed opportunities. The Republicans are in control in the House and Senate. They decide what will be considered on the floor, if anything. They have failed to bring forward commonsense gun safety legislation after Columbine, to try to keep guns out of the hands of kids and criminals. We passed it in the Senate with AL GORE's vote, sent it to the House—the gun lobby killed it. We lose 30,000 Americans every year to gun violence; 12 children every single day. For the Republicans, it is not a priority to bring this bill forward.

The Patients' Bill of Rights, so your doctor can make the call on your medical treatment or your family's medical treatment—most people think that is common sense. The insurance companies do not. They want their clerks to make the decision based on the bottom line of profit and loss. It is not a medical decision for them, it is a financial decision. And for a lot of families it is disastrous when they cannot get the appropriate care for their kids and their families. We think a Patients' Bill of Rights makes sense. The insurance lobby opposed it. The insurance lobby prevailed. The special interest groups won on the floor and we have gone nowhere with this proposal.

Minimum wage: \$5.15 an hour for a minimum wage that affects some 10 million workers across America. It is about time for a pay raise. These folks deserve to do better. It used to be bipartisan. We didn't even argue about it. Now the Republicans say: No, no no, we can't give a 50-cent-an-hour pay raise to people making \$5.15 an hour. Do you realize that 50 cents an hour comes out to, what, \$1,000 a year that we will give these people?

Yet we are going to turn around and give Donald Trump a \$400 million tax break on his estate? You cannot give working families a thousand bucks a year, but you can give the one of the superrich \$400 million tax relief? Is something upside-down in this Chamber? I think so.

Take a look at the prescription drug benefit. Ask Americans—Democrats, Republicans, and Independents—the one thing we ought to do this year? A guaranteed universal prescription drug benefit under Medicare. The pharmaceutical companies oppose it. They are pretty powerful characters in this town. They have stopped this Senate and this House from considering it. Here we are, languishing, doing nothing, when it comes to a prescription drug benefit.

Finally, something for our schools. Seven million kids in America attend schools with serious safety code violations; 25,000 schools across our country are falling down. Are we going to be ready for the 21st century? Will our kids be ready? Will our workforce be ready? You can answer that question by deciding at this point in time whether education is truly a priority and, if it is such a priority, then for goodness' sakes we should invest more than 1 percent of our Federal budget in K-12 education. That is what we invest. The Democrats, under the leadership of Senator KENNEDY, believe that investment is overdue. We think that is what families in America are looking for, not for tax relief for the wealthiest among us.

I yield the floor.

The PRESIDING OFFICER. The Senator's time has expired. The Senator from Maine.

Ms. COLLINS. I thank the Chair.

(The remarks of Ms. COLLINS pertaining to the introduction of S. 2924 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Ms. COLLINS. Mr. President, I see that the Senate majority leader has come to the floor, so I yield to him. I thank the Chair.

The PRESIDING OFFICER (Mr. L. CHAFEE). The Senate majority leader.

Mr. LOTT. Mr. President, I thank the Senator from Maine for her comments, her leadership on so many important issues in the Senate, and for yielding to me at this time so we may proceed.

#### ORDER OF BUSINESS

Mr. LOTT. Mr. President, obviously I had hoped we would be making a lot more progress this week on appropriations bills and other issues. That has not transpired yet. But we have been filing cloture motions, and we will be getting votes. In some way we will deal this week with the Treasury-Postal Service appropriations bill. I hope we can find a way to proceed on the energy and water appropriations bill. We will get to a vote at some point on the intelligence authorization bill. So, hopefully, we can still go forward.

I do not feel as if we are proceeding appropriately, but in spite of that, I think it generally was interpreted or understood that I would try to begin the discussion on the China PNTR bill. Even though it will be difficult to get through the maze of clotures we have



had to file this week, I still think it is the appropriate thing to do to begin this process because we do not know exactly how long it will take to get to a final vote on the China trade issue.

I am still going to do my best to find a way to have the Thompson-Torricelli legislation considered in some manner before we get to the substance of the China trade bill because I think Chinese nuclear weapons proliferation is a very serious matter. We should discuss that and have a vote on it. I think it would be preferable to do it aside from the trade bill itself.

In the end, if we can't get any other way to get at it, these two Senators may exercise their right to offer it to the China PNTR bill. But I am going to continue to try to find a way for that to be offered in another forum. I think Senator DASCHLE indicated he would work with us to try to see if we could find a way to do that. But I do think if we can go ahead and get started—and since there will be resistance to the motion to proceed—then we will file cloture and have a vote on it then on Friday.

#### NONDISCRIMINATORY TREATMENT TO THE PEOPLE'S REPUBLIC OF CHINA—MOTION TO PROCEED

Mr. LOTT. So, Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of Calendar No. 575, H.R. 4444, regarding normal trade relations with the People's Republic of China.

The PRESIDING OFFICER. Is there objection?

Mr. REID. Objection.

The PRESIDING OFFICER. Objection is heard.

Mr. LOTT. I am sorry there is objection just to proceeding to the bill. But I know that Senator REID is objecting on behalf of others who do not want us to proceed to it. I hope we can get to a vote on Friday; and then when we come back in September this will be an issue we can go to soon rather than later in the month.

#### CLOTURE MOTION

I move to proceed to the bill. So I make that motion to proceed at this time, and I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The assistant legislative clerk read as follows:

#### CLOTURE MOTION

We the undersigned Senators, in accordance with the provisions of Rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the motion to proceed to calendar No. 575, H.R. 4444, a bill to authorize extension of nondiscriminatory treatment (normal trade relations treatment) to the People's Republic of China:

Trent Lott, Pat Roberts, Larry E. Craig, Christopher Bond, Chuck Grassley, Ted Stevens, Connie Mack, Orin Hatch, Frank H. Murkowski, Wayne Allard,

Kay Bailey Hutchinson, Don Nickles, Bill Roth, Michael Crapo, Slade Gorton, and Craig Thomas.

Mr. LOTT. Mr. President, this cloture vote will occur on Friday, unless consent can be granted to conduct the vote earlier or we are in a postcloture situation on the Treasury-Postal Service appropriations bill. There is opposition, obviously, to this motion to proceed. But I still think that adequate time can be used for discussion. I know there are a number of Senators who would like to see this vote occur on Thursday instead of Friday. I am willing to accommodate that. But if that cannot be worked out, then we will have the vote on Friday. If we are in a postcloture situation, the vote could be postponed for some time. But I ask unanimous consent that the mandatory quorum be waived.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LOTT. I now withdraw the motion to proceed. I believe I have that right.

The PRESIDING OFFICER. The Senator has that right.

The motion is withdrawn.

Mr. LOTT. In conclusion, while we seek Utopia in dealing with these appropriations bills, the promised land of how we can work together to do the people's business, which we are not doing right now, at least in the case of this bill, I believe we will have broad bipartisan support for the China PNTR bill. I might add, there is going to be some bipartisan opposition, too.

So as we get into the substance of this—which I would rather be getting into rather than having to once again file cloture on a motion to proceed—I think we will have a good debate. I think it is going to serve the Senate well. I think it will serve the American people well. I believe when we do finally get to a vote, it will pass—and probably should. But there are a lot of serious questions still involved in how we are going to deal with China. So I look forward to this discussion.

Mr. President, I yield the floor.

#### TREASURY AND GENERAL GOVERNMENT APPROPRIATIONS ACT, 2001—MOTION TO PROCEED—Resumed

The PRESIDING OFFICER. Under the previous order, pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will state.

The assistant legislative clerk read as follows:

#### CLOTURE MOTION

We the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the motion to proceed to calendar number 704, H.R. 4871, a bill making appropriations for the Treasury Department, the United States Postal Service, the Executive Office of the President, and certain independent agencies, for the fiscal year ending September 30, 2001, and for other purposes:

Trent Lott, Ben Nighthorse Campbell, Pat Roberts, Richard G. Lugar, Jesse Helms, Jeff Sessions, Larry E. Craig, Jon Kyl, Craig Thomas, Don Nickles, Strom Thurmond, Michael Crapo, Mitch McConnell, Fred Thompson, Judd Gregg, and Ted Stevens.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call under the rule has been waived.

The question is, Is it the sense of the Senate that debate on the motion to proceed to the consideration of H.R. 4871, an act making appropriations for the Treasury Department, the United States Postal Service, the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending September 30, 2001, and for other purposes, shall be brought to a close?

The yeas and nays are required under the rule. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Wyoming (Mr. THOMAS) is necessarily absent.

Mr. REID. I announce that the Senator from New Jersey (Mr. TORRICELLI) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 97, nays 0, as follows:

[Rollcall Vote No. 227 Leg.]

#### YEAS—97

Abraham	Feingold	Lugar
Akaka	Feinstein	Mack
Allard	Fitzgerald	McCain
Ashcroft	Frist	McConnell
Baucus	Gorton	Mikulski
Bayh	Graham	Moynihan
Bennett	Gramm	Murkowski
Biden	Grams	Murray
Bingaman	Grassley	Nickles
Bond	Gregg	Reed
Boxer	Hagel	Reid
Breaux	Harkin	Robb
Brownback	Hatch	Roberts
Bryan	Helms	Rockefeller
Bunning	Hollings	Roth
Burns	Hutchinson	Santorum
Byrd	Hutchison	Sarbanes
Campbell	Inhofe	Schumer
Chafee, L.	Inouye	Sessions
Cleland	Jeffords	Shelby
Cochran	Johnson	Smith (NH)
Collins	Kennedy	Smith (OR)
Conrad	Kerrey	Snowe
Craig	Kerry	Specter
Crapo	Kohl	Stevens
Daschle	Kyl	Thompson
DeWine	Landrieu	Thurmond
Dodd	Lautenberg	Voinovich
Domenici	Leahy	Warner
Dorgan	Levin	Wellstone
Durbin	Lieberman	Wyden
Edwards	Lincoln	
Enzi	Lott	

#### NOT VOTING—2

Thomas      Torricelli

The PRESIDING OFFICER. If there are no Senators wishing to vote or change their votes, on this vote, the yeas are 97, the nays are 0. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

The Senator from South Carolina. (The remarks of Senator THURMOND pertaining to the introduction of S. 2925 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. DORGAN. Mr. President, I take a few moments following this cloture vote to talk about the appropriations bill and a couple of related matters to that bill that are to be brought to the Senate floor. We are completing the last week of the legislative session before the August break. When we come back following the August break, we will have a number of weeks in September and a couple of weeks in October, perhaps, at which time the 106th Congress will be history.

We will have an election in early November, something that the late Congressman Claude Pepper, a wonderful public servant, used to call one of the miracles of democracy. He said: Every even numbered year, our Constitution provides that the American people grab the steering wheel and decide in which direction this country moves. He said it was one of the miracles of democracy. Indeed it is. We are headed toward an election. That will affect the Senate schedule. That means it is likely the Senate will complete its work, the Congress will complete its work, in the 106th Congress by the middle of October.

As we look to that moment, we have a lot of work to do between now and then. We have appropriations bills to complete. After all that, one of the fundamental responsibilities we have is to provide for the funding of things we do together in government. We build our roads together. It doesn't make sense for each family to build their own road to the supermarket. It is called government. We come together and build a system of roads. We come together to build schools and maintain and operate schools in which the American people can send their children. It doesn't make sense for each and every person to build their own school. So we have roads and schools. Then we hire a police force. We hire folks who will serve in the Armed Forces to defend our liberty and freedom.

All of these things we do, and much more, as a part of our governing process. I am proud of much of what we do. Much of what we have accomplished in this country is a result of the ingenuity of people in the private sector, in the market system, competing, the genius of those who are willing to take risks and use ideas to build new products and create new markets; on the other side, in the public sector, the vision that has been exhibited by some who have served this country for many years to do the right things in the public sector, to do together what we should do to provide for our common defense and build our schools, build roads, and do those things that we know also make this a better country.

One of the pieces of legislation we are intending to bring to the floor very soon is the Treasury-Postal appropriations subcommittee bill. That is through the full Appropriations Committee in the Senate. It is legislation that will be, I hope, debated next on the Senate floor. The bill is through

the full Appropriations Committee and includes funding for a wide range of things we do in this country.

One of the larger portions of the bill is the funding for the Customs Service. The Customs Service is a very important element. Given the expanding nature of world trade, with the amount of commerce and goods and services moving in and out of our country and across our borders, the Customs Service provides an ever increasing important service to our country.

We fund the Internal Revenue Service which collects the revenue by which we fund most of the government services we have in this country. One of the areas of this legislation is the national youth antidrug media campaign. That campaign in the drug czar's office is now about 3 years old, and the Congress has been working on that diligently, as well.

We have a number of issues in this legislation that are very important, that are timely, and that we need to get to the floor of the Senate to debate and try to make some decisions about them.

Let me comment for a moment about a couple of issues that no doubt will be brought to the Senate floor on this bill. I will talk about why these issues are important and what I think will happen with these issues. In the House of Representatives, when they wrote the legislation dealing with Treasury and general government in that subcommittee, that legislation included some amendments dealing with the subject of Cuba and the sanctions with respect to food and medicine that exist with respect to Cuba.

I want to talk just a bit about that because those provisions are included in the House bill. We will undoubtedly have amendments on that same subject in the Senate bill. There will be a defense of germaneness on those amendments. I will offer one of those amendments. I believe my colleagues Senator DODD, Senator ROBERTS, perhaps Senator BAUCUS, and others will offer similar amendments. I want to describe why this is an important issue and why the Senate should consider these amendments, especially inasmuch as these types of amendments are in the House bill coming over for consideration in conference.

There are some bad actors internationally who run governments in a way that is well outside the norm of international behavior. We understand that. Saddam Hussein is one of those leaders. There are others. We have watched the behavior and the activities of countries such as Cuba, Iraq, Iran, North Korea, and others, and view with alarm some of the things that are happening.

Cuba is a country that is run, with a Communist government, by Fidel Castro. North Korea is a relatively closed society run by a Communist government, a Communist dictator. Iran is a different kind of country, run by a group of folks who seem to operate—at

least they have for some while—outside the norms of international behavior, engaged in an attempt to acquire sophisticated missile technology. I suspect they and others on the list would love to acquire nuclear weapons. These are countries that have demonstrated by their behavior, by their actions, that they are operating outside the norms of what we consider acceptable behavior. I am talking now about the international community, the community of nations.

So what do we do? What we do is we say to Saddam Hussein: We are going to impose economic sanctions on your country. These sanctions, in the form of either sanctions or an embargo, are an attempt to choke your economy and cause you economic pain. They cause you to understand when you operate outside the norms of international behavior, when you are attempting to acquire nuclear weapons, chemical weapons, and biological weapons with which you can threaten your neighbors, we care about that and we intend to do something about that. We and other countries have imposed sanctions against the country of Iraq.

We have had an embargo against the country of Cuba for some 40 years. It is a small country 90 miles off the tip of Florida. We have had an embargo for some 40 years against the country of Cuba, preventing goods from being shipped to Cuba, preventing Cuban goods from coming into our country, essentially trying to shut down their economy with that embargo. We have had similar sanctions against North Korea and Iran.

One of the mistakes this country has made—and a very serious mistake—is deciding we will include food and medicine as a part of our economic sanctions. We should not have done that. This country should never have done that. This country is bigger and better than that. We should never use food as a weapon.

We produce food in such abundant quality—the best quality food in the world. We have farmers today who are out driving a tractor in some field somewhere, planting a seed and raising crops with great hope they will be able to make a living on their family farm. We produce such wonderful quality food in such abundance, and then we say to countries whose behavior we don't like: By the way, we are going to slap you with economic sanctions. We are going to put our fist around your economic throat, and included in that, we are going to prevent the movement of food in and out of your country.

I am all for economic sanctions. There is not any reason to make life better for Saddam Hussein. He ought to pay a price for his behavior. But this country is shortsighted to believe that using food as a weapon is an advancement in public policy for us. It is not. First, it hurts our farmers who are prevented from moving food through the international markets. Second, it takes aim at a dictator and ends up

hitting hungry people. That is not the best of what this country has to offer.

So we have a very simple proposition—those of us who care about this issue. We say let's stop using food as a weapon; let us, as Americans, decide we shall never use food as a mechanism to try to punish others. We understand that Saddam Hussein and Fidel Castro have never missed a meal. They have never missed breakfast, they have never missed dinner, never missed supper. They eat well. When we use food as a weapon, it is only poor people, sick people, and hungry people who pay a price; and of course, our farmers here in America also pay a price.

So last year we had a debate about this. My colleague Senator ASHCROFT, I, Senators DODD, ROBERTS, BAUCUS—a range of people—have offered amendments. Last year we had a vote, and 70 Senators said: No, we shall not any longer ever use food as a weapon. Let us lift the sanctions on food and medicine; 70 percent of the Senate said let's stop it.

I cannot speak for all 70, but I will speak for myself to say it is immoral to have a public policy that uses food as a weapon. It is immoral to punish hungry, sick, and poor people around the world because we are angry at dictators. Seventy percent of the Senate said: Let's stop. Let's change the sanctions. We can continue some of the economic sanctions. We are not making a judgment about using economic sanctions to punish dictators or punish countries whose behavior is outside the international norm. We are saying, however, we should not any longer use food or medicine as a weapon or as part of the sanctions.

So 70 percent of the Senate voted. It was on the Senate agricultural appropriations bill, and off we marched to conference. I was one of the conferees. One of the first acts of conference between the House and Senate was my offering an amendment insisting that the Senate retain its position. In other words, we were saying as a group of Senators who were conferees: We insist on our provision, lifting the sanctions on food and medicine.

I offered the amendment in the conference. We had a vote of the Senate conferees, and my amendment carried. Therefore, the Senators at this conference with the House Members said: We insist on the provision. We insist on our policy of removing food and medicine as part of our economic sanctions.

Guess what. A Member of the House moved that the conference adjourn. We adjourned. It was late one morning, and we never, ever returned to conference. Do you know why? Because the House leaders, the House leadership, did not like that provision and they intended to kill it. They knew they could not kill it with their conferees. If there were a vote on it in the conference, they would lose. If there were a vote on it on the floor of the House, they would lose. So the only way they could win was to hijack that

conference, adjourn it, never come back into session, and throw the ingredients of that bill into a broader bill, and we never saw the light of day on our policy.

The result is we are back on the floor right now and this country still has in place a policy of using food and medicine as part of our economic sanctions. It is wrong. It is wrong.

Following that conference last year, I had the opportunity to go to Cuba. I have traveled some, in various parts of the world, and have seen that what we produce in such abundance, the world needs so desperately. The winds of hunger blow every minute, every hour, and every day all across this world. So many people die of hunger, malnutrition, and hunger-related causes, and so many of them are children—every single day.

I went to Cuba. What I saw was a country in collapse. It is a beautiful country with wonderful people. The city of Havana is a beautiful city, but in utter collapse. There are gorgeous buildings designed in the 1940s and 1950s by some of the best architects—beautiful architecture, in total disrepair. The city is collapsing. The Cuban economy is in collapse. There is no question about that.

I visited a hospital, and I saw a young boy lying in a coma. His mother was seated by his bedside holding his hand. This was in an intensive care ward of a Cuban hospital. This young boy in intensive care was not hooked up to any wires. There was no fancy gadgetry, no fancy equipment, no beeping that you hear in intensive care—the beeping of equipment—no, none of that. He was lying on his bed with his mother holding his hand.

I asked the doctor, Do you not have equipment with which to monitor this young boy? He had a head injury and was in a coma. He said, Oh, no; they didn't have any of that equipment. They didn't even have any rudimentary equipment with which to make a diagnosis. Intensive care was to lay this boy in a room. They told me they were out of 250 different kinds of medicine in that hospital.

My point is this. The Cuban people do not deserve Fidel Castro—that is for sure. They deserve a free and open country, a free and open economy; they deserve the liberties we have and the freedom we have. But 40 years of an embargo, and especially 40 years preventing the movement of food and medicine back and forth, surely makes no sense.

It has not hurt Mr. Castro. It has hurt the poor people of Cuba and the hungry people of Cuba. It is time to change that policy. A year ago we tried it. Seventy percent of the Senate voted for it, and it has not happened.

This is what we have done this year: I offered an amendment, with Senator GORTON from the State of Washington, on the Agriculture appropriations bill that lifts the sanctions on food and medicine and also let's us do one other

thing. It prevents any future President from ever including food and medicine as part of economic sanctions unless they come to the Senate and get a vote and the Senate says: Yes, we ought to do that.

We do two things: We lift the sanctions on food and medicine that exist with those countries that are subject to our economic sanctions, and we prevent future Presidents from imposing sanctions and using food as a weapon. That is in the Agriculture appropriations bill which came to the floor of the Senate. The Senate passed that bill. My amendment is in it. We will go to conference.

The only way we can lose that issue is if the House leaders hijack it once again. There is a member of the leadership of the House, whom I shall not name, who makes it his cause to derail us. He believes we ought to use food as a weapon, especially with respect to Cuba. He believes we ought not change the policy and will do everything he can to stop us.

My colleague in the House who has been working on this passed some legislation that was negotiated with the House leadership, but it turns out the legislation, when one looks at the language, is a step backward, not a step forward.

We will go to conference on the Agriculture appropriations bill with my amendment in it, and I say to those who might pay attention to the Senate record from the House side, if the House leaders expect to hijack this once again this year, they are in for a long session because there is a group of us—Republicans and Democrats—who insist this country change its policy. This policy is wrongheaded and it must change.

Yes, we have some people in the Senate who are still fighting the cold war. We have people in the Senate—not very many, I admit—but we have a few people in the Senate who do not want this changed, but 70 percent of the Senate want this changed. At some point, if they get a full vote in the House and we have a full vote in the Senate, 70 percent of the Congress will say: Let's change this foolish policy. This policy is not the best of this country. This policy is wrong, and we aim to change it.

Now we bring this bill to the floor of the Senate. We had a cloture vote on the motion to proceed today, and the Treasury-Postal bill will come to the floor at some point. As I indicated, in addition to the description of the amendment I offered to the Agriculture appropriations bill on the floor of the Senate dealing with sanctions on Cuba, a couple Members of the House applied some amendments, which were successful, to the Treasury-general government bill which means when our bill comes to the floor of the Senate, it will also attract these amendments. That is fine with me. Having them in two places is better than having them in one place. Perhaps one conference will be successful in changing this policy.

My colleagues in the House added a piece of legislation, for example, dealing with travel in Cuba saying that no funds will be used to enforce the restrictions on travel to Cuba. I prefer to do it a different way. Who is going to believe it makes sense to travel to Cuba if it is still illegal but they just will not enforce it? If we change travel, let's change travel. Let's not say you shall not enforce something that remains illegal. Let's say the travel restrictions are lifted. Period. End of story.

I hope my colleague who intends to offer that amendment in the Senate will consider doing that. We have other amendments as well, and I intend to offer an amendment dealing with food and medicine sanctions on Cuba on the Treasury-Postal bill when it is brought to the floor of the Senate.

There is another issue I wish to talk about briefly that relates in some measure to this bill, but especially to the issue of the Customs Service and our borders and the issue of international trade. I am going to talk in a bit about our trade problem because we have the largest trade deficit in the history of humankind.

There is a lot right with this country. There is a lot going on to give us reason to say thanks and hosanna. We have a wonderful economy. It is producing new jobs and new opportunity. All of the indices are right: unemployment is down; home ownership is up; inflation is way down. All the things one expects to happen in a good economy have been happening.

Some parts of the country are left behind, such as rural areas. We have a farm program that is a debacle, and we cannot get anybody to even hold a hearing to change the farm program, but that is another story.

There are some areas that have not kept pace with the prosperity. We need to continue to fight to write a better farm program and make sure those rural areas share in the full economic prosperity of America.

There is a lot right in this country. This is a good economy. It is producing unprecedented opportunities.

The one set of storm clouds above the horizon, however, is in international trade. We have a huge trade deficit. Our merchandise trade deficit was nearly \$350 billion in 1999, and is projected to exceed \$400 billion this year. Put another way: We are buying \$1 billion more in goods from overseas than we are selling each and every day, 7 days a week.

Some say: Does that matter? Is it important? Gee, our economy is doing well. How on Earth can you make the case we should care about this?

You can live in a suburb someplace and have a wonderful home with a huge Cadillac in the driveway and have all the evidence of affluence, but if it is all borrowed, you are in trouble. On the borrowing side, we have made a lot of progress dealing with Federal budget deficits. In fact, we have eliminated

the Federal budget deficits, and good for us, but the deficits on the trade side have continued to mushroom, and we must get a handle on that as well and deal with our trade imbalance.

What causes the trade imbalance, and what relevance does it have to this bill? In this bill, we fund the Customs Service, and the Customs Service evaluates what comes in, what goes out, and they try to assist in the flow of goods moving back and forth across our borders.

The fact is, they have an old, antiquated computer system to take care of all of that and it is melting down. With expanded trade coming in and going out, we need a new system. The Customs Service has proposed a new system to accommodate and facilitate their needs. We need to fund it. It is very important we fund this system. It is called the Automated Commercial Environment or ACE system. We need to keep it operational, and we need to build it and make it work.

In 1 day, the Customs Service processes \$8.8 billion in exports and imports. They have to keep track of it all: \$8.8 billion in daily exports and imports; and 1.3 million passengers and 350,000 vehicles moving back and forth across our borders. Think of that. This is the agency that has the responsibility of keeping track of all of it—whose vehicle, when did it come in, when did it go out, who is coming in, who is leaving our country, what are the goods coming in, what kind of tariffs exists on those goods, who is sending them, who is receiving them.

All of that is part of what we have to keep track of in terms of movement across our border. The current system that keeps track of all of that is nearly two decades old, and running at near capacity. It is the single most important resource in collecting duties and enforcing Customs laws and regulations.

This system has been experiencing brownouts over the past months that have brought the Customs operation at these border ports, in some cases, to a dead halt.

Over 40 percent of the Customs stations are using work stations that are unreliable, are obsolete operating systems, and are no longer supported by a vendor.

Trade volume has doubled in 10 years. The rate of growth in trade is astronomical. The Customs Service anticipates an increase of over 50 percent in the number of entries by 2005. That means the current system just can't and will not handle it.

So we have a responsibility to do something about that. If anybody wonders whether all this trade is important, and keeping track of it is important, as I said, look at the trade deficit and look at what is happening in this country.

From the standpoint of policy—I was talking about the system that keeps track of it—but from the standpoint of policy, we also have to make signifi-

cant changes. We will not make them in this bill because this isn't where we do that, but you can't help but look at what is happening in our country and understand that our own trade policy does not work. It just does not work.

We have a huge and growing trade deficit with China—growing rapidly—of nearly \$70 billion a year. We have a large abiding trade deficit with Japan that has gone on forever—\$50 to \$70 billion a year.

This Congress, without my vote—because I voted against it—passed something called NAFTA, the North American Free Trade Agreement. It was billed as a nirvana. What a wonderful thing, we were told, if we can do a trade agreement with Mexico and Canada. What a great hemispheric trade agreement, and how wonderful it would be for our country.

In fact, a couple of economists teamed together and said: If you just pass NAFTA, you will get 300,000 new jobs in the United States. The problem is, there is never accountability for economists. Economists say anything, any time, to anybody, and nobody ever goes back to check.

The field of economics is psychology pumped up with helium and portrayed as a profession. I say that having taught economics a couple years in college, but I have overcome that to do other things.

But economists told us, if we pass NAFTA, it will be a wonderful thing for our country. Well, this Congress passed NAFTA. I didn't vote for it. Guess what. We had a trade surplus with Mexico. We have now turned a trade surplus with Mexico into a significant deficit with the country of Mexico.

They said, by the way, if we pass NAFTA, the products that will come in from Mexico will be products produced by low-skilled labor. Not true. The products that are coming in from Mexico are the product of higher-skilled labor, principally automobiles, automobile parts, and electronics. Those are the three largest imports into the United States from Mexico.

So the economists were wrong. I would love to have them come back and parade around, and say: I said NAFTA would work, but I apologize. We had a trade surplus with Mexico. Now it is a fairly large deficit. We had a trade deficit with Canada, and we doubled the deficit. I want one person to stand up in the Senate and say: This is real progress. Doubling the deficit with Canada, and turning a surplus into a deficit with Mexico—hooray for us. That is real progress. I want just one inebriated soul to tell me here in Washington, DC, that this makes sense. Of course it does not make sense.

It did not work. So we have trade policy challenges dealing with Mexico, Canada, and NAFTA. We have policy differences dealing with our big trade deficit with China. We are going to have other struggles and challenges

dealing with the recurring deficit that goes on forever with Japan.

It might be useful—I know people get tired of me talking about this—but it might be useful to describe our diminished expectations in this county and why we are in such trouble on trade.

About 10 years ago—we have always had a struggle with Japan—we were having, at that time, an agreement negotiated on the issue of American beef going to Japan. We were not getting enough beef into Japan. At that point, it cost about \$30 a pound to buy a T-bone steak in Tokyo. Why? Because there was not enough beef. So you keep the supply low, the demand and price go up, and a T-bone steak costs a lot of money in Tokyo.

We wanted to get American beef into Japan. After all, we buy all their cars, VCRs and television sets. Maybe they should buy American beef. So we sent our best negotiators, and they negotiated. Our negotiators were hard nosed. It only took them a couple of days to lose. They sat at the table, and they negotiated and negotiated. And guess what they negotiated? They had a press conference and said: We have a victory. We have a beef agreement with Japan. What a wonderful deal. You would have thought they had just won the Olympics because they celebrated. And everybody said: Gosh, what a great deal.

Here is the agreement. You get more American beef into Japan. Yes, you do. And we did.

Ten or 11 years after the beef agreement with Japan, the tariff on American steak or American ground beef or American beef going to Japan today is 40 percent on a pound of beef. Can you imagine that? What would people think if you told them: In the United States, we only have a 40 percent tariff on your product coming into our country? They would say: What kind of nonsense is that? That is not free trade. Yet we celebrated the fact that we had an agreement with Japan that takes us to a 50 percent tariff, which is reduced over time, but snaps back up if we get more beef into Japan. We celebrated that.

This is the goofiest set of priorities I have ever heard. We ought to learn to negotiate trade agreements that are in this country's interests.

I have threatened, from time to time, to introduce a piece of legislation in Congress that says: When our trade negotiators go to negotiate, they must wear a jersey that says "USA," just so that they can look down, from time to time, and see who they are negotiating for. "I am from the United States. I have the United States's best interests at heart. When we negotiate with you, Japan, China, Mexico, Canada, or others, we insist on fair trade."

Yes, our producers will compete. We are not afraid of competition. But we are not going to compete with one hand tied behind our back. Our negotiators negotiated GATT with Europe, and they said to the Europeans: You

know what—my colleague, Senator CONRAD, talks about this a lot—we will have a deal with you. You can have 6, 8, or 10 times greater subsidies on your sales of grain to other countries than we will have. And we will have a deal where we will agree to limit our support payments to family farmers to a fraction of what yours are. So once we have done that, we have tied both of our hands behind our back, and then said let's go ahead and compete.

That is what our negotiators have done virtually every time they have negotiated a trade agreement. They did it in GATT to family farmers and did it with Japan to our ranchers. I should say, our ranchers were pleased with the agreement with Japan. I would say to them: How can you be pleased? How can you call that success? It is because they have such low expectations in our trade negotiations. We give away everything. We expect little, get almost nothing, and then we are so pleased.

When you have roughly \$1 billion a day in the merchandise trade imbalance, it is time to wonder whether your policy is working. When you have a \$1-billion-a-day deficit—every single day—in merchandise trade, it is time to ask whether this is a policy that works. The answer is no.

I think it would behoove this Congress to say: Good for all the wonderful things that are happening in this country. Everybody deserves a little credit for all of that. Good for all the good things happening in our economy. But it is important for all of us to look at the storm clouds as well, and evaluate what is wrong, and try to fix that. If we did that, it would behoove us to bring to the floor of the Senate a debate and full discussion about America's trade policy.

Every time I come and talk about this issue, there is someone watching or someone listening, or somebody later will say: That guy sounds like a protectionist. There is this caricature: You are either for free trade or you are some isolationist, xenophobic stooge. You are either for free trade or you don't get it. You either see the horizon or you are nearsighted. That is the way it all works.

Even the largest newspapers do that. Try to get an op-ed piece in the Washington Post on trade issues. If you happen to believe we ought to stand up for our economic interests in trade, you can't do it.

It is not my intention to say this country should not be a leader in expanding trade. This country ought to be a leader in promoting an expanded free and fair opportunity for international trade. This country ought to be a leader. We ought to expect that other countries would be involved in saying the things that we fought for for 75 to 100 years. This country will be part of the discussions about trade.

We had people dying in the streets in this country, fighting for the right to organize in labor unions, fighting for the right to create labor unions. We

had people die on the streets of America.

Some will say: We can avoid all that, having labor unions, having to worry about dumping chemicals into the water and the air, having to have a safe workplace, having to be prohibited from hiring kids; we can avoid all of that. We have debated it for 75 or 100 years in this country. We have made a lot of progress. We can avoid it all by moving our plant to some other Third World country where they don't have those inconveniences, where you can hire 12-year-old kids and work them 12 hours a day and pay them 12 cents an hour and everybody calls it free trade.

This country has a responsibility also to lead on the issues of what are the fair rules for international trade—not protectionism, what are the fair rules for trade that establish fair competition. That is something this country has a responsibility to be involved with as well.

Talking about trade in the context of the Customs Service and our responsibility to keep track of what is happening around the world, it is true that my frustration from time to time boils over on the issue. I come to the floor and talk about it without much effect because there are not sufficient votes in the Senate to require a very robust debate on trade policy. It is coming. We ought to make it happen.

If I can digress—because I have the time this morning, and I don't see anyone else waiting to speak—I want to mention something that happened some years ago that made a profound impact on me. I mentioned a moment ago that we struggled in this country to establish the right to form labor unions and establish collective bargaining. There are plenty of countries where, if you try to form labor unions, try to get workers together to see if they can't get a better deal, they can be thrown in jail. As I said, we had people who died in the streets in this country fighting for that opportunity. We now understand the consequences of that. We have labor unions, and we have management and labor, collective bargaining. It is a better country because of that. There are some areas of the world where we don't have the opportunity to do that. People who try to demonstrate for those rights are thrown in jail.

Let me describe something that happened in Congress a long while ago related to that point. We had a fellow who spoke to a joint session of Congress. Normally, a speaker to a joint session of Congress is a President. The pageantry is quite wonderful when there is a joint session. It is normally in the House Chamber because that is the larger Chamber. The Senators come in and are seated in the House Chamber, Cabinet officials come in, the Supreme Court comes in. The American people see this. That is when the network television cameras come on.

Then the Doorkeeper says: Mr. Speaker, the President of the United

States. And the President marches in and gives a State of the Union speech.

We occasionally have other speakers who are invited to give an address to a joint session of Congress. On rare occasions, it has been a head of state. Many will remember other circumstances: General Douglas MacArthur coming back from Korea, when he was relieved of his command by President Truman, was invited to address a joint session of Congress; Winston Churchill addressed a joint session of Congress.

One day about 10 or 12 years ago, I was a Member of the U.S. House, it was a joint session of Congress. In the back of the room, the Doorkeeper announced the visitor. The Doorkeeper said: Mr. Speaker, Lech Walesa from Poland. And this fellow walked in, a rather short man with a mustache. He had red cheeks and probably a few extra pounds, an ordinary looking fellow who walked into the Chamber of the House, walked up to the microphone. The joint session stood and applauded and didn't stop. This applause continued to create waves, and it went on for some minutes. Then this man began to speak. Most of us, of course, knew the history. But in a very powerful way this ordinary man told an extraordinary tale.

He said 10 years before, he was in a shipyard in Gdansk, Poland on a Saturday leading a strike for workers to be able to chart their own destiny, leading a strike for a free labor movement in Poland against a Communist government. On that day, he had already been fired from his job as an electrician at a shipyard for his activities to fight for a free labor movement in Poland. The Communist government had him fired from his shipyard. So this unemployed electrician, on a Saturday morning, was leading a strike, leading a parade inside this shipyard for a free labor movement. He was grabbed by some Communist thugs and beaten and beaten badly. As they beat him, they took him to the edge of the shipyard, hoisted him up and unceremoniously dumped him over the barbed-wire fence outside the shipyard face down in the dirt. He lay there bleeding, wondering what to do next.

Of course, we know what he did next. Ten years later, he was introduced to a joint session of Congress as the President of the country of Poland. This man went to the microphone and said the following to us: We didn't have any guns; the Communists had all the guns. We didn't have any bullets; the Communists had all the bullets. We were armed only with an idea.

What he did next that Saturday morning, from lying on the ground bleeding from the beating he had received from the Communist agents of that Government of Poland, the history books record. He pulled himself back up and climbed back over the fence and climbed back into the shipyard.

This unemployed electrician showed up in the Chamber of the U.S. House to speak to a joint session of Congress 10

years later as the President of his country—not a diplomat, not a politician, not an intellectual, not a scholar, an unemployed electrician who showed up in this country 10 years later as the President of his country.

He said: We didn't break a windowpane in Poland. We didn't have guns. We didn't have bullets. We were armed with an idea and that idea simply was that free people ought to be free to choose their own destiny.

I have never forgotten that moment, understanding the power of ideas and understanding that common people can do uncommon things. Ordinary people can do extraordinary things. Wondering where did Lech Walesa get the courage to pull himself up that Saturday morning in a shipyard in Gdansk, an unemployed electrician, believing so strongly in the need to provoke change in this Communist country that this man and his followers toppled a Communist government and lit the fuse, caused a spark that lit the fuse that began to topple Communist governments all through Eastern Europe. That is the power of an idea.

What are the ideas that exist in this country that will make a better America and create a better future? We know from our history that in two centuries, a series of ideas by some remarkable men and women have created the best country in the world. It is the freest. I know there are a lot of blemishes, but there is no country that has freedoms like ours. There is no country that has accomplished what we have accomplished in every area. Find an area where we have had difficulty, we have confronted it. We have had difficult times, but we have solved the issues. We survived a civil war. We survived a great depression. When you think of what this country has done, it is quite remarkable.

We stand today at the edge of a new century, the year 2000, with a lot of challenges in front of us. Some say we are just sort of content to be where we are and to kind of nick around the edges. No person, no country, no organization ever does well by resting.

There are challenges in front of us. We have talked about some of them. Some of them will be in this legislation when we bring it to the floor. Some will be in other legislation. I was on the floor yesterday and Senator DURBIN, who is on the floor at the moment, talked about the challenge of making our health care system work; the challenge of passing a Patients' Bill of Rights, and one that is a real Patients' Bill of Rights; the challenge of putting a prescription drug benefit in the Medicare program. Those are ideas—ideas with power and resonance, ideas which ought to relate to the public policy this Congress embraces. I talked, a little bit ago, about trade policy, the idea that we need to change trade policy to make it a policy that is effective for our country, to reduce the trade deficits and continue to expand markets, and to have fair rules of trade.

There are so many things we need to do. Yesterday, I showed some of the challenges that we ought to address now in the coming weeks. For instance, gun safety. This is a wonderful country, but when you read the newspapers and read of the killings, and then you understand that we have a right to own weapons—and nobody is changing that right; it is a constitutional right. But we have said it makes sense for us to keep guns out of the hands of convicted felons. How do we do that?

We have a computer base with the names of felons on it. When you want to buy a gun, your name has to be run against the computer base. At the gun store, they run your name to find out if you are a convicted felon. If you are, you don't get a gun. But guess what. You can go to a gun show on a Saturday someplace and buy a gun or a weapon, and nobody is going to run your name through an instant check.

We say let's close that loophole. Are those who don't want to close it saying they don't want to keep guns out of their hands? I hope not. So join us in fixing this problem. That is an idea. That has some power. How many Americans will that save? How many children will it save by keeping the gun out of the hands of a convicted felon? We are not talking about law-abiding citizens. We are not going to disadvantage them. Let's keep guns out of the hands of convicted felons. Close the gun show loophole. It is a simple idea; yet one we can't get through the Congress because people are blocking the door on this issue.

The Patients' Bill of Rights: We talked about that yesterday. We talked about putting a drug benefit in the Medicare program. We talked about school modernization. I will conclude by talking for a moment about school modernization.

Our future is education. I have told my colleagues many times about walking into the late-Congressman Claude Pepper's office and seeing two pictures, both autographed, behind his chair. One was a picture of Orville and Wilbur Wright making the first airplane flight. It was autographed by Orville Wright, saying, "To Congressman Pepper, with deep admiration, Orville Wright."

Then, the first person to stand on the Moon, Neil Armstrong, gave him an autographed picture. I thought to myself, this is really something. Here is a living American who has an autographed picture of the first person to leave the ground in powered flight, and also the person who flew all the way to the Moon. What was the in between? What was the difference between just leaving the ground and arriving on the Moon? Education, schools, learning; it is our future—allowing every young boy and girl in this country to become the very best they can be; universal education, saying that every young boy or girl, no matter what their background or circumstances are, can walk through a schoolroom door and be



whatever they want to be in life, universal opportunity in education.

In the middle part of this past century, those who came back fighting for liberty in the Second World War, fighting for freedom, built schools all across our country as they went to school on the GI bill, got married, and had children. They built schools all across America. Now those schools, in many cases, are 45, 50 years old and in desperate need of repair and renovation. This country, as good as it is, can send our kids to the schoolroom doors of the best schools in the world. And we should. That ought to be our policy. So before this Congress ends, let's embrace our ideas and policies of saying let's modernize our schools, renovate our schools, and connect our schools to the Internet. Let's reduce the size of classes and make sure every student has the opportunity to go through a schoolroom door that we as parents are proud of. Let's make sure we keep the finest teachers, the best teachers in our classrooms and pay them a fair wage. These are ideas that we have that we can't get through this Congress. It doesn't make any sense to me.

So we are prepared to bring the Treasury-general government appropriations bill to the floor. In that legislation there will be several of the ideas I have talked about, and other appropriations bills, and other pieces of legislation. We will continue to pound away at this Congress to say: Accept some of these ideas. Accept some progress. Join us. This isn't partisan. Our kids and our schools don't represent a partisan issue. Keeping guns out of the hands of felons surely can't be a Republican or Democratic issue. Surely, every American should embrace that goal. Putting the prescription drug benefit in the Medicare program so senior citizens who have reached their declining income years have the opportunity and can afford to buy life-saving drugs surely can't be a Republican or Democratic approach. There can't be differences here in terms of goals. So let's resolve to join together to meet these goals, to do our work and embrace ideas—yes, big ideas—that recognize, yes, this country is doing very well in a lot of areas, but we are at the first stage of a new century, and we need to embrace new ideas to advance this country's interests and prepare for this country's future. Nowhere is that preparation more necessary than with our children and our schools.

Mr. President, I have spoken at some length. I know others on the floor have comments about these and other issues.

I yield the floor.

The PRESIDING OFFICER. The Senator from California is recognized.

Mrs. FEINSTEIN. Mr. President, I understand that we are running out the clock on a motion to bring to the floor the Treasury-Postal appropriations bill. So I think my comments are pertinent to that bill and to the situation in which we find ourselves.

Mr. President, about 14 months ago, those of us in this Chamber passed a juvenile justice bill. Prior to its passage, many of us on this side of the aisle came together to say if we want to really achieve some limited improvements in targeted gun measures, what should they be? We decided on a few, and the Republican side had a few. So some targeted measures were added to that bill.

One of them was that guns should not be sold without trigger locks. That was made from our side of the aisle. One from the Republican side of the aisle was that children should not be permitted to buy assault weapons—a no-brainer. That was accepted by this body. A third vote was to close the gun show loophole which enabled the two youngsters from Columbine, 16 years old, to go to a gun show and buy two assault weapons with no questions asked. The final one was one I offered on the floor, which was to plug a hole in the assault weapons legislation.

Under the assault weapons legislation, it is illegal to manufacture, possess, sell, or to transfer a large-capacity ammunition feeding device in this country. So, in other words, nobody can manufacture one domestically in this country now. The loophole is that they can come in, if manufactured in foreign countries, and be sold. So since the passage of the original assault weapons legislation, about 18 million large-capacity ammunition feeding devices have come into the country. But just in the last 14 months, since the passage of the juvenile justice bill, 6.3 million of these clips have come into this country, many of them 250 rounds, but most 30 rounds.

What is the use of these clips? You can't hunt with them. You can't carry a clip with more than 10 bullets in virtually any State if you are going to hunt. You don't use them for self-protection. The street price of them has dropped. You can buy them, no questions asked, over the Internet for \$7, \$8, \$9. The only reason for them is to turn a weapon into a major killing machine. They are used by drive-by shooters, by the gangs, and by the grievance killer who has a grievance and wants to walk into his place of business and kill a large number of people. Well, this body passed that, and the other body actually passed it by unanimous consent. So those are measures that have held up a whole huge juvenile justice bill for that period of time.

So in 14 months, we have gone nowhere in achieving safety regulations, prudent targeted gun regulations to protect people.

A million women—now 240 new organizations—in the Million Mom March, went to the streets of their cities and to the Capitol on Mother's Day to say they wanted prudent gun regulations. But what has happened since then is we have actually back slipped. The backsliding is taking place right in this very bill which time is running on.

An amendment was put in the bill that says this:

None of the funds made available in this Act may be used to implement a preference for the acquisition of a firearm or ammunition based on whether the manufacturer or vendor of the firearm or ammunition is a party of an agreement with a department, agency, or instrumentality of the United States regarding codes of conduct, operating practices, or product design specifically related to the business of importing, manufacturing, or dealing in firearms or ammunition under chapter 44 of title 18, United States Code.

This amendment is essentially meant to prohibit the U.S. Government from giving any preference to any responsible gun manufacturer. I believe this measure is simply the worst possible public policy. I would rather not have a Treasury-Postal appropriations bill that has this kind of disincentive to good conduct in a manufacturer of weapons in this country.

When this bill comes to the floor, the first amendment from our side will be the amendment to strip this verbiage from the bill.

I am pleased to say I am joined in co-sponsoring this by the Senator from Illinois, Mr. DURBIN, and the Senator from New Jersey, Mr. LAUTENBERG.

First, it is important to point out that no such preferences have been given. The thrust of this provision is based on a hypothetical. But it is based to be a deterrent. It is based to send a message. The message is to every manufacturer of weapons that there can be no reward in government if you manufacture safe guns. If you put trigger locks, if you have good, safe marketing practices, if you manufacture guns and see they are sold and distributed in a way to keep them out of the hands of children, people who are mentally deficient, or criminals—that is the thrust of this amendment—to reduce the gun industry to its lowest possible common denominator all across the United States of America, that is the worst possible public policy. Members on both sides of this aisle should stand together and refute it.

At least one company, Smith & Wesson, has agreed to adopt certain reasonable, responsible marketing practices. While this agreement was made under the threat of litigation, it is important to note that no dealer has to comply, and no measures have been forced on Smith & Wesson. Smith & Wesson has decided to take a responsible path to produce responsible policy, and for that this body would slap them on the hand.

As a result of their effort, Smith & Wesson has allegedly been targeted by others in the gun industry that are unhappy with the agreement who say you can't march ahead of us; you can't do something right; we all want to be able to do something wrong. There has been talk of boycotts and anticompetitive behavior. In fact, I recently joined a number of my colleagues in writing to the Federal Trade Commission, asking them to look into these allegations.

Given the determination of the National Rifle Association and its allies



to stop any and all reasonable control of the flow of guns to criminals and children, I believe it would be dreadful to prevent the administration from encouraging agreements such as this one.

Let me be clear. No one is saying that law enforcement should buy inferior weapons simply because the manufacturer has agreed to act responsibly. The fact is, Smith & Wesson produces very good weapons. I have certainly never been one to argue that we should leave law enforcement without adequate weaponry. But where technology and safety of guns are similar, it makes eminent sense to give preference to the manufacturer that has agreed to certain commonsense standards.

I wish to take a few moments and go over a few of the details in the Smith & Wesson settlement document. This is what it looks like.

First, under the agreement, all handguns and pistols will be shipped from Smith & Wesson with child-safety devices. Again, the juvenile justice bill would have made this provision unnecessary. But, again, that bill has gone nowhere.

What would that do?

In Memphis, TN, not too long ago, a 5-year-old took a weapon off of his grandfather's dresser. It was loaded. He took it to kindergarten to kill the kindergarten teacher because that youngster had been given a "time out" the day before. The gun was discovered because a bullet dropped out of his backpack—a 5-year-old child toting in his backpack a loaded pistol with no safety lock to kill the teacher because he had been given a "time out" the day before. With the safety lock, the gun would have been inoperable to that child.

Another child in Michigan, a 6-year-old, has an argument with a child, brings a gun to school, and actually kills another 6-year-old.

These may not be everyday events. But they would be prevented from happening if guns were made with smart technology and, prior to that, with safety locks.

Also in the agreement, every handgun would be designed with a second hidden serial number. Why that? Because it prevents criminals from easily eradicating a serial number to impede tracing. How can we not support that?

New Smith & Wesson models will be no longer able to accept any large-capacity magazine. What is important about that? That immediately limits the kill power of that weapon. The weapon can still be used for defense. But the drums of 250 or 75 rounds with clips of 30 rounds, which are there for one reason—to kill large numbers of people—would not be accepted into that gun.

Within 2 years, every Smith & Wesson model would have a built-in, on-board locking system by which the firearm could only be operated with the key, or combination, or other mechanism unique to that gun.

Two percent of Smith & Wesson's firearms revenue would be devoted to

developing smart gun technology for all future gun models. What a good thing to have happen.

Next, within a year of the agreement, each firearm would be designed so it could not be readily operated by a child under the age of six. This might include increasing the trigger-pull resistance, designing the gun so a small hand could not operate it, or perhaps requiring a sequence of actions to fire the gun that could not be easily accomplished by a 5-year-old. Who believes the Federal Government should not encourage manufacturers to make weapons so five- and six-year-olds cannot fire them?

The agreement includes safety in manufacturing tests, such as minimum barrel length and firing tests to ensure that misfires, explosions, and cracks such as those found in Saturday night specials do not occur. A drop test is also included.

I remember very well a major robbery in San Francisco where a police officer with a semiautomatic handgun went into the robbery, pulled out his weapon, and the clip dropped out. He was shot and killed. And I remember another incident where the gun was dropped and fired accidentally.

Another provision: each pistol would have a clearly visible chamber load indicator, so that the user can see whether there is a round in the chamber.

No new pistol design would be able to accept large-capacity ammunition clips.

The packaging of new guns will include a safety warning regarding the list of unsafe storage and use. What a good thing, a gun manufacturer that will put a warning with the gun that says to the prospective gun owner: Understand this is a lethal weapon. Here is how to keep it safely. Put it in a cabinet which is secure and locked. Keep the ammunition separate from the gun.

And we are going to prevent anyone who provides this from gaining any kind of preference? We give preference with merit pay. There are all kinds of preferences in Federal law. Yet we are to deny this to anybody who does the right thing and manufactures safe guns, smart guns, better guns.

Under the agreement, any dealer wishing to sell Smith & Wesson firearms would comply with a series of commonsense measures. Let me state what they are. Any dealer wishing to sell Smith & Wesson firearms first agrees not to sell at any gun show unless all the sellers in the gun show provide background checks. What a responsible thing to do. Again, this provision would be unnecessary if Congress had simply passed the juvenile justice bill and sent it to the President for his signature because all sellers at all gun shows would already be performing background checks. That bill is stalled in conference, and this provision of the agreement is a small step in the right direction.

Again, under the agreement, any dealer wishing to sell Smith & Wesson

firearms must carry insurance against liability for damage to property or injury to persons resulting in firearm sales. The same thing would apply if you had a swimming pool. You would have some liability insurance if a neighbor fell into the pool and drowned. This isn't asking too much.

Any dealer wishing to sell Smith & Wesson firearms must maintain an up-to-date and accurate set of records and must keep track of all inventory at all times.

Any dealer wishing to sell Smith & Wesson firearms must agree to keep all firearms within the dealership safe from loss or theft, including locking display cases and keeping guns safely locked during off hours.

Ammunition must be stored separate from firearms.

Any dealer wishing to sell Smith & Wesson must stop selling large-capacity ammunition feeding devices and assault weapons.

This gun company has set itself in the vanguard of reform in the gun industry, and the Treasury-Postal bill coming before the Senate penalizes them for doing so. What kind of public policy is that? It simply says we are going to try, by law, to lower safety, regulation, careful record keeping, and all the things that are positive to the lowest possible denominator. We are not going to commend anybody who does the right thing. We are going to see they are not given preference. We are going to provide a disincentive to gun companies that want to do the right thing.

More than any other piece of legislation I have seen, this shows the disingenuousness of those who say they are for some targeted gun regulations. This speaks to what this is all about, that there should remain one, and one industry only, without regulation, without any kinds of standards, and that is the gun industry.

I think there is no better time to join this debate than in the upcoming Treasury-Postal bill. The amendment to strip this language from Treasury-Postal will be the first item of business of this side.

Mr. President, I will make this agreement available to anyone from either side of this aisle who wants to inspect it.

Mr. President, Senator KENNEDY is a cosponsor of the amendment. I thank him, as well.

I yield the floor.

The PRESIDING OFFICER (Mr. BURNS). The Senator from Delaware.

Mr. BIDEN. Mr. President, the Senate will soon be considering the Treasury and general government appropriations bill. This is one of the important funding bills we will have to pass this year to keep the Government open and running.

In addition to the Department of the Treasury, this is the bill that provides moneys for the operation of the White House, the Executive Office of the President, and it also provides funds

for the construction of new court-houses, reflecting the priorities of the administrative offices of the courts. It is this third branch of our Government that I will take a few minutes to talk about.

In 1994, the Senate and the House passed the Violence Against Women Act which President Clinton then signed into law. As the author of that legislation, securing its passage had been my highest priority for three sessions of Congress. The cause of eliminating violence against women remains my highest priority. I have watched the progress of the implementation of my Violence Against Women Act. In that act we included a provision giving anyone who had been the victim of a crime of violence motivated by gender the right to bring a lawsuit seeking damages from the assailant.

On May 15 of this year, in a case called *United States v. Morrison*, the Supreme Court struck down this provision. The Court said that addressing the problems of violence against women in this way was beyond the constitutional authority of the elected representatives of the United States. Flat out, they said it was an unconstitutional act we engaged in.

In ruling it was beyond the constitutional authority of the Congress, the Court said that it does not matter how great an effect such acts of violence have on interstate commerce. They said gender-based violence could be crippling large segments of our national economy, but, nonetheless, even if that were proven—according to the Court—the Congress is powerless to enact a law to deter such active violence because although we have acted this way under the commerce clause of the Constitution before, the Court ruled violence in and of itself is not commerce.

I believe this is a constitutionally wrong decision. It is true that it does not strike a fatal blow against the struggle to end violence against women in this country. The other parts of the Violence Against Women Act are unaffected by this decision. I am pleased to report that these other provisions, together with changing attitudes in this country, are beginning to make a difference in this struggle in the lives of women who have been victimized.

I have introduced a bill with, now, I think over 60 cosponsors, to enhance the provisions of my Violence Against Women Act so that we can continue to make progress. Nonetheless, the decision in *Morrison* is a wrongheaded decision. It is not just an isolated error. No, it is part of a growing body of decisions in which this Supreme Court is seizing the power to make important social decisions that, under our constitutional system of government, are properly made by elected representatives who answer to the people, unlike the Court.

I said at the time that the case came down, striking down the provisions of the Violence Against Women Act, that

the decision does more damage to our constitutional jurisprudence than it does to the fight against gender-based violence. Since I said that, a number of people have asked me to explain what I mean by that. Today, since we have the time, I am beginning a series of speeches to do just that by placing the *Morrison* decision in a larger context of what an increasingly out-of-touch Supreme Court has been doing in recent years.

I plan on making two additional speeches on this subject over the next several weeks and months. It is crucial, in my view, that the American people understand the larger pattern of the Supreme Court's recent decisions and, to me, the disturbing direction in which the Supreme Court is moving because the consequences of these cases may well impact upon the ability of American citizens to ask their elected representatives in Congress to help them solve national problems that have national impact.

Many of the Court's decisions are written in the name of protecting prerogatives of the State governments and speak in the time honored language of federalism and States rights. But as my grandmother would say, they have stood federalism on its head. Make no mistake, what is at issue here is the question of power, who wants it, who has it, and who controls it—basically, whether power will be exercised by an insulated judiciary or by the elected representatives of the people.

In our separation of powers doctrine, upon which our Government rests, that power is being wrestled by the Court from the elected representatives, for in every case in which the Court has struck down a Federal statute, it has invalidated a statute that the people of the United States have wanted. As a matter of fact, in many of the cases of statutes that have been struck down, the numerous attorneys general of the various States have sided with the Federal Government in briefs filed with the Court, saying that they supported the decision taken by the Congress and the President.

Let's give the emerging pattern of Supreme Court decisions a name. In a speech I gave before the New Hampshire Supreme Court last year, I referred to this pattern as an emerging pattern of an imperial judiciary. I meant to describe the judiciary that is making decisions and seizing power in areas in which the judgment of elected branches of government ought to be the controlling judgment, not the Court's. With increasing frequency, the Supreme Court is taking over the role of government for itself.

The imperial judging might also be called a kind of judicial activism. "Judicial activism" is an overworked expression, one that has often been used by conservatives to criticize liberal judges. Under this Supreme Court, however, the shoe is plainly on the other foot. It is now conservative judges who are supplanting the judgment of the people's representatives

and substituting their own for that of the Congress and the President.

This is not just JOE BIDEN talking. The Violence Against Women Act case came to the Supreme Court through the Fourth Circuit Court of Appeals, where Judge J. Harvie Wilkinson is the chief judge. Judge Wilkinson has been on many so-called short lists for possible Supreme Court nominees of Governor Bush and is a well recognized conservative. In the opinion he wrote, agreeing that the civil rights remedy in the Violence Against Women Act was unconstitutional, Judge Wilkinson praised the result as an example of "this century's third and final era of judicial activism."

He, Judge Wilkinson, acknowledges that the decision represents the "third and," he says, "final era of judicial activism." And he said he hoped this new activism would be enduring presence in our Federal courts.

That was in *Brzonkala v. VPI*, 169 F.3d 820, 892-893.

Or consider Judge Douglas Ginsburg of the Court of Appeals for the District of Columbia, another well recognized conservative. Judge Ginsburg has quite explicitly criticized the interpretation of the Constitution that has prevailed through the better part of this entire century and, indeed, throughout most of our country's history, an interpretation which correctly recognizes the broad capacity and competence of the people to govern themselves through their elected officials, not through the court system.

According to Judge Ginsburg, the correct interpretation of the Constitution produces results that severely restrict the power of elected government. He calls the Constitution "the Constitution in Exile." Under that Constitution, the one that he thinks controls, unelected Federal judges would wield enormous power to second-guess legislative bodies on both the State and the Federal levels.

When Judge Ginsburg wrote about these ideas in a magazine article in 1995, he was eagerly awaiting signs that the Supreme Court would begin to embrace his notion of a Constitution in exile. Five short years later, much has changed. As Linda Greenhouse recently put it in a New York Times column, Judge Ginsburg's hopes:

... sound decidedly less out of context today than they did even 5 years ago, just before the court began issuing a series of decisions reviving a limited vision of federal power.

By taking a closer look at these series of decisions referred to in the New York Times, the pattern I have been referring to will become quite evident.

The first clear step toward an imperial judiciary was taken in the case called *Lopez v. United States*, which invalidated a Federal law making it a crime to possess a gun in a school zone. The Supreme Court held that it was not obvious "to the naked eye" that the nationwide problem of school violence has a substantial effect on the

national economy and interstate commerce, the predicate we have to show to have jurisdiction under the commerce clause to pass such a law.

In our desire to respond quickly to the epidemic of school violence, which we all talk about here on the floor, we in the Congress did not make findings—that is, we did not have hearings that said “we find that the following actions have the following impact on commerce”—we did not make findings to relate school violence to interstate commerce. Subsequently, however, we did make such findings and pointed to the voluminous evidence that was before the Congress at the time we passed Senator KOHL’s Gun-Free School Zone Act.

Nonetheless, the Court, this new imperial judiciary, ignored our findings and the raft of supporting evidence, and drew its own conclusions. They concluded—the Court concluded—that the threat of school violence to national commerce is not substantial enough to justify a legislative response on the part of those of us elected to the Congress.

The Lopez case startled many people. Numerous law schools sponsored conferences to discuss the meaning of this case. Constitutional scholars debated how great a departure this case signaled from the settled approach to congressional power that has been taken over the 20th century, at least the last two-thirds of the 20th century, by all previous Supreme Courts.

Immediately after the decision, no consensus emerged. Many scholars plausibly concluded that Lopez was, as one put it, just an “island in the stream,” a decision that breaks the flow of the river of cases before it, but which will have no lasting effect of any significance on those that follow it.

How wrong he was. It now turns out that if Lopez is an island, it is one the size of Australia. The Court soon followed Lopez by striking down the Religious Freedom and Restoration Act that Senator HATCH and I had worked so hard to craft and the Senate and House passed and the President signed.

In *Boerne v. Flores*—that is the name of the case that struck down the Religious Freedom Act we passed—the Congress of the United States enacted the Religious Freedom Act in response to an earlier Supreme Court decision.

In 1990, the Court ruled in *Employment Decision v. Smith* that the constitutional freedom of religion is not offended by a State law that significantly burdens the ability of members of that religion to practice their religion, so long as that law applies across the board, without singling out religious practices of any one denomination in any way.

For example, under the Smith decision, a dry county which prohibits the consumption of all alcohol could prohibit a church from using sacramental wine when they give communion, as they do in my church; I am a Roman Catholic; and they do so in other churches as well.

Smith broke with the prior line of decisions holding that such laws needed to make reasonable accommodations for religion unless the Government had a very good reason for applying the law when it offended someone’s sincere religious practices to do so. In other words, unless the Government had an overwhelming reason why in a Catholic Church they could not serve, when they give communion, a sip of wine with the host, prior decisions said you cannot pass a law to stop that.

The overwhelming majority of both Houses of Congress thought the Smith decision was incorrect as a matter of constitutional interpretation and as a matter of policy. We concluded that because section 5 of the 14th amendment authorized the Congress to protect fundamental civil liberties by appropriate legislation, we could enact a statute providing greater protection than the Smith decision did to accepted religious practices.

After extensive hearings under the leadership of Senator HATCH and Senator KENNEDY, the so-called RFRA, Religious Freedom and Restoration Act, was drafted to require that the application of neutral laws had to make reasonable accommodation to bona fide religious objections.

The Supreme Court struck down our effort to extend reasonable protections to religious practices. It held that the 14th amendment does not authorize the Congress to confer civil rights by statute or to give judicially recognized rights a greater scope than the Court has set forth.

In the Court’s view, the power of section 5 of the 14th amendment gives the Congress the power to “enforce” the rights established in that amendment, but it only amounts to a power to provide remedies for the violations of the rights that the Court has recognized—not the Congress, the Court has recognized—not to protect any broader conception of civil rights than the Court has already recognized.

In the *Flores* case, it was another sign that we are on the road to judicial imperialism. Recognizing the implications of the decision, the Republican majority on the Judiciary Committee’s Subcommittee on the Constitution in the House held a hearing on the Court’s refusal to defer to Congress’ factual findings and the policy determinations it based on those findings.

Judicial deference to congressional findings and congressional authority to enforce civil rights are obviously important questions standing alone, but the Supreme Court raised the stakes even higher in two decisions relating to what we call State sovereign immunity. In those cases, *Seminole Tribe of Florida v. Florida* and *Alden v. Maine*, the Court declared the Congress may not use its commerce clause powers to abrogate State sovereign immunity.

What this means, translated, is that when Congress acts under its broad power to improve the national economy, a power granted to it by the Con-

stitution, the Congress, in the Court’s view, cannot authorize an individual to sue a State even if they are suing over a purely commercial transaction with that State. For example, as the Court held in the *Alden* case, an employee of a State now cannot sue his or her employer for failing to comply with the Fair Labor Standards Act just because the employer happens to be a State.

If it is a business person, a corporation, and they violate the Fair Labor Standards Act, which we passed to protect all people who work, they can be held accountable under that act. The Supreme Court came along and said: But, Congress, you can’t pass a law that holds a State accountable.

The *Seminole Tribe* and *Alden* cases highlight the importance of the issue of congressional power under the 14th amendment because the Court continues to recognize that Congress can authorize individuals to sue States if our legislation is authorized by the 14th amendment rather than by the commerce clause.

By limiting Congress’ 14th amendment powers, therefore, the *Boerne* decision, which is the Religious Freedom Act decision, draws into question our capacity to meaningfully protect civil rights at all whenever remedies directly against a State are being considered.

Viewed in its historical context, this is a remarkable development in and of itself. The text of the 14th amendment was drafted immediately after the Civil War, and it grants powers to only one branch of the Government, the only one named in the amendment: the Congress, not the Court. Specifically, the amendment sought to grant the Congress ample power to enforce civil rights against the States. That is what the Civil War was about. That is why the Civil War amendments were passed: to put it in stone. Developments in these recent cases I have cited are in profound tension with the sentiments and concerns of the drafters of the 14th amendment.

Still, after that case, some might continue to say it is not clear where the Court was really headed. It was possible to say in the *Flores* case that it was simply articulating the standard governing the nature of Congress’ power; namely, that it was purely remedial and not substantive.

Because the legislative record was designed to support an exercise of substantive power, that record did not so clearly support the exercise of the remedial power.

On this reading, the Court did not second-guess the congressional findings. It just saw them as answering the wrong question. Subsequent events, however, have confirmed that the Subcommittee on the Constitution had a right to be worried about *Boerne* because *Boerne* was much more ominous than that.

In one of the last cases decided in the 1998 term, the Court laid down yet another marker, perhaps the most bold

decision yet in the trend of the Court usurping democratic authority.

In that decision, the Court held unconstitutional a Federal statute, the Patent and Plant Variety Protection Remedy Clarification Act. That act provided a remedy for patent holders against any State that infringes on the patent holder's patent. That was in *Florida Prepaid Postsecondary Education Expense Board v. College Savings Bank*.

Before enacting this remedial legislation, the Congress had developed a specific legislative record detailing specific cases where States had infringed a federally conferred patent and evidence suggested the possibility of a future increase in the frequency of State infringements of patents held by individuals.

Unlike *Lopez*, the Patent Protection Act did not lack findings or legislative record. Unlike *Boerne*, the legislative record demonstrated that the statute was remedial and not substantive. Nonetheless, the Supreme Court decided, independently, that the facts before the Congress, as it, the Court, interpreted them, provided, in the Court's words, "little support" for the need for a remedy.

Get this: We, up here, concluded, on the record, that States have, in fact, infringed upon the patents held by individuals. We laid out why we thought—Democrat and Republican, House, Senate, and President—we should protect individuals from that and why we thought the problem would get worse. We set that out in the record when we passed the legislation.

But the Supreme Court comes along and says: We don't think there is a problem. Who are they to determine whether or not there is a problem? It is theirs to determine whether our action is constitutional, not whether or not there is a problem. But they said they found little support for our concern—the concern of 535 elected Members of the Congress and the President of the United States.

The Court was not substituting a constitutional principle here. The Court was substituting its own policy views for those of this body that described the problem of State infringement on Federal patents as being of national import. They concluded it is not that big of a deal.

We need to be clear about what the Court did in the patent remedy case. For a long time, it has been accepted constitutional law that once a piece of legislation has been found to be designed to cover a subject over which the Constitution gives the Congress the power to act—let me say that again—this has been accepted constitutional theory and law that once a piece of legislation has been found to be designed by the Congress to cover a subject over which the Congress has constitutional authority, that it then becomes wholly within the sphere of Congress to decide whether any particular action is wise or is prudent.

This has been constitutional law going all the way back as far as *M'Culloch v. Maryland*, written by the then-Chief Justice John Marshall, in 1819. There Chief Justice Marshall wrote that the "government which has the right to act, and has imposed on it the duty of performing that act, must, according to the dictates of reason, be allowed to select the means [by which to act]."

In the patent remedy case, the Court quite clearly usurped the constitutional authority of Congress to select the means it thinks appropriate to remedy a problem that is admittedly within the authority of Congress to address.

In the patent remedy case, the Court did not hold that Congress has exercised a power in an area outside its constitutional authority. Instead, it disagreed with our substantive judgment as to whether the Federal remedy was warranted.

In short, the Court struck down the remedy just because it did not think the remedy was a good idea. Who are they to make that judgment? Talk about judicial activism. The cases I have reviewed today—*Lopez*, *Boerne*, *Seminole Tribe*, *Alden*, and *Florida Prepaid*—bring us up to this term just completed by the Supreme Court.

In the next series of speeches, I will show how the trend of judicial imperialism continued, and was extended by several cases decided this past year, including the *Violence Against Women Act*, which I began with today.

The bottom line here is, in the opinion of many scholars and observers of the Court, we are witnessing the emergence of what I referred to a year ago as the "imperial judiciary." I just discussed five cases leading up to the just completed term.

Now I would like to discuss two significant decisions of this term. I will also begin the task of trying to place these decisions in a broader framework of the Constitution's allocation of responsibility between the elected branches of Government and the judiciary. It is a framework that this "imperial judiciary" is disregarding.

Last December, the Court focused its sight on the Age Discrimination in Employment Act. That is the act that protects Americans against discrimination based on age and is amply justified under our Constitution. Not only does it protect the basic civil rights of equal protection and nondiscriminatory treatment—with bipartisan support, I might add—it also promotes the national economy, by ensuring that the labor pool is not artificially limited by mandatory requirements to retire.

So the Congress had ample constitutional authority to enact the Age Discrimination Act. And the Court did not deny that. Nonetheless, the Court, this last term, gutted the enforcement of the act as the act applied to all State government employees.

Building on its earlier decisions in the *Seminole Tribe* and *Alden* cases,

which I discussed a moment ago, the Court ruled that the Constitution prevents us from authorizing State employees to sue their employers for violation of the Federal Age Discrimination Act. The Court also said, however, that the Constitution does not prevent the Congress from applying the law to the States.

Now, you have to listen to this carefully. In a thoroughly bizarre manner, in my view, the Supreme Court has now held that the Constitution allows the Age Discrimination Act to apply to State employers, but it denies the employees the right to sue the State employers when their rights under the Federal law are violated. We learned in law school that a right without a remedy can hardly be called a right.

As a result of this case, called *Kimel v. Florida Board of Regents*, over 27,000 State employees in my State of Delaware are left without an effective judicial remedy for a violation of a Federal law that protects them against age discrimination. Across the Nation, nearly 5 million State employees no longer have the full protection of Federal law.

Recall that in the *Boerne* decision—the case that invalidated the Religious Freedom Restoration Act, which I discussed a moment ago—the Court had begun the process of undermining the ability of the Congress under section 5 of the 14th amendment to enact legislation protecting civil rights. In *Kimel*, they continued that process.

In *Kimel*, the Court held that Congress' 14th amendment power to enforce civil rights refers only to the enforcement of those rights that the Court itself has declared and not to rights that exist by virtue of valid statutes. Because the Court decided that the Age Discrimination Act goes beyond the general protection the Constitution provides when it says that all citizens are entitled to "equal protection under the law," the Court ruled that the right to sue an employer for violations of the act was not "appropriate" and so ruled the act unconstitutional.

After *Kimel*, the pattern of the imperial judiciary now emerges with some clarity. First, the Court has repudiated over 175 years of nearly unanimous agreement that Congress, not the Court, will decide what constitutes "necessary and proper" legislation under any of its, Congress', enumerated powers. Then in a parallel maneuver, the Court has announced that it, not the Congress, will decide what constitutes "appropriate" remedial legislation to enforce civil rights and civil liberties.

Let me return for a moment to the *Violence Against Women Act*, which I began earlier in my speech. Prior to the enactment of the *Violence Against Women Act*, I held extensive hearings in the Judiciary Committee when I was chairman, compiling voluminous evidence on the pattern of violence against women in America. The massive legislative record Congress generated over a 4-year period of those

hearings supported Congress' explicit findings that gender-motivated violence does substantially and directly affect interstate commerce. How? By preventing a discrete group of Americans, i.e., women, from participating fully in the day-to-day commerce of this country. These are the types of findings, I might add, that were absent when the Congress first enacted the Gun-Free School Zone Act, struck down in the *Lopez* case.

Let me remind you that Congress, when we enacted the civil rights provision invalidated in *Morrison*, found:

[C]rimes of violence motivated by gender have a substantial adverse impact upon interstate commerce by deterring potential victims of violence from traveling interstate, from engaging in employment in interstate business, from transacting with businesses and in places involved in interstate commerce. Crimes of violence motivated by gender have a substantial adverse effect on interstate commerce by diminishing national productivity, increasing medical and other costs, and decreasing the supply of and the demand for interstate products. . . .

I cannot emphasize enough the seriousness of the toll that we found gender-motivated violence exacts on interstate commerce. Such violence denies women an equal opportunity to compete in the job market, imposing a heavy burden on our national economy.

Witness after witness at the hearing testified that as a result of rape, sexual assault, or domestic abuse, she was fired from, forced to quit, or abandoned her job. As a result of such interference with the ability of women to work, domestic violence was estimated to cost employers billions of dollars annually because of absenteeism in the workplace. Indeed, estimates suggested that we spend between \$5 and \$10 billion a year on health care, criminal justice, and other social costs merely and totally as a consequence of violence against women in America.

In response to this important national problem, one to which we found the States did not or could not adequately respond, Congress enacted my Violence Against Women Act in 1994, which included provisions authorizing women to sue their attackers in Federal court. This statute reflected the legislative branch's judgment that State laws and practices had failed to provide equal and adequate protection to women victimized by domestic violence and sexual assault and that the lawsuit would provide an adequate means of remedying these deficiencies. This was no knee-jerk response to a problem. Congress specifically found that State and Federal laws failed to "adequately provide victims of gender-motivated crimes the opportunity to vindicate their interests" and that:

. . . existing bias and discrimination in the criminal justice system often deprives victims of crimes of violence motivated by gender of equal protection of the laws and the redress to which they are entitled.

The funny thing about these explicit congressional findings and this moun-

tain of data, as Justice Souter in his dissent called it, showing the effects of violence against women on interstate commerce—the funny thing about this is that the Supreme Court acknowledged all of it. They said: We don't challenge that.

This is the new height in their imperial judicial thinking. That is right. The Court acknowledged all of the findings of my committee. In *Morrison*, the Supreme Court recognized that in contrast to the lack of findings in the legislation on the Gun-Free School Zone case, *Lopez*, that the civil rights provisions of the Violence Against Women Act were supported by "numerous factual findings" about the impact of gender-motivated violence on interstate commerce.

But the Court also acknowledged the failure of the States to address this problem—they acknowledged the States had not addressed it before we did—noting that the assertion that there was a pervasive bias in State justice systems against victims of gender-motivated violence was supported by a "voluminous congressional record." They acknowledged that there was this great impact on interstate commerce. They acknowledged—because I had my staff, over 4 years, survey the laws and the outcomes in all 50 States—that many State courts had a bias against women.

So they acknowledged both those predicates.

Instead of according the deference typically given to congressional factual findings, supported by, as they said, a voluminous record, and without even the pretense of applying what we lawyers call the "traditional rational basis test"—that is, if the Congress has a rational basis upon which to make its finding, then we are not going to second-guess it; that is what we mean by "rational basis"—the Court simply thought it knew better.

This marks the first occasion in more than 60 years that the Supreme Court has rejected explicit factual findings by Congress that a given activity substantially affects interstate commerce. The Court justified this abandonment of deference to Congress by declaring that whether a particular activity substantially affects interstate commerce "is ultimately a judicial rather than a legislative question."

You got this? For the first time in 60 years, since back in the days of the *Lochner* era, the Supreme Court has come along and said they acknowledge that the Congress has these voluminous findings that interstate commerce is affected and the States aren't doing anything to deal with this national problem of violence against women; they are not doing sufficiently enough.

There is a bias in their courts. We acknowledge that. But they said, notwithstanding that, the question of whether a specific activity substantially affects interstate commerce "is ultimately a judicial rather than a legislative question." Hang on, here we go back to 1925.

As Justice Souter said in his dissent, this has it exactly backwards, for "the fact of such a substantial effect is not an issue for the courts in the first instance, but for the Congress, whose institutional capacity for gathering evidence and taking testimony far exceeds ours."

In short, in a decision that reads more like one written in 1930 than in 2000, the Court held that the judicial, not the legislative, branch of the Government was better suited to making these decisions on behalf of the American people—a conclusion that certainly would have surprised Chief Justice Marshall, the author of the seminal commerce clause decision in *Gibbons v. Ogden* in the early 1800s.

The judgments that the Congress made in enacting the Violence Against Women Act were, in my view, the correct ones. Even if you disagree with me, though, they were the Congress' judgments to make, not the Court's judgments to make.

When it struck down the Violence Against Women Act, the Court left little doubt that it was acting outside its proper judicial role. They said that the commerce clause did not justify the statute because the act of inflicting violence on women is not a "commercial" act. It said that section 5 of the 14th amendment also did not justify this act because creating a cause of action against the private perpetrators of violence is not an "appropriate" remedy for the denial of equal protection that occurs when State law enforcement fails vigorously to enforce laws that ought to protect women against such violence.

Over the course of this speech today, I have discussed seven significant decisions since 1995: *Lopez*, the gun-free school zones case; *Boerne* against *Flores*, the Religious Freedom Restoration Act case; *Seminole Tribe* and *Alden*, the two decisions prohibiting us from creating judicial enforceable economic rights for State employees; *Florida Prepaid*, the patent remedy case; *Kimel*, the Age Discrimination Act case; and finally, *Morrison*, the Violence Against Women Act case.

None of them deal fatal blows to our ability to address these significant national problems, but they each, in varying degrees, make it much more difficult for us to be able to do so.

There are two even more important points to make about these cases.

First, together, these cases are establishing a pattern of decisions founded on constitutional error—an error that allocates far too much authority to the Federal courts and thereby denies to the elected branches of the Federal Government the legitimate authority vested in it by the Constitution to address national problems.

Second, this is a trend that is fully capable of growing until it does deal telling blows to our ability to address significant national problems. This is not only my assessment; it is shared, for example, by Justice John Paul Stevens, who was appointed to the Court

by Gerald Ford. Dissenting in the *Kimel* case, Justice Stevens has written that "the kind of judicial activism manifested in [these cases] represents such a radical departure from the proper role of this Court that it should be opposed whenever the opportunity arises."

That is not JOE BIDEN speaking; that is a sitting member of the Supreme Court appointed by a Republican President.

It is also shared by Justice David Souter, who was appointed by President Bush. Dissenting in the *Lopez* case, Justice Souter has written that "it seems fair to ask whether the step taken by the Court today does anything but portend a return to the untenable jurisprudence from which the Court extricated itself almost 60 years ago." He was referring to the *Lochner* era.

It is shared by Justice Breyer, a Clinton appointee. Dissenting in *College Savings Bank v. Florida Prepaid*, Justice Breyer has written that the Court's decisions on State sovereign immunity "threaten the Nation's ability to enact economic legislation needed for the future in much the way *Lochner v. New York* threatened the Nation's ability to enact social legislation over 90 years ago."

Significantly, this imperialist trend can continue to grow and flower in two different places. The Supreme Court itself can continue to write more and more aggressive decisions, cutting deeper and deeper into the people's capacity to govern themselves effectively at a national level.

In the short term, perhaps the odds are that this will not occur. Many of the decisions in this pattern have been decided by votes of five Justices to four Justices, and it may be that one or more of the conservative majority has gone about as far as he or she is prepared to go at this time.

In the longer term, however, we can quite reasonably expect two or three appointments to the Court in the next 4 to 8 years, and if those appointments result in replacing moderate conservatives on the Court with activist conservatives, we have every reason to expect that this trend I have outlined for the last 45 minutes would gain momentum.

It can also bloom in the lower courts. This may, to some extent, be by design of the Justices who are taking the lead in the Court today. Certainly, many people have remarked on the proclivity of Justice Scalia to author opinions containing sweeping language that creates new ambiguities in the law and which then often provide a hook on which lower court judges can hang their judicial activism.

Already, opinions have been written by lower court judges overturning the Superfund legislation, challenging the constitutionality of the Endangered Species Act, calling into doubt Federal protection of wetlands, and eviscerating the False Claims Act, among

others. Not all of these judicial exercises can be corrected by the Supreme Court, even if it were inclined to do so, because the Court decides only 80 or so cases a year from the entire Federal system.

In concluding, I wish to describe in the most basic terms why the imperialist course upon which the Court has embarked constitutes a danger to our established system of government.

In case after case, the Court has strayed from its job of interpreting the Constitution and has instead begun to second guess the Congress about the wisdom or necessity of enacted laws. Its opinions declare straightforwardly its new approach: The Court determines whether legislation is "appropriate," or whether it is proportional to the problem we have validly sought to address, or whether there is enough reason for us to enact legislation that all agree is within our constitutionally defined legislative power.

If in the Court's view legislation is not appropriate, or proportional, or grounded in a sufficient sense of urgency, it is unconstitutional—even though the subject matter is within Congress' power, and even though Congress made extensive findings to support the measure.

More significant than the invalidation of any specific piece of legislation, this approach annexes to the judiciary vast tracts of what are properly understood as the legislative powers. If allowed to take root, this expanded version of judicial power will undermine the project of the American people, and that project is self-government, as set forth in the Constitution.

To understand the alarm that Justice Stevens, Justice Souter, and others have sounded about the Court's pattern of activism, we must understand the way the Constitution structures the Federal Government and the reasons behind that structure. We must also understand the history and the practice that have made the Constitution's blueprint a reality and provide a scale to measure when the balance of power has gone dangerously awry. These considerations amply support Justice Stevens's assessment of "a radical departure from the proper role of this Court."

The Constitution (supplemented by the Declaration of Independence) sets forth the great aspirations and objects of our nation. It does not, however, achieve them. That is the great project of American politics and government: to achieve the country envisioned in those founding documents. The way to meet our aspirations and establish our national identity and our character as a people is through the process of self-government.

The Declaration of Independence proclaims our fundamental commitment to liberty and equality. These commitments are by no means self-executing. The history of our nation is in no small part the history of a people struggling to comprehend these commitments and to put these high ideals into practice.

The Constitution itself was concerned with a more complex function. Whereas the Declaration explained the reasons for splitting from Great Britain, the Constitution was concerned with explaining why the former colonies should remain united as a single nation. It was also concerned with the task of providing a government that could fulfill the promise and purposes of union.

The Framers who arrived in Philadelphia to debate and draft the Constitution were no longer immediately animated by an overbearing and oppressive government. In fact, our first national government, under the Articles of Confederation, was the precise opposite.

The emergency that brought the leading citizens of the North American continent together in Philadelphia that Summer of 1787 was the inability of the national government to act in any effective way. These framers saw the vast potential of the new nation with its unparalleled natural and human resources.

They saw as well the danger posed by foreign powers and domestic unrest. They realized too that the Confederation could never act credibly to exploit the nation's potential or to quell domestic and foreign hostilities. As Alexander Hamilton put it, "[w]e may indeed with propriety be said to have reached almost the last stage of national humiliation. There is scarcely anything that can wound the pride or degrade the character of an independent nation which we do not experience."

Hamilton urged that the nation ratify the Constitution and throw off the ability of the states to constrain the national government: "Here, my countrymen, impelled by every motive that ought to influence an enlightened people, let us make a firm stand for our safety, our tranquility, our dignity, our reputation. Let us at last break the fatal charm which has too long seduced us from the paths of felicity and prosperity."

Indeed, Hamilton may have been understating the degree of the crisis. Gouverneur Morris, a leading delegate from Pennsylvania, warned that "This country must be united. If persuasion does not unite it, the sword will . . . The scenes of horror attending civil commotion cannot be described . . . The stronger party will then make [traitors] of the weaker; and the Gallows & Halter will finish the word of the sword."

The words of the Constitution's preamble are not idle rhetoric. The founding generation ratified the Constitution in order to establish a government that could decisively and effectively act to "provide for the common defense, promote the general welfare, and secure the blessings of liberty." This is a fundamental constitutional value that must always be brought to bear when construing the Constitution.

Yet, it is precisely this constitutional value that the Supreme Court



has lost sight of. Consider, for example, Justice Kennedy's statement in the case striking down the Line Item Veto Act. "A nation cannot plunder its own treasury without putting its Constitution and its survival in peril."

The statute before us then is of first importance, for it seems undeniable the Act will tend to restrain persistent excessive spending." Who is he to make that judgment? Yet, Justice Kennedy viewed this as completely irrelevant to the statute's constitutionality. He concurred that the Line Item Veto Act violates separation of powers even though there was no obvious textual basis for this conclusion and no apparent threat to any person's liberty.

Justice Kennedy is right about one thing. His statement is premised on the view that the Court is not particularly well-suited to make policy or political judgments. This is accurate and no mere happenstance. The Constitution itself structures the judiciary and the political branches differently by design.

The Judiciary is made independent of political forces. Judges hold life tenure and salaries that cannot be reduced. The purpose of the entire structure of the judiciary is to leave judges free to apply the technical skills of the legal profession to construe and develop the law, within the confines of what can be fairly deemed legal reasoning.

Outside this realm is the realm of policy. Here Congress and the President enjoy the superior place, again by constitutional design. The political branches are tied closely to the people, most obviously through popular elections.

Between elections, the political branches are properly subject to the public in a host of ways. Moreover, the political branches have wide-ranging access to information through hearings, through studies we commission, and through the statistics and data we routinely gather.

This proximity to the people and to information makes Congress the most suitable repository of the legislative power; that is, the power to deliberate as agents of the public and to determine what laws and structures will best "promote the general welfare."

It is much easier to describe the distinction between the judicial and the legislative power in the abstract than it is to apply in practice. That is why so much of our constitutional history has been devoted to developing doctrines and traditions that keep the judiciary within its proper sphere.

After much upheaval, the mid-twentieth century yielded a stable and harmonious approach to questions relating to the scope of Congress's powers: these questions are largely for the political branches and the political process to resolve—not the courts.

To be sure, the Court has a role in policing the outer boundaries of this power, but it is to be extremely deferential to the specific judgment of Congress that a given statute is a nec-

essary and proper exercise of its constitutional powers. When the Court fails to defer, as it had during several periods prior to the New Deal, it inevitably finds itself making judgments that are far outside the sphere of the judicial power.

This is the point of Justice Stevens' warning. The Court is departing from its proper role in scope of power cases. What was initially uncertain, even after Lopez and Boerne, is now inescapable: This imperial Court, in case after case, is freely imposing its own view of what constitutes sound public policy. This violates a basic theory of government so carefully set forth in our Constitution. In theory, therefore, there is ample reason to expect that the Supreme Court's recent imperialism will undermine the fundamental value animating the Constitution, and that is the ability of the American people to govern themselves effectively and democratically.

I yield the floor.

The PRESIDING OFFICER (Mr. HAGEL). The Senator from Michigan.

Mr. LEVIN. Mr. President, I yield to the Senator from Missouri up to 7 minutes for a statement he wishes to make, and I ask unanimous consent I be allowed to do that without losing my right to the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Missouri.

Mr. ASHCROFT. Mr. President, I thank the Senator from Michigan for his kindness to me. I certainly am not the one to object to that unanimous consent. I appreciate that very much.

I express my unequivocal support, and I rise to do so for the many efforts that we are making in this Congress to reform U.S. policy on embargoes of food and medicine. Now is the time to reevaluate the policies we have engaged in in the past that are perpetuating losses to America.

Food embargoes can be summed up as a big loss: a loss to the U.S. economy, a loss of jobs, a loss of markets. For example, embargoed countries buy 14 percent of the world's total rice, 10 percent of the world's total wheat purchases, and the list goes on.

When we lose those markets for America, we should have a very good reason. There should be some benefit if we are going to give up access to 14 percent of the world's rice import market, 10 percent of the world's wheat market, for soybean farmers, cattlemen, hog farmers, poultry producers, cotton, and corn farmers.

The nation of Cuba, for example, imports about 22 million pounds of pork a year. Someone says that is important to the livestock farmers. Feed that pig corn before exporting it, so it is important to the grain farmers, as well.

The embargo causes a loss in America's foreign policy. Often we think we will inflict some sort of pressure or injury on another country and, instead of hurting them, we help them. I don't think there was any more dramatic

case of that than the Soviet grain embargo with 17 million tons of grain and those contracts were canceled. Instead of hurting the Soviet Union, they replaced the contracts in the world marketplace at a \$250 million benefit to the Soviet Union. Instead of hurting the former Soviet Union, we helped the former Soviet Union. That particular weapon was dangerous. Using food and medicine as an embargo is dangerous because that weapon backfires. Instead of hurting our opponent, we helped our opponent.

Who did we hurt? We hurt the American farm agricultural community. We hurt the food processing community. We need to make a commitment to ourselves that we need to reform this area of embargoing food and medicine resources.

The provision the Senator from Kansas and I and others will likely offer today simply reaffirms what we have been trying to do for some time; that is, to get real reform of humanitarian sanctions. I will cosponsor Senator ROBERTS' and Senator BAUCUS' amendment. I support it fully. However, the amendment should not be necessary. Twice we have passed sanctions reform for food and medicine in the Senate. Why is it necessary to do this a third time? My clear preference is to pass sanctions reform for all countries, not only for Cuba. We should reform the sanctions regime for all countries, not only Cuba, and we should ensure that future sanctions will not be imposed arbitrarily.

Last year, the Senate accepted overwhelmingly, by a vote of 70-28, accepted an amendment that I and many of my colleagues offered. That amendment lifts food and medicine sanctions across the board, not only applying the lifting of the sanctions to Cuba.

When we went to the House-Senate conference, the democratic process was derailed. We were not voted down. The conference was shut down because the votes were there to affect what the Senate had clearly voted in favor of. That is, the reformulation of our policy in regard to food and medicine embargoes. The conference was shut down by a select few individuals in the Congress who were outside of the conference committee.

This reform proposal was then adopted by the Senate Foreign Relations Committee. I am pleased the Senate Foreign Relations Committee has embraced the concept, which the Senate voted 70-28 in favor of, in spite of the fact this was shot down when the committee was shut down in the conference last year.

Once again, this provision passed the Senate this year. Senators DORGAN and GORTON offered it as an amendment in the agricultural appropriations markup, and it was accepted overwhelmingly.

Once again, we are faced with a House-Senate conference. It would be very troublesome to me if the democratic process is not allowed to work,



especially after we have seen the will of Congress and the American people. That will is clearly expressed as a will to reform and embrace the reform of sanctions imposed by the President. It has passed the Senate Foreign Affairs Committee, and it has passed the Senate twice. Some version of this effort has now passed the House of Representatives and is broadly supported all across America.

I hold in my hand a list of about 50 organizations, dozens and dozens and dozens of organizations, including the American Farm Bureau, the National Farmers Union, the U.S. Chamber of Commerce, Gulf Ports of the Americas Association, the AFL-CIO. That is a pretty broad set of groups that want to reform this practice of embargoes.

I ask unanimous consent to have this list printed in the RECORD.

There being no objection, the list was ordered to be printed in the RECORD, as follows:

GROUPS AND INDIVIDUALS SUPPORTING THE  
AMENDMENT:

Missouri Farm Bureau, and numerous other Missouri farm organizations, The American Farm Bureau, The National Farmers Union, American Soybean Association, U.S. Rice Producers Association, Wheat Export Trade Education Committee, National Association of Wheat Growers, U.S. Wheat Associates, National Grain Sorghum Producers, Cargill.

ConAgra, Riceland, U.S. Chamber of Commerce, Grocery Manufacturers of America, Gulf Ports of the Americas Association, The AFL-CIO, Washington Office of Latin America, Resource Center of the Americas, The U.S.-Cuba Foundation, Cuban American Alliance Education Fund.

Association for Fair Trade with Cuba, The U.S.-Cuba Friendship/Bay Area, Americans for Humanitarian Trade with Cuba, Cuban Committee for Democracy, U.S.A./Cuba InfoMed, USCUBA Trade Association, Cuban Committee for Democracy, Cuban American Alliance Education Fund, Inc., InterAction (the American Council for Voluntary International Action).

Latin American and Caribbean Region American Friends Service Committee, World Neighbors, Lutheran World Relief, Church of the Brethren, Washington Office, Bread for the World, Paulist National Catholic Evangelization Association, World Education, Lutheran Brotherhood, PACT, Third World Opportunities Program.

Concern America, Center for International Policy, Program On Corporations, Law, and Democracy (POCLAD), Unitarian Universalist Service Committee, Committee of Concerned Scientists, Inc., (which is chaired by Joel Lebowitz, Rutgers University, Paul Plotz, National Institutes of Health, and Walter Reich, George Washington University), Women's International League for Peace and Freedom, Oxfam America, Institute for Food and Development Policy.

Paulist National Catholic Evangelization Association, The Alliance of Baptist, Institute for Human Rights and Responsibilities, Chicago Religious Leadership Network on Latin America, Fund for Reconciliation and Development, Guatemala Human Rights Commission, USA, The Center for Cross-Cultural Study, Inc., Mayor Gerald Thompson, City of Fitzgerald, Georgia, Professor Hose Moreno, Professor of Sociology, University of Pittsburgh, Berkeley Adult School, Career Center Director June Johnson, Youngstown State University, Dept. of Foreign Language,

Lake Charles Harbor & Terminal District, Catholic Relief Services.

Mr. ASHCROFT. We are today offering yet another amendment because there is concern that the democratic process in the agricultural appropriations House-Senate conference will not be respected.

Let me be clear. We would not have to be here today offering this amendment that says "don't enforce the law," if we in the Congress were allowed to change the law, which is the purpose of Congress.

If you don't want to change the law, you don't need a Congress. You can have the same laws all the time. We found a law that is not working; we should change the law. This amendment will be a "don't enforce the law" amendment, but the truth is, our prior expressions on this are clear. We ought to change the law so we won't have to talk about withdrawing funding for enforcement.

My preference is to get this issue resolved in the agricultural appropriations conference and pass embargo reform for all countries and for future sanctions. We need to send real embargo reform to the President's desk this year. That should be our objective. I will support this amendment today which I am cosponsor of, but real reform, and reforming the regime, the framework in which these sanctions are proposed, is what we ought to do. It is what we have done. I believe, ultimately, it is what we will do for the benefit of not only those who work in agriculture and who respect foreign policy but for future generations and the relations of the United States with other countries.

I yield the floor.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, the Treasury-Postal appropriations bill includes a provision to establish a special postage stamp called the semipostal, intended to raise funds for programs to reduce domestic violence.

I am a very strong supporter of programs to reduce domestic violence—I believe Congress should fully fund those programs—but I do not agree that another semipostal issue should be mandated by the Congress.

Semipostals are stamps that are sold with a surcharge on top of the regular first-class postage rate, with the extra revenue earmarked for a designated cause. Those causes are invariably causes which I think most, if not all, support. They are very appealing causes that come to Congress and ask to require the Postal Service to issue a stamp that has an amount for first-class postage more than the regular 33 cents amount, with the difference going to their cause.

The one and only time that we ever did that was for an extraordinarily worthy cause—breast cancer research. The question now is whether we are going to continue down that road and, as a Congress, mandate the Postal

Service to issue those stamps for a whole bunch of causes that are competing with each other for us to mandate the Postal Service to issue such a stamp.

Section 414 of this bill says:

In order to afford the public a convenient way to contribute to funding for domestic violence programs, the Postal Service shall establish a special rate of postage for first-class mail under this section.

It then goes on to describe what that rate shall be. It says in part of this section that:

It is the sense of the Congress that nothing in this section should directly or indirectly cause a net decrease in total funds received by the Department of Justice or any other agency of the Government, or any component or program thereof below the level that would otherwise have been received but for the enactment of this section.

I am not sure how this can possibly be enforced. But that is just one of the problems, not the basic problem, with this language.

As I indicated, the first and only example in American history of a semipostal stamp being issued was the breast cancer research stamp which required the Postal Service to turn over extra revenue, less administrative costs, to the National Institutes of Health and the Department of Defense for its breast cancer research programs. That stamp broke tradition in Congress, not just because it was the first semipostal in our Nation's history but also because it was the first time that Congress mandated the issuance of any stamp in 40 years. I think our tradition of keeping Congress out of the stamp selection process has worked with respect to commemorative stamps, and I believe we should follow that with respect to semipostals as well.

For the last 40 years, Congress has deferred to the Postal Service and to an advisory board which it has set up, nonpartisan, out of politics, objective. That Citizens' Stamp Advisory Committee recommends subjects for the commemorative stamp program. That committee, the Citizens' Stamp Advisory Committee, was created more than four decades ago to take politics out of the stamp selection process. Committee members review thousands of stamp subjects each year and select only a small number that they believe will be educational and interesting to the public and meet the goals of the Postal Service.

Although Congress advises that advisory committee on stamp subjects by making recommendations through letters that we send or through sense-of-Congress resolutions, until now, for the last 40 years, Congress has left the decisionmaking on stamp issuance up to the Postal Service.

This is what the Postal Service says about the role of the Citizens Stamp Advisory Committee:

The U.S. Postal Service is proud of its role in portraying the American experience to a world audience through the issuance of postage stamps and postal stationery.

Almost all subjects chosen to appear on U.S. stamps and postal stationery are suggested by the public. Each year, Americans submit proposals to the Postal Service on literally thousands of different topics. Every stamp suggestion is considered, regardless of who makes it or how it is presented.

On behalf of the Postmaster General, the Citizens' Stamp Advisory Committee (CSAC) is tasked with evaluating the merits of all stamp proposals. Established in 1957, the Committee provides the Postal Service with a "breadth of judgment and depth of experience in various areas that influence subject matter, character and beauty of postage stamps."

The Committee's primary goal is to select subjects for recommendation to the Postmaster General that are both interesting and educational. In addition to Postal Service's extensive line of regular stamps, approximately 25 to 30 new subjects for commemorative stamps are recommended each year. Stamp selections are made with all postal customers in mind, not just stamp collectors. A good mix of subjects, both interesting and educational, is essential.

Committee members are appointed by and serve at the pleasure of the Postmaster General. The Committee is composed of 15 members whose backgrounds reflect a wide range of educational, artistic, historical and professional expertise. All share an interest in philately and the needs of the mailing public.

The Committee itself employs no staff. The Postal Service's Stamp Development group handles Committee administrative matters, maintains Committee records and responds to as many as 50,000 letters received annually recommending stamp subjects and designs.

The Committee meets four times yearly in Washington, D.C. At the meetings, the members review all proposals that have been received since the previous meeting. No in-person appeals by stamp proponents are permitted. The members also review and provide guidance on artwork and designs for stamp subjects that are scheduled to be issued. The criteria established by this independent group ensure that stamp subjects have stood the test of time, are consistent with public opinion and have broad national interest.

Ideas for stamp subjects that meet the CSAC criteria may be addressed to the Citizens' Stamp Advisory Committee, c/o Stamp Development, U.S. Postal Service, 475 L'Enfant Plaza, SW, Room 4474E, Washington, D.C. 20260-2437. Subjects should be submitted at least three years in advance of the proposed date of issue to allow sufficient time for consideration and for design and production, if the subject is approved.

The Postal Service has no formal procedures for submitting stamp proposals. This allows everyone the same opportunity to suggest a new postage stamp. All proposals are reviewed by the Citizens' Stamp Advisory Committee regardless of how they are submitted, i.e., postal cards, letters or petitions.

After a proposal is determined not to violate the criteria set by CSAC, research is done on the proposed stamp subject. Each new proposed subject is listed on the CSAC's agenda for its next meeting. The CSAC considers all new proposals and takes one of several actions: it may reject the new proposal, it may set it aside for consideration for future issue or it may request additional information and consider the subject at its next meeting. If set aside for consideration, the subject remains "under consideration" in a file maintained for the Committee.

What is important about all that is that there are very clear procedures

where every citizen of this country can make a recommendation to the committee which has certain basic criteria to determine the eligibility of subjects for commemoration on U.S. stamps. These criteria are set forth for the general public to see—12 major areas guide the selection.

It is a general policy that U.S. postage stamps and stationery primarily will feature American or American-related subjects.

No living person shall be honored by portrayal on U.S. postage.

Commemorative stamps or postal stationery items honoring individuals usually will be issued on, or in conjunction with significant anniversaries of their birth, but no postal item will be issued sooner than ten years after the individual's death. The only exception to the ten-year rule is the issuance of stamps honoring deceased U.S. presidents. They may be honored with a memorial stamp on the first birth anniversary following death.

Events of historical significance shall be considered for commemoration only on anniversaries in multiples of 50 years.

Only events and themes of widespread national appeal and significance will be considered for commemoration. Events or themes of local or regional significance may be recognized by a philatelic or special postal cancellation, which may be arranged through the local postmaster.

Stamps or stationery items shall not be issued to honor fraternal, political, sectarian, or service/charitable organizations that exist primarily to solicit and/or distribute funds. Nor shall stamps be issued to honor commercial enterprises or products.

These criteria—I have just read six of them; there are a total of 12—are set forth for the public to see and for everybody to have a fair chance, according to certain criteria set forth in advance to have a recommendation considered.

The stamp advisory committee, however, does not issue semipostals. One of the questions we need to face as a Congress is whether or not, given the fact we now are beginning to authorize semipostage such as the breast cancer research, semipostal, it would not be better for us to authorize the advisory committee of the Postal Service to be performing this important function.

The problem is that since the breast cancer research stamp has been authorized, we have had dozens of requests for a semipostal stamp. This is a list of some of the bills that have been introduced. These are just the bills that have been introduced for semipostal: AIDS research and education; diabetes research; Alzheimer's disease research; prostate cancer research; emergency food relief in the United States; organ and tissue donation awareness; World War II memorial; the American Battle Monuments Commission; domestic violence programs; vanishing wildlife protection programs; highway-rail grade crossing safety; domestic violence programs—a second bill; another bill on organ and tissue donation awareness; childhood literacy.

There are not too many of us, I believe, who are about to vote against a stamp that could raise—could raise, I emphasize—some funds because the

cost of these issues are supposed to be deducted from the receipts, but I do not believe there are too many of us who are in a position where we would want to vote against a stamp or anything else that could assist AIDS research, diabetes research, Alzheimer's disease, prostate cancer research, or organ and tissue donation. Many of us have devoted a great deal of our lives to those and other causes such as the World War II memorial and the National Battle Monuments Commission.

When the breast cancer research stamp was approved, I voted against it. I was one of the few who did. That created for me, and for others who voted no, the prospect that somebody would then say I opposed funds for breast cancer research, which obviously I do not. In a split second, I would have voted to increase the appropriation for breast cancer research by the amount of money which might have been raised by this stamp so we could give to NIH an amount of money at least equal to what might be raised by such a stamp. Obviously, I am not opposed to additional funds. Indeed, the opposite is true.

What does trouble me, however, is that we are now beginning a course which will politicize the issuance of stamps again in this country. We had taken politics out of it by the creation of an advisory committee. For 40 years this advisory committee, and this advisory committee alone, has decided and made the recommendation to the Postal Service what commemoratives will be issued. They have not issued any semipostals nor were any issued by this country until the breast cancer research stamp was approved.

Now in this bill we have another good cause, money which would go to programs aimed at reducing domestic violence. There is no doubt about the validity of the cause. The problem is that we have no criteria, that we do this ad hoc, helter-skelter.

We have already authorized one stamp, which I will get to in a moment, that relates to grade crossing safety. This is on the calendar, approved by the Governmental Affairs Committee, not yet approved by the Senate. This is going to unleash a politicization process of the issuance of stamps which I do not believe will benefit this Nation.

I think it will be incredibly difficult for the Postal Service, which does not want us to require the issuance of semipostals. They are still sorting through the breast cancer research stamp costs. We should reauthorize the breast cancer research stamp because we have already authorized the stamp and it has been printed, and unless we reauthorize it, then this program will run out. This is a very different issue from voting for an additional issue, and the next, and the next.

I will spend a couple of minutes this afternoon talking about what happened with another semipostal stamp which was proposed in a bill and was approved by the committee. I did not vote for it

in the Governmental Affairs Committee, not because I oppose its cause, but, again, for what this is going to unleash upon us in terms of politics—issuance of stamps and using the issuance of stamps to raise money for causes which will then be vying against each other. I do not think that is in anybody's interest.

The one example on which I want to focus for a few moments is a proposal which has already been approved by the Governmental Affairs Committee, and that is what is called the Look, Listen, and Live Stamp Act. That bill requires the Postal Service to issue a semipostal stamp for an organization called Operation Lifesaver.

Operation Lifesaver is a nonprofit organization which is dedicated to highway and rail safety through education. Operation Lifesaver seems to be a fine organization, but it is not the only organization which is committed to preventing railroad casualties. As a matter of fact, railway safety advocates are split on the issue of grade crossing safety and the best method to prevent rail-related injuries. Operation Lifesaver, for example, emphasizes safety through education, while other railway safety advocates promote safety by funding automatic lights and gates at railway crossings.

After the Governmental Affairs Committee reported this stamp proposal, railroad safety organizations contacted my office to represent their disagreement with the "look, listen, and live stamp" primarily because of the emphasis that one organization, Operation Lifesaver, puts on education and education only.

The president of a group called the Coalition for Safer Crossings wrote me the following letter:

Dear Senator LEVIN: I personally find Operation Lifesaver spin on education appalling. Three and a half years ago, I lost a very dear and close friend of mine at an unprotected crossing in southwestern Illinois. Eric was nineteen. I fought to close the crossing where Eric was killed and since helped many families after the loss of a loved one through my organization, the Coalition for Safer Crossings. And now today, we are moving forward with other smaller organizations to form a national organization to combat certain types of education being put out by other groups and to help victims' families and help change the trend of escalating collisions. The National Railroad Safety Coalition is comprised of families and friends of victims of railroad car collisions, unlike Operation Lifesaver.

Again, Operation Lifesaver is the group that is going to receive the net dollars that will be raised by the issuance of this "look, listen, and live stamp."

Then the head of this competing group says:

I personally and professionally oppose this measure. If the United States Congress is truly concerned about this issue of railroad crossing safety and is dead set on making stamps, then you should make a railroad safety stamp not a Operation Lifesaver stamp. And rather than have the money go to their type of education, have it go to-

wards the States funds for grade crossing upgrades in that State. A matching dollar scheme comes to mind from the State.

He concludes:

I am currently 23 years old. When I was in high school, I received the same driver safety training regarding grade crossings safety as my best friend Eric did. Eric is now gone. The funds from this proposed stamp would not have helped him. Now if this stamp would have been around prior to 1996 and funds were allocated to the State of Illinois for hardware and a set of automatic lights and gates were installed at this crossing in question I wouldn't be writing you this letter today. I hope you understand the difference.

Mr. President, at the time that this stamp was approved in the Governmental Affairs Committee, I submitted minority views on this issue. In part, this is what I wrote just about a year ago this month:

For over 40 years, the U.S. Postal Service has relied on the Citizens' Stamp Advisory Committee to review and select stamp subjects that are interesting and educational. The committee chooses the subjects of U.S. stamps using as its criteria, 12 major guidelines, established about the time of the Postal Reorganization Act. [They] have guided the committee in its decisionmaking function for decades.

The tenth criteria guiding [their] selection makes reference to semi-postal stamps, the type of stamp that the Postal Service would be required to issue if the Look, Listen, and Live Stamp Act were enacted. With respect to semi-postals, the guidelines state, "Stamps or postal stationery items with added values, referred to as 'semi-postals,' shall not be issued. Due to the vast majority of worthy fund-raising organizations in existence, it would be difficult to single out specific ones to receive such revenue. There is also a strong U.S. tradition of private fund-raising for charities, and the administrative costs involved in accounting for sales would tend to negate the revenues derived." This position was also reflected in a . . . letter from Postmaster General William Henderson.

He has also cautioned and urged our committee not to mandate the issuance of specific semipostals.

So I do not believe that we can and should be in the business of deciding to promote one worthy charity over another, one specific organization over another. This stamp, the one that is now on the calendar—not the one in this bill; the one on the calendar—for safety at railway crossings is, it seems to me, an example of a stamp that may not be workable, and yet the full Governmental Affairs Committee has reported this bill out.

Then what are we to do? We are going to be presented with a number of proposals relative to semipostals. Many of our colleagues have introduced bills. The bill before us has such a provision. I believe the answer comes from Representative McHUGH and Representative FATTAH, who are the chairman and the ranking member of the House Government Reform Subcommittee on the Postal Service. They put their views in a bill, H.R. 4437, which passed the House of Representatives on July 17.

It gives the Postal Service the authority to issue semipostals. It re-

quires the Postal Service to establish regulations, before issuing any stamp, relating to, first, which office within the Postal Service shall be responsible for making decisions with respect to semipostals; two, what criteria and procedures shall be applied in making those decisions; and, three, what limitations shall apply, such as whether more than one semipostal will be offered at any one time.

The McHugh bill also requires the Postal Service to establish how the costs incurred by the Postal Service as a result of any semipostal are to be computed, recovered, and kept to a minimum. One thing we learned from the breast cancer semipostal is that the Postal Service did not establish an accurate accounting system for tracking the cost of semipostals.

According to a recently released GAO report, "Breast Cancer Research Stamp, Millions Raised for Research, But Better Cost Recovery Criteria Needed"—that is the title of the report—the Postal Service did not track all monetary or other resources used in developing and selling the breast cancer research stamp. They kept track of some costs but were not able to determine the full costs of developing and selling the stamp. Postal officials obviously should keep track of both revenues and their full costs so that the appropriate net can be determined for delivery to that particular cause.

The McHugh bill is before this body. The McHugh bill, in addition to authorizing the issuance of semipostals by the stamp advisory committee, also reauthorizes the breast cancer research stamp. It does both things. I hope this body will take up this bill and adopt this kind of procedure in order to attempt to take this issue out of politics and not put us in a position where we have to vote between a stamp raising money for AIDS research or diabetes research or Alzheimer's research or prostate cancer research, organ and tissue donation research, the World War II Memorial, domestic violence, and on and on.

I doubt very much that we would want to vote no to any of those. Yet we cannot possibly have all of them at once. The Postal Service cannot possibly handle the accounting, the delivery, the sale of all those stamps. They have urged us very strongly not to be authorizing and mandating the issuance of those stamps.

So I hope that when the bill comes before us, which I hope will be any time, we will reauthorize the breast cancer research stamp. Again, even though I voted against it, for the reasons I have given here this afternoon, nonetheless I think, given the fact that the stamps have been printed and that effort is already underway, and the huge number of people who have already been involved in promoting the sale, and the women and men from around this country who have gone out of their way to use that stamp are in

place—they have been operating; they have been very successful, very productive with millions of dollars that will be raised, the pluses of continuing to reauthorize that stamp, once it has been issued, and once that effort is underway, outweigh the negatives, which I have outlined this afternoon.

At the same time, I hope that the rest of the McHugh bill will be adopted by us so that we can put into place criteria which will make it a lot easier for us to have a sensible system for the issuance of semipostals.

Mr. President, on a matter that relates directly to this bill, because it is a Treasury bill, I want to just spend a few minutes talking about the issue of the budget surplus, and the response of the Congress to that budget surplus. I want to use, as my text, and then intersperse some comments into it, a memorandum that the Director of the Office of Management and Budget, Jacob Lew, wrote on the effect of congressional legislative action on the budget surplus. This is what the OMB Director wrote:

This memo is in response to your request that OMB assess the effect of legislative action on the budget surplus. Over the past six months, Congress has passed nine major tax cuts resulting in a cost of \$712 billion over ten years. Draining this sum from the United States Treasury reduces the amount of debt reduction we can accomplish, thereby increasing debt service costs by \$201 billion over ten years. Therefore, the Congressional tax cuts passed to date will draw a total of \$913 billion from the projected surplus.

In addition, the Congressional majority has stated clearly that its tax cuts to date represent only a "down payment" in a long series of tax cuts it intends to realize. While there has been little specificity about the size and nature of the entire program, the full range of action taken by the 106th Congress, both last year and this, provides an indication of the total impact of the Congressional tax cut proposals on the surplus.

In the first session of the 106th Congress, the majority passed one large measure, which included a variety of tax cuts totaling \$792 billion. Excluding certain individual tax cuts which passed this year as well as last year (such as elimination of the estate tax and the marriage penalty), the cost of tax cuts passed last year amounts to \$737 billion, and the additional debt service amounts to \$148 billion for a total of \$885 billion.

Jacob Lew goes on as follows:

The bill-by-bill approach to tax cuts in the absence of an overall framework masks the full impact and risks of the cumulative cost.

I will repeat that because that is the heart of the matter.

The bill-by-bill approach to tax cuts in the absence of an overall framework masks the full impact and the risks of the cumulative cost. In the absence of more specific indications about the content and number of future tax cuts the congressional majority has stated it plans to produce, we have used the total costs associated with tax cuts from the 106th Congress as an illustration of Republican plans. If their plans remain consistent with the past activity, the full cost of this program would be:

- tax cuts of \$1.44 trillion
- additional debt service of \$349 billion
- for a total of \$1.796 trillion.

The effect of such tax cuts would be to completely eliminate the projected non-Social Security/Medicare budget surplus at the end of ten years. Even by the more optimistic projections the entire surplus would be drained. The most recent CBO projections issued earlier this week estimate a ten-year non-Social Security/Medicare surplus of \$1.8 trillion. OMB's recent projections estimate a ten-year non-Social Security/Medicare surplus of \$1.5 trillion. In either case, because the costs of the tax cuts match or exceed the projected budget surplus, there would be no funds available for any of the nation's other pressing needs, including our proposals to establish a new voluntary Medicare prescription drug benefit, pay an additional \$150 billion in debt reduction to pay down the debt by 2012, expand health coverage to more families, provide targeted tax cuts that help America's working families with the cost of college education, long-term care, child care and other needs, or extend the life of Social Security and Medicare.

Those are the options we are going to be faced with in the next few months, whether or not we want to take this projected surplus of either \$1.5 trillion or \$1.8 trillion—we are only talking about the non-Social Security, non-Medicare surplus—whether we want to take that surplus, which the CBO estimates is \$1.8 trillion and the OMB estimates is \$1.5 trillion, and use that almost exclusively or exclusively for the tax cuts which have been proposed, or whether we want to use a significant part of that surplus to pay down the national debt faster, to establish a new voluntary prescription drug benefit, to expand health coverage, to expand opportunity for college education, and to extend the life of Social Security and Medicare.

I want to put in the RECORD in a moment the list of the pending tax cuts in the 106th Congress which Jack Lew makes reference to, the \$934 billion, approximately, in the 10-year cost. These are bills which have been passed by one body or another or one committee or another in one body: Marriage Penalty Conference Committee, \$293 billion; Social Security tier 2 repeal, \$117 billion; estate tax in the House \$105 billion; the Patients' Bill of Rights in the House, \$69 billion; the communications excise tax, \$55 billion; the Taxpayers Bill of Rights, \$7 billion; then the subtraction for provisions in multiple bills and so forth. Then you have to add the interest costs of these tax cuts. That comes out to be about \$900 billion.

I ask unanimous consent to print this list in the RECORD.

There being no objection, the list was ordered to be printed in the RECORD, as follows:

#### PENDING TAX CUTS IN THE 106TH CONGRESS

[10-year cost, in billions of dollars]

Tax Legislation (Body Passed):	
Marriage Penalty (Conf. Cmte.)	293
Minimum Wage (House)	123
Social Security Tier II Repeal (W&M Cmte.)	117
Estate Tax (House)	105
Patient's Bill of Rights (House)	69
Communications Excise Tax (Finance Cmte.)	55
Pension Expansions (House)	52
Education Savings (Senate)	21
Taxpayer Bill of Rights 2000 (House)	7
Trade Act (Enacted)	4

#### PENDING TAX CUTS IN THE 106TH CONGRESS—Continued

[10-year cost, in billions of dollars]

Subtraction for Provisions in Multiple Bills (Estimate)	99
Interest Cost of Tax Cuts (Estimate)	187
Total, Pending Tax Legislation	934
Plus New Markets/Renewal Communities	20

Mr. LEVIN. Mr. President, there are problems with each of the major tax bills. I may spend a moment on each of those problems. On the estate tax bill, it has problems. There is an alternative which is a better alternative, which would help more people. For those relatively few people who do pay an estate tax, the alternative Democratic plan would provide immediate relief—100 percent relief to people who have less than \$8 million per couple for family farms and small businesses; total and immediate relief for those people in the alternative plan.

The bill which has been adopted has a major problem in that it favors upper income individuals, the wealthiest among us, and most of its benefits go to those people rather than the people who need this the most, which are individuals and married couples who have estates that might be, in the case of a family farm or small business, \$8 million or less. But there is a bigger problem, whether we are talking about repeal of the estate tax or the marriage penalty tax. And there—regarding the marriage penalty, we have an alternative as well which would benefit a larger number of low and moderate income people with a greater benefit instead of a group of people who are at the upper end of the income level. The major problem I have with these tax bills is that when you put them all together, what it means is that we would not be able to apply this surplus to reduction of the national debt.

I am out there, as all of us are, in our home States. I talk to people and ask people in all the meetings I have: What do you primarily want us to spend the surplus on? Do you want tax cuts—putting aside for the moment whether they benefit upper income folks or benefit working families, put aside that issue for the moment; that is a major issue—do you basically want us to take this \$1.8 trillion and pay down the national debt? Or do you want that to go in tax cuts?

Overwhelmingly, repeatedly, I hear back from people, they want us to pay down the national debt. Whether we are talking about younger people, middle-age people, older people, they all come to the same conclusion: No. 1, we can't be sure the surplus will be that large so don't spend it all on anything, be it tax cuts or other programs. Spend most of it on protecting the future economy of the United States. Spend most of it on that \$6 trillion debt that has been rung up—to reduce the amount of that debt, to try to assure that the economy, which we now have humming, will stay humming; that an economy which we finally have at a

point where we don't add to the national debt with annual deficits each year, that is healthy in terms of interest rates and job creation and in low inflation, that that economy will be there for us next year, next decade, next generation.

I believe that is what the American people overwhelmingly want us to do. We can argue, and we should, and we can debate, and we should, which estate tax proposal is a better estate tax proposal. That is a legitimate debate. We obviously have an alternative to the one that was adopted which is targeted to the people who need it the most, people who have farms and small businesses and estates worth up to \$8 million, people who are still paying an estate tax even though it might mean in some cases that they could lose that family farm. Our alternative provides total relief to those families and immediate relief to those families, unlike the one that was passed by the Republican majority which gives most of its cuts to the people who need it the least, people who are in the higher brackets, higher asset levels, and phases it in and then only does it partially.

We should, and we do, debate those issues: Which alternative plans on the estate tax or on the marriage penalty tax provide the fairest kind of tax relief to the people who need it the most. But the underlying issue, which is one I hope we will keep in mind, is whether or not we want to commit this projected surplus of almost \$2 trillion in 10 years to any of these proposals to the extent that we have. Be it tax cuts or be it efforts to improve education or health care or what have you, it is my hope and belief that the greatest contribution we can make to our children and to their children is to protect this economy, to try to keep an economy, which is now doing so well, healthy in future years, as it has been in the past few years. That means we need to protect that surplus, not spend it; not use it for tax cuts on the assumption that there is going to be \$1.8 trillion or \$1.5 trillion over the next 10 years, because there is too much uncertainty in that, because our people sense—and correctly—that we do not know for certain that that budget surplus will in fact be there.

There has been recent public opinion polling which seems to me illuminating on this subject. When people are asked whether or not they want to protect Social Security and Medicare and pay down the debt, or whether or not they think passing a tax cut is the better way to go, 75 percent believe protecting Social Security and paying down the debt is the most important priority we have right now. Only 23 percent favor passing tax cuts as an alternative. When asked the question of whether or not the trillion-dollar tax cut package that was passed last year, without a penny for Medicare, and whether or not the tax cuts that are being added this year to the same

amount, still without a penny for Medicare, is the better way to go, 63 percent say no, 32 percent say yes.

So the public senses that with the surplus we have, the proportion we project, the best thing we can do to protect our economy and the best thing we can do with that projected surplus is in fact to pay down the debt, protect Medicare, and to target our efforts on some of the needs we have as a country, rather than to provide for the kind of tax cuts that we have seen the Republicans enact.

What I have said about the estate tax is also true relative to the marriage penalty bill. We have two alternatives—the one that passed, but we also have an alternative that did not pass, which provides targeted, comprehensive relief and is fiscally more responsible because it leaves more for debt reduction and, therefore, overall is a better value for the American taxpayer. The alternative completely eliminates the penalty in all of its forms, not just in a few, as the marriage tax penalty legislation we passed does. The Democratic alternative eliminates it for couples earning up to \$100,000, which is 80 percent of all married couples, and it costs \$29 billion per year when fully phased in.

The plan that was adopted, the Republican plan, confers 40 percent of its benefits on taxpayers who currently suffer a penalty. In other words, only 40 percent of the benefits of the Republican plan go to taxpayers who currently actually suffer a penalty. The rest of the people who get a benefit in the Republican plan either don't suffer a penalty—indeed they received a bonus when they got married—or are left untouched one way or another. And the Republican plan addresses only 3 of the 65 instances of the penalty in the Tax Code, whereas the Democratic alternative plan addresses every place in the Tax Code where the marriage penalty exists. And the Republican plan costs \$40 billion when fully phased in as compared to \$29 billion per year for the alternative Democratic plan.

So, again, it seems to me it is a pretty clear choice that we have: Do we want a plan that is targeted to people who earn under \$100,000, that confers benefits on people who are truly penalized when they are married, in terms of the taxes they pay, and a plan that does so at a cost significantly less than in the Republican plan that was adopted? Or do we want to adopt the more costly plan, most of the benefits of which go to people who are in the upper income brackets, and then do not address totally the problem that exists for those people who do suffer a tax penalty upon marriage?

The same thing is true with the overall tax cut that has been proposed. We have basically two alternatives that have been set forth to the American people, not yet put in the legislative form, but which have been proposed by Governor Bush and Vice President

GORE. According to the Citizens For Tax Justice, the distribution of benefits of the Bush plan basically provides that 10 percent of the taxpayers get 60 percent—the upper 10 percent, the top 10 percent of taxpayers, get 60 percent of the benefits; the bottom 60 percent of the taxpayers get 12 percent of the benefits. That is the tax plan that has been proposed by Governor Bush.

It would reduce revenues by \$460 billion over the first 5 fiscal years, and by \$1.3 trillion over 9 fiscal years, plus an additional \$265 billion in associated interest costs. That is an extraordinarily expensive plan. We haven't seen that yet in legislative form, and I am not sure we will. Nonetheless, the American people are again going to be presented with very different approaches as to how we should use the surplus.

Some people say, "Senator, that is our money you are talking about; what is wrong with the tax cut?" My answer is that it is our money, your money. It is also our economy. It is also our Social Security program. It is also our Medicare program. It is also our education program. It is our health care program.

So the argument that this money belongs to the people of the United States is clearly true. I think it is undeniable. I can't imagine anybody suggesting that anything in the Treasury is anything but the property of the people of the United States. But the other half of that, which is too often left out, is that the economy, which is now healthy, belongs to the people of the United States. They have made it possible, through their work, for us to have a strong economy. Keeping that economy healthy is also the job of this Congress, as well as the job of the people of the United States.

The Social Security system, which has made such a difference for so many that the poverty rate among seniors is now 5 percent, compared to the poverty rate among children, which is 20 percent, mainly because of the existence of Social Security—that program belongs to the people of the United States. Protecting that program is also our responsibility. So to say that, yes, the surplus belongs to the people is true. But the Medicare program, Social Security program, health care program, education program also belong to the people of the United States.

I yield the floor.

THE PRESIDING OFFICER. The Senator from Wisconsin.

MR. FEINGOLD. Mr. President, I come to the floor today to discuss moving to the Treasury-Postal appropriations bill.

I agree with the Majority Leader and others who have come to the floor this year to insist that we do the people's business, and that the people's business means completing all of the appropriations bills.

There are several very important amendments that will be proposed to this legislation, and we must give them the time and consideration they deserve. I may well vote against the

Treasury-Postal appropriations bill in the end, but I recognize the importance of taking it up, considering it, and getting it done.

We have got to take care of the unfinished business.

We have more appropriations bills to consider, and we have other business as well, as my colleagues are well aware.

I find it interesting to look at some of the other measures we have considered, and still might consider, this year.

I am talking about priorities—what we get done on this floor, and what gets ignored.

As I said, it is essential that we pass these appropriations bills—they are the core of the people's business, because they keep the government up and running.

But beyond bills like Treasury-Postal, what are we choosing to do?

Recently, we chose to consider a repeal of the estate tax. As I said during that debate, the estate tax affects only the wealthiest property-holders. In 1997, only 42,901 estates paid the tax. That's the wealthiest 1.9 percent. People are already exempt from the tax in 98 out of 100 cases. Let me repeat that: Already, under current law, 98 out of 100 do not pay any estate tax.

The Republican estate tax repeal would give the wealthiest 2,400 estates—the ones that pay now half the estate tax—an average tax cut of \$3.4 million each. And remember, 98 out of 100 people would get zero, nothing, from this estate tax cut.

Now, this doesn't sound like something most Americans are clamoring for.

It is of no use to most Americans, in fact. But it is of use to a very small—but wealthy—group of people.

Those who are wealthy enough to be subject to estate taxes have great political power.

They can make unlimited political contributions, and they are represented in Washington by influential lobbyists that have pushed hard to get the estate tax bill to the floor.

The estate tax is one of those issues where political money seems to have an impact on the legislative outcome. That's why I recently Called the Bankroll on some of the interests behind that bill, to give my colleagues and the public a sense of the huge amount of money at stake—not taxes, but political contributions.

We considered that bill not because it affected the vast majority of Americans, but because it directly affected the pocketbooks of a wealthy few.

A similar point can be made about another piece of legislation, the H-1B bill.

We haven't considered it yet, but we may well yet, and so far a terrific effort has been made by both sides to see it taken up.

Why? Why, when we have more appropriations bills to consider, when we have the real people's business to do, are we pushing so hard to take up H-1B?

Because the high-tech industry wants this bill to get done.

In the case of H-1B, I'm not addressing the merits of the legislation—I am not necessarily opposed to raising the level of H-1B visas. Instead I want to point out what is on our agenda and why? Why is it that we have this set of legislation as part of our agenda?

The high tech industry wants to get this bill passed, and they have the political contributions to back it up.

American Business for Legal Immigration, a coalition which formed to fight for an increase in H-1B visas, offers a glimpse of the financial might behind proponents of H-1Bs. ABLI is chock full of big political donors, and not just from one industry, but from several different industries that have an interest in bringing more high-tech workers into the U.S.

Price Waterhouse Coopers, pharmaceutical company Eli Lilly, telecommunications giant and former Baby Bell BellSouth, and software company Oracle, to name just a few.

All have given hundreds of thousands of dollars in this election cycle alone, and they want us to pass H-1B.

We all know this.

This is standard procedure these days for wealthy interests—you have got to pay to play on the field of politics. You've got to pony up for quarter-million dollar soft money contributions and half-million dollar issue ad campaigns, and anyone who can't afford the price of admission is going to be left out in the cold.

I Call the Bankroll to point out what goes on behind the scenes on various bills—the millions in PAC and soft money that wealthy donors give, and what they expect to get in return.

And yet we don't do anything about it.

We took a small but important step toward better disclosure of the activity of wealthy donors earlier this summer when we passed the 527 disclosure bill.

But there is a great deal more to do.

We are going to keep pushing until we address the other gaping loopholes in the campaign finance law.

Right now, wealthy interests have the power to help set the political agenda.

Wealthy interests spend unlimited amounts of money to push for bills which serve the interests of the wealthy few at the expense of most Americans.

We have got to question why consider some bills on this floor while we ignore so many crucial issues the American people care about—like increasing the minimum wage and supporting working families.

But instead we are left with an agenda that looks like wealthy America's "to do" list.

How does it happen, Mr. President?—It's all about access, and access is all about money.

Both parties openly promise, and even advertise, that big donors get big access to party leaders.

Weekend retreats and other "special events" where wealthy individuals have the chance to talk about what they want done—whether that might be a repeal of the estate tax, or that their company wants to see the H-1B bill passed this year.

Needless to say, that is the kind of access most Americans can't even dream of.

And I have to wonder why we aren't doing anything about that.

I am all for the doing people's business, and right now the people's business should be the Treasury-Postal Appropriations bill, and that's why I support the motion to proceed, even though I may well vote against the underlying bill in the end.

But I don't think that an issue like the repeal of the estate tax is the people's business—not 98 out of every hundred people, anyway.

We need to get at the heart of what is wrong here.

Our priorities are warped by the undue influence of money in this chamber.

We have got to change our priorities, and do it now, by putting campaign finance reform back on the agenda.

Because the best way to loosen the grip of wealthy interests is to close the loophole that swallowed the law: soft money.

Soft money has exploded over the past few years.

Soft money is the culprit that brought us the scandals of 1996—the selling of access and influence in the White House and to the Congress. The auction of the Lincoln Bedroom, of Air Force One. The White House coffees. All of this came from soft money because without soft money, the parties would not have to come up with ever more enticing offers to get the big contributors to open their checkbooks.

Soft money also brings us, time and time again, questions about the integrity and the impartiality of the legislative process. Everything we do is under scrutiny and subject to question because major industries and labor organizations are giving our political parties such large amounts of money. Whether it is telecommunications legislation, the bankruptcy bill, defense spending, or health care, someone out there is telling the public, often with justification in my view, that the Congress cannot be trusted to do what is best for the public interest because the major affected industries are giving us money.

For more than a year now, I have highlighted the influence of money on the legislative process through the Calling of the Bankroll. And the really big money, that many believe has a really big influence here, is soft money. We have to clean our campaign finance house and the best place to start is by getting rid of soft money. Let's play by the rules again in this country. With soft money there are no rules, no limits. But we can restore some sanity to our campaign finance



system. When I came to the Senate, I will confess, I didn't even really know what soft money was. After a tough race against a very well financed opponent who spent twice as much as I did, I was mostly concerned with the difficulties that people who are not wealthy have in running for office. My interest in campaign finance reform derived from that experience. Soft money has exploded since I arrived here, with far reaching consequences for our elections and the functioning of the Congress. Now I truly believe that if we can do nothing else on campaign finance reform, we must stop this cancerous growth of soft money before it consumes us.

I will take a few minutes to describe to my colleagues the growth of soft money in recent years. It is a frightening story. Soft money first arrived on the scene of our national elections in the 1980 elections, after a 1978 FEC ruling opened the door for parties to accept contributions from corporations and unions, who are barred from contributing to federal elections. The best available estimate is that the parties raised under \$20 million in soft money in that cycle. By the 1992 election, the year I was elected to this body, soft money fundraising by the two major parties had risen to \$86 million. Eighty-six million dollars is clearly a lot of money; it was nearly as much as the \$110 million that the two presidential candidates were given in 1992 in public financing from the U.S. Treasury. And there was real concern about how that money was spent. Despite the FEC's decision that soft money could be used for activities such as get out the vote and voter registration campaigns without violating the federal election law's prohibition on corporate and union contributions in connection with federal elections, the parties sent much of their soft money to be spent in states where the Presidential election between George Bush and Bill Clinton was close, or where there were key contested Senate races.

Still, even then, even with that tremendous increase in the use of soft money, soft money was far from the central issue in our debate over campaign finance reform in 1993 and 1994. In 1995, when Senator McCain and I first introduced the McCain-Feingold bill, our bill included a ban on soft money, but it was not particularly controversial and no one paid that much attention to it at that time.

Then came the 1996 election, and the enormous explosion of soft money, fueled by the parties' decision to use the money on phony issue ads supporting their presidential candidates. Remember those ads that everyone thought were Clinton and Dole ads but were actually run by the parties? That was the public debut of soft money on the national scene. The total soft money fundraising skyrocketed as a result. Three times as much soft money was raised in 1996 as in 1992. Let me say that again—soft money tripled in one

election cycle. The reason was the insatiable desire of the parties for money to run phony issue ads, and that desire has only increased since 1996. Both political parties are raising unprecedented amounts of soft money for ad campaigns that are already underway this year. Soft money is financing our presidential campaigns, and this Congress stands by doing nothing about it.

Fred Wertheimer, a long time advocate of campaign finance reform said it well in an op-ed in the Washington Post on Monday: He wrote,

Vice President Al Gore and Gov. George W. Bush and their presidential campaigns are living a lie. The lie is this: that the TV ads now being run in presidential battleground states across America are political party "issue ads." In fact, everyone—and I mean everyone—knows that these ads are presidential campaign ads being run for the unequivocal purpose of directly influencing the presidential election.

Wertheimer goes on to say:

The "issue ad" campaigns now underway blatantly promote and feature Gore and Bush, are designed and controlled by the Gore and Bush presidential campaigns and are targeted to run in key battleground states. The political parties are merely conduits for the scheme and cover for the lie.

He continues:

What's the significance of all of this? Well, for starters we are living this lie in the election for the most important office in the world's oldest democracy. The lie will result in some \$100 million or more in huge corrupting contributions being illegally used by Gore and Bush in the 2000 presidential election. (Many millions more will be illegally used in the 2000 congressional races.)

Mr. President, I ask unanimous consent that the full text of Mr. Wertheimer's article, "Gore, Bush, and the Big Lie" be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Washington Post, July 24, 2000]

GORE, BUSH, AND THE BIG LIE

(By Fred Wertheimer)

Vice President Al Gore and Gov. George W. Bush and their presidential campaigns are living a lie. The lie is this: that the TV ads now being run in presidential battleground states across America are political party "issue ads." In fact, everyone—and I mean everyone—knows that these ads are presidential campaign ads being run for the unequivocal purpose of directly influencing the presidential election.

The presidential campaigns and political parties know it, the media know it and so do the viewers of the ads, which are indistinguishable from other presidential campaign ads being run.

As such, the "issue ads" are illegal, because, among other things, they are being financed with tens of millions of dollars of soft-money contributions that the law says cannot be used to influence a federal election. The "issue ad" campaigns now underway blatantly promote and feature Gore and Bush, are designed and controlled by the Gore and Bush presidential campaigns are targeted to run in key battleground states. The political parties are merely conduits for the scheme and cover for the lie.

What's the significance of all of this? Well, for starters we are living this lie in the election for the most important office in the

world's oldest democracy. The lie will result in some \$100 million or more in huge corrupting contributions being illegally used by Gore and Bush in the 2000 presidential election. (Many millions more will be illegally used in the 2000 congressional races.)

The lie makes a mockery of the common-sense intelligence of voters and the honesty of the presidential race. And, to date, no one in authority is prepared to do anything about it.

How did it happen that this lie came to rest at the core of our national elections? Well, in good part we have Presidential Clinton to thank. It was Clinton who, more than anyone else, developed and "perfected" the lie, and the legal fiction on which it is based.

Soft money had been a problem prior to 1995, but no presidential candidate had ever tried to use soft money to finance a TV ad campaign promoting his candidacy. That's not because politicians weren't clever enough to think of this, but because everyone understood it was illegal.

Then President Clinton and his staff invented a scam for the 1996 election: They would use the Democratic Party as a front for running a "second" presidential campaign. This \$50 million second campaign would use soft money—funds that the law does not allow in a presidential campaign—to finance Clinton campaign ads that would be labeled Democratic Party "issue ads."

It didn't take long for the Republican presidential candidate, Bob Dole, to follow suit. Today, four years later, the "issue ads" lie is standard political practice in presidential and congressional races.

The lie is built on the legal fiction that under Supreme Court rulings, political party ads are not covered by federal campaign finance laws unless they contain such magic words as "vote for" or "vote against" a specific federal candidate. That's supposed to be true even if the party ads promote a specific federal candidate and even if the ads are coordinated with or controlled by the candidate.

But the reality is that neither the Supreme Court nor any other federal court has ever said anything of the kind regarding political party ads. When the Supreme Court established the "magic words" test in *Buckley v. Valeo*, it made explicit that it was for outside groups and non-candidates only and did not apply to communications by candidates or political parties. And in any case, the "magic words" test is not applicable when an ad campaign is conducted in coordination with a federal candidate, as a Washington federal district court confirmed last year.

The Justice Department, in its failure to pursue the 1996 Clinton soft-money ads, never found the ads to be legal. Instead, Attorney General Reno closed the case based on the Clinton campaign's reliance on its lawyers' advice, which she said was "sufficient to negate any criminal intent on their part."

The general counsel of the Federal Election Commission did find that the 1996 soft-money ads were illegal. The commission, however, by a 3 to 3 tie vote, refused to proceed with an enforcement action. Thus we are left today with enforcement authorities that refuse to act against these soft money ads and, at the same time, refuse to say they are legal. And the lie goes on.

Mr. FEINGOLD. Mr. President, the big lie led to the transformation of our two great political parties into soft money machines. And what was the effect of this explosion of soft money, other than the millions of dollars available for ads supporting presidential candidates who had agreed to



run their campaigns on equal and limited grants from the federal taxpayers? Soft money is raised primarily from corporate interests who have a legislative axe to grind. And so the explosion of soft money brought an explosion of influence and access in this Congress and in the Administration.

Here are some of the companies in this exclusive group. We know they have a big interest in what the Congress does—Philip Morris, Joseph Seagram & Sons, RJR Nabisco, Walt Disney, Atlantic Richfield, AT&T, Federal Express, MCI, the Association of Trial Lawyers, the NEA, Lazard Freres & Co., Anheuser Busch, Eli Lilly, Time Warner, Chevron Corp., Archer Daniel's Midland, NYNEX, Textron Inc., Northwest Airlines. It's a who's who of corporate America, Mr. President. They are investors in the United States Congress and no one can convince the American people that these companies get no return on their investment.

They have a say, much too big a say, in what we do. It's that simple, and it's that disturbing. That's why our priorities are so out of whack, Mr. President. We should be going to the Treasury-Postal appropriations bill, and that's why I support the motion to proceed, despite the fact that I may vote against it when all is said and done. I recognize we have to focus on what people want, not what wealthy interests want.

As I said when I first began Calling the Bankroll last year, we know, if we are honest with ourselves, that campaign contributions are involved in virtually everything that this body does. Campaign money is the 800-pound gorilla in this chamber every day that nobody talks about, but that cannot be ignored. All around us, and all across the country, people notice the gorilla. Studies come out on a weekly basis from a variety of research organizations and groups that lobby for campaign finance reform that show what we all know: The agenda of the Congress seems to be influenced by campaign money. But in our debates here, we are silent about that influence, and how it corrodes our system of government.

I have chosen not to remain silent, but I know there are those who wish that I would stop putting the spotlight on facts that reflect poorly on our system, and in turn on the Senate, and on both the major political parties.

I wish our campaign finance system wasn't such an embarrassment.

I wish wealthy interests with business before this body didn't have unlimited ability to give money to our political parties through the soft money loophole, but they do.

I wish these big donors weren't able to buy special access to our political leaders through meetings and weekend retreats set up by the parties, but they can.

I wish fundraising skills and personal wealth weren't some of the most sought-after qualities in a candidate

for Congress today, but everyone knows that they are.

Most of all I wish that these facts didn't paint a picture of Government so corrupt and so awash in the influence of money that the American people, especially young people, have turned away from their government in disgust, but every one of us knows that they have.

It is our unwillingness to discuss it or even acknowledge the influence of this money in this body that makes it even worse.

It goes on and on, and it just gets worse.

Last year was another record-breaker in the annals of soft money fundraising—the national political party committees raised a record \$107.2 million during the 1999 calendar year—81 percent more than they raised during the last comparable presidential election period in 1995, according to Common Cause.

An 81 percent increase is astounding, especially considering that the year it's compared with—1995, the last off-election year preceding a presidential election—which was itself a record-breaking year for soft money fundraising.

This year one of the most notable fundraising trends hits very close to home, or to the dome, as the case may be: Congressional campaign committees raised more than three times as much soft money during 1999 as they raised during 1995—\$62 million compared to \$19.4 million.

That is a huge increase, Mr. President.

Three times as much soft money—much of it raised by members of Congress.

Now the latest news reports show record-breaking soft money figures for the first quarter of this year as well.

How should the public view this?

What can we expect them to think as Members of Congress ask for these unlimited contributions from corporations, unions and wealthy individuals, and then turn around and vote on legislation that directly affects those donors that they just asked for all this money?

Frankly, it is all the more reason for Americans to question our integrity, whether those donations have an impact on our decisions or not.

They question our integrity, and we give them reason. Why aren't we getting their business done? I say let's get the business done—let's agree to move to Treasury-Postal, whether we'll support that bill in the end or not. And then let's move on to the other pressing issues before us—not tax cuts for the wealthy, but real priorities like campaign finance reform.

Let's put a stop to the soft money arms race that escalates every day, and involves more and more Members of Congress.

I do not know how many of my colleagues are actually picking up the phones across the street in our party

committee headquarters to ask corporate CEOs for soft money contributions. But no one here can deny that our parties are asking us to do this. It is now part of the parties' expectations that a United States Senator will be a big solicitor of soft money.

Consider the soft money raised in recent off-year elections. In 1994, the parties raised a total of \$101.7 million. Only about \$18.5 million of that amount was raised by the congressional and senatorial campaign committees. In 1998, the most recent election, soft money fundraising more than doubled to \$224.4 million. And \$107 million of that total was raised by the congressional and senatorial campaign committees. That's nearly half of the total soft money raised by the parties.

Half the soft money that the parties raised in the last election went to the campaign committees for members of Congress, as opposed to the national party committees. And I and many of my colleagues know from painful experience that much of that money ended up being spent on phony issue ads in Senate races. The corporate money that has been banned in federal elections since 1907 is being raised by Senators and spent to try to influence the election of Senators. This has to stop.

The growth of soft money has made a mockery of our campaign finance laws. It has turned Senators into panhandlers for huge contributions from corporate patrons. And it has multiplied the number of corporate interests who have a claim on the attention of members and the work of this institution.

I truly believe that we must do much more than ban soft money to fix our campaign finance system. But if there is one thing more than any other that must be done now it is to ban soft money. Otherwise the soft money loophole will completely obliterate the Presidential public funding system, and lead to scandals that will make what we saw in 1996 seem quaint. Virtually no one in this body has stepped up to defend soft money. So let's get rid of it once and for all. Now is the time. Let's move to the Treasury-Postal Appropriations bill, vote yes or no, and then let's do what we have to get done.

When we define what we need to get done this year, let's get serious. It is not the estate tax, and it's not the H-1B bill. It's banning soft money.

Now there is more support for banning soft money than ever before.

I think it is important to talk on this floor about just who those Americans are who want to clean up this campaign finance system, because today calls for reform are coming from an incredible range of people in this country, including some very unlikely places.

One of the most interesting places you can find demands for reform is corporate America, where one group of corporate executives, tired of being shaken down for bigger and bigger contributions, has said enough is enough.

This organization, called the Committee for Economic Development, issued a report and proposal urging reform, including the elimination of soft money.

One might guess that this group of people, who are in the position to use the soft money system to their advantage, would not dream of calling for reform.

But the soft money system cuts both ways—it not only allows for legalized bribery of the political parties, it also allows legalized extortion of soft money donors, who are being asked to give more and more money every election cycle to fuel the parties' bottomless appetite for soft money.

But it isn't just weariness at being shaken down that led CED members to call for reform of our broken campaign finance system. Let me quote from the CED report, which stated their concern so well:

Given the size and source of most soft money contributions, the public cannot help but believe that these donors enjoy special influence and receive special favors. The suspicion of corruption diminishes public confidence in government.

The bigger soft money contributions get—and the amounts are truly skyrocketing—the more damaging the effect on the public's perception of our democracy.

I applaud CED for its commitment to restoring the public's faith in government by calling for a soft money ban.

And CED is just one part of a growing movement to call on this body to clean up our campaign finance system.

One of the most inspiring leaders of the movement for reform is not any business leader, or political figure for that matter. She is a great grandmother from Dublin, New Hampshire named Doris Haddock. Doris, known affectionately as Granny D, walked clear across the United States at age 90 to insist that Congress pay attention to reform issues.

She walked across mountains and desert, in sweltering heat and freezing cold, to make her point. And along the way she inspired thousands of others to speak up about the corrupting influence of money in politics, and demand action from Congress. I was proud to have her support for the McCain-Feingold bill, and I am thrilled to have such a devoted ally on this issue.

The fight for reform is also gaining tremendous strength from religious organizations that are reaching out to educate and mobilize their congregations about the issue.

Support from religious organizations includes: The Episcopal Church, Church Women United, the Lutheran Office for Governmental Affairs, the Evangelical Lutheran Church of America, the Church of the Brethren's Washington Office, the Mennonite Central Committee's Washington Office, the National Council of the Churches of Christ in the USA, the Union of American Hebrew Congregations, the United Church of Christ's Office for Church in

Society, the United Methodist Church's General Board of Church and Society, and NETWORK—a national Catholic social justice lobby.

Reform has the vital support of environmental groups like the Environmental Defense Fund, Friends of the Earth and The Sierra Club, and the backing of seniors groups like AARP and the Gray Panthers.

The support for reform in this country is strong, it is vocal, and is truly broad-based. We also have the support of consumer watchdogs like the Consumer Federation of America, health organizations like the American Heart Association, children's groups such as the Children's Defense Fund, and of course the support of groups like Common Cause and Public Citizen, which have been fighting a terrific fight against the undue influence of money in politics for decades.

And I could go on. We are talking about people from every walk of life, every income level and every political affiliation. But they all have one simple thing in common: They are demanding an end to the soft money system that has made a mockery of our campaign finance laws, has deepened public cynicism about this body, and darkened the public perception of our democracy.

The public is watching us right now. That is why I want us to move to the Treasury-Postal Appropriations bill, whether we support it or not—so that they can have faith that we are doing what we should be doing. Not serving wealthy interests, but doing their business, and doing it responsibly.

And being responsible means acting on campaign finance reform.

That is what people want—their voices can be heard loud and clear in polls on the campaign finance issue:

Two out of three Americans think money has an "excessive influence" on elections and government policy, according to Committee for Economic Development's March 1999 report on campaign finance reform.

Another CED poll question revealed that two-thirds of the public think "their own representative in Congress would listen to the views of outsiders who made large political contributions before a constituent's views";

74.5 percent of respondents believe the Government is pretty much run by a few big interests looking out for themselves, according to a poll from the Center for Policy Attitudes;

78 percent of respondents believe "the current set of laws that control congressional campaign funding needs reform," in a Hotline poll.

These numbers are even more disturbing than the numbers of the soft money donations themselves.

These numbers tell us that it's a given today that people think the worst of us and the work we do—they believe that we are on the take, and who could possibly blame them?

What is it that they do not understand, that they are misinterpreting

about this system and how it affects us? Nothing; the public has not missed a thing.

The public has got it exactly right. It is this body that has it wrong every time a minority of my colleagues block the majority of the Senate and will of the American people by trying to kill reform.

The public deserves a Congress that can respond to the concerns of all Americans, not a wealthy few.

The public deserves a responsible Congress that does its job by moving to the Treasury-Postal appropriations bill, whether we choose to vote yes or no, and the same goes for the other remaining approps bills that deserve our attention.

Most of all, the public deserves a Congress that can set priorities that represent the concerns of the American people, and not just soft money donors, not just those who can afford to attend weekend getaways with party leadership, and not just those who have estates of more than \$100 million dollars.

That is our challenge. Let's address the people's real priorities. Let's do the people's business, and let's get started right now.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. CRAPO). Without objection, it is so ordered.

Is there further debate on the motion?

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Under the rules, once a quorum is called off, if nobody seeks the floor, is it the requirement that the Chair put the question?

The PRESIDING OFFICER. That is correct.

Mr. BYRD. Mr. President, do I have the floor?

The PRESIDING OFFICER. The Senator from West Virginia has the floor.

Mr. BYRD. Mr. President, I simply cannot understand what is going on here. I wish someone would tell me. I think we had a unanimous vote a little earlier here on the motion to invoke cloture on the motion to proceed to the consideration of the Treasury-Postal Service appropriations bill.

Why don't we vote? Why don't we vote?

As the ranking member on the Appropriations Committee, I can say to my colleagues that Senator TED STEVENS and I—the chairman and I—and the various chairmen and ranking members of the subcommittees on Appropriations have worked hard—have worked hard—to bring these appropriations bills to the Senate floor. We need

to get on with acting on these appropriations bills so that we can send them to the President.

I can tell you what is going to happen. I have seen it happen all too often in recent years. We don't get the appropriations bills down to the President one by one, so that he can sign them or veto them, which he has a right to do. What we do is delay and delay and delay. As a result, when the time comes that the leaders and Senators have their backs to the wall, and there is a big rush on to finalize the work so Senators can go home and the Senate can adjourn sine die, then everything is crammed into one big bill, one omnibus bill.

I am telling you, you would be amazed at what happens in the conferences. You would be amazed to see what occurs in those conferences. Entire bills are sometimes put into the conference report—entire bills, bills that may or may not have passed either House. And the administration is there also. The executive branch has its representatives there. They are there for the purpose of getting administration measures or items that the executive branch wants put into those conference reports. The items may not have had a word of debate in either House. Neither House will have had an opportunity to offer amendments on bills or to debate measures, and yet those measures will be put, lock, stock, and barrel, into the conference reports.

Then the conference report comes back to the Senate, where Senators cannot vote on amendments to that conference report. So Senators, as a result, have no opportunity to debate these matters that are crammed into the conference reports in those conferences. They will have had no opportunity to debate them. They will have had no opportunity to amend them. They will have had no opportunity to vote on parts thereof. Yet Senators in this Chamber are confronted, then, with one package, and you take it or you leave it. You vote for it or you vote against it.

We have experienced that on a number of occasions. When we were considering the fiscal year 1997 appropriations, we had a conference report on the Defense Appropriations Bill and five additional appropriations bills were crammed into that conference report in conference, five appropriations bills. I believe two of them had never been taken up in the Senate. I believe two of them had had some debate, had been brought up, but had not been finally acted upon.

I intend at a future time to have all of this material researched so I can speak to it. Today, I recall there were five appropriations bills crammed into that conference report on the DOD Appropriations Bill. It was brought back to the Senate where Senators were unable to amend it and have votes on parts of it. And if Senators think that was bad, in fiscal year 1999, eight different appropriations bills were put

into the final omnibus package. In addition thereto, a tax bill was put into that package in the conference. I believe that tax bill involved about \$9.2 billion. That was put into the conference report. It had never had a day, an hour, or a minute of debate in this Senate. There were no amendments offered to it. Eight appropriations bills and a tax bill were all wrapped into one conference report in FY 1999, tied with a little ribbon, and Senators were confronted with having to vote for or against, that conference report—take it or leave it!

That was right at the end of the session when many Senators wanted to go home. They had town meetings scheduled; they wanted to go home. When that kind of circumstance arises, we are faced with a situation of having to vote on a bill that may contain thousands of pages which we have not had an opportunity to read. As I remember, there were 3,980 pages in that conference report. Imagine that. If the people back home knew what we were doing to them, they would run us all out of town on a rail. And we would be entitled to that honor, the way we do business here. All we do is carry on continual war in this body, continual war, each side trying to get the ups on the other side. It isn't the people's business we are concerned with. It is who can get the best of whom in the partisan battles that go on in this Chamber.

A lot of new Members come over from the House where they are accustomed, I suppose, to being told by their leaders what to do and how to do. Others come here fresh from the stump. I suppose they feel this is the way it has always been done. They don't know how it used to be done. They don't know that there was a day when we used to have conferences, and it was the rule that only items could be discussed in conference which had passed one or the other of the two bodies. Nothing could be put into a conference report that had not had action in one or the other of the two bodies. Otherwise, a point of order would lie against it.

I can assure you, those of you who are not on the Appropriations Committee, you ought to see what goes on in the conferences. Bills that have never passed either body, measures that have never passed either body, measures, in many instances, which are only wanted by the administration, are brought to that conference and are crammed into that conference report. The conference report comes back to the Senate. It is unamendable, and we have to take it or leave it. That is no way to do business.

I regret that it has come to this, and we are getting ready to do it again. I see the handwriting on the wall.

Those of you who have read the book of Daniel will remember Belshazzar having a feast with 1,000 of his lords. They drank out of the vessels that had been taken from the temple in Jeru-

salem and brought to Babylon. And as they were eating and drinking and having fun, Belshazzar saw a hand appear over on the wall near the candlestick. And he saw the handwriting: mene, mene, tekem, upharsin. So he sent for his wise men, his astrologers, and wanted them to tell him what this writing meant. They couldn't do it. But the Queen told Belshazzar that there was a young man in the kingdom who could indeed unravel this mystery. As a result, Daniel was sent for. He told the King what was meant by the handwriting on the wall: "God hath numbered thy kingdom, and finished it. Thou art weighed in the balances, and art found wanting. Thy kingdom is divided, and given to the Medes and the Persians." And that night, Belshazzar was slain and the Medes and the Persians took the kingdom.

I see the handwriting on the wall: mene, mene, tekem, upharsin. I see the handwriting. We have voted unanimously in this body today to proceed to take up the appropriations bill making appropriations for the Department of Treasury-Postal Service and so forth, but we are not going to vote on that. I have asked questions around: When are we going to vote? There is no intention to vote on that today. We have another cloture vote coming up within a few minutes. If that cloture motion is approved, the Senate will then take on that subject, and the Treasury-Postal appropriations bill will go back to the calendar. We are not going to take it up. There is no intention of voting on that bill, no intention. It will go back on the calendar.

Then what will happen? I see the handwriting on the wall. We will go to conference one day when we get back from the August recess. We will go to conference one day on another appropriations bill, and everything will go on that appropriations bill. I wish Daniel were here today so he could tell me exactly what the handwriting on this wall really means, but I think I know what it means. It means this bill isn't going to see the light of day until after the recess, and probably not then. In all likelihood, the Treasury-Postal Service bill will be put on a conference report, maybe on the legislative appropriations bill. This bill will go on that. As time passes, more and more appropriations bills will likely go on that in conference.

So we will get another conference report back here that is loaded—loaded—with appropriations bills. We won't know what is in them. We Senators won't know what is in those bills. We didn't know what was in the 3,980-page conference report in fiscal year 1999. We voted for it or against it blindly. I voted against it. I didn't know what was in it. That is what we are confronted with.

The American people, I think, are going to write us off as being irrelevant. We don't mean anything. We just stay here and fight one another and try to get the partisan best of one another.

Democrats versus Republicans, Republicans versus Democrats. Who can get the ups on the other side. The people will say we can go to hell. That is the attitude here. Hell is not such a bad word. I have seen it in the Bible, so I perhaps will not be accused of using bad language here. But that is what we are in for. That is the handwriting on the wall. We are going to replay the same old record and have these monumental conference reports come back here, unamendable, and we take them hook, line, and sinker, one vote. No amendments. We won't know what is in the bill.

How is that for grown up men and women? We won't know what is in the bill because we are playing politics all the time. We are playing politics. That is why we are not getting our work done. I am not blaming that side or this side. I am just blaming both sides. We are all caught in this. I am sure the American people can't look at this body, or this Congress, and get much hope because we play politics all the time. I am sorry that things have come to this. But Congress doesn't work by the rules; the Senate doesn't operate under the rules it operated under when I came here and that existed up until a few years ago. This game has been going on and it is getting worse. It is getting worse.

Mr. President, I don't intend to hold the floor any longer. I will have more to say about this. If you want to know the truth, what is said is exactly the truth. We are absolutely working a fraud on the American people. They look to this body and expect us to legislate on the problems of the country, and we are just tied in knots. We only seem to think about partisanship. I am sick and tired of that. I am sure we have to have a little of that as we go along, but it has become all partisan politics. Who can win this? If they come up with something, we have to come up with an alternative.

I don't think the American people want that. I think they know more than we think they know, and I believe they are pretty aware of what is going on. We are just playing politics. That is exactly why we can't get this Treasury-Postal Service Appropriations Bill up and get it passed and send it to conference. Mark my words; we are going to play the same old game over and over again that we have played all too many times now, not passing appropriations bills, but having them all in conference put into one monumental, colossal conference report, and it is sent back here and we will vote on it and we won't know what is in the conference report. Shame! Shame on us!

I yield the floor.

The PRESIDING OFFICER. The Senator from Rhode Island is recognized.

Mr. REED. Mr. President, I rise today to discuss the current posture of the Treasury-Postal appropriations bill on the floor. It seems to me that we are in the doldrums. Our sails are unfurled, the crew is at their positions, but the

ship is not moving. There are many reasons for that. But I suggest one of the principal reasons is that over the last several months—indeed, throughout this entire Congress—the leadership has taken it upon themselves to essentially try to nullify the President's constitutional authority to appoint judges to the Federal courts.

Article II, section 2 of the Constitution is quite clear that the President has the right to appoint Federal judges, subject to the advice and consent of the Senate. But what has happened with increasing enthusiasm is that these appointments arrive here and then languish month after month after month after month. At some point, this type of nullification, this avoidance of responsibility under the Constitution, subverts what I believe the Founding Fathers saw as a relatively routine aspect of Government: Presidential appointment and consideration within a reasonable time by the Senate of these appointments.

It has not been a reasonable time in so many cases. Repeatedly, appointments to the Federal bench have been made by the President. They have come to the Senate and have been virtually ignored month after month. At some point, we have to be responsible not only to the Constitution, but to the people of the country and act on these appointments. Now, that doesn't mean confirm every appointment. But it certainly, in my mind, means to have a reasonable deliberation, a hearing, and then bring it to a vote. It is far better, both constitutionally and in terms of the lives of individual Americans, to decide their fate, decide whether or not they will serve on the bench in a reasonable period of time than to let them twist slowly in the wind—some for upwards of a year or more. That is what has been happening. It is a reflection of a deeper paralysis within the system.

The Senate is not operating as it traditionally has, as a forum for vigorous debate, amendment, and discussion, and after a vigorous debate, a vote. We have seen a situation in which measures are brought to the floor only after concessions are made about the number of amendments, the scope of amendments, and the type of amendments. That is operational procedure that is frequently associated with the other body but which defies the tradition of this body, where we pride ourselves on our ability to debate and amend, to be a place in which serious discussions about public policy take place routinely and just as often decisions are made by the votes of this body. We haven't seen that.

We introduced on this floor for consideration—and it has been the pending business now since May—the Elementary and Secondary Education Act. Every 5 years, we reauthorize the education policy of the Federal Government—the education policy with respect to elementary and secondary schools throughout this country: the title I program, Professional Develop-

ment Program, and the Eisenhower Program that assists professional development. Yet this major piece of legislation has come to this floor and then, like judges, has been languishing in the shadows for months now. Why? Well, some suggest it is because the majority doesn't want to consider amendments with respect to school safety and gun violence. Those amendments might cause difficult votes. But in any case, we are likely, this year, not to discharge our routine duty of every 5 years reauthorizing the Elementary and Secondary Education Act. We are going to—using a sports metaphor—punt.

All of these things together have caused us to stop and essentially ask why can't we refocus our operations, refocus our emphasis, and begin to renew the tradition in this body of debate, wide-open amendment leading to votes with respect to substantive legislation and with respect to appointments by the President to the judiciary and other appointments.

That is why I believe we are here in these doldrums. The lights are on. We are assembled, but we are not moving forward. I think we have to begin to look at what we are doing and why we are doing it. Perhaps that is the most useful aspect of this discussion this afternoon—because I hope that eventually we can emerge from these doldrums and begin to, once again, take up the people's business in a reasonable and timely fashion leading to votes after debate. Some may go the way we want. Some may not. But in the grand scheme of things, when we are debating and bringing the principles of the debate to conclusion by voting, we are discharging the responsibility that the American people entrusted to us when they elected us to the Senate.

There are many examples of what we could be doing if we adopted this approach. For example, I have an amendment which I would like to introduce with respect to this Treasury-Postal bill regarding the enforcement of our firearms laws in the United States.

We hear time and time again—particularly by the opponents of increased gun safety legislation—that all we have to do is enforce the laws. Yet in the past we have seen the erosion of funds going to the ATF for their enforcement policies. I must say that this year's Treasury-Postal appropriations bill has moved the bar upwards in terms of funding appropriate gun safety programs, and I commend the Chairman and Ranking Member for their effort. But there are two areas in which they have failed to respond. One is the youth crime gun interdiction initiative by the ATF.

I would request in my amendment an additional \$6.4 million, which would bring it up to the funding requested by the President. This, to me, is an absolutely critical issue—not only in the sense of making sound public policy, but critical because in every community in this country we are astonished

by the ease of access to firearms by youngsters. We are horrified by the results of this access to firearms.

A few weeks ago in Providence, RI, we were absolutely devastated by the murder of two young people. They had been in Providence on Thursday evening at a night club. They left. One youngster was working and the other was a college student. They were chatting by their car, waiting to go to their homes that evening when they were carjacked by five or six young men. They were driven to a golf course on the outskirts of Providence. Then they were brutally killed with firearms.

Where did these accused murderers get these firearms? It is a confused story. But there was an adult, apparently, who had lots of weapons. Either they were stolen from this individual, or he lent the firearms to one of these young men. But, in any case, this is one of those searing examples of young people having firearms being desperate, being homicidal, and using those weapons to kill two innocent people.

The program, which is underfunded in this appropriations bill, would authorize the ATF to work with local police departments to develop tracing reports to determine the source of firearms in juvenile crimes.

There was some suggestion initially and anecdotally that most of these firearms were stolen, but then preliminary research suggested not; that, in fact, there is an illegal market for firearms and that too many weapons used by juveniles in these heinous crimes are obtained in this illegal firearms market.

This type of information is extremely useful in terms of designing strategies to interdict access to firearms by youth perpetrators. We need this kind of intelligence in the Nation, if we are going to construct appropriate programs that are going to deal with this problem.

This, again, is a reflection of what I sense happened in Providence. It is unclear precisely what happened. But here you have the possibility that the individual with the firearms either sold them or lent them, got them into the hands of young people who, in turn, used them to kill other young people.

It would be extremely useful if we knew collectively and not only individually how these weapons moved through our society, because without this knowledge it is very hard to create counterstrategies.

That is one important aspect—these trace reports—for appropriations that I will seek to move today with respect to appropriations.

Indeed, the Senate Appropriations Committee report emphasizes the importance of the partnerships that are underlying this initiative, and underlying also the ability to deal with the incidents of youth firearm crimes. In their words:

The partnership between ATF and local law enforcement agencies in these communities—

The communities that are already participating in this program—

is invaluable to the mutual effort to reduce gun-related crimes. The tracing information provided by ATF not only allows local jurisdictions to target scarce resources to investigations likely to achieve results, but also gives ATF the raw data to be able to investigate and prosecute the illegal source of these crime guns. The Committee continues to believe that there are significant disruptions in these illegal firearms markets directly due to investigative leads arising from this regional initiative.

Frankly, the committee recognizes that this is a useful initiative. I would like to see it fully funded. That is something we could be talking about. Indeed, I hope we can move to incorporate that within the appropriations bill that is before us.

There is another important firearms enforcement measure that was not funded by the committee which I would like to see funded, and that is the national integrated ballistics information network. I would like to see that appropriation moved up by \$11.68 million to meet the President's request. This would integrate two systems that try to identify bullets based upon their ballistic characteristics so they can be more useful in investigating crimes.

The ATF has an integrated ballistics identification system, which is called in shorthand IBIS. The FBI has what they call the "drugfire" ballistic system. I have seen demonstrations of these systems. They are remarkable. They recover a slug at a crime scene. They take it to a lab, which has the computer equipment that is designed to run this system. They are able to identify the characteristics of the particular slug that is being examined and then, through their data banks, match it up with a known group of slugs, make a positive identification, and the positive identification leads, in many cases, to the arrest, or certainly to the identification of the weapon that was used. It is very similar to fingerprinting, with which we are all familiar.

We have these two systems. They work very well independently. But they would work much better if their databases were combined; if the source was engineered to cooperate and work interdependently. That is what this appropriation would do.

We have seen success already. Both of these systems, working independently, have produced more than 8,000 matches and 16,000 cases. For the first time we can take a slug from a crime scene, match it up with known weapons, leading, hopefully, to arrests and ultimately conviction. In a way, it is not only like fingerprints, it is like DNA, like all the scientific breakthroughs we are able to use to more effectively enforce the laws and bring lawbreakers to justice.

I hope we can use this system more effectively by integrating the two programs, the ATF program and also the FBI program.

One of the reasons I am offering this amendment is to ensure we have the

money this year. There is a 24-month proposed schedule for the deployment of this system. The work has been done, the plans have been done, but if we do not appropriate sufficient money in fiscal years 2001 and 2002, then we will fall short of this scheduled deployment. We will create a situation in which, again, when we ask why the American people get so frustrated with government, the situation in which we have been planning, we have been expending money, we are all ready to move forward on an initiative that will materially aid law enforcement authority, and then we stop short and go into a hiatus for a year, and maybe at the end of the year start again. But, more than likely, it will be more expensive, and we have lost months or years in terms of having effective tools for our law enforcement authorities. That is one of the frustrations. It is frustration based upon our inability to be able to move efficiently and promptly to do the people's business.

I hope we can deal with this issue of both the youth crime gun interdiction initiative and the national integrated ballistics information network. These are the types of appropriations measures we should not only be talking about, but we should be voting for. Again, we are in this predicament because there has been such a conscious, overt effort on the part of the leadership to deflect consideration, deliberation, and decision on so many important issues that are critical to the future of America. Lifetime tenure on Federal courts is being withheld because there is a hope, an expectation on one side, that these judges will go away, these nominees will go away, in 6 or 9 months.

I don't think that is what the American people want Congress to do. They want Congress to either approve or disapprove, but they want Congress to act.

Mr. BENNETT. Will the Senator yield?

Mr. REED. I am happy to yield to the Senator.

Mr. BENNETT. Mr. President, the Senator has talked about the present situation we are in. Is the Senator aware that the majority leader tried to move the Senate toward consideration of this bill as long ago as last Friday and it was objected to by the minority?

Mr. REED. I am aware of that. It is one of the situations where, after months and months of cooperating, of trying to accommodate, mutually, the desire and the recognition of getting things done, at some point when we see no movement with respect to our constitutional obligation to confirm judges, no real movement, when we see the elementary and secondary education bill that has been put out to languish and perhaps not to see the light of day for the rest of the year, when we see a process in which the price of bringing a bill to the floor is an agreement to surrender the rights of individual Senators to amend that legislation, to make that amendment

process subject to the approval of the majority leader, when we see all those things, what I think we have to do and what we must do is insist that we get back, away from that process of majority oppression. Perhaps that is too melodramatic. We have to get back to the rules of the Senate, the spirit of the Senate, which, I believe, is open debate, open amendment, and a vote.

Frankly, if that were the rule that was forthcoming from the majority leader, if the majority leader said, bring ESEA back, open up the amendment process, vote; when we finish the amendments, if the debate goes too long, in my prerogative, after long debate, I will enter a cloture motion—that is the way the Senate should operate. I suggest that is not the way this Senate is operating. That is why we are here today.

There is responsibility for every individual Senator for what happens on the floor of the Senate. Certainly the management of the Senate is within the grasp and the control immediately of the majority leader and the majority. That control has been deliberately, I think, to thwart the nomination and the confirmation of judges and deliberately to frustrate legislation important to the American people because there might be amendments that are uncomfortable for consideration by some in this body.

Mr. BENNETT. Will the Senator yield?

Mr. REED. I am happy to yield to the Senator.

Mr. BENNETT. Is the Senator aware the majority leader has an agreement with the minority leader whereby a number of judges would, in fact, be confirmed and that the agreement was accepted by both sides, only to have the minority leader come forward and say that he wanted to identify the specific judges, and the numbers were not acceptable? The minority leader wanted to pick specific people, in contradiction of the normal pattern of the Judiciary Committee.

Is the Senator aware of the fact the minority leader has taken that stand?

Mr. REED. Reclaiming my time, essentially what the Senator is arguing, by implication, is that the majority leader has the sole responsibility and sole prerogative to pick who will come to this floor for consideration as a judge.

I am amazed at this whole process. Look at judges who have been pending for almost a year and their names are not coming to the surface. That is something more at work than the breaks of the game. That is a deliberate attempt by the majority to suppress the nomination of individual judges.

Frankly, an offer to bring some judges to the floor is, in my view, insufficient unless that offer was transparent, saying we will begin to work down the judges who have been pending longest, with perhaps other criteria, such as districts or circuits that need judges.

But that is not how it is working. These magnanimous offers of bringing up a couple of judges—I believe I saw yesterday where three judges from Arizona were just nominated by the President, and they already have hearings scheduled. We have other judges who were nominated over a year ago, and they have not even had a hearing, a year later. Some magnanimous gestures by the majority leader are self-serving and ultimately had to be rejected by the minority.

I respect the Senator, but I will continue my discussion on some other points.

Mr. BENNETT. I will respond at a later time.

Mr. REED. The youth crime gun interdiction initiative and the national integrative ballistics information network are important issues. Those are the issues we are talking about. They are a subset of what I argue is the larger issue.

The larger issue: Is the Senate going to be the Senate? Or is it some type of smaller House of Representatives where the leadership dictates what is coming to the floor, what judge's name might come up, what bill might come up, what amendment might come up, when it all comes about? That, I think, is the key point.

Let me take up another key point in terms of the demonstration of why we are not doing our duty. We have before the Senate a very difficult vote on extending permanent normal trade relations to China. It is a very difficult vote. We know that. It is a vote that bedeviled the House of Representatives. It was controversial. It was difficult. But after intense pressure and vigorous debate, the House of Representatives brought it to a conclusion and voted.

Now that measure is before the Senate. It is controversial. It is, like so many other things, languishing. It could have been accomplished weeks ago. The business community would argue vociferously it should have been accomplished weeks ago. It has been couched in many terms, but one term I think is most compelling is that it is a critical national security vote. It is a critical national security vote. Yes, it is about trade. Yes, it is about economic impacts within the United States and around the world. But it is also about whether or not we will continue to maintain a relationship of engagement with China, or if we reject it, or if we delay it indefinitely and open up the distinct possibility of confrontation and competition with China.

Yet this critical national security vote, this critical vote which is probably the No. 1 objective of the business community in this country, again languishes.

Some would say there are reasons. We want to talk about Senator THOMPSON's and Senator TORRICELLI's amendment about proliferation. But, again, it is symptomatic of a situation in which the Senate is not responding as it

should to its constitutional and to its public responsibilities because of the political calculus.

Our side is not immune to political calculation. But the leadership of this body has created a situation in which avoidance of difficult issues, nullification of constitutional responsibilities and obligations to confirm judges, and deferment of critical national security issues for short-run advantages, is the standard of performance. I believe that is not the role the Senate should play and that is the heart of this discussion today.

Let me suggest one other point with respect to the business of the body. We confront a range of issues that deal with those world-shaking, momentous issues like China trade policy; issues with respect to domestic tranquility; the safety of our streets; the funding of the appropriations bills for law enforcement when it comes to firearms.

Then there are issues that are not important to the vast number of Americans in the sense it doesn't affect them directly but are critically important to many Americans. One is a measure I have been trying to find the opportunity to bring to the floor, and that is to somehow help the Liberian community in this country who came here in 1990, in the midst of their violent civil war, and who for the last decade have been in the United States. They have been residing here. They have been contributing to our communities. Many of them have children who are American citizens. Yet they are in a position where they face deportation October 1. The clock is ticking.

This is not an issue that is going to galvanize parades through every Main Street in America. But for these roughly 10,000 people who are caught up in this twilight zone while they are here, they want to remain here with their children, many of whom, as I said, are Americans, but they face a prospect of being deported back to a country that is still tumultuous, still dangerous, still threatening to them and many others.

This is legislation that has been supported by Senator CHAFEE, my colleague from Rhode Island, Senator HAGEL, Senator WELLSTONE, Senator KENNEDY, Senator LANDRIEU, Senator KERRY, and Senator DURBIN, legislation that will materially assist these individuals. But, once again, we are not moving with the kind of rapidity that allows for the easy accommodation of this type of legislation on the floor. I hope it does come up soon, but I think it represents the cost of this overcontrol and this inflexibility, perhaps, that we are seeing as the management leadership style here today.

Let me just briefly set the stage about the need for this legislation. Liberia is a country that has the closest ties of any African nation to the United States—it was founded by freed slaves in the middle 1800s. Its capital is Monrovia, named after President Monroe. It is a country that did its utmost



throughout its existence in the 1800s and the 1900s, to emulate American Government structure, at least. But it erupted into tremendous violence in 1989 and 1990. Over the next several years, 150,000 people fled to surrounding countries. Many of them came to the United States—many being about 14,000. In March 1991, the Attorney General recognized that these individuals needed to be sheltered, so he granted temporary protected status, or TPS.

Under TPS, the nationals of a country may stay in the United States without fear of deportation because of the armed conflict or extraordinary conditions in their homeland. People who register for TPS receive work authorizations, they are required to pay taxes—and this is precisely what the Liberian community has done in the United States. They went to work. They paid taxes. However, they do not qualify for benefits such as welfare and food stamps. Not a single day spent in TPS counts towards the residence requirement for permanent residency. So they are in this gray area, this twilight zone. They have stayed there now for 10 years because the situation did not materially change for many years.

Each year, the Attorney General must conduct a review. The Attorney General did conduct such a review and continued to grant TPS until a few years ago, until the fall of 1999, when the determination was made that the situation in Liberia had stabilized enough that TPS was no longer forthcoming.

At that, many of us leaped to the fore and said the situation has changed. The situation has changed in Liberia, but it has also changed with respect to these individuals here in the United States. They have established themselves in the community. They have become part of the community. Their expectations of a speedy return to Liberia long ago evaporated and they started to accommodate themselves—indeed many of them enthusiastically—to joining the greater American community.

The situation changed in Liberia. The change there was more procedural than substantive. What happened was the situation in which there was an election, which was monitored by outsiders, which elected a President, the former warlord, Charles Taylor.

Based upon this procedural process change, the State Department and others ruled, essentially, that the situation was now ripe for the return of Liberians from the United States and surrounding countries to Liberia. But at the heart, the chaos, the economic disruption, the violence within Liberia did not subside substantially. As a result, Liberians here in the United States have genuine concerns about their return to Liberia. What has happened most recently, because this is an evolving situation, is that Charles Taylor, the President, again, duly elected President, has not renounced all of his

prior behaviors because it is strongly suggested that he has been one of the key forces who is creating the havoc in the adjoining nation of Sierra Leone.

All of us have seen horrific photographs of the violence there, of children whose arms and hands have been cut off by warring factions in Sierra Leone. The Revolutionary United Front is one of the key combatants in that country. Part of this is an unholy alliance between Taylor and the Revolutionary United Front for the purpose of creating, not only mischief, but also for exploiting diamond resources within Sierra Leone for the benefit of Taylor and the benefit of others. But all of this, this turmoil, once again, suggests that Liberia is not a place that is a stable working democracy where someone, after 10 years of living in the United States, could return easily and gracefully and immediately.

Last year at this time, after being approached by myself and others, the Attorney General determined that she could not grant TPS again under the law. But she did grant Deferred Enforced Departure, or DED, to Liberians, which meant the Liberians could remain in the United States for another year but essentially they are being deported. It is just stayed, delayed for a while. They have been living in this further uncertainty for the last year.

My legislation would allow them to begin to adjust to a permanent residency status here in the United States, and hopefully, ultimately, after passing all of the hurdles, to become citizens of this country.

They arrived here, as I said, about 10 years ago. They came here with the expectation that they would have a short stay and would be home, back in their communities, back in Liberia, but that expectation was frustrated, not by them but by the violence that continued to break out throughout Liberia.

Now they have established themselves here. They are part and parcel of the community, and they are extremely good neighbors in my State of Rhode Island, as well as in other parts of this country. I believe equity, fairness, and justice require that we offer these individuals the opportunity to become permanent resident aliens and ultimately, as I said, I hope they will take the opportunity to become citizens of this country.

Our immigration policy is an interesting one, idiosyncratic in many cases, but it is important to point out there are several other countries around the globe that have already dealt with a problem like this: Norway, Denmark, the Netherlands, Spain, and Great Britain. After a certain length of time, even if you are there temporarily—certainly 10 years is a sufficient time—you can, in fact, adjust your status to something akin to permanent resident of the United States and pursue citizenship.

We have done this before. We have made these types of adjustments for other national groups that have been

here and for many of the same reasons: Simple justice, length of stay, connections to the community of America, continued turmoil in their own countries. For example, in 1988 we passed a law to allow the Attorney General to adjust to permanent status 4,996 Polish individuals who had been here for 4 years, 387 Ugandans who had been here for 10 years, 565 Afghans who had been here for 8 years, and 1,180 Ethiopians who had been here for 11 years.

The 102nd Congress passed a law which allowed Chinese nationals who had been granted deferred enforced departure after Tiananmen Square to adjust to permanent residency. Over the next 4 years, 52,968 Chinese changed their status.

In the last Congress, we passed legislation known as NACARA. Under this law, 150,000 Nicaraguans, 5,000 Cubans, 200,000 El Salvadorans, and 50,000 Guatemalans who had been living in the United States since the eighties were eligible to adjust to permanent residency status. A separate law allows Haitians who were granted DED to adjust to permanent residency.

As one can see, we are not setting a precedent. We are doing what we have done before in response to similar motivations: fairness, length of stay here, turmoil in the homeland to which we propose to deport these individuals.

Another important point is why we believe we have a special obligation to Liberia. As my colleagues know—and I have mentioned before—this is a country that shares so much with the United States.

In 1822, a group of freed slaves in the United States began to settle the coast of western Africa with the assistance of private American philanthropic groups and at the behest of the U.S. Government. In 1847, these settlers established the Republic of Liberia, the first independent country in Africa. Five percent of the population of Liberia traces their ancestry to former American slaves. They modeled their constitution after ours. And they used the dollar as their currency.

Before the 1990 civil war, the United States was Liberia's leading trading partner and major donor of assistance. When Liberia was torn apart by civil war, they turned to the United States for help. We recognized that special relationship, and we offered aid to Liberia. We offered it, as I said, to assist those who were fleeing destruction and devastation. We should continue to do that. We have had a special relationship with Liberia over history, and we have formed a special relationship throughout this country with those communities of Liberians who have been here for a decade and who seek to stay.

Again, this is some of the legislation we could be considering, some of the legislation with which we could be dealing if we had a process that allowed that free flow of legislation to the floor.

Mr. President, I ask unanimous consent that two letters be printed in the



RECORD: A letter from Bill Gray, President of the College Fund, and a letter from the Lutheran Immigration and Refugee Service.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

THE COLLEGE FUND,  
Fairfax, VA, April 19, 2000.

Hon. JACK REED,  
U.S. Senator, Senate Hart Office Building,  
Washington, DC.

DEAR SENATOR REED: I write to let you know of the great importance I attach to the passage of legislation that would allow Liberian nationals already in the U.S. for almost ten years to become permanent residents. Your legislation, S. 656, the Liberian Immigration Fairness Act, would accomplish this important goal.

The United States has always shared a special relationship with Liberia, a country created in 1822 by private American philanthropic organizations for freed American slaves. In December 1989, civil war erupted in Liberia and continued to rage for seven years. USAID estimates that of Liberia's 2.1 million inhabitants, 150,000 were killed, 700,000 were internally displaced and 480,000 became refugees. To date, very little of the destroyed infrastructure has been rebuilt and sporadic violence continues.

When the civil war began in 1989, thousands of Liberians fled to the United States. In 1991, the Attorney General granted Temporary Protected Status (TPS) to these Liberians, providing temporary relief from deportation since ongoing armed conflict prevented their safe return home. For the next seven years, the Attorney General annually renewed this TPS status. Last summer, Attorney General Reno announced that this TPS designation would end on September 28, 1999. Throughout 1999, Liberians faced the prospect that they would be uprooted and forced to return to a country still ravaged by violence and repression. However, on September 27, 1999, President Clinton granted non-citizen Liberians living in the United States a reprieve, allowing them to remain in the country and work for one additional year.

The Department of Justice estimates that approximately 10,000 Liberians are living in the United States under protection of our immigration laws. There are significant Liberian populations in Illinois, Ohio, Michigan, Maryland, Pennsylvania, New Jersey, New York, Georgia, Minnesota, Rhode Island, and North Carolina. For the past decade, while ineligible for government benefits, Liberians have been authorized to work and are required to pay taxes. They married, bought homes, and placed their children, many of whom were born in this country, in school. Despite their positive contributions to our communities, their immigration status does not offer Liberians the opportunity to share fully in our society by becoming citizens.

When they first arrived, these nationals of Liberia hoped that their stay in this country would indeed be temporary. But ten years have passed and they have moved on with their lives. Liberians have lived in this immigration limbo longer than any other group in the United States. More importantly, other immigrant groups who were given temporary haven in the United States for much shorter periods have been allowed to adjust to permanent residency: Afghans, Ethiopians, Poles and Ugandans after five years and 53,000 Chinese after just three years. It is time to end the uncertainty that Liberians have lived with for so long. It is time to allow them the opportunity to adjust to permanent residency as our nation has allowed others before them.

Following our Nation's tradition of fairness and decency, I am pleased to add my personal support to S. 656 in order to offer Liberians the protection they deserve.

Sincerely,

WILLIAM H. GRAY III.

LUTHERAN IMMIGRATION AND  
REFUGEE SERVICE,  
Washington, DC, March 7, 2000.

Hon. JACK REED,  
U.S. Senate, Washington, DC.

DEAR SENATOR REED: On behalf of the undersigned organizations, we urge your support of the Liberian Refugee Immigration Fairness Act of 1999 (S. 656). This Act would provide relief and protection for some 15,000 Liberian civil war refugees and their families now residing in the United States.

Since March of 1991, over 10,000 Liberian civil war refugees have resided in the United States. Recently, they were granted an extension of their temporary exclusion from deportation when President Clinton ordered the Attorney General to defer their enforced departure. Granted for one year, the order is set to expire in September of this year. Against this general background, legislation has been introduced by Senator Jack Reed (D-RI) to adjust the status of certain Liberian nationals to that of lawful permanent residence. We strongly support Senator Reed's proposed legislation, S. 656. We view this bill as being vital to the basic protection of and fairness towards Liberian civil war refugees.

#### JUSTIFICATIONS

The Liberian Refugee Immigration Fairness Act of 1999 would protect Liberian refugees and their families from being forcibly returned to a nation where their life and freedom may still be threatened. Even the Human Rights reports from the U.S. Department of State and Amnesty International have called attention to the continuing pattern of abuses against citizens by the Liberian government. Additionally, the legislation would protect against the dissolution of families as Liberian parents are forced to choose between leaving their American born children in the U.S. or taking them back to Liberia if they are deported. Further, after nearly a decade of living in the U.S., Liberians have established real ties in their local communities and as such, forced deportation would simply be wrong. Finally, it is imperative that Liberian civil war refugees be accorded the same favorable treatment as other refugee groups seeking relief in the United States.

We remain appreciative to Congress for its continued attention paid to the general issue of immigration relief for those in need, and we trust the same will be devoted to the Liberians. We appreciate your consideration of these comments.

Sincerely,

RALSTON H. DEFFENBAUGH,  
President.

On behalf of:

Nancy Schestack, Director, Catholic Charities Immigration Legal Services Program.  
Douglas A. Johnson, Executive Director, Center for Victims of Torture.

Richard Parkins, Director, Episcopal Migration Ministries.

Tsehaye Teferra, Director, Ethiopian Community Development Council.

Eric Cohen, Staff Attorney, Immigrant Legal Resource Center.

Curtis Ramsey-Lucas, Director of Legislative Advocacy, National Ministries, American Baptist Churches USA.

Jeanne Butterfield, Director, American Immigration Lawyers.

William Sage, Interim Director, Church World Service Immigration and Refugee Program.

John T. Clawson, Director, Office of Public Policy and Advocacy, Lutheran Social Service of Minnesota.

Muriel Heiberger, Executive Director, Massachusetts Immigrant and Refugee Advocacy (MIRA) Coalition.

Oscar Chacon, Director, Northern California Coalition for Immigrant Rights.

Skip Roberts, Legislative Director, Service Employees International Union.

David Saperstein, Director of the Religious Action Center of Reformed Judaism, Union of American Hebrew Congregations.

Ruth Compton, Immigrant and Latin America Consultant, United Methodist Church, General Board of Church and Society.

Katherine Fennelly, Professor, Humphrey Institute of Public Affairs, University of Minnesota.

Asylum and Refugee Rights Law Project of the Washington Lawyers' Committee for Civil Rights and Urban Affairs.

Don Hammond, Senior Vice President, World Relief.

Morton Sklar, Director, World Organization Against Torture, USA.

Mr. REED. These two letters are strong statements on behalf of the legislation, the Liberian Refugee Immigration Fairness Act, which I have spoken about and which I ardently desire to see acted upon in this session in the next few weeks.

Bill Gray, as many know, is a former distinguished Congressman from Philadelphia, PA. He is now President of the College Fund, which was formerly known as the United Negro College Fund.

He points out in his letter the long association between the United States and Liberia and urges that we act quickly and decisively to pass this legislation.

The letter from the Lutheran Immigration and Refugee Service also makes that same plea for prompt and sympathetic action on this legislation. It is signed also on behalf of numerous organizations: the Catholic Charities Immigration Legal Services Program; the Episcopal Migration Ministries; the National Ministries of American Baptist Churches USA; the Lutheran Social Services of Minnesota; the Union of American Hebrew Congregations; the United Methodist Church, General Board of Church and Society; and it goes on and on.

Again, this is the heartfelt plea by the church community and the religious community in general of this country for a favorable and immediate response to the plight of these Liberians who are here with us.

#### VISIT TO THE SENATE BY THE PRESIDENT OF THE REPUBLIC OF THE PHILIPPINES

#### RECESS

Mr. HELMS. Mr. President, I ask unanimous consent that the Senate stand in recess for 6 minutes while Senators and others have an opportunity to meet a distinguished guest, the President of the Philippines, the Honorable Joseph Estrada.

There being no objection, the Senate, at 3:57 p.m., recessed until 4:03 p.m.;

whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. SESSIONS).

The PRESIDING OFFICER. The Senator from Rhode Island has the floor.

Mr. REED. Mr. President, I extend my welcome to President Estrada of the Philippines. The Philippines and the United States are allies. We have a special relationship with them, as we have a special relationship with the country I have been speaking about; that is, the country of Liberia.

**TREASURY AND GENERAL GOVERNMENT APPROPRIATIONS ACT OF 2001—MOTION TO PROCEED—Continued**

Mr. REED. Mr. President, let me conclude my overall remarks by saying, as I began, that we are in the doldrums. We are here but we are not moving. I do not think it is sufficient to simply, on a day-by-day basis, make a little concession here and a little concession there.

I think to get this Senate under full sail again, moving forward, proudly, purposefully, is to once again summon up the spirit which I always thought was inherent in this body, the spirit of vigorous and free and open debate, of vigorous and wide-ranging amendment, unfettered by the individual proclivities of the leader, whoever the leader may be, and then, ultimately, doing our job, which is to vote.

This afternoon, I have tried to suggest several areas where we have neglected that obligation. With respect to Federal judges, it seems to me that there has been an attitude adopted here that our advice and consent is sort of an optional thing. If we do not choose to do it, then no judges will be confirmed. In a way, it is very subversive to the Constitution.

Frankly, I don't think anyone would object if judges were brought to this floor and voted down. That is a political judgment, a policy judgment, a judgment based upon their jurisprudence, their character, a host of issues. But what is so objectionable is this notion of stymying the Constitution by simple nonaction, by pushing it off into the shadows, allowing individual nominees to languish, hoping that no one pays attention to it, and that at the end of the day these judges will go away and more favorable judges will be appointed. I do not think that is the way to operate this Senate.

We have legislation, such as the ESEA, which has been permanently—or apparently permanently—shelved, not because there is something inherently wrong with the bill as it has been presented—we can debate the merits of that—but because to bring it back to the floor would invite amendments that might be uncomfortable. I think that is also wrong.

Then I think we have a measure which everyone claims is critical to our economy, critical to our future national security, critical to our relation-

ships with Asia and China, particularly, over the next several decades. That, too, has been shunted aside, not because of substance, but because of political calculation. Once again, I think that is wrong.

In return, what has been suggested, is: Why don't you take a little of this and a little of that, and we will give you an amendment here, and we just might bring up two judges, but we don't know who they are. That, in comparison, is not an appropriate response to the basic question of: Will the Senate be the Senate?

I would hope that we would return to that spirit, that spirit which I think drew us all here initially, with the hope and the expectation that we would debate and we would vote—we would win some; we would lose some—but ultimately, by debating and by voting, and by shouldering our responsibilities—not avoiding them—the American people would ultimately be the great victors in this Democratic process.

I hope we return to that spirit.

I yield the floor.

The PRESIDING OFFICER. The Senator from Utah.

Mr. BENNETT. Mr. President, I appreciate the comments from the Senator from Rhode Island. I will have some responses to them in a moment.

**MEASURE PLACED ON THE CALENDAR—S. 2912**

Mr. BENNETT. Mr. President, I understand there is a bill at the desk due for its second reading.

The PRESIDING OFFICER. The clerk will read the bill for the second time.

The legislative clerk read as follows:

A bill (S. 2912) to amend the Immigration and Nationality Act to remove certain limitations on the eligibility of aliens residing in the United States to obtain lawful permanent residency status.

Mr. BENNETT. Mr. President, I object to further proceedings on this bill at this time.

The PRESIDING OFFICER. The bill will be placed on the calendar.

The Senator from Utah has the floor.

**PROVIDING FOR NEGOTIATIONS FOR THE CREATION OF A TRUST FUND TO COMBAT THE AIDS EPIDEMIC**

Mr. BENNETT. Mr. President, I ask unanimous consent that the Foreign Relations Committee be discharged from further consideration of H.R. 3519, and the Senate then proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will read the bill by title.

The legislative clerk read as follows:

A bill (H.R. 3519) to provide for negotiations for the creation of a trust fund to be administered by the International Bank for Reconstruction and Development of the International Development Association to combat the AIDS epidemic.

There being no objection, the Senate proceeded to consider the bill.

AMENDMENT NO. 4018

(Purpose: To authorize additional assistance to countries with large populations having HIV/AIDS, to provide for the establishment of the World Bank AIDS Trust Fund, to authorize assistance for tuberculosis prevention, treatment, control, and elimination, and for other purposes)

Mr. BENNETT. Senator HELMS, for himself and others, 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 Utah [Mr. BENNETT] for Mr. HELMS, for himself, Mr. BIDEN, Mr. FRIST, Mr. KERRY, Mr. SMITH of Oregon, Mrs. BOXER, and Mr. FEINGOLD proposes an amendment numbered 4018.

(The text of the amendment is printed in today's RECORD under "Amendments Submitted.")

Mr. BENNETT. Mr. President, I ask unanimous consent that the amendment be agreed to.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 4018) was agreed to.

Mr. HELMS. Mr. President, passage of the Global AIDS and Tuberculosis Relief Act is a priority for this Administration, but that is not why I support it. I am aware of the calamity inflicted by HIV/AIDS on many Third World countries, particularly in Africa.

Children are the hardest hit and they, Mr. President, are the innocent victims of this sexually transmitted disease. In fact, the official estimate of 28 million children orphaned in Africa alone could easily prove to be a low estimate. This is among the reasons why Senator BILL FRIST wrote the pending amendment, which is based on S. 2845, with solid advice from and by Franklin Graham, president of Samaritan's Purse and son of Billy and Ruth. That is why I support it.

Several items in the pending bill should be carefully noted. First, authorization for appropriations for the World Bank Trust Fund is scaled back from the House proposal of five years to two years. There is no obligation for the U.S. Government to support the trust fund beyond two years.

If the trust fund performs as expected, Congress may decide at that time to make additional funds available. However, if the Trust Fund is not transparent, if there is not strict accountability—and if money is squandered on second rate or politicized projects—I intend to do everything in my power to ensure that Congress does not provide another farthing.

The pending bill requires that twenty percent of U.S. bilateral funding for HIV/AIDS programs be spent to support orphans in Africa. That could be as much as \$60 million. This is one of the provisions on which I insisted, and I wish it could have been an even higher percentage.

I suggest that A.I.D. get together with Nyumbani Orphanage in Nairobi, Kenya, Samaritan's Purse, and the other groups working in the field to develop a plan to address the crisis.

Finally, I insisted that the lions share of bilateral funding, specifically, 65 percent—or as much as \$195 million, be available to faith-based groups and I am gratified that my colleagues have consented to this. At last, it has dawned on Senators that HIV/AIDS legislation and programs designed to address the spread of AIDS are worthless unless they recognize and address seriously the moral and behavioral factors associated with the transmission of the disease.

There is only one 100 percent effective way to stop the spread of AIDS, and that, of course, is abstinence and faithfulness to one's spouse. And it is through churches that this message will be effectively promoted and accepted, not through government bureaucracies. It is no exaggeration to say that policymakers refusing to face up to this obvious fact will be culpable in the deaths of millions.

Mr. President, approval of this bill will be an important accomplishment, and if its provisions are properly implemented it will save lives. The Foreign Relations Committee will work diligently over the next two years to ensure that the intent of Congress is understood and carried out.

Mr. BIDEN. Mr. President, I cannot tell you how pleased I am that the Senate will finally pass the Global AIDS and Tuberculosis Relief Act. HIV/AIDS has been acknowledged as the 21st century's bubonic plague. It is having a devastating impact in Sub-Saharan Africa, destroying the very fabric of African societies. And while Africa is the present day epicenter, there is no guarantee that the disease will not spread throughout the world in a manner that is just as devastating. No corner of the globe is immune.

HIV/AIDS is the only health related issue that has ever been the subject of a meeting of the United Nations Security Council, and the only one that has been the subject of a Security Council Resolution. Why? Because it poses a severe risk to every nation in the international community, but most especially to developing nations which do not have the means to either treat those living with the disease, or to educate those at risk of contracting the disease about how to avoid infection.

I believe that it is past time for the United States to step forward and lead the way in efforts aimed at stopping the spread of the HIV/AIDS. This bill does just that. The funding levels this bill authorizes significantly increase the level of U.S. assistance to combat HIV/AIDS. One of the key elements of this legislation is an authorization for the Secretary of the Treasury to enter into negotiations with the World Bank to create a Trust Fund, the purpose of which is the eradication and prevention of the spread of the virus.

The Trust Fund will allow donations and contributions from governments—the bill authorizes \$150 million as the U.S. contribution—as well as the private sector, so that all sectors in society are working together at an international level to address this crisis. It is truly the best way to do so. The statistics are grim. According to UNAIDS, in 1999 alone 5.4 million people were infected with HIV/AIDS, bringing the total to 34.4 million infections world wide. 2.8 million people died of the disease last year. This does not have to be. We know how to prevent the spread of the disease. We have the means to treat the virus and the opportunistic diseases that kill those infected with HIV/AIDS. Millions of lives can be saved through both treatment and prevention. Through cooperation we can be successful. We must challenge other donors to dedicate the necessary resources to achieve our aim.

The bill also authorizes \$300 million in bilateral assistance to stop the spread of the disease, and to treat it. While I strongly believe that a multilateral approach must be developed to respond to the HIV/AIDS epidemic, I also believe that the United States should do all it can right now to deliver targeted assistance to specific regions and specific treatment programs. The problem of HIV/AIDS is urgent. Bilateral assistance programs can be funded and programs carried out right away, and they should be.

Assistance is desperately needed, for example, in Africa. The countries in the sub-Saharan region cannot wait for the negotiation of a World Bank Trust Fund; they must have help now. The news which came out of the International AIDS Conference in Durban was grim. Gross Domestic Product could be cut by as much as 20% due to the impact of HIV/AIDS in some African countries, according to a study released at the conference. African countries are among the poorest in the world. They cannot afford to have their incomes diminished to such a degree. According to the World Bank,

AIDS is now the fourth leading cause of death worldwide and the leading cause of death in Sub-Saharan Africa. At all levels, the impact of AIDS in Africa is staggering: At the regional level, more than 13 million Africans have already died, and another 23 million are now living with HIV/AIDS. That is two-thirds of all cases on earth. At the national level, the 21 countries with the highest HIV prevalence in the world are in Africa. In Botswana and Zimbabwe, one in four adults is infected. In at least 10 other African countries, adult prevalence rates exceed 10 percent. At the individual level, a child born in Zambia or Zimbabwe today is more likely than not to die of AIDS at some point in her lifetime. In many other African countries, the lifetime risk of dying of AIDS is greater than one in three. The HIV/AIDS epidemic is not only an unparalleled public health problem affecting large parts of Sub-Saharan Africa, it is an unprecedented threat to the region's development. In many countries, the disease is reversing decades of hard-won development progress.

We cannot ignore these facts. The time to act is now. The sooner we ad-

dress this crisis in Africa as well as the rest of the developing world, the better. The directives in this bill represent the best of the current proposals to do so. The World Bank and the Export-Import Bank of the United States both recently announced that they would make funds available for loans to African countries to help them purchase drugs to treat HIV/AIDS. While I welcome any efforts to procure drugs for this purpose, I do not believe that extending more loans to nations currently facing crippling debt burdens will, in the long run, prove to be the most useful strategy. Grants and no strings attached assistance, the aid provided in this bill, are what is needed.

I want to make it clear that this bill represents only the beginning of the United States' commitment to fighting HIV/AIDS. Sustained dedication of resources will be needed to continue the fight, and we in the Senate must ensure that such resources continue to be channeled towards eliminating the threat of HIV/AIDS. This bill is a good first step in our efforts.

Mr. FRIST. Mr. President, a bipartisan group of members of the Senate Foreign Relations Committee have today sent to the Senate for consideration a landmark legislative initiative to combat one of the great human tragedies of our time, the HIV/AIDS epidemic. The Global AIDS and Tuberculosis Relief Act of 2000 reflects the combination of many initiatives proposed by members of the Foreign Relations Committee. All initiatives share a common purpose of arresting the progress of the disaster and caring for the victims so far.

The initiative cannot come too soon. The cost in human life and productivity, as well as the potential societal and economic disruptions AIDS has and will cause assure us of one distinct possibility: All goals of the United States in Africa and the developing world—goals we share with them—will be seriously compromised, if not completely undermined, by AIDS. Growing trade, better education and health, stronger democracies, efforts toward peace—all will be undermined by a disease that is positioned to sap the life from the most promising and productive generations.

Two characteristics of this pandemic that distinguish it from the other great killers have impressed me the most and shaped the Senate's recent initiative to support the efforts to combat HIV/AIDS worldwide.

The first is the fact that AIDS affects the younger members of a community in their most productive years. It thus contorts and eventually turns on its head the already strained economic equation by effectively reversing the proposition of dependants to productive members of a family. In short, it has struck at the heart of the extended families, changing the breadwinners from a source of needed food or income to a burden. That is to say nothing of the grief, personal loss and often shame associated with death from AIDS.

The second is that the estimated number of orphans from AIDS in Africa, for example, already exceeds 10 million, and is expected to approach 40 million in coming years. Many of those children will themselves be HIV-positive. The prospect of 40 million children without hope, health and often without any support whatsoever is as dangerous as it is tragic. These children are susceptible to substance abuse, prostitution, banditry or, as we have seen so often on the continent, child soldiery. It will be an economic strain on weakening or completely broken economies, and an extremely volatile element in strained societies.

The human cost of AIDS is already alarmingly high, and the trends are increasingly terrifying—even apocalyptic.

Sub-Saharan Africa has been far more severely affected by AIDS than any other part of the world. It is our greatest challenge. I have seen the effects of its ravages on the people of that continent firsthand. The potential is clearly written in the appalling statistics of the disease today.

According to December 1999 United Nations data, some 23.3 million adults and children are infected with the HIV virus in the region, which has about 10 percent of the world's population but nearly 70 percent of the worldwide total of infected people. In Botswana, Namibia, Zambia, and Zimbabwean estimated 20 percent to 26 percent of adults are infected with HIV, and 13 percent of adults in South Africa were infected as the end of 1997.

An estimated 13.7 million Africans have lost their lives to AIDS, including 2.2 million who died in 1998. The overall rate of infection among adults in sub-Saharan Africa is about 8 percent compared with a 1.1 percent infection rate worldwide.

AIDS has surpassed malaria as the leading cause of death in sub-Saharan Africa, and it kills many times more people than Africa's armed conflicts.

Sub-Saharan Africa is the only region in which women are infected with HIV at a higher rate than men. According to UNAIDS, women make up an estimated 55 percent of the HIV-positive adult population in sub-Saharan Africa, as compared with 35 percent in the Caribbean, the next highest-ranking region, and 20 percent in North America. Young women are particularly at risk. A U.N. study found girls aged 15–19 to be infected at a rate of 15 percent to 23 percent, while infection rates among boys of the same age were 3 percent to 4 percent.

The African AIDS epidemic is having a much greater impact on children than is the case in other parts of the world. An estimated 600,000 African infants become infected with HIV each year through mother to child transmission, either at birth or through breast-feeding.

At least 7.8 million African children have lost either their mother or both parents to AIDS, and thus are regarded

by UNAIDS as “AIDS orphans.” South Africa is expected to have one million AIDS orphans by 2004. An estimated 10 million or more African children will have lost either their mother or both parents to AIDS by the end of the year 2000. In some urban areas of Africa, orphans comprise up to 15 percent of all children. Many of these children are themselves infected with HIV/AIDS and often face rejection from their extended families and from their communities.

In its January 17, 2000 issue. Newsweek projected that there will be 10.4 million African AIDS orphans by the end of 2000. UNAIDS reports that AIDS orphans, suspected of carrying the disease, generally run a greater risk of being malnourished and of being denied an education.

At current infection and growth rates for HIV/AIDS, the National Intelligence Council estimates that the number of AIDS orphans worldwide will increase dramatically, potentially increasing three-fold or more in the next ten years, contributing to economic decay, social fragmentation, and political destabilization in already volatile and strained societies. Children without care or hope are often drawn into prostitution, crime, substance abuse or child soldiery.

The majority of governments in areas of sub-Saharan Africa facing the greatest burden of AIDS orphans are largely ill-prepared to adequately address the rapid growth in the number of children who have no means of support, no education nor access to other opportunities.

Donors must focus on adequate preparations for the explosion in the number of orphans and the burden they will place on families, communities, economies, and governments. Support structures and incentives for families, communities and institutions which will provide care for children orphaned by HIV/AIDS, or for the children who are themselves infected by HIV/AIDS, will become increasingly important as the number of AIDS orphans increases dramatically.

By providing a knowledge, skills, and hope orphaned children might not otherwise have, education is an especially critical part of a long term strategy. Education is the key to providing opportunity and fighting poverty, and education is essential to winning the battle against the HIV/AIDS epidemic.

The legislation does not focus solely on Africa, but reflects the fact that the grip of the disease is tightening around the developing world. Some of the mechanisms are new and yet untested. But in their design, their potential for being the most effective tools at our disposal is clear.

We need to be mindful that the United States can be a great force for good in the world. Certainly, Americans are very charitable and compassionate people, and the political will exists to take a more aggressive posture toward combating AIDS.

However, our job is to determine how best to use our limited resources to maximize their potential for good on the African continent. These are life and death decisions which cannot be addressed simply by allocating more funds, confident that we have thus done our part. How we direct or allocate those resources has the potential to significantly affect the situation.

Questions and issues involved in life and death decisions are not easy. They are decisions based on the understanding that you cannot help or save all in need in a situation, but must make decisions based on the best information and understanding of your strengths and limitations.

Over the next two years, the legislation authorizes \$300 million per year for ongoing HIV/AIDS programs worldwide. That represents a significant increase in our commitment and is well above the President's request. The United States has been a leader in AIDS prevention programs and in AIDS treatment and programs to mitigate the devastating societal and economic effects of the epidemic. We should continue that leadership and even strengthen it.

Additionally, the legislation authorizes \$100 million to the Global Alliance for Vaccines Initiative, known by its acronym, GAVI, which receives both public and private funding to provide existing vaccines to children worldwide, and to provide incentives for the development of new vaccines. Often, companies determine that it is not possible to commit the capital to research and development toward developing vaccines for diseases such as malaria. While the potential number of recipients is great, the potential number of purchasers is very small. By providing a clear purchaser for the future, GAVI addresses much of the questions involving the risks of investing in such research.

The legislation goes beyond incentives alone. Over two years, it commits \$20 million to the International AIDS Vaccine Initiative, or IAVI, a group which is committed to developing the ultimate weapon against the continued spread of HIV: a vaccine.

The legislation does not seek to act unilaterally, but has two critical elements which will help use our leadership position to leverage greater cooperation to combat the epidemic.

First, it seeks to establish a global trust for programs to combat the transmission of HIV and to respond to the devastation of AIDS. Under the legislation, the United States can contribute up to \$150 million per year for two years to capitalize the fund. Of that, \$50 million annually is specifically targeted to address the great human tragedy and most daunting challenge of AIDS orphans. Undoubtedly, the initial generous contribution of the United States will spur many more commitments from other nations.

The legislation does not leave the question of orphans to the trust fund alone. It also directs the United States

to begin coordinating a global strategy to address the orphans crisis, especially in caring for them and educating them. This is in addition to the specific focus on education and care of orphans in Africa mandated in the initial authorization of ongoing programs and in the trust fund. Only education can provide the tools for these children to escape the poverty, violence and exploitation that they will often face. The strong emphasis on this explosive and frightening problem is one of the most forward looking approaches to international health yet considered by Congress. I cannot overemphasize the importance of these provisions.

The legislation also addresses the increasing threat of tuberculosis worldwide. The diseases' resurgence is a clear and direct threat to the United States' public health. Astonishingly, the World Health Organization estimates that one third of the world's population is infected with tuberculosis. With the increasingly drug resistant strains of the disease emerging yearly, the urgency of the initiative is critical. The legislation authorizes \$60 million each year for two years for programs to combat the disease. That figure represents a substantial increase in our efforts to ensure our own safety and health and to combat the scourge worldwide.

Overall, this legislation represents a clear recognition of the importance to our own health and security to combating infectious disease worldwide. More significantly, though, it is a monumental new commitment by the United States to combat the death and suffering of our fellow humans. It is a great demonstration of America's generosity and our hope to improve the lives and potential of all people.

Mr. KERRY. I am pleased to join the distinguished chairman of the Foreign Relations Committee, Mr. HELMS, and the Chairman of the Africa Subcommittee, Dr. FRIST, in bringing this very important bill to the Senate.

Mr. President, the human toll of the AIDS crisis in Africa is stupefying. More than 30 million people now live with AIDS and annual AIDS-related fatalities hit a record 2.6 million last year. Ninety-five percent of all cases are found in the developing world. AIDS is now the leading cause of death in Africa and the fourth leading cause of death in the world. In at least 5 African countries, more than 20 percent of adults are HIV-positive.

The AIDS epidemic is more devastating than wars: in 1998 in Africa, 200,000 people died from armed conflict; 2.2 million died from AIDS—more than 5,000 Africans died every day from the disease.

This week, the U.S. Census Bureau announced new demographic findings for Africa. Because of AIDS, Botswana, Zimbabwe and South Africa will experience negative population growth in the next five years. Without AIDS, these countries would have experienced a 2-3 percent increase in population.

Children born within the past 5 years in Namibia, Swaziland and Zimbabwe can expect to die before the age of 35. Without AIDS, their life expectancy would have been 70. In addition, a new and very troubling statistic was announced this week: UNAIDS reported that 55 percent of all HIV-infections were in women. So AIDS is not only robbing societies of young women but also of the child they might have had.

It is not hyperbole to say that this is Africa's worst social catastrophe since slavery, and the world's worst health crisis since the bubonic plague.

Other parts of the world are going down the same path as Africa. Infection rates in Asia are climbing rapidly, with several countries, especially India, on the brink of large-scale expansion of the epidemic. When I was in India in December, epidemiologist from our government as well as Indian officials admitted that the number of cases in Asia could surpass those of Africa by the year 2010.

In addition, countries of the former Soviet Union and Eastern Europe are especially vulnerable, as Russia is experiencing one of the highest increases in infection rates of any single country in the world last year. Is this the kind of world we want for the 21st century? In this age of remarkable biotechnical and biomedical breakthroughs, when we have cures of impotence and treatments for depression, do we want to ignore a public health crisis of biblical proportions? When we're talking about the democratization of the developing world, when we're talking about the triumph of capitalism and open markets, when we're talking about the benefits of globalization, we cannot remain silent—as rich as we are in talent, technology and money—about the threat AIDS poses to our national security.

Mr. President, last week, the 13th annual International Conference on AIDS was taking place in Durban, South Africa. It was the first time this international conference is being held in a country in the epicenter of the AIDS pandemic in the developing world.

A number of important breakthroughs have been announced from the Conference and the Senate should be aware of them:

Pharmaceutical companies have announced that they are prepared to offer their life-extending therapies to the developing world at no cost or at a very discounted rate. Merck will provide Botswana with \$100 million in medicine over the next five years. Abbott Laboratories confirmed that it will initiate a charitable program in Tanzania, Burkina Faso, Romania and India. Boehringer Ingelheim will give away one of the most important drugs in preventing the transmission of HIV from mother to child—Viramune—to developing countries over the next 5 years. Similarly, Pfizer recently promised to give South Africa its effective product—Diflucan—which is used for treating a deadly brain infection associated with AIDS.

These are all important developments. Access to these pharmaceutical products has historically been prevented by high price, and these companies should continue to work with governments and philanthropies like the Bill & Melinda Gates Foundation—which today is announcing another \$90 million in grants to combat AIDS in the developing world. The contribution made by Bill and Melinda Gates to fighting infectious diseases cannot be overstated. Through their philanthropy, they have given countries which are being ravaged by disease a fighting chance.

Fighting and winning the war against AIDS is more than just giving away medicine. We must continue to bolster the research into a cure. To this end, a number of significant biomedical breakthroughs have come out of Durban. The most significant is the announcement by the International AIDS Vaccine Initiative of human trials of a new vaccine candidate against AIDS. Development of an effective AIDS vaccine is critical especially in Africa where preventive measures—such as encouraging change in high-risk behaviors and debunking deadly myths—will do little to slow the spread of HIV in countries which have a 20 or 25 percent infection rate. It is clear that the only hope for these countries is a cure: that means, developing an effective vaccine and assuring its affordable distribution.

And, we have a responsibility to act in this increasingly intertwined world because, together with all the benefits associated with globalization, we also now are facing a range of new threats that know no borders and move without prejudice—international crime, cyber-terrorism, drug-trafficking and infectious diseases.

We are seeing a rise in the number of previously unknown lethal and potent disease agents identified since 1973—the ebola virus, hepatitis C, drug-resistant tuberculosis, West Nile virus and HIV. These diseases affect all of us, including American citizens. New Yorkers know the scare associated with these heretofore unknown diseases—last summer New York City was held captive by an encephalitis scare and new outbreaks this year have already been spotted in pigeons. There was a shock in the scientific community when it was discovered that outbreak of the mosquito-borne disease in New York was not, as scientists had believed, St Louis encephalitis; instead, it was a deadly variant of West Nile virus, a disease hitherto found only in Africa, the Middle East and parts of West Asia. United States health officials now fear that the disease may now become prevalent in the Americans. Similarly, it is foolhardy and dangerous to believe that any infectious disease can be adequately contained in one region. We are all at-risk.

Militaries are not immune; in fact, they are in some cases even more susceptible to upheaval and instability

from infectious diseases, especially AIDS. Some militaries in Africa have HIV-infection rates which top 40 percent. These military forces could be part of the solution for democratization in Africa in terms of peacekeeping and conflict prevention; instead, African armed services are losing their military effectiveness and adding to the social instability.

It is projected that Africa will be home to 40 million children, orphaned by AIDS, by the year 2010. Zambia is a country of 11 million people—half a million of them will be AIDS orphans. We know from other regions of the world—like Cambodia and Burma—that exploited children are common targets by rogue militias and narco- and other criminal organizations. It is clearly in our interest to stem this activity.

Likewise, economies are not immune. In fact, development of the last 20 years is being reversed in the countries hardest-hit by AIDS. AIDS cost Namibia almost 8 percent of its GDP in 1996. Tanzania will experience a 15 to 25 percent drop in its GDP because of AIDS over the next decade. Over the next few years, Kenya's GDP will be 14.5 percent less than it would have been absent AIDS. AIDS consumes more than 50 percent of already meager health budgets. In many African countries, the total annual per capita health-care budget is \$10. 80 percent of the urban hospital beds in Malawi are filled with AIDS patients—all is a direct threat on evolving democratic development and free-market transition. Mozambique and Botswana have two of the world's fastest growing economies but this economic growth cannot be maintained when those countries' workforces are being decimated with the daily deaths of hundreds of people in their most productive years. In the Cote d'Ivoire, a teacher dies of complications associated with AIDS every school day. In South Africa, businesses owners often hire and train two employees for one job, knowing that one will probably die from AIDS.

As we celebrated the passage this year of the Africa Trade bill, how can we seriously think that a vibrant market for products or investment can be formed on a continent which will lose up to 20 percent of its population in the next decade? To lure investors, the continent has already had to battle underdevelopment and racism, but now, some people in the developed world will see Africa as only as a place of disease. This is wrong and it is a direct threat to our national economic interests.

Governments are not immune. This epidemic is causing leadership crises in some African countries. President Benjamin Mkapa of Tanzania reported last week that "some ministries lose about 20 employees each month to AIDS."

African governments are grappling with the devastation wrought by HIV on their economies and their societies. It is difficult to fathom the challenges they face with this public health crisis,

and some of the actions sometimes baffle western observers. Some critics have recently pointed to the questions raised by President Thabo Mbeki of South Africa as to the origins of AIDS and as to the proper course of treatment. When it comes to dealing with AIDS, there are moral questions, there are budgetary constraints, there are political decisions. But there are also some biomedical truths. Senator FRIST and I have discussed these issues with the distinguished ambassador from South Africa and followed up with President Mbeki when he came to Washington on a state visit. Leadership is necessary from both the United States and from Africa—this issue cannot be solved by one nation alone. But no one country can ignore it either. President Mbeki has focused his attention on fighting the AIDS epidemic by fighting poverty. In his remarks in Durban, he missed an opportunity by refusing to state unequivocally that HIV causes AIDS. And, I fear, his questions will allow those who engaged in risky and unsafe practices to continue. Only bashing pharmaceutical companies is not helpful in the fight against AIDS, and the participants at the International Conference on AIDS rightly passed a resolution in support of the tested science of AIDS.

One can argue—and I do not at all subscribe to that argument—that Africa does not matter to the security interests of the United States. Some even mock the suggestion. I believe that this is not an issue of which any decent rational human being can be dismissive. One humanitarian terms, on political terms, on cultural terms, on economic terms, on historical terms, no one should dare be dismissive. We are linked to everything that is happening in Africa, starting back to our nation's and civilization's earliest history, and we are now tied by the new forces of globalization and technology. And I hope that we will always be tied by who we are and what we are as nation. This really tests the fiber of our country, in a sense, and questions whether we are prepared to deal with this threat.

But even if you subscribe to the view that the AIDS disaster in Africa is not a threat to our national security, you have to at least recognize that unfettered spread of this horrendous virus to other regions of the world—including North America—is certainly a threat. As goes Africa, so goes India and China—and no one in this Senate can make the argument that an India or a China, destabilized by a public health catastrophe, can be ignored in terms of our national security interests.

The window of opportunity is now open to making a real difference in Africa and improving global health, and that is why I am so pleased that the Senate is acting with all dispatch to make a significant contribution to fighting the epidemic in Africa. This bill builds upon the work of many of our most thoughtful and distinguished

colleagues. It includes initiatives that Congresswoman NANCY PELOSI, Senator FRIST and I began many months ago to speed vaccine development, to deal with AIDS orphans and to alleviate the suffering of those infected with HIV on the African continent. It also incorporates the plan Senator FRIST, Congressman LEACH and I have devised to inaugurate AIDS prevention grants from the World Bank. Senator DURBIN and I proposed a plan to assist AIDS orphans, and the spirit of that legislation is found throughout this bill. Senator BOXER and Senator GORDON SMITH have called for funding increases to AIDS prevention programs in Africa; Senator MOYNIHAN and Senator FEINGOLD have a proposal to target money to prevent further infection among infants. Their contributions can be seen in this bill.

The work of the appropriators has been and will continue to be vital in funding programs to assist Africa. I commend Senator LEAHY and Senator MCCONNELL for increasing funding for the existing appropriations accounts on global health in the Foreign Operations bill and I am very grateful that they have agreed to fund the Global Alliance for Vaccines and Immunizations (GAVI) which I have been urging for a year now.

I would also like to acknowledge the significant contribution of the distinguished Senator from North Carolina, Mr. HELMS. I commend the Chairman and our ranking member, Senator BIDEN, for their leadership. They have ensured that this session will not close until we have passed the largest single response by our Nation to the global AIDS epidemic.

It is my hope that the other body will move to pass these vital proposals with all necessary speed. It is clearly in our national interests—security, economic, political, health and moral—to do all we can to solve this crisis. Let me be clear on this, Mr. President, my commitment to this issue is not transitory. I will not rest on this legislative victory. I will be back next year and every year after that until this public health disaster is over.

Mr. FEINGOLD. Mr. President, I rise in support of the Global AIDS and Tuberculosis Relief Act of 2000. This bill recognizes the awesome and terrible scope of the HIV/AIDS epidemic, and responds with what is truly required to address it—a program far more comprehensive and substantial than what is entailed in the status quo.

The numbers one must use to describe the crisis are numbing. More than 70 percent of all people living with AIDS live in sub-Saharan Africa, and as the ranking member of the Senate Subcommittee on Africa, I have seen firsthand the devastating toll that the disease has taken in the region. In Africa alone, 15,900,000 people have died because of AIDS, and the World Bank has identified the disease as the fastest-growing threat to development in the region. Life expectancies are dropping dramatically, and the social fall-



out from this horrific upheaval has forced us to confront the disease not just as an epidemiological threat, but as a security threat as well. Nearly 4,500,000 children have HIV and more are being infected at the rate of one child every minute. According to UNAIDS, by the end of 1999, AIDS had left 13,200,000 orphaned children in its wake.

This bill is a serious effort to confront this monstrous crisis. It will provide hundreds of millions of dollars in assistance to strengthen prevention efforts, to combat mother-to-child transmission, to improve access to testing, counseling, and care, and to assist the orphans left in the wake of the disease. Through a new AIDS trust fund, it will leverage U.S. assistance with a multilateral approach and through innovative partnerships with the private sector. The bill provides support to the Global Alliance for Vaccines and Immunizations and to the International AIDS Vaccine Initiative, so that even as we address the urgent needs of the present, we work toward a solution in the future. The bill insists that AIDS education be provided to troops trained under the auspices of the African Crisis Response Initiative. It recognizes the inextricable link between HIV/AIDS and the resurgence of tuberculosis. It goes beyond the President's request and beyond anything that this Congress has contemplated since the epidemic began.

The bill is not perfect, of course. The needs are great and the problem multifaceted. I would still like to see this Congress address the important issue of access to pharmaceuticals, and to put strong language into statute that would prohibit the executive branch from pressuring countries in crisis to revoke or change laws aimed at increasing access to HIV/AIDS drugs, so long as the laws in question adhere to existing international regulations governing trade. This bill does not absolve this Senate of a continued responsibility to address the global AIDS crisis. But it is remarkable, all the same.

This bill has the unanimous support of the Senate Foreign Relations Committee. Senators HELMS, BOXER, FRIST, KERRY, and BIDEN have worked on it tirelessly. It includes provisions originally drafted in the Mother-to-Child HIV Prevention Act, a bill authored by Senator MOYNIHAN of which I was proud to be an original co-sponsor. It reflects the admirable work of the House and in particular of Congresswoman BARBARA LEE and Congressman LEACH, and it should reach the President's desk quite quickly. Rarely does such a substantive, ground-breaking bill enjoy this degree of bipartisan consensus. It is a tribute to my colleagues and a testimony to the undeniable magnitude and urgency of the crisis that the Senate stands ready to pass this legislation today.

Just days ago, U.S. Ambassador to the United Nations Richard Holbrooke testified before the Senate Foreign Re-

lations Committee. When he was speaking about the AIDS crisis, he spoke of its impact and of the place the epidemic has already taken in history, and said, "All of us will have to ask ourselves, when our careers are done, did we address this problem?" This bill is an important part of the answer to that question.

Mrs. BOXER. Mr. President, today the Senate is taking a big step forward in the fight against international AIDS and Tuberculosis. Today's passage of H.R. 3519, the Global AIDS and Tuberculosis Relief Act of 2000, will help those throughout the world who are suffering from these deadly infectious diseases.

I am particularly pleased that this legislation includes two bills that I introduced earlier in the 106th Congress. In February, I introduced the Global AIDS Prevention Act (S. 2026). This legislation authorizes \$300 million in bilateral aid for those nations most severely affected by HIV and AIDS. It calls on the United States Agency for International Development to make HIV and AIDS a priority in its foreign assistance program and undertake a comprehensive, coordinated effort to combat HIV and AIDS. This assistance will include primary prevention and education, voluntary testing and counseling, medications to prevent the transmission of HIV and AIDS from mother to child, and care for those living with HIV or AIDS.

H.R. 3519 also includes legislation I introduced last year, the International Tuberculosis Control Act (S. 1497). This bill authorizes \$60 million in aid to fight the growing international problem of tuberculosis. With this legislation, the United States Agency for International Development will coordinate with the World Health Organization, the Centers for Disease Control, the National Institutes of Health, and other organizations toward the development and implementation of a comprehensive tuberculosis control program. This bill also sets as a goal the detection of at least 70 percent of the cases of infectious tuberculosis and the cure of at least 85 percent of the cases detected by 2010.

H.R. 3519 has other important provisions as well. The bill includes a \$10 million contribution to the International AIDS Vaccine Initiative and a \$50 million contribution to the Global Alliance for Vaccines and Immunizations. It also contains provisions calling for the establishment of a World Bank AIDS Trust Fund with the Secretary of the Treasury authorized to provide \$150 million for payment to the fund.

I want to thank all of the members of the Senate Foreign Relations Committee for their work on this legislation. I am particularly grateful for the efforts of Chairman HELMS in pushing this bill forward.

This is an important step in the fight against AIDS and TB. I have no doubt that greater resources will be needed in

future years to continue this effort. I am hopeful that the Senate will continue to treat the issue of infectious diseases with the seriousness it deserves.

There are 34 million people today living with HIV/AIDS, and one-third of the world's population is infected with tuberculosis. Much more needs to be done, and I am proud of the Senate for taking this action today.

Mr. BENNETT. Mr. President, I ask unanimous consent that the bill be read a third time and passed, as amended, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 3519), as amended, was read the third time and passed.

#### TREASURY AND GENERAL GOVERNMENT APPROPRIATIONS ACT OF 2001—MOTION TO PROCEED—Continued

Mr. BENNETT. Mr. President, I will now turn to the subject that has been raised today and yesterday and last week and repeatedly in the last few weeks. That is the subject of why the Senate is not proceeding on the pace and with the vigor we all think it should. We have heard from the Senator from Rhode Island and others today about how the majority leader has somehow dictatorially brought everything to a terrible halt and wouldn't it be wonderful if we went back to the great spirit of cooperation and comity that allows us to get things done. I agree absolutely that it would be wonderful to return to the spirit of cooperation and comity that would allow things to be done, but I think it is pointing the finger in the wrong place to attack the majority leader.

Let me share with you my experience this last week. Monday of this week was July 24, which in my home State is the biggest day of the year. July 24 happens to be the day that Brigham Young and the first group of Mormon pioneers entered Salt Lake Valley and put down roots that have now become not only Salt Lake Valley but the State of Utah. Every year we celebrate that historic event with a major parade. It is one of the requirements for a politician to be in that parade. Senator HATCH and I always confer about whether or not we will be able to make the parade because we don't want to miss votes. There have been times when we have had to miss the parade to be here to do our appropriate duty.

On Friday of last week, I went to the staff of the leadership and said: What is going to happen on Monday? I was told: We will be on energy and water. There will be amendments and there will be votes.

I then went to the subcommittee chairman of the Appropriations Committee and said to him—this being Senator DOMENICI—how important will the votes be and how many will there be?



Senator DOMENICI said: Well, there will be several votes, but I think they will be relatively unimportant ones. They will not be close.

I said: Well, Senator, I think under those circumstances, I will go to Utah and ride in the July 24 parade. If you can assure me that it will not create an undue hardship for you with respect to passing important amendments that my vote would not be absolutely essential, I think I will go to Utah.

He told me: Senator, you can go to Utah. I will see to it that the amendments that we vote on on Monday will not be so close that your vote would have made that much of a difference.

So I went to Utah. When I got back, I said to my staff: How many votes did I miss and how important were they? I found out I didn't miss any votes. The Senate didn't vote. Why? The Senate didn't take up the bill. Why? Because the minority objected to the motion to proceed, and the majority leader was required to file a cloture motion on the motion to proceed to consider the bill.

I have made the statement in this Chamber before that based on my experience, I can remember a time when no one ever objected to a motion to proceed. A filibuster on the issue of the motion to proceed was something that was unheard of from either side. We have been told this afternoon "couldn't we go back to the time when people got along with each other" from the same side of the aisle that has said: We will filibuster the motion to proceed.

So the majority leader had to file a cloture petition. He filed the cloture petition. We voted on it. When we voted on it, it was passed overwhelmingly, if not unanimously. That raises the question: Why did we go through this exercise? Why couldn't we have been on the bill at the time we were scheduled to be on the bill? Why are we in this situation now when we are under a cloture situation running off 30 hours on the clock so we can then finally get around to voting on the bill, knowing that as soon as we get through with this one, there will be another one where there will be objection to the motion to proceed, the requirement that a cloture petition be filed, and the running off the clock again?

There are various ways to defeat legislation. One of them is to delay it. I said once before, I worry this Chamber has started to move from being the world's greatest deliberative body to being the world's greatest campaign forum. I am distressed by reports in the popular press that say that the Vice President and his party intend to run against a do-nothing Congress. We are doing everything we can to make this a do-something Congress, but there are forces at work to try to create the prophecy of a do-nothing Congress into a self-fulfilling prophecy.

It can be done in such a way that the public at large doesn't understand what is going on. The public at large doesn't know what cloture means. I go home to my constituents and I try to

explain what is going on. They don't understand what the motion to proceed is. They don't understand the rules of the Senate. You talk to them about unanimous consent agreements that are not being agreed to, agreements that are made between the two leaders that then get set aside and cloture petitions, their eyes glaze over when you start talking like that. They come back to you—these are my constituents—and they say: Why aren't you getting your work done?

When you have to make these kinds of explanations, the public gets impatient, which plays into the hands of those whose electoral strategy is run against a do-nothing Congress. I have started to use that language, as I explain to my constituents why we are not getting the people's work done. I say to them very deliberately—and it pains me because I do not want to cast clouds over this institution, but I believe I have to say it anyway—there are those who want to run against a do-nothing Congress who are determined to create a do-nothing Congress. And in the Senate, the rules are such that you can do that. The rules are such that even if you are in the minority, if you want to bring this place to its knees and bring it to a halt, you can do that.

I have been in the minority. I have heard some of my fellow party members in the minority say: We have to bring this place to a halt; we have to shut it down. I am glad I didn't participate in the attempts on the part of the minority to shut this place down when George Mitchell was the majority leader; when George Mitchell did many of the things that TRENT LOTT is now being accused of doing; when George Mitchell said: We have to do the people's business, even if it means, as majority leader, I exercise something of an iron fist to make sure we do the people's business; I will do it and we will get the people's business done. Those on this side of the aisle who said in my hearing, "let's shut this place down," did not prevail.

I did not participate with them, and I am proud of that fact, that we did not attempt to shut this place down. Were we frustrated? Absolutely. Were we upset? Absolutely. Did we engage in filibusters, yes, straight up. My assigned time was from 1 to 2 o'clock in the morning in a filibuster, when George Mitchell said: If the Republicans are going to filibuster us, let's go around the clock. I was very up front about it. I believed the bill that we were talking about was sufficiently bad that I was willing to take my turn from 1 to 2 o'clock in the morning to see to it that the bill didn't pass.

That is part of the game around here. That is the way the rules are structured. I have no problem with that. But objecting to the rule to proceed, which is the kind of thing the public doesn't understand, but that all of us understand, is a stealth filibuster. It is an attempt to slip under the public awareness, shut this place down, and create a

situation where you can then run against a do-nothing Congress.

I remember the first person to run against a do-nothing Congress—Harry Truman. I remember what Harry Truman did. It was very different from what is being done here. Let's get a little history here.

Harry Truman was President of the United States by virtue of Franklin Roosevelt's death. He had not run for President, he had not been elected, and he was not very popular in the country. The Republicans controlled both Houses of Congress as a result of Harry Truman's lack of popularity, and they were absolutely sure they were going to win the 1948 election. So they were determined they were not going to pass any legislation that Harry Truman could veto. They were going to wait until Thomas Dewey became President of the United States, and then they were going to pass their legislation for a President who would sign it.

They held the Republican National Convention, and in the convention they outlined all of the things they were going to do, once they were in power, in both the Congress and the executive branch. Well, Harry Truman called their bluff. Harry Truman said: If that's what the Republicans really will do when they are in charge, let them do it now. He called the Congress back into session after the Republican convention and said to them: Here is your opportunity. Here is your platform. Pass your platform.

Well, Robert Taft, who was the dominant Republican—the man whose picture graces the outer lobby here as one of the five greatest Senators who ever lived—made what I think was a miscalculation. He thought Harry Truman was so unpopular in the country at large that the Congress could thumb its nose at the President of the United States, and he said: We are not going to do anything in this special session that the President has called us into. We are not going to play his game.

So the Republican Congress adjourned after that special session without having done anything—deliberately, without having done anything. Harry Truman then went out and ran against the do-nothing 80th Congress and got himself elected in his own right as President of the United States. It was one of the great political moves of this century.

That is not what we are dealing with here. We are not dealing with a Republican Party that doesn't want to act. We are not dealing with a Republican Party that doesn't want to solve the people's problems. We are dealing with a Republican Party that is trying desperately to perform the one absolutely required constitutional function that the Congress has, which is to fund the Government. We are trying to pass appropriations bills to fund the Government, so that there will not be a Government shutdown, there will not be a continuing resolution, there will not be a crisis at the end of the fiscal year.

When we try to move to the bills that will fund the Government, we run into procedural roadblocks on the part of those who are then talking about running against a do-nothing Congress. That is what is going on here.

If we have to say it again and again and again, so that our constituents finally begin to understand it, I am willing to say it again and again and again. We have discovered that one of the strategies being played out in this great campaign forum is to take an amendment that is seen as a tough political vote, bring it up, see it defeated, and then the next week bring it up again, and then complain when the Republicans say we have already voted on that; we don't need to vote on it again. Oh, yes, you do, says the leadership on the other side; let's vote on it again.

If we vote on it again and defeat it, thinking, OK, we have had a debate and we have taken our tough political votes and we have made it clear where we stand on this issue, let's move forward, no, we are told somehow when you want to move forward without bringing up this amendment again: You are thwarting the will of the Senate; you are turning the Senate into another version of the House of Representatives if you won't let us vote on this controversial amendment a third time.

If it gets voted on a third time, then it comes up a fourth time. If it gets voted on a fourth time, it comes up a fifth time. Every time the majority leader says: We have done that, we have debated that, we have voted on that, he is told: No, if you take a position that prevents us from voting on it again, you are destroying the sanctity of this institution.

Well, now we are being told we are interfering with the President's constitutional right to appoint judges. I find that very interesting because this Congress has confirmed more judges in an election year than previous Congresses. Quoting from my colleague, the chairman of the Judiciary Committee, and therefore in a position to have the statistics, there are fewer vacancies in the Federal judiciary now than when the Democrats controlled the Congress and the Republicans controlled the White House in an election year. If I may quote from Senator HATCH:

Democrats contend that things were much better when they controlled the Senate. Much better for them, perhaps. It was certainly not better for many of the nominees of Presidents Reagan and Bush. At the end of the Bush administration, for example, the vacancy rate stood at nearly 12 percent. By contrast, as the Clinton administration draws to a close, the vacancy rate stands at just 7 percent.

Well, turning it around, the vacancy rate we are facing now is roughly half that which a Democratic Senate gave to President Bush as he was facing reelection. Oh, but we are being told: No, there are judges who have languished for a long time; therefore, we should have a vote on the judges whose names

have been before us the longest before we have a vote on the judges who may have been nominated more recently, and it is terrible to hold a judge or any nominee for a long period of time. We need to give him or her a vote. We need to bring the names to the floor of the Senate, and the minority leader should decide which name is brought to the floor of the Senate.

I remember when I first came to this body, I was assigned to the Banking Committee. There was a nominee sent forward by President Clinton whom the chairman of the Banking Committee didn't like. The chairman of the Banking Committee at the time was, of course, a member of President Clinton's own party. But his objection, as I understood it—and I may be wrong—was that this particular nominee had too much Republican background on his resume, that this particular nominee had not been ideologically pure enough for the chairman of the Banking Committee.

As I say, that is my memory, and I could be wrong. But that was the very strong position on the part of the chairman of the Banking Committee. That nominee didn't come up for a hearing before the Banking Committee for the entire 2 years that the Democrats controlled the Banking Committee and that man was the chairman. Any attempt on the part of anybody else to get that particular nomination moving was thwarted by the chairman.

Now, what if the then-minority leader, Senator Dole, had come to the floor and said we will not allow anything to go forward until this nominee comes to the floor for a vote?

How would people have reacted to that kind of action on the part of the minority leader if the entire minority had gathered around him, and said: We will stand with you, we will filibuster the motion to proceed, and we will do everything we can to bring the Senate to a complete halt until this nominee that has languished in the Banking Committee for almost 2 years is brought forward? I am pretty sure I know what George Mitchell would have told Bob Dole. I am pretty sure I know what the majority leader would have said under those circumstances. It probably would not be as mild as the comments TRENT LOTT is currently making about the present demands that are being made with respect to specific judges by name—not the agreement that the minority leader and the majority leader made where the majority leader said: All right, we will move forward on judges; we will bring a determined number of judges forward—but to say, no, we are now changing, and we are demanding a specific name be brought forward or we will shut the whole place down, and then come to the floor and say somehow the work of the people is not getting done.

I am willing to take the tough votes that are being referred to on the floor. I have taken the votes on guns. I have

taken the votes on abortion. I have taken the votes on minimum wage. I have taken the votes on Patients' Bill of Rights. I have taken the votes on prescription drugs for seniors. I have a record now that I will have to stand and defend before my constituents. Those votes have been taken because the minority has had the right to bring up every one of those issues and demand a rollcall vote.

I don't apologize for the fact that I backed the majority leader in his position that we don't need to take those votes again. While we are in the process of trying to fund the Government and discharge our constitutional responsibility, we don't need to sidetrack that business to go over old ground. If there is an election that has come up so that there are new people here and the electoral balance has shifted, it obviously makes sense to take those votes against. But to have the same people in the same Chamber in the same Congress in the same session repeat the votes again and again and again doesn't make any sense when the process of debating each one of those votes again and again and again delays the whole legislative process to the point that we get to what I sadly have come to the conclusion is the goal here, which is to create a do-nothing Congress so that some people can run against a do-nothing Congress.

If it means the majority leader has to get as tough as George Mitchell, if it means the majority leader has to be as firm as his predecessors, who were Democrats who were firm in order to move the people's business, I support the majority leader. It does not disgrace this body. It does not take this body away from its traditions. It is in the tradition of the body to move legislation forward and get the people's business done.

I applaud Senator LOTT for his courage and his leadership in moving us in that direction.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oregon is recognized.

Mr. BENNETT. Mr. President, will the Senator yield for a leadership motion?

The PRESIDING OFFICER. The Senator from Oregon has the floor.

Mr. SMITH of Oregon. I yield to the Senator to make a request.

#### UNANIMOUS CONSENT AGREEMENT

Mr. BENNETT. Mr. President, I ask unanimous consent that at the hour of 5 p.m. the Senate proceed to adopt the motion to proceed to the Treasury/Postal appropriations bill; that immediately after that the Senate vote on cloture on the motion to proceed to the intelligence authorization bill; that immediately after that vote, regardless of the outcome, the Senate proceed to a period for morning business until the Senate completes its business today, and that the preceding all occur without any intervening action or debate.

I announce that the cloture vote regarding the motion to proceed to the

intelligence authorization bill which will occur at 5 p.m. this evening will be the last vote today. We would then go into a period for morning business and conclude the session for the day with the exception of any conference reports or wrap-up items that may be cleared for action.

I further ask unanimous consent that when the Senate completes its business today it stand in adjournment until the hour of 9:30 a.m. tomorrow; that the call of the calendar be waived and the morning hour be deemed to have expired; that there then be a period for eulogies for our former colleague Senator Coverdell as previously ordered; that following the swearing in of our new colleague, ZELL MILLER, at 11 a.m. and his eulogy of Senator Coverdell, the Senate adopt the motion to proceed to the intelligence authorization bill, if its pending, and then vote on the cloture vote on the motion to proceed to the energy/water appropriations bill, and that the preceding all occur without any intervening action or debate.

The PRESIDING OFFICER. Is their objection?

Mr. REID. Reserving the right to object, Mr. President, I want to say to my friend from Utah, for whom I have the highest regard, he is a great Senator. I have personal feelings toward him that he understands. But I want to just say a couple of things before we settle this little bit here.

I served under George Mitchell. Never did Senator Mitchell prevent the minority from offering amendments. That is our biggest complaint in this body—that the majority will not allow the minority to offer amendments. We believe the Senate should be treated as it has for over 200 years. If that were the case, we wouldn't be in the situation we are in now.

I also say to my friend that the percentage on the judges doesn't work because we are dealing with a larger number. Of course, if you have a larger number of judges, which has occurred since President Reagan was President, you could have a smaller percentage. That means a lot more judges. As we know, you can prove anything with numbers.

I also say that one of the problems we have with judges is my friend from Michigan has one judge who has waited 1,300 days. That is much shorter than the 2 years my friend talked about in regards to the Banking Committee. In fact, I think the majority is protesting too much.

I withdraw my objection.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. BENNETT. Mr. President, in light of this agreement, a rollcall vote will occur at 5 p.m. today on the motion to proceed to the intelligence authorization bill. Another rollcall vote will occur at approximately 11:30 a.m. on Thursday on the motion to proceed to the energy and water appropriations bill.

I thank the Senator from Oregon.

The PRESIDING OFFICER. The Senator from Oregon has the floor.

Mr. HARKIN. Mr. President, will the Senator yield for a unanimous consent request?

Mr. SMITH of Oregon. I would be happy to yield for a unanimous consent request.

Mr. HARKIN. Mr. President, I ask unanimous consent that when the Senator from Oregon finishes his remarks, the Senator from Iowa be recognized to make some remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Oregon.

Mr. SMITH of Oregon. Mr. President, I thank you for the time. I am here today at the request of my leader. I am here today to talk to the people of Oregon and to the American people.

I am often asked in townhall meetings why it is that we don't seem to be getting much done. Every time people turn on C-SPAN they see Republicans and Democrats bickering. I have said to them: I know it is frustrating. I know you do not like it. I know it sometimes isn't pleasant. But, frankly, rather than criticize it, we ought to celebrate it because this is the way we go about the business of government of a free people—of exchanging ideas, and using words as our weapons and not actually bullets.

This contest between Republicans and Democrats is not an unhealthy thing. But I must admit to the American people and to the people of Oregon that what I see happening on the Senate floor right now is nothing to be celebrated.

I came to the Senate looking for solutions—not looking for a fight. I don't mind a good debate. I don't mind differences of opinion. I don't mind taking tough votes. Frankly, I have learned that the tough votes are sometimes the most memorable because they are difficult. They set you apart. They make you come to a choice. Like Senator BENNETT said, I have taken all of these tough votes that my Democratic friends have wanted me to take, and they have taken some that we wanted them to take. However, I have to say that now is not a moment to be celebrated because of what I have been hearing since I came back from this last weekend.

I have heard from colleagues on both sides of the aisle that this session of Congress is essentially over, that right now politics is going to prevail over policy, and that there will be gridlock until the election so that the greatest political advantage can be made out of the Congress.

I am disappointed in that. I didn't come here for that. I didn't fight as hard as I did to win a seat in this body to just play that kind of a game.

I find on the Democratic side people of honor and good will. I hope they find that in Republicans. Frankly, I think we are allowing the worst of our natures to take over right now. I am disappointed. I am very disappointed.

I understand that the White House is now telling our leaders that unless we accede to every one of the President's demands, that we will be blamed for shutting the Government down because he won't sign any tax cut, he won't sign any appropriations bill. We are just going to be made the victims of this. I say to my friends in the White House, this is an overreach. This goes too far.

The American people will judge this for what it is. I think we owe the American people something better than that. I think we owe them the truth. I think we owe them our best efforts. I think the politics shouldn't be so blatantly transparent that it brings shame upon the Senate.

I am here with a heavy heart because I want to get something done. I have sat in the chair many times and begun to see this filibuster mentality build up among the minority that rails against these tax cuts that we have passed, to eliminate estate taxes, to eliminate the marriage penalty. They don't have to like it, they voted against it.

I will say why I voted for them. There is an overarching reason why I vote for tax cuts. I believe in times of surplus and prosperity there is a point when we can say we are taking too much and we believe it can do more good in the general economy and we will put some back. Tax cuts go to taxpayers. When it comes to specific taxes, for example, the estate tax, I will state why I voted to change the nature of that tax, to eliminate the incidence of debt as the tax, and to shift it over to the sale of an asset as the incidence of taxation. I don't believe it is any of the Government's business how my heirs receive my estate. I think that is about freedom. I think that is about people saying: I am going to work hard and I will accumulate what I can, and I want to determine how my sons and my daughters receive my estate. Then if my heirs are unwise, the marketplace will redistribute that income because of poor choices.

I don't think it is the Government's business to say we are going to determine how this money is redistributed. It is a difference of who you trust. Do you trust Government? Or do you trust freedom? Do you trust people? Or do you trust central planning? That is why I am on this side of the aisle—not because I think there are bad people over there; I know otherwise. There are good people there. But we have a difference of belief in how the public is best served. I think they want more equality. I think we want more liberty. That is the context of the debate here.

I want the American people to know I will defend my vote to my own grave to eliminate the estate tax. I believe the way we have shifted it to a capital gains as the incidence of taxation is far more consistent with notions of freedom than reaching into somebody's grave and saying we are going to distribute it a new way, a Government way. That is not the America that I believe in.

When it comes to the marriage penalty tax cut, they are complaining again that too few people will benefit. You say it affects people disproportionately. But many married people will benefit. Again, it is hard to give tax cuts to those who don't pay taxes. I am not ashamed of voting to cut taxes for married people. Some people say that is unfair. However, I think we ought to incentivize marriage. It is a cornerstone of our society. Take religion out of it. Sociologists and psychologists will say for a child to have the best chance in life they need a mom, they need a dad. Those are the kinds of things we ought to be incentivizing—not penalizing.

Without any embarrassment, I am proud to have voted to end the marriage tax penalty and the death tax penalty. These are bad tax policies. We have voted to end them. If they don't like the distribution of them, fine. But we have cast these votes. They voted one way; we voted another. We have taken their tough votes. As Senator BENNETT said, we have taken the gun votes. We have taken the votes on abortion. We have taken a whole range of votes. We have taken a vote against their prescription drug plan.

Let me go to prescription drugs for a minute. I am a member of the Budget Committee. I have sensed in the people of Oregon a real desire for a prescription drug benefit. I want to deliver for that. Because of that, I went into the Budget Committee when we created this template in the U.S. budget, determined to stand with my colleague, RON WYDEN, to accede the President's request for a prescription drug benefit. The President requested \$39 billion. RON, OLYMPIA SNOWE, and I decided together we have a majority if the Democrats will vote with us. We felt strongly that we should deliver on this promise and this need.

We got the Budget Committee to exceed the President's request of \$39 billion. We went to \$40 billion. However, I was a little bit discouraged—even felt somewhat betrayed—when a few months later the President says, just kidding, we need \$80 billion. Double? From where did the original \$39 billion come? Why all of a sudden, \$80 billion? Don't the American people want Congress to be responsible for this? I put everyone on notice, I am being told in the Budget Committee that \$80 billion won't even begin to cover this. Now what we are looking at under the President's program, is a one size fits all plan. A Government bureaucrat will be in your medicine cabinet and making choices for your health. A plan, by the way, that doesn't even take effect when we pass it—3 years hence. How is that keeping faith with the American people? They cannot even begin to tell you what it costs.

This is not the way we should make these fundamental decisions about the health of the American people and the health of our Government's budgets. I hope everybody understands that. I am

being told that come October 6, when we are supposed to sine die, if we haven't passed the President's version we are going to be put in a position that we are made to look as if we are shutting the Government down.

People of America, you do not want Congress making these fundamental irreversible decisions on such a basis. These are important issues. We should not be giving in to this kind of political pressure for expediency, for an election. We should do it carefully. We should do it right. When it comes to prescription drugs, I will spend what I have to make sure you have a choice, that it is voluntary, and that it is affordable.

Under the President's plan, I bet there is better than half of the American people who would be eligible for it, who would not pay less for prescription drugs, yet would be forced to pay more. Is that what we want? That is not voluntary. That is about Government central planning. That is about a bureaucrat in your medicine cabinet. That is a plan for which I will not vote.

I believe in the marketplace. I believe in freedom. I believe Government has a role. I believe we ought to have a safety net. But I don't believe we ought to be going to a system that says the Government knows best and a bureaucrat can tell you what pill you need to take.

I have talked about taxes. I have talked about the budget. I have talked about prescription drugs.

Let me end by talking a little bit about this other great frustration I hear from the people of Oregon and that is the cost of gas, the cost of energy.

There is plenty of blame to go around, I am sure. I am not defending big oil. I am not defending the Government, either. But what I am telling you is our country has an enormous trade deficit because we are spending over \$100 billion per year on foreign oil. When President Carter was the President, we had gas lines and we had shortages. I remember waiting over an hour every time I went to get gasoline. When that occurred, our country was 36-percent dependent on foreign oil. We are 56-percent dependent now. Do you know why? Because in the life of this administration we have had over 30 oil refineries close; we have had leases canceled; we have had no development; and we have had an increasing dependence—not less—on foreign oil. I tell the American people, that is why you are paying too much. That is why you are paying more than you need to, because we are being held hostage to a cartel of foreign nations—many that wish us ill, many that would like to put us over an oil barrel and push us over.

I am saying I don't like drilling for oil. Every one of us drives a car and for a lot of us, the oil that drives that car is refined in Texas. Everyone of us likes the freedom of an automobile. Frankly, I would rather say to the American people: Let your sons and

daughters drill for oil so they do not have to die for oil. We are setting them up to die for oil if we do not figure out some better balance between production and conservation.

Conservation is important. I vote for conservation initiatives. But it is not the whole answer. You have to produce something. A third of our trade deficit is due to foreign oil. If you want an independent country, if you want an independent foreign policy, you cannot be totally dependent, as we are becoming, on foreign oil. But there you have it. That has been the policy of this administration.

Finally, our Vice President said he wants to outlaw or get rid of the internal combustion engine. In my neck of the woods, we have the incredible benefit of hydroelectric power. We have low energy rates because of hydroelectric power. But, guess what, they are talking about tearing them down. They want to tear out the most clean, most renewable, most affordable energy supply that we have. Guess what happens when you do that. You lose—the recreation is gone, but, more importantly, you lose the irrigation for farmers, you lose the transportation of goods from the interior all the way from Montana, Idaho, Washington, Oregon to the Port of Portland and around the Pacific rim. You lose the ability to use this system of locks to move vast quantities of agricultural and other commodities.

I don't think we want to do that. I think it is very unwise. If you want to get rid of the internal combustion engine—let's examine this briefly. Right now, to move about a half a million bushels of grain, you need four barges that move through these locks. Four barges use very little energy. It just floats and makes its way to the Port of Portland. Get rid of the locks or dams, guess what, you have to truck them or rail them. How many railcars does it take to replace the four barges? It takes 140 jumbo railcars to move the same volume.

The tracks, the infrastructure is not there to do all the railing. So then you go to trucks, internal combustion engines. Guess how many trucks it takes: Four barges versus 539 large "semi" trucks. Guess what creates pollution. Guess what creates damage to your roads. That will do it.

I want to be fair about this. When we are becoming so dependent on foreign oil, so dependent upon foreign energy, so dependent as a superpower on others, I think it is very imprudent to begin tearing out our energy infrastructure.

So I will close, and I say again with a heavy heart, I think right now politics is prevailing over good policy. I think that is too bad. But let me tell you, the real losers will be the American people if the Republican majority caves in to the kind of tactics that say if you don't take everything we want we are going to make you look like you shut the Government down.

There are a lot of us who are earnestly striving to do our duty, as is incumbent upon the majority, to move the business of the people while at the same time being fair to the minority. But how many times do we have to cast the same votes? Please, help us here. I plead with the President. Let's get something done. Let's deal in good faith. We don't have to let politics prevail. Because if we do, the legacy of this President and this Congress will be the words "it might have been."

It ought to be better than that. But I, for one, believe in our Republic. I believe in our separation of powers. I will be very disappointed in my leaders if we cave in to a King. We cannot do that. We are not going to cave in to a King. We need to stand up for our institution. Moreover, we need to pay attention to the details of our policy. Because if we work it out with civility, we will work it out right for the American people.

I yield the floor.

Mr. REID. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. I thank the Chair.

#### INTELLIGENCE AUTHORIZATION ACT FOR FISCAL YEAR 2001— MOTION TO PROCEED

##### CLOTURE MOTION

The PRESIDING OFFICER. Under the previous order, the cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

##### CLOTURE MOTION

We the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the motion to proceed to calendar No. 654, S. 2507, the Intelligence Authorization Act for fiscal year 2001:

Trent Lott, Richard Shelby, Connie Mack, Ben Nighthorse Campbell, Michael D. Crapo, Rick Santorum, Wayne Allard, Judd Gregg, Christopher Bond, Conrad Burns, Craig Thomas, Larry E. Craig, Robert F. Bennett, Orrin Hatch, Pat Roberts, and Fred Thompson.

The PRESIDING OFFICER (Mr. VOINOVICH). By unanimous consent, the mandatory quorum call rule has been waived.

The question is, Is it the sense of the Senate that debate on the motion to proceed to the consideration of S. 2507, a bill to authorize appropriations for the fiscal year 2001 for intelligence and intelligence-related activities of the U.S. Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other pur-

poses, shall be brought to a close? The yeas and nays are required under the rule. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Wyoming (Mr. THOMAS) is necessarily absent.

Mr. REID. I announce that the Senator from Minnesota (Mr. WELLSTONE) is necessarily absent.

I further announce that, if present and voting, the Senator from Minnesota (Mr. WELLSTONE), would vote "aye."

The yeas and nays resulted—yeas 96, nays 1, as follows:

[Rollcall Vote No. 228 Leg.]

##### YEAS—96

Abraham	Enzi	Lott
Akaka	Feingold	Lugar
Allard	Feinstein	Mack
Ashcroft	Fitzgerald	McCain
Baucus	Frist	McConnell
Bayh	Graham	Mikulski
Bennett	Gramm	Moynihan
Biden	Grams	Murkowski
Bingaman	Grassley	Murray
Bond	Gregg	Nickles
Boxer	Hagel	Reed
Breaux	Harkin	Reid
Brownback	Hatch	Robb
Bryan	Helms	Roberts
Bunning	Hollings	Rockefeller
Burns	Hutchinson	Roth
Byrd	Hutchison	Santorum
Campbell	Inhofe	Sarbanes
Chafee, L.	Inouye	Schumer
Cleland	Jeffords	Sessions
Cochran	Johnson	Shelby
Collins	Kennedy	Smith (NH)
Conrad	Kerrey	Smith (OR)
Craig	Kerry	Snowe
Crapo	Kohl	Specter
Daschle	Kyl	Stevens
DeWine	Landrieu	Thompson
Dodd	Lautenberg	Thurmond
Domenici	Leahy	Torricelli
Dorgan	Levin	Voinovich
Durbin	Lieberman	Warner
Edwards	Lincoln	Wyden

##### NAYS—1

Gorton

##### NOT VOTING—2

Thomas

Wellstone

The PRESIDING OFFICER. On this vote, the yeas are 96, the nays are 1. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

#### MORNING BUSINESS

Mr. BAUCUS. Mr. President, what is the pending business?

The PRESIDING OFFICER. Under the previous order, the Senate is now in morning business.

#### EMBARGO ON CUBA

Mr. BAUCUS. Mr. President, this morning we voted on cloture on the motion to proceed to the Treasury-Postal appropriations bill. I rise to address an issue that will certainly arise in the debate. The issue is the U.S. embargo on Cuba as it relates to food and medicine.

Earlier this month, I traveled to Havana along with Senators ROBERTS and AKAKA. It was a brief trip, but it gave us an opportunity to meet with a wide

range of people. We met with Cuban Cabinet Ministers and dissidents, with the head of the largest NGO in Cuba, and also with a good number of foreign ambassadors, and with President Fidel Castro himself. I might say that was a marathon 10-hour session, about half of it dining.

I left those meetings more convinced than ever that it is time to end our cold war policy towards Cuba. We should have normal trade relations with Cuba. Let me explain why.

First, this is a unilateral sanction. Nobody else in the world supports it. Not even our closest allies. Unilateral economic sanctions, don't make sense unless our national security is at stake. Forty years ago Cuba threatened our national security. The Soviet Union planted nuclear missiles in Cuba and aimed them at the United States. Twenty years ago, Cuba was still acting as a force to destabilize Central America.

Those days are gone. The missiles are gone. The Soviet Union is gone. Cuban military and guerilla forces are gone from Central America. The security threat is gone. But the embargo remains.

My reason for my opposing unilateral sanctions is entirely pragmatic. They don't work. They never worked in the past and they will not work in the future. Whenever we stop our farmers and business people from exporting, our Japanese, European, and Canadian competitors rush in to fill the gap. Unilateral sanctions are a hopelessly ineffective tool.

The second reason for ending the embargo is that the US embargo actually helps Castro.

How does it help Castro? I saw it for myself in Havana. The Cuban economy is in shambles. The people's rights are repressed. Fidel Castro blames it all on the embargo. He uses the embargo as the scapegoat for Cuba's misery. Without the embargo, he would have no one to blame.

For the past ten years I have worked towards normalizing our trade with China. My operating guideline has been "Engagement Without Illusions." Trade rules don't automatically and instantly yield trade results. We have to push hard every day to see that countries follow the rules. That's certainly the case with China.

I have the same attitude towards Cuba. Yes, we should lift the embargo. We should do it without preconditions and without demanding any quid pro quo from Cuba. We should engage them economically. But we should do so without illusions. Once we lift the embargo, Cuba will not become a major buyer of our farm goods or manufactured products overnight.

We need to be realistic. With Cuba's failed economy and low income, ending the embargo won't cause a huge surge of U.S. products to Cuba. Instead, it will start sales of some goods, such as food, medicine, some manufactures, and some telecom and Internet services.

In addition, ending the embargo will increase Cuban exposure to the United States. It will bring Cubans into contact with our tourists, business people, students, and scholars. It will bring Americans into contact with those who will be part of the post-Castro Cuba. It will spur more investment in Cuba's tourist infrastructure, helping, even if only a little, to further develop a private sector in the economy.

In May of this year, I introduced bipartisan legislation that would repeal all of the Cuba-specific statutes that create the embargo. That includes the 1992 Cuban Democracy Act and the 1996 Helms-Burton Act. I look forward to the day when that legislation will pass and we have a normal economic relationship with Cuba.

Until that day, I support measures such as this amendment which dismantle the embargo brick by brick. The sanctions on sales of food and medicine to Cuba are especially offensive.

Last year, legislation to end unilateral sanctions on food and medicine passed the Senate by a vote of 70 to 28. That legislation was hijacked by the House in conference. This year we passed similar legislation again as part of the Agriculture appropriations bill. I hope our conferees stand firm and ensure its passage this year, with one correction.

This year the sanctions provisions of the Agriculture appropriations bill contain a new requirement. The bill requires farmers who want to sell food to foreign governments of concern to get a specific license. That is needless red tape which will make it harder to export. Last year the bill we passed had no such licensing requirement. We should strike that provision in the Agriculture appropriations conference this year.

When we begin debate on the bill, one of my colleagues will offer an amendment to address unilateral sanctions on food and medicine from a different angle. The amendment will cut off funding to enforce and administer them. The House passed a similar measure by a substantial majority. We should do the same in the Senate.

Mr. President, I hope that all of my colleagues will vote in favor of this amendment and will support the ultimate lifting of the entire Cuba trade embargo.

The PRESIDING OFFICER. The Senator from Arizona is recognized.

Mr. DOMENICI. Will the Senator yield for a unanimous-consent request? Mr. MCCAIN. Yes.

Mr. DOMENICI. Mr. President, I ask unanimous consent when Senator MCCAIN and Senator GORTON are finished, I might be recognized thereafter. Senator WYDEN is here and he has no objection. He is joining me.

The PRESIDING OFFICER. Is the consent request that after Senator MCCAIN and Senator GORTON speak—

Mr. DOMENICI. I be recognized to introduce a bill, and then that Senator WYDEN follow me.

The PRESIDING OFFICER. And Senator VOINOVICH after that?

Mr. DOMENICI. Yes.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senator from Arizona is recognized.

(The remarks of Mr. MCCAIN and Mr. GORTON pertaining to the introduction of S. Res. 344 are located in today's RECORD under "Submission of concurrent and Senate Resolutions.")

The PRESIDING OFFICER. The Senator from New Mexico.

(The remarks of Mr. DOMENICI and Mr. WYDEN pertaining to the introduction of S. 2937 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

#### UNANIMOUS-CONSENT AGREEMENT

Mr. DOMENICI. Mr. President, I now ask unanimous consent that notwithstanding rule XXII, following the 11:30 cloture vote the Senate proceed to consideration of the conference report to accompany H.R. 4576, the Defense appropriations bill. Further, I ask consent that there be up to 60 minutes for debate under the control of Senator MCCAIN and up to 15 minutes under the control of Senator GRAMM, with an additional 6 minutes equally divided between Senators STEVENS and INOUE, and 20 minutes for Senator BYRD, and following that debate the conference report be laid aside.

I further ask consent that the vote on the conference report occur at 3:15 p.m. on Thursday, without any intervening action or debate, notwithstanding rule XXII, the motion to reconsider be laid upon the table, and any statements relating to the conference report be printed in the RECORD.

The PRESIDING OFFICER (Mr. SMITH of Oregon). Without objection, it is so ordered.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. VOINOVICH. Mr. President, I ask unanimous consent that Senator DEWINE be recognized to speak in morning business immediately following the remarks of Senator HARKIN.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### THE BALKANS MATTER

Mr. VOINOVICH. Mr. President, the Balkans, with Gavril Princip's assassination of Austrian Archduke Francis Ferdinand in Sarajevo, Bosnia in 1914, started the devastation of World War I. World War II had deep ties to the region as well. The Truman doctrine, the basis of American policy throughout the cold war, began with President Truman's decision to support anti-Communist forces in Greece and Turkey, again, in the Balkans. To deal with the historic threat to peace, security and prosperity the Balkans poses, the United States and Europe made a

commitment in the aftermath of the Kosovo crisis to integrate the region into the broader European community. This commitment is consistent with the pillar that has bound the United States and Europe since the end of World War II—a belief in the peaceful influence of stable democracies based on the rule of law, respect for human rights and support for a market economy in Europe.

However, the Balkans continue to be unstable. Slobodan Milosevic constantly stirs trouble in Kosovo and Montenegro. The minority communities of Kosovo are suffering under a systematic effort by extremist ethnic Albanians to force them out. Moderate Albanians in Kosovo are threatened for simply selling bread to a member of the Serb community. As long as this instability remains, the shared European and American goal of a whole and free Europe will not become a reality.

Inclusion of the Balkans in the European community of democracies would promote our Nation's strategic interests. By providing a series of friendly nations south from Hungary to Greece and east from Italy to the Black Sea, we would be in a much better position to deter regional crises and respond to them should they occur. The link to the Black Sea would also provide a link into central Asia in the event that the protection of our national security interests were ever threatened in this area.

The U.S. and the EU account for more than 30 percent of world trade. The EU receives nearly 25 percent of our total exports and is our largest export market for agricultural products. The nations of the Balkans, due to their proximity to the EU's common market, have tremendous potential for American investors and businesses to expand these trading ties. Additionally, many in the Balkans have excellent educational backgrounds and work experience that would be invaluable to an American investor. Many nations currently being considered for EU membership began their transition from command economies in a much worse position than the nations of southeastern Europe. If these nations can make enough progress to be considered for EU membership in the short-term, surely Croatia, Macedonia, Romania, and Bulgaria can as well.

While we have done much as a country to respond to human suffering around the world in recent years, these efforts are made after the fact. This is a mistake that reflects the Clinton administration's lack of foresight. In Kosovo, for example, our lack of preparation for the refugees created by Milosevic's aggression was inexcusable. To prevent this type of tragedy in the Balkans again—the refugees, the homelessness, the starvation—we must remain involved in the region.

I believe that the following steps should be taken to advance our goal of an integrated, whole, and free Europe:

NATO and EU membership—The nations of southeastern Europe must be



involved in these institutions to ensure their long-term peace, security, and prosperity. However, invitations for membership should only be offered once the nations have met the established membership criteria;

**Implementation of the Stability Pact**—The Pact, initiated by the Europeans to encourage democracy, security, and economic development in the region, must be fully implemented. There has been much talk and promises made about the Pact. Now is the time for action. The Europeans must begin to build the infrastructure projects they have promised in the region.

**Open European markets**—The Europeans have made a commitment to integrate the region into the broader European community. Lowering tariffs on the import of goods from the region would do much to encourage needed foreign investment. Investment, in turn, would speed development which would lead to the integration for which the Europeans have called.

To make these initiatives work, the Clinton administration must show more leadership than they have since the Kosovo crisis began. With the debacle of Bosnia in its background, coupled with the failed policies for the region over the last 18 months, our record in the region has been dismal. Implementing the above plan will begin to better this record.

#### THE SITUATION IN THE BALKANS

Mr. President, over the Fourth of July recess, I traveled with a delegation of my House and Senate colleagues to Southeast Europe where I attended the annual Parliamentary assembly Meeting of the Organization for Security and Cooperation in Europe in Bucharest, Romania.

In addition, while I was in Southeast Europe, I joined several of my House colleagues on a trip to Kosovo and Croatia to get an update on the situation there. I met with UN officials, Serb and Albanian leaders, KFOR commanders, and our American troops, and particularly soldiers from Ohio who are stationed in Kosovo.

I have traveled to the Balkans region three times this year to assess the situation in the region from a political, military and humanitarian point of view.

Besides my most recent trip, I traveled to Croatia, Macedonia, Kosovo and Brussels, Belgium in February and in May, I attended the annual meeting of the NATO Parliament Conference in Budapest, Hungary, and visited Slovenia as well. Based on the observations that I made, I would like to bring the Senate up to date on the current situation in southeastern Europe, particularly in Croatia and Kosovo.

While I was in Croatia this past February, I had the privilege to be the first Member of the United States Congress to personally congratulate Mr. Stipe Mesic on his being elected President of Croatia. During my trip earlier this month, I had a chance to spend time with President Mesic, along with my

colleagues from the House of Representatives, and, again, hear his vision for the future of Croatia.

We also had an opportunity to meet with Prime Minister Racan, who along with President Mesic, is committed to providing to the Croatian people, a government that abides by the rule of law; respects human rights—particularly minority rights; adheres to the goals of a market economy; seeks the ultimate entrance into the European Union and NATO; and pledges to return minority refugees that were ethnically cleansed out of Croatia. This commitment was supported by members of the Croatian Parliament and acknowledged by members of the Serb minority, who are anxious to see the commitment carried out.

I am optimistic about the future of Croatia with its new leadership. Following the December, 1999 death of Croatia's ultra-nationalist President, Franjo Tudjman, Croatia's future was uncertain as far as the West was concerned.

However, the changes that have occurred since the establishment of a new government less than six months ago are stunning. I believe that the new government of President Mesic and Prime Minister Racan will ultimately be successful in guiding Croatia to EU and NATO membership. However, the legacy of Tudjman and his ruling elite—who we are just now learning were a bunch of thieves—poses some serious challenges for the “new” Croatia.

Tudjman drove Croatia deep into debt to a variety of international financial institutions while he and his henchmen “cleaned-out” the national treasury for their own personal gain. Because of Tudjman's mismanagement, President Mesic and Prime Minister Racan are facing a situation where their nation's economy is struggling, and they have little help available from outside creditors because of Tudjman's action.

These economic problems have an impact on another major challenge the new government is facing—the return of refugees. As my colleagues may remember, the Balkan wars of the 1990s created hundreds of thousands of refugees.

These refugees left their homes, abandoned nearly all of their possessions and took to the roads to avoid the bloodshed of ethnic hatred. In order for these people to go back and reclaim their homes and get on with their lives, there must be something to go back to—jobs, especially. There are few areas of Croatia today where jobs are plentiful enough to absorb thousands of returning refugees, which underscores the importance of reinvigorating the Croatian economy.

Despite these problems, I am very optimistic about the future of Croatia if President Mesic and Prime Minister Racan continue to lead their nation towards European integration. I am pleased that the United States is supporting the new Croatian leadership

with financial, diplomatic and military assistance. I am also pleased that NATO has invited Croatia to become a member of the “Partnership for Peace” program.

Mr. President, as I think back to last year, to the time when this nation was engaged in an air war over Kosovo, the President, the Secretary of State, world leaders and the international media all brought to our attention the ethnic cleansing that was being perpetrated by Slobodan Milosevic's Serbian military and paramilitary forces against the Albanian people in Kosovo.

During the height of the air war, President Clinton, in the Times of London, was quoted as saying “we are in Kosovo because Europe's worst demagogue has once again moved from angry words to unspeakable violence.” Further, the President stated, “the region cannot be secure with a belligerent tyrant in its midst.”

Secretary of State Madeleine Albright, before the Senate Foreign Relations Committee claimed “there is a butcher in NATO's backyard, and we have committed ourselves to stopping him. History will judge us harshly if we fail.”

Words such as these were meant to back-up our actions in Kosovo and explain to the American people the moral imperative of engaging in a U.S.-led NATO air war over Kosovo.

In this effort to protect the innocent civilian Kosovo Albanian community from the devastation of Slobodan Milosevic and his Serb forces, few realized at the time that the United States had stumbled across a civil war in progress. A minority of Kosovo Albanians, under the leadership and flag of the Kosovo Liberation Army, the KLA, were pursuing their dream of an ethnically pure Kosovo, dominated by Albanians and independent from Serbia. These extremists were willing to resort to violence to achieve this dream.

On the other hand, Serbia and Slobodan Milosevic did not want to let this province break away, because Kosovo is very important to their history, culture, and religion.

Let me be clear on this. None of these circumstances in any way excuses the devastation the Serb forces brought to the ethnic Albanian community of Kosovo. The systematic plan, hatched by Milosevic, his wife and their inner circle of thugs, to instill fear through rape, torture, and murder was designed to drive the ethnic Albanian community out of Kosovo. Their plan was evil in its inception and execution.

The United States and our NATO allies vowed to put an end to this tragedy. Through our combined military strength, we were able to force Milosevic to withdraw his troops from Kosovo, making it safe for Kosovar Albanians to return to their homes.

And now that the air war in the Balkans has been over for a little more than a year, most Americans assume that the situation in Yugoslavia is now



under control and that Serbs and Albanians in Kosovo have put aside their differences, declared peace and are working towards establishing a cooperative society.

How I wish that was true.

In fact, the reason I have come to the floor today is to make my colleagues and this nation aware what many in the European community already know, and that is, ethnic cleansing is being carried out in Kosovo today.

In the wake of the air war, a backlash of violence is now being perpetrated against minority groups in Kosovo, including Serbs, Romas, and moderate Albanians who are now trying to rebuild Kosovo. They have been attacked and killed by more radical, revenge-driven elements in the Albanian community, their homes and businesses have been burned and Serbian Orthodox churches and monasteries—some hundreds of years old—have been desecrated and destroyed.

I ask unanimous consent to print in the RECORD a document which summarizes the incidents of arson and murder that have occurred in recent months in Kosovo. These numbers were prepared by the OSCE, which is known for its independence.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

A report released on June 9, 2000 provides recent numbers associated with violent crime that continues to threaten peace and reconciliation efforts in Kosovo. The report, UNHCR/OSCE Update on the Situation of Ethnic Minorities in Kosovo, provides details on the three most prevalent crimes affecting minorities in Kosovo since January 2000. They are as follows:

ARSON, AGAINST

Serbs, 105 cases  
Roma, 20  
Muslim Slavs, 5  
Albanians, 73  
Persons of unknown ethnicity, 40

AGGRAVATED ASSAULT, AGAINST

Serbs, 49 cases  
Roma, 2  
Muslim Slavs, 2  
Albanians, 90  
Persons of unknown ethnicity, 2

MURDER, AGAINST

Serbs, 26 cases  
Roma, 7  
Muslim Slavs, 2  
Albanians, 52  
persons of unknown ethnicity, 8

According to the report, lack of security and freedom of movement remain the fundamental problems affecting minority communities in Kosovo. Though the Serbian population has been the minority group most affected by criminal activity, the ethnic Albanian community continues to be subject to serious violent attacks on a regular basis.

Mr. VOINOVICH. Mr. President, in addition, Bishop Kyr Artemije, a leader of the Kosovar Serbs, presented similar statistics documenting the violence and bloodshed that has been carried out in Kosovo since the end of the war in testimony he gave before the Helsinki Commission this past February. His statistics were updated and verified at a recent meeting that I and several

of my House colleagues had with the Bishop over the Fourth of July recess in Kosovo.

I ask unanimous consent that Bishop Artemije's February testimony be printed in the RECORD following my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. VOINOVICH. Mr. President, in addition, a July 3 article written by Steven Erlanger for the New York Times, discusses the observations Dennis McNamara, the U.N. special envoy for humanitarian affairs in Kosovo, had regarding the status of the situation in Kosovo today, particularly how minorities have been treated since the end of the air war and how minorities are being pushed out of Kosovo in a continuous and organized manner.

McNamara is quoted as saying that:

(this) violence against the minorities has been too prolonged and too widespread not to be systematic.

McNamara goes on to say;

We can't easily say who's behind it, but we can say we have not seen any organized effort to stop it or any effort to back up the rhetoric of tolerance from Albanian leaders with any meaningful action.

The genocide that was inflicted upon thousands of Albanians is absolutely inexcusable and totally reprehensible. Crimes that are perpetrated against innocent civilians must always be condemned and those who carry out such acts must be prosecuted. That is why I do not understand why the President, the Secretary of State, and others in this administration have not been as vocal about the ethnic cleansing that is now being perpetrated as they were last year.

In fact, the condemnation for the ethnic cleansing that is now occurring in Kosovo is virtually nonexistent on the part of this administration. I am deeply troubled by their silence.

Because I have been following this matter so closely since the conclusion of the air campaign, I have had the opportunity to have a number of off-the-record, informal conversations with people both inside and outside of our Government. While I am reluctant to share this with my colleagues, I feel that I must. There is a feeling by many who are following the ongoing ethnic cleansing in Kosovo that there are some in our Administration who believe that the Serb community in Kosovo is simply getting what they are due.

In other words, the murders, arson, harassment and intimidation that extremist members of the Kosovo Albanian community are committing against the Kosovo Serb community should be expected and accepted given what the Serbs did to the Albanians.

A July 17 article written by Steven Erlanger of the New York Times makes this point as well. It describes how U.N. director of Kosovo administration, Bernard Kouchner, has been working to foster peace and stability

among Albanians and Serbs in Kosovo. He points out that no one is paying much attention now that the tables have turned.

Kouchner says:

I'm angry that world opinion has changed so quickly. They were aware before of the beatings and the killings of Albanians, but now they say, "There is ethnic cleansing of the Serbs." But it is not the same—it's revenge.

And McNamara makes the same point. He says:

There was from the start an environment of tolerance for intolerance and revenge. There was no real effort or interest in trying to deter or stop it. There was an implicit endorsement of it by everybody—by the silence of the Albanian political leadership and by the lack of active discouragement of it by the West.

Mr. President, I ask unanimous consent that these two New York Times articles be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 2.)

Mr. VOINOVICH. The United States must not now—nor ever—condone this revenge approach in Kosovo in either thought, word or deed. We must maintain and promote our values as a nation—a respect for human rights, freedom of religion, freedom from harassment, intimidation or violence.

If this administration, and the next, does not acknowledge and seriously address the plight of Kosovo Serbs and other minorities in Kosovo, then I think that within a year's time there will not be any minorities still in Kosovo. To prevent this, I believe we should be more aggressive towards protecting minority rights in Kosovo immediately.

If we do not, I am concerned that the extremist members of the Kosovo Albanian community will continue to push out all minority groups until they have achieved their dream of an Albanian-only Kosovo. In other words, if we do nothing, there will be many who will argue that the ethnic cleansing of Kosovo was tacitly endorsed by the lack of leadership in the international community.

It is important to note that the problem does not rest with our KFOR troops, for they have been restricted in what they can and cannot do. These men and women are doing a terrific job under difficult circumstances. I know what they're going through because, last February, I walked through the village of Gnjilane with some of our soldiers, and saw first-hand the restrictions they were under.

While I was in Kosovo over the 4th of July recess, I had the opportunity to visit our troops at Camp Bondsteel. Every soldier that I spoke with talked of their commitment to their mission and ensuring the safety of the citizens of Kosovo. I fully believe that it is because of these troops that there is not further violence.

I do have hope that we can bring an end to the bloodshed in Southeastern

Europe, and I believe that there are some within the Kosovo Albanian community who can prevail upon the better instincts of their fellow man in a commitment towards peace.

Earlier this year, at the headquarters of the United Nations Mission in Kosovo, UNMIK, in Pristina, Kosovo, I had the opportunity to sit down and meet with several key leaders of the Kosovo Albanian community and representatives on the Interim Administrative Council—Dr. Ibrahim Rugova, Mr. Hashim Thaci, and Dr. Rexhep Qosja.

All three leaders made a very clear promise to me that they were committed to a multi-ethnic, democratic Kosovo, one that would respect the rights of all ethnic minorities. I was heartened to hear these comments. This commitment could serve as the basis for long-term peace and stability in Kosovo.

I said that they could go down in history as truly great men were they to make this commitment a reality. I explained that the historic cycle of violence in Kosovo must end and minority rights must be respected—including the sanctity of churches and monasteries.

I also point out to them that “revenge begets revenge” and unless Albanians and Serbs learned to live in peace with one another, violence would continue to plague their children, their grandchildren and generations yet unborn.

It is my hope that they will realize that they and their actions will be keys to the future of Kosovo.

We all want peace to prevail in the Balkans, but we have a long way to go for that to happen. I believe we should listen to the words of His Holiness, Patriarch Pavle, the head of the Serbian Orthodox church, who states, “in Kosovo and Metohija there will be no victory of humanity and justice while revenge and disorder prevail. No one has a moral right to celebrate victory complacently for as long as one kind of evil replaces another, and the freedom of one people rests upon the slavery of another.”

The Patriarch’s call for leadership in protecting all citizens in Kosovo is one that this nation should heed if peace and stability in Kosovo is our goal.

At the OSCE meeting in Bucharest, I introduced a resolution on South-eastern Europe that had the support of several of my legislative colleagues from the U.S. The main point of the resolution that I offered was to call to the attention of the OSCE’s Parliamentary Assembly the current situation in Kosovo and Serbia, and made clear the importance of removing Slobodan Milosevic from power.

Mr. President, I ask unanimous consent that the entire text of the resolution, as passed by the OSCE Parliamentary Assembly, be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 3.)

Mr. VOINOVICH. My resolution put the OSCE, as a body, on record as condemning the Milosevic regime and insisting on the restoration of human rights, the rule of law, free press and respect for ethnic minorities in Serbia. I was pleased that the resolution passed—despite strong opposition by the delegation from the Russian Federation—and I am hopeful that it will help re-focus the attention of the international community on the situation in the Balkans.

In conclusion, Mr. President, I believe that we are approaching a crossroads in Kosovo with two very different directions that we can choose.

The first direction—the wrong direction—involves more of the same of what we have seen in recent months. More bloodshed, more grenade attacks on elderly minorities as they sit on their porch. More land-mines on roads traveled by parents taking their children to school. More intimidation, threats and harassment of minorities walking the streets in mixed villages and towns. All this would lead to the continued fleeing of minorities from Kosovo and the establishment of an Albanian-only Kosovo. Again, ethnic cleansing carried-out under the nose of NATO and the U.N.

The second direction—the right direction—involves the international community, led by the United States, protecting the human rights of the minority communities of Kosovo. With this protection, the minority groups would feel safe in their homes and be comfortable enough to be involved in UNMIK municipal elections this fall, a key priority for UNMIK. Places of historical significance, especially Serbian Orthodox monasteries, would be safe from destruction from extremists.

Minorities would be safe to travel to the market in their own communities without needing KFOR protection, something that does not happen today. Kosovo Albanians who sell goods to minorities would not be threatened, harmed or killed, again, something that does not happen today. In short, bloodshed would stop under the watch of the international community.

And there is encouraging news.

Just this last weekend, at Airlie House in Virginia, leaders of Kosovo’s Serb and Albania communities met under the auspices of the United States Institute for Peace.

Among other provisions, the representatives agreed to launch a new initiative—a Campaign Against Violence—whereby the representatives of both communities agreed to a Pact Against Violence to promote tolerance, condemn violence, prevent negative exploitation of ethnic issues, and enable physical integration and political participation by all. In addition, the communities agreed on two key provisions to help reduce the power of extremist elements by calling on KFOR and UNMIK to guard and control more effectively all entry into Kosovo, and re-

questing that UNMIK move immediately to start-up a functioning court and prison system.

Also, the Serb and Albanian representatives agreed on several items regarding the return of displaced persons and refugees to their homes, including the recognition that the return of such individuals is a fundamental right and essential to the future of Kosovo. In order to facilitate such returns, the parties insist that UNMIK and KFOR pursue fresh efforts to provide greater security for individuals to return to their homes, and to expand aid for reconstruction and economic revitalization in those communities.

They further agreed that a new model of security and law enforcement is needed, and that the international community must overcome its differences to that UNMIK and KFOR can take much stronger measures to carry out their security and law enforcement responsibilities.

Last but not least, the representatives recognize that the international community will not support a Kosovo cleansed of some of its ethnic communities. Rather, all these communities must work together to build a multi-ethnic Kosovo respecting the rights of all its citizens.

I say “Amen and Hallelujah” to the fact that these two communities can come together and develop such an outline for peace.

There should be a loud voice coming out from this administration—the same loud voice that we heard last year—to the United Nations, to the UNMIK, and to our NATO Allies that we cannot allow ethnic cleansing of any kind to continue.

And I just want the administration to know that I am holding them responsible to make the same commitment to Kosovo now that they made during the war, specifically, to go in and make sure that NATO, UNMIK, and KFOR give the same priority to protecting minority rights today.

It is up to the United States to provide the leadership to make sure that the items that the representatives at Airlie House identified as important are actually carried out by the UNMIK and by KFOR in cooperation with the Serb and Albanian communities in Kosovo.

Individually, none of these entities can guarantee peace and stability in Kosovo. It is only by working together that peace will occur, and it is the primary reason that the U.S. needs to recommit itself to Kosovo.

We, the United States, with our strength and commitment to the protection of human rights, can largely determine which direction is taken in Kosovo. It is in our hands to live up to that potential.

It is in our national security interest. It is in our economic interest in Europe. It is in the interest of peace in the world that we make that commitment.

I yield the floor.

## EXHIBIT 1

STATEMENT OF BISHOP ARTEMIJE, HELSINKI COMMISSION, HEARING, FEBRUARY 28, 2000, WASHINGTON, DC

Mr. Chairman, respected members of Congress, ladies and gentlemen. It is my distinct pleasure and privilege to be here with you today and speak about the latest developments in Kosovo. The last time I spoke here was in February 1998, just before the war in Kosovo began and on that occasion I strongly condemned both Milosevic's regime and Albanian extremists for leading the country into the war. Unfortunately the war came and so many innocent Albanians and Serbs suffered in it. Many times we have strongly condemned the crimes of Milosevic's regime in Kosovo while our Church in Kosovo supported suffering Albanian civilians and saved some of them from the hands of Milosevic's paramilitaries.

After the end of Kosovo war and return of Albanian refugees the repression of Milosevic's undemocratic regime was supplanted by the repression of extremist Kosovo Albanians against Serbs and other non-Albanian communities in full view of international troops. Freedom in Kosovo has not come for all equally. Therefore Kosovo remains a troubled region even after 8 months of international peace.

Kosovo Serbs and other non-Albanian groups in Kosovo live in ghettos, without security; deprived of basic human rights—the rights of life, free movement and work. Their private property is being usurped; their homes burned and looted even 8 months after the deployment of KFOR. Although Kosovo remained more or less multiethnic during the ten years of Milosevic's repressive rule, today there is hardly any multiethnicity at all—in fact the reverse is true. Ethnic segregation is greater now than almost at any other time in Kosovo's turbulent history. Not only are Serbs being driven out from the Province but also the Romas, Slav Moslems, Croats, Serb speaking Jews and Turks. More than 80 Orthodox churches have been either completely destroyed or severely damaged since the end of the war. The ancient churches, many of which had survived 500 years of Ottoman Moslem rule, could not survive 8 months of the internationally guaranteed peace. Regretfully, all this happens in the presence of KFOR and UN. Kosovo more and more becomes ethnically clean while organized crime and discrimination against the non-Albanians is epidemic.

Two thirds of the pre-war Serb population (200,000 people) fled the province under Albanian pressure. In addition more than 50,000 Romas, Slav Moslems, Croat Catholics and others have also been cleansed from Kosovo. More than 400 Serbs have been killed and nearly 600 abducted by Albanian extremists during this same period of peace. Tragically, this suffering of Serbs and other non-Albanians proportionally (with respect to population) represents more extensive suffering in peacetime than the Albanian suffering during the war. This is a tragic record for any post war peace mission, especially for this mission in which the Western Governments and NATO have invested so much of their credibility and authority.

Despite the sympathy for all of the suffering of Kosovo Albanians during the war, retaliation against innocent civilians cannot be justified in any way. It is becoming more and more a well-orchestrated nationalist ideology directed towards achieving the complete ethnic cleansing of the Province. The extremists believe that without Serbs and their holy sites in Kosovo independence would then become a fait accompli. The present repression against non-Albanians is carried out with the full knowledge of the

Albanian leaders. Sometimes these leaders formally condemn repressive actions but in reality have not done anything to stop the ongoing ethnic violence and discrimination. Even more, some of them are instigating rage against Serbs developing the idea of collective Serb guilt and branding all remaining Serb civilians as criminals. There is much evidence that the KLA leaders bear direct responsibility for the most of the post-war crimes and acts of violence committed in Kosovo. As soon as KFOR entered the Province KLA gunmen took over the power in majority of cities and towns and immediately organized illegal detention centers for Serbs, Romas and Albanian "collaborators." They began killing people listed as alleged criminals and seized a large amount of property previously owned by Serbs and other non-Albanians. KLA groups and their leaders are directly linked with Albanian mafia clans and have developed a very sophisticated network of organized crime, drug smuggling, prostitution, white slavery, and weapons trading. According to the international press Kosovo has become Colombia of Europe and a main heroin gateway for Western Europe. The strategy behind the KLA purge of Serbs was very simple—quarter by quarter of a city would be cleansed of Serbs and their property would be either burned or sold for a high price to Albanian refugees (including Albanians from Albania and Macedonia who flowed into the province through unprotected borders along with the hundreds of thousands of Kosovo refugees). The KLA, although officially disbanded is still active and their secret police are continuing their intimidation and executions. Now more and more of their victims are disobedient Kosovo Albanians who refuse to pay their "taxes" and "protection money" to extremists. The Albanization of Kosovo is proceeding in a way many ordinary Albanians did not want. The gangsters have stepped into the vacuum left by the slowness of the West to adequately instill full control over the Province. Kosovo is becoming more like Albania: corrupt, anarchic, and ruled by the gun and the gang.

Serbs and many non-Albanians still do not have access to hospitals, the University and public services, simply because they cannot even freely walk in the street. They are unemployed and confined to life in poverty of their rural enclaves out of which they can move only under the KFOR military escort. The Serbian language is completely banished from the public life. All Serb inscriptions, road signs and advertisements have been systematically removed and the usage of Serbian language in Albanian dominated areas is reason enough for anyone to be shot right on the spot. Thousands of Serb books in public libraries have been systematically burned while all unguarded Serb cultural monuments and statues have been torn down and destroyed.

The Serbs who remain in major cities are in the worst situation of all. Out of 40,000 pre-war Serb population in Pristina today there remain only 300 elderly people who live in a kind of house arrest. They cannot go into the street without military protection and only thanks to KFOR soldiers and humanitarian organizations do they receive food and medicines, which they are not allowed to buy in Albanian shops. Almost all Serb shops are now in Albanian hands. In other areas Albanians are greatly pressuring Serbs to sell their property under threats and extortion. Those who refuse usually have their houses torched or are killed as an example to other Serbs. Grenade attacks on Serb houses; on few remaining Serb shops and restaurants force more and more Serbs to leave Kosovo. If this repression and persecution is continued unabated it is likely that

soon most of the remaining Serbs will also be forced to flee Kosovo.

On one hand, KFOR's presence in Kosovo has given Albanian extremists free hands to do what that want because one of KFOR priorities has been so far to avoid direct confrontation with the extremists in order to escape possible casualties. On the other hand we cannot but say that if KFOR had not been in Kosovo during this rampage of hatred, not a single Serb or Serb church would have survived. We sincerely appreciate the efforts of many men and women from all over the world who are trying to bring peace to Kosovo even with in a rather narrow political framework in which KFOR must act.

An especially volatile situation is in Kosovska Mitrovica the only major city where a substantial number of Serbs remain. During the most intensive wave of ethnic cleansing in June and July many Serb internally displaced persons from the south found refuge in the north of the province in the Mitrovica area. In order to survive they organized a kind of self-protection network and prevented the KLA and mafia to enter the northern fifth of the city together with civilian Albanian returnees. KFOR, aware that the free access of Albanian extremist groups of Mitrovica would cause a Serb exodus, blocked the bridge connecting the southern and northern part of the city. Albanian extremists have since then made many attempts to make their way into the northern part of Mitrovica saying that they wanted undivided and free city. Serbs on the other hand state that they are ready for a united city only if Serbs would be allowed to go back to their homes in the south and elsewhere in Kosovo. Serbs also hold that only Kosovo residents be allowed to return to their homes. A few weeks ago, after two terrorist attacks against a UNHCR bus and a Serb café, in which a number of Serbs were killed and injured, radicalized Serbs began retaliatory actions against Albanians in the northern part of the city causing the death of several Albanian innocent citizens and served to broaden the crisis.

The Mitrovica crisis is not playing out in a void by itself and must be approached only in the context of the overall Kosovo situation. The fact remains that after the war extremists Albanians have not been fully disarmed and have continued their repression and ethnic cleansing of Serbs and other non-Albanians wherever and whenever they have had opportunity to do so. Unfortunately, such a situation as we have now in Kosovo has opened a door for the Belgrade regime, which is now trying to profit from this situation and consolidate the division of Mitrovica for their own reasons. Each Serb victim in Kosovo strengthens Milosevic's position in Serbia. Albanian extremists on the other hand want to disrupt the only remaining Serb stronghold in the city in order to drive the Serbs completely out of Kosovo. Regretfully, the international community seems not to be fully aware of the complexity of the Mitrovica problem and has despite all Albanian crimes and terror in the last 8 months one-sidedly condemned Serbs for this violence.

This skewed view of the problem will only serve to encourage Albanian extremism, confirm Milosevic's theory of anti-Serb conspiracies that he uses to solidify his hold on power and will eventually lead to final exodus of the Serb community in Kosovo. Milosevic obviously remains at the core of the problem but he is not the greatest cause of the current round of violence and purges—the international community must find ways for controlling Albanian extremists.

We maintain our belief that the present tragedy in Kosovo is not what Americans wanted when they supported the policy of

the Administration to intervene on behalf of suffering Albanians. In fact international community now faces a serious failure in Kosovo because it has not managed to marginalize extremist Albanians while at the same time Milosevic has been politically strengthened by the bombing and sanctions (which ordinary Serbs understand as being directed against innocent civilians). Therefore we expect now from the international community and primarily from United States to show more determination in protecting and supporting Kosovo Serbs and other ethnic groups who suffer under ethnic Albanian extremists. A way must be found to fully implement UNSC Resolution 1244 in its whole.

We have a few practical proposals for improving the situation in Kosovo:

1. KFOR should be more robust in suppressing violence, organized crime and should more effectively protect the non-Albanian population from extremists. This is required by the UNSC Resolution.

2. More International Police should be deployed in Kosovo. Borders with Macedonia and Albania must be better secured, and UNMIK should establish local administration with Serbs in areas where they live as compact population. Judicial system must become operational as soon as possible. International judges must be recruited at this stage when Kosovo judges cannot act impartially due to political pressures.

3. International community must build a strategy to return displaced Kosovo Serbs and others to their homes soon while providing better security for them and their religious and cultural shrines. Post war ethnic cleansing must not be legalized nor accepted—private and Church property has to be restored to rightful owners. Law and order must be established and fully enforced. Without at least an initial repatriation of Serbs, Romas, Slav Moslems and others Kosovo elections would be unfair and unacceptable.

4. The International Community, especially, US, should make clear to Kosovo Albanian leaders that they cannot continue with the ethnic cleansing under the protectorate of Western democratic governments. Investment policy and political support must be conditioned to full compliance by ethnic Albanian leaders with the UNSC Resolution 1244. KLA militants must be fully disarmed. The ICTY should launch impartial investigations on all criminal acts committed both by Serbs and Albanians.

5. The international community should also support moderate Serbs in regaining their leading role in the Kosovo Serb community and thus provide for the conditions for their participation in the Interim Administrative Kosovo Structure. Since the co-operation of moderate Serb leaders with KFOR and UNMIK has not brought visible improvement to the lives of Serbs in their remaining enclaves, Milosevic's supporters are gaining more confidence among besieged and frightened Serbs, which can seriously obstruct the peace process. Moderate Serbs gathered around Serb National Council need their own independent media; better communication between enclaves and other forms of support to make their voice better heard and understood within their own community. International humanitarian aid distribution in Serb inhabited areas currently being distributed more or less through Milosevic's people who have used this to impose themselves as local leaders, has to be channeled through the Church and the Serb National Council humanitarian network.

6. The last but not least, the issue of status must remain frozen until there is genuine and stable progress in eliminating violence and introducing democratization not only in Kosovo but also in Serbia proper and the

Federal Republic of Yugoslavia. It is our firm belief that the question of the future status of Kosovo must not be discussed between Kosovo's Albanians and Serbs only, but also with the participation of the international community and the future democratic governments of Serbia and FRY and in accordance with international law and the Helsinki Final Act.

We believe in God and in His providence but we hope that US Congress and Administration will support our suffering people, which want to remain where we have been living for centuries, in the land of our ancestors.

#### EXHIBIT 2

#### U.N. OFFICIAL WARNS OF LOSING THE PEACE IN KOSOVO

(By Steven Erlanger)

As the humane "pillar" of the United Nations administration in Kosovo prepares to shut down, its job of emergency relief deemed to be over, its director has some advice for the next great international mission to rebuild a country: be prepared to invest as much money and effort in winning the peace as in fighting the war.

Dennis McNamara, the United Nations special envoy for humanitarian affairs, regional director for the United Nations high commissioner for refugees and a deputy to the United Nations chief administrator in Kosovo, Bernard Kouchner, leaves Kosovo proud of the way the international community saved lives here after the war, which ended a year ago.

Mr. McNamara helped to coordinate nearly 300 private and government organizations to provide emergency shelter, food, health care and transport to nearly one million Kosovo Albanian refugees who have returned.

Despite delays in aid and reconstruction, including severe shortages of electricity and running water, no one is known to have died here last winter from exposure or hunger. Up to half of the population—900,000 people a day—was fed by international agencies last winter and spring, and a program to clear land mines and unexploded NATO ordnance is proceeding apace.

But Mr. McNamara, 54, a New Zealander who began his United Nations refugee work in 1975 with the exodus of the Vietnamese boat people, is caustic about the continuing and worsening violence against non-Albanian minorities in Kosovo, especially the remaining Serbs and Roma, or Gypsies. He says the United Nations, Western governments and NATO have been too slow and timid in their response.

"There was from the start an environment of tolerance for intolerance and revenge," he said. "There was no real effort or interest in trying to deter or stop it. There was an implicit endorsement of it by everybody—by the silence of the Albanian political leadership and by the lack of active discouragement of it by the West."

Action was needed, he said, in the first days and weeks, when the old images of Albanians forced out of Kosovo on their tractors were replaced by Serbs fleeing Kosovo on their tractors, and as it became clear that the effort to push minorities out of Kosovo was continuing and organized.

"This is not why we fought the war," Mr. McNamara said. He noted that in recent weeks there had been a new spate of comments by Western leaders, including President Clinton, Secretary of State Madeleine K. Albright and the NATO secretary general, Lord Robertson, warning the Albanians that the West would not continue its support for Kosovo if violence against minorities continued at such a pace and in organized fashion.

But previous warnings and admonitions have not been followed by any action, Mr.

McNamara noted. In general, he and others suggested, there is simply a tendency to put an optimistic gloss on events here and to avoid confrontation with former guerrillas who fought for independence for Kosovo or with increasingly active gangs of organized criminals.

"This violence against the minorities has been too prolonged and too widespread not to be systematic," Mr. McNamara said, giving voice to views that he has made known throughout his time here. "We can't easily say who's behind it, but we can say we have not seen any organized effort to stop it or any effort to back up the rhetoric of tolerance from Albanian leaders with any meaningful action."

In the year since NATO took over complete control of Kosovo and Serbian troops and policemen left the province, there have been some 500 killings, a disproportionate number of them committed against Serbs and other minorities.

But there has not been a single conviction. The judicial system is still not functioning, and local and international officials here say that witnesses are intimidated or killed and are afraid to come forward, pressure has been put on some judges to quit and many of those arrested for murder and other serious crimes have been released, either because of lack of prison space or the inability to bring them to trial.

Only recently has the United Nations decided to bring in international prosecutors and judges, but finding them and persuading them to come to Kosovo has not been easy. And foreign governments have been very slow to send the police officers they promised to patrol the streets.

Now, some 3,100 of a promised 4,800 have arrived, although Mr. Kouchner wanted 6,000. The big problem, Mr. McNamara said, is the generally poor quality of the police officers who have come, some of whom have had to be sent home because they could neither drive nor handle their weapons. And coordination between the police and the military has been haphazard and slow.

"The West should have started to build up institutions of a civil society from Day 1," Mr. McNamara said. "And there should have been a wide use of emergency powers by the military at the beginning to prevent the growth of this culture of impunity, where no one is punished. I'm a human rights lawyer, but I'd break the rules to establish order and security at the start, to get the word out that it's not for free."

Similarly, the NATO troops that form the backbone of the United Nations peace-keeping force here were too cautious about breaking down the artificial barrier created by the Serbs in the northern Kosovo town of Mitrovica, Mr. McNamara said.

Northern Mitrovica is now inhabited almost entirely by Serbs, marking an informal partition of Kosovo that extends up to the province's border with the rest of Serbia, creating a zone where the Yugoslav government of President Slobodan Milosevic exercises significant control, infuriating Kosovo's Albanian majority.

"Having allowed Mitrovica to slip away in the first days and weeks, it's very hard to regain it now," Mr. McNamara said. "Why wasn't there strong action to take control of Mitrovica from the outset? We're living with the consequences of that now."

In the last two months, as attacks on Serbs have increased again in Kosovo, Serbs in northern Mitrovica have attacked United Nations aid workers, equipment of offices, causing Mr. McNamara to pull aid workers temporarily out of the town. After promises from the effective leader of the northern Mitrovica Serbs, Oliver Ivanovic, those workers returned.

Another significant problem has been the lack of a "unified command" of the peacekeeping troops, Mr. McNamara said. Their overall commander, currently a Spanish general, cannot order around the troops of constituent countries. Washington controls the American troops, Paris the French ones and so on.

And there are no common rules of engagement or behavior in the various countries' military sectors of Kosovo.

"The disparities in the sectors are real," Mr. McNamara said. And after American troops were stoned as they tried to aid French troops in Mitrovica last spring, the Pentagon ordered the American commander here not to send his troops out of the American sector of Kosovo.

While the Pentagon denies a blanket ban, officers in the Kosovo peacekeeping operation support Mr. McNamara's assertion. They say no commanders here want to risk their troops in the kind of significant confrontation required to break down the ethnic barriers of Mitrovica.

The United Nations has had difficulties of organization and financing, Mr. McNamara readily acknowledges. "but governments must bear the main responsibility," he said, "Governments decide what the United Nations will be, and what resources governments commit to the conflict they won't commit to the peace."

Governments want to dump problems like Kosovo onto the United Nations to avoid responsibility, he said. The United Nations should develop "a serious checklist" of requirements and commitments from governments before it agrees to another Kosovo, Mr. McNamara said, "and the U.N. should be able to say no."

U.N. CHIEF IN KOSOVO TAKES STOCK OF TOUGH YEAR

(By Steven Erlanger)

Bernard Kouchner, the emotional chief of the United Nations administration in Kosovo, has made it through a tumultuous year.

Last November, when the province's water and power were almost nonexistent, the West was not providing the money or personnel it promised and the cold was as profound and bitter as the ethnic hatred, Mr. Kouchner was in a depression so deep that his staff thought he might quit.

He spoke darkly then of "how hard it is to change the human soul," of the quick fatigue of Western leaders who prosecuted the war with Serbia over Kosovo and had no interest in hearing about its problematic aftermath, of the impenetrability of the local Serbs and Albanians, with their tribal, feudal passions.

"I've never heard an Albanian joke," he said sadly, looking around his dreary office, the former seat of the Serbian power here. "Do they have a sense of humor?"

Now, in a blistering summer, Mr. Kouchner's mood has improved. A French physician who founded Doctors Without Borders because he became fed up with international bureaucracy, he is not an international bureaucrat, sometimes uneasy in his skin. He still goes up and down with the vagaries of this broken province, with its ramshackle infrastructure, chaotic traffic and lack of real law or justice. And without question, he admits, some of those problems can be laid at his door.

"Of course I'm not the perfect model of a bureaucrat and an administrator," he said. "But we have succeeded in the main thing": stopping the oppression of Kosovo's Albanians by Belgrade, bringing them home and letting them restart their lives in freedom.

And yet, he said, "I have not succeeded in human terms" with a traumatized population. "They still hate one another deeply."

He paused, and added: "Here I discovered hatred deeper than anywhere in the world, more than in Cambodia or Vietnam or Bosnia. Usually someone, a doctor or a journalist, will say, 'I know someone on the other side.' But here, no. They had no real relationship with the other community."

The hatred, he suggested, can be daunting and has plunged him and his colleagues into despair. "Sometimes we got tired and exhausted, and we didn't want a reward, not like that, but just a little smile," he said wanly. "I'm looking for moments of real happiness, but you know just now I'm a bit dry." But he is proud that everyone has persisted nonetheless.

As for himself, he said, "my only real success is to set up this administration," persuading Albanian and some Serbian leaders to cooperate with foreign officials and begin to share some executive responsibility.

When the head of the local Serbian Orthodox Church, Bishop Kyr Artemije, and the leaders of perhaps half of Kosovo's Serbs decided to join as observers, "we were very happy then," he said. "We were jumping in the air. We believed then that we were reaching the point of no return."

But even those Serbs left the executive council set up by Mr. Kouchner, only to return after securing written promises for better security that have prompted the Albanian Hashim Thaci, former leader of the separatist Kosovo Liberation Army, to suspend his own participation.

Bishop Artemije's chief aide, the Rev. Sava Janjic, said carefully: "Kouchner has not been serious in his promises, and the efforts to demilitarize the Kosovo Liberation Army are very inefficient. But he is sincere, and this written document is important on its own."

A senior Albanian politician said Mr. Kouchner was "the wrong man for the job," which he said required more forcefulness and less empathy. "After a year, you still can't talk of the rule of law." Still, the politician said, "Kouchner's instincts are good—he knew he had to co-opt the Albanians, that the U.N. couldn't run the place alone."

Less successful, most officials and analysts interviewed here said, is Mr. Kouchner's sometimes flighty, sometimes secretive management of the clumsy international bureaucracy itself in the year since Secretary General Kofi Annan sent him here to run the United Nations administration in Kosovo.

Alongside the bureaucrats are the 45,000 troops of the NATO-led Kosovo Force, known as KFOR, responsible to their home governments, not to Mr. Kouchner or even to the force's commander. And while Mr. Kouchner was able to persuade the former commander, Gen. Klaus Reinhardt of Germany, to do more to help the civilian side, they were both less successful with Washington, Paris, Bonn, Rome and London.

The affliction known here as "Bosnian disease"—with well-armed troops unwilling to take risks that might cause them harm—has settled into Kosovo, say Mr. Kouchner's aids and even some senior officers of the United Nations force.

Consequently, some serious problems—like the division of the northern town of Mitrovica into Serbian and Albanian halves that also marks the informal partition of Kosovo—appear likely not to be solved but simply "managed," no matter how much they embolden Belgrade or undermine the confidence of Kosovo Albanians in the good will be of their saviors. It was on the bridge dividing Mitrovica—not in Paris—that Mr. Kouchner chose to spend his New Year's Eve, making a hopeful toast, so far in vain, to reconciliation.

Nor will the peacekeeping troops do much to stop organized crime or confront, in a se-

rious fashion, organized, Albanian efforts to drive the remaining Serbs out of Kosovo and prevent the return of those who fled, the officials say.

The discovery last month of some 70 tons of arms, hidden away by the former Kosovo Liberation Army and not handed over as promised to the peacekeepers, took no one here by surprise.

"It was a success," Mr. Kouchner said, "not a surprise."

In fact, senior United Nations and NATO officials say, the existence of the arms cache was known and the timing of the discovery was a message to the former rebels, who had recently used some of the weapons, to stop their organized attacks on Serbs and moderate Albanian politicians.

But few here expect the arrest of former rebel commanders who are widely suspected of involvement in corruption or political violence. The reaction may be volatile, officials say: troops could be attacked and the shaky political cooperation with the Albanians undermined.

Is the United Nations peacekeeping force too timid? Mr. Kouchner paused and shrugged. "Of course," he finally said. "But what can we do? Everything in the international community works by compromise."

Foreign policemen are also too timid and take too long with investigations that never seem to be finished, Mr. Kouchner says. But at least now, more than 3,100 of the 4,800 international police officers he has been promised—even if not the 6,000 he wanted—are here, and a Kosovo police academy is turning out graduates.

One of Mr. Kouchner's biggest regrets is the slow arrival of the police, which bred a culture of impunity. More than 500 murders have taken place in the year since the United Nations force took complete control of the province, and no one has yet been convicted.

There are still only four international judges and prosecutors in a province where violence and intimidation mean neither Serbs nor Albanians can administer fair justice.

What depresses him most, Mr. Kouchner says, is the persistence of ethnic violence even against the innocent and the caregivers. One of his worst moments came last winter, he said, when a Serbian obstetrician who cared for women of all ethnic groups was murdered by Albanians in Gnjilane, in the sector of Kosovo patrolled by American units of the United Nations force.

"He was a doctor!" Mr. Kouchner exclaimed, still appalled. "It was the reverse of everything we did with Doctors Without Borders."

While Mr. Kouchner says he has put himself alongside "the new victims," the minority Serbs, he carries with him his visit to the mass graves of slain Albanians.

"I'm angry that world opinion has changed so quickly," he said. "They were aware before of the beatings and the killings of Albanians, but now they say, 'There is ethnic cleansing of the Serbs.' But it is not the same—it's revenge."

He does savor the international military intervention on moral and humane grounds. "I don't know if we will succeed in Kosovo," he said. "But already we've won. We stopped the oppression of the Albanians of Kosovo."

Mr. Kouchner paused, lost in thought and memory. "It was my dream," he said softly. "My grandparents died in Auschwitz," he said, opening a normally closed door. "If only the international community was brave enough just to bomb the railways there," which took the Nazis' victims to the death camp. "But all the opportunities were missed."

That, he said, is why he became involved, early on, in Biafra, the region whose secession touched off the Nigerian civil war of

1967-70, in which perhaps one million people died. And it was what drives him in Kosovo.

Mr. Kouchner, now 60, holds to the healing power of time. He points to the reconciliation now of Germany and Israel, and of France and Germany.

"Working with Klaus Reinhardt is a good memory," he said. "He called me his twin brother." They both came of age in the Europe of 1968. "I'm a Frenchman and he's a German," and 50 years ago, he said, "no one could imagine this."

"It's much easier to make war than peace," Mr. Kouchner said. "To make peace takes generations, a deep movement and a change of the spirit." He smiled, looked away. "It's why I sometimes want to believe in God."

#### EXHIBIT No. 3

##### RESOLUTION ON SOUTHEASTERN EUROPE

The OSCE Parliamentary Assembly,

1. Recalling that conflicts in the former Yugoslavia since 1991 have been marked by open aggression and assaults on innocent civilian populations, have been largely instigated and carried out by the regime of Slobodan Milosevic and its supporters, and have caused the deaths of hundreds of thousands of people; the rape, illegal detention and torture of tens of thousands; the forced displacement of millions; and the destruction of property on a massive scale, including places of worship;

2. Viewing the overall rate of return of refugees and displaced persons throughout the region to their original, pre-conflict homes, especially where these persons belong to a minority ethnic population, has been unacceptably low;

3. Reaffirming the necessity of fulfilling in good faith UNSC resolution 1244 for the settlement of the situation in Kosovo, Federal Republic of Yugoslavia;

4. Condemning the continuing violence in Kosovo against members of the Serb and other minority communities, including hundreds of incidents of arson and damaged or destroyed Serbian Orthodox church sites, and dozens of aggravated assaults and murders;

5. Reaffirming the commitment to the sovereignty and territorial integrity of the Federal Republic of Yugoslavia, as stipulated by UNSC resolution 1244;

6. Noting that the OSCE and the United Nations High Commissioner for Refugees (UNHCR) have jointly reported that a lack of security, freedom of movement, language policy, access to health care and access to education, social welfare services and public utilities are devastating the minority communities of Kosovo;

7. Expressing concern for the situation of missing Albanians, Serbs and people of other nationalities in Kosovo and for ethnic Albanians kept in prisons in Serbia;

8. Noting that reports indicate that hundreds, and perhaps thousands, of ethnic Albanians, transferred from Kosovo to jails in Serbia proper around the time of the entry of international forces into Kosovo, have not been released in the year since, that several have received harsh sentences in show trials, and that problems regarding access to and treatment of such prisoners continue;

9. Recalling that the people and governments of the former Yugoslav Republic of Macedonia and Slovenia have positive records of respect for the rights of persons belonging to national minorities, the rule of law and democratic traditions since independence;

10. Welcoming the commitment of the newly elected leadership of Croatia to progress regarding respect for human rights, refugee returns and the elimination of corruption;

11. Believing that the people of Serbia share the right of all people to enjoy life under democratic institutions;

12. Viewing democratic development throughout Serbia and Montenegro as essential to long-term stability in the region, including the implementation of agreements regarding Bosnia and Herzegovina and Kosovo;

13. Noting that the regime of Slobodan Milosevic has been engaged in a planned effort both to repress independent media, and to crush political opposition, in Serbia, through the use of unwarranted fines, arrests, detentions, seizures, blackouts, jamming, and possibly assassination attempts, and also engaged in an effort to stop student and other independent movements;

14. Recognizing the importance of the Stability Pact to the long-term prosperity, peace and stability of southeastern Europe;

15. Supporting OSCE Missions throughout the region in their efforts to ensure peace, security and the construction of civil society; and

16. Recalling the legally binding obligation of States to cooperate fully with the International Criminal Tribunal for the former Yugoslavia, contained in UN Security Council Resolution 827 or 25 May 1993, including the apprehension of indicted persons present on their territory and the prompt surrender of such person to the Tribunal;

17. Insists that all parties in the region make the utmost effort to ensure the safe return and resettlement of all displaced persons and refugees, regardless of ethnicity, religious belief or political orientation, and to work towards reconciliation between all sections of society;

18. Encourages members of all ethnic groups in southeastern Europe, especially in Kosovo, Bosnia and Serbia, to respect human rights and the rule of law;

19. Reiterates its call upon all authorities of the Federal Republic of Yugoslavia, in accordance with international humanitarian law, to continue to provide for the ICRC ongoing access to all ethnic Albanians kept in prisons in Serbia, to ensure the humane treatment of such prisoners, and to arrange for the release of prisoners held without charge;

20. Encourages the newly elected leadership of Croatia to continue their efforts to reform and modernize their country in a manner that reflects a commitment to human rights, the rule of law, democracy and a market-based economy;

21. Condemns the repressive measures taken by the regime of Slobodan Milosevic to suppress free media, to stop student and other independent movements, and to intimidate political opposition in Serbia, all in blatant violation of OSCE norms;

22. Urges the regime of Slobodan Milosevic to immediately cease its repressive measures and to allow free and fair elections to be held at all levels of government throughout Serbia and monitored by the international community;

23. Calls upon Slobodan Milosevic to respect human rights and other international norms of behaviour in Montenegro;

24. Calls upon the international community to fully implement the Stability Pact, under OSCE auspices, in an effort to integrate the nations of South-Eastern Europe into the broader European community, and to strengthen those countries in their efforts to foster peace, democracy, respect for human rights and economic prosperity, in order to achieve stability in the whole region;

25. Encourages all representatives of the international community operating in southeastern Europe, including the OSCE, the United Nations, the North Atlantic Treaty

Organization and other non-governmental organizations to actively promote respect for human rights and the rule of law;

26. Urges participating States to provide sufficient numbers of civilian police to those international policing efforts deployed in conjunction with peacekeeping efforts in post-conflict situations such as Kosovo;

27. Calls upon the international community to target assistance programmes to help those persons returning to their original homes have the personal security and economic opportunity to remain;

28. Calls upon the participating States to organize, including through the OSCE and its Office for Democratic Institutions and Human Rights (ODIHR) programmes that can assist and promote democratic change in Serbia, and protect it in Montenegro; and

29. Reiterates its condemnation of any effort to provide persons indicted by the International Criminal Tribunal for the Former Yugoslavia, and its support for sanctioning any State which provides such persons with any form of protection from arrest.

The PRESIDING OFFICER. The Senator from Iowa.

#### TENTH ANNIVERSARY OF AMERICANS WITH DISABILITIES ACT

Mr. HARKIN. Mr. President, I ask the indulgence of the Senate to do something that I did 10 years ago; that is, to recognize the 10th anniversary of the Americans with Disabilities Act by doing what I did on the floor 10 years ago. I will do a little bit of sign language with respect to that.

(Signing.)

Mr. President, what I just said in sign language was that 10 years ago I stood on the floor of the Senate and spoke in sign language when we passed the Americans with Disabilities Act. The reason I did that was because my brother Frank was my inspiration for all of my work here in Congress on disability law.

That was the reason that I became the chief sponsor of the Americans With Disabilities Act. I further said that I was sorry to say that my brother passed away last month. Over the last 10 years, he always said me that he was sorry the ADA was not there for him when he was growing up, but that he was happy that it was here now for young people so they would have a better future. Mr. President, we do celebrate today the tenth anniversary of the Americans With Disabilities Act, which has taken its place as one of the greatest civil rights laws in our history.

When you think about it, ten years ago, on July 25, 1990, a person with a disability saw an ad in the paper for a job for which that person was qualified, and went down to the business to interview for the job. The prospective employer could look at that person and say: we don't hire people like you, get out of here. On July 25, 1990, that person was alone. The courthouse door was closed. There was no recourse for that person because there was no ban on discrimination because of disability. We banned it on the basis of race, sex, religion, national origin, but not disability. So on July 25, 1990, a person



with a disability held the short end of the stick.

But one day later, on July 26, 1990, the courthouse doors were opened. A person with a disability could now go down to that courthouse and enforce his or her civil rights. On July 26th, that one person who was alone the day before became 54 million people, and now that short end of the stick became a powerful club by which a disabled American could defend his or her rights.

Ten years ago, we as a Nation committed ourselves to the principle that a disability does not eliminate a person's right to participate in the cultural, economic, educational, political and social mainstream. Ten years ago, we said no to exclusion, no to dependence, no to segregation. We said yes to inclusion, yes to independence, and yes to integration in our society to people with disabilities. That is what the ADA is all about.

For me, the ADA, as I have just said, was a lot about my brother Frank. He lost his hearing at an early age. Then he was taken from his home, his family and his community and sent across the State to the Iowa State school for the deaf. People often referred to it as the school for the "deaf and dumb." I remember one time my brother telling me, "I may be deaf, but I am not dumb."

While at school, Frank was told he could be one of three things: a cobbler, a printers assistant, or a baker. When he said he didn't want to be any one of those things. They said, OK, you are a baker. So after he got out of school, he became a baker. But that is not what he wanted to do. So he went on to do other things, obviously.

Everyday tasks were always hard. I remember, as a young boy, going with my older brother Frank to a store and how the sales person, when she found out that he was deaf, looked through him like he was invisible and turned to me to ask me what he wanted; or how when he wanted to get a driver's license, he was told that "deaf people don't drive." So his life was not easy because the deck was stacked against him. He truly held the short end of the stick.

I remember when my brother finally changed jobs. He got out of baking and got a job at a plant in Des Moines. He had a good job at Delavan's. Mr. Delavan decided he wanted to hire people with disabilities, and so my brother went to work there. He had a great job. He became a drill press operator making jet nozzles for jet engines. He was very proud of his work. Later on, I was in the Navy, in the military. I remember when I came home on leave for Christmas, and I was unmarried at the time. I came home to spend it with my brother Frank, who was also unmarried, and the company he worked for had a Christmas dinner. So I went with my brother to it, not knowing that anything special was going to happen. It turned out that they were honoring

Frank that night, because in 10 years of working there he had not missed one day of work and hadn't been late once. Mr. President, that is during Iowa winters. So, again, that is an indication of just how hard-working and dedicated people with disabilities are when they do get a job. He worked at that plant for 23 years, and in 23 years he missed 3 days of work. And that was because of an unusual blizzard.

Another little funny aside. In ADA, we mandated a nationwide relay system for the deaf, so that a deaf person could call a hearing person, and a hearing person could call a deaf person without having to use the TTY. One of the first calls made on the nationwide relay system was from the White House in 1993, when President Clinton put in a call to my brother Frank. We had it all set up. President Clinton called the number, and the line was busy. All the national press was there and everything. He waited a few seconds and the line was busy again. It was busy three or four times. Finally, I called my neighbor in Cumming, Iowa, and I said, "Go over and find out what is going on." My brother was so excited that he had been on the phone talking to his friends. He forgot that the President was going to call him. President Clinton related that story at the FDR memorial this morning in celebration of the Americans With Disabilities Act and reminded me again of what the ADA was all about. As President Clinton so eloquently said this morning, it is about ensuring that every American can just do ordinary things, such as use the phone, go shopping, use public transportation. It is also about ensuring that every American has access to resources as fundamental as health insurance, a job, an education—things that we take for granted.

The ADA is about designing our policies and physical environment so that we as a Nation can benefit from the talent of every citizen. It is about acknowledging that it costs much more to squander the potential of millions of people than to make the modest accommodations that let all Americans contribute fully. It is about tearing down the false dichotomy of abled and disabled, and realizing that each of us has a unique set of abilities.

Mr. President, a few weeks ago, in anticipation of this tenth anniversary celebration of ADA, I announced "A Day in the Life of the ADA Campaign." I asked people from across America to send stories about how their lives are different because of ADA. I wanted to find out just what the ADA meant to other people in ordinary life.

Based on these stories, I have learned that the ADA is truly changing the face of America.

A woman from Vinton, Iowa who uses a wheelchair wrote to tell me that because of the ADA, she now can travel around the country. She said:

You can't understand until you've been there, searching for a hotel room, a restroom to stop in, a room to accommodate you, your

spouse and your wheelchair. Oh, the joy of now knowing there are rest areas where we can stop, enter in without great difficulty, and then travel on to a waiting accessible motel room! What a good feeling to call ahead, make reservations and know that when we arrive there we'd find a clean room, ready to accommodate my needs.

A man from St. Paul, Minnesota who is visually-impaired wrote to say that because of accommodations required by the ADA, he can use city buses with dignity, hear the audible traffic signals, and work. He said that the ADA also enables him to enjoy cultural activities, because he can listen to narrations of plays through earphones and basketball games through special radio receivers. In his words:

[The ADA] has made my life 1000 times better than my father's who was also totally blind.

And, a woman from Corpus Christi, Texas, whose daughter is hearing impaired told me that her daughter is able to join her schoolmates in classes and activities because of relay services and interpreters. The mother also told me that because of the ADA-required relay services, her daughter was able to speak with her father for the first time.

When my daughter was just 4 years old, she got to call her real father for the first time. I wish you could have seen the sparkle in her eyes and the tears in mine as she 'talked' with her daddy. It took forever (she couldn't type) but the relay service was friendly and patient. I believe that Relay has played a part in keeping their relationship strong. Every little girl needs her daddy.

Mr. President, I have a whole stack of these stories. I will not ask permission for all, but I ask unanimous consent to have some of the more poignant stories that I received from around the country be printed in the RECORD. They are very short.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SUCCESS STORIES FROM U.S. SENATOR TOM HARKIN'S "A DAY IN THE LIFE OF THE AMERICANS WITH DISABILITIES ACT" CAMPAIGN

NEW YORK

Summary: According to a man in New York with cerebral palsy, the ADA-required ramps, elevators, automatic doors, curb cuts, and accessible transportation have allowed him to be more independent in his life. Thanks to the ADA, he is now able to do his own banking, go to the post office or shop by himself, or enjoy a meal at a restaurant. Reasonable accommodation requirements have allowed him to work as an advocate for people with disabilities and earn money to contribute to his household expenses. In his words, the ADA has allowed him to "show my community that I am willing and able to be like anyone else in ways like getting a job and being independent."

Quotation: [Prior to the ADA,] I felt that I was not a real human being because people with disabilities . . . were not supposed to be seen or heard . . . [The ADA] opened the door to freedom for people with all types of disabilities . . . The ADA is a step toward reaching equal ground for EVERYONE! . . . Doing things on my own makes me feel like I am a PERSON and gives me a lot of confidence in myself."

## TENNESSEE

Summary: A man from Tennessee has been quadriplegic since an automobile accident in 1990, the very year that the ADA was signed. According to him, the ADA has helped him pursue his academic, as well as employment, dreams. The ADA helped him to earn an undergraduate degree and was even the subject of his master's thesis during graduate school at a Tennessee state university.

Quotation: [With the passage of the ADA], my physical impairments that had recently been introduced to a cold world now had a blanket. A blanket provided by my country . . . My disability and the ADA were born together and this year we celebrate 10 years of success, for the both of us.

## MARYLAND

Summary: A woman from Maryland is the mother of three autistic children—all of whom have benefitted from the ADA. Because of the ADA, she looks forward to her children graduating from school and working in the community when they grow up.

Quotations: Ten years ago before the ADA my boys would have been wrenched with heart ache as they walked with their heads hung down in shame. They would feel the pain of having a disorder that would make them stand and learn apart from the other children at school. I am not sure what their future holds in store. I know that the supports are in place.

## SACRAMENTO, CALIFORNIA

Summary: A man with muscular dystrophy from Sacramento, California, cannot imagine what his life would be like without the ADA and celebrates July 26 as the "Other Independence Day." He credits the ADA with making his life "full and independent" by requiring stores, restaurants, parks, and theaters to be accessible to all people.

Quotation: The ADA embodies what people with disabilities really want, to be viewed as people first, not judged or excluded because of our disabilities. We want to earn a living, raise families, go to restaurants, churches and live our lives as independently as possible with dignity and respect and not be excluded because of barriers—be they architectural, communication or attitudinal barriers.

## MOSS POINT, MISSISSIPPI

Summary: A woman from Moss Point, Mississippi has been in a wheelchair since 1997. The ADA makes it possible for her to do her own grocery shopping, attend events at her grandchildren's school, go to dinner "anywhere," travel, and stay in a handicapped room at a motel with the "greatest shower [she has] ever seen".

Quotation: No one plans to become handicapped, but I am grateful the ADA Program planned for me.

## ARROYO GRAND, CALIFORNIA

Summary: A man from Arroyo Grand, California who uses a wheelchair says that he has benefitted from the ADA in a variety of ways. Because of the ADA, he is able to watch his nieces play basketball in an accessible gymnasium, to play chess in accessible recreation rooms, even to attend a Bob Dylan concert and to shut his own apartment door.

Quotation: The success of the Americans with Disabilities Act over the last ten years was caused by its enormous power. Knowledge of its power brings improvement. The reason the ADA is powerful is that all businesses know about it, and people with disabilities can communicate with that powerful knowledge . . . Everywhere I go today I can seriously say "ADA" and get a response.

## SALEM, INDIANA

Summary: A woman from Salem, Indiana, uses a wheelchair and has limited use of one

arm. She credits the ADA for the construction of buildings where her disability "never occurs to [her]"—with aisles wide enough to accommodate a wheelchair, bathrooms that are accessible, and drinking fountains at chair level. She writes of the joy of being allowed access, via outside elevators and ramps, to such historical sites as Thomas Jefferson's Monticello and the Lincoln Memorial.

Quotation: Dear ADA, Thank you for being there when we need you, the curb cuts, low-incline ramps, the grab bars and the list goes on and on . . . ADA, what life has done to us, you have equalized it, with accessibility.

## GREENBELT, MARYLAND

Summary: A man who lives in Greenbelt, Maryland and is hearing impaired thanks the ADA for increasing public awareness of the abilities the "disabled" have. He praises the ADA for helping him become an attorney and allowing him to help other people with disabilities "achieve their dreams." According to him, the ADA has impacted almost every aspect of his daily life, from the time he turns on the television with closed-captioning in the morning, to the time he attends a city advisory meeting with an interpreter at night.

Quotation: The impact of the ADA is felt throughout my daily life. When I turn on the TV in the morning, I can watch captions and public service announcements because of the ADA. When I go to work and make phone calls, I use the telecommunication relay services enacted by the ADA. I talk with my friends who are given accommodations on the job as required by the ADA. In the afternoon I go to the doctor's office and am able to communicate with my doctor because the ADA has required the presence of a sign language interpreter. After the doctor's office, I decide to go shopping and am able to find a TTY (as required by the ADA) in the mall to call my family and let them know that I will be a bit late arriving home. After dinner with my family, I go to [city meeting] . . . and am able to participate fully . . . because the ADA allows me to receive the services of a sign language interpreter. In short, the ADA has had a major impact on almost every facet of my life.

## WAUKEGAN, ILLINOIS

Summary: A 25-year-old social worker who is sight impaired writes from Waukegan, Illinois. According to her, Title III of the ADA has allowed her to receive bank statements in Braille and to balance her checkbook. She is now able to enjoy a level of privacy that many Americans take for granted.

Quotation: I now receive my statements in the mail every month, as do other bank customers. This might seem like a small victory to some. Obviously such people have never been denied the ability to read something so personal as a bank statement.

## LAS CRUCES, NEW MEXICO

Summary: A woman from Las Cruces, New Mexico, uses a wheelchair and credits the ADA for allowing her to "pick up and make a move across the country" to a new home. She says that the ADA has given her her life back and made her a "possibility-thinker" again.

Quotation: I know that things are made possible for the disabled now because IT'S THE LAW. We have greater options, self-respect and better public awareness because of the ADA . . . My independence and free will are intact.

## TEXAS

Summary with Quotation: A woman from Texas is hearing-impaired and writes of how the ADA has allowed her to return to academia. After teaching for 20 years, she was forced to quit teaching college-level English

when she could no longer hear her students in the classroom. In her words "It tore my heart out to give it up." Now, because of services for disabled students required by the ADA, she can attend literature courses at a university by wearing a headset that amplifies her professor's voice. In her words, "[it] was sheer heaven to be in the classroom again."

## GLEN ELLYN, ILLINOIS

Summary and Quotations: A man in Glen Ellyn, Illinois who is sight impaired regards the ADA as "a necessary civil rights law." Because of the ADA's employment provisions, he has been able to ask his employer to make materials—such as benefits information, texts for training courses, and time sheets—in an alternative format. Because of the ADA's transportation provisions, he has been able to travel on public transportation, because bus drivers now call out individual stops. Because of the ADA's public accommodation requirements, he is able to order what he wants at restaurants and to attend hotels and movie theaters independently.

## BROOKLINE, MASSACHUSETTS

Summary and Quotations: A hearing-impaired man from Brookline, Massachusetts, writes to praise the ADA. Having grown up in Trinidad without the benefits of disability legislation, he appreciates being able to attend open-captioned movie theaters, use the Boston subways, which have visual displays announcing stops, and have access to interpreting services for work-related meetings and training sessions. He writes of the "growing respect" people give to individuals with disabilities and "awareness" that is motivated by more than "just a legal obligation."

## ROCKY MOUNT, NORTH CAROLINA

Summary: A man in Rocky Mount, North Carolina who has been a paraplegic all his life thanks the ADA for allowing him "to become as independent as others." He now has access to a variety of school, shopping malls, and sports and entertainment events. Because of the ADA, he has job opportunities that he never could have dreamed of growing up.

Quotation: "When I was growing up I had to go to certain schools and shopping malls that were accessible. Sports and entertainment was something you dreamed about, but was never able to participate in. . . . But now things are different, thanks to the [ADA] . . . [The ADA] has made us . . . able to say, 'Don't look at my disability, but look at my ability.'"

## ARKADELPHIA, ARKANSAS

Summary: A sight-impaired student in Arkadelphia, Arkansas, credits the ADA for making her first year at a state university a "beautiful experience and resounding success." Because the ADA requires colleges to ensure equal access to educational information, she is able to get a quality college education.

Quotation: [The ADA] has really helped the disabled people that are present on our campus to get as good an education as possible and also to make their college career a beautiful experience and a resounding success.

## SOUTH AMBOY, NEW JERSEY

Summary: A woman from South Amboy, New Jersey who has mental, behavioral, and learning disabilities says that the ADA has made her feel included in community life. Through her local independent living center, a psycho-social rehabilitation program, an anger management workshop, and other support and advocacy groups, she has learned to accept her disabilities and "welcome them as a dimension to [her life]."

Quotation: Most importantly, I strongly believe that the ADA is breaking both physical and attitudinal barriers in the community and society so citizens with all disabilities are able to live, inclusive, full, productive, and independent lives.

Mr. HARKIN. Mr. President, the ADA, of course, ultimately is about our children. They will be the first generation to grow up with the ADA—the first generation in which children with and without disabilities play together on the playground, learn together in school, hang out together at the mall and the movie theater, and go out together for pizza. These children who will grow up as classmates and friends and neighbors will now see each other as neighbors and coworkers—no longer segregated. That is what the ADA is about. It has opened up new worlds for people with disabilities—where people with disabilities are participating more and more in their communities, living fuller lives as students, as coworkers, as taxpayers, as consumers, voters, and neighbors.

But we must never forget that prohibiting discrimination is not the same as ensuring equal opportunity. President Johnson understood this when he said: “[Y]ou cannot shackle men and women for centuries, then bring them to the starting line of a race and say, ‘You see, we’re giving you an equal chance.’”

That is why we all work so hard for the Ticket to Work and Work Incentives Improvement Act because we had to set the stage to change the employment rate for people with disabilities. That is why we all work so hard to defend the Individuals with Disabilities Education Act, because there is no equal opportunity without education.

I am proud that this morning President Clinton announced a new effort by the Federal Government to open up an additional 100,000 jobs in the Federal Government for people with disabilities. That is leadership. I thank President Clinton for providing that leadership.

Again, that is why we have to fight against genetic discrimination. That is why we have to add people with disabilities to the Hate Crimes Act that passed the Senate, and to make sure it becomes law.

That is why we have to fight to make sure we don’t lose in the Supreme Court what we gained in Congress. There is a case now pending before the Supreme Court in which a State has argued that title II of the ADA which applies to State governments should be held unconstitutional because the Federal Government does not have the power to enforce the ADA against the States in the way other civil rights laws are.

The Civil Rights Act of 1964, which prohibits discrimination on the basis of race, applies to all the States and State governments. Now a State is arguing that the ADA, a civil rights law for people with disabilities, should not apply to States. They are saying: Don’t

worry. The State says: Leave it to us. We will make sure that people aren’t subject to employment discrimination. We will make sure that people aren’t forced to live inside institutions or carried up the steps in order to get into the local courthouse.

Some of us remember after the 1964 civil rights bill was passed that States were arguing the same thing: Leave it to the States; they will take care of civil rights; we don’t need the Federal Government coming in.

What I think we are forgetting is that this is a civil rights law that covers the citizens of America. We are all in this together. We are talking about citizens’—Federal, national—constitutional rights to equal protection under the law. It is up to this Federal Congress to ensure that citizens with disabilities get that equal treatment. That is why we have title II of the ADA.

In sign language, there is a wonderful sign for America. It is this: This is the sign for America, all of the fingers put together, joining the hands in a circle. That describes America for all. We are all together. We are not separated out. We are all within one circle; a family—the deaf sign. It is not separate and apart. It is not one State and another State when it comes to civil rights and ensuring equal protection of the law. We will not let the Supreme Court rewrite history and erase civil rights—the national civil rights for people with disabilities.

Finally, we have to close the digital divide to make sure that people with disabilities have full access to the new technologies.

Last night, Vice President Gore held a reception at the Vice President’s house for literally hundreds and hundreds of people with disabilities from all over America. It was a great event to celebrate the 10th anniversary. In one tent, they set up a wide variety of new technologies to assist people with disabilities. I was particularly taken with one new device that had a cathode ray tube, CRT. It was hooked up to a PC. There was a little device under the net, a CRT that looked up at your eyes. You sat there for a second and it calibrated it. With your eye movement alone, you could turn on lights, turn off lights, make phone calls, talk to people, type letters, get on the Internet, only by moving your eyes.

Think about what that means for people who have Lou Gehrig’s disease or severe cerebral palsy. There are a lot of disabled people who can’t do anything but move their eyes. But their mind is perfect.

One perfect example that Vice President Gore always uses is Stephen Hawking, perhaps the smartest individual in the world, who is fully immobile because of his disability. Yet here is a machine that will allow him to more rapidly access information and to write his wonderful books about the universe. That is what I mean when I say we ought to close the digital divide be-

cause there is so much out there that can help people with disabilities.

Lastly, I say that the next step we have to do is fight and win against the continued segregation of people with disabilities from their own communities. That is why we have to move forward on the bill called MiCASSA, S. 1935, a bill that is pending in the Senate right now—the Medicaid Community Attendant Services and Supports Act—a bipartisan bill that will eliminate institutional bias in the Federal Medicaid program and give people with disabilities and the elderly a real choice to live in their communities. Right now, Medicaid is biased toward institutionalization.

Why shouldn’t we give a person with a disability the right to decide where he or she wants to live and how they want to live? Let them live in their own home, in their own community settings. That is what S. 1935 is about. The disability community all over this country understands personal attendants are sorely needed. No individual should be forced into an institution just to receive reimbursement for services that can be effectively and efficiently delivered in the home of the community. Individuals must be empowered to exercise real choice in selecting long-term services and supports that meet their unique needs and allow them to be independent. Federal and State Medicaid policies should be responsive to and not impede an individual’s choice in selecting services and supports.

This bill eliminates the bias toward institutional care. It would help deliver services and supports consistent with the principle that people with disabilities have the right to live in the most integrated setting appropriate to meeting that individual’s unique needs.

In last year’s *Olmstead* decision, the Supreme Court found that to the extent that Medicaid dollars are used to pay for a person’s long-term care, that person has a civil right to receive those services in the most integrative settings. Therefore, we in Congress have a responsibility to help States meet the financial costs associated with serving people with disabilities who want to leave institutions and live in the community. MiCASSA, as the bill is known, S. 1935, will provide that help.

A lot of people say this will cost money. Actually, it will save money. Medicaid spending on long-term care in 1997 totaled \$56 billion, but only \$13.5 billion was spent on home and community-based services. That \$13.5 billion paid for the care of almost 2 million people.

In contrast, the \$42.5 billion we spent on institutional care paid for just a little over 1 million people.

The average annual cost of institutional care for people with disabilities is more than double the average annual cost of providing home and community-based services. Right now, all across the country, hundreds of thousands of people are providing unpaid

support to sons and daughters, mothers, fathers, sisters and brothers, to allow them to remain in the community. Yet when they turn to the current long-term care system for relief, all too often all they can do is add their name to a very long waiting list. That is not right. That is not just. That is not fair. These family care givers are sacrificing their own employment opportunities and costing the country millions in taxable income.

Lastly, I take a moment to remark on the surplus. Lately that is all we are hearing about is how much surplus we will have over the next 10 years. I hear now it is up to \$2 trillion and counting. We have some very important decisions to make about what we do with the surplus. Everyone is lining up—tax breaks here, tax cuts here, tax breaks here, for business, for corporations, for this group, for that group—all lining up to get some of that surplus.

I believe we have to make some important decisions. I believe we have to use that money to pay down the debt, shore up Social Security, make sure that our seniors get what they need under Medicare. With all these groups lining up to get a piece of the action on the surplus, I am asking: What about the disability community? What about the Americans all over our country who want to live in their own communities, who want supportive services in their homes, who want personal assistance services so they can go to work every day? I believe we should use some of that surplus to make sure that all Americans have the equal right to live in the community—not just in spirit, but in reality.

As I said, our present Medicaid policy has an institutional bias. We need to use some of this surplus to get people in their own homes and communities. There may be some transitional cost, but we know later on when these people start going to work, when their families and the family care givers who are at home now and underemployed, are employed, when they go to work they are working, making money, paying taxes.

Yes, when we are talking about what we are going to do with that surplus, let's not forget we have millions of Americans far too long segregated, far too long kept out of the main stream of society, far too long denied their rights as American citizens to full integration in our society. It is time we do the right thing. It is time when we make decisions about the surplus, we use some of that to make sure that people with disabilities are able to live and work and travel as they want.

ADA may stand for the Americans with Disabilities Act, but it stands for more than that. It really stands for the American dream for all.

In closing, as I said earlier, my brother, Frank, passed away last month. I miss him now and I will miss him forever. He was a wonderful brother to me. He was a great friend. He was my great inspiration. He was proud of

what the ADA meant for people with disabilities. For 10 years he and millions of people across our country lived out its possibilities. So I thank my brother, Frank. I thank everyone else in the entire disability community who was an inspiration for me, who worked so hard for the Americans with Disabilities Act.

I include in that many of my fellow Senators and Representatives. This was never a partisan bill. It is not now a partisan bill. It will never be a partisan bill. Too many good people on both sides of the aisle worked hard. Senator Weicker, who led the charge early on, before I even got to the Senate; Senator Dole, who worked so hard, so long, to make sure we got ADA through; Boyden Grey, Counsel to the President who worked with us every step of the way; Attorney General Dick Thornburgh, what a giant he was, hung in there, day after day, working to make sure we got it through. On our side of the aisle, Senator KENNEDY, who made sure we had all the hearings, got the people there, made the record, to ensure that ADA was on solid ground; Tony Coelho from the House of Representatives, and Representative STENY HOYER in the House; Congressman Steve Bartlett, another great giant, Republican leader in the House at that time, later on became mayor of Dallas. He was there this morning, too.

At that time, there weren't Democrat and there weren't Republicans. We were all in that same boat together, and we were all pulling together. We were, as I said earlier, Mr. President—the deaf sign for Americans is this (signing)—all of us together, fingers intertwined, all of us in that same family circle. That is what ADA is about. It is about this deaf sign. We are all in this together.

We want to make sure the ADA really does stand for the American dream for all.

I yield the floor.

The PRESIDING OFFICER (Mr. BROWNBACK). Under the previous order, Senator DEWINE is recognized.

Mr. GORTON. Mr. President, I believe the Senator from Ohio will yield to me, and I ask unanimous consent to be recognized for a few remarks in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### REMEMBERING SENATOR PAUL COVERDELL

Mr. GORTON. Mr. President, all last week I deferred coming to the floor to speak about my friend, Paul Coverdell, on the ground that it might be easier to do so this week. It is not. It is not, but it is vitally important to memorialize such a friend.

Every Monday evening or Tuesday morning, Paul Coverdell and I sat at the end of the table during leadership meetings in the majority leader's office, with an opportunity to comment on all of the issues that came before

that group. Frequently, however, at the end of the table, we would exchange whispered remarks on some of the other people or subject matter, either present or not present. Paul Coverdell had a wonderful sense of humor, there and elsewhere: Dry, gentle, always to the point. It was a delightful pleasure to share those moments, sometimes stressful, sometimes marvelously relaxed, with such a man.

If you sought advice on a matter of vitally important public policy, Paul Coverdell was one of the first you would seek out. You knew that anything he would discuss with you would be filled with wisdom and common sense, and that stacking your remarks against his would focus and sharpen your own thoughts and your own ideas. It hardly mattered what the subject was—education, taxes, national security, a dozen others; the advice was always good and always relevant.

If you then sought tactics or advice on how to accomplish a shared goal, Paul Coverdell was a man whom you sought out. Particularly if there were an individual in your own party, or in the other party, whom you might be reluctant, for one reason or another, to approach, you could ask Paul Coverdell to do it for you, and he would. There was no task, there was no detail that was too small for him, none that he thought was beneath him, if it was constructive, if it would help the cause in the long term.

One way in which you can determine individuals' reactions to other individuals is in a group. At the Republican conference meeting immediately before the Fourth of July recess, Paul Coverdell, as the Secretary of the conference, presented us a little plastic note card, the top of which read "Republican Policy." I no longer remember the particular subject, but I do remember that first one or two people said, "I don't agree with point 3." Pretty soon, everyone was piling on. Finally, one of our colleagues wrote across the top of this, "One Republican's Policy," and handed it back to Paul Coverdell, who just went back to perfect his message.

Whom you tease, you generally love. That in many respects was an expression of the love and respect his Republican colleagues had for Paul Coverdell.

Paul Coverdell made us all proud of our profession, a profession often criticized, in fact a profession rarely praised. When a State sends a Paul Coverdell to the Senate, it is proof positive that our system works. And when the Senate of the United States listens to and respects and follows a Paul Coverdell, that, too, is proof that our system works. When, as was my privilege, you come to know and be befriended by a Paul Coverdell, you are especially privileged and especially honored. I was so privileged. I was so honored.

I will not know his like again.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. DEWINE. Mr. President, I congratulate my colleague from Washington State on very eloquent comments about our dear friend, Paul Coverdell. I had the chance a few days ago to make some more extensive comments than I will tonight about Senator Coverdell. But I just want to add, I had the opportunity, as many Members of the Senate did, to travel to Atlanta this past weekend to participate in that very wonderful service for our dear friend. I don't think it really hit me that he was really gone until I got back this week to Washington and started contemplating this Senate body without Paul Coverdell and all that he meant to each and every one of us. He was our friend. We loved him very much. This body, this institution, is a poorer place because he is gone.

Each one of us is richer because we were privileged to know this very gentle, this very kind, this very sweet, this very good man.

#### HONORING VIRGINIA "GINNY" GANO

Mr. DEWINE. Mr. President, on a happy note, I rise this evening to honor someone who has spent the last 30 years of her life serving the people of this country, of this Congress, of the State of Ohio; specifically, of the Seventh Congressional District in Ohio.

I am talking about a dear friend of mine, Virginia "Ginny" Gano. I had the great pleasure and honor to work with her during my years as Congressman from the Seventh Congressional District in Ohio. Ginny is now in her 31st year of service to the people. She is truly an ambassador for the Seventh district and for the entire State of Ohio.

Ginny grew up in Springfield, OH. She started working for Congressman Bud Brown at a very young age in 1969. In 1982, when I was elected to the House of Representatives, I asked Ginny if she would come work with me. I became the Congressman. Ginny agreed to stay on and work in our office. During that time, Ginny Gano was really invaluable to me and invaluable to our office and to the people of the district. She had and has an unbelievable wealth of knowledge and institutional memory. If you want something done, if you want to know something, you ask Ginny Gano.

In 1991, she joined current Seventh District Congressman DAVID HOBSON's team. This evening—I am sure at this very moment—knowing Ginny, she is still at work in the Longworth Building serving the people in the district.

Ginny is one of the hardest working people whom I have ever met. With her resources, her experience, and her knowledge, she can answer any question or just about any request made of her. She never says no. She is that good. She gets the job done. She just knows how to get it done. Whatever you want, Ginny will figure out a way of getting it done.

One of the many things that Ginny has done over the years has been to work with interns in a Congressman's office. She goes to great lengths to make sure these young people who come out from Ohio to serve the people and to learn have meaningful experiences in Washington, that they feel at home, that they have someone to look out for them.

Ginny has spent the last 30 years helping people in our district and has truly gotten to know the people of the Seventh District, and they know that she cares about them. She is the one constant in the office of the Congressman from the Seventh Congressional District. Whether it was Bud Brown, MIKE DEWINE, or DAVE HOBSON, Ginny Gano has been there. Ginny Gano is making a difference.

One of the things I appreciate about Ginny so much is that she has a way about her that makes everyone feel at ease. Whether it is a group of schoolchildren from Greene County or maybe someone whom she bumps into in the Rotunda of the Capitol, a total stranger, it does not matter; Ginny is there to help them and she makes everyone feel welcome in our Nation's Capitol. Ginny is a caring and compassionate human being. Being around Ginny Gano just makes you happy. She is that type of person. Her smile, her spirit, her energy—you just feel good when you are around Ginny Gano.

Ginny has dedicated some of her free time—the little free time she has—to something she loves: music. For years she has participated with a great deal of enthusiasm in the Capitol Hill Choral Society. She also has been a driving force behind the Ohio State society's selection of the cherry blossom princess every spring.

My wife Fran and I are just so proud to call Ginny Gano a friend. I thank her for over 30 years of dedicated service to the people of the Seventh Congressional District of the State of Ohio.

Ginny, thank you.

#### P.L. 480 ASSISTANCE IN HAITI

Mr. DEWINE. Mr. President, I want to talk this evening about an issue about which I have spoken before on the floor of the Senate, and that is the situation with the children in the poor country of Haiti. I rise tonight to remind my colleagues of a very important feeding program that is crucial to these children. The program I am talking about, of course, is the Public Law 480 title II Food Assistance Program which, according to the USAID mission in Port au Prince in Haiti, helps feed roughly 500,000 Haitian schoolchildren and almost 10,000 orphaned children through its Orphan Feeding Program.

As we know, funding for the P.L. 480 title II program was included in the Senate fiscal year 2001 Agriculture appropriations bill, which we in the Senate recently passed. I commend and thank the chairman and ranking member on the subcommittee, Senator

COCHRAN and Senator KOHL, and also the chairman and ranking member on the full committee, Senator STEVENS and Senator BYRD, for their continuing ongoing support of Public Law 480.

I am very pleased the committee included language in the Agriculture appropriations bill that will maintain the same level of USAID resources for the Orphan Feeding Program in Haiti as were provided for our current year. I urge my colleagues in conference to continue this language and continue this program.

The reality is that the country of Haiti is a great human tragedy. The nation is in turmoil on a political, economic, and humanitarian level. Though the small island nation finally did hold its parliamentary elections in May after three previous postponements, and though voter turnout was certainly acceptable and the citizens were voting, the openness of these elections remains in serious question. The violence against opposition party members and supporters leading up to the May election cast serious doubt on the legitimacy of this election.

Leon Manus, the president of the electoral council, resigned after the first round of elections and had to flee the country fearing for his life after having accused the Haitian Government of pressuring him to approve the questionable election results.

The international community has severely and justifiably criticized both rounds of elections, with the European Union threatening economic sanctions. In spite of widespread criticism, in spite of OAS refusal to recognize the contested election results, Haitian officials proceeded with the runoff elections on July 9, and, as expected, a handful of Haitians turned out to vote, just a handful of people for the few legislative and local offices that were not already won by the ruling Lavalas Party.

Prior to these elections, I spoke on the Senate floor about Haiti's distressing political and economic situation. I talked at that time about how it was incumbent upon the political elite and the ruling party in Haiti, the Fanmi Lavalas Party, to make and to take reforms seriously. As I said then, and I have said many times before, Haiti simply will not progress until its political leaders and the elite in that country take responsibility for their situation and commit to true democratic reform.

Regardless of the recent election outcome, Haiti can succeed as a democracy if and only if the leaders of the nation, the political elite, the ruling elite, the economic elite, resolve to develop a free market system, resolve to reduce corruption, resolve to improve Haiti's judicial system and its election process, resolve to respect human rights and develop a sustainable agricultural system that can feed its people, and especially the poor children of Haiti.

Despite the success—I have seen it; and there has been success—of some

USAID programs to promote growth in Haiti's agricultural sector, past deforestation and a lack of education about how best to use the land for both short-term and long-term economic gain have slowed, almost to a standstill, any improvement in the agricultural sector.

Because of that, I firmly believe that the United States should continue efforts aimed at teaching Haitian farmers viable ways to farm—agriculture that produces food for the Haitian people now and conserves the land for production in the future by generations to come—agriculture that shows farmers how sustainable agriculture is really in their best economic interest, both in the short run and in the long run.

Efforts to work directly with farmers provide the greatest hope of preventing Haitians from abandoning agriculture for urban areas, such as Port-au-Prince. One of the biggest problems in Haiti is that so many people who are not making it in agriculture at all, who can't feed their family, understandably flee the countryside and go into one of Haiti's big cities, only to face worse poverty and create a more dire situation for their family. The only way that will stop is if Haiti can develop, with our assistance, with the assistance of the international community, a viable, sustainable agricultural program.

As I have said, I have visited Haiti eight or nine times. My wife and I have seen many of these programs and have seen that they do, in fact, work. But until sustainable improvements are made in the Haitian agricultural sector, I believe we have a responsibility—I believe we have an obligation—to ensure that humanitarian and food assistance continues to reach this tiny island nation and most particularly, most importantly, continues to reach these children.

That is why it is vital that we maintain current funding levels for the Public Law 480 title II assistance program for Haiti and other parts of the world as well. The simple fact is, this program is essential to the survival—literally the survival—of many thousands of Haitian children, especially those living in overcrowded orphanages.

There are currently 114 orphanages throughout Haiti receiving USAID funds and caring for a vast number of children. Quite candidly, these represent just a small fraction of the total number of orphanages on this island.

My wife Fran and I have traveled to Haiti repeatedly—eight times in the past 5 years. We visited many of these orphanages. We have seen the dire and dismal conditions. We have held the children and felt their malnourished bodies. But we have also seen what can happen with these children, and how so many dedicated people working in these orphanages can literally nurse these children back to life.

The orphanages of Haiti feed and take care of thousands upon thousands upon thousands of orphaned and aban-

doned children. The flow of desperate children into these orphanages is constant, and these facilities face the increasing challenge of accommodating these children.

It is these children who need our help the most. It is these children who are not capable of providing for themselves. That is why I am convinced that the Public Law 480 title II feeding program is absolutely essential. This low-cost program guarantees one meal per day to orphan children who otherwise would not receive any food at all.

The school feeding program is also essential because the title II assistance program—the offer of a free meal to these children, and the parents who send their children to school—helps keep Haitian children in school.

I again thank the committee for its support for and its commitment to Public Law 480 title II assistance for these children in Haiti.

I urge my colleagues on the conference committee—and throughout this year, and into the next—to continue their support for this program.

#### COMMENDING AMBASSADOR TIM CARNEY

Mr. DEWINE. Mr. President, on another matter related to Haiti, I take this opportunity this evening to commend and thank my friend, Ambassador Tim Carney, for his 2-year service as U.S. Ambassador to Haiti. Tim and his wife Vicki proudly represented the United States. Day in and day out, they were committed to helping the people of Haiti overcome their dismal surroundings and their dire circumstances. Tim and Vicki worked to alleviate hunger and poverty throughout the island and encouraged practical economic reforms.

Through the support and cooperation of Ambassador Carney and Vicki, the conditions of several Haitian orphanages continue to improve. Although the Carneys' assignment in Haiti has concluded, their commitment continues today.

My wife Fran and I appreciate their friendship. We appreciate the support and help they have given to the children of Haiti. We look forward to continuing our work with them to help the children of Haiti.

#### TRIBUTE TO ERV NUTTER

Mr. DEWINE. Mr. President, I rise this evening to celebrate the life of a great man from my home State of Ohio, a true renaissance man. I am talking about Erv Nutter, who died on January 6 of this year at the age of 85.

I am honored to have known Erv and am humbled to have the chance this evening to say just a few words about what his friendship has meant to me and my family, to my community, and to my State.

Ervin John Nutter was born in Hamilton, OH, on June 26, 1914, to parents he described as “a Kentucky school-

teacher and a Wyoming cowboy.” He was a running guard on the State championship Hamilton High School football team and later graduated from there. He attended Miami University in Oxford, OH, and then transferred to the University of Kentucky where, at the age of 21, he dropped out to take the Ohio examination for stationary engineers. Following that test, he became the youngest licensed engineer in Ohio, and then took a job at Proctor & Gamble in Cincinnati.

In 1943, Erv returned to the University of Kentucky to earn his degree in mechanical engineering. After graduation, he took a job in the engineering division of the Air Force at Wright-Patterson Air Force Base, where he was put in charge of aircraft environmental testing.

Then in 1951, Erv Nutter founded the Elano Corporation, which fabricates metal parts for jet engines. He started the business in a Greene County, OH, garage. Elano grew and grew, and it grew ultimately into a multimillion-dollar business that has influenced aviation worldwide, through precision forming and bending of tubular assemblies for fuel, and lubrication and hydraulic systems for jet aircraft and missiles.

I met Erv Nutter for the first time in 1973. I was right out of law school, on my first job, as an assistant county prosecutor in Greene County. I remember Sheriff Russell Bradley and then-county prosecutor Nick Carrera, and I were conducting a major drug investigation. It was going well. The only problem was, we had run out of money.

So we went to some people in the community. One of the first people we went to was Erv Nutter. To keep that investigation going, we simply had to have some financial assistance. So we asked Erv if he would help. Without any hesitation, as Erv would always do—he didn't ask anything—he just said: Sure. If you boys think it's a good idea, if you think we need to do it, I'll do it.

When it came to his community, Erv was always ready to lend a hand, whether with his financial resources or his time and energy. That was just Erv Nutter.

Erv has been a role model for so many people throughout the years. Through his kindness and extreme generosity, he has taught invaluable lessons, such as the importance of giving back to our communities, the importance of building and trusting our neighbors, and the economic future of our villages and our cities.

Through the years, he donated millions of dollars to the University of Kentucky and Wright State University. Today, two buildings at the Lexington campus bear Erv's name, as does Wright State University's indoor athletic complex.

Erv Nutter was a blunt man. He was an open man. He was a man who would tell you what he thought, never afraid in any way to express his convictions or his strong beliefs.



That is one of the things that made Erv Nutter so endearing. It has been said that the greatness of a man can be measured by the extent and the breadth of his interests and how he acts on those interests to make a difference in this world. Surely by that test, Erv Nutter was a great man. He was so passionate about his interests, and what interests he had: agriculture, technology, wild game conservation, education, sports, history, aviation, or working for a better government. Whatever Erv was interested in, he cared passionately about and he acted upon. And in each area, he made a difference. Sure, he helped financially but, more importantly, Erv gave his time and he gave his energy. He was a man of great passion.

In 1981, Erv Nutter was named Greene County Man of the Year. He served as business chairman of the American Cancer Society, chairman of the Fellow's Committee at the University of Kentucky, member of the President's Club at both Ohio State and Wright State University, past president and trustee of the Aviation Hall of Fame—one of his great passions and his wonderful wife, Zoe Dell's great passions; the work with Zoe Dell continues to this day—as former chairman of the Ohio Republican Finance Committee, and former chairman of the Beavercreek Zoning Commission.

In 1995, at the age of 80, Erv was inducted into the Ohio Senior Citizens Hall of Fame, an honor for outstanding contributions and exceptional achievements begun or continued after the age of 60. Erv always was there for our community. Erv always was there for our State. In all that he did, he made a positive difference. Erv Nutter was a remarkable person, a person who affected countless lives for the better. His family knows that probably better than anyone else because there were so many things Erv Nutter did that he didn't tell anybody about. He just was there to be supportive and to make a difference. He just quietly helped out whenever his community asked. And many times when his community didn't ask, he did it anyway.

The only thing Erv wanted was to make the world a better place for his children, his grandchildren, and for all of us. Erv Nutter took great pleasure in sharing his personal success with the whole community. I was particularly struck by Erv's humility. I remember that he once told the Xenia Daily Gazette he was the luckiest man in the world. He was lucky because he had had the opportunity to do so many things he had never, ever, in his wildest dreams, thought he would be able to do. He told the paper:

No one can achieve success by himself. I think this is one of the most important things for people to remember today.

Erv didn't seek credit. Rather, he appreciated his success and understood that his community was a great part of that success. We all admired Erv Nutter. We all respected him.

As Chesterton once said:

Great men take up great space, even when they are gone.

Erv Nutter will continue to take up great space on this Earth, not just in buildings but in lives touched and lives changed. Erv Nutter will continue to live on through the great work he has done. He also will live through his wonderful family: his wife Zoe Dell, Joe, Bob and Mary, Ken and Melinda, Katie and Jonathan.

We pay tribute to Erv tonight for what he has meant to our community.

#### ROCCO SCOTTI—A GREAT AMERICAN

Mr. DEWINE. Mr. President, I rise to recognize tonight Rocco Scotti, a talented and patriotic singer from my home State of Ohio, who is a fixture in Cleveland and Cuyahoga County, northeast Ohio, a fixture at Cleveland Indians baseball games and just about any public event in our community that matters.

Rocco, because of the countless times he has sung our national anthem at local, national, and international events, has truly earned the title of "Star-Spangled Banner Singer of the Millennium."

Rocco, an Italian American whose family is from Italy's east coast, grew up in Cleveland and started his vocal training in opera. He first performed the national anthem publicly in 1974 at an Indians-Orioles game.

Since that time, he has become a regularly featured national anthem singer for both American and National League baseball games, games played in Cincinnati, Cleveland, New York, for the Baltimore Orioles, Oakland A's, Kansas City Royals, Toronto Blue Jays, LA Dodgers. The list goes on and on. Rocco has also had the honor of performing the national anthem for Presidents Gerald Ford and Ronald Reagan.

Rocco's list of accomplishments doesn't end there. He was awarded the United States civilian Purple Heart for inspiring patriotism for his exceptional performance of the national anthem, and he has performed the anthem on national television for events such as the NBC game of the week, an American League playoff game, the 1981 All Star game, and countless other televised sporting events. Dubbed by People's magazine as one of the best anthem singers in America, he is the first singer to perform the national anthem for the Baseball Hall of Fame in Cooperstown, NY. He is a featured singer for the Indians, Cleveland Cavaliers, and Cleveland Force, and he is the permanent singer of the anthem for the Football Hall of Fame ceremonies in Canton, OH.

While Rocco is most known for his rendition of the national anthem, he is also a featured singer of other nations' anthems. He has sung the Polish national anthem for Polish boxing team matches, the Hungarian national an-

them for Hungarian basketball games, the Italian national anthem for Italian soccer team contests, and the Israeli national anthem for the appearance of the Assistant Prime Minister of Israel in Cleveland.

Needless to say, Rocco Scotti is an American icon. His voice, indeed, is a national treasure. What impresses me most about Rocco isn't so much his beautiful voice, although it is beautiful, but his amazing attitude about his heritage, his life here in this great country. Rocco said the following to me once:

I am very, very proud that with my Italian heritage, God has given me the honor of performing our country's greatest and most meaningful song.

For that kind of patriotism, love of country, I wish to say thank you to Rocco. I am proud to call him the Star-Spangled Banner Singer of the Millennium.

#### TRIBUTE TO THE GENERAL DANIEL "CHAPPIE" JAMES AMERICAN LEGION AUXILIARY UNIT 776

Mr. DEWINE. Mr. President, today I would like to honor a great volunteer organization from my home state of Ohio—The General Daniel "Chappie" James American Legion Auxiliary Unit 776. Based in the city of Dayton, this organization and its members were recognized recently by USA Weekend magazine for their participation in the "Ninth Annual Make a Difference Day," which is the largest national day of helping and volunteerism.

To be recognized by USA Weekend, an organization must demonstrate great efforts and achievements in the areas of volunteerism and community service. The General Daniel "Chappie" James American Legion Auxiliary Unit 776 certainly has done that. One of its members, Mrs. Ola Matthews, heard that foster children around the Dayton community must carry their belongings through the foster care system in plastic trash bags. This worried her greatly. So, she set about to help these children. Under her leadership, the members of Unit 776 conducted fundraisers to buy luggage and collected luggage from community donors. On October 23, 1999, the members of Unit 776 delivered the fruits of their effort—over 1,000 pieces of luggage, plus toiletries, underclothes, and baby supplies—to the Montgomery County Children's Services in Dayton. This is a remarkable achievement and one demonstrating great selflessness and generosity. It is actions like these—an organization helping those in its community—that makes Dayton such a great city.

Mr. President, one young member of this organization, in particular, has made outstanding contributions to her community. Shatoya Hill, who has been involved in Unit 776 most her life,

has just been awarded a \$6,000 scholarship for her community service and academic achievements. She has been Junior President of the organization for over 5 years. During this time, she has organized and participated in many fundraisers, from helping veterans to delivering food baskets to the needy during Christmas.

The Dayton Alumnae Chapter of Delta Sigma Theta, a public service sorority, awarded the scholarship, which is presented to young women who have excellent academic records, possess high moral character, participate in their church and community, and have interest in higher education. Shatoya certainly exhibits all of these positive qualities. It is great to see Ohio youths working hard for their communities and being recognized for their achievements.

Congratulations Unit 776 and congratulations Shatoya!

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. DEWINE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### EXPLANATION OF ABSENCE

Mr. WELLSTONE. Mr. President, I was necessarily absent today for roll-call vote No. 228, on the motion to invoke cloture on the motion to proceed to S. 2507, the intelligence authorization bill. I was in Minnesota visiting with my constituents in Granite Falls who were victims of a tornado which struck the city last night and caused severe damage and some loss of life. Had I been present, I would have voted aye on the motion.

#### MIDDLE EAST PEACE

Mr. BROWNBACK. As recently as this morning, upon Chairman Arafat's arrival back in Gaza, Arafat said:

There is an agreement between us and the Israeli government made in Sharm-El-Sheikh that we continue negotiations until Sept. 13th, the date for declaring our independent state, with Jerusalem as its capital, whether people like it or not.

By itself, the threat undermines confidence in the Palestinians' commitment to the peace process and, in effect, would abrogate the foundation of the Oslo accords that all outstanding final status issues will be resolved through negotiations.

Allow me, for a moment, to review the history here. More than 50 years ago, the United Nations created two states: Israel and Palestine. The creation of a homeland for the Jews in Israel was unacceptable to the Arabs, and five Arab states attacked the newly created state. When all was said and done, Israel was a reality, and the

nominal Palestine ended up in the hands of Jordan. We never heard about Jerusalem then.

In fact, when the PLO was created in 1964, Jerusalem was never even mentioned.

When Jordan lost the West Bank and Jerusalem in 1967, then the question of Palestine and Jerusalem became important once again. In fact, we are told that the reason Yasser Arafat walked out of Camp David was because he did not get all of east Jerusalem and the Old City. In other words, when Arafat did not get through the peace process what he could not get through war, he decided to walk away from peace.

One thing has become clear to me in the last few years. The Oslo agreement was nothing less than an admission on the part of the Palestinians and the PLO that Israel would never be defeated in war. The Palestinians entered into a peace process because they had no other choice. Now I am forced to question just how committed they are to that process. If the aim is to win through negotiations what they could not through war, then what kind of a process is it?

There are no ambiguities here: Either the Palestinians are committed to the process, and to a negotiated outcome, or they are not. Arafat's threat to declare a Palestinian state on September 13, 2000 is an abrogation of the peace process, and as such, an abrogation of any understanding with the United States regarding the PLO and Mr. Arafat as negotiating partners.

U.S. assistance to the Palestinians is predicated upon good faith negotiations in a peace process. Nothing else. Nothing. For those that have some doubt, I remind them that as far as U.S. law is concerned, the Palestine Liberation Organization is a terrorist organization.

I and many of my colleagues have always stood ready to accept the outcome of a negotiated peace between Israel and the Palestinians. We have done so reluctantly, because of fears about what a Palestinian state would do, how it would survive, about the commitment to democracy, and real fears about terrorism.

We will not stand idly by and accept a non-negotiated solution, contrary to the Oslo Accords, contrary to the spirit of a peace process. Should Mr. Arafat go forward and declare a Palestinian state, the bill that Senator SCHUMER and I are offering today will preclude the expenditure of funds to recognize that state and preclude further assistance to any Palestinian governing entity. It instructs the President to use the voice and vote of the United States in the United Nations bodies to stop recognition or admission of a Palestinian state.

I hope Chairman Arafat chooses the path of peace. However, if he does not, this legislation makes very clear that the relationship between the U.S. government and the Palestine leadership will change.

We will not recognize the unilaterally declared Palestinian state and we will strongly urge all others not to do so. Either there is peace through a process or there can be no peace. If that is what Yasser Arafat wants, it is a terrible crime against the Palestinians, and a mistake that history will not forget.

#### CELEBRATING THE 10TH ANNIVERSARY OF THE AMERICANS WITH DISABILITIES ACT: A DECADE OF PROGRESS

Mr. BYRD. Mr. President, over the past month and a half, a brightly lit torch has made its journey through nineteen cities, carrying with it each step of the way the passionate and able spirit of the disability community. Today the torch arrives at its 20th stop along the way, our Nation's Capital, to mark the tenth anniversary of the signing of the Americans with Disabilities Act. It is indeed an important day in our Nation's long history.

President Franklin Roosevelt once said, "No country, no matter how rich, can afford to waste its human resources." I am proud to say that the Americans with Disabilities Act lives up to President Roosevelt's objective. For 10 years now, this momentous, landmark civil rights legislation has opened new doors to the disability community. It has, at long last, allowed handicapped individuals the opportunity and the access to have their potential recognized both inside the workplace and outside in the community. It has brought the American dream within reach for the millions of American families with disabled members.

Over the past decade of the ADA, we have seen dramatic changes throughout the nation in equal opportunity—from new and advanced technology allowing for greater public accommodation at places of business and in commercial establishments, to state and local government services and activities, to transportation and telecommunications technology for disabled Americans. Look around today—people with disabilities are participating to a far greater extent in their communities and are living fuller, more productive lives as students, workers, family members, and neighbors. They are dining out; cheering at football games and other sporting events, often even playing sports themselves; going to the movies; participating in state, local, and Federal Government; and raising families of their own.

It is evident that that the capability of this community far outshines the challenges of a disability. I am proud that the ADA has been particularly instrumental in removing many of the barriers that would otherwise impede the ability and success of the disability community. Take the example of Casey Martin, the professional golfer from Orgeon with a rare disability that substantially limits one's ability to walk.

Casey had long dreamed of playing in a PGA tour, but, because of his disability, Casey encountered a huge barrier. In these tournaments in which Casey wanted to play, the tour would not allow the use of a golf cart. When a Federal trial court in Oregon found that the PGA tour is a "public accommodation" and should modify their policy of no golf carts to accommodate Casey's disability, his vision became a reality. According to Casey, "Without the ADA I never would have been able to pursue my dream of playing golf professionally."

While for Casey Martin the ADA has meant achieving his most far-reaching goal, for other disabled Americans, the ADA has simply allowed them to live each new day with a little more ease and comfort. To name just a few areas in which the ADA has facilitated progress—access to restaurants and public restrooms, modifications to the aisles and entrances of supermarkets, assistive listening systems at places like Disney World and many theaters for the deaf and hard of hearing, and large print financial statements for those with vision impairments. Mr. President, these are the kind of simplicities in life that those without disabilities expect and take for granted, and because of the ADA, they have now come to be a part of the disability community's life too.

Just as the barriers that continue to face each of us in life take many years to craft, they take many years to conquer. Together, we must find the strength and the courage to pick our battles. I commend the disability community today on their passion and their vigilance, and I celebrate with you on this 10th anniversary of the Americans with Disabilities Act for all that this day has brought to your community, and for all that it will continue to bring in the years ahead. Let today recommit each of us to the ADA for all Americans.

Mr. KENNEDY. Mr. President, 10 years ago today Congress passed landmark civil rights legislation, based on the fundamental principle that people should be measured by what they can do, not what they can't do. With the passage of the Americans with Disabilities Act, America began a new era of opportunity for the 47 million disabled citizens who had been denied full and fair participation in society.

We continue to build in Congress on the bipartisan achievements of the ADA. I'm gratified by President Clinton's strong endorsement today of the Grassley-Kennedy Family Opportunity Act now pending in Congress. The goal of our legislation is to remove as many of the remaining barriers as possible that prevent families raising children with disabilities and special health needs from leading full and productive lives. No family in this country should ever be put in a position of having to choose between a job and the healthcare their disabled child needs. The Family Opportunity Act ensures

that no family raising a child with special needs would be left out and left behind.

For generations, people with disabilities were viewed as citizens in need of charity. Through ignorance, the nation accepted discrimination and succumbed to fear and prejudice. The passage of the ADA finally moved the nation to shed these condescending and suffocating attitudes—and widen the doors of opportunity for people with disabilities.

Today we see many signs of the progress that mean so much in our ongoing efforts to see that persons with disabilities are included—the ramps beside the stairs, the sidewalks with curbs to accommodate wheelchairs, the lifts for helping disabled people board buses.

Whether they are family members, friend, neighbors, or co-workers, persons with disabilities are no longer second class citizens. They are demonstrating their abilities and making real contributions in schools, in the workplace, and in the community. People with disabilities are no longer left out and left behind—and because of that, America is a stronger, better and fairer country today.

As the Americans with Disabilities Act, and the many disabled persons who worked so long and hard and well for its passage continue to remind us, equal opportunity under the law is not a privilege, but a fundamental birthright of every American.

#### INFECTIOUS DISEASE SURVEILLANCE

Mr. LEAHY. Mr. President, I want to briefly discuss a GAO report that was released earlier this week to be sure that other Senators are aware of.

The report, entitled "Global Health: Framework for Infectious Disease Surveillance," was commissioned by Senator MCCONNELL and myself, and Senators FRIST and FEINGOLD. It investigates the existing global system, or network, of infectious disease surveillance, and will be followed by a second report which analyzes the strengths and weaknesses of this network and make recommendations for strengthening it.

We requested this report in response to a growing concern among public health officials about the inability of many countries to identify and track infectious diseases and respond promptly and effectively to disease outbreaks. In fact, the World Health Assembly determined in 1995 that the existing surveillance networks could not be considered adequate.

By way of background, the term "surveillance" covers four types of activities: detecting and reporting diseases; analyzing and confirming reports; responding to epidemics; and reassessing longer-term policies and programs. I will touch on these categories in a bit more detail, as they illustrate the need for reform.

In the detection and reporting phase, local health care providers diagnose diseases and then report the existence of pre-determined "notifiable" diseases to national or regional authorities. The accurate diagnosis of patients is obviously crucial, but it can be very difficult as many diseases share symptoms. It is even more difficult in developing countries, where public health professionals have less access to the newest information on diseases.

In the next stage of surveillance, disease patterns are analyzed and reported diseases are confirmed. This process occurs at a regional or national level, and usually involves lab work to confirm a doctor's diagnosis. From the resulting data, a response plan is devised. Officials must determine a number of other factors as well, such as the capability of a doctor to make an accurate diagnosis. Unfortunately, in many developing countries this process can take weeks, while the disease continues to spread.

When an epidemic is identified, various organizations must determine how to contain the disease, how to treat the infected persons, and how to inform the public about the problem without causing panic. Forty-nine percent of internationally significant epidemics occur in complex emergency situations, such as overcrowded refugee camps. Challenges in responding to epidemics are mainly logistical—getting the necessary treatment to those in need.

Finally, in assessing the longer-term health policies and programs, surveillance teams can provide information on disease patterns, health care priorities, and the allocation of resources. However, information from developing countries is often unreliable.

I want to emphasize two points. The first is that all the activities that I have just described are done by what WHO calls a "network of networks." There is, in fact, no global system for infectious disease surveillance. Let me repeat, for anyone who thinks there is some centrally-managed, well-organized global system, there is not. Rather, what exists is a loose network, a patch-work quilt of sorts, involving the UN, non-governmental organizations, national health facilities, military laboratories, and many other organizations, all of which depend upon each other for information, but with no standardized procedures.

The second point is that in countries where a tropical climate fosters many infectious diseases, one also finds the least amount of reliable data. If we as a country, or we as a global community, are committed to eradicating the deadliest diseases, building the capacity for effective surveillance in the developing countries is where we need to focus our attention.

The sequel to this report is due to be released by the GAO in a few months. It will assess the strengths and weaknesses of this loosely-organized surveillance system, and make recommendations for strengthening it. We need to

be able to accurately diagnose diseases, and quickly transmit the information to the global health community.

I urge other Senators to read this first report. This is an issue that has received far too little attention, and which directly affects the health of every American. Any disease, whether HIV/AIDS, malaria, TB, or others as yet unknown, which could infect and kill millions or tens of millions of people, is only an airplane flight away.

Accurate surveillance, which is the first step to an effective response, is critical. Yet today we are relying on a haphazard network of public, private, official, and unofficial components of varying degrees of reliability, patched together over time. It is a lot better than nothing, but the world needs a uniformly reliable, coordinated system with effective procedures that apply the highest standards. I look forward to GAO's next report, and its recommendations for action.

#### CAMPAIGN FINANCE REFORM

Mr. MCCONNELL. As chairman of the Senate Rules Committee, which has jurisdiction over the campaign finance issue, and one who has been rather closely identified with the spirited debate in this arena over the past decade, I wholeheartedly support putting S. 1816, the Hagel-Kerrey bill, on the Senate Calendar.

That is not to say I would vote "aye" were there a rollcall vote on the bill as it is currently drafted.

Senator HAGEL's legislation was the backdrop for a comprehensive series of hearings held by the Senate Rules Committee between March and May of this year. The final hearing featured the testimony of Senator HAGEL, Senator KERREY, Senator ABRAHAM, Senator HUTCHISON, and Senator LANDRIEU. An impressive, to say the least, bipartisan lineup of Senators bravely stepping into the breach separating those who persist in trotting out the old, blatantly unconstitutional campaign finance schemes of the past, from others like myself who firmly believe that the first amendment is America's greatest political reform and must not be sacrificed to appease a self-interested editorial board at the New York Times.

The Senator from Nebraska has taken what for the past couple of years has been the biggest bone of contention in the campaign finance fight in the Senate—party soft money—and essentially split the difference between the opposing camps. Rather than an unconstitutional and destructive provision to entirely prohibit non-federal activity by the national political parties, Senator HAGEL has crafted a middle ground in which the party so-called "soft" money contributions would be capped. Yet, even a cap raises serious constitutional questions and would surely be challenged were one to be enacted into law. Nevertheless, the Hagel-Kerrey approach is more defensible and practicable than outright prohibition.

Coupled with the party soft money cap in the Hagel-Kerrey bill is an ameliorative and common sense provision to update the hard-money side of the equation by simply adjusting the myriad hard money limits to reflect a quarter-century of inflation. An inflation adjustment of the hard money limits is twenty-five years overdue. Candidates, especially political outsiders who are challenging entrenched incumbents, are put at a huge disadvantage by hard money limits frozen in the 1970s.

The lower the hard money limits are, the more that insiders with large contributor lists are advantaged. Incumbents and celebrities who benefit from the outset of a race with high name recognition among the electorate also start way ahead of the unknown challenger. The greatest beneficiary of low hard money limits are the millionaire and billionaire candidates who do not have to raise a dime for their campaigns because they can mortgage the family mansion, cash out part of their stock portfolio and write a personal check for the entire cost of a campaign.

As hard money limits are eroded through inflation and non-wealthy candidates are further hampered, election outcomes are ever more likely to be determined by outside groups whose independent expenditures and issue advocacy are completely unlimited. That is "non-party soft money."

Mr. President, absent from the attacks on party soft money is any acknowledgement by reformers that the proliferation is linked to antiquated hard money limits which control how much the parties can take from individuals and PACs to pay for federal election activities. It stands to reason that hard money limits frozen in 1974 and thereby doomed to antiquity are going to spawn an explosion of activity on the soft money side of the party ledger.

It also is not coincidence that increased soft money activity in the past decade corresponded to vastly increased competition in the political arena. We are amidst the third fierce battle for control of the White House in the past decade. And every two years America has witnessed extremely spirited contests over control of the Congress. Democrats who had been exiled from the White House since Jimmy Carter's administration at long last got to spend some quality time at 1600 Pennsylvania Avenue and are not keen to give that up. Republicans, after four decades in the minority, got to savor the view from the Speaker's office in the House of Representatives and would like very much to keep it. And we have seen more than a little action on the Senate-side of the Capitol.

Reformers look upon all this activity over the past decade in abject horror, seeing only dollar signs and venal "special interests." I survey the same era and see an extraordinary period in which every election cycle featured a

tremendous and beneficial national war of ideas over the best course for our nation to pursue in the coming years and which party could best lead America on that path.

All signs, Mr. President, of a competitive, healthy, and vibrant democracy.

While I strongly support the hard money adjustments in the Hagel-Kerrey bill, I remain concerned by the bill's silence in an area sorely in need of reform: Big Labor soft money. The siphoning off of compulsory dues from union members for political activity with which many of them do not agree is a form of tyranny which must not be permitted to continue. Senate Republicans have fought hard, and unsuccessfully, to protect union workers from this abuse. Democrats are understandably and predictably loathe to risk any diminution of Big Labor's contributions which may result from freeing the rank-and-file union members from forced support of Democratic candidates and causes, but the absence of reform in this area is unacceptable. Big Labor soft money and involuntary political contributions must be part of any comprehensive reform package which ultimately passes Congress.

With those provisos and a few others, I will close by again commending the Senator from Nebraska from his willingness to wade in a big way into one of the most contentious issues before Congress—an issue in which all Members of Congress have a vested personal interest but that affects not just us but every American citizen and group that aspires to participate in the political process. That is why the U.S. Supreme Court will be the final arbiter of any campaign finance bill of consequence. And those are the reasons we should continue to be cautious and deliberative as the effort continues for a non-partisan, constitutional campaign reform package.

Mr. HAGEL. Mr. President, today we have moved a step closer to implementing comprehensive campaign finance reform. With the help of Senator MITCH MCCONNELL, Chairman of the Senate Rules Committee, the Open and Accountable Campaign Financing Act of 2000 will soon be placed on the Senate Calendar, ready for debate by the full Senate.

I introduced the Open and Accountable Campaign Financing Act of 2000 along with Senators BOB KERREY, SPENCE ABRAHAM, MIKE DEWINE, SLADE GORTON, MARY LANDRIEU, CRAIG THOMAS, JOHN BREAU, KAY BAILEY HUTCHISON, and GORDON SMITH as a bipartisan approach to campaign finance reform because we felt it was a common sense, relevant and realistic approach. We offered it as a bipartisan compromise to break the deadlock on campaign finance reform and to bring forth a vehicle that could address the main holes in the net of our current system.

The purpose of our legislation is to place more control and responsibility

for the conduct of campaigns directly in the hands of the candidates. Our legislation is not the solution for all of the problems now facing us, but I believe it is a good solid beginning to accomplish meaningful campaign finance reform.

After a series of hearings in the Senate Rules Committee this spring on campaign finance reform, we will now be able to put a bill on the Senate Calendar that has bipartisan support. If we are to accomplish comprehensive reform this year, bipartisan support is essential and our bill has that support.

While I was very pleased with the recent vote in Congress to require disclosure for the '527' organizations, that bill is not a substitute for more comprehensive campaign finance reform. It is a solution for a small problem. We need to continue to fight for campaign finance reform that is broader and more comprehensive.

I am hopeful that the full Senate will be able to debate comprehensive campaign finance reform legislation, including the Open and Accountable Campaign Financing Act of 2000, this year. We have an opportunity to achieve something reasonable and responsible this year.

Again, I would like to thank Senator MCCONNELL for holding hearings in the Rules Committee on campaign finance reform and helping move the process along. I look forward to working with him and all Senators interested in advancing campaign finance reform.

#### VICTIMS OF GUN VIOLENCE

Mr. WYDEN. Mr. President, it has been more than a year since the Columbine tragedy, but still this Republican Congress refuses to act on sensible gun legislation.

Since Columbine, thousands of Americans have been killed by gunfire. Until we act, Democrats in the Senate will read some of the names of those who lost their lives to gun violence in the past year, and we will continue to do so every day that the Senate is in session.

In the name of those who died, we will continue this fight. Following are the names of some of the people who were killed by gunfire one year ago today.

July 26:

Frederick Branch, 17, Memphis, TN; Kenny Curry, 30, Chicago, IL; Mendell Jones, 17, Baltimore, MD; Eduardo Lezcano, 36, Miami-Dade County, FL; Andre Moore, 21, Baltimore, MD; Kenneth Plaster, 52, Houston, TX; Mark Pringle, 18, Baltimore, MD; Carlton Valentine, 33, Baltimore, MD; Unidentified male, Detroit, MI.

We cannot sit back and allow such senseless gun violence to continue. The deaths of these people are a reminder to all of us that we need to enact sensible gun legislation now.

#### RUSSIAN WARHEADS/DOMESTIC SECURITY

Mr. MURKOWSKI. Mr. President, I rise today to discuss two issues of

great importance to our national security and our energy security—the agreement between the United States and the Russian Federation which provides for the conversion of Russian highly enriched uranium (HEU) derived from the warheads into fuel for civilian nuclear power plants, and the need for the United States to maintain a viable uranium enrichment capability.

First, let me give you a bit of history.

In 1992, the Energy Policy Act established the United States Enrichment Corporation as a wholly-owned government corporation to take over the Department of Energy's uranium enrichment enterprise. The Corporation was to operate as a business enterprise on a profitable and efficient basis and maximize the long-term valuation of the Corporation to the Treasury of the United States. The objective was to eventually privatize the Corporation as a viable business enterprise able to compete in world markets. Subsequently, the Corporation was selected as Executive Agent for, and entrusted with, the responsibility for carrying out the Russian HEU Agreement.

Enactment of the 1992 Act was the culmination of a decade of bipartisan effort spearheaded by Senators DOMENICI and Ford. Extensive hearings were held in both the House and the Senate and the legislation garnered the strong support of the Bush Administration.

Recognizing the complexity of privatization and the national security implications of the Russian HEU Agreement, Congress enacted the USEC Privatization Act of 1996. The Act provided the mechanics for privatization, clarified the relationship between a private USEC and the U.S. Government, and addressed concerns related to the implementation of the Russian HEU Agreement. The Corporation was sold in July of 1998.

Implementation of the Russian HEU Agreement has been important for the government and USEC. This government-to-government agreement facilitates Russian conversion of highly enriched uranium taken from their dismantled nuclear weapons into fuel purchased by USEC and resold for use in commercial nuclear power plants. The program is financed as a commercial transaction.

Every day, new warnings are heard about the ability of one rogue state or some well-financed terrorist to obtain weapons-grade nuclear materials on the black market. The Russian HEU Agreement addresses those concerns by converting thousands of nuclear warheads into fuel for electric power plants—the quintessential swords to plowshares concept. In spite of some start-up problems, implementation of the Agreement has resulted in the conversion of the equivalent of nearly 4,000 nuclear warheads into fuel for U.S. commercial power plants. The process, as well as purchases and shipments to USEC, continues.

From the outset, many felt there were built-in contradictions between

the objectives of maintaining a viable domestic uranium enrichment capability while controlling the disposal of former Soviet nuclear weapons. But, all things considered, the program to date has been a success. Without question our Nation's national security—our most important charge as lawmakers—has been enhanced by implementation of this Agreement.

Mr. President, the Russian HEU Agreement contributes to our Nation's security, but the Agreement also adversely affects the enterprise that makes this commercial solution to a national security problem possible. This difficulty was understood when the government adopted this program. Purchases of large quantities of Russian weapons derived material result in growing effects on the companies in the private sector domestic nuclear fuel cycle. Our uranium mining, conversion, and enrichment industries have been affected. The result has been steadily declining market prices for all phases of the nuclear fuel cycle. USEC, its plant workers, and the communities dependent upon those plants are being hit especially hard. As Executive Agent, USEC has suffered substantial losses due to fixed price purchases from Russia as well as increased costs due to reduced levels of domestic production resulting from introduction of the Russian material into the market.

Earlier this year, and with the support of the Administration, USEC had been negotiating with Russia to amend the Agreement to include market-based pricing. I have been advised that USEC closely coordinated its plans and intentions with the President's Interagency Enrichment Oversight Committee at all phases of its discussions with the Russians. Yet, as USEC and the Russians were meeting in Moscow to sign the new Agreement, the Department of Energy, a member of the Oversight Committee, prevented the signing at the last minute.

I can not understand why the Energy Department would prevent the adoption of an amendment that would stabilize the Agreement through the remaining thirteen years of the program. Reportedly the terms were acceptable to both parties. In addition, the Agreement would have protected the interests of our own domestic nuclear fuel industry. As part of the Agreement, Russia wanted USEC to purchase commercially produced enrichment in addition to the weapons derived enrichment. USEC negotiated terms consistent with a previous Administration approved program making it mandatory that this additional quantity be matched with domestically produced enrichment. In addition, no additional natural uranium would be brought into the domestic market. The amendment to the Agreement was specifically crafted so that no damage would be inflicted upon the domestic nuclear fuel cycle as a result of purchasing the additional material.

The Department of Energy's action threatens to destabilize the agreement.

Who knows how long the Russians will sit by without this Agreement. The National Security Council and the State Department and others on the Enrichment Oversight Committee have endorsed the signing of this Agreement. I strongly urge that it be completed. I suggest that those of us in the Congress who believe in the vital importance of this Agreement express our concern to the Administration and demand that the Energy Department withdraw its objection and that the Agreement be speedily signed.

As I mentioned, higher production costs, decreased demand, and lower world prices have hit USEC, our Nation's sole domestic uranium enricher, particularly hard. USEC's Form 10-Q filed with the Securities and Exchange Commission for the quarter ended March 31, 2000 noted that: "In February 2000, Standard & Poor's and Moody's Investors Service revised their credit ratings of USEC's long-term debt to below investment grade. The revised rating gives USEC the ability to discontinue its uranium enrichment operations at a plant. USEC is evaluating its options; however, a decision has not been made as to whether to close a plant, which plant would be selected or the timing of any closure." Finally, on June 21, the Board of Directors of USEC Inc. voted to cease uranium enrichment operations in June 2001 at the Portsmouth gaseous diffusion plant in Piketon, Ohio, and to consolidate all enrichment operations at its Paducah, Kentucky production plant. USEC maintained that it could not sustain current operations at two production plants, each of which is currently operating at only 25 percent of capacity. The company said that its production costs were too high and that the termination of operations at Portsmouth would save upwards of \$55 million in fixed costs annually.

USEC's decision to close a plant comes as no surprise. For over a year, there has been speculation within the Clinton Administration, the energy industry, the media and on Capitol Hill that USEC would be forced to consolidate its uranium enrichment production.

Mr. James R. Mellor, Chairman of USEC's Board of Directors was quoted in a news release as saying: "The decision to cease enrichment at one of our facilities was necessary given the business challenges facing the uranium enrichment industry . . . Mr. Mellor went on to say: "Choosing to close the Portsmouth plant was an extremely difficult decision because of the impact it will have on the lives of many of our workers, their families and the communities surrounding the plant."

USEC cited multiple factors in determining which plant would close. Key elements in USEC's analysis included "long-term and short-term power costs, operational performance and reliability, design and material condition of the plants, risks associated with meeting customer orders on time, and

other factors relating to assay levels, financial results, and new technology issues."

I know that my colleagues from Ohio are deeply disturbed by USEC's decision to close the Portsmouth plant. I also know that if the company had chosen to cease operations at Paducah, my friends from Kentucky would be equally distraught. Plant closures are serious matters, particularly when they are the mainstay of the local economy. The public record is clear that technological advances in uranium enrichment were rapidly overtaking the gaseous diffusion process as an economic method of enriching uranium. Make no mistake, the Portsmouth and Paducah gaseous diffusion plants were and continue to be extraordinary engineering, design, and construction achievements—matched only by the dedication and skill of the men and women who have made the plants work—work, 24 hours a day—work, seven days a week—work, continuously for over 45 years without a stop, without a break in service—until now. It was inevitable that this would happen someday, but knowing that it will happen does not make it any easier.

The only person who seemed to be caught by surprise and unprepared to deal with the closure was the Secretary of Energy. Certainly, he must have known that USEC was preparing to make an announcement. He must have been aware that, as part of the 1996 USEC Privatization Act, the Department of Energy—not the company—would be responsible for decommissioning, decontamination and clean-up of the plants and the sites as well as for workforce disposition.

In fact, in a June 19, 2000 letter to Mr. William H. Timbers, USEC's president and chief executive officer, the Secretary of Energy asked if the company was planning to close either one of its uranium production facilities. In response, Mr. Timbers wrote on June 20, 2000, that "during our last meeting, I indicated to you, and reiterated in subsequent meetings with your staff, that it is inevitable that USEC must close one of its enrichment facilities." Mr. Timbers added that "During the last eight months, we have presented numerous proposals—still pending before you—to accomplish [transition]. But, DOE has yet to make a decision. We have also engaged in discussions with PACE union leadership aimed at advancing these efforts. We are still ready and eager to translate these discussions into actions and look forward to the prospect of working with DOE to adopt a program to minimize the employment disruption associated with ensuring a financially sound USEC under today's market conditions."

The next day, when USEC announced that its Board of Directors had voted to close the Portsmouth facility, the best the Nation's Secretary of Energy could come up with was the following statement: "I am extremely disappointed by [USEC's] decision today

to close the uranium enrichment plant at Portsmouth. First and foremost, I am very concerned about the effect this closure will have on USEC workers. Many of these men and women spent their entire working lives helping our nation win the Cold War. They deserve better treatment. . . ."

For once, Secretary Richardson and I agree. The workers do deserve better. But rather than threatening USEC, as the Secretary of Energy did when he recommended "serious consideration of replacing USEC as executive agent" for the Russian HEU Agreement, he should have been drafting a plan to assist the workers in Portsmouth to make the transition from operating the Department of Energy owned gaseous diffusion plant to cleaning up the site. This is an environmental restoration mission that is likely to take many years. We are all aware of the environmental contamination at the plants and the desperate need for action to restore them to reasonable environmental condition.

When Congress created the United States Enrichment Corporation as part of the 1992 Energy Policy Act, and when we later passed the 1996 USEC Privatization Act, we recognized that a privately owned USEC could better respond to the needs of the marketplace and thereby sustain a viable domestic uranium enrichment capability. Now that USEC has taken what it believes is a necessary step to ensure that it can compete in the world uranium enrichment marketplace, the first response by the Secretary of Energy is to second-guess the company's intentions and actions. Apparently the Secretary would keep facilities open regardless of the fundamental laws of economics that are evident to even the most modest businesses.

It has been suggested that the solution is to nationalize USEC—to have the government buy it back. I have no sympathy for such a proposal. While I am sympathetic to those who will be affected by the closure of Portsmouth, I do not believe that a return to the past is the remedy that will provide for a competitive domestic uranium enrichment capability in the future. I do not favor an appropriation of substantial sums, perhaps well over a billion dollars to buy USEC back, nor do I favor the then obligatory commitment to annually appropriate funds to make up for uneconomic operations.

It has been only two years since we privatized USEC. On the one hand the Congress and the Administration made an extraordinary effort to provide a private USEC with a strong foundation for a successful private enterprise competing in world markets—in the words of the '96 Act " . . . in a manner that provides for the long-term viability of the Corporation . . . " But at the same time, contradictory restraints imposed on the Corporation detract from its ability to compete. In retrospect, perhaps Congress and the Administration should not have placed so many burdens on USEC as it faced private sector



dynamics and demands. Ensuring that the vital national security interests of the United States are protected is paramount, but preserving the competitiveness of our domestic uranium enrichment capability—at minimal costs to the federal government—is important too. We need to stop thinking of USEC as a Federal agency and respect it for what it is—a private business enterprise.

Challenges remain in the implementation of the Russian HEU Agreement and the long-term viability of the domestic uranium enrichment enterprise. These have proven to be complex, and at times conflicting tasks, but I believe that the National interest more than justifies our continued efforts to see these programs through to a successful conclusion. As part of these efforts we should encourage the Clinton Administration to approve the market-based pricing amendment to the Russian HEU Agreement. Now is also the time to secure a future for the workers in Portsmouth who face plant closure. We need to help them achieve their third transition—from Cold War patriots, to peacetime producers of fuel, to the task of environmental restoration.

Thank you, Mr. President.

#### OMNIBUS LONG-TERM CARE ACT OF 2000

Mr. BAYH. Mr. President, I rise today as an original cosponsor of the "Omnibus Long-Term Care Act of 2000." This bill brings together very important initiatives for making long-term care more affordable for Americans. In particular, this bill contains a \$3,000 tax credit for caregivers and a tax deduction for the purchase of long-term care insurance.

There are over 22 million people providing unpaid help with personal needs or household chores to a relative or friend who is at least 50 years old. In Indiana alone, there are 568,300 caregivers. The government spent approximately \$32 billion in formal home health care costs and \$83 billion in nursing home costs. If you add up all the private sector and government spending on long-term care it is dwarfed by the amount families spend caring for loved ones in their homes. As a study published by the Alzheimers Association indicated, caregivers provide \$196 billion worth of care a year.

As a member of the Special Committee on Aging, I held a field hearing in Indiana on making long-term care more affordable. At this hearing, I learned first hand the importance of this tax credit. Jerry and Sue Cahee take care of Jerry's mother who has Alzheimers. At the hearing Jerry Cahee shared the following: "Mother is a wonderful and friendly person to everyone—except her caregivers. We have discovered that life, aging, and illness are not fair. We have discovered that love is hard—that love is not enough to make the difference. We know that memories are all that we have left of

the happy times in Mother's life. To care for her, make her last days comfortable, to meet her ever increasing medical needs, to offer her the security of a loving safe home, and to let her know that she is loved—these things have become our purpose for living. The financial drain has been difficult, the emotional strains are enormous."

Paul Severance, the Director of United Senior Action, a senior advocacy group in Indiana represented his constituency at the hearing when he stated "The burden on families who are trying to provide long-term care at home is tremendous; they typically face substantial expenses for special care, such as nursing visits, they often have lost wages because of the demands of caring for a loved one; and there can be a great cost to their own health as a result of the constant demands of caregiving."

In addition to the tax credit, a deduction for the purchase of long-term care insurance makes it more affordable for Americans to purchase long-term care policies that can provide them with the coverage they will need. Congress needs to continue to explore ways in which to ensure long-term care options are available for all Americans.

I am encouraged by the introduction of this bill and the bipartisan support it has received. It is my hope that we can work together to implement this legislation and make it more affordable for seniors to receive long-term care. I urge my colleagues to support this bill.

#### FCC REGULATION OF PAY PHONES

Mr. BURNS. Mr. President, in the four years since the passage of the Telecommunications Act of 1996, dramatic changes have occurred in our telecommunications markets. We have seen competitive environments in such areas as wireless communication and long distance service. Advanced telecommunications services have great potential for deployment in the near term, if only the Federal Communications Commission would more aggressively promote them. All of this change is occurring in the context of an explosion of information technologies and the Internet.

Yet the '96 Act dealt with much more than the high tech changes we read so much about these days. The legislation was designed to transform the entire telecommunications industry under the leadership of the FCC, to the benefit of all consumers. And the Act was designed to ensure that all Americans could have access to the vast array of services the Act will stimulate.

Today I would like to briefly address one aspect of the '96 Act that is often overlooked in the glamour of "high-tech." Public payphones are a critical piece of this access. For millions of Americans, public payphones are the only access to the telecom network. And when the batteries or the signal for the wireless device fail, public

payphones are a reliable source of inexpensive access, in an emergency or otherwise. Public payphones are emerging as public information portals, true on-ramps to the information highway, available to anyone at anytime.

In order to ensure that these instruments of public access would continue serving as gateways of last resort and continue evolving using new technologies, the issue of adequate compensation for pay phone operators was addressed by the '96 Act. This requirement of the '96 Act was designed to promote fair competition and benefit consumers by eliminating distorting subsidies and artificial barriers. However, the law has not been successfully implemented, and I am calling on the FCC to act expeditiously to address this regulatory oversight. Payphones are an important segment of the telecommunications industry, especially in low income neighborhoods and in rural areas like those in my home state of Montana.

Local telephone companies operated payphones as a legal monopoly until 1984, when an FCC ruling mandated that competitors' payphones be interconnected to local networks. Still, local telephone companies were able to subsidize their payphone service in competition with independent payphones. The '96 Act was designed to change all of this. It was designed to create a level playing field between all competitors and to encourage the widespread deployment of payphones. It did this by requiring local telephone companies to phase out subsidies; by mandating competitive safeguards to prevent discrimination by the ILECs and ensure fair treatment of competitors when they connect to local systems; and by assuring fair compensation for every call, including so-called "dial around" calls which bypass the pay phones' traditional payment mechanism.

Yet the basic requirements of the '96 Act are not being implemented by the FCC to assure fair competition. Pay phone operators are not being compensated for an estimated one-third of all dial-around calls, particularly when more than one carrier is involved on long distance connections. An industry proposal to remedy this situation has been pending at the FCC for more than a year without any action being taken. And the FCC also needs to bring to a hasty resolution the issue of the appropriate line rate structure for payphone providers. Today, there are about 2.3 million pay phones nationwide. While all payphones are threatened by the gaps in dial-around payments, 600,000 of them are independently owned and are under particularly intense pressure; many small payphone operators now find themselves being forced to pull payphones or go out of business altogether. They are also in need of certainty regarding the rates they pay the telephone companies. This situation should not exist more than four years after the enactment of the 1996 legislation.

I hope the FCC will act quickly to assure adequate compensation for each call. I hope the FCC will take immediate steps to enforce the requirement for non-discriminatory and fair line rates. I hope the FCC will take those basic steps required by the 1996 law. Fair competition—and the resulting benefits to consumers envisioned by Congress—will not occur until these actions are taken. As Chairman of the Senate Communications Subcommittee, I will be carefully monitoring actions taken by the FCC on these important issues in the weeks and months ahead.

#### THE BULLETPROOF VEST PARTNERSHIP GRANT ACT OF 2000

Mr. LEAHY. Mr. President, I wanted to inform the Republican leadership that the House of Representatives today passed the Bulletproof Vest Partnership Grant Act of 2000, H.R. 4033, by an overwhelming vote of 413-3. I hope that the Senate will quickly follow suit and pass the House-passed bill and send it to the President. President Clinton has already endorsed this legislation to support our nation's law enforcement officers and is eager to sign it into law.

Senator CAMPBELL and I have introduced the Senate companion bill, S. 2413. Unfortunately, someone on the other side of the aisle has a hold on our bill. We have been working for the past week to urge the Senate to pass the Bulletproof Vest Partnership Grant Act of 2000, S. 2413. The Senate Judiciary Committee passed our bill unanimously on June 29. It has been cleared by all 45 Democratic Senators.

But it still has not passed the full Senate. This is very disappointing to our nation's law enforcement officers who need life-saving bulletproof vests to protect themselves. Protecting and supporting our law enforcement community should not be a partisan issue.

Senator CAMPBELL and I worked together closely and successfully with the Chairman of the Judiciary Committee in the last Congress to pass the Bulletproof Vest Partnership Grant Act of 1998 into law. Senator HATCH is an original cosponsor this year's bill to reauthorize this grant program. Senators SCHUMER, KOHL, THURMOND, REED, JEFFORDS, ROBB, REID, SARBANES, BINGAMAN, ASHCROFT, EDWARDS, BUNNING, CLELAND, HUTCHISON, and ABRAHAM are also cosponsors of our bipartisan bill.

But for some reason a Republican senator has a hold on this bill to provide protection to our nation's law enforcement officers. According to the Federal Bureau of Investigation, more than 40 percent of the 1,182 officers killed by a firearm in the line of duty since 1980 could have been saved if they had been wearing body armor. Indeed, the FBI estimates that the risk of fatality to officers while not wearing body armor is 14 times higher than for officers wearing it.

To better protect our nation's law enforcement officers, Senator CAMPBELL and I introduced the Bulletproof Vest Partnership Grant Act of 1998. President Clinton signed our legislation into law on June 16, 1998. Our law created a \$25 million, 50 percent matching grant program within the Department of Justice to help state and local law enforcement agencies purchase body armor for fiscal years 1999-2001.

In its two years of operation, the Bulletproof Vest Partnership Grant Program has funded more than 180,000 new bulletproof vests for police officers across the country.

The Bulletproof Vest Partnership Grant Act of 2000 builds on the success of this program by doubling its annual funding to \$50 million for fiscal years 2002-2004. It also improves the program by guaranteeing jurisdictions with fewer than 100,000 residents receive the full 50-50 matching funds because of the tight budgets of these smaller communities and by making the purchase of stab-proof vests eligible for grant awards to protect corrections officers in close quarters in local and county jails.

More than ever before, police officers in Vermont and around the country face deadly threats that can strike at any time, even during routine traffic stops. Bulletproof vests save lives. It is essential the we update this law so that many more of our officers who are risking their lives everyday are able to protect themselves.

I hope this mysterious "hold" on the other side of the aisle will disappear. The Senate should pass without delay the Bulletproof Vest Partnership Grant Act of 2000 and sent to the President for his signature into law.

#### THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Tuesday, July 25, 2000, the Federal debt stood at \$5,670,717,940,248.21 (Five trillion, six hundred seventy billion, seven hundred seventeen million, nine hundred forty thousand, two hundred forty-eight dollars and twenty-one cents).

Five years ago, July 25, 1995, the Federal debt stood at \$4,940,346,000,000 (Four trillion, nine hundred forty billion, three hundred forty-six million).

Ten years ago, July 25, 1990, the Federal debt stood at \$3,161,885,000,000 (Three trillion, one hundred sixty-one billion, eight hundred eighty-five million).

Fifteen years ago, July 25, 1985, the Federal debt stood at \$1,798,533,000,000 (One trillion, seven hundred ninety-eight billion, five hundred thirty-three million).

Twenty-five years ago, July 25, 1975, the Federal debt stood at \$535,316,000,000 (Five hundred thirty-five billion, three hundred sixteen million) which reflects a debt increase of more than \$5 trillion—\$5,135,401,940,248.21 (Five trillion, one hundred thirty-five billion, four hun-

dred one million, nine hundred forty thousand, two hundred forty-eight dollars and twenty-one cents) during the past 25 years.

#### ADDITIONAL STATEMENTS

##### TRIBUTE TO WILLIAM T. YOUNG

• Mr. McCONNELL. Mr. President, I rise today to honor my good friend and fellow Kentuckian, Bill Young, in recognition of his service and dedication to the state of Kentucky. As Bill steps down from a few of his many leadership positions, I pay tribute to him for his lifelong commitment to this region.

Born in Lexington, he has always focused on the state's higher education. Bill's many leadership positions, including Transylvania University Board of Trustees member and chairman of the board of Shakertown, have guided the growth and success of Kentucky. As he is known for his single-minded determination to help the future success of Kentuckians, he has left a legacy behind that would prove he is one of the state's greatest assets.

No opportunity has been missed by Bill to continue Kentucky's prosperity. Beginning with investments in peanut butter that is now better known as Jif, his business endeavors started successfully. With an interest in horses, he continued his success in the business world by becoming a prominent leader of thoroughbred racing. Over the years, he became a leading philanthropist by helping construct the YMCA located on Lexington's High Street, Shakertown, and the University of Kentucky's new William T. Young Library. He still continues other projects for the community that are significant and meaningful to him.

Kentucky would not be what it is today without Bill's leadership and guidance over the past years. Though Bill has stepped down for others to guide the future, Kentucky will feel the effects of his accomplishments for years to come. Thank you, Bill, for putting so much of yourself into this state to make it a better place for others. Your hard work and successes are admired, and they will continue to impact Kentucky for years to come. My colleagues join me in congratulating you on a job well done, and I wish you all the best for your future.●

#### CELEBRATING THE 100TH BIRTHDAY OF COACH JEROME VAN METER

• Mr. ROCKEFELLER. Mr. President, today I rise to celebrate the life and accomplishments of one of West Virginia's most esteemed citizens, Coach Jerome Van Meter. On August 15th of this year, Coach Van Meter will celebrate his 100th birthday. A remarkable milestone for a truly remarkable man, Coach Van Meter's birthday provides a special opportunity for all of West Virginia to join in thanking him for a lifetime of service to our state.

With a career that has spanned a century, there isn't much that Coach Van Meter hasn't accomplished. Known affectionately as just Coach to his many students, he led the Beckley Flying Eagles to three state championships in football, and six more in basketball. A member of the National High School Sports Hall of Fame, Coach was both a beloved teacher and principal and served on the faculty of Beckley College. In addition to the numerous honors and awards he has received, Coach Van Meter holds the great distinction of being a surviving veteran of both World Wars.

Today, however, the countless lives touched by Coach are his greatest legacy. The lessons he taught on the basketball court and football field brought many victories, but the lessons of life he taught his players and students shaped their destinies in more profound ways. Dedication, hard work, compassion and dignity are the touchstones of Coach Van Meter's career, and his example continues to inspire us.

Thank you, Coach, for the invaluable contributions you have made to the families and communities of West Virginia. As you celebrate this very special birthday, you have my deepest admiration and gratitude.●

#### A GREAT LADY DEPARTS

● Mr. HELMS. Mr. President, on July 1, Mrs. Eusebia Ortiz Vera passed away in North Carolina. Born in 1912, she arrived in the United States from Cuba, appropriately, on the Fourth of July, 1954, poor and with young children to support.

In America, she promptly seized the opportunity to build a new life, as all immigrants to the U.S. hope they can do. Eusebia worked very hard to ensure that her children prospered. She made certain, above all, that all of them received good educations.

And those children who came to the United States did prosper, and become good citizens of the United States, going on to be a U.S. Ambassador to Honduras, a high school teacher, and a professor at the University of North Carolina.

Among her grandchildren, Mr. President, are two U.S. naval officers, a medical student studying to be a Navy doctor, two lawyers and an elementary school principal—college graduates all. Each of them is a testament to a good life.

When I read about her in *The Charlotte Observer*, I felt a sense of pride in her story. It is not merely a testimony to her own character, discipline and strength. No, it is also a reflection of what America is all about for so many—a land of opportunity and of hope.

Mr. President, I ask that the July 3 article published by *The Charlotte Observer* be printed in the *RECORD* at the conclusion of my remarks.

The article follows:

[From the *Charlotte Observer*, July 3, 2000]

FOR IMMIGRANT, JULY 4 WAS SPECIAL—  
WOMAN FROM CUBA ACHIEVED HER DREAM  
(By Christopher Windham)

Eusebia Ortiz Vera of Charlotte came from Cuba on July 4, 1954, in search of the American dream.

Like millions of immigrants who arrived before her, she was poor, but optimistic about the future. She had only one wish: for her children to become educated and successful Americans.

When Vera, 87, died of natural causes Friday—just days before Independence Day and the anniversary of her arrival in this country—it marked an end of a life that some say epitomized American patriotism.

"She was the original liberated woman," said Vera's daughter Miriam Leiva, after Vera's burial Sunday. "She really wanted a better life for herself and her children."

And Vera did attain that American dream.

Born in Ponce, Puerto Rico, in 1912, Vera moved to Cuba with her father and six siblings when she was just 4 months old. Her mother had died moments after she was born. Vera married a Cuban schoolteacher at 22. She was a housewife during her years in Cuba. The marriage that brought Vera three children ended in 1952.

After the divorce, Vera was determined to give her children a better life than she had, family members said.

Vera decided to move the family to America, where she hoped her children would have greater opportunities. Leiva, 59, was 13 when her mother told her—at a moment's notice—to pack a suitcase of her belongings.

Leiva said she boarded a plane along with her mother, brother and two aunts en route to Miami. Her sister, Beatriz Manduley, 17 at the time, stayed in Cuba because she was married.

"We came to America for the same reasons as all immigrants, to better our family," said Leiva, a consulting professor at UNC Charlotte.

The family could not speak English when they arrived, family members said.

"It was hard," Leiva said. "The most difficult part was all things we didn't understand." She said her mother did not learn the language until 10 years later when she took English classes at a local high school.

The entire family shared a tiny one-room apartment, Leiva said. To make ends meet, Vera took a job as seamstress in the garment district of Miami. She never made more than 75 cents an hour, family members said.

Despite the limited income and food, Vera still strived for her children to be successful.

"From the moment we came to the United States, she told us we were going to succeed," said Frank Almaguer, Vera's son. Almaguer is now the U.S. ambassador to Honduras.

Leiva said her mother prevented her from using a needle and thread because she didn't want her daughter to become a seamstress.

"Women would come to the house and ask, 'When is Miriam coming to the factory?' and mother will say 'No, Miriam is going to the university,'" Leiva said.

Vera's dream came true in 1957 when Leiva enrolled at Guilford College in Greensboro. With scholarships, loans and help from local Quakers, Leiva was able to graduate in 1961 with a degree in mathematics.

Almaguer graduated from the University of Florida in 1967. Manduley came to Miami in 1960. She received her master's degree from UNC Greensboro in 1973. All seven of Vera's grandchildren are college graduates. Vera lived in Miami until 1997, when health conditions caused her to move to a nursing home in Charlotte, close to Leiva.

"This is her legacy," said Leiva. "Failure was simply not an option for us."●

#### HONORING JUDGE QUILLEN

● Mr. BIDEN. Mr. President, I rise today to honor one of Delaware's most brilliant legal minds and genuinely altruistic public servants—the Honorable William T. Quillen.

I have known Judge Quillen for 33 years, since I was an attorney fresh out of law school and looking for a job. As a 32-year old Delaware Superior Court judge he met with me and on blind faith recommended me for my first legal job. He has been a dear friend and confidant ever since. Over the past three decades, I have watched Judge Quillen with pride and admiration attain the greatest judicial heights any lawyer could ever strive for in Delaware, which is universally recognized—nationally and internationally—as having one of the most reputable, intellectual benches bar none.

He is known in my state affectionately and respectfully as "Judge," "Chancellor," "Justice," and "Mr. Secretary of State." He nearly became Governor and was my recommendation to President Clinton in June, 1999 to serve on the United States Third Circuit Court of Appeals. It was during a medical examination required for this position that his physician detected prostate cancer. For health reasons, we withdrew his name from consideration. I am happy to report that following treatment for prostate cancer, he is as healthy as ever, running 5K races like a man half his age.

Now, in classic Bill Quillen altruism—he says it's time to retire from the bench and make way for younger lawyers to serve as judges.

Early in his career, Bill Quillen served in the United States Air Force as a judge advocate, then as a top aide for Delaware's Governor. His judicial career began in 1966 on the Superior Court, which is Delaware's primary trial court. In 1973, he was elevated and confirmed as Chancellor of Delaware's renowned Court of Chancery.

Following a two-year experience as a private attorney with the Wilmington Trust Company, he again heeded the call for public service. In 1978, the General Assembly had expanded Delaware's Supreme Court from three to five members, and the Governor called on Bill Quillen. He was confirmed unanimously as a Delaware Supreme Court Justice. He served on the State's Highest Court for five years, before stepping down to run for Governor on the Democratic ticket. In one of the rare instances when he did not achieve his goal, Bill Quillen was not bitter or discouraged. In 1993, he accepted Governor Tom Carper's call for continued public service to become Secretary of State. In a state that more than half of the Fortune 500 companies call home, Secretary Quillen made his mark on this prestigious office.

But his heart remained in the law. In November, 1994, Governor Carper nominated and the General Assembly unanimously confirmed him to the Court where his storied career began—the

Delaware Superior Court. As I said earlier, I believe our federal bench would have been enlightened by his experience and brilliance, but for health reasons, this was not meant to be.

What's even more striking than his distinguished legal career is Judge Quillen's love for history. He is a true Delaware historian, with long-time family roots in historic New Castle. His love and respect for the law, democracy and justice for all are unparalleled.

Judge Quillen is recognized nationally for his extensive writings on Delaware's Court of Chancery, the history of Equity Jurisdiction in Delaware and the Federal-State Corporate Law Relationship. His colleagues nationwide also have awarded him numerous prestigious awards, including the First Place Award for the 1980 Judge Edward R. Pinch Law Day U.S.A. Speech, sponsored by the American Bar Association, on the topic of "Seven Perceptions of Freedom." In June, 1998, he also received the "American Judicature Society's Herbert Harley Award."

Judge Quillen will continue to serve as a professor at the Widener University School of Law and plans to spend more time with his wife of 41 years, two daughters and three grandchildren. I have no doubt his legal legacy, knowledge of Delaware, writing and speaking ability will continue to serve our State for many years to come.

Judge Quillen is a proud graduate of Harvard Law School, and it was the Dean Emeritus of Harvard Law School—Roscoe Pound—who said:

"Law is experience developed by reason and applied continually to further experience."

Judge Quillen's vast experience and reasoned principles applied as a member of Delaware's top three courts will forever leave its marks on our body of law in Delaware. Our State and our citizens are so much better for his service. So, Your Honor, May It Please The Court, respectfully accept this statement of profound gratitude and admiration.●

#### TRIBUTE TO RON GIST

● Mr. McCONNELL. Mr. President, I rise today to pay tribute to my friend and Phi Kappa Tau fraternity brother Ron Gist, as founder of Gist Piano Services, on the occasion of his success with his Louisville piano dealership.

After attending the University of Louisville, Ron started his piano dealership with only \$1000 and two used pianos in 1971. Many years later, after persevering through a tornado in 1974, a devastating fire that nearly destroyed his business, and the hardship of an unfortunate economic downturn, Gist Piano Services has grown to become one of Louisville's most highly regarded piano dealerships, restorers, and consultants in the region.

As a natural salesman, Ron's success has led to profitable relationships with the Louisville Orchestra, Kentucky Center for the Arts, and Kentucky Fair

& Exposition Center. Also, Ron is one of few in the country selected for the honor to represent Steinway pianos. Ron has also provided piano services to other prestigious performance venues and for popular entertainers like James Taylor and Carol King.

Ron should not only be congratulated for his success with Gist Piano Services, but he should be recognized for his service to the community. He has dedicated himself to making a difference in people's lives through music. By creating more avenues for young people to express themselves, like through playing the piano, children can learn how to imagine, create, and organize the power of music. These skills can later be used as key tools to succeed in the future as they enter adulthood. Thank you, Ron, for ensuring a better future for this state as the younger generations are better equipped to lead Kentucky.

Your hard work continues to display an unswerving commitment to the people of Kentucky and possesses the respect and gratitude of many in the community. The significant work which you and your wife Amanda have accomplished is appreciated by myself and the many others whose lives you have touched throughout your career.

Ron, thank you and best wishes for many more years of success. Know that your efforts to better the lives of those in the region will be felt for years to come. On behalf of myself and my colleagues in the United States Senate, thank you for giving so much of yourself for so many others in Louisville, the state of Kentucky, and the entire music industry.●

#### 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 which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

#### THE TWENTY-FIRST ANNUAL REPORT OF THE FEDERAL LABOR RELATIONS AUTHORITY FOR FISCAL YEAR 1999—MESSAGE FROM THE PRESIDENT—PM #122.

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Governmental Affairs.

*To the Congress of the United States:*

In accordance with section 701 of the Civil Service Reform Act of 1978 (Public Law 95-454, 5 U.S.C. 7104(e)), I have

the pleasure of transmitting to you the Twenty-first Annual Report of the Federal Labor Relations Authority for Fiscal Year 1999.

The report includes information on the cases heard and decisions rendered by the Federal Labor Relations Authority, the General Counsel of the Authority, and the Federal Service Impasses Panel.

WILLIAM J. CLINTON.  
THE WHITE HOUSE, July 26, 2000.

#### MESSAGE FROM THE HOUSE

At 11:59 a.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the bill (S. 768) to establish court-martial jurisdiction over civilians serving with the Armed Forces during contingency operations, and to establish Federal jurisdiction over crimes committed outside the United States by former members of the Armed Forces and civilians accompanying the Armed Forces outside the United States, with an amendment, in which it requests the concurrence of the Senate:

The message also announced that the House disagreed to the amendment of the Senate to 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, and agree to the conference asked by the Senate on the disagreeing votes of the two Houses, and appoints Mr. REGULA, Mr. KOLBE, Mr. SKEEN, Mr. TAYLOR of North Carolina, Mr. NETHERCUTT, Mr. WAMP, Mr. KINGSTON, Mr. PETERSON of Pennsylvania, Mr. YOUNG of Florida, Mr. DICKS, Mr. MURTHA, Mr. MORAN of Virginia, Mr. CRAMER, Mr. HINCHEY, and Mr. OBEY, as the managers of the conference on the part of the House.

The message further announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 2348. An act to authorize the Bureau of Reclamation to provide cost sharing for the endangered fish recovery implementation programs for the Upper Colorado and San Juan River Basins.

H.R. 2462. An act to amend the Organic Act of Guam, and for other purposes.

H.R. 2919. An act to promote preservation and public awareness of the history of the Underground Railroad by providing financial assistance to the Freedom Center in Cincinnati, Ohio.

H.R. 3236. An act to authorize the Secretary of the Interior to enter into contracts with the Weber Basin Water Conservancy District, Utah, to use Weber Basin Project facilities for the impounding, storage, and carriage of nonproject water for domestic, municipal, industrial, and other beneficial purposes.

H.R. 3291. An act to provide for the settlement of the water rights claims of the Shivwits Band of the Paiute Indian Tribe of Utah, and for other purposes.

H.R. 3468. An act to direct the Secretary of the Interior to convey certain water rights to Duchesne City, Utah.

H.R. 3485. An act to modify the enforcement of certain anti-terrorism judgments, and for other purposes.

H.R. 4047. An act to amend title 18 of the United States Code to provide life imprisonment for repeat offenders who commit sex offenses against children.

H.R. 4210. An act to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to provide for improved Federal efforts to prepare for and respond to terrorist attacks, and for other purposes.

H.R. 4320. An act to assist in the conservation of great apes by supporting and providing financial resources for the conservation programs of countries within the range of great apes and projects of persons with demonstrated expertise in the conservation of great apes.

H.R. 4697. An act to amend the Foreign Assistance Act of 1961 to ensure that United States assistance programs promote good governance by assisting other countries to combat corruption throughout society and to promote transparency and increased accountability for all levels of government and throughout the private sector.

H.R. 4806. An act to designate the Federal building located at 1710 Alabama Avenue in Jasper, Alabama, as the "Carl Elliott Federal Building."

H.R. 4868. An act to amend the Harmonized Tariff Schedule of the United States to modify temporarily certain rates of duty, to make other technical amendments to the trade laws, and for other purposes.

H.R. 4923. An act to amend the Internal Revenue Code of 1986 to provide tax incentives for the renewal of distressed communities, to provide for nine additional empowerment zones and increased tax incentives for empowerment zone development, to encourage investments in new markets, and for other purposes.

The message also announced that the House has agreed to the following concurrent resolutions, in which it requests the concurrence of the Senate:

H. Con. Res. 343. Concurrent resolution expressing the sense of the Congress regarding the importance of families eating together.

H. Con. Res. 372. Concurrent resolution expressing the sense of the Congress regarding the historic significance of the 210th anniversary of the establishment of the Coast Guard, and for other purposes.

H. Con. Res. 375. Concurrent resolution recognizing the importance of children in the United States and supporting the goals and ideas of American Youth Day.

At 3:06 p.m., a message from the House of Representatives, delivered by Mr. Hayes, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 4033. Act to amend the Omnibus Crime Control and Safe Streets Act of 1968 to clarify the procedures and conditions for the award of matching grants for the purchase of armor vests.

H.R. 4710. An act to authorize appropriations for the prosecution of obscenity cases.

H.R. 4807. An act to amend the Public Health Service Act to revise and extend programs established under the Ryan White Comprehensive AIDS Resources Emergency Act of 1990, and for other purposes.

#### MEASURES REFERRED

The following bills were read the first and second times by unanimous consent, and referred as indicated:

H.R. 2462. An act to amend the Organic Act of Guam, and for other purposes; to the Committee on the Judiciary.

H.R. 2919. An act to promote preservation and public awareness of the history of the Underground Railroad by providing financial assistance, to the Freedom Center in Cincinnati, Ohio; to the Committee on Energy and Natural Resources.

H.R. 3236. An act to authorize the Secretary of the Interior to enter into contracts with the Weber Basin Water Conservancy District, Utah, to use Weber Basin Project facilities for the impounding, storage, and carriage of nonproject water for domestic, municipal, industrial, and other beneficial purposes; to the Committee on Energy and Natural Resources.

H.R. 4047. An act to amend title 18 of the United States Code to provide life imprisonment for repeat offenders who commit sex offenses against children; to the Committee on the Judiciary.

H.R. 4210. An act to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to provide for improved Federal efforts to prepare for and respond to terrorist attacks, and for other purposes; to the Committee on Environment and Public Works.

H.R. 4320. An act to assist in the conservation of great apes and supporting and providing financial resources for the conservation programs of countries within the range of great apes and projects of persons with demonstrated expertise in the conservation of great apes; to the Committee on Environment and Public Works.

H.R. 4697. An act to amend the Foreign Assistance Act of 1961 to ensure that United States assistance programs promote good governance by assisting other countries to combat corruption throughout society and to promote transparency and increased accountability for all levels of government and throughout the private sector; to the Committee on Foreign Relations.

H.R. 4710. An act to authorize appropriations for the prosecution of obscenity cases; to the Committee on the Judiciary.

H.R. 4806. An act to designate the Federal building located at 1710 Alabama Avenue in Jasper, Alabama, as the "Carl Elliott Federal Building"; to the Committee on Environment and Public Works.

H.R. 4868. An act to amend the Harmonized Tariff Schedule of the United States to modify temporarily certain rates of duty, to make other technical amendments to the trade laws, and for other purposes; to the Committee on Finance.

The following concurrent resolutions were read, and referred as indicated:

H. Con. Res. 343. Concurrent resolution expressing the sense of the Congress regarding the importance of families eating together; to the Committee on the Judiciary.

H. Con. Res. 372. Concurrent resolution expressing the sense of the Congress regarding the historic significance of the 210th anniversary of the establishment of the Coast Guard, and for other purposes; to the Committee on Commerce, Science, and Transportation.

H. Con. Res. 375. Concurrent resolution recognizing the importance of children in the United States and supporting the goals and ideas of American Youth Day; to the Committee on the Judiciary.

#### MEASURES PLACED ON THE CALENDAR

The following bills were read the first and second times by unanimous consent, and placed on the calendar:

H.R. 3485. An act to modify the enforcement of certain anti-terrorism judgments, and for other purposes.

H.R. 4807. An act to amend the Public Health Service Act to revise and extend programs established under the Ryan White Comprehensive AIDS Resources Emergency Act of 1990, and for other purposes.

The following bill was read the second time, and placed on the calendar:

S. 2912. A bill to amend the Immigration and Nationality Act to remove certain limitations on the eligibility of aliens residing in the United States to obtain lawful permanent residency status.

#### 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-9975. A communication from the Director of the Office of Regulations Management, Department of Veterans Affairs, transmitting, pursuant to law, the report of a rule entitled "Increase in Rates Payable Under the Montgomery GI Bill—Active Duty" (RIN2900-AJ89) received on July 19, 2000; to the Committee on Veterans' Affairs.

EC-9976. A communication from the Assistant Secretary of Legislative Affairs, transmitting, pursuant to law, a report of a rule entitled "Amendments to the International Traffic in Arms Regulation: NATO Countries, Australia and Japan" received on July 17, 2000; to the Committee on Foreign Relations.

EC-9977. A communication from the Assistant Secretary of Legislative Affairs, transmitting, pursuant to law, the report of the transmittal of the certification of the proposed issuance of an export license relative to Germany; to the Committee on Foreign Relations.

EC-9978. A communication from the Secretary of Defense, transmitting, the report of a retirement; to the Committee on Armed Services.

EC-9979. A communication from the Secretary of Defense, transmitting, the report of a retirement; to the Committee on Armed Services.

EC-9980. A communication from the Secretary of Defense, transmitting, the report of a retirement; to the Committee on Armed Services.

EC-9981. A communications from the Alternate OSD Federal Register Liaison Officer, Department of Defense, transmitting, pursuant to law, the report of a rule entitled "TRICARE Nonavailability Statement Requirement for Maternity Care" received on July 19, 2000; to the Committee on Armed Services.

EC-9982. A communication from the Director of the Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, the Mid-Session Review for fiscal year 2001; referred jointly, pursuant to the order of January 30, 1975, as modified by the order of April 11, 1986, to the Committees on Appropriations, and the Budget.

EC-9983. A communication from the General Counsel of the National Credit Union Administration, transmitting, pursuant to law, the report of a rule entitled "Part 702—Prompt Corrective Action; Risk-Based Net Worth Requirement" received on July 19, 2000; to the Committee on Banking, Housing, and Urban Affairs.

EC-9984. A communication from the Assistant Secretary for Export Administration, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled

"Export Administration Regulations Entity List: Revisions to the Entity List" (RIN0694-AB73) received on July 20, 2000; to the Committee on Banking, Housing, and Urban Affairs.

EC-9985. A communication from the Managing Director, Office of the General Counsel, Federal Housing Finance Board, transmitting, pursuant to law, the report of a rule entitled "Federal Home Loan Bank Advances, Eligible Collateral, New Business Activities and Related Matters" (RIN3069-AA97) received on July 24, 2000; to the Committee on Banking, Housing, and Urban Affairs.

EC-9986. A communication from the Managing Director, Office of the General Counsel, Federal Housing Finance Board, transmitting, pursuant to law, the report of a rule entitled "Election of Federal Home Loan Bank Directors" (RIN3069-AB00) received on July 24, 2000; to the Committee on Banking, Housing, and Urban Affairs.

EC-9987. A communication from the Managing Director, Office of the General Counsel, Federal Housing Finance Board, transmitting, pursuant to law, the report of a rule entitled "Amendment of Membership Regulation and Advances Regulation" (RIN3069-AA94) received on July 24, 2000; to the Committee on Banking, Housing, and Urban Affairs.

EC-9988. A communication from the Director of the Policy Directives and Instructions Branch, Immigration and Naturalization Service, Department of Justice, transmitting, pursuant to law, the report of a rule entitled "Implementation of Hernandez v. Reno settlement agreement; Certain aliens eligible for family unity benefits after sponsoring family member's naturalization; additional class of aliens ineligible for family unity benefits" (RIN1115-AE72 INS No. 1823-96) received on July 19, 2000; to the Committee on the Judiciary.

EC-9989. A communication from the Chief Justice of the Supreme Court, transmitting, the report of the Proceedings of the Judicial Conference on March 14, 2000; to the Committee on the Judiciary.

EC-9990. A communication from the Assistant Secretary of State (Legislative Affairs), transmitting, pursuant to law, the report of the transmittal of the certification of the proposed issuance of an export license relative to Australia, French Guiana, Japan, Jordan, Kourou, The Netherlands, Singapore, and the United Kingdom; to the Committee on Foreign Relations.

EC-9991. A communication from the Under Secretary of Defense, Acquisition, Technology, and Logistics, Department of Defense, transmitting, pursuant to law, the report on A-76 reviews; to the Committee on Appropriations.

EC-9992. A communication from the Deputy Executive Secretary to the Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Medicare Program; Solvency Standards for Provider-Sponsored Organizations (HCFA-1011-F)" (RIN0938-A183) received on July 12, 2000; to the Committee on Finance.

EC-9993. A communication from the Chief of the Regulations Unit of the Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Rev. Proc. 2000-31 Form 1040 IRS e-file Program" (Rev. Proc. 2000-31) received on July 13, 2000; to the Committee on Finance.

EC-9994. A communication from the Chief of the Regulations Unit of the Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "1999 Differential Earnings Rate" (Revenue Ruling 2000-37) received on July 17, 2000; to the Committee on Finance.

EC-9995. A communication from the Commissioner of Social Security, Social Security Administration, transmitting, a draft of proposed legislation entitled "Social Security Amendments of 2000"; to the Committee on Finance.

EC-9996. A communication from the Chief of the Regulations Unit of the Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "August 2000 Applicable Federal Rates" (Revenue Ruling 2000-38) received on July 21, 2000; to the Committee on Finance.

EC-9997. A communication from the Chief of the Regulations Unit of the Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Coordinated Issue: All Industries-Lease Stripping Transactions" (UIL 9226.00-00) received on July 21, 2000; to the Committee on Finance.

EC-9998. A communication from the Chief of the Regulations Unit of the Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Coordinated Issue: Motor Vehicle Industry-Service Technician Tool Reimbursements" (UIL 62.15-00) received on July 21, 2000; to the Committee on Finance.

EC-9999. A communication from the Chief of the Regulations Unit of the Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Increase in Cash-out Limit Under sections 411(a)(7), 411(a)(11), and 417(e)(1) for Qualified Retirement Plans" (RIN 1545-AW59 (TD8891)) received on July 18, 2000; to the Committee on Finance.

EC-10000. A communication from the Deputy Secretary to the Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Medicare Program; Prospective Payment System for Home Health Agencies (HCFA-1059-F)" (RIN0938-AJ24) received on July 19, 2000; to the Committee on Finance.

EC-10001. A communication from the Deputy Secretary to the Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Medicare Program; State Health Insurance Program (SHIP)-HCFA-4005-IFC" (RIN0938-AJ67) received on July 19, 2000; to the Committee on Finance.

EC-10002. A communication from the Chief of the Regulations Branch, U.S. Customs Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Forced or Indentured Child Labor" (RIN1515-AC36) received on July 20, 2000; to the Committee on Finance.

EC-10003. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Weighted Average Interest Rate Update" (Notice 2000-40) received on July 24, 2000; to the Committee on Finance.

#### REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. CAMPBELL, from the Committee on Indian Affairs, with an amendment in the nature of a substitute:

S. 1586: A bill to reduce the fractionated ownership of Indian Lands, and for other purposes (Rept. No. 106-361).

By Mr. SMITH, of New Hampshire, from the Committee on Environment and Public Works, without amendment:

H.R. 1729: A bill to designate the Federal facility located at 1301 Emmet Street in Charlottesville, Virginia, as the "Pamela B. Gwin Hall".

H.R. 1901: A bill to designate the United States border station located in Pharr, Texas, as the "Kika de la Garza United States Border Station".

H.R. 1959: A bill to designate the Federal building located at 743 East Durango Boulevard in San Antonio, Texas, as the "Adrian A. Spears Judicial Training Center".

H.R. 4608: A bill to designate the United States courthouse located at 220 West Depot Street in Greeneville, Tennessee, as the "James H. Quillen United States Courthouse".

By Mr. HELMS, from the Committee on Foreign Relations, with an amendment in the nature of a substitute:

S. 2253: A bill to authorize the establishment of a joint United States-Canada commission to study the feasibility of connecting the rail system in Alaska to the North American continental rail system; and for other purposes.

#### EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. SMITH of New Hampshire for the Committee on Environment and Public Works.

Arthur C. Campbell, of Tennessee, to be Assistant Secretary of Commerce for Economic Development. (New Position)

Ella Wong-Rusinko, of Virginia, to be Alternate Federal Cochairman of the Appalachian Regional Commission.

By Mr. HELMS for the Committee on Foreign Relations.

Everett L. Mosley, of Virginia, to be Inspector General, Agency for International Development.

Richard A. Boucher, of Maryland, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be an Assistant Secretary of State (Public Affairs).

Michael G. Kozak, of Virginia, a Career Member of the Senior Executive Service, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Belarus.

Nominee: Michael G. Kozak.

Post: Ambassador to Belarus.

The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.

Contributions, amount, date, donee:

1. Self: none.

2. Spouse: Eileen Louise Kozak, none.

3. Children and spouses names: Dan B. and Laura D. Kozak, none; Alexander G. Kozak, none.

4. Parents names: George C. and Margaret L. Kozak, none.

5. Grandparents names: deceased.

6. Brothers and spouses names: none.

7. Sisters and spouses names: Susan D. and Tom Volking, none; Lucinda J. and Bruce Campbell, none.

(The above nominations were reported with the recommendation that they be confirmed subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

#### INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bill was introduced, read the first and second times by



unanimous consent, and referred as indicated on July 24, 2000.

By Mr. REID (for himself, Mr. GRASSLEY, and Mrs. LINCOLN):

S. 2910. A bill to amend title XVIII of the Social Security Act to permit the expansion of medical residency training programs in geriatric medicine; to the Committee on Finance.

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated on July 26, 2000:

By Mr. BINGAMAN:

S. 2922. A bill to create a Pension Reform and Simplification Commission to evaluate and suggest ways to enhance access to the private pension plan system; to the Committee on Health, Education, Labor, and Pensions.

By Mr. KENNEDY (for himself, Mr. ROCKEFELLER, Mr. DASCHLE, Mr. MOYNIHAN, Mr. REED, Mr. L. CHAFEE, Ms. COLLINS, Ms. SNOWE, Mr. BAUCUS, Mr. BREAUX, Mr. CONRAD, Mr. GRAHAM, Mr. BRYAN, Mr. KERREY, Mr. ROBB, Mr. INOUE, Mr. LAUTENBERG, Mr. AKAKA, Mr. SCHUMER, and Mr. LEAHY):

S. 2923. A bill to amend title XIX and XXI of the Social Security Act to provide for Family Care coverage for parents of enrolled children, and for other purposes; to the Committee on Finance.

By Ms. COLLINS (for herself, Mr. DURBIN, and Mrs. FEINSTEIN):

S. 2924. A bill to strengthen the enforcement of Federal statutes relating to false identification, and for other purposes; to the Committee on the Judiciary.

By Mr. THURMOND:

S. 2925. A bill to amend the Public Health Service Act to establish an Office of Men's Health; to the Committee on Health, Education, Labor, and Pensions.

By Mr. BINGAMAN:

S. 2926. A bill to amend title II of the Social Security Act to provide that an individual's entitlement to any benefit thereunder shall continue through the month of his or her death (without affecting any other person's entitlement to benefits for that month) and that such individual's benefit shall be payable for such month only to the extent proportionate to the number of days in such month preceding the date of such individual's death; to the Committee on Finance.

By Mr. FEINGOLD:

S. 2927. A bill to ensure that the incarceration of inmates is not provided by private contractors or vendors and that persons charged or convicted of an offense against the United States shall be housed in facilities managed and maintained by Federal, State, or local governments; to the Committee on the Judiciary.

By Mr. MCCAIN (for himself, Mr. KERRY, Mr. ABRAHAM, and Mrs. BOXER):

S. 2928. A bill to protect the privacy of consumers who use the Internet; to the Committee on Commerce, Science, and Transportation.

By Mrs. FEINSTEIN (for herself, Mr. HOLLINGS, Mr. INOUE, and Mr. KENNEDY):

S. 2929. A bill to establish a demonstration project to increase teacher salaries and employee benefits for teachers who enter into contracts with local educational agencies to serve as master teachers; to the Committee on Health, Education, Labor, and Pensions.

By Mr. SANTORUM:

S. 2930. A bill to guarantee the right of individuals to receive social security benefits

under title II of the Social Security Act in full with an accurate annual cost-of-living adjustment; to the Committee on Finance.

By Mr. MURKOWSKI:

S. 2931. A bill to make improvements to the Arctic Research and Policy Act of 1984; to the Committee on Governmental Affairs.

By Mr. LAUTENBERG:

S. 2932. A bill to amend title 39, United States Code, to provide for the issuance of a semipostal stamp in order to afford the public a convenient way to contribute to funding for the establishment of the World War II Memorial; to the Committee on Governmental Affairs.

By Mr. NICKLES:

S. 2933. A bill to amend provisions of the Energy Policy Act of 1992 relating to remedial action of uranium and thorium processing sites; to the Committee on Energy and Natural Resources.

By Mr. TORRICELLI:

S. 2934. A bill to provide for the assessment of an increased civil penalty in a case in which a person or entity that is the subject of a civil environmental enforcement action has previously violated an environmental law or in a case in which a violation of an environmental law results in a catastrophic event; to the Committee on Environment and Public Works.

By Mr. GRAHAM (for himself, Mr. GRASSLEY, Ms. MIKULSKI, Mr. BAYH, Mr. BREAUX, Ms. COLLINS, and Mr. AKAKA):

S. 2935. A bill to amend the Employee Retirement Income Security Act of 1974, the Internal Revenue Code of 1986, and the Public Health Service Act to increase Americans' access to long term health care, and for other purposes; to the Committee on Finance.

By Mr. ROBB (for himself, Mr. DASCHLE, Mr. BAUCUS, Mr. BREAUX, Mr. DODD, Mr. DORGAN, Mr. JOHNSON, Mr. KENNEDY, Mr. KERREY, Mr. KERRY, Mr. LEAHY, Mr. LIEBERMAN, Mrs. LINCOLN, Mr. REID, Mr. ROCKEFELLER, Mr. SCHUMER, Mr. TORRICELLI, Mr. HARKIN, and Mr. BAYH):

S. 2936. A bill to provide incentives for new markets and community development, and for other purposes; to the Committee on Finance.

By Mr. DOMENICI (for himself, Mr. WYDEN, Mr. GRASSLEY, and Mr. KERREY):

S. 2937. A bill to amend title XVIII of the Social Security Act to improve access to Medicare+Choice plans through an increase in the annual Medicare+Choice capitation rates and for other purposes; to the Committee on Finance.

By Mr. BROWNBACK (for himself and Mr. SCHUMER):

S. 2938. A bill to prohibit United States assistance to the Palestinian Authority if a Palestinian state is declared unilaterally, and for other purposes; to the Committee on Foreign Relations.

By Mr. GRASSLEY (for himself, Mr. ROCKEFELLER, Mr. JEFFORDS, and Mrs. LINCOLN):

S. 2939. A bill to amend the Internal Revenue Code of 1986 to provide a credit against tax for energy efficient appliances; to the Committee on Finance.

By Mr. HATCH:

S. 2940. A bill to authorize additional assistance for international malaria control, and to provide for coordination and consultation in providing assistance under the Foreign Assistance Act of 1961 with respect to malaria, HIV, and tuberculosis; read the first time.

By Mr. HAGEL (for himself, Mr. KERREY, Mr. ABRAHAM, Mr. BREAUX,

Mr. DEWINE, Mr. GORTON, Mrs. HUTCHISON, Ms. LANDRIEU, Mr. SMITH of Oregon, and Mr. THOMAS):

S. 2941. A bill to amend the Federal Campaign Act of 1971 to provide meaningful campaign finance reform through requiring better reporting, decreasing the role of soft money, and increasing individual contribution limits, and for other purposes; read the first time.

## SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. FITZGERALD (for himself, Mr. LIEBERMAN, Mr. HAGEL, Mr. HELMS, and Mr. LUGAR):

S. Res. 343. A resolution expressing the sense of the Senate that the International Red Cross and Red Crescent Movement should recognize and admit to full membership Israel's Magen David Adom Society with its emblem, the Red Shield of David; to the Committee on Foreign Relations.

By Mr. MCCAIN (for himself and Mr. GORTON):

S. Res. 344. A resolution expressing the sense of the Senate that the proposed merger of United Airlines and US Airways is inconsistent with the public interest and public convenience and necessity policy set forth in section 40101 of title 49, United States Code; to the Committee on Commerce, Science, and Transportation.

## STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. BINGAMAN:

S. 2922. A bill to create a Pension Reform and Simplification Commission to evaluate and suggest ways to enhance access to the private pension plan system; to the Committee on Health, Education, Labor, and Pensions.

### THE PENSION REFORM AND SIMPLIFICATION COMMISSION ACT

Mr. BINGAMAN. Mr. President: I rise today to introduce legislation calling for the establishment of a Pension Reform and Simplification Commission. The legislation derives directly from conversations I have had with constituents and experts on three key issues.

First, there is the problem related to the current cost and complexity of private pension plans. In my view current regulations place an unnecessary burden on small and medium business as they attempt to adopt pension plans. Indeed, even the most simple plans are often so complicated in form and function as to be incomprehensible to an everyday businessperson.

Second, there is the problem involved in coverage. Although over-all pension coverage may be consistent over the last decade and the assets of private plans have been on the increase, my concern is with those individuals of low to moderate income who are being left out of the private pension plan equation. As companies move toward cheaper plans—401(k)s being a salient example—and feel less obligated to offer defined benefit-type plans, individuals who do not have the extra money to contribute to their pension plans are

unable to benefit from a plan's availability. This is if a plan is available at all, and in many cases it is not.

Third, there is the problem of what kind of private pension plans are best suited for the so-called "New Economy". Clearly there is considerable debate as of late in terms of what kind of private pension plans should be offered so as to increase saving, decrease mobility, provide opportunity, enhance entrepreneurship, and so on, all of which is apparent in the rise of hybrid pension plans. My foremost concern here is that Congress now finds itself reacting to innovative private pension plans rather than being pro-active in their creation.

Mr. President, in 1974, Congress passed the Employee Retirement Income Security Act, known by most people by its acronym of ERISA, our intention at the time being twofold. First, we wanted to protect the assets held in private sector retirement plans. Second, we wanted to create uniform rules that govern how these plans will be implemented in each and every state.

From most accounts we have accomplished these two goals. There is no question that ERISA has flaws that must be addressed—and I will discuss these in detail later—but for all these flaws ERISA was extremely significant in that it reaffirmed the government's commitment to the importance of retirement plans for all Americans. Furthermore, it created a comprehensive framework in this country under which the expansion of private retirement plans could occur. Equally important, the mechanisms it established for personal saving has added trillions of dollars in available investment capital over the last decade alone, fueling in a very tangible way the unprecedented economic growth that we are seeing right now.

But for all the praise ERISA receives, it is also criticized widely and, in my opinion, correctly on a number of counts. For this reason, it is time to seriously re-evaluate whether it is addressing the needs and concerns of all Americans. It is time to examine whether it fits the demands of a changing, global, "new" economy.

As a specific example of these problems, the adoption of piecemeal, narrow, and complicated statutes and regulations in the 26 years since ERISA's implementation has made substantial portions of our retirement system inefficient, expensive, and oftentimes incomprehensible to anyone wishing to use it. It is well-known that we continue to add provisions and plans with no effort at all to make them internally compatible. We may have a broad vision about what we want to do with retirement policy in this country, but we instead of revising retirement policy in a comprehensive and strategic manner, we simply add new ideas and language incrementally, hoping they will appeal to businesses who wish to offer them to their employees.

Sadly, the end result is that for many businesses the cost of compliance with ERISA regulations—the administrative and professional costs of qualification—rival and even outweigh the costs of providing the benefits themselves. This, in turn, has led to a decision by many business owners that they can no longer afford to offer retirement plans to their employees, this in spite of their desire to do so. For these people, the current rules burden the system beyond the benefits they provide. This has to change.

But the cost and complexity I have just mentioned has had a corollary effect, that being a lack of access to pension plans on the part of low- and middle-income workers, women and minorities in particular. Rightly or wrongly, one of the foremost criticisms directed toward ERISA is that it has accelerated the demise of traditional defined benefit pensions and increased conversions to new forms of plans, specifically defined contribution plans like 401(k)s. Employers oftentimes no longer feel it is their role to provide retirement income to their employees as they once did under defined benefit plans. Instead they make defined contribution plans available and then educate employees as to how to save for themselves.

The problem is that the retirement security of a great many workers now lies in their ability to contribute individually to these plans, and this is not always possible. Indeed, data suggests that if these individuals are able to save adequately at all, they do so late in their careers—this after paying for their homes, their childrens' education, and other important spending priorities. Only then do they have the opportunity to accumulate the money needed to supplement Social Security and carry them through retirement. But these are the lucky ones. The fact is a large portion of Americans simply no longer have the capacity to save, this in spite of living in a time of economic prosperity. This too needs to be changed.

There is a third reason to re-evaluate ERISA, and that is that the dynamics of the New Economy demand a discussion of what retirement policies best serve the economic interests of the United States. For a good part of this century, private pension plans were seen by employers as a way to keep their workforce intact, their employees' morale high, and devotion to the company constant. Employees stayed with companies because they identified with the company and were treated by employers as family. Continuity and connection were the primary motivations for individuals as they considered a job.

Recently, however, this rationale has changed, and has done so significantly. According to most analysts, the main determinant for most employees as they choose a job is personal development and professional growth, the feeling being that economic security is

best attained by mobility—moving from one job to another, increasing education, pay, and retirement savings as you go. Staying at one firm is still an ideal for some but it is not essential for many. Perhaps more importantly, given the dynamics of the New Economy, it may no longer be practical to assume that you can find retirement security at a single firm.

The bottom line, much as the recent debates over cash balance plans suggest, is that some very basic issues concerning pension policy are coming to the fore at this time, examples being the essence of the employer-employee relationship, the ability of companies to attract and maintain a skilled workforce, the benefits provided to short- and long-term employees, the advisability of worker mobility seen in the context of technological innovation and globalization, and so on. Here, we must confront the reality of political economic change, and do so quickly and coherently.

But Congress is not doing that. As I stated previously, we are reacting to changes rather than planning for the future in a coherent and strategic manner. In my view, this is an extremely serious problem as it limits our ability to create the conditions necessary for national economic growth and individual economic welfare.

As many of my colleagues know, the notion of a Pension Commission has been discussed and debated for a number of years, but we have never placed it high enough on our list of priorities to address it with purpose. I would argue that we can no longer afford the luxury of contemplation, and the time to act is now. Failure to adjust our existing policies to meet the challenges we face both now and in the future will result in several specific outcomes.

First, it will mean that many workers will see their retirement expectations fade or disappear. Second, it will likely mean that these individuals will be forced to rely on government sponsored programs that are themselves financially overextended. Finally, it will mean that the capacity of U.S. firms to compete in the global marketplace will be diminished. In my view, none of these outcomes are acceptable. We simply must become more thoughtful and pro-active.

The bill I introduce today has a number of purposes, but foremost among them is to establish an affordable, accessible, equitable, efficient, cost-effective, and easy to understand private pension plan system in the United States. It is designed to conduct a complete top-to-bottom evaluation of the current system and provide concrete recommendations as to how we can reform it to serve the interests of employers, employees, and the entire nation as a whole.

This Commission will be composed of fifteen members, all with significant experience in areas related to retirement income policy. It is mandated that the activities of the Commission

will be concluded in a little over two years, with specific language to be provided to Congress so that we can act on their recommendations immediately. To ensure that the activities of the Commission are not redundant or otherwise wasteful, it will be allowed to secure data from any government agency or department dealing with retirement policy, and furthermore, may request detailees from these agencies and departments on a non-reimbursable basis. The Commission will also be allowed to hold hearings, take testimony, and receive evidence as appropriate from individuals who are able to contribute to this reform effort.

This bill has been created after detailed discussions with a number of individuals and organizations interested in retirement policy, from the Employee Benefits Research Institute, to the Center for Budget and Policy Priorities, to the Association of Private Pension and Welfare Plans. Although all of the organizations involved have their own perspective on how retirement policy issues should be addressed in the United States, I have made a concerted effort to make their concerns compatible in this legislation. Significantly, all endorse the goals of the bill, as does the American Academy of Actuaries, the Executive Committee of the New York State Bar Association, and the Chairman of the Special Commission on Pension Simplification of the New York State Bar Association, Mr. Alvin D. Lurie.

Mr. President, although there is much to recommend concerning our current pension system, it is common knowledge that this system is, in many instances, too complicated for participants to understand, too difficult for businesses to use, and too inaccessible for individuals to join. We have added layer upon layer of legislation, to the point that the system is not only unwieldy, but often of questionable purpose. We have reached the point that its complexity and inaccessibility is having a tangible impact on individuals and businesses alike.

In my view, the status quo is no longer viable or acceptable. It is time to meet the challenge that faces us in a direct and strategic fashion. It is time to reform and simplify the system so that we have an effective mechanism that serves employers and employees alike and provides the means to guarantee all Americans income security in their retirement years.

Mr. President, the time to act is now. I ask my colleagues to recognize the importance of this legislation, and lend their support for its passage.

Mr. President, I ask unanimous consent that a copy of the bill be included in the RECORD at the conclusion of my statement. I also ask that the letters of support from the American Academy of Actuaries and the Association of Private Pension and Welfare Plans be included in the RECORD immediately following my floor statement.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 2922

*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 "Pension Reform and Simplification Commission Act".

#### SEC. 2. FINDINGS.

Congress makes the following findings:

(1) The creation and implementation of an affordable, accessible, equitable, efficient, cost-effective, and easy to understand system is essential to the continuity and viability of the current private pension plan system in the United States.

(2) There is a near universal recognition in the United States that the laws that regulate our pension system have become unwieldy, complex, and burdensome, a condition that hinders the achievement of increased saving and economic growth and cannot be fixed by ad hoc improvements to ERISA and the Internal Revenue Code of 1986.

(3) Significant and effective improvement of laws can only be accomplished through a coordinated, comprehensive, and sustained effort to revise and simplify current laws by a high-level body of pension experts, whose recommendations are then transmitted to Congress.

(4) In recent years, the adoption of narrowly focused and increasingly complex statutes through amendment of the Employee Retirement Income Security Act of 1974 (in this Act referred to as "ERISA") and the Internal Revenue Code of 1986 has impeded the efforts of employers and employees to save for their retirement and imposed significant challenges for businesses which consider establishing pension plans for their workforce.

(5) A high national savings rate can contribute significantly to the economic security of the Nation as it adds to available investment capital, fuels economic growth, and enhances productivity, competitiveness, and prosperity.

(6) The Federal Government can potentially increase the national savings rate through the implementation of policies that create an effective framework for the spread of voluntary retirement plans and the protection of the private assets held in those plans.

(7) Private pension plans have been, and remain, the single largest repository of private capital in the world and potentially act as a significant inducement for personal saving and investment.

(8) Pensions represent the only hope that most working Americans have for an adequate supplement to social security benefits, and while the private pension system has been greatly improved since the establishment of ERISA, many inequities remain, and many workers are still not covered by the system.

(9) It is essential that all Americans, no matter what their income security level, have the opportunity to achieve income security in their retirement years. Currently, many tax and retirement incentives for private pension plans, while benefiting higher income employees who can often save adequately for their retirement, do not serve sufficiently the needs of low and moderate income workers.

(10) The current pensions rules have tended to produce disparate coverage rates for low and moderate income workers.

(11) The failure of the Government to modify current pension policies will mean that many workers will be deprived of the options needed to save for their retirement and will,

consequently, have their retirement expectations minimized or eliminated.

(12) The failure of the Government to redress the burdens imposed by over-regulation and complexity on employer-sponsored pension plans will harm employees and their families.

(13) The failure of the Government to redress the problems related to private pension plans may erode the ability of United States companies to compete effectively in the international market and result in a decrease in the economic health of the Nation.

#### SEC. 3. ESTABLISHMENT OF COMMISSION.

There is established a commission to be known as the Pension Reform and Simplification Commission (in this Act referred to as the "Commission").

#### SEC. 4. DUTIES.

(a) IN GENERAL.—The Commission shall—

(1) study the strengths, weaknesses, and challenges involved in the regulation of the current private pension system;

(2) review and assess Federal statutes relating to the regulation of the current private pension system; and

(3) recommend changes in the law regarding the regulation of the current private pension system to mitigate the problems identified under subsection (b), with the goal of making the system more affordable, accessible, efficient, less costly, less complex, and, in general, to expand pension coverage.

(b) ISSUES TO BE STUDIED.—The Commission shall include in the study under subsection (a) a consideration of—

(1) the manner in which the current rules impact private pension coverage, how such coverage has changed over the last 25 years (since the enactment of ERISA), and reasons for such change;

(2) the primary burdens placed on small and medium business in the United States regarding administration of pension plans, especially how such burdens affect the tenuous position occupied by these organizations in the competitive market;

(3) the simplification of existing pension rules in order to eliminate undue costs on employers while providing retirement security protection to employees;

(4) the primary obstacles to employees in gaining optimum advantages from the current pension system, with particular attention to the small and medium business sector and low and moderate income employees, including minorities and women;

(5) the feasibility of providing innovative design options to enable small and medium businesses to be relieved of complex and costly legislative and regulatory burdens in matters of adoption, operation, administration, and reporting of pension plans, in order to increase affordable and effective coverage in that sector, for low and moderate income employees, with emphasis on minorities and women;

(6) the means of leveling distribution of private pension plan coverage between high wage earners and low and moderate income workers;

(7) the feasibility of forward-looking reforms that anticipate the needs of small and medium businesses in the United States given the obstacles and opportunities of the new global economy, in particular issues related to the mobility and retention of skilled workers;

(8) how pension plan benefits can be made more portable;

(9) the means of achieving the expansion and adoption of pension plans by United States businesses, especially those employing low and moderate income workers who currently lack access to such plans;

(10) the impact of expanding individual retirement account contribution limits and income limits on private pension plan coverage;

(11) the provision of innovative incentives that encourage more employers to use existing private pension plans;

(12) the impact of qualified plan contribution and benefit limits on coverage; and

(13) any proposals for major simplification of Federal legislation and regulation regarding qualified pension plans, in order to address and mitigate problem areas identified under this subsection, with the goal of—

(A) strengthening the private pension system;

(B) expanding the availability, adoption, and retention of tax-favored savings plans by all Americans;

(C) eliminating rules that burden the pension system beyond the benefits they provide, for low and moderate income workers, including minorities and women, with specific emphasis on—

- (i) eligibility and coverage;
- (ii) contributions and benefits;
- (iii) minimum distributions, withdrawals, and loans;
- (iv) spousal and beneficiary benefits;
- (v) portability between plans;
- (vi) asset recapture;
- (vii) plan compliance and termination;
- (viii) income and excise taxation; and
- (ix) reporting, disclosure, and penalties; and

(D) identification of the trade-offs involved in simplification under subparagraph (C).

(c) REPORT.—

(1) IN GENERAL.—Not later than 24 months after the designation of the chairperson under section 5(d), the Commission shall transmit to the President and Congress a report containing—

- (A) the issues studied under subsection (b);
- (B) the results of such study;
- (C) draft legislation and commentary under paragraph (2); and
- (D) any other recommendations based on such study.

(2) LEGISLATIVE RECOMMENDATIONS.—The Commission shall develop draft legislation and associated explanations and commentary to achieve major simplification of Federal legislation regarding regulation of pension plans (including ERISA and the Internal Revenue Code of 1986) to implement any findings or recommendations of the study conducted under subsection (b).

(3) RECOMMENDATIONS.—Any official findings or recommendations of the Commission shall be adopted by  $\frac{2}{3}$  of the members of the Commission.

(4) MINORITY VIEWS.—All findings and recommendations of the Commission formally proposed by any member of the Commission and not adopted under paragraph (3) shall also be included in the report.

#### SEC. 5. MEMBERSHIP OF THE COMMISSION; RULES; POWERS.

(a) COMPOSITION.—

(1) NUMBER.—The Commission shall be composed of 15 members, appointed not later than 45 days after the date of enactment of this Act.

(2) APPOINTMENTS.—The membership of the Commission shall be as follows:

(A) 3 individuals appointed by the President, after consultation with the Secretary of Labor and the Secretary of the Treasury, or their respective designees.

(B) 3 individuals appointed by the majority leader of the Senate.

(C) 3 individuals appointed by the minority leader of the Senate.

(D) 3 individuals appointed by the Speaker of the House of Representatives.

(E) 3 individuals appointed by the minority leader of the House of Representatives.

(b) QUALIFICATIONS OF MEMBERS.—

(1) IN GENERAL.—Individuals appointed under subsection (a)(2) shall be individuals who—

(A) have experience in actuarial disciplines, law, economics, public policy, human relations, business, manufacturing, labor, multiemployer pension plan administration, single employer pension plan administration, or academia, or have other distinctive and pertinent qualifications or experience in retirement policy;

(B) are not officers or employees of the United States; and

(C) are selected without regard to political affiliation or past partisan activity.

(2) OTHER CONSIDERATIONS.—In the appointment of members under subsection (a), every effort shall be made to ensure that the individuals, as a group—

(A) are representatives of a broad cross-section of perspectives on private pension plans within the United States;

(B) have the capacity to provide significant analytical insight into existing obstacles and opportunities of private pension plans; and

(C) represent all of the areas of experience under paragraph (1)(A).

(c) TERMS; VACANCIES.—

(1) TERMS.—Each member shall be appointed for the life of the Commission.

(2) VACANCIES.—Any vacancy in the Commission shall not affect its powers and shall be filled in the same manner as the appointment of the member causing the vacancy.

(d) CHAIRPERSON; VICE CHAIRPERSON.—Not later than 60 days after the date of enactment of this Act, the President shall designate a chairperson and vice chairperson of the Commission from the individuals appointed under subsection (a)(2).

(e) COMPENSATION.—

(1) PROHIBITION OF PAY.—Except as provided in subparagraph (B), members of the Commission shall serve without pay.

(2) TRAVEL EXPENSES.—Each member of the Commission may receive travel expenses, including per diem in lieu of subsistence, in accordance with sections 5702 and 5703 of title 5, United States Code, while away from their homes or regular place of business in the performance of services for the Commission.

(f) RULES OF THE COMMISSION.—

(1) QUORUM.—Eight members of the Commission shall constitute a quorum for conducting the business of the Commission, except 5 members of the Commission may hold hearings, take testimony, or receive evidence.

(2) NOTICE.—Any meetings held by the Commission shall be duly noticed in the Federal Register at least 14 days prior to such meeting and shall be open to the public.

(3) OPPORTUNITIES TO TESTIFY.—The Commission shall provide opportunities for representatives of the general public, taxpayer groups, consumer groups, think tanks, and State and local government officials to testify.

(4) MEETINGS.—The Commission shall meet at the call of the chairperson of the Commission.

(5) OTHER RULES.—The Commission shall adopt such other rules as necessary.

(g) POWERS OF THE COMMISSION.—

(1) INFORMATION FROM FEDERAL AGENCIES.—

(A) IN GENERAL.—The Commission may secure directly from any Federal department or agency such materials, resources, data, and other information as the Commission considers necessary to carry out the provisions of this section. Upon request of the chairperson of the Commission, the head of such department or agency shall furnish such materials, resources, data, and other information to the Commission.

(B) COORDINATION OF RESEARCH INFORMATION.—The Commission shall ensure effective use of such materials, resources, data, and other information and avoid duplicative research by coordinating and consulting with the head of the appropriate research department of—

(i) the Pension and Welfare Benefits Administration of the Department of Labor;

(ii) the Department of the Treasury;

(iii) the Social Security Administration;

(iv) the Small Business Administration;

(v) the Pension Benefit Guaranty Corporation;

(vi) the National Institute on Aging; and

(vii) private organizations which have conducted research in the pension area.

(2) MAILS.—The Commission may use the United States mails in the same manner and under the same conditions as any other Federal agency.

(3) ACCEPTANCE OF SERVICES; GIFTS; AND GRANTS.—The Commission may accept, use, and dispose of gifts or grants of services or property, both real and personal, for purposes of aiding or facilitating the work of the Commission. Gifts or grants not used at the expiration of the Commission shall be returned to the donor or grantor.

(4) CONTRACT AND PROCUREMENT AUTHORITY.—The Commission may make purchases, and may contract with and compensate government and private agencies or persons for property or services, without regard to—

(A) section 3709 of the Revised Statutes (41 U.S.C. 5); and

(B) title III of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 251 et seq.).

(5) VOLUNTEER SERVICES.—Notwithstanding section 1342 of title 31, United States Code, the Commission may accept and use voluntary and uncompensated services as the Commission determines necessary.

#### SEC. 6. STAFF AND SUPPORT SERVICES.

(a) EXECUTIVE DIRECTOR; STAFF.—

(1) IN GENERAL.—The chairperson of the Commission may, without regard to civil service laws and regulations and after consultation with the Commission, appoint an executive director of the Commission and such other additional personnel as may be necessary to enable the Commission to perform its duties.

(2) COMPENSATION.—The chairperson of the Commission may fix the compensation of the executive director and other personnel without regard to the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates, except that the rate of pay for the executive director and other personnel may not exceed the rate payable for level IV of the Executive Schedule under section 5315 of such title.

(b) STAFF OF FEDERAL AGENCIES.—Upon request by the chairperson of the Commission, the head of any Federal department or agency may detail, on a nonreimbursable basis, any of the personnel of the department or agency to the Commission to assist the Commission to carry out its duties under this Act and such detail shall be without interruption or loss of civil service status or privilege.

(c) ADMINISTRATIVE SUPPORT SERVICES.—The Administrator of General Services shall provide to the Commission, on a reimbursable basis, any administrative support services that are necessary to enable the Commission to carry out this Act.

#### SEC. 7. TERMINATION.

The Commission shall terminate not later than 26 months after the date of enactment of this Act.

**SEC. 8. AUTHORIZATION OF APPROPRIATIONS.**

There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act.

AMERICAN ACADEMY OF ACTUARIES,  
July 13, 2000.

Hon. JEFF BINGAMAN,  
U.S. Senate, Washington, DC.

DEAR SENATOR BINGAMAN: The American Academy of Actuaries would like to express its strong support for your idea of establishing a national commission on pension reform and simplification. The Academy has long advocated a comprehensive and coordinated approach to retirement policy. We believe the establishment of a bipartisan commission of experts to analyze obstacles that weaken our private pension system and recommend solutions is a positive first step. The Academy also believes that slight modifications to your proposal would make the commission more effective.

The Academy commends you for recognizing that, because the laws that regulate our private pension system have become too complex, they discourage employers from helping their workers save for an adequate retirement. We strongly support the concept of a bipartisan commission of experts that will recommend specific ways to simplify the rules governing private plans, thereby encouraging employers to expand coverage to more workers.

The Academy believes that the commission called for in your proposal could be made more effective if Congress was required to have an up-or-down vote on its recommendations. Furthermore, we believe that, given the expertise available to the commission, it should be possible to formulate a result in 12-18 months, rather than the 24 months specified in your legislation. Finally, we would encourage the commission to examine pension changes in the context of a national retirement income policy, including Social Security, since major changes to the private pension system undoubtedly will affect Social Security.

The Academy believes that creation of a national commission will be a positive first step toward our mutual goal of increasing pension coverage for Americans. We appreciate your recognition of the unique role that actuaries should play in such a commission and look forward to providing any assistance that may be of benefit to you and your staff.

Sincerely,

JAMES E. TURPIN,  
Vice President, Pensions.

APPWP, ASSOCIATION OF PRIVATE  
PENSION AND WELFARE PLANS,  
July 18, 2000.

Pension Reform and Simplification Commission Act

Senator JEFF BINGAMAN,  
U.S. Senate, Washington, DC.

DEAR SENATOR BINGAMAN: On behalf of the Association of Private Pension and Welfare Plans (APPWP—The Benefits Association), I want to express our appreciation for your interest in, and support for, our nation's voluntary, employer-sponsored retirement system as evidenced by the Pension Reform and Simplification Commission Act that you will soon introduce. APPWP is a public policy organization representing principally Fortune 500 companies and other organizations that assist companies of all sizes in providing benefits to employees. Collectively, APPWP's members either sponsor directly or provide services to retirement and health plans that cover more than 100 million Americans. We appreciate your past and continuing efforts to expand the private, voluntary retirement system that currently en-

ables millions of working Americans to achieve financial security in retirement.

As you know, the employer-based retirement system provides an important source of income security for many Americans in retirement, and, in many respects, has been successful in meeting the challenges of an aging population. However, we recognize that public policy can build and expand on this success. Many employers, particularly small companies, find it difficult to establish retirement plans because of cost and administrative complexity. As a result, many workers do not have access to private pensions and cannot save adequately for retirement. Moreover, our pension laws have not kept pace with the rapid developments in the business world. New technologies, international competition, and many types of corporate transactions pose unique pension challenges that should be better accommodated by our nation's retirement policy. APPWP has consistently campaigned for expansion and reform of the nation's pension laws with the express goals of expanding coverage, increasing portability, reducing complexity, and reflecting business realities. We are therefore pleased that you have made these goals the central objective of the commission you propose.

In particular, APPWP commends you for putting the focus of pension reform on expanding coverage. You correctly note that our retirement system has become overly burdened with unwieldy and complex rules that have impeded expanded coverage and increased retirement security for all Americans. Your advocacy on behalf of the goals of coverage and simplification is an important step towards realizing a more secure retirement for all Americans.

We look forward to working with you on these important issues. If we can be of further assistance, please do not hesitate to contact us.

Sincerely,

JAMES A. KLEIN,  
President.

By Mr. KENNEDY (for himself,  
Mr. ROCKEFELLER, Mr. DASCHLE, Mr. MOYNIHAN, Mr. L. CHAFEE, Ms. COLLINS, Ms. SNOWE, Mr. BAUCUS, Mr. BREAUX, Mr. CONRAD, Mr. GRAHAM, Mr. BRYAN, Mr. KERREY, Mr. ROBB, Mr. INOUE, Mr. LAUTENBERG, Mr. AKAKA, Mr. SCHUMER, and Mr. LEAHY):

S. 2923. A bill to amend title XIX and XXI of the Social Security Act to provide for FamilyCare coverage for parents of enrolled children, and for other purposes; to the Committee on Finance.

THE FAMILY CARE ACT OF 2000

Mr. KENNEDY. Mr. President, I am pleased to announce the introduction of the Family Care Act of 2000, which takes the next logical step in assuring access by as many citizens as possible to affordable health insurance. I commend Congressman JOHN DINGELL and the rest of our colleagues for their fine work in crafting this legislation.

The number of uninsured Americans is now more than 44 million, and the figure is rising by an average of one million a year. America is the only industrial country in the world, except South Africa, that fails to guarantee health care for all its citizens.

It is a national scandal that lack of insurance coverage is the seventh lead-

ing—and most preventable—cause of death in America today.

Three years ago, we worked together to create CHIP, the federal-state Children's Health Insurance Program, which provides coverage to children in families with incomes too high for Medicaid and too low to afford private health insurance.

More than two million children have been enrolled in that program, and millions more have signed up for Medicaid as a result of outreach activities. Soon, more than three-quarters of all uninsured children in the nation will be eligible for assistance through either CHIP or Medicaid.

But, despite this progress, the parents of these children, and too many others, have been left behind. The time has come to take the next step.

The overwhelming majority of uninsured low-wage parents are struggling to support their families. I will ask unanimous consent to insert a statement in the RECORD from Patricia Quezada, a parent of three lovely girls, who would benefit from this legislation.

Parents who work hard, 40 hours a week, 52 weeks a year, should be eligible for assistance to buy the health insurance they need in order to protect their families. Our message to them today is that help is on the way.

Often, they work for companies which don't offer insurance, or they aren't eligible for insurance that is offered. Fewer than a quarter of the jobs taken by those who have been forced off the welfare rolls by welfare reform offer insurance as a benefit—and even when it is offered too few companies make it available for dependents. The time has come to take the next step.

The Family Care Act of 2000 will provide with the resources, incentives and authority to extend Medicaid and CHIP to the parents of children covered under those programs.

Coverage for parents also means better coverage for children. Parents are much more likely to enroll their children in health insurance, if the parents themselves can have coverage, too.

This step alone will give to six and a half million Americans the coverage they need and deserve.

The Family Care Act will also improve the outreach and enrollment for CHIP and Medicaid, and encourage states to extend coverage to other vulnerable population, such as pregnant women, legal immigrants, and children ages 19 and 20.

This program is affordable under current and projected budget surpluses. The Congressional Budget Office estimates that the cost will be \$11 billion over the next five years.

Last Monday, a majority of the Senate voted in favor of this proposal as an amendment to the marriage penalty bill. We needed 60 votes, so it was not successful then, but we clearly have a bipartisan majority of the Senate.

The bottom line is that we have the resources to take this needed step, and

end the suffering and uncertainty that accompanies being uninsured.

Mr. President, I ask unanimous consent that statements and letters of support for this legislation be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

STATEMENT OF PATRICIA QUEZADA, JULY 21, 2000

Good morning. I am Patricia Quezada. I am a mother of three girls (ages 9, 8 and 5). I work as a part-time parent liaison at Weyanoke Elementary School in Fairfax, Virginia. My husband is a self-employed general contractor. Because my husband is self-employed and I work part-time, our family does not have access to health insurance through our jobs.

In the past, we were able to purchase private insurance that covered our family. But, in recent times, our family has been unable to afford the high rates because it came down to either paying for our home, transportation and other necessities—including food—or purchasing this costly insurance. On two occasions, the coverage was cancelled because we were unable to meet the payments, which were required in advance.

It was such a relief that my children are now able to receive coverage through Medicaid and CMSIP, Virginia's SCHIP Program. (As a parent-liaison, part of my job has been to help other families sign up their children for health insurance.) I feel extremely fortunate that my children are now covered in case of an illness or accident, however I continue to fear what could happen if my husband or I fall sick or have an injury. While we both do our best to take care of our health, we know how important it is to have health insurance coverage if we should need it.

Thank you.

CHILDREN'S DEFENSE FUND,  
Washington, DC, July 21, 2000.

Hon. EDWARD M. KENNEDY,  
U.S. Senate, Washington, DC.

DEAR SENATOR KENNEDY: We are taking this opportunity to thank you for introducing the FamilyCare Act of 2000 and to express the strong support of the Children's Defense Fund for this bipartisan initiative to provide and strengthen health care coverage for uninsured children and their parents. Building on the successes of Medicaid and the Children's Health Insurance Program (CHIP), this legislation will increase coverage for uninsured children, provide funding for health insurance coverage for the uninsured parents of Medicaid and CHIP-eligible children, and simplify the enrollment process for Medicaid and CHIP to make the programs more family friendly.

We want to extend our appreciation to Senators Chafee, Collins, Daschle, Lautenberg, Rockefeller, and Snowe for co-sponsoring this legislation in the Senate and to Representatives Dingell, Stark, and Waxman for taking the lead on this proposal in the House. We look forward to working with you for passage of the FamilyCare Act of 2000.

Sincerely,

GREGG HAIFLEY,  
Deputy Director Health Division.

NATIONAL ASSOCIATION OF  
CHILDREN'S HOSPITALS,  
Alexandria, VA, July 21, 2000.

Hon. EDWARD KENNEDY,  
U.S. Senate,  
Washington, DC.

DEAR SENATOR KENNEDY: On behalf of the National Association of Children's Hospital (N.A.C.H.), which represents over 100 chil-

dren's hospitals nationwide, I want to express our strong support for your introduction of the "FamilyCare Act of 2000."

As providers of care to all children, regardless of their economic status, children's hospitals devote nearly half of their patient care to children who rely on Medicaid or are uninsured, and more than three-fourths of their patient-care to children with chronic and congenital conditions. These hospitals have extensive experience in assisting families to enroll eligible children in Medicaid and SCHIP. They are keenly aware of the importance of addressing the challenges that states face in enrolling this often hard to reach population of eligible children.

In particular, N.A.C.H. appreciates and strongly supports your efforts to simplify and coordinate the application process for SCHIP and Medicaid, as well as to provide new tools for states to use in identifying and enrolling families. In addition, N.A.C.H. applauds your provisions that set a higher bar for covering children by: (1) requiring states to first cover children up to 200% of poverty and eliminating waiting lists in the SCHIP program before covering parents; and (2) requiring every child who loses coverage under Medicaid or SCHIP to be automatically screened for other avenues of eligibility and if found eligible, enrolled immediately in that program.

N.A.C.H. also supports your legislation's provision to give states additional flexibility under SCHIP and Medicaid to cover legal immigrant children. In states with high proportions of uninsured children, such as California, Texas and Florida, the federal government's bar on coverage of legal immigrant children helps contribute to the fact that Hispanic children represent the highest rate of uninsured children of all major racial and ethnic minority groups. Your provision to ensure coverage of legal immigrant children would be extremely useful in improving this situation.

N.A.C.H. greatly appreciates all that you have done throughout your years of service, and continue to do, to provide all children with the best possible chance at starting out and staying healthy. We welcome and look forward to working with you to pass the "FamilyCare Act of 2000."

Sincerely,

LAWRENCE A. MCANDREWS.

MARCH OF DIMES,  
BIRTH DEFECTS FOUNDATION,  
Washington, DC, July 21, 2000.

Hon. EDWARD KENNEDY,  
U.S. Senate, Washington, DC.

DEAR SENATOR KENNEDY: On behalf of more than 3 million volunteers and 1600 staff members of the March of Dimes, I want to commend you for introducing the "FamilyCare Act of 2000." The March of Dimes is committed to increasing access to appropriate and affordable health care for women, infants and children and supports the targeted approach to expanding the State Children's Health Insurance Program contained in the FamilyCare proposal.

The "FamilyCare Act of 2000" contains a number of beneficial provisions that would expand and improve SCHIP. The March of Dimes strongly supports giving states the option to cover low-income pregnant women in Medicaid and SCHIP programs with an enhanced matching rate. We understand that FamilyCare would allow states to cover uninsured parents of children enrolled in Medicaid and SCHIP as well as uninsured first-time pregnant women. SCHIP is the only major federally-funded program that denies coverage to pregnant women while providing coverage to their infants and children. We know prenatal care improves birth outcomes. Expanding health insurance coverage

for low-income pregnant women has bipartisan support in both the House and Senate.

The March of Dimes also supports FamilyCare provisions to require automatic enrollment of children born to SCHIP parents; automatic screening of every child who loses coverage under Medicaid or SCHIP to determine eligibility for other health programs; and distribution of information on the availability of Medicaid and SCHIP through the school lunch program. The March of Dimes also supports giving states the option to provide Medicaid and SCHIP benefits to children and pregnant women who arrived legally to the United States after August 23, 1996, and to people ages 19 and 20.

We thank you for your leadership in introducing the "FamilyCare Act of 2000" and are eager to work with you to achieve approval of this much needed legislation.

Sincerely,

ANNA ELEANOR ROOSEVELT,  
Vice Chair, Board of  
Trustees; Chair,  
Public Affairs Committee.

DR. JENNIFER L. HOWSE,  
President.

ASSOCIATION OF MATERNAL AND  
CHILD HEALTH PROGRAMS,  
Washington, DC, July 20, 2000.

Hon. EDWARD KENNEDY,  
U.S. Senate, Washington, DC.

DEAR SENATOR KENNEDY: On behalf of the Association of Maternal and Child Health Programs (AMCHP), I am writing to express our support of the FamilyCare Act of 2000. We are particularly supportive of the provisions that allow states to include pregnant women in their SCHIP and Medicaid programs.

We are also pleased with the provisions giving states the flexibility to expand outreach activities as well as moving towards greater equity in program payments.

AMCHP represents state officials in 59 states and territories who administer public health programs aimed at improving the health of all women, children, and adolescents. In 1997, over 22 million women, children, adolescents and children with special health care needs received services, which were supported by the Maternal and Child Health Block Grant.

We look forward to working with you and your staff on this bill.

Sincerely,

DEBORAH DIETRICH,  
Director of Legislative Affairs.

AMERICAN DENTAL  
HYGIENIST ASSOCIATION,  
Washington, DC, July 24, 2000.

Hon. EDWARD M. KENNEDY,  
Hon. JAY ROCKEFELLER,  
U.S. Senate, Washington, DC.

DEAR SENATORS KENNEDY AND ROCKEFELLER: on behalf of the American Dental Hygienists' Association (ADHA), I write to express ADHA's support for the principles espoused in the Family Care Act of 2000. This legislation is an important step toward the goal of meaningful health insurance coverage, including oral health insurance coverage, for all children and their parents.

Regretfully, there is room for much improvement in our children's oral health, a fundamental part of total health. Studies show that oral disease currently afflicts the majority of children in our country. Dental caries (tooth decay), gingivitis, and periodontitis (gum and bone disorders) are the most common oral diseases. The Public Health Service reports that 50% of all children in the United States experience dental caries in their permanent teeth and two-thirds experience gingivitis.



The percentages of children with dental disease are likely far higher for the traditionally underserved Medicaid-eligible population and for those eligible for the State Children's Health Insurance Program (CHIP). For example, one of the most severe forms of gum disease—localized juvenile periodontitis—disproportionately affects teenage African-American males and can result in the loss of all teeth before adulthood. If untreated, gum disease causes pain, bleeding, loss of function, diminished appearance, possible systemic infections, bone deterioration and eventual loss of teeth. Yet, each of the three most common oral health disorders—dental caries, gingivitis, and periodontitis—can be prevented through the type of regular preventive care provided by dental hygienists.

Despite the known benefits of preventive oral health services and the inclusion of oral health benefits in Medicaid's Early and Periodic Screening, Diagnosis and Treatment (EPSDT) program, only one in 5 (4.2 million out of 21.2 million) Medicaid-eligible children actually received preventive oral health services in 1993 according to a 1996 U.S. Department of Health and Human Services report entitled Children's Dental Services Under Medicaid: Access and Utilization.

The nation simply must improve access to oral health services and your legislation is an important building block for all who care about our children's oral health, a fundamental part of general health and well-being.

We in the dental hygiene community look forward to working together toward our shared goal of health insurance coverage for all of our nation's families. Please feel free to call upon me or ADHA's Washington Counsel, Karen Sealander of McDermott, Will & Emery (202-756-8024), at any time.

Sincerely,

STANLEY B. PECK,  
*Executive Director.*

PREMIER INC.,  
*Washington, DC, July 21, 2000.*

Hon. EDWARD M. KENNEDY,  
*U.S. Senate,*  
*Washington, D.C.*

DEAR SENATOR KENNEDY: On behalf of Premier Inc., I am writing to applaud your introduction of the "FamilyCare Act of 2000" and express our strong support. Premier is a strategic alliance of leading not-for-profit hospitals and health systems across the nation. Premier provides group purchasing and other services for more than 1,800 hospitals and healthcare facilities.

As reported by the Urban Institute in the July/August issue of Health Affairs, the population of non-elderly uninsured grew by 4.2 million between 1994 and 1998. This hike in the rate of uninsured occurred among children and adults. In the same period, Medicaid coverage fell from 10 to 8.4 percent, or about 3.1 million persons (1.9 million children and 1.2 million adults). Your legislation confronts and seeks to address these disturbing trends head on.

The FamilyCare Act of 2000 not only expands coverage to children—it also enables states to provide health insurance to parents of children enrolled in CHIP and Medicaid. The bill creates new opportunities for states to cover immigrant children and pregnant women, and provides for the automatic coverage of children born to CHIP-enrolled parents, thereby enhancing presumptive eligibility.

This legislation provides for the mutual reinforcement of the Medicaid and CHIP programs by integrating eligibility determination and outreach efforts. A standard application form and simple enrollment process for both programs will raise the participation rate for both programs. Finally, the bill

provides grants to support broader outreach activities and employer subsidies to offer health insurance packages, thereby encouraging joint public/private market innovations to reduce the population of uninsured.

Stifling the growth in the rate of uninsured and reversing the trend remain a top priority for the hospital community. Securing the appropriate preventative care for these individuals will improve the quality and cost-effectiveness of further care, as the uninsured are more likely to be hospitalized for medical conditions that, initially, could have been managed with physician care and/or medication.

Thank you for taking the lead in addressing the problem of America's uninsured. We look forward to working with you toward enactment of this important legislation.

Sincerely,

KERB KUHN,  
*Vice President, Advocacy.*

FAMILIES USA,  
*Washington, DC, July 17, 2000.*

Hon. EDWARD M. KENNEDY,  
*U.S. Senate,*  
*Washington, DC.*

DEAR SENATOR KENNEDY: We congratulate you on the introduction of your bill, the Family Care Act of 2000, which gives states the option to provide parents of children enrolled in the Medicaid and CHIP programs with health insurance. We believe that your bill is a crucial next step in addressing the problem of our nation's uninsured, and we offer our unequivocal support.

By covering parents through CHIP, the Family Care Act could provide health insurance to over four million previously uninsured Americans. We believe this is a cost-effective and efficient way to provide quality healthcare to low- and moderate-income working families. Children of CHIP-enrolled parents will be automatically enrolled at birth, but, equally importantly, research has shown that children are more likely to have health coverage when their parents are insured. This means that the Family Care Act could, in effect, cover many more Americans than the estimated four million. Additionally, the expansion of coverage to legal immigrant children and pregnant women addresses the needs of two particularly vulnerable groups.

Again, we applaud your ongoing leadership in tackling the problem of the uninsured, and we support this important legislation. Please let us know how we can help you to enact this bill into law.

Sincerely,

RONALD F. POLLACK,  
*Executive Director.*

AMERICAN HOSPITAL ASSOCIATION,  
*Washington, DC, July 21, 2000.*

Hon. EDWARD M. KENNEDY,  
*Ranking Member, Committee on Health, Education, Labor, and Pensions, U.S. Senate,*  
*Washington, D.C.*

DEAR SENATOR KENNEDY: The American Hospital Association (AHA), which represents, 5,000 hospitals, health care systems, networks, and other providers of care, is pleased to support the FamilyCare Act of 2000. The AHA shares your goal of expanding access to health care coverage for the 44 million uninsured Americans. We believe the federal budget surplus offers a unique opportunity to fund solutions to the health care problems of the uninsured.

Recent Medicaid expansions and the creation of the State Children's Health Insurance Program (S-CHIP) have greatly improved access to health care coverage for millions of children living in low-income families. But more needs to be done. AHA strongly supports the objective of your legis-

lation that embraces, as one option to address the problems of the uninsured, building on existing public programs to expand coverage to the parents of the children covered by S-CHIP.

Furthermore, your provisions that include coverage for legal immigrants, improve Medicaid coverage for those transitioning from welfare-to-work, and create state grant programs to encourage market innovation in health care insurance are to be applauded. AHA believes these are good first steps toward lowering the numbers of the uninsured.

In addition to expanding public programs, AHA supports measures that make health care insurance more affordable for low-income working families. Toward that end, AHA also support H.R. 4113, bipartisan legislation establishing refundable tax credits to assist low-income families in the purchase of health care insurance.

Our nation's hospitals see every day that the absence of health coverage is a significant barrier to care, reducing the likelihood that people will get appropriate preventive, diagnostic and chronic care. With the uninsured growing in numbers, AHA supports your effort to build on current public programs as an important option to make it possible for more low-income families to get needed health care coverage. We thank you for your leadership and we look forward to working with you on advancing the FamilyCare Act of 2000.

Sincerely,

RICK POLLACK,  
*Executive Vice President.*

NETWORK,  
*Washington, DC, July 2000.*

From NETWORK—A National Catholic Social Justice Lobby.

Re: The Family Care Act of 2000.

HON. SENATOR TED KENNEDY: Since 1975, NETWORK: A National Catholic Social Justice Lobby has worked for universal access to affordable, quality health care. NETWORK considers the constant increase in the number of uninsured persons a national disgrace and a serious moral and ethical issue. Sadly, the political will to reform the nation's fragmented non-system of health care is seriously lacking in the current climate of commercialization and profit-making. Therefore, millions of American citizens are denied their human right to medical care.

Given that as the context, NETWORK supports the efforts of those legislators who recognize that the anticipated federal surplus should be utilized in part to rectify the serious flaws inherent in the present situation. The Family Care Act of 2000 is one of those efforts. NETWORK urges Congress to pass the proposal.

The goal of the bill is to build on existing legislation in order to enroll more uninsured children and their working parents in Medicaid or CHIP. The bill requires that states first cover children up to 200% of poverty before they enroll parents. This will serve to increase coverage of previously eligible but uninsured children by eliminating the CHIP waiting lists. It is estimated that over 4 million previously uninsured children will be enrolled.

The proposal targets \$50 billion in new money to enable the states to enroll the parents of children already covered by Medicaid and CHIP. This would reduce the number of uninsured parents by an estimated 6.5 million, one out of seven of the nation's uninsured. Most of these uninsured families have at least one member who works.

In addition, the bill proposes another \$100 million per year for five years to encourage the states to develop innovative approaches to expanding coverage, tailoring their solutions to market needs. Much needed is the

proposed extension of The Transitional Medicaid Assistance program. Some of the requirements which jeopardize access to health care by persons moving from welfare to low-wage, non-benefit jobs will be removed. First time pregnant women will receive prenatal care under the CHIP program and grants will enable states to develop innovative coverage mechanisms.

All in all, the Family Care Act of 2000 as drafted seeks to rectify to a marked degree the serious problem of lack of health care coverage for the most vulnerable in our society, low-wage working families and their children.

KATHY THORNTON RSM,  
National Coordinator.  
CATHERINE PINKERTON,  
CSJ Lobbyist.

Mr. ROCKEFELLER. Mr. President, over the last several years health care reform has dropped off our national and Congressional agenda. We talk about it primarily to posture politically, not because we are determined to actually succeed in extending coverage. Too often, the goal seems to be to simply create a campaign issue and make voters believe we are working to solve the problem, when in reality no progress is being made.

This year, we have seen a lot of talking on health care, but it's clear that Congress' priorities lie elsewhere. Just this past week we passed a tax break that will affect only 1.7 percent of Americans, yet will cost us \$50 billion a year when fully phased in. In the meantime, 40 million people, mostly of modest incomes, continue to live their lives with little hope of getting the health coverage they need.

The question that Congress needs to answer: will we continue to sit back and simply watch as the problem of the uninsured grows worse?

Along with Senator KENNEDY, and Congressmen DINGELL, STARK and WAXMAN, I obviously have very clear answers to this question. And today we are offering a commonsense, bipartisan step that Congress can take this year to improve the plight of working, uninsured families.

We know that the majority of those without health insurance are concentrated in lower-income, working families. The Medicaid and CHIP Family Care Improvement Act would target our efforts to these families by allowing states to extend Medicaid and CHIP to the parents of eligible children. This is a sensible, affordable expansion that will make a real and immediate difference for many American families.

In addition, FamilyCare would provide assistance to increase coverage for workers in small businesses by providing grant money for states to pursue new and innovative approaches to expand health insurance coverage through small business.

Our plan also gives states a number of new tools to help improve outreach and enrollment in Medicaid and the State Children's Health Insurance Program.

FamilyCare would provide health insurance coverage to millions of low-income working families for a fraction of

the cost of the recently-passed tax breaks that affect only a small number of people.

Eight years ago, the fight for universal health care had a surge of energy and there was a common purpose among political leaders and the American people. Unfortunately, little progress has been made since then. While the number of uninsured has grown from 36 million in 1993 to 44 million in 1999, we have stood by as a nation and simply watched. Over the next 3 years, about 30 percent of the population, 81 million Americans, can expect a gap in their health insurance coverage lasting at least one month. It is practically inconceivable—and morally wrong—that we are allowing this to happen in such a strong economy, with an extremely competitive labor market.

It is time to end the failed experiment of trying to let the disease cure itself. We need to accomplish the goal of comprehensive reform in any way we can—even if it means continuing to work on incremental changes, as long as we always keep our target squarely set on universal coverage.

Today, we are giving Congress the opportunity to take a major step forward in accomplishing this goal. With FamilyCare, we are simply taking a program that is already working to reduce the number of uninsured, and expanding it to cover more people who we know need the help.

This approach makes so much sense that even the conservative Health Insurance Association of America—the organization that helped to defeat universal coverage—has offered its support. In addition, our bill has four Republicans as original cosponsors. With this bipartisan bill we have a real opportunity to stop talking about expanding health coverage, and start acting.

By Ms. COLLINS (for herself, Mr. DURBIN, and Mrs. FEINSTEIN):

S. 2924. A bill to strengthen the enforcement of Federal statutes relating to false identification, and for other purposes; to the Committee on the Judiciary.

THE INTERNET FALSE IDENTIFICATION  
PREVENTION ACT OF 2000

Ms. COLLINS. Mr. President, today, along with my colleague from Illinois, Senator DURBIN, I am introducing legislation to stem the proliferation of web sites that distribute counterfeit identification documents and credentials over the Internet.

In May, the Senate Permanent Subcommittee on Investigations, which I chair, held hearings on a disturbing new trend—the use of the Internet to manufacture and market counterfeit identification documents and credentials. Our investigation revealed the widespread availability on the Internet of a variety of fake ID documents or computer templates that allow individuals to manufacture authentic looking IDs in the seclusion of their own homes.

The Internet False Identification Prevention Act of 2000 will strengthen current law to prevent the distribution of false identification documents over the Internet and make it easier for Federal officials to prosecute this criminal activity.

The high quality of the counterfeit identification documents that can be obtained via the Internet is simply astounding. With very little difficulty, my staff was able to use Internet materials to manufacture convincing IDs that would allow me to pass as a member of our Armed Forces, as a reporter, as a student at Boston University, or as a licensed driver in Florida, Michigan, and Wyoming—to name just a few of the identities that I could assume, using these phony IDs. We found it was very easy to manufacture IDs that were indistinguishable from the real documents.

For example, using the Internet, my staff created this counterfeit Connecticut driver's license, which is virtually identical to an authentic license issued by the Connecticut Department of Motor Vehicles. Just like the real Connecticut license, this fake with my picture on it, includes a signature written over the picture—which is supposed to be a security feature. It includes an adjacent "shadow picture," and it includes the bar code and the State seal for the State of Connecticut.

Each of these sophisticated features was added to the license by the State of Connecticut in order to make it more difficult to counterfeit. Yet the Internet scam artists have been able to keep up with the technology, and every time a State adds another security feature it has been easily duplicated.

Unfortunately, some web sites sell fake IDs complete with State seals, holograms, and bar codes to replicate a license virtually indistinguishable from the real thing. Thus, technology now allows web site operators to copy authentic IDs with an extraordinary level of sophistication and then distribute and mass produce these fraudulent documents for their customers.

The web sites investigated by my subcommittee offered a vast and varied product line, ranging from the driver's licenses that I already showed to military identification cards to Federal agency credentials, including those of the FBI and the CIA.

Other sites offered to produce Social Security cards, birth certificates, diplomas, and press credentials. In short, one can find almost any kind of identification document that one wants on the Internet.

The General Accounting Office and the FBI have both confirmed the findings of the subcommittee's investigation of this dangerous new trend. The GAO used counterfeit credentials and badges readily available for purchase via the Internet to breach the security at 19 Federal buildings and two commercial airports. GAO's success in doing so demonstrates that the Internet and computer technology allow

nearly anyone to create convincing identification cards and credentials.

The FBI has also focused on the potential of misuse of official identification, and just last month executive search warrants at the homes of several individuals who had been selling Federal law enforcement badges over the Internet.

Obviously, this is very serious. It allows someone to use a law enforcement badge to gain access to secure areas and perhaps to commit harm. For example, the FBI is investigating a very disturbing incident where someone allegedly displayed phony FBI credentials to gain access to an individual's hotel room and then allegedly later kidnapped and murdered that individual.

The Internet is a revolutionary tool of commerce and communications that benefits us all, but many of the Internet's greatest attributes also further its use for criminal purposes. While the manufacture of false IDs by criminals is certainly nothing new, the Internet allows those specializing in the sale of counterfeit IDs to reach a far broader market of potential buyers than they ever could by standing on the street corner in a shady part of town. They can sell their products with virtual anonymity through the use of e-mail services and free web hosting services and by providing false information when registering their domain names. Similarly, the Internet allows criminals to obtain fake IDs in the privacy of their own homes, substantially diminishing the risk of apprehension that attends purchasing counterfeit documents on the street.

Because this is a relatively new phenomenon, there are no good data on the size of the false ID industry or the growth it has experienced as a result of the Internet, but the testimony at our hearing indicates that the Internet is increasingly becoming the source of choice for criminals to obtain false IDs.

The subcommittee's investigation found that some web site operators apparently have made hundreds of thousands of dollars through the sale of phony identification documents. One web site operator told a State law enforcement official that he sold approximately 1,000 fake IDs each month and generated about \$600,000 in annual sales.

Identify theft is a growing problem that these Internet sites facilitate. Fake IDs, however, also facilitate a broad array of criminal conduct. We found that some Internet sites were used to obtain counterfeit identification documents for the purpose of committing other crimes, ranging from very serious offenses, such as identify theft and bank fraud, ranging to the more common problem of teenagers using phony IDs to buy alcohol.

The legislation which Senator DURBIN and I are introducing today is designed to address the problem of counterfeit IDs in several ways. The central

features of our legislation are provisions that modernize existing law to address the widespread availability of false identification documents on the Internet.

First, the legislation supplements current Federal law against false identification to modernize it for the Internet age. The primary law prohibiting the use and distribution of false identification documents was enacted in 1982. Advances in computer technology and the use of the Internet have rendered that law inadequate. This bill will clarify that the current law prohibits the sale or distribution of false identification documents through computer files and templates which our investigation found are the vehicles of choice for manufacturing false IDs in the Internet age.

Second, the legislation will make it easier to prosecute those criminals who manufacture, distribute, or sell counterfeit identification documents by ending the practices of easily removable disclaimers as part of an attempt to shield the illegal conduct from prosecution through a bogus claim of novelty.

What we found is that a lot of these web sites have these disclaimers, in an attempt to get around the law, saying that these can only be used for entertainment or novelty purposes. No longer will it be acceptable to provide computer templates of government-issued identification cards containing an easily removable layer saying it is not a government document.

I will give an example. This is a driver's license from Oklahoma. It is a fake ID which my staff obtained via the Internet. It is enclosed in a plastic pouch that says "Not a Government Document" in red print across it, but it was very easily removed. All one had to do, with a snip of the scissors, was cut the pouch, and then the ID is easily removed and the disclaimer is gone. That is the kind of technique that a lot of times these web site operators use to get around the letter of the law. Under my bill, it will no longer be acceptable to sell a false identification document in this fashion.

Finally, my legislation seeks to encourage more aggressive law enforcement by dedicating investigative and prosecutorial resources to this emerging problem. The bill establishes a multiagency task force that will concentrate the investigative and prosecutorial resources of several agencies with responsibility for enforcing laws that criminalize the manufacture, sale, and distribution of counterfeit identification documents.

Our investigation established that Federal law enforcement officials have not devoted the necessary resources and attention to this serious problem. By prosecuting the purveyors of false identification materials, I believe that ultimately we can reduce end-use crime that often depends on the availability of counterfeit identification. For example, the convicted felon who

testified at our hearings said that he would not have been able to commit bank fraud had he not been able to easily and quickly obtain high-quality fraudulent identification documents via the Internet. I am confident that if Federal law enforcement officials prosecute the most blatant violation of the law, the false ID industry on the Internet will wither in short order.

By strengthening the law and by focusing our prosecutorial efforts, I believe we can curb the widespread availability of false IDs that the Internet facilitates. The Director of the U.S. Secret Service testified at our hearing that the use of such fraudulent documents and credentials almost always accompanies the serious financial crimes they investigate. Thus, my hope is that the legislation we are introducing today will produce a stronger law that will help deter and prevent criminal activity, not only in the manufacture of false IDs but in other areas as well.

By Mr. THURMOND:

S. 2925. A bill to amend the Public Health Service Act to establish an Office of Men's Health; to the Committee on Health, Education, Labor, and Pensions.

MEN'S HEALTH ACT OF 2000

Mr. THURMOND. Mr. President, I am pleased to rise today to introduce the Men's Health Act of 2000. This legislation will establish an Office of Men's Health within the Department of Health and Human Services to monitor, coordinate, and improve men's health in America.

Mr. President, there is an ongoing, increasing and predominantly silent crisis in the health and well-being of men. Due to a lack of awareness, poor health education, and culturally induced behavior patterns in their work and personal lives, men's health and well-being are deteriorating steadily. Heart disease, stroke, and various cancers continue to be major areas of concern as we look to enhance the quality and duration of men's lives. Improved education and preventive screening are imperative to meet this objective.

Mr. President, as a lifelong advocate of regular medical exams, daily exercise and a balanced diet, I feel strongly that an Office of Men's Health should be established to help improve the overall health of America's male population.

This legislation is identical to a bill introduced earlier this year in the House of Representatives. I invite my colleagues to join me in supporting this measure. I ask unanimous consent that a copy of the bill appear in the CONGRESSIONAL RECORD immediately following my remarks.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2925

*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 "Men's Health Act of 2000".

**SEC. 2. FINDINGS.**

Congress makes the following findings:

(1) There is a silent health crisis affecting the health and well-being of America's men.

(2) This health crisis is of particular concern to men, but is also a concern for women, and especially to those who have fathers, husbands, sons, and brothers.

(3) Men's health is likewise a concern for employers who lose productive employees as well as pay the costs of medical care, and is a concern to State government and society which absorb the enormous costs of premature death and disability, including the costs of caring for dependents left behind.

(4) The life expectancy gap between men and women has steadily increased from 1 year in 1920 to 7 years in 1990.

(5) Almost twice as many men than women die from heart disease, and 28.5 percent of all men die as a result of stroke.

(6) In 1995, blood pressure of black males was 356 percent higher than that of white males, and the death rate for stroke was 97 percent higher for black males than for white males.

(7) The incidence of stroke among men is 19 percent higher than for women.

(8) Significantly more men than women are diagnosed with AIDS each year.

(9) Fifty percent more men than women die of cancer.

(10) Although the incidence of depression is higher in women, the rate of life-threatening depression is higher in men, with men representing 80 percent of all suicide cases, and with men 43 times more likely to be admitted to psychiatric hospitals than women.

(11) Prostate cancer is the most frequently diagnosed cancer in the United States among men, accounting for 36 percent of all cancer cases.

(12) An estimated 180,000 men will be newly diagnosed with prostate cancer this year alone, of which 37,000 will die.

(13) Prostate cancer rates increase sharply with age, and more than 75 percent of such cases are diagnosed in men age 65 and older.

(14) The incidence of prostate cancer and the resulting mortality rate in African American men is twice that in white men.

(15) Studies show that men are at least 25 percent less likely than women to visit a doctor, and are significantly less likely to have regular physician check-ups and obtain preventive screening tests for serious diseases.

(16) Appropriate use of tests such as prostate specific antigen (PSA) exams and blood pressure, blood sugar, and cholesterol screens, in conjunction with clinical exams and self-testing, can result in the early detection of many problems and in increased survival rates.

(17) Educating men, their families, and health care providers about the importance of early detection of male health problems can result in reducing rates of mortality for male-specific diseases, as well as improve the health of America's men and its overall economic well-being.

(18) Recent scientific studies have shown that regular medical exams, preventive screenings, regular exercise, and healthy eating habits can help save lives.

(19) Establishing an Office of Men's Health is needed to investigate these findings and take such further actions as may be needed to promote men's health.

**SEC. 3. ESTABLISHMENT OF OFFICE MEN'S HEALTH.**

Title XVII of the Public Health Service Act (42 U.S.C. 300u et seq.) is amended by adding at the end the following section:

**"OFFICE OF MEN'S HEALTH"**

"SEC. 1711. The Secretary shall establish within the Department of Health and Human Services an office to be known as the Office of Men's Health, which shall be headed by a director appointed by the Secretary. The Secretary, acting through the Director of the Office, shall coordinate and promote the status of men's health in the United States."

By Mr. BINGAMAN:

S. 2926. A bill to amend title II of the Social Security Act to provide that an individual's entitlement to any benefit thereunder shall continue through the month of his or her death (without affecting any other person's entitlement to benefits for that month) and that such individuals' benefit shall be payable for such month only to the extent proportionate to the number of days in such month preceding the date of such individual's death; to the Committee on Finance.

**THE SOCIAL SECURITY FAMILY RELIEF ACT**

Mr. BINGAMAN. Mr. President, I rise today to introduce the Social Security Family Relief Act, which is legislation designed to both revise current Social Security law and assist families living in New Mexico and across the United States.

For those of my colleagues who are not familiar with this issue, at present the Social Security Administration pays benefits in advance, and, thus, a check an individual receives from Social Security Administration during the month is calculated and paid in anticipation that the individual will be alive the entire month in which a payment was received.

However, if a person dies during that month, the payment must be reimbursed in full to the Social Security Administration. If a person dies on the 5th of the month, or the 15th of the month, or the 25th of the month, none of this matters. If they die, they are no longer entitled to any benefits for that month, period. Furthermore, if a surviving spouse or family member uses a check received from the Social Security Administration for that month in which a family member had died, they must send it back—in full—to the Social Security Administration.

Let me make this clear that this is not just a problem in the abstract. Indeed, the introduction of this bill is prompted by a very real experience faced by a family living in New Mexico. In this case, a constituent had a close relative pass away on December 31, 1999. The last day of the month. Not knowing it ran contrary to Social Security law, the family used the relative's last Social Security check to pay her final expenses. Only after these activities had occurred did they receive a letter from the Social Security Administration stating that they would have to return the check. Not just partial payment, but in full. No recognition on the part of the Social Security Administration that this person was alive for the entire month. No recognition on the part of the Social Security

Administration that this person had expenses that had to be paid for after they had died. No recognition on the part of the Social Security Administration that the surviving relatives had their own bills to pay, and that this additional expense imposed a burden on them that was difficult to manage.

My constituents found this to absurd. Why, they asked, should they have to return a check for a relative that was alive, was accumulating expenses while she was alive, and deserved the money that was provided to her? Why, they asked, should they be required to pay for the relative's expenses when money should be available? Why should their emotional suffering be made all the more distressful by the addition of financial obligations not of their own making?

I think these are good questions, and it is logical that Congress address them directly and in a manner that solves the problem at hand. From what I can see, they are right. Individuals that have worked over the years and have paid into the Social Security Trust Fund all that time, these folks have earned Social Security benefits and should receive them in full for the period that they are alive. As such, Social Security law should be written in such a way that allows the surviving spouse or family member to use the final check to take care of the remaining expenses, whether they be utilities, or mortgages, or car payments, or health care, or whatever needs to be taken care of.

But although my constituents are sometimes critical of the Social Security Administration on this issue, in fairness that agency did not create this problem, Congress did. We wrote the law, and the Social Security Administration merely implements it. Any responsibility for what is happening belongs to us. We need to fix the law so the Social Security Administration can do its job better.

It is my understanding that this issue has been discussed in the past by a number of Senators, but the revisions have gone nowhere because some felt it would impose an administrative burden on the Social Security Administration. I find this argument to be unconvincing as we clearly find a way to calculate complex equations that ultimately benefit that agency. There are those that now argue that tracking down appropriate beneficiaries would be difficult. But I find this to be quite unconvincing as well—after all, we do it already when someone dies. Surely there is a way to make the changes necessary. Surely the technology and expertise already exists. Surely it is time to stop making excuses and do what is right for Americans and their families.

The legislation I am introducing today is easy to understand. The legislation says, quite simply, that an individual's entitlement to Social Security benefits shall continue through the month of his or her death, and after

that individual's death, the entitlement shall be calculated in a manner proportionate to the days he or she was still alive. In other words, we are using a method of pro-rating to calculate what portion of the entitlement that individual will receive for the last month. Then, instead of being asked to return that final check, the surviving spouse or appropriate surviving family members will receive a check, which can then be used to settle the decedent's remaining expenses. I think this is a perfectly fair and reasonable approach to solving the problem at hand. And I think it is long overdue.

It is my understanding that another bill addressing this problem has been introduced in the Senate by my colleague Senator MIKULSKI. Furthermore, she has introduced this legislation for several years in a row. I commend her for her awareness of this problem and her ongoing efforts to fix it.

That said, it is also my understanding that her bill as written calculates these entitlement benefits on a half-month basis. In other words, if you die before the 15th, you get benefits for a half a month. If you die after the 15th, you are entitled to benefits for the entire month. To be honest, I see no obvious rationale for addressing the problem in this way, and I find a pro-rate strategy to be far more compelling. But this said, I look forward to working with her and her co-sponsors to repair the problem. We clearly have the same concerns.

Mr. President, let me state in conclusion that this legislation represents only a partial fix of the current Social Security system. There is no doubt in my mind that much more needs to be done. We have talked about the issues far too long, and it is time to make a serious effort to make the Social Security solvent and effective. If had my way, this effort would begin tomorrow. But since it is not, this legislation can be considered one small but very important step on the path to reform.

Mr. President, I ask unanimous consent that a copy of the legislation be included in the RECORD at the conclusion of my statement.

Thank you, Mr. President, and I yield the floor.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2926

*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 "Social Security Family Relief Act".

#### SEC. 2. CONTINUATION OF BENEFITS THROUGH MONTH OF BENEFICIARY'S DEATH.

(a) OLD-AGE INSURANCE BENEFITS.—Section 202(a) of the Social Security Act (42 U.S.C. 402(a)) is amended by striking "the month preceding" in the matter following subparagraph (B).

(b) WIFE'S INSURANCE BENEFITS.—

(1) IN GENERAL.—Section 202(b)(1) of such Act (42 U.S.C. 402(b)(1)) is amended—

(A) by striking "and ending with the month" in the matter immediately following clause (ii) and inserting "and ending with the month in which she dies or (if earlier) with the month";

(B) by striking subparagraph (E); and

(C) by redesignating subparagraphs (F) through (K) as subparagraphs (E) through (J).

(2) CONFORMING AMENDMENTS.—Section 202(b)(5)(B) of such Act (42 U.S.C. 402(b)(5)(B)) is amended by striking "(E), (F), (H), or (J)" and inserting "(E), (G), or (I)".

(c) HUSBAND'S INSURANCE BENEFITS.—

(1) IN GENERAL.—Section 202(c)(1) of such Act (42 U.S.C. 402(c)(1)) is amended—

(A) by striking "and ending with the month" in the matter immediately following clause (ii) and inserting "and ending with the month in which he dies or (if earlier) with the month";

(B) by striking subparagraph (E); and

(C) by redesignating subparagraphs (F) through (K) as subparagraphs (E) through (J), respectively.

(2) CONFORMING AMENDMENTS.—Section 202(c)(5)(B) of such Act (42 U.S.C. 402(c)(5)(B)) is amended by striking "(E), (F), (H), or (J)" and inserting "(E), (G), or (I)", respectively.

(d) CHILD'S INSURANCE BENEFITS.—Section 202(d)(1) of such Act (42 U.S.C. 402(d)(1)) is amended—

(1) by striking "and ending with the month" in the matter immediately preceding subparagraph (D) and inserting "and ending with the month in which such child dies or (if earlier) with the month"; and

(2) by striking "dies, or" in subparagraph (D).

(e) WIDOW'S INSURANCE BENEFITS.—Section 202(e)(1) of such Act (42 U.S.C. 402(e)(1)) is amended by striking "ending with the month preceding the first month in which any of the following occurs: she remarries, dies," in the matter following subparagraph (F) and inserting "ending with the month in which she dies or (if earlier) with the month preceding the first month in which she remarries or".

(f) WIDOWER'S INSURANCE BENEFITS.—Section 202(f)(1) of such Act (42 U.S.C. 402(f)(1)) is amended by striking "ending with the month preceding the first month in which any of the following occurs: he remarries, dies," in the matter following subparagraph (F) and inserting "ending with the month in which he dies or (if earlier) with the month preceding the first month in which he remarries".

(g) MOTHER'S AND FATHER'S INSURANCE BENEFITS.—Section 202(g)(1) of such Act (42 U.S.C. 402(g)(1)) is amended—

(1) by inserting "with the month in which he or she dies or (if earlier)" after "and ending" in the matter following subparagraph (F); and

(2) by striking "he or she remarries, or he or she dies" and inserting "or he or she remarries".

(h) PARENT'S INSURANCE BENEFITS.—Section 202(h)(1) of such Act (42 U.S.C. 402(h)(1)) is amended by striking "ending with the month preceding the first month in which any of the following occurs: such parent dies, marries," in the matter following subparagraph (E) and inserting "ending with the month in which such parent dies or (if earlier) with the month preceding the first month in which such parent marries, or such parent".

(i) DISABILITY INSURANCE BENEFITS.—Section 223(a)(1) of such Act (42 U.S.C. 423(a)(1)) is amended by striking "ending with the month preceding whichever of the following months is the earliest: the month in which he dies," in the matter following subparagraph (D) and inserting the following: "ending with the month in which he dies or (if

earlier) with the month preceding the earlier of" and by striking the comma after "216(1)".

(j) BENEFITS AT AGE 72 FOR CERTAIN UNINSURED INDIVIDUALS.—Section 228(a) of such Act (42 U.S.C. 428(a)) is amended by striking "the month preceding" in the matter following paragraph (4).

#### SEC. 3. COMPUTATION AND PAYMENT OF LAST MONTHLY PAYMENT.

(a) OLD-AGE AND SURVIVORS INSURANCE BENEFITS.—Section 202 of the Social Security Act (42 U.S.C. 402) is amended by adding at the end the following new subsection:

"Last Payment of Monthly Insurance Benefit Terminated by Death

"(y) The amount of any individual's monthly insurance benefit under this section paid for the month in which the individual dies shall be an amount equal to—

"(1) the amount of such benefit (as determined without regard to this subsection), multiplied by

"(2) a fraction—

"(A) the numerator of which is the number of days in such month preceding the date of such individual's death, and

"(B) the denominator of which is the number of days in such month,

rounded, if not a multiple of \$1, to the next lower multiple of \$1. This subsection shall apply with respect to such benefit after all other adjustments with respect to such benefit provided by this title have been made. Payment of such benefit for such month shall be made as provided in section 204(d)."

(b) DISABILITY INSURANCE BENEFITS.—Section 223 of such Act (42 U.S.C. 423) is amended by adding at the end the following new subsection:

"Last Payment of Benefit Terminated by Death

"(j) The amount of any individual's monthly benefit under this section paid for the month in which the individual dies shall be an amount equal to—

"(1) the amount of such benefit (as determined without regard to this subsection), multiplied by

"(2) a fraction—

"(A) the numerator of which is the number of days in such month preceding the date of such individual's death, and

"(B) the denominator of which is the number of days in such month,

rounded, if not a multiple of \$1, to the next lower multiple of \$1. This subsection shall apply with respect to such benefit after all other adjustments with respect to such benefit provided by this title have been made. Payment of such benefit for such month shall be made as provided in section 204(d)."

(c) BENEFITS AT AGE 72 FOR CERTAIN UNINSURED INDIVIDUALS.—Section 228 of such Act (42 U.S.C. 428) is amended by adding at the end the following new subsection:

"Last Payment of Benefit Terminated by Death

"(i) The amount of any individual's monthly benefit under this section paid for the month in which the individual dies shall be an amount equal to—

"(1) the amount of such benefit (as determined without regard to this subsection), multiplied by

"(2) a fraction—

"(A) the numerator of which is the number of days in such month preceding the date of such individual's death, and

"(B) the denominator of which is the number of days in such month,

rounded, if not a multiple of \$1, to the next lower multiple of \$1. This subsection shall apply with respect to such benefit after all other adjustments with respect to such benefit provided by this title have been made.

Payment of such benefit for such month shall be made as provided in section 204(d).".

**SEC. 4. DISREGARD OF BENEFIT FOR MONTH OF DEATH UNDER FAMILY MAXIMUM PROVISIONS.**

Section 203(a) of the Social Security Act (42 U.S.C. 403(a)) is amended by adding at the end the following new paragraph:

"(10) Notwithstanding any other provision of this Act, in applying the preceding provisions of this subsection (and determining maximum family benefits under column V of the table in or deemed to be in section 215(a) as in effect in December 1978) with respect to the month in which the insured individual's death occurs, the benefit payable to such individual for that month shall be disregarded.".

**SEC. 5. EFFECTIVE DATE.**

The amendments made by this Act shall apply with respect to deaths occurring after the month in which this Act is enacted.

By Mr. FEINGOLD:

S. 2927. A bill to ensure that the incarceration of inmates is not provided by private contractors or vendors and that persons charged or convicted of an offense against the United States shall be housed in facilities managed and maintained by Federal, State, or local governments; to the Committee on the Judiciary.

**THE PUBLIC SAFETY ACT**

Mr. FEINGOLD. Mr. President, sending inmates to prisons built and run by private companies has become a popular way to deal with overcrowded prisons, but in recent years this practice has been appropriately criticized. As reports of escapes, riots, prisoner violence, and abuse by staff in private prisons increase, many have questioned the wisdom and propriety of private companies carrying out this essential state function. After considering safety, cost, and accountability issues, it is clear that private companies should not be doing this public work. Government and only government, whether it's federal, state, or local, should operate prisons. That is why I rise today to introduce a bill that will restore responsibility for housing prisoners to the state and federal government, where it belongs. An identical bill was introduced in the House of Representatives by Congressman TED STRICKLAND, where it has received broad bi-partisan support and currently has 141 cosponsors.

Private prison companies, and proponents of their use, claim that they save taxpayers money. They claim private companies can do the government's business more efficiently, but this has never been confirmed. In fact, two government studies show that it is far from clear whether private prisons save taxpayer money. One study, completed by the GAO, stated that it could not conclude whether or not privatization saved money. The second study, completed by the Federal Bureau of Prisons in 1998, concluded that there is no strong evidence to show states save money by using private prisons.

More importantly, private prison companies are motivated by one goal: making a profit. Decisions by these

companies are driven by the desire to make a profit and, in turn, please officers and shareholders. This profit motive in the context of housing criminals is wrong. It is at cross-purposes with the government's goal of punishing and rehabilitating criminals.

So what happens when a private company runs a prison? The prisons have promised to save taxpayers money, so they cut costs. This invariably results in unqualified, low paid employees, poor facilities and living conditions, and an inadequate number of educational and rehabilitative programs. Recent episodes of escape, violence, and prisoner abuse demonstrate what happens when corners are cut.

At the Northeast Ohio Correctional facility, a private prison in Youngstown, Ohio, 20 inmates were stabbed, two of them fatally, within a 10-month period. After management claimed they had addressed the problems, six inmates, four convicted of homicide, escaped by cutting through two razor wire fences in the middle of the afternoon.

At a private prison in Whiteville, Tennessee, which houses many inmates from my home state of Wisconsin, there has been a hostage situation, an assault of a guard, and a coverup to hide physical abuse of inmates by prison guards. A security report at the same Tennessee prison found unsecured razors, inmates obstructing views into their cells by covering up windows, and an inmate using a computer lab strictly labeled, "staff only" without any supervision.

At a private prison in Sayre, Oklahoma, a dangerous inmate uprising jeopardized the security and control of the facility. As a result, the state of Oklahoma removed all its inmates from the facility and questioned its safety. Because the prison gets paid based on the number of inmates, however, the prison continued to request, and other states sent, hundreds of inmates to be housed there.

Earlier this year the Justice Department filed a lawsuit against the Wackenhut Corrections Corporation, the second largest private prison company in the United States, charging that in one of its juvenile prisons, conditions were "dangerous and life threatening." A group of experts who toured the prison reported that many of the juveniles were short of food, had lost weight, and did not have shoes or blankets. The Department of Justice lawsuit also alleges that inmates did not receive adequate mental health care or educational programming. In addition to the poor conditions and lack of training, the guards physically abused the boys and threw gas grenades into their barracks. Some juvenile inmates even tried to commit suicide or deliberately injure themselves so they would be sent to the infirmary to avoid abuse by the guards.

Mr. President, the profit motive clearly has a dangerous and harmful effect on the security of private prisons,

but the profit motive also shortchanges inmates of the rehabilitation, education, and training that they need. Private prisons get paid based on the number of inmates they house. This means the more inmates they accept and the fewer services they provide, the more money they make. A high crime rate means more business and eliminates any motivation to provide job training, education, and other rehabilitative programs. These allegations of abuse and the negative effects of the profit motive are especially troubling because they have a disparate impact on the minority community, which has been incarcerated disproportionately in recent years particularly with the rise of mandatory minimum sentences for drug offenses.

Another issue of concern is accountability for dispensing one of the strongest punishments our society can impose. Incarceration requires a government to exercise its coercive police powers over individuals, including the authority to take away a person's freedom and to use force. This authority to use force should not be delegated to a private company that is not accountable to the people. This premise was reinforced by the Supreme Court in *Richardson v. McKnight*, which held that private prison personnel are not covered by the qualified immunity that shields state and local correctional officers. This means that a state or local government could be held liable for the actions of a private corporation.

Mr. President, the legislation I introduce today, the Public Safety Act, addresses these concerns. It restores control and management of prisons to the government. It makes federal grants under Title II of the Crime Control Act of 1994 contingent upon states agreeing not to contract with any private companies to provide core correctional services related to transportation or incarceration of inmates. The legislation was carefully crafted to apply only to core correctional services meaning that private companies can still provide auxiliary services such as food or clothing.

Mr. President, let us restore safety and security to the many Americans who work in prisons. Let us protect the communities that support prisons. And let us ensure rehabilitation and safety for the individuals, including young boys and girls, who are housed there. This bill returns to the government the function of being the sole administrator of incarceration as punishment in our society. I urge my colleagues to join me as cosponsors of the Public Safety Act.

I ask that the text of the bill be placed in the RECORD following this statement.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2927

*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 "Public Safety Act".

**SEC. 2. FINDINGS.**

The Congress finds the following:

(1) The issues of safety, liability, accountability, and cost are the paramount issues in running corrections facilities.

(2) In recent years, the privatization of facilities for persons previously incarcerated by governmental entities has resulted in frequent escapes by violent criminals, riots resulting in extensive damage, prisoner violence, and incidents of prisoner abuse by staff.

(3) In some instances, the courts have prohibited the transfer of additional convicts to private prisons because of the danger to prisoners and the community.

(4) Frequent escapes and riots at private facilities result in expensive law enforcement costs for State and local governments.

(5) The need to make profits creates incentives for private contractors to underfund mechanisms that provide for the security of the facility and the safety of the inmates, corrections staff, and neighboring community.

(6) The 1997 Supreme Court ruling in *Richardson v. McKnight* that the qualified immunity that shields State and local correctional officers does not apply to private prison personnel, and therefore exposes State and local governments to liability for the actions of private corporations.

(7) Additional liability issues arise when inmates are transferred outside the jurisdiction of the contracting State.

(8) Studies on private correctional facilities have been unable to demonstrate any significant cost savings in the privatization of corrections facilities.

(9) The imposition of punishment on errant citizens through incarceration requires State and local governments to exercise their coercive police powers over individuals. These powers, including the authority to use force over a private citizen, should not be delegated to another private party.

**SEC. 3. ELIGIBILITY FOR GRANTS.**

(a) **IN GENERAL.**—To be eligible to receive a grant under subtitle A of title II of the Violent Crime Control and Law Enforcement Act of 1994, an applicant shall provide assurances to the Attorney General that if selected to receive funds under such subtitle the applicant shall not contract with a private contractor or vendor to provide core correctional services related to the transportation or the incarceration of an inmate.

(b) **EFFECTIVE DATE.**—Subsection (a) shall apply to grant funds received after the date of enactment of this Act.

(c) **EFFECT ON EXISTING CONTRACTS.**—

(1) **IN GENERAL.**—Except as provided in paragraph (2), subsection (a) shall not apply to a contract in effect on the date of the enactment of this Act between a grantee and a private contractor or vendor to provide core correctional services related to correctional facilities or the incarceration of inmates.

(2) **RENEWALS AND EXTENSIONS.**—Subsection (a) shall apply to renewals or extensions of an existing contract entered into after the date of the enactment of this Act.

(d) **DEFINITION.**—For purposes of this section, the term "core correctional service" means the safeguarding, protecting, and disciplining of persons charged or convicted of an offense.

**SEC. 4. ENHANCING PUBLIC SAFETY AND SECURITY IN THE DUTIES OF THE BUREAU OF PRISONS.**

Section 4042(a) of title 18, United States Code, is amended—

(1) by redesignating paragraph (5) as paragraph (7);

(2) by striking "and" at the end of paragraph (4); and

(3) by inserting after paragraph (4) the following:

"(5) provide that any penal or correctional facility or institution except for nonprofit community correctional confinement, such as halfway houses, confining any person convicted of offenses against the United States, shall be under the direction of the Director of the Bureau of Prisons and shall be managed and maintained by employees of Federal, State, or local governments;

"(6) provide that the transportation, housing, safeguarding, protection, and disciplining of any person charged with or convicted of any offense against the United States, except such persons in community correctional confinement such as halfway houses, will be conducted and carried out by individuals who are employees of Federal, State, or local governments; and".

By Mr. MCCAIN (for himself, Mr. KERRY, Mr. ABRAHAM, and Mrs. BOXER):

S. 2928. A bill to protect the privacy of consumers who use the Internet; to the Committee on Commerce, Science, and Transportation.

**THE CONSUMER INTERNET PRIVACY  
ENHANCEMENT ACT**

Mr. MCCAIN. Mr. President, I am pleased to join my colleagues from Massachusetts, Michigan, and California to introduce the Consumer Internet Privacy Enhancement Act. The purpose of this legislation is simple. We want to ensure that commercial websites inform consumers about how their personal information is treated, and give consumers meaningful choices about the use of that information. While the purpose of this legislation is simple, the task my colleagues and I are seeking to accomplish is complex and difficult.

The Internet is a tremendous medium spurring the world's economy and allowing people to communicate in ways that were unimaginable a few short years ago. The Internet revolution is transforming our lives and our economy at an incredible pace. Like any other technological revolution it promises great opportunities and, it presents new concerns and fears.

Chief among those concerns is the ability of the Internet to further erode individual privacy. Since the beginning of commerce, business has sought to learn more about consumers. The ability of the internet to aid business in the collection, storage, transfer, and analysis of information about a consumer's habits is unprecedented. While this technology can allow business to better target goods and services, it also has increased consumer fears about the collection and use of personally identifiable information.

Since 1998, the Federal Trade Commission has examined this issue in a series of reports to Congress. The FTC and privacy organizations formed by industry identified "four fair information practices" which should be utilized by websites that collect personally identifiable information. In simple terms, these practices are notice of what information is collected and how

it is used; choice as to how that information is used; access by the user to information collected about them; and appropriate measures to ensure the security of the information.

Over the last three years industry has worked diligently to develop and implement privacy policies utilizing the four fair information practices. While industry has made progress in providing consumers with some form of notice of their information practices, there is much work to be done to improve the depth and clarity of privacy policies.

The legislation we introduce today should not be viewed as a failure on the part of industry to address privacy. Instead industry's efforts over the past few years have driven the development of standards which serve as the model for this legislation. Our objective is to provide for enforceable standards to ensure that all websites provide consumers with clear and conspicuous notice and meaningful choices about how their information is used.

Currently, some websites have privacy policies that are confusing and make it difficult for consumers to restrict the use of information. During a recent hearing before the Senate Commerce Committee, the Chairman of the Federal Trade Commission—a former dean of Georgetown Law School—expressed his own difficulties in understanding some privacy policies.

Privacy is harmed not enhanced when consumers are lost in a fog of legalese. Some current privacy policies confuse and contradict rather than provide clear and conspicuous notice of a consumer's rights.

The bill my colleagues and I introduce today attempts to end some of this confusion by providing for enforceable standards that will both protect consumers and allow for the continued growth of e-commerce. Specifically, the bill would require websites to provide clear and conspicuous notice of their information practices. It also requires websites to provide consumers with an easy method to limit the use and disclosure of information.

The provisions of the bill are enforceable by the FTC. States Attorneys General could also bring suits in federal court under the Act using a mechanism similar to the Telemarketing Sales Rule. We also propose a civil penalty of \$22,000 per violation with a maximum fine of \$500,000. Currently, the FTC can only seek civil penalties if an individual or business is under an order for past behavior.

The legislation also preempts state law to ensure that the law governing the collection of personally identifiable information is uniform. Finally, the bill would direct the National Academy of Sciences to conduct a study of privacy to examine the collection of personal information in the offline-world as well as methods to provide consumers with access to information collected by them.

Despite our best efforts I recognize this bill does not address all of the

issues affecting online privacy. As I said earlier, this is a complex and difficult issue. Other related concerns that should be addressed will continue to arise as we consider this measure. For example, the sale of data during bankruptcy, the use of software also known as spyware that can transfer personal information while online without the user's consent or knowledge, and the government's use and dissemination of personally identifiable information online.

Additionally, other new ways to help resolve the issue of online privacy will also arise as we consider this measure. These include the deployment of technology that will enable consumers to protect their privacy is one issue we should expect to address. Another issue is the use of verifiable assessment procedures to ensure that websites are following their posted privacy policies.

The discovery of new issues and new solutions as we move through this process will serve to highlight the difficulty and complexity of dealing with this issue. It is not my intention to rush to judgment on these matters. Instead, I firmly believe the best way to protect consumers and provide for the continued growth of e-commerce is to give privacy careful and thoughtful deliberation before we act.

Mr. President, it is clear that businesses should inform consumers in a clear and conspicuous manner about how they treat personal information and give consumers meaningful choices as to how that information is used. While some of us may disagree on the manner in which we meet this goal, we all agree that it must be done. I look forward to working with my colleagues and addressing their concerns as we move through the legislative process.

Mr. President, I ask unanimous consent to print the full text of the bill in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2928

*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 "Consumer Internet Privacy Enhancement Act".

#### SEC. 2. COLLECTION OF PERSONALLY IDENTIFIABLE INFORMATION.

(a) IN GENERAL.—It is unlawful for a commercial website operator to collect personally identifiable information online from a user of that website unless the operator provides—

(1) notice to the user on the website in accordance with the requirements of subsection (b); and

(2) an opportunity to that user to limit the use for marketing purposes, or disclosure to third parties of personally identifiable information collected that is—

(A) not related to provision of the products or services provided by the website; or

(B) not required to be disclosed by law.

(b) NOTICE.—

(1) IN GENERAL.—For purposes of subsection (a), notice consists of a statement that informs a user of a website of the following:

(A) The identity of the operator of the website and of any third party the operator knowingly permits to collect personally identifiable information from users through the website, including the provision of an electronic means of going to a website operated by any such third party.

(B) A list of the types of personally identifiable information that may be collected online by the operator and the categories of information the operator may collect in connection with the user's visit to the website.

(C) A description of how the operator uses such information, including a statement as to whether the information may be sold, distributed, disclosed, or otherwise made available to third parties for marketing purposes.

(D) A description of the categories of potential recipients of any such personally identifiable information.

(E) Whether the user is required to provide personally identifiable information in order to use the website and any other consequences of failure to provide that information.

(F) A general description of what steps the operator takes to protect the security of personally identifiable information collected online by that operator.

(G) A description of the means by which a user may elect not to have the user's personally identifiable information used by the operator for marketing purposes or sold, distributed, disclosed, or otherwise made available to a third party, except for—

(i) information related to the provision of the product or service provided by the website; or

(ii) information required to be disclosed by law.

(H) The address or telephone number at which the user may contact the website operator about its information practices and also an electronic means of contacting the operator.

(2) FORM OF NOTICE.—The notice required by subsection (a) shall be clear, conspicuous, and easily understood.

(3) OPPORTUNITY TO LIMIT DISCLOSURE.—The opportunity provided to users to limit use and disclosure of personally identifiable information shall be easy to use, easily accessible, and shall be available online.

(c) INCONSISTENT STATE LAW.—No State or local government may impose any liability for commercial activities or actions by a commercial website operator in interstate or foreign commerce in connection with an activity or action described in this Act that is inconsistent with, or more restrictive than, the treatment of that activity or action under this section.

(d) SAFE HARBOR.—A commercial website operator may not be held to have violated any provision of this Act if it complies with self-regulatory guidelines that—

(1) are issued by seal programs or representatives of the marketing or online industries or by any other person; and

(2) are approved by the Commission as containing all the requirements set forth in subsection (b).

#### SEC. 3. ENFORCEMENT.

(a) IN GENERAL.—The violation of section 2(a) or (b) shall be treated as a violation of a rule defining an unfair or deceptive act or practice in or affecting commerce proscribed by section 18(a)(1)(B) of the Federal Trade Commission Act (15 U.S.C. 57(a)(1)(B)).

(b) ENFORCEMENT BY CERTAIN OTHER AGENCIES.—Compliance with section 2(a) or (b) shall be enforced under—

(1) section 8 of the Federal Deposit Insurance Act (12 U.S.C. 1818), in the case of—

(A) national banks, and Federal branches and Federal agencies of foreign banks, by the Office of the Comptroller of the Currency;

(B) member banks of the Federal Reserve System (other than national banks), branches and agencies of foreign banks (other than Federal branches, Federal agencies, and insured State branches of foreign banks), commercial lending companies owned or controlled by foreign banks, and organizations operating under section 25 or 25(a) of the Federal Reserve Act (12 U.S.C. 601 et seq. and 611 et seq.), by the Board; and

(C) banks insured by the Federal Deposit Insurance Corporation (other than members of the Federal Reserve System) and insured State branches of foreign banks, by the Board of Directors of the Federal Deposit Insurance Corporation;

(2) section 8 of the Federal Deposit Insurance Act (12 U.S.C. 1818), by the Director of the Office of Thrift Supervision, in the case of a savings association the deposits of which are insured by the Federal Deposit Insurance Corporation;

(3) the Federal Credit Union Act (12 U.S.C. 1751 et seq.) by the National Credit Union Administration Board with respect to any Federal credit union;

(4) part A of subtitle VII of title 49, United States Code, by the Secretary of Transportation with respect to any air carrier or foreign air carrier subject to that part;

(5) the Packers and Stockyards Act, 1921 (7 U.S.C. 181 et seq.) (except as provided in section 406 of that Act (7 U.S.C. 226, 227)), by the Secretary of Agriculture with respect to any activities subject to that Act; and

(6) the Farm Credit Act of 1971 (12 U.S.C. 2001 et seq.) by the Farm Credit Administration with respect to any Federal land bank, Federal land bank association, Federal intermediate credit bank, or production credit association.

(c) EXERCISE OF CERTAIN POWERS.—For the purpose of the exercise by any agency referred to in subsection (b) of its powers under any Act referred to in that subsection, a violation of section 2(a) or (b) is deemed to be a violation of a requirement imposed under that Act. In addition to its powers under any provision of law specifically referred to in subsection (b), each of the agencies referred to in that subsection may exercise, for the purpose of enforcing compliance with any requirement imposed under section 2(a) or (b), any other authority conferred on it by law.

(d) ACTIONS BY THE COMMISSION.—The Commission shall prevent any person from violating section 2(a) or (b) in the same manner, by the same means, and with the same jurisdiction, powers, and duties as though all applicable terms and provisions of the Federal Trade Commission Act (15 U.S.C. 41 et seq.) were incorporated into and made a part of this Act. Any entity that violates any provision of that title is subject to the penalties and entitled to the privileges and immunities provided in the Federal Trade Commission Act in the same manner, by the same means, and with the same jurisdiction, power, and duties as though all applicable terms and provisions of the Federal Trade Commission Act were incorporated into and made a part of that title.

(e) RELATIONSHIP TO OTHER LAWS.—

(1) COMMISSION AUTHORITY.—Nothing contained in this Act shall be construed to limit the authority of the Commission under any other provision of law.

(2) COMMUNICATIONS ACT.—Nothing in section 2(a) or (b) requires an operator of a website to take any action that is inconsistent with the requirements of section 222 or 631 of the Communications Act of 1934 (47 U.S.C. 222 or 551, respectively).

(3) OTHER ACTS.—Nothing in this Act is intended to affect any provision of, or any amendment made by—

(A) the Children's Online Privacy Protection Act of 1998;

(B) the Gramm-Leach-Bliley Act; or  
(C) the Health Insurance Portability and Accountability Act of 1996.

(f) CIVIL PENALTY.—In addition to any other penalty applicable to a violation of section 2(a), there is hereby imposed a civil penalty of \$22,000 for each such violation. In the event of a continuing violation, each day on which the violation continues shall be considered as a separate violation for purposes of this subsection. The maximum penalty under this subsection for a related series of violations is \$500,000. For purposes of this subsection, the violation of an order issued by the Commission under this Act shall not be considered to be a violation of section 2(a) of this Act.

#### SEC. 4. ACTIONS BY STATES.

(a) IN GENERAL.—

(1) CIVIL ACTIONS.—In any case in which the attorney general of a State has reason to believe that an interest of the residents of that State has been or is threatened or adversely affected by the engagement of any person in a practice that violates section 2(a) or (b), the State, as *parens patriae*, may bring a civil action on behalf of the residents of the State in a district court of the United States of appropriate jurisdiction to—

(A) enjoin that practice;

(B) obtain damage, restitution, or other compensation on behalf of residents of the State; or

(C) obtain such other relief as the court may consider to be appropriate.

(2) NOTICE.—

(A) IN GENERAL.—Before filing an action under paragraph (1), the attorney general of the State involved shall provide to the Commission—

(i) written notice of that action; and

(ii) a copy of the complaint for that action.

(B) EXEMPTION.—

(i) IN GENERAL.—Subparagraph (A) shall not apply with respect to the filing of an action by an attorney general of a State under this subsection, if the attorney general determines that it is not feasible to provide the notice described in that subparagraph before the filing of the action.

(ii) NOTIFICATION.—In an action described in clause (i), the attorney general of a State shall provide notice and a copy of the complaint to the Commission at the same time as the attorney general files the action.

(b) INTERVENTION.—

(1) IN GENERAL.—On receiving notice under subsection (a)(2), the Commission shall have the right to intervene in the action that is the subject of the notice.

(2) EFFECT OF INTERVENTION.—If the Commission intervenes in an action under subsection (a), it shall have the right—

(A) to be heard with respect to any matter that arises in that action; and

(B) to file a petition for appeal.

(3) AMICUS CURIAE.—Upon application to the court, a person whose self-regulatory guidelines have been approved by the Commission and are relied upon as a defense by any defendant to a proceeding under this section may file *amicus curiae* in that proceeding.

(c) CONSTRUCTION.—For purposes of bringing any civil action under subsection (a), nothing in this Act shall be construed to prevent an attorney general of a State from exercising the powers conferred on the attorney general by the laws of that State to—

(1) conduct investigations;

(2) administer oaths or affirmations; or

(3) compel the attendance of witnesses or the production of documentary and other evidence.

(d) ACTIONS BY THE COMMISSION.—In any case in which an action is instituted by or on behalf of the Commission for violation of

section 2(a) or (b) no State may, during the pendency of that action, institute an action under subsection (a) against any defendant named in the complaint in that action for violation of that rule.

(e) VENUE; SERVICE OF PROCESS.—

(1) VENUE.—Any action brought under subsection (a) may be brought in the district court of the United States that meets applicable requirements relating to venue under section 1391 of title 28, United States Code.

(2) SERVICE OF PROCESS.—In an action brought under subsection (a), process may be served in any district in which the defendant—

(A) is an inhabitant; or

(B) may be found.

#### SEC. 5. STUDY OF ONLINE PRIVACY.

(a) IN GENERAL.—Within 90 days after the date of enactment of this Act, the Commission shall execute a contract with the National Research Council of the National Academy of Sciences for a study of privacy that will examine causes for concern about privacy in the information age and tools and strategies for responding to those concerns.

(b) SCOPE.—The study required by subsection (a) shall—

(1) survey the risks to, and benefits associated with the use of, personal information associated with information technology, including actual and potential issues related to trends in technology;

(2) examine the costs and benefits involved in the collection and use of personal information;

(3) examine the differences, if any, between the collection and use of personal information by the online industry and the collection and use of personal information by other businesses;

(4) examine the costs, risks, and benefits of providing consumer access to information collected online, and examine approaches to providing such access;

(5) examine the security of personal information collected online;

(6) examine such other matters relating to the collection, use, and protection of personal information online as the Council and the Commission consider appropriate; and

(7) examine efforts being made by industry to provide notice, choice, access, and security.

(c) RECOMMENDATIONS.—Within 12 months after the Commission's request under subsection (a), the Council shall complete the study and submit a report to the Congress, including recommendations for private and public sector actions including self-regulation, laws, regulations, or special agreements.

(d) AGENCY COOPERATION.—The head of each Federal department or agency shall, at the request of the Commission or the Council, cooperate as fully as possible with the Council in its activities in carrying out the study.

(e) FUNDING.—The Commission is authorized to be obligated not more than \$1,000,000 to carry out this section from funds appropriated to the Commission.

#### SEC. 6. DEFINITIONS.

In this Act:

(1) COMMISSION.—The term "Commission" means the Federal Trade Commission.

(2) COMMERCIAL WEBSITE OPERATOR.—The term "operator of a commercial website"—

(A) means any person who operates a website located on the Internet or an online service and who collects or maintains personal information from or about the users of or visitors to such website or online service, or on whose behalf such information is collected or maintained, where such website or online service is operated for commercial purposes, including any person offering prod-

ucts or services for sale through that website or online service, involving commerce—

(i) among the several States or with 1 or more foreign nations;

(ii) in any territory of the United States or in the District of Columbia, or between any such territory and—

(I) another such territory; or

(II) any State or foreign nation; or

(iii) between the District of Columbia and any State, territory, or foreign nation; but

(B) does not include any nonprofit entity that would otherwise be exempt from coverage under section 5 of the Federal Trade Commission Act (15 U.S.C. 45).

(3) COLLECT.—The term "collect" means the gathering of personally identifiable information about a user of an Internet service, online service, or commercial website by or on behalf of the provider or operator of that service or website by any means, direct or indirect, active or passive, including—

(A) an online request for such information by the provider or operator, regardless of how the information is transmitted to the provider or operator;

(B) the use of an online service to gather the information; or

(C) tracking or use of any identifying code linked to a user of such a service or website, including the use of cookies.

(4) INTERNET.—The term "Internet" means collectively the myriad of computer and telecommunications facilities, including equipment and operating software, which comprise the interconnected world-wide network of networks that employ the Transmission Control Protocol/Internet Protocol, or any predecessor or successor protocols to such protocol, to communicate information of all kinds by wire or radio.

(5) PERSONALLY IDENTIFIABLE INFORMATION.—The term "personally identifiable information" means individually identifiable information about an individual collected online, including—

(A) a first and last name, whether given at birth or adoption, assumed, or legally changed;

(B) a home or other physical address including street name and name of a city or town;

(C) an e-mail address;

(D) a telephone number;

(E) a Social Security number; or

(F) unique identifying information that an Internet service provider or operator of a commercial website collects and combines with any information described in the preceding subparagraphs of this paragraph.

(6) ONLINE.—The term "online" refers to any activity regulated by this Act or by section 2710 of title 18, United States Code, that is effected by active or passive use of an Internet connection, regardless of the medium by or through which that connection is established.

(7) THIRD PARTY.—The term "third party", when used in reference to a commercial website operator, means any person other than the operator.

Mr. KERRY. Mr. President, I am pleased to join Senators MCCAIN, BOXER and ABRAHAM in announcing that today we will be introducing a bill that takes a positive, balanced approach to the issue of Internet privacy. There can be no doubt that consumers have a legitimate expectation of privacy on the Internet. Our bill protects that interest. At the same time, consumers want an Internet that is free. For that to happen, the Internet, like television, must be supported by advertising. Our bill will allow companies to continue to advertise, ensuring that we

don't have a subscription-based Internet, which would limit everyone's online activities and contribute to a digital divide.

If we recognize that the economy of the Internet calls for advertising, we must also recognize that it won't attract consumers if they believe their privacy is being violated. Finding this fine balance of permitting enough free flow of information to allow ads to work and protecting consumers' privacy is going to be critical if the Internet is going to reach its full potential. And I believe this bill strikes the right balance.

I think all of the bill's cosponsors were hopeful that self-regulation of Internet privacy would work. And I think self-regulation still has an important role to play. But it seems that now it is up to Congress to establish a floor for Internet privacy. I have no doubt that many innovative high tech companies and advertisers will go beyond the regulations for notice and choice we provide here. A number of companies in my home state of Massachusetts already do, providing consumers with anonymity when they go online. I applaud and encourage those efforts and am certain that if Congress enacts this bill, they will continue.

But technology and innovation won't address all the concerns people have about Internet privacy. Congress has the responsibility to ensure that core privacy principles are the norm throughout the online world. We need to respond to the consumers who don't shop on the Internet because they are concerned about their privacy. This is necessary not only for the sake of the consumers, but for every online business that wants to grow and attract customers.

The bill that we are introducing today will encourage those skeptical consumers to go online. This legislation will require Web sites to clearly and conspicuously disclose their privacy policies. People deserve to know what information may be collected and how it may be used so that they can make an informed decision before they navigate around or shop on a particular Web site. They shouldn't have to click five times and need to translate legalese before they know what a site will do with their personal information. Requiring disclosure has the added benefit of providing the FTC with an enforcement mechanism. If a Web site fails to comply with its posted disclosure policy, the FTC can bring an action against it for unfair or deceptive acts. This is the bare minimum of what I believe consumers deserve and expect, and I don't think this would have any unintended or negative consequences on e-commerce.

In addition, this bill addresses the core principle of choice by requiring Web sites to offer consumers an easy to use method to prevent Web sites from using personally identifiable information for marketing purposes and to prevent them from selling that informa-

tion to third parties. This bill empowers consumers and lets them make informed decisions that are right for them.

By ensuring consumers have the right to full disclosure and the right to not have their personally identifiable information sold or disclosed, this bill addresses the most fundamental concerns many people have about online privacy. But I believe there are still a number of important questions that we need to answer. The first is whether there is a difference between privacy in the offline and online worlds.

Most of us hardly think about it when we go to the supermarket, but when Safeway or Giant scans my discount card or my credit card, it has a record of exactly who I am and what I bought. Should my preferences at the supermarket be any more or less protected than the choices I make online?

Likewise, catalog companies compile and use offline information to make marketing decisions. These companies rent lists compiled by list brokers. The list brokers obtain marketing data and names from the public domain and governments, credit bureaus, financial institutions, credit card companies, retail establishments, and other catalogers and mass mailers.

On the other hand, when I go to the shopping mall and look at five different sweaters but don't buy any of them, no one has a record of that. If I do the same thing online, technology can record how long I linger over an item, even if I don't buy it. Likewise, I can pick up any book in a book store and pay in cash and no one will ever know my reading preferences. That type of anonymity can be completely lost online.

This bill requires the National Research Council to study the issue of online versus offline privacy, and make a recommendation if there is a need for additional legislation in either area.

Likewise, this bill requires the Council to study the issue of access. While there is general agreement that consumers should have access to information they provided to a Web site, we still don't know whether it's necessary or proper for consumers to have access to all of the information gathered about an individual. Should consumers have access to click-stream data or so-called derived data by which a company uses compiled information to make a marketing decision about the consumer? And if we decide consumers need some access to this type of information, is it technology feasible? Will there be unforeseen or unintended consequences such as an increased risk of security breaches? Will there be less, rather than more privacy due to the necessary coupling of names and data? I don't we are ready to regulate until we have some consensus on this issue.

Finally, it is important to add that this bill in no way limits what Congress has done or hopefully will do with respect to a person's health or financial information. When sensitive infor-

mation is collected, it is even more important that stringent privacy protections are in place. I have supported a number of legislative efforts that would go far to protect this type of information.

Mr. ABRAHAM. Mr. President, today I rise to join with the Senator from Arizona, the Senator from Massachusetts, and the Senator from California in introducing the Consumer Privacy Enhancement Act. This legislation will provide Americans with some basic—but critically important—protections for their personal information when they are online.

Privacy has always been a very serious issue to American citizens. It is a concept enshrined in our Bill of Rights. As persons from all walks of life become increasingly reliant on computers and the Internet to perform everyday tasks, it is incumbent upon policymakers to ensure that adequate privacy protections exist for consumers. We must ensure that our laws evolve along with technology and continue to provide effective privacy protection for consumers surfing the World Wide Web and using the Internet for commercial activities.

The American people are letting it be known that they have mounting concerns about their vulnerability in this digital age. They are very concerned about the advent of this new high-tech era we've entered and the new threats it potentially poses to our personal privacy. And I believe there is a consensus building in Congress to begin to tackle the question of ensuring adequate privacy protections for individuals using the Internet.

Whether we can find a similar consensus on a particular legislative proposal remains to be seen. However, I think it is imperative that we begin to address this topic now and not simply wait until Congress reconvenes next year before we take the issue up. So I have joined my colleagues here in introducing legislation that I think accomplishes several important objectives.

The most important provision, I believe, is its most elemental concept: We require that before consumers are asked to provide personal information about themselves, they must be given an opportunity to review the website's privacy policy in order to learn how their information will be utilized. While many websites have privacy policies, including the vast majority of those websites receiving the most traffic, there are still many websites out there that do not offer privacy policies or adequate protections for consumers.

In addition, many of the privacy policies that do exist are very lengthy and often quite confusing to consumers. There are pages and pages of ambiguous legalese and often seemingly contradictory claims about how protected your information truly is. So our bill also calls on the Federal Trade Commission to ensure that privacy policies

are "clear, conspicuous, and easily understood," and that any consent mechanisms shall be "easy to use, easily accessible, and shall be available online."

Finally, this legislation recognizes the importance of allowing the Internet industry to continue to promote greater self-regulation and to develop new technology means for to continue to evolve and to help us address legitimate consumer privacy concerns. There have been several initiatives undertaken by industry leaders to get websites to develop and post privacy policies and to give consumers the option of when to provide information and for what uses. This legislation is designed to allow such efforts to continue and to provide for technological advances in the area of privacy to benefit consumers. For instance, Ford and other companies have been participating in the Privacy Leadership Initiative whereby companies engaged online are working to establish industry guidelines and protocols for protecting consumers privacy. Nothing we do here today should inhibit such industry efforts.

So with those critical features addressed, I believe the legislation we introduce today will be an important stepping stone along the path of ensuring that Americans can be confident of having their personal information will be protected when they go online.

I urge my colleagues to review this legislation and to support our efforts to protect consumers against unwarranted intrusions into their personal privacy when they are using their computers and surfing the Internet.

I yield the floor.

By Mrs. FEINSTEIN (for herself, Mr. HOLLINGS, and Mr. INOUE):

S. 2929. A bill to establish a demonstration project to increase teacher salaries and employee benefits for teachers who enter into contracts with local educational agencies to serve as master teachers; to the Committee on Health, Education, Labor, and Pensions.

#### MASTER TEACHER LEGISLATION

Mrs. FEINSTEIN. Mr. President, today Senators HOLLINGS, INOUE, and I are introducing a bill to create a demonstration grant program to help school districts create master teacher positions.

Our bill authorizes \$50 million for a five-year demonstration program under which the Secretary of Education would award competitive grants to school districts to create master teacher positions. Federal funds would be equally matched by states and local governments so that \$100 million total would be available. Under the bill, 5,000 master teacher positions could be created, or 100 per State, if each master teacher were paid \$20,000 on top of the current average teacher's salary.

As defined in this amendment, a master teacher is one who is credentialed; has a least five years of teaching experience; is judged to be an excellent

teacher by administrators and teachers who are knowledgeable about the individual's performance; and is currently teaching; and enters into a contract and agrees to serve at least five more years.

The master teacher would help other teachers to improve instruction, strengthen other teachers' skills, mentor lesser experienced teachers, develop curriculum, and provide other professional development.

The intent of this bill is for districts to pay each master teacher up to \$20,000 on top of his or her regular salary. Nationally, the average teacher salary is \$40,582. In California, it is \$44,585. Elementary school principals receive \$64,653 on average nationally and \$72,385 in California. The thrust of the master teacher concept in this bill is to pay teachers a salary closer to that of an administrator to keep good teachers in teaching.

The bill requires State and/or local districts to match federal funds dollar for dollar. It requires the U.S. Department of Education to give priority to school districts with a high proportion of economically disadvantaged students and to ensure that grants are awarded to a wide range of districts in terms of the size and location of the school district, the ethnic and economic composition of students, and the experience of the districts' teachers.

There are several reasons we need this bill.

#### NEW TEACHERS NEED SUPPORT

First, new teachers face overwhelming responsibilities and challenges in their first year, but in the real world, they get little guidance. When first-year teachers enter the classroom, there is typically little help available to them, in a year that will have a profound impact on the rest of their professional career. They are "out there alone," virtually isolated in their classroom, thrown into an unfamiliar school and classroom with a room full of new faces. By the current sink-or-swim method, new teachers often find themselves ill equipped to deal with the educational and disciplinary tasks of their first year.

In California, 23 percent of teachers in kindergarten through the third grade are novices. Furthermore, we have 30,000 inexperienced teachers on emergency credentials in California, over ten percent of our teaching workforce.

A new teacher can get experienced guidance from a master teacher who is paired with the new teacher. The master teacher can help plan lessons, improve instructional methods, and deal with discipline problems. "If you're [a master teacher] teaching a class, then you can say, 'last week I handled a discipline problem this way.' It's much more credible," said Carl O'Connell, a New York mentor teacher.

#### ENHANCING THE TEACHING PROFESSION

Second, master teacher programs can bring more prestige to teaching as a profession, by increasing the teacher's

salary, by rewarding experience, and by giving teachers opportunities to supervise others. A master teacher designation is a way to recognize outstanding ability and performance. A master teacher position can give teachers a professional goal, a higher level to pursue. A 1996 report by the National Commission for Teaching and America's Future said that creating new career paths for teachers is one of the best ways to give educators the respect they deserve and to ensure that proven teaching methods spread quickly and broadly.

In one survey of teachers which asked which factors make teachers stay in teaching, 79 percent of teachers said that respect for the teaching profession is needed in order to retain qualified teachers. Eighty percent said that formal mentoring programs for beginning teachers is key (Scholastic/Chief State School Officers' Teacher Voices Survey, 2000). Over 70 percent of teachers said that more planning time with peers is needed to keep teachers in the classroom. This amendment should help.

#### IMPROVING RETENTION, REDUCING TURNOVER

Because of the higher pay and enhanced prestige, a master teacher program can help to recruit and retain teachers. Mentor systems provide new teachers with a support network, someone to turn to. Studies indicate higher retention rates among new teachers who participate in mentoring programs. According to Yvonne Gold of California State University-Long Beach, 25 percent of beginning teachers do not teach more than two years and nearly 40 percent leave in the first five years. In the Rochester, New York, system, the teacher retention rate was nearly double the national average five years after establishing a mentoring program.

As Jay Matthews wrote in the May 16 Washington Post, programs like this "can provide a large boost to the profession's image for a relatively small amount of money." These programs can keep good teachers in the classroom, instead of losing them to school administration or industry. Larkspur, California, School Superintendent Barbara Wilson says she is "witnessing a steady exodus to dotcom and other, more lucrative industries." (San Francisco Chronicle, March 26, 2000).

Higher salaries and prestige for master teachers could deter the drain from the classrooms.

#### HOLDING TEACHERS ACCOUNTABLE

Another reason for this amendment is that teacher mentoring programs can make teacher performance more accountable. A master teacher can help novice teachers improve their teaching and get better student achievement. "Teachers cannot be held accountable for knowledge based, client-oriented decisions if they do not have access to knowledge, as well as opportunities for consultation and evaluation of their work," said Adam Urbanski, President of the Rochester, New York, Teachers

Association. He went on: "Unsatisfactory teacher performance often stems from inadequate and incompetent supervision. Administrators often lack the training and the resources to supervise teachers and improve the performance of those who are in serious trouble."

Good teachers are key to learning. Lower math test scores have been correlated with the percentage of math teachers on emergency permits and higher math test scores were linked both to the teachers' qualifications and to their years of teaching experience, according to "Professional Development for Teachers, 2000."

#### CALIFORNIA WOULD BENEFIT

This bill could be very helpful in California where one-fifth of our teachers will leave the profession in three years, according to an article in the February 9, 2000, Los Angeles Times.

California will need 300,000 new teachers by 2010. "More students to teach, smaller classes, teachers leaving or retiring means that California school districts are now having to hire a record 26,000 new teachers each year," says the report, "Teaching and California's Future, 2000." California's enrollment is growing at three times the national rate. With these kinds of demands, understaffing often leads to under qualified and new teachers entering the classroom. We have to do all we can to attract and retain good teachers.

#### EXAMPLES OF MASTER TEACHER PROGRAMS

California has instituted several programs along these lines. California has a program to help beginning teachers. It has grown from \$5 million (supporting 1,100 new teachers in 1992) to nearly \$72 million (serving 23,000 new teachers in 1999-2000). But even with this increase, the program still does not serve all new teachers," according to the report, Teaching and California's Future, 2000.

The Rochester City, New York, school system has a Peer Assistance and Review Program, begun by the schools and the Rochester Teacher Association. The Rochester program is working. "The evaluation is absolutely spectacular. The program has been a terrific success. It has been deemed a success by mentors, by the panel, by the district, by the union, and, most importantly, by the interns themselves," reported the newspaper, New York Teacher.

Delaware provides mentors for beginning teachers. "Not only are beginning teachers receiving the support they need, but the mentoring program is also developing networks among teachers within districts and across the state, and the mentors have 'a new enthusiasm' for teaching," as reported in "Promising Practices" in 1998.

Columbus, Ohio, schools instituted a Peer Assessment and Review program similar to Rochester's. It has two components: the intern program for all newly hired teachers and the intervention program for teachers who are hav-

ing difficulties in the classroom teaching. According to the State Education Agency, "the district has a lower rate of attrition than similar districts because of PAR." (Promising Practices, 1998).

The funds provided in this bill can supplement and expand existing State programs and help other States start new programs.

#### STUDENTS ARE THE WINNERS

The true beneficiaries of master teacher programs are the students and that is, or course, our fundamental goal. As stated in Rochester's teaching manual, the goal is "to improve student outcomes by developing and maintaining the highest quality of teaching, providing teachers with career options that do not require them to leave teaching to assume additional responsibilities and leadership roles."

I believe this bill can begin to provide teachers the real professional support they need, can attract and retain teachers and can bring to the profession the prestige it deserves.

I urge my colleagues to join in support of this bill.

By Mr. MURKOWSKI:

S. 2931. A bill to make improvements to the Arctic Research and Policy Act of 1984; to the Committee on Government Affairs.

#### IMPROVEMENTS TO THE ARCTIC RESEARCH AND POLICY ACT OF 1984

Mr. MURKOWSKI. Mr. President, today I rise to introduce legislation to improve the operation of the Arctic Research and Policy Act. We have about 15 years of experience with this Act, and the time has come to make some modifications to reflect the experience we have gained over that time.

The most important feature of this bill is contained in Section 4. This section authorizes the Arctic Research Commission, a Presidential Commission, to make grants for scientific research. Currently, the Commission can make recommendations and set priorities, but it cannot make grants. Our experience with the Act and the Commission has shown us that research needs that do not fit neatly in a single agency do not get funded, even if they are compelling priorities.

One example is a proposed Arctic contamination initiative that was developed a few years ago after we discovered that pollutants from the Former Soviet Union—including radionuclides, heavy metals and persistent organic pollutants—were working their way into the Arctic environment. It became clear that the job of monitoring and evaluating the threat was too big for any single agency. The Interior Department, given its vast land management responsibilities in Alaska, was interested. The Commerce Department, given the jurisdiction over fisheries issues, was interested. The Department of Health and Human Services, given its concern about the health of Alaska's indigenous peoples, was interested. The only agency that didn't

seem interested in the problem, strangely enough, was the EPA, which at the time was in the process of dismantling its Arctic Contaminants program.

Unfortunately, because the job was too big for any single agency, it was difficult to get the level of interagency cooperation necessary for a coordinated program. Moreover, agencies were unwilling to make a significant budgetary commitment to a program that wasn't under their exclusive control. If the Arctic Research Commission, which recognized the need, had some funding of its own to leverage agency participation and help to coordinate the effort, we would know far more about the Arctic contaminants problem than we do today.

Another example is the compelling need to understand the Bering Sea ecosystem. Over the past 20 years we have seen significant shifts in some of the populations comprising this ecosystem. King crab populations have declined sharply. Pollock populations have increased sharply. Steller sea lion populations have declined as have many types of sea birds. Scientists cannot tell us whether these population shifts are due to abiotic factors such as climate change, biotic factors such as predator-prey relationships, or some combination of both. Because the nation depends on this area for a significant portion of all its seafood, this is not an issue without stakeholders. Despite the chorus of interests and federal agencies that have said research is needed, a coordinated effort has not yet occurred. If the Arctic Research Commission, which recognized this need early on, had some funding of its own to leverage agency participation and help to coordinate the effort, we would know far more about the Bering Sea ecosystem than we do today.

This bill also makes a number of other minor changes in the Act:

Section 2 allows the Chairperson of the Commission to receive compensation for up to 120 days per year rather than the 90 days per year currently allowed by the Act. The Chairperson has a major role to play in interacting with the Legislative and Executive branches of the government, representing the Commission to non-governmental organizations, in interacting with the State of Alaska, and serving in international fora. In the past, chairpersons have been unable to fully discharge their responsibilities in the 90 day limit specified in the Act.

Section 3 authorizes the Commission to award an annual award not to exceed \$1,000 to recognize either outstanding research or outstanding efforts in support of research in the Arctic. The ability to give modest awards will bring recognition to outstanding efforts in Arctic Research which, in turn, will help to stimulate research in the Arctic region. This section also specifies that a current or former Commission member is not eligible to receive the award.



Section 5 authorizes official representative and reception activities. Because the Commission is not authorized to use funds for these kinds of activities, the Commission has experienced embarrassment when they were unable to reciprocate after their foreign counterparts hosted a reception or lunch on their behalf. Under this provision, the Commission may spend not more than two tenths of one percent of its budget for representation and reception activities in each fiscal year.

Mr. President, the Arctic Research and Policy Act and the Arctic Research Commission has worked well over the past 15 years. It can work even better with these modest changes. I look forward to working with my colleagues to enact this bill as soon as possible.

By Mr. NICKLES:

S. 2933. A bill to amend provisions of the Energy Policy Act of 1992 relating to remedial action of uranium and thorium processing sites; to the Committee on Energy and Natural Resources.

TO AMEND PROVISIONS OF THE ENERGY POLICY ACT OF 1992

Mr. NICKLES. Mr. President, I rise today to introduce a bill to amend provisions of the Energy Policy Act of 1992 relating to remedial action of active uranium and thorium processing sites. On October 24, 1992, President Bush signed the National Energy Policy Act of 1992 (EPACT) into law. Title X of EPACT authorized the Department of Energy to reimburse uranium and thorium processing licensees for the portion of the costs incurred in the remediation of mill tailings, groundwater and other by-product material generated as a result of sales to the federal government pursuant to the Atomic Energy Commission's procurement program.

The Title X reimbursement program has worked very well. The licensees have completed much of the surface reclamation at the Title X sites. However, increasingly stringent remediation standards and groundwater decontamination programs have significantly increased the cost and time necessary to complete remediation at many sites. Under current law, in order for a licensee to be eligible to recover the federal share of remediation costs incurred subsequent to December 31, 2002, the licensee must describe and quantify all costs expected to be incurred throughout the remainder of the site's cleanup in a plan for subsequent remedial action. This plan must be submitted to the Department of Energy before December 31, 2001 and approved prior to December 31, 2002.

This bill would amend Title X to extend the date, from 2002 to 2007, through which licensees can submit claims for reimbursement under the procedures now in place and extend the date until December 31, 2007 that licensees must submit their plans for subsequent remedial action to the Department of Energy. This legislation

does not seek any increase in the existing authorization. It merely provides the time necessary to prepare the plans on a more informed basis and avoid the unintended hardship which would likely result from the 2002 deadline.

Mr. President, I ask unanimous consent that the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2933

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

**SECTION 1. REMEDIAL ACTION AT ACTIVE URANIUM AND THORIUM PROCESSING SITES.**

Section 1001(b) of the Energy Policy Act of 1992 (42 U.S.C. 2296a(b)) is amended—

(1) in paragraph (1)(B)—

(A) in clause (i), by striking “2002” and inserting “2007”; and

(B) in clause (ii), by striking “placed in escrow not later than December 31, 2002,” and inserting “incurred by a licensee after December 31, 2007,”; and

(2) in paragraph (2)(E)(i), by striking “July 31, 2005” and inserting “December 31, 2008”.

By Mr. TORRICELLI:

S. 2934. A bill to provide for the assessment of an increased civil penalty in a case in which a person or entity that is the subject of a civil environmental enforcement action has previously violated an environmental law or in a case in which a violation of an environmental law results in a catastrophic event; to the Committee on Environment and Public Works.

**THE ZERO TOLERANCE FOR REPEAT POLLUTERS ACT OF 2000**

Mr. TORRICELLI. Mr. President, I rise today to draw attention to the increased number of environmental enforcement actions brought against repeat violators in the United States.

In 1970, many of America's rivers and lakes were dying, our city skylines were disappearing behind a shroud of smog, and toxic waste threatened countless communities. Today, after a generation of environmental safeguards, our rivers and lakes are becoming safe for fishing and swimming again. Millions more Americans enjoy clean air and safe drinking water, and many of our worst toxic dumps have been cleaned. Yet more remains to be done before we can truly say our environment is a healthy environment.

Indeed, in 1997 alone, over 11,000 environmental enforcement actions had to be taken at the State and Federal levels. Sadly, it is also becoming much more common for the defendants in these actions to be repeat violators. For instance, in 1994, a chemical company in New Jersey was fined \$6,000 for environmental violations. Just four years later, the same chemical company was again cited for an environmental crime—releasing cresol into the air. Unfortunately, this time 53 children and 5 adults had to be hospitalized and the EPA had to evacuate the local community.

Incidents such as this are becoming all too common. Under current law, the

penalties for repeat environmental violators, or parties responsible for environmental catastrophes resulting in serious injury, are too low. Indeed, paltry fines are insufficient deterrents for large corporations or parties that repeatedly commit environmental crimes. Between 1994 and 1998, New Jersey had 774 repeat violators—more than any other State in the nation. This lack of deterrence has serious repercussions for the environment and public health.

To provide a real safeguard against these repeat violators, today I will introduce the “Zero Tolerance for Repeat Polluters Act of 2000.” This legislation will create stiffer penalties for repeat violators of environmental safeguards and provides penalties that will more accurately reflect the costs to public health and the environment of catastrophic events. The bill also gives the EPA emergency order and civil action authority to address imminent and substantial endangerments of health and environment and creates a new EPA trust fund into which recovered funds can be used to address other significant threats.

Repeat environmental polluters that negligently endanger the public with their actions or inaction will not be tolerated. No individual or business should be able to endanger the public's health and safety with only the threat of a slap on the wrist hanging over them. The “Zero Tolerance for Repeat Polluters Act of 2000” goes a long way towards ensuring that public health and the environment are truly protected for future generations.

By Mr. GRAHAM (for himself, Mr. GRASSLEY, Ms. MIKULSKI, Mr. BAYH, Mr. BREAUX, Ms. COLLINS, and Mr. AKAKA):

S. 2935. A bill to amend the Employee Retirement Income Security Act of 1974, the Internal Revenue Code of 1986, and the Public Health Service Act to increase Americans' access to long term health care, and for other purposes; to the Committee on Finance.

**THE OMNIBUS LONG-TERM CARE ACT OF 2000**

Mr. GRAHAM. Mr. President, it is with great pleasure that I rise today to introduce the Omnibus Long-term Care Act of 2000 with my colleagues Senators GRASSLEY, MIKULSKI, BAYH, BREAUX, COLLINS, and AKAKA.

Americans in need of long-term care now face a fragmented and inadequate system of state and federal programs. This is no longer acceptable. Millions are struggling today to meet their long-term care needs, and these numbers will grow dramatically as the country ages. While Medicare reform is important, we will have accomplished little if we address seniors' acute care needs, but then leave them to suffer in poverty when they require long-term care.

I am pleased to introduce bipartisan legislation that demonstrates the Senate's commitment to addressing this issue in a comprehensive way. The Omnibus Long-term Care Act of 2000 will

help millions of seniors and their caregivers who are struggling in our communities, while also encouraging all Americans to better plan for their own retirements.

Many seniors move to Florida with plans of a comfortable retirement, but all too often, these hopes are never realized. A stroke or Alzheimer's Disease strikes and a family is quickly overwhelmed by their long-term care costs and responsibilities. To complicate matters, many spouses of disabled seniors are frail themselves, and so find it increasingly difficult to meet the needs of their loved ones.

Caregiving is also a huge concern for the millions of Americans in the sandwich generation, those who are caring both for their children and their parents, while also balancing work obligations. Almost one-third of all caregivers is juggling employment and caregiver responsibilities, and of this group, two-thirds have conflicts that require them to quit work, cut hours, or turn down promotions.

It is clear that too many Americans are now being forced to sacrifice their health and their careers to care for their loved ones. To help, this bill: provides the disabled or their caregivers with a \$3,000 long-term care tax credit; implements the National Family Caregiver Support Program, which will provide caregivers with information and services to help them meet their responsibilities; increases Social Services Block Grant funding for community-based long-term care services; and ensures that seniors can return to their nursing home after hospitalization.

This bill can also avert the long-term care crisis that will result if we do nothing to prepare for the aging of the Baby Boomers. Millions who are struggling to care for their parents today will soon need long-term care themselves. Baby Boomers had a higher divorce rate and fewer children than today's seniors, so they will not have the same support network that today's retirees enjoy.

With more seniors needing more paid help in the future, costs will skyrocket. According to the Congressional Budget Office, individual out-of-pocket costs for long-term care could nearly double from \$43 billion today to \$82 billion in 2020, and government's costs could increase from \$73 billion to \$125 billion in the same period. It is clear that future retirees and the government cannot afford business as usual.

We must ask all Americans to take more responsibility for their own long-term care needs. To help bring this about, this bill: offers a tax deduction for the premiums of long-term care insurance policies; provides long-term care insurance to federal employees; authorizes a national public information campaign to educate employers and employees about the benefits of long-term care coverage; mandates a federal survey to determine whether cities and counties are "elder-ready;" calls for studies to determine how best

to meet Americans' future long-term care needs; and includes a Sense of the Senate affirming the body's commitment to ensuring seniors' physical, emotional, and financial well-being in the new century.

The long-term care crisis we face demonstrates that we have neglected this issue for far too long. But we must act now. The large number of seniors and their caregivers who are suffering in our communities today and the future needs of the Baby Boomers require it. A big problem requires a big solution, and this bill helps protect seniors today and in the future.

All of the cosponsors of this legislation have championed the need to meet seniors' long-term care needs. The fact that we have all come together in a bipartisan manner demonstrates that the Senate is committed to addressing this issue in a meaningful way. I look forward to working with my colleagues and the many organizations that support this bill to make comprehensive long-term care reform a reality.

Ms. MIKULSKI. Mr. President I rise as a proud original cosponsor of the Omnibus Long-Term Care Act of 2000. I am very pleased to join Senators GRAM, GRASSLEY, BAYH, COLLINS, BREAUX, and AKAKA to introduce this bipartisan legislation that provides a comprehensive approach to the long-term care of our nation's citizens. I am committed to finding long-term solutions to the long-term care problem in our country.

I like this bill because it meets the day-to-day needs of Marylanders and the long-range needs of our country. At least 5.8 million Americans aged 65 and older currently need long-term care. While this legislation has many important provisions, I would like to highlight three of its features: the National Family Caregiver Support Program, long-term car insurance for federal employees, and the "return to home" provision.

First, this bill would establish the National Family Caregiver Support Program. I am proud to have sponsored and cosponsored this legislation previously in this Congress. This program will provide respite care, training, counseling, support services, information and assistance to some of the millions of Americans who care for older individuals and adult children with disabilities. In fact, eighty percent of all long-term care services are provided by family and friends. This program has strong bipartisan support, will get behind our nation's families, and give help to those who practice self-help.

As Ranking Member of the Subcommittee on Aging, I am pleased to report that last week the Health, Education, Labor, and Pensions Committee unanimously approved a bipartisan bill to reauthorize the Older Americans Act (OAA). This bill included the caregiver support program which is strongly supported by the entire aging community. As I work with Senators JEFFORDS, KENNEDY, and DEWINE and our col-

leagues in the House to pass the OAA reauthorization in September, I want to strongly urge fellow appropriators in the House and Senate to fund these vital caregiver support services as close as possible to the full funding level of \$125 million. Millions of Americans are waiting for Congress to act.

Second, I think it is important that this bill includes the Long-Term Care Security Act. This bill would enable federal and military workers, retirees, and their families to purchase long-term care insurance at group rates (projected to be 15-20 percent below the private market). It would create a model that private employers can use to establish their own long-term care insurance programs. As our nation's largest employer, the federal government can be a model for employers around the country whose workforce will be facing the same long-term care needs. Starting with the nation's largest employer also raises awareness and education about long-term care options.

Yesterday, the Senate passed the Long-Term Care Security Act (H.R. 4040). I am proud to be the lead Democratic sponsor of the Senate companion to this bill, S. 2420, because it gives people choices, flexibility, and security. Families will have an additional option available to them as they look at their long-term care choices. This provision would also help reduce reliance on federal programs, like Medicaid, so the American taxpayer benefits.

This legislation also provides people with flexibility because it allows them to receive care in different types of settings. They may choose to be cared for in the home by a family caregiver—or they may need a higher level of care that nursing homes and home health care services provide. Different plan reimbursement options will ensure maximum flexibility that meet the unique health care needs of the beneficiary.

Long-term care insurance also provides families with some security. Family members will not be burdened by trying to figure out how to finance health care needs—and beneficiaries will be able to make informed decisions about their future.

Finally, I am pleased that the bill we have introduced includes bipartisan legislation that I have previously sponsored, the Seniors' Access to Continuing Care Act (S. 1142). This legislation protects seniors' access to treatment in the setting of their choice and ensures that seniors who reside in continuing care communities, and nursing and other facilities have the right to return to that facility after a hospitalization, even if the insurer does not have a contract with the resident's facility.

Across the country seniors in managed care plans have discovered too late that after a hospital stay, they may be forced to return to a facility in the plan's provider network and not to the continuing care retirement community or skilled nursing facility

where they live. No senior should have to face this problem. In Maryland alone, there are over 12,000 residents in 40 continuing care retirement communities and 24,000 residents in over 200 licensed nursing facilities. I have visited many of these facilities and heard from residents and operators about this serious and unexpected problem.

Residents choose and pay for facilities like continuing care retirement communities (CCRC's) for the continuum of care, safety, security, and peace of mind. Hospitalization is traumatic. Friends, family, and familiar staff and faces are crucial to a speedy recovery. Where you return after a hospital stay should be based on humanity and choice, not the managed care company's bottom line.

Specifically, the Seniors' Access to Continuing Care Act protects residents of CCRC's and nursing facilities by: enabling them to return to their facility after a hospitalization; and requiring the resident's insurer or managed care organization (MCO) to cover the cost of the care, even if the insurer does not have a contract with the resident's facility. Certain conditions must be met.

This legislation also requires an insurer or MCO to pay for a service to one of its beneficiaries, without a prior hospital stay, if the service is necessary to prevent a hospitalization of the beneficiary and the service is provided as an additional benefit. Lastly, the bill requires an insurer or MCO to provide coverage to a beneficiary for services provided at a facility in which the beneficiary's spouse already resides, even if the facility is not under contract with the MCO. Certain requirements must be met. These provisions are an important part of our safety net for seniors.

I want to salute the strong leadership of the other cosponsors of this legislation who have authored various provisions of this comprehensive bill that we have joined together to introduce today. I know that all the cosponsors are sincerely committed, as I am, to addressing the challenges facing our aging population. I look forward to working with all of them to enact this important legislation.

Mr. AKAKA. Mr. President, it is with great pleasure that I cosponsor the Omnibus Long-term Care Act of 2000, introduced by Senator GRAHAM. The cosponsors of this legislation are well-known for their commitment to encouraging all Americans to prepare for their own long-term needs.

Many Americans mistakenly believe that Medicare and their regular health insurance programs will pay for long-term care. They do not. Although Medicare provides some long-term care support, an individual generally must "spend-down" his or her income and assets to qualify for coverage.

More and more Americans are requiring long-term care. About 6.4 million Americans, aged 65 or older, require some long-term care due to illness or disability. Over five million children

and adults under the age of 65 also require long-term care because of health conditions from birth or a chronic illness developed later in life. Only 12 percent receive care in nursing homes or other institutional settings.

The need for long-term care is great. In 20 years, one in six Americans will be age 65 or older. By the year 2040, the number of Americans age 85 years or older will more than triple to over 12 million. The cost of nursing home care now exceeds \$40,000 per a year in most parts of the country, and home care visits for nursing or physical therapy runs about \$100 per visit. In 1996, over \$107 billion was spent on nursing homes and home health care. However, this figure does not take into account that over 80 percent of all long-term care services are provided by family and friends.

In my own state of Hawaii, 13.2 percent of the population is 65 years and older. Although Hawaii enjoys one of the highest life expectancies—79 years, compared to a national average of 75 years—the state's rapidly aging population will greatly impact available resources for long-term care, both institutional and from non-institutional sources. Hawaii's long-term care facilities are operating at full capacity. According to the Hawaii State Department of Health, the average occupancy rate peaked at 97.8 percent in 1994. But occupancy remains high. By 1997, the average occupancy dropped to 90 percent.

These statistics point to the overriding need to help American families provide dignified and appropriate care to their parents and relatives. We know that the demand for long-term care will increase with each passing year, and that federal, state, and local resources cannot cover the expected costs. Nursing home costs are expected to reach \$97,000 by the year 2030.

What Congress can do, however, it make long-term care insurance available to a broad segment of the population. As the ranking minority member of the Subcommittee on Federal Services, I co-chaired a hearing on long-term care insurance on May 16, 2000. We heard testimony on S. 2420, legislation to authorize the Office of Personnel Management to contract with one or more insurance carriers for long-term care insurance for federal and military personnel and their families. As a cosponsor of that bill, I am pleased that just last night, the Senate passed our measure after substituting the text of S. 2420 under H.R. 4040, the House long-term care bill for the federal family. The bill, as amended, also includes provisions of S. 1232, the Federal Erroneous Retirement Coverage Corrections Act, which I cosponsored with Senator COCHRAN last year. These provisions will provide relief to the estimated 20,000 federal employees who, through no fault of their own, found themselves in the wrong retirement system. H.R. 4040, as amended, offer a model for the private sector. I am de-

lighted that similar legislation providing long-term care insurance for federal employees and military personnel is included in Senator GRAHAM's bill, and I welcome the opportunity to join with him in helping Americans meet their long-term care needs in a dignified manner.

The bill introduced today provides a comprehensive effort to address our citizens' long-term care needs. Among its provisions are the authorization of a phased-in tax deduction for the premiums of qualified long-term care insurance, implementation of the National Family Caregiver Support Program, restoration of \$2.38 billion authorization for the Social Services Block Grant, and creation of a national public information campaign.

Mr. President, I am pleased to be an original sponsor of this bill.

By Mr. ROBB (for himself, Mr. DASCHLE, Mr. BAUCUS, Mr. BREAUX, Mr. DODD, Mr. DORGAN, Mr. JOHNSON, Mr. KENNEDY, Mr. KERREY, Mr. KERRY, Mr. LEAHY, Mr. LIEBERMAN, Mrs. LINCOLN, Mr. REID, Mr. ROCKEFELLER, Mr. SCHUMER, Mr. TORRICELLI, Mr. HARKIN, and Mr. BAYH):

S. 2936. A bill to provide incentives for new markets and community development, and for other purposes; to the Committee on Finance.

CREATING NEW MARKETS AND EMPOWERING AMERICA ACT OF 2000

Mr. ROBB. Mr. President, I rise today to introduce the Creating New Markets and Empowering America Act of 2000, which is designed to strengthen and revitalize low and moderate income communities across America.

Because we made some tough choices to balance our budget, we have the first federal surplus since Lyndon Johnson was President. And now is the time to give some back, particularly to those who have missed out on so much of our economic prosperity. This legislation would pump new capital into our nation's inner cities and isolated rural communities—areas that have had a difficult time building up from within.

The legislation contains three "New Markets" initiatives designed to attract and expand new capital into low to moderate income areas. First, a New Markets Tax Credit would infuse \$15 billion in investments over the next 7 years through a 30 percent tax credit for businesses who provide capital to lower income communities. Secondly, the bill authorizes the designation of America's Private Investment Companies (APIC's) which would receive federal matching funds for private investments made in lower income areas. This provision would allow \$1 billion in federal low-cost loans to match \$500 million in private investment. Thirdly, the bill would create a new class of venture capital funds to assist with the operation and administration of ongoing businesses in lower income areas, who have growth potential, so they can continue to expand.

The bill also requires mandatory funding for Round II Empowerment Zones (EZ's) and Enterprise Communities (EC's) and creates a new set of Round III EZ's.

Mr. President, the mandatory funding of Round II Empowerment Zones is critically important to the citizens of Norfolk and Portsmouth, Virginia. The Federal Government made a commitment to these two communities—they need and deserve the funding—and I am determined to get the check in the mail to them. With this legislation, the Norfolk-Portsmouth Empowerment Zone would be guaranteed the remaining \$94 million it was promised when it competed for the Empowerment Zone designation.

The legislation I'm introducing today also creates 40 Renewal Communities—which reflect the agreement between President Clinton and Speaker HASTERT—along with a host of tax provisions to expand and revitalize housing.

Very important to my home state of Virginia, this bill contains legislation I introduced earlier this year (S. 2445) to assist communities affected by job loss due to trade. The Assistance in Development for Communities Act (AID for Communities Act) both assists communities in developing a plan to retool their economies and offers financial assistance and tax incentives to help communities implement those plans.

Mr. President, the AID for Communities Act is immensely important to the people of Martinsville, Virginia—who have suffered economic devastation from the recent closing of a Tultex plant. This bill would give the citizens of Martinsville the urgent assistance they need to strengthen their economy and create a more vibrant future for all who live there.

Finally, Mr. President, this legislation includes two new initiatives to help religious and other community organizations better participate in federal grant programs. Specifically, it requires the Substance Abuse and Mental Health Services Administration to provide assistance in a manner similar to HUD's Office of Community and Faith-Based Organizations to assist faith-based and community organizations in applying for federal grant funds to provide substance abuse treatment. It would also require the IRS to provide guidance and make information available to assist religious and community organizations in establishing tax-exempt entities that can be used to operate social services.

Many of these organizations are unfamiliar with the process necessary to set up a tax-exempt organization and are, therefore, unable to participate in federal grant programs. This provision would provide them with the necessary information and assistance.

Mr. President, the "Creating New Markets and Empowering America Act of 2000" will spur economic growth in low to moderate income communities across our nation. As such, it will im-

prove the lives of countless Americans. I urge my colleagues to support this important legislation.

Mr. BAUCUS. Mr. President, I rise today to cosponsor the Creating New Markets and Empowering America Act of 2000. We are living in a time of unprecedented prosperity. However this prosperity has not reached every American equally. The boom on Wall Street has not reached Main Street in many regions of our nation. The problem is quite simple. Many of our lower income communities are unable to attract the investment capital that is allowing more affluent areas to flourish. As the United States economy continues to grow it has become more and more apparent that attracting capital to these communities is one of the largest challenges facing the private sector and all levels of government.

It is important to keep in mind that this is not just an urban problem. Many rural communities, especially those that rely on agriculture, are watching their jobs disappear with nothing on the horizon in the form of new business or industry to offer much hope. My home state of Montana is facing this economic turmoil right now. A state that was built on agriculture, mining, and timber has watched these industries diminish to the point that Montana is now 50th in per-capita income relative to other states—dead last.

We often hear the phrase "digital divide." Well, Montana is standing on the edge of an economic divide, but we are not quitters. Montana has much to offer. We have an unparalleled quality of life, a highly-educated work force, a burgeoning high-tech sector, and top-notch schools. In many respects, we are right on the cusp of an economic upswing. However, we are having an extremely difficult time attracting the investment capital that we need to become a partner in the Internet mainstream, create good paying jobs, and truly turn the economic corner.

This past June over the course of two days, I convened a Montana Economic Development Summit that brought together not only our state's leaders and decision makers, but also outside experts in various disciplines in an effort to build a road map for improving Montana's economy. We covered many issues, but primarily focused on high-tech, business development, and marketing and trade. We tackled tough questions such as how we retain and support our current businesses and also attract new businesses that truly fit with Montanans and their values. Three points came up time and again. First, the need for and inability to get the necessary investment capital. We simply do not have the population or resources available that larger states enjoy. Second, our window of opportunity is closing. Time moves faster than it used to and if we don't act quickly the world will move right past us. Third, and most importantly, any action or strategy that we take must

come from begin locally. Economic development initiatives must be bottom-up and not top-down or they just will not work.

It is for these three reasons that I am cosponsoring this legislation. The New Markets proposals are a quick and efficient way to leverage the necessary investment in lower-income communities through private/public partnerships. And it will give these communities the tools they need to map their own economic destiny and create the better paying jobs that are so desperately needed.

Two portions illustrate the private/public partnership. On the public side, the Trade Adjustment Assistance provision will enhance the ability of each community to be proactive in crafting a long-term strategy for economic development. This is crucial for communities and regions in rural areas that are natural resource dependent and have suffered severe employment losses in the past decade. For the private sector, the New Markets tax credit will create opportunity by providing a tangible incentive for companies to take a serious look at areas of the country that are currently being ignored.

In closing, this legislation will provide the necessary ingredients for revitalizing America's less fortunate rural areas. It will help target investment to these communities and it will allow them the flexibility to build their economies on their terms and their ability. I commend my colleague from Virginia, Senator ROBB, for introducing such proactive legislation that addresses several of the most urgent issues facing economically troubled areas. Finally, I urge my colleagues to work together and pass this legislation so that states like Montana can begin their long climb back up to economic stability and prosperity.

Mr. KERRY. Mr. President, today I join Senator ROBB and 16 other colleagues to introduce comprehensive legislation aimed at spurring economic development and person empowerment in our inner cities and isolated rural areas. Our economy is booming, and has been for most of the 90s, yet there are still individuals and families who are struggling.

What we've tried to do is develop economic incentives that will encourage business development and remove barriers that make it hard for entrepreneurs, community organizations and individuals to build healthy communities.

Among the many important initiatives in this bill is my new markets legislation that I introduced last September, S. 1594, the Community Development and Venture Capital Act, which passed the Senate Committee on Small Business today, and as part of the Clinton/Hastert package in the House yesterday. It also includes full funding for Round II of Empowerment Zones.

The Community Development and Venture Capital Act has three parts: a

venture capital program to funnel investment money into distressed communities; Senator WELLSTONE's program to expand the number of venture capital firms and professionals who are devoted to investing in such communities; and a mentoring program to link established, successful businesses with small businesses owners in stagnant or deteriorating communities in order to facilitate the learning curve.

The venture capital program is modeled after the Small Business Administration's successful Small Business Investment Company program. As SBA Administrator Alvarez pointed out just last week in a Small Business Committee hearing, the SBIC program has been so successful that it has generated more than \$19 billion in investments in more than 13,000 businesses since 1992. And, in the past five years, the SBIC participating securities program has returned \$224 million in profits, virtually paying for itself for the past nine years.

As successful as that program is, it does not sufficiently reach areas of our country that need economic development the most. One, out of the total \$4.2 billion that SBICs invested last year, only 1.6 percent were deals of less than \$1 million dollars in LMI areas. Two, only \$1.1 million of that \$4.2 billion went to LMI investments in rural areas. Three, in 1999, 85 percent of SBIC deals were \$10 million and more.

In broader terms, the economy is booming. Since 1993, almost 21 million jobs have been created. Since 1992, unemployment has shrunk from 7.5 percent to 4 percent. In the past two years, we've paid down the debt \$140 billion, and CBO currently projects a surplus of \$176 billion. Some estimates even say more than \$2 trillion. In spite of these impressive numbers, one out of five children grows up in poverty and there are pockets of America where unemployment is as high as 14 percent.

We can make a difference by investing in a new industry of community development venture capital funds that target investment capital and business expertise into low- and moderate-income areas to develop and expand local businesses that create jobs and alleviate economic distress. The existing 25 or 30 community development venture capital funds have set out to demonstrate that the same model of business development that has driven economic expansion in Silicon Valley and Route 128 Massachusetts can also make a powerful difference in areas like the inner-city areas of Boston's Roxbury or New York's East Harlem, or the rural desolation of Kentucky's Appalachia or Mississippi's Delta region.

Federal Reserve Board Chairman Alan Greenspan says "Credit alone is not the answer. Businesses must have equity capital before they are considered viable candidates for debt financing." He emphasizes that this is particularly important in lower-income communities.

What I'm trying to do as Ranking Member of the Small Business Com-

mittee, and have been working with the SBA to achieve, is expand investment in our neediest communities by building on the economic activity created by loans. I think one of the most effective ways to do that is to spur venture capital investment in our neediest communities. I am very glad that Senator ROBB and my other colleagues agreed to include this powerful economic development plan in this legislation.

Switching to another provision in this bill, this legislation builds on the President's and Speaker's agreement by securing full, mandatory funding for Massachusetts's Empowerment Zone. As I said earlier, this passed the full House yesterday by a vote of 394 to 27. Full, mandatory funding is important because, so far, the money has dribbled in—only \$6.6 million of the \$100 million authorized over ten years—and made it impossible for the city to implement a plan for economic self-sufficiency. Some 80 public and private entities, from universities to technology companies to banks to local government, showed incredible community spirit and committed to matching the EZ money, eight to one. Let me say it another way—these groups agreed to match the \$100 million in Federal Empowerment Zone money with \$800 million. Yet, regrettably, in spite of this incredible alliance, the city of Boston has not been able to tap into that leveraged money and implement the strategic plan because Congress hasn't held up its part of the bargain. I am extremely pleased that we were able to work together and find a way to provide full, steady funding to these zones. That money means education, daycare, transportation and basic health care in areas—in Massachusetts that includes 57,000 residents who live in Roxbury, Dorchester and Mattapan—where almost 50 percent of the children are living in poverty and nearly half the residents over 25 don't even have a high school diploma.

Mr. President, I thank my colleagues for their work on this important legislation.

Mr. LEAHY. Mr. President, I rise today to give my support to the Creating New Markets and Empowering America Act of 2000. In a time of unprecedented economic prosperity, there are too many communities in this nation that are beleaguered by crumbling infrastructures and stagnant economies. This legislation will help attract capital, produce much-needed housing, and encourage private investment to communities most in need.

I am proud to join in cosponsoring this legislation and would like to thank Senator ROBB for all his hard work in crafting this bill. Of particular importance to my home state of Vermont are increases in the Low Income Housing Tax Credit and Private Activity Bond cap.

Vermont is currently in the middle of an affordable housing crisis. Production has stalled and demand has risen.

In Chittenden County, one of Vermont's most populated areas, residents face a rental vacancy rate of less than one percent. Housing costs are so expensive, middle income families are being forced into hotels, college dorms, homeless shelters, or left out on the street. Sadly, this is a situation that is being repeated nationwide.

As funding for other federal housing assistance programs has diminished, states depend more and more on the LIHTC and private activity bonds to finance affordable housing projects. The LIHTC has been extremely successful since its enactment as part of the Tax Reform Act of 1986. Today, the LIHTC is one of the primary tools that states have to attract private investment in affordable rental housing. In Vermont, the LIHTC has made possible the production, rehabilitation, and preservation of over 2,600 affordable apartments since 1987. Unfortunately this credit has not been increased since its creation nearly fourteen years ago. Today, the demand for tax credits far exceeds their availability. This year in Vermont, over \$2.5 million in credits were requested but only \$718,000 were available.

I am pleased that this bill raises the annual per capita allocation of tax credits from \$1.25 to \$1.75 and indexes the credit to inflation. In addition to the increased per capita allocation, I hope to work a small state minimum. Such a floor would help to ensure that small states like Vermont have access to the resources they need to provide affordable housing for every resident in need.

Private activity bonds also play an important role in providing affordable housing for Vermonters. In 1986 the Federal Tax Reform Act limited the amount of tax-exempt bonds that each state could issue to no more than \$50 per capita. There has not been an inflation adjustment to the cap since its inception. The Vermont Housing Finance Agency (VHFA) has issued over \$1.25 billion in private activity bonds since 1974, bonds which have helped make the dream of home ownership a reality for over 20,425 Vermont households. I am pleased that this bill includes a cap increase from \$50 to \$75 per capita which will help Vermont's finance agencies continue this success.

Again, I am proud to be a cosponsor of this bill which will offer many households, businesses and communities new opportunities as we enter the 21st century. I urge my colleagues to join me in support of this legislation.

By Mr. DOMENICI (for himself,  
Mr. WYDEN, Mr. GRASSLEY, and  
Mr. KERREY):

S. 2937. A bill to amend title XVIII of the Social Security Act to improve access to Medicare+Choice plans through an increase in the annual Medicare+Choice capitation rates and for other purposes; to the Committee on Finance.

THE MEDICARE GEOGRAPHIC FAIR PAYMENT ACT  
OF 2000

Mr. DOMENICI. Mr. President, I rise today with some very distinguished colleagues from both sides of the aisle—Senator WYDEN, who is here, and Senator GRASSLEY, who is not here—who are cosponsors of this measure, along with Senator BOB KERREY of Nebraska.

Mr. President, let me suggest for Senators' staff who are looking at this to look alphabetically. You will find how much is being reimbursed in your cities for the Medicare+Choice reimbursement. Look at it, and you will see how the HMOs are reimbursed to provide this rather good, fair, and competitive coverage to the senior citizens. You will be astounded. Many people think New York is covered. They are getting a very high rate of reimbursement because they started high. But look at some of the cities in New York. You will find that New York has a number of cities that are under \$450. We reimburse them on the high level—as high as \$800.

The bill we are introducing today we are going to call the Medicare Geographic Fair Payment Act. Week after week, the Federal Government deducts a portion of everyone's paycheck to support the Medicare program. After our seniors have retired and begin to take advantage of the program they have supported for so many years, I think it is fair that they continue to have a choice.

Right now they have a choice. But the choice is really not for all seniors because we made a decision when we put in the Medicare+Choice Program, which was really an alternative that seniors could choose. We made a decision as to how we would reimburse the provider. That decision was made based upon, as I understand from my good friend, Senator WYDEN—allegedly based on what they needed to get the job done to get the program going.

I don't intend to be critical, but in many instances those who had not been frugal, had not been careful about costs, got high reimbursements. But if you lived in Senator WYDEN's State or New Mexico, where they were being extremely frugal in what they charged for the services, they got a very low rate.

It is unfortunate, but for Staten Island the rates of reimbursement are \$814; \$794 for Dade County—I am not complaining; I am stating a dollar amount—\$702 for New Orleans; and \$661 for Los Angeles.

Senator WYDEN, perhaps, could intervene and tell me what it is in Portland.

Mr. WYDEN. \$445.

Mr. DOMENICI. \$445; Albuquerque is \$430, \$15 under Oregon. That is all the government will give as reimbursement if you decide to get into the HMO business with hospitals and everybody else joining together, if you are going to furnish this service. Remember, there are some places getting \$800-plus.

I am not here to take away anything from anyone. That is how our amend-

ment is different. We are not trying to take the pie, leave it the same size, and say those who are getting more money have to cut back. Rural areas are even lower and are expected to provide the same level of benefits or nearly half the reimbursement.

There were seniors who had a marvelous Medicare+Choice Program. Why was it good? It was good because for a reasonable cost they were getting prescription drugs, which you don't get under Medicare, and the whole package was new benefits. Some of them got dental insurance, which they don't get. Some of them got a number of different things they don't get under Medicare, for a premium they could afford.

These programs are being closed down every day we delay. Thousands of seniors are getting notices. They had a good program, but they won't have it in January. I want everybody to know if there are going to be any entitlement bills getting out of here on anything that is even close to Medicare, this is an amendment that will be on there—or something better. This amendment says by January 1st of this year, the rates are raised. They are these low rates we are talking about. Very simply, under this bill, we will change the rates.

It is pretty easy for everybody to understand. This is not a complicated bill. What we are doing is saying for those metropolitan areas which are 250,000 or more, the minimum reimbursement will be \$525. If we can't get that through here to preserve some of these plans where seniors are just falling off the log, desperately getting their notices, and raising it to \$525, then I don't know what is fair around here anymore. For all the rural counties, we have raised the minimum to \$475.

My friend, Senator WYDEN, can talk about his State and about his observations. Clearly, he has been asking everybody around here, including the Budget Committee, to have hearings on this great disparity which he calls penalizing efficiency.

The truth of the matter is in my home city and in my State of New Mexico, what is happening, the HMO companies can no longer stay in business. Seniors are getting notified. In fact, we don't have a lot of people under this program—15,000 are going to get knocked off the program right now, very soon. If you think they are not going to meetings, they met with Heather Wilson, one of our representatives, and 400 people showed up because they read in the newspaper she was holding a meeting and they already got their notices: Come January, find a new plan. They are asking: Why? The plan is good. It is very good for me. I have been paying all my life. Why are you taking this away?

I ask Senators to take a look. In my case, we will get \$34 million in additional reimbursements during the first year and \$170 out of this bill. Incidentally, this bill will cost \$700 million the

first year. I say to the thousands of seniors who may be able to keep their insurance and be under this kind of program, that is a pretty good bargain. Over 5 years, it will cost \$3.7 billion.

It also includes a third provision which I ask Senators to look at. It is the product of some very wise thinking by Senator Grassley. It should have been separately called the GRASSLEY bill, but it is packaged in this as our third title. It says essentially hospitals will hereinafter be reimbursed on labor costs—on what the actual cost is, not on what the stated cost is. That makes the payment to hospitals go up substantially. My small State will go up about \$6.5 million over the year. I don't know what it would be in a State such as Ohio, but it would be rather substantial.

I have extensive research, with cities alphabetically listed. Just look for your city and see what the reimbursement rate is. If it is under \$525, we will take it to \$525. If there are rural counties that are not in these lists, call home and ask what some of the counties are getting reimbursed. Raising it to \$475 will help an awful lot of people. Is it enough? I don't know. I want to get something done. My friend wants to get something done, as do my two cosponsors. I assume in a couple of days or a week we will have a lot more Senators, bipartisan, asking to be on this.

I remind everyone, the total cost of doing a bit of fairness to seniors and ending discrimination by region is going to be \$700 million in the first year and \$3.7 over 5. We have been talking about astronomical numbers for Medicare reform, prescription drugs. I don't know where we will end up. I hope in the heat of this political 6 weeks we don't do anything major, because it will be wrong, but clearly we have to do something.

Come January 1, if we don't put money into this reimbursement program, I think my friend, who has followed this carefully, will say hundreds of thousands of seniors will be denied the option to buy coverage which they think is rather good in many cases, including prescription drugs, for which they only have to pay \$50 extra. They can't get that anywhere else. They got extensive coverage of items in their health care needs that are not covered anywhere.

I very much thank the Senators who are cosponsoring, Senators WYDEN, GRASSLEY, and BOB KERREY of Nebraska. We will have more.

Mr. President, I ask unanimous consent that the bill and additional material be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 2937

*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 "Medicare Geographic Fair Payment Act of 2000".



**SEC. 2. IMPROVED ACCESS TO MEDICARE+CHOICE PLANS THROUGH AN INCREASE IN THE ANNUAL MEDICARE+CHOICE CAPITA-TION RATES.**

Section 1853(c)(1)(B)(ii) of the Social Security Act (42 U.S.C. 1395w-23(c)(1)(B)(ii)) is amended—

(1) by striking “(ii) For a succeeding year” and inserting “(ii)(I) Subject to subclause (II), for a succeeding year”; and

(2) by adding at the end the following new subclause:

“(II) For 2001 for any area in any Metro-politan Statistical Area with a population of

more than 250,000, \$525 (and for any area out-side such an area, \$475).”.

**SEC. 3. REQUIREMENT THAT THE ACTUAL PRO-PORTION OF A HOSPITAL'S COSTS ATTRIBUTABLE TO WAGES AND WAGE-RELATED COSTS BE WAGE AD-JUSTED.**

(a) IN GENERAL.—The first sentence of sec-tion 1886(d)(3)(E) of the Social Security Act (42 U.S.C. 1395ww(d)(3)(E)) is amended by striking “, (as estimated by the Secretary from time to time) of hospitals’ costs” and inserting “of each hospital’s costs (based on the most recent data available to the Sec-retary with respect to the hospital)”.

(b) SPECIAL RULE FOR HOSPITALS LOCATED IN PUERTO RICO.—Section 1886(d)(3)(E) of the Social Security Act (42 U.S.C. 1395ww(d)(3)(E)) is amended by adding at the end the following new sentence: “In the case of a hospital located in Puerto Rico, the first sentence of this subparagraph shall be ap-plied as in effect on the day before the date of enactment of the Geographic Adjustment Fairness Act of 2000.”.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to discharges occurring on or after January 1, 2001.

TABLE 1.—AVERAGE MEDICARE+CHOICE PAYMENT RATES PER AGED BENEFICIARY, PER MONTH, PER COUNTY IN METROPOLITAN STATISTICAL AREAS AND PRIMARY METROPOLITAN STATISTICAL AREAS, FY 2000

Population <sup>1</sup>	Metropolitan statistical area	State and county name	2000 pay-ment rate
2	Akron, OH PMSA .....	OH Summit .....	\$569.96
		OH Portage .....	517.50
2	Albany-Schenectady-Troy, NY MSA .....	NY Rensselaer .....	451.95
		NY Albany .....	426.70
		NY Saratoga .....	426.15
		NY Montgomery .....	415.97
		NY Schenectady .....	414.50
		NY Schoharie .....	408.51
2	Albuquerque, NM MSA .....	NM Bernalillo .....	430.44
		NM Sandoval .....	402.64
		NM Valencia .....	401.61
2	Allentown-Bethlehem-Easton, PA MSA .....	PA Northampton .....	550.07
		PA Carbon .....	530.57
		PA Lehigh .....	520.68
2	Ann Arbor, MI PMSA .....	MI Washtenaw .....	557.62
		MI Livingston .....	535.35
		MI Lenawee .....	492.06
2	Appleton-Oshkosh-Neenah, WI MSA .....	WI Calumet .....	401.61
		WI Outagamie .....	401.61
		WI Winnebago .....	401.61
1	Atlanta, GA MSA .....	GA Clayton .....	639.17
		GA Douglas .....	631.97
		GA Coweta .....	612.58
		GA Henry .....	578.76
		GA Newton .....	572.05
		GA Fulton .....	569.09
		GA Walton .....	562.39
		GA Gwinnett .....	560.30
		GA Forsyth .....	560.28
		GA Paulding .....	552.37
		GA Cobb .....	552.00
		GA Barrow .....	549.34
		GA De Kalb .....	549.32
		GA Carroll .....	538.55
		GA Cherokee .....	536.79
		GA Pickens .....	532.62
		GA Fayette .....	531.71
		GA Rockdale .....	528.77
		GA Spalding .....	491.23
		GA Bartow .....	457.53
2	Atlantic-Cape May, NJ PMSA .....	NJ Cape May .....	575.01
		NJ Atlantic .....	564.89
2	Augusta-Aiken, GA—SC MSA .....	GA McDuffie .....	506.13
		GA Columbia .....	480.21
		GA Richmond .....	474.28
		SC Aiken .....	472.78
		SC Edgefield .....	401.61
2	Austin-San Marcos, TX MSA .....	TX Travis .....	457.95
		TX Caldwell .....	449.43
		TX Bastrop .....	437.16
		TX Hays .....	429.58
		TX Williamson .....	411.43
2	Bakersfield, CA MSA .....	CA Kern .....	549.94
1	Baltimore, MD PMSA .....	MD Baltimore City .....	671.43
		MD Anne Arundel .....	596.99
		MD Howard .....	575.83
		MD Baltimore .....	573.77
		MD Harford .....	567.54
		MD Carroll .....	519.96
		MD Queen Annes .....	468.85
2	Baton Rouge, LA MSA .....	LA Ascension .....	701.89
		LA Livingston .....	669.57
		LA E. Baton Rouge .....	574.48
		LA W. Baton Rouge .....	569.45
2	Beaumont-Port Arthur, TX MSA .....	TX Jefferson .....	635.70
		TX Orange .....	628.21
		TX Hardin .....	580.77
1	Bergen-Passaic, NJ PMSA .....	NJ Bergen .....	559.77
		NJ Passaic .....	537.18
2	Biloxi-Gulfport-Pascagoula, MS MSA .....	MS Jackson .....	630.08
		MS Hancock .....	612.91
		MS Harrison .....	596.61
2	Binghamton, NY MSA .....	NY Broome .....	415.83
		NY Tioga .....	403.34
2	Birmingham, AL MSA .....	AL Shelby .....	686.53
		AL Blount .....	575.59
		AL St. Clair .....	570.54
		AL Jefferson .....	557.62
2	Boise City, ID MSA .....	ID Ada .....	401.61
		ID Canyon .....	401.61
1	Boston, MA-NH PMSA .....	MA Suffolk .....	676.30
		MA Norfolk .....	628.81
		MA Middlesex .....	604.17
		MA Plymouth .....	566.16
		MA Essex .....	542.07
		NH Rockingham .....	479.31
2	Bridgeport, CT PMSA .....	CT Fairfield .....	546.20
2	Brownsville-Harlingen-San Benito, TX MSA .....	TX Cameron .....	439.76
1	Buffalo-Niagara Falls, NY MSA .....	NY Niagara .....	458.37

TABLE 1.—AVERAGE MEDICARE+CHOICE PAYMENT RATES PER AGED BENEFICIARY, PER MONTH, PER COUNTY IN METROPOLITAN STATISTICAL AREAS AND PRIMARY METROPOLITAN STATISTICAL AREAS, FY 2000—Continued

Population <sup>1</sup>	Metropolitan statistical area	State and county name	2000 payment rate
2	Canton-Massillon, OH MSA .....	NY Erie .....	444.70
		OH Stark .....	439.09
2	Charleston, WV MSA .....	OH Carroll .....	425.34
		WV Kanawha .....	485.94
2	Charleston-North Charleston, SC MSA .....	WV Putnam .....	459.31
		SC Charleston .....	480.38
		SC Berkeley .....	455.71
1	Charlotte-Gastonia-Rockhill, NC-SC MSA .....	SC Dorchester .....	429.44
		NC Cabarrus .....	459.94
		NC Gaston .....	456.16
		NC Mecklenburg .....	433.27
		NC Union .....	433.15
		NC Lincoln .....	431.34
		SC York .....	430.89
2	Chattanooga, TN-GA MSA .....	NC Rowan .....	429.39
		TN Marion .....	689.49
		GA Walker .....	533.01
		TN Hamilton .....	526.68
		GA Catoosa .....	503.89
1	Chicago, IL PMSA .....	GA Dade .....	497.19
		IL Cook .....	593.51
		IL Will .....	523.73
		IL Grundy .....	519.32
		IL Du Page .....	509.42
		IL Lake .....	507.05
		IL Kane .....	482.60
		IL Mc Henry .....	466.26
		IL Kendall .....	444.33
1	Cincinnati, OH-KY-IN PMSA .....	IL De Kalb .....	415.25
		OH Hamilton .....	505.97
		OH Clermont .....	505.91
		KY Boone .....	502.28
		KY Kenton .....	483.13
		KY Campbell .....	479.25
		OH Brown .....	473.04
		IN Ohio .....	471.63
		IN Dearborn .....	469.59
		KY Grant .....	469.13
		OH Warren .....	468.11
		KY Gallatin .....	457.05
1	Cleveland-Lorain-Elyria, OH PMSA .....	KY Pendleton .....	422.65
		OH Cuyahoga .....	575.59
		OH Lorain .....	522.63
		OH Medina .....	511.38
		OH Lake .....	506.72
		OH Ashtabula .....	503.62
2	Colorado Spring, CO MSA .....	OH Geauga .....	484.81
2	Columbia, SC MSA .....	CO El Paso .....	472.16
		SC Lexington .....	429.22
2	Columbus, GA-AL MSA .....	SC Richland .....	406.65
		GA Chattahoochee .....	486.30
		AL Russell .....	450.62
		GA Muscogee .....	430.84
1	Columbus, OH MSA .....	GA Harris .....	401.61
		OH Madison .....	511.41
		OH Franklin .....	496.33
		OH Fairfield .....	461.07
		OH Pickaway .....	453.38
		OH Delaware .....	450.01
		OH Licking .....	434.03
2	Corpus Christi, TX MSA .....	TX Nueces .....	515.88
1	Dallas, TX PMSA .....	TX San Patricio .....	501.62
		TX Denton .....	557.79
		TX Collin .....	547.45
		TX Dallas .....	545.56
		TX Rockwall .....	511.05
		TX Kaufman .....	510.50
		TX Henderson .....	507.26
		TX Ellis .....	489.89
		TX Hunt .....	484.39
2	Davenport-Moline-Rock Island, IA-AL MSA .....	IA Scott .....	420.23
		IL Rock Island .....	416.48
2	Daytona Beach, FL MSA .....	IL Henry .....	401.72
		FL Volusia .....	481.63
2	Dayton-Springfield, OH MSA .....	FL Flagler .....	432.48
		OH Montgomery .....	497.25
		OH Clark .....	487.66
		OH Miami .....	461.54
1	Denver, CO PMSA .....	OH Greene .....	438.27
		CO Denver .....	534.62
		CO Adams .....	513.59
		CO Arapahoe .....	484.26
		CO Jefferson .....	475.87
		CO Douglas .....	452.51
2	Des Moines, IA MSA .....	IA Polk .....	443.74
		IA Warren .....	405.72
1	Detroit, MI PMSA .....	IA Dallas .....	401.61
		MI Wayne .....	677.77
		MI Oakland .....	639.26
		MI Macomb .....	628.03
		MI Monroe .....	567.21
		MI Lapeer .....	541.44
		MI St. Clair .....	513.96
2	Dutchess County, NY PMSA .....	NY Dutchess .....	485.41
2	El Paso, TX MSA .....	TX El Paso .....	481.85
2	Erie, PA MSA .....	PA Erie .....	461.47
2	Eugene-Springfield, OR MSA .....	OR Lane .....	424.21
2	Evansville-Henderson, IN-KY MSA .....	KY Henderson .....	487.38
		IN Posey .....	455.23
		IN Warrick .....	441.91
		IN Vanderburgh .....	439.14
2	Fayetteville, NC MSA .....	NC Cumberland .....	420.50
2	Flint, MI PMSA .....	MI Genesee .....	654.33
1	Fort Lauderdale, FL PMSA .....	FL Broward .....	690.17
2	Fort Myers-Cape Coral, FL MSA .....	FL Lee .....	516.74
2	Fort Pierce-Port St. Lucie, FL MSA .....	FL St. Lucie .....	582.27
		MI FL Martin .....	536.70
2	Fort Wayne, IN MSA .....	IN Adams .....	405.10
		IN Allen .....	403.97

TABLE 1.—AVERAGE MEDICARE+CHOICE PAYMENT RATES PER AGED BENEFICIARY, PER MONTH, PER COUNTY IN METROPOLITAN STATISTICAL AREAS AND PRIMARY METROPOLITAN STATISTICAL AREAS, FY 2000—Continued

Population <sup>1</sup>	Metropolitan statistical area	State and county name	2000 payment rate
		IN Whitley .....	403.29
		IN De Kalb .....	401.61
		IN Huntington .....	401.61
		IN Wells .....	401.61
1	Fort Worth-Arlington, TX PMSA .....	TX Tarrant .....	529.17
		TX Johnson .....	502.06
		TX Hood .....	492.86
		TX Parker .....	488.76
2	Fresno, CA MSA .....	CA Madera .....	473.12
		CA Fresno .....	438.04
2	Gary, IN PMSA .....	IN Lake .....	564.82
		IN Porter .....	514.53
2	Grand Rapids-Muskegon-Holland, MI MSA .....	MI Allegan .....	445.34
		MI Muskegon .....	443.96
		MI Kent .....	423.54
		MI Ottawa .....	401.61
1	Grnsboro-Winston-Salem-HI PT, NC MSA .....	NC Davie .....	461.90
		NC Davidson .....	436.36
		NC Guilford .....	434.67
		NC Forsyth .....	434.28
		NC Stokes .....	417.35
		NC Yadkin .....	415.82
		NC Alamance .....	415.23
		NC Randolph .....	414.23
2	Greenville-Spartanburg-Anderson, SC MSA .....	SC Cherokee .....	466.06
		SC Anderson .....	409.97
		SC Greenville .....	405.47
		SC Pickens .....	401.61
		SC Spartanburg .....	401.61
2	Hamilton-Middletown, OH PMSA .....	OH Butler .....	480.01
2	Harrisburg-Lebanon-Carlisle, PA MSA .....	PA Dauphin .....	511.84
		PA Perry .....	508.55
		PA Cumberland .....	454.13
		PA Lebanon .....	420.60
1	Hartford, CT MSA .....	CT Tolland .....	541.27
		CT Hartford .....	525.95
		CT Litchfield .....	511.80
		CT Windham .....	505.42
		CT Middlesex .....	482.64
2	Hickory-Morganton-Lenoir, NC MSA .....	NC Alexander .....	451.10
		NC Burke .....	437.35
		NC Caldwell .....	429.74
		NC Catawba .....	408.16
2	Honolulu, HI MSA .....	HI Honolulu .....	451.71
1	Houston, TX PMSA .....	TX Liberty .....	719.28
		TX Chambers .....	719.23
		TX Montgomery .....	706.08
		TX Harris .....	631.59
		TX Waller .....	527.01
		TX Fort Bend .....	521.77
2	Huntington-Ashland, WV-KY-OH MSA .....	KY Boyd .....	499.45
		KY Greenup .....	487.07
		OH Lawrence .....	483.34
		KY Carter .....	434.54
		WV Wayne .....	428.33
		WV Cabell .....	427.27
2	Huntsville, AL MSA .....	AL Limestone .....	464.15
		AL Madison .....	454.59
1	Indianapolis, IN MSA .....	IN Marion .....	506.06
		IN Madison .....	492.95
		IN Hendricks .....	487.01
		IN Hamilton .....	478.86
		IN Shelby .....	477.17
		IN Morgan .....	470.63
		IN Hancock .....	469.54
		IN Boone .....	462.42
		IN Johnson .....	442.74
2	Jackson, MS MSA .....	MS Madison .....	446.48
		MS Rankin .....	445.23
		MS Hinds .....	442.96
2	Jacksonville, FL MSA .....	FL Duval .....	558.61
		FL Nassau .....	534.03
		FL St. Johns .....	503.27
		FL Clay .....	494.78
2	Jersey City, NJ PMSA .....	NJ Hudson .....	572.80
2	Johnson City-Kingsport-Bristol, TN-VA MSA .....	TN Unicoi .....	486.65
		TN Hawkins .....	475.81
		VA Scott .....	475.48
		TN Washington .....	460.53
		TN Sullivan .....	451.21
		VA Bristol City .....	445.38
		TN Carter .....	419.53
		VA Washington .....	401.61
2	Kalamazoo-Battle Creek, MI MSA .....	MI Calhoun .....	497.87
		MI Van Buren .....	468.21
		MI Kalamazoo .....	457.00
1	Kansas City, MO-KS MSA .....	KS Wyandotte .....	539.21
		MO Jackson .....	535.72
		MO Ray .....	521.98
		MO Clay .....	519.84
		KS Johnson .....	506.41
		KS Leavenworth .....	503.12
		KS Miami .....	494.24
		MO Platte .....	493.90
		MO Lafayette .....	486.11
		MO Cass .....	479.90
		MO Clinton .....	428.27
2	Killeen-Temple, TX MSA .....	TX Coryell .....	415.61
2	Knoxville, TN MSA .....	TX Bell .....	407.33
		TN Loudon .....	506.47
		TN Knox .....	484.18
		TN Anderson .....	460.95
		TN Union .....	453.63
		TN Blount .....	446.59
		TN Sevier .....	439.09
2	Lafayette, LA MSA .....	LA Lafayette .....	512.01
		LA St. Landry .....	492.02
		LA Acadia .....	463.22
		LA St. Martin .....	460.29

TABLE 1.—AVERAGE MEDICARE+CHOICE PAYMENT RATES PER AGED BENEFICIARY, PER MONTH, PER COUNTY IN METROPOLITAN STATISTICAL AREAS AND PRIMARY METROPOLITAN STATISTICAL AREAS, FY 2000—Continued

Population <sup>1</sup>	Metropolitan statistical area	State and county name	2000 payment rate
2	Lakeland-Winter Haven, FL MSA .....	FL Polk .....	437.74
2	Lancaster, PA MSA .....	PA Lancaster .....	416.00
2	Lansing-East Lansing, MI MSA .....	MI Ingham .....	519.79
		MI Eaton .....	495.86
		MI Clinton .....	473.56
2	Las Vegas, NV-AZ MSA .....	NV Clark .....	554.90
		AZ Mohave .....	522.27
		NV Nye .....	513.76
2	Lexington, KY MSA .....	KY Madison .....	459.32
		KY Bourbon .....	445.13
		KY Scott .....	417.38
		KY Fayette .....	413.37
		KY Clark .....	413.34
		KY Jessamine .....	407.65
		KY Woodford .....	401.61
2	Little Rock-N. Little Rock, AR MSA .....	AR Pulaski .....	498.44
		AR Saline .....	488.13
		AR Lonoke .....	472.87
		AR Faulkner .....	462.94
1	Los Angeles-Long Beach, CA PMSA .....	CA Los Angeles .....	660.65
2	Louisville, KY-IN MSA .....	KY Bullitt .....	546.27
		KY Oldham .....	509.91
		IN Clark .....	506.02
		KY Jefferson .....	499.44
		IN Floyd .....	495.70
		IN Scott .....	476.68
		IN Harrison .....	454.42
2	Macon, GA MSA .....	GA Houston .....	548.86
		GA Bibb .....	518.70
		GA Jones .....	488.31
		GA Peach .....	470.78
		GA Twiggs .....	461.55
2	Madison, WI MSA .....	WI Dane .....	421.05
2	McAllen-Edinburg-Mission, TX MSA .....	TX Hidalgo .....	437.02
2	Melbourne-Titusville-Palm Bay, FL MSA .....	FL Brevard .....	527.54
1	Memphis, TN-AR-MS MSA .....	TN Shelby .....	491.67
		MS De Soto .....	490.50
		TN Tipton .....	479.39
		TN Fayette .....	476.86
		AR Crittenden .....	472.60
1	Miami, FL PMSA .....	FL Dade .....	794.02
1	Middlesex-Somerset-Hunterdon, NJ PMSA .....	NJ Middlesex .....	558.12
		NJ Hunterdon .....	516.24
		NJ Somerset .....	491.08
1	Milwaukee-Waukesha, WI PMSA .....	WI Milwaukee .....	470.57
		WI Waukesha .....	435.85
		WI Ozaukee .....	424.93
		WI Washington .....	411.74
1	Minneapolis-St. Paul, MN-WI MSA .....	MN Ramsey .....	470.65
		MN Hennepin .....	457.66
		MN Anoka .....	453.31
		MN Chisago .....	443.66
		MN Dakota .....	438.75
		MN Washington .....	427.94
		MN Carver .....	420.00
		MN Isanti .....	416.79
		MN Wright .....	405.57
		MN Scott .....	401.61
		MN Sherburne .....	401.61
		WI Pierce .....	401.61
		WI St. Croix .....	401.61
2	Mobile, AL MSA .....	AL Mobile .....	561.50
		AL Baldwin .....	485.76
2	Modesto, CA MSA .....	CA Stanislaus .....	509.26
2	Monmouth-Ocean, NJ PMSA .....	NJ Monmouth .....	542.02
		NJ Ocean .....	534.05
2	Montgomery, AL MSA .....	AL Montgomery .....	483.38
		AL Autauga .....	481.43
		AL Elmore .....	480.94
2	Nashville, TN MSA .....	TN Wilson .....	630.43
		TN Davidson .....	547.87
		TN Williamson .....	538.17
		TN Cheatham .....	537.65
		TN Sumner .....	529.86
		TN Robertson .....	527.44
		TN Rutherford .....	494.76
		TN Dickson .....	491.06
1	Nassau-Suffolk, NY PMSA .....	NY Nassau .....	622.51
		NY Suffolk .....	592.30
2	New Haven-Meriden, CT PMSA .....	CT New Haven .....	528.19
2	New London-Norwich, CT-RI MSA .....	CT New London .....	492.51
1	New Orleans, LA MSA .....	LA Plaquemines .....	772.26
		LA St. Bernard .....	763.90
		LA St. Charles .....	675.95
		LA Jefferson .....	674.13
		LA St. Tammany .....	669.91
		LA St. John Baptist .....	668.62
		LA Orleans .....	651.27
		LA St. James .....	589.96
1	New York, NY PMSA .....	NY Richmond .....	814.32
		NY Bronx .....	772.81
		NY New York .....	756.77
		NY Kings .....	748.55
		NY Queens .....	699.17
		NY Rockland .....	630.25
		NY Putnam .....	628.30
		NY Westchester .....	608.47
1	Newark, NJ PMSA .....	NJ Essex .....	578.68
		NJ Warren .....	568.99
		NJ Union .....	545.04
		NJ Morris .....	525.78
		NJ Sussex .....	511.04
2	Newburgh, NY-PA PMSA .....	NY Orange .....	524.02
		PA Pike .....	500.29
1	Norfolk-Va Beach-Newport News, VA-NC MSA .....	VA Chesapeake City .....	484.88
		VA Williamsburg City .....	479.54
		VA Suffolk City .....	476.74
		VA Norfolk City .....	470.52

TABLE 1.—AVERAGE MEDICARE+CHOICE PAYMENT RATES PER AGED BENEFICIARY, PER MONTH, PER COUNTY IN METROPOLITAN STATISTICAL AREAS AND PRIMARY METROPOLITAN STATISTICAL AREAS, FY 2000—Continued

Population <sup>1</sup>	Metropolitan statistical area	State and county name	2000 payment rate
		VA Portsmouth City .....	470.52
		VA Virginia Beach City .....	463.75
		VA Isle Of Wight .....	461.15
		VA Poquoson .....	458.58
		NC Currituck .....	455.80
		VA James City .....	446.91
		VA Hampton City .....	443.76
		VA York .....	430.15
		VA Newport News City .....	423.90
		VA Gloucester .....	414.28
		VA Mathews .....	405.39
1	Oakland, CA PMSA .....	CA Contra Costa .....	629.07
		CA Alameda .....	617.69
2	Oklahoma City, OK MSA .....	OK Oklahoma .....	472.85
		OK Cleveland .....	469.40
		OK Canadian .....	461.36
		OK McClain .....	453.93
		OK Logan .....	431.02
		OK Pottawatomie .....	401.61
2	Omaha, NE-IA MSA .....	NE Douglas .....	471.42
		IA Pottawattamie .....	458.62
		NE Sarpy .....	428.48
		NE Cass .....	420.07
		NE Washington .....	411.08
1	Orange County, CA PMSA .....	CA Orange .....	609.63
1	Orlando, FL MSA .....	FL Osceola .....	595.95
		FL Orange .....	553.31
		FL Seminole .....	536.05
		FL Lake .....	489.82
2	Pensacola, FL MSA .....	FL Santa Rosa .....	503.69
		FL Escambia .....	502.10
2	Peoria-Pekin, IL MSA .....	IL Tazewell .....	421.61
		IL Peoria .....	414.60
		IL Woodford .....	401.61
1	Philadelphia, PA-NJ PMSA .....	PA Philadelphia .....	747.35
		PA Delaware .....	626.24
		PA Bucks .....	610.87
		NJ Camden .....	593.47
		NJ Gloucester .....	591.58
		NJ Salem .....	584.62
		PA Chester .....	553.66
		NJ Burlington .....	552.60
		PA Montgomery .....	548.59
1	Phoenix-Mesa, AZ MSA .....	AZ Pinal .....	551.74
		AZ Maricopa .....	524.36
1	Pittsburgh, PA MSA .....	PA Allegheny .....	632.02
		PA Fayette .....	619.07
		PA Westmoreland .....	594.10
		PA Washington .....	590.58
		PA Beaver .....	544.52
		PA Butler .....	542.33
1	Portland-Vancouver, OR-WA PMSA .....	OR Washington .....	460.95
		OR Columbia .....	452.07
		OR Multnomah .....	445.25
		OR Clackamas .....	438.74
		WA Clark .....	433.86
		OR Yamhill .....	425.86
1	Providence-Fall River-Warwick, RI-MA MSA .....	RI Kent .....	519.29
		RI Washington .....	512.79
		MA Bristol .....	501.50
		RI Providence .....	498.70
		RI Newport .....	484.96
		RI Bristol .....	473.50
2	Provo-Orem, UT MSA .....	UT Utah .....	427.96
2	Raleigh-Durham-Chapel Hill, NC MSA .....	NC Orange .....	480.56
		NC Johnson .....	475.66
		NC Wake .....	464.96
		NC Franklin .....	452.16
		NC Durham .....	441.05
		NC Chatham .....	437.33
2	Reading, PA MSA .....	PA Berks .....	452.56
2	Reno, NV MSA .....	NV Washoe .....	492.94
2	Richmond-Petersburg, VA MSA .....	VA New Kent .....	522.64
		VA Charles City .....	508.84
		VA Hanover .....	490.45
		VA Richmond City .....	488.94
		VA Prince George .....	483.13
		VA Petersburg City .....	479.97
		VA Dinwiddie .....	477.64
		VA Hopewell City .....	475.67
		VA Powhatan .....	467.99
		VA Chesterfield .....	463.81
		VA Henrico .....	463.29
		VA Colonial Heights City .....	449.40
		VA Goochland .....	445.19
1	Riverside-San Bernardino, CA PMSA .....	CA San Bernardino .....	565.55
1	Rochester, NY MSA .....	CA Riverside .....	553.64
		NY Monroe .....	449.04
		NY Genesee .....	435.80
		NY Livingston .....	429.12
		NY Orleans .....	417.78
		NY Wayne .....	415.82
		NY Ontario .....	405.78
2	Rockford, IL MSA .....	IL Boone .....	406.73
		IL Ogle .....	401.61
		IL Winnebago .....	401.61
1	Sacramento, CA PMSA .....	CA Sacramento .....	545.65
		CA Placer .....	527.72
		CA El Dorado .....	515.35
2	Saginaw-Bay City-Midland, MI USA .....	MI Saginaw .....	488.38
		MI Bay .....	488.15
		MI Midland .....	468.12
2	Salem, OR PMSA .....	OR Marion .....	401.61
		OR Polk .....	401.61
2	Salinas, CA MSA .....	CA Monterey .....	542.83
1	Salt Lake City-Ogden, UT MSA .....	UT Salt Lake .....	418.00
		UT Davis .....	415.88
		UT Weber .....	407.27
1	San Antonio, TX MSA .....	TX Bear .....	512.11

TABLE 1.—AVERAGE MEDICARE+CHOICE PAYMENT RATES PER AGED BENEFICIARY, PER MONTH, PER COUNTY IN METROPOLITAN STATISTICAL AREAS AND PRIMARY METROPOLITAN STATISTICAL AREAS, FY 2000—Continued

Population <sup>1</sup>	Metropolitan statistical area	State and county name	2000 payment rate
		TX Wilson .....	432.60
		TX Guadalupe .....	417.56
		TX Comal .....	415.47
1	San Diego, CA MSA .....	CA San Diego .....	563.76
1	San Francisco, CA PMSA .....	CA San Francisco .....	571.60
		CA Marin .....	563.18
		CA San Mateo .....	518.73
1	San Joaquin, CA PMSA .....	CA Santa Clara .....	543.23
2	Santa Rosa, CA PMSA .....	CA Sonoma .....	531.59
2	Sarasota-Bradenton, FL MSA .....	FL Sarasota .....	500.10
		FL Manatee .....	476.27
2	Savannah, GA MSA .....	GA Bryan .....	607.83
		GA Effingham .....	551.72
		GA Chatam .....	534.76
2	Scranton-Wilkes-Barre-Hazleton, PA MSA .....	PA Lackawanna .....	529.65
		PA Luzerne .....	511.96
		PA Wyoming .....	504.41
		PA Columbia .....	463.56
1	Seattle-Bellevue-Everett, WA PMSA .....	WA King .....	482.58
		WA Snohomish .....	465.44
2	Shreveport-Bossier City, LA MSA .....	WA Island .....	429.61
		LA Webster .....	498.03
2	Spokane, WA MSA .....	LA Bossier .....	489.39
2	Springfield, MA MSA .....	LA Caddo .....	485.94
		WA Spokane .....	467.75
2	Springfield, MO MSA .....	MA Hampdon .....	479.61
		MA Franklin .....	467.86
		MA Hampshire .....	462.21
		MO Greene .....	420.15
		MO Christian .....	414.31
1	St. Louis, MO-IL MSA .....	MO Webster .....	410.20
		MO St. Louis City .....	575.17
		MO Jefferson .....	527.45
		MO Warren .....	527.07
		MO Lincoln .....	524.23
		MO St. Charles .....	501.12
		MO St. Louis .....	500.86
		IL St. Clair .....	500.06
		IL Clinton .....	499.07
		IL Madison .....	482.50
		MO Franklin .....	440.86
		MO Crawford .....	436.38
		IL Jersey .....	435.63
2	Santa-Barbara-Santa Maria-Lompoc, CA MSA .....	IL Monroe .....	425.58
2	Stockton-Lodi, CA MSA .....	CA Santa Barbara .....	455.77
2	Syracuse, NY MSA .....	CA San Joaquin .....	495.62
		NY Cayuga .....	434.08
		NY Oswego .....	418.50
		NY Onondaga .....	417.97
		NY Madison .....	410.00
2	Tacoma, WA PMSA .....	WA Pierce .....	456.83
2	Tampa-St. Petersburg-Clearwater, FL MSA .....	FL Pasco .....	572.46
		FL Hernando .....	542.69
		FL Pinellas .....	533.00
2	Toledo, OH MSA .....	FL Hillsborough .....	521.34
		OH Lucas .....	605.01
		OH Wood .....	498.46
		OH Fulton .....	476.56
2	Trenton, NJ PMSA .....	NJ Mercer .....	590.38
2	Tucson, AZ MSA .....	AZ Pima .....	499.04
2	Tulsa, OK MSA .....	OK Wagoner .....	518.50
		OK Rogers .....	484.50
		OK Creek .....	467.80
		OK Tulsa .....	467.54
		OK Osage .....	445.45
2	Utica-Rome, NY MSA .....	NY Oneida .....	405.03
		NY Herkimer .....	401.61
2	Vallejo-Fairfield-NAPA, CA PMSA .....	CA Napa .....	596.07
		CA Solano .....	552.60
2	Ventura, CA PMSA .....	CA Ventura .....	545.69
2	Visalia-Tulare-Porterville, CA MSA .....	CA Tulare .....	452.57
1	Washington, DC-MD-VA-WV PMSA .....	MD Prince Georges .....	639.21
		DC The District .....	619.89
		MD Charles .....	599.55
		MD Montgomery .....	535.62
		MD Calvert .....	517.03
		VA Alexandria City .....	501.57
		VA Arlington .....	501.02
		VA Falls Church City .....	497.85
		VA Manassas Park City .....	497.04
		VA Prince William .....	493.46
		VA Stafford .....	489.44
		VA Fredericksburg City .....	488.13
		VA Spotsylvania .....	484.82
		MD Frederick .....	477.87
		VA Fairfax City .....	473.73
		VA King George .....	471.99
		VA Loudoun .....	468.81
		VA Fauquier .....	462.06
		VA Fairfax .....	460.45
		VA Culpeper .....	450.19
		VA Manassas City .....	445.63
		VA Warren .....	442.67
		WV Berkeley .....	438.86
		WV Jefferson .....	426.32
		VA Clarke .....	409.66
2	West Palm Beach-Boca Raton, FL MSA .....	FL Palm Beach .....	600.62
2	Wichita, KS MSA .....	KS Sedgwick .....	480.50
		KS Butler .....	427.72
2	Wilmington-Newark, DE-MD PMSA .....	KS Harvey .....	403.67
		MD Cecil .....	548.76
		DE New Castle .....	547.20
2	Worcester, MA-CT PMSA .....	MA Worcester .....	559.24
2	York, PA MSA .....	PA York .....	421.90
2	Youngstown-Warren, OH MSA .....	OH Trumbull .....	565.28
		OH Mahoning .....	508.37
		OH Columbiana .....	478.90

<sup>1</sup> 1=greater than 1 million; 2=250,000 to 1 million.

Source: Table prepared by the Congressional Research Service using data from the Health Care Financing Administration.

Note: A Metropolitan Statistical Area is a city with 50,000 or more inhabitants, or a Census Bureau-defined urban area of at least 50,000 inhabitants, and a total metropolitan population of at least 100,000 (75,000 in New England). This study specifically examines MSAs that contain 250,000 or more inhabitants. If an MSA has a population of over 1 million and the population can be separated into component parts, then the primary component part is designated the Primary Metropolitan Statistical Area (PMSA). For more information see, [http://www.census.gov/population/www/estimates/aboutmetro.html].



Mr. WYDEN. Mr. President, before he leaves the floor, I thank the chairman of the Budget Committee for the opportunity to be involved in this issue. I think the chairman has said it very well. In effect, what he has done is make the case for why the bill we are proposing is absolutely essential to modernize the Medicare program.

If there is one principle that Medicare is going to have to stand for in the 21st century, it is that we must change this system which now literally rewards waste and penalizes frugality.

Medicare has an HMO reimbursement system today which is, even by beltway standards, perverse. It sends the message if you are really inefficient, if you have not taken the steps that Colorado and Oregon and other States have taken, don't worry about it, don't go out and make the tough choices about introducing competition to your community. The Federal Government will just keep sending you big checks.

I think it is absolutely key, especially given the fact that close to a million seniors are going to lose their HMO coverage this year—close to a million seniors will lose their coverage this year—that we pass this bipartisan legislation. I think the chairman is right. I think by the end of the next couple of days, we will have many other colleagues from both political parties here. I see my friend, Senator SMITH of Oregon, has come into the Chamber. He and I have worked on this issue since he has come to the Senate as part of our bipartisan agenda for Oregon. I am going to talk for a few minutes to try to elaborate on some of the themes Chairman DOMENICI has so eloquently addressed.

As we have seen in Oregon and New Mexico and so many other States, the present HMO reimbursement system is literally driving HMO plans out of the program and leaving seniors across this country petrified about their future health care in their communities. What senior after senior asks at this point is how can it be that since they pay the same amount for hospitalization and outpatient services, if they live in Pendleton or they live in Portland, they pay the same amount for outpatient and hospitalization services as seniors in other parts of the country yet the Federal Government does not send an equal payment to folks in Pendleton and Portland? As Chairman DOMENICI has very specifically and eloquently described, they send dramatically different payments to communities across this country. So you can have communities, for example, on the east coast, that literally get twice the reimbursement of communities in Oregon and New Mexico.

We hear about it very bluntly from our constituents. You can have a senior in Pendleton or Coos Bay call up their cousin in one of the cities back East and ask their cousin about Medicare, how it is going.

The senior back East says: You know, it goes great. I get prescription drugs for only a few dollars a month. I also get dental coverage. I get free hearing aids. How is it going for you there in Coos Bay or Pendleton or Albuquerque, NM? How is Medicare going for you?

That senior in Albuquerque or Pendleton or Portland wants to throw the telephone through the living room window because they don't get that prescription drug coverage, hearing aids, or dental coverage because the reimbursement is as low as Chairman DOMENICI has described.

The Congress was supposed to have begun, several years ago, a bipartisan effort to change this. The system was called a blended rate. In effect, over the next few years, we would move to a national system, so instead of driving some of these high-cost areas down precipitously, we would move low-cost areas up over the next few years. Unfortunately, that system has been delayed. It has been delayed, in my view, in a fashion that has made for many plans saying they can no longer afford to stay in business; certainly no longer afford to offer some of those benefits such as prescription drugs, which are so important to seniors.

That is why Chairman DOMENICI and I and Senator GRASSLEY and Senator KERREY and I know many of our colleagues are going to join in a bipartisan effort, first, to establish a minimum payment floor for urban counties; second, to boost the rural counties where, again, these programs have barely been able to survive as a result of low reimbursement rates; and, third, to address the concerns with respect to wages that Senator GRASSLEY has so eloquently described. But I am of the view that if this Congress is to modernize the Medicare program, the essence of such a modernization effort is to create more options and more choices. That will not be possible if you perpetuate an HMO reimbursement system that day after day after day penalizes frugality and rewards waste.

For those who really want to get into the details of this subject, the system is known as the AAPCC, the average adjusted per capita cost. The way it has worked, the HMOs are reimbursed by the Federal Government through a system that historically has looked at average local costs of various procedures, such as a heart bypass in Pendleton or cataract operation in Port-

land—and then you calculate a formula for reimbursing these HMOs, using a percentage of the fee-for-service costs for health care in the area.

But at the end of the day, the message is, if you are wasteful, don't worry about it. If you are inefficient, the Federal Government is going to say maybe that is not ideal, but we will just send you a check to reflect the fact that you are not taking steps to hold down your costs and we are not going to give you any consequences as a result.

That makes no sense to Senator DOMENICI and me and our cosponsors. I know it makes no sense to the Presiding Officer because he and I have talked about this innumerable times. We tried to boost reimbursement rates for the people of Oregon. We have to change the Medicare program to eliminate the discrimination against communities that control costs while offering good quality care.

Our bipartisan legislation is not just a one-time infusion of money. We structured it so that money becomes part of a base for future increases, which in my view helps to jump-start what Congress intended several years ago by passing legislation to promote a nationwide blended rate.

We all understand that at present, as we look to the last days of the session, with the budget surplus, it is going to be possible to use a portion of that surplus, after we have helped pay down the debt, after hopefully there is a targeted tax cut; at that point, we will have some dollars to take the steps to better meet the health care needs of older people and also jump start the modernization of the Medicare program.

Our legislation, I hope, will be part of that effort. I think Chairman DOMENICI and Senator GRASSLEY, among our cosponsors, are very likely to be in the room at the end of the day when that legislation is being offered. I and others are going to do our best to support those efforts in the Budget Committee. I know the Presiding Officer and I have used every opportunity to raise these issues, and we are going to continue to do so.

Our State has been a pioneer in the health care reform area. We are proud of the fact that we are the first State in the country to have made tough choices about health care priorities through the Oregon health plan. We are proud of the fact that we have been able to introduce more choices and more competition to the health care system and, as a result, seniors in our State are able to get more for their health care dollar.

It is not right for older people in Oregon, New Mexico, Iowa, and in other States where they have done the heavy lifting and they have taken steps to hold down their costs, to be discriminated against by the Federal Government.

This bipartisan legislation, in my view, is going to help keep HMOs that are currently in the program in the program, and it will begin the process of bringing back to Medicare some of those we have lost because they have been discriminated against in the past with respect to reimbursement and they could not keep their doors open.

We will be talking about this legislation frequently in the last few days of this Congress and in the fall, and I believe passing this legislation, as we look at that final budget bill that is sure to be part of our fall debates, that this is one of the best ways we can target dollars that need to be spent carefully so as to maximize the values of what we are getting in health care for older people.

Mr. President, I yield the floor.

Mr. VOINOVICH. Mr. President, I could not help but hear the words of Senator WYDEN and Senator DOMENICI about the terrible situation we have across this country today in regard to HMOs dropping senior citizens off the Medicare Plus Choice Program.

While I was Governor of the State of Ohio, we had several instances where people were thrown off the rolls of their HMO and forced to be without any kind of supplemental insurance or prescription drug benefits. It is a growing epidemic today in the United States of America. I want to go on record in support of the legislation of Senator WYDEN and Senator DOMENICI. In fact, earlier today I asked Senator DOMENICI if I could be a cosponsor of this legislation.

It is important to point out that some of the on-budget surplus that we now have in the year 2000 and the projected \$102 billion in 2001 is generated by the fact that projected Medicare costs are coming in far below what they anticipated because of the formula that was adopted in 1997. It seems to me we ought to look at the situation as it really is, increase the reimbursement to those HMOs so individuals can stay in those programs, and so they don't have to buy Medigap insurance to cover out-of-pocket expenses and prescription drugs.

It seems to me it should be our responsibility to make sure those who are now covered remain covered and not be thrown out on the street. I have read so often: Don't worry about those people, somebody else will pick them up, or they can go to fee for service. When they go to fee for service, they don't get their 20 percent out-of-pocket paid for, nor does Medicare pick up prescription drugs.

It is time for this Congress to step in and change the system, increase the reimbursement, keep those individuals who are on Medicare Plus Choice Pro-

grams so they can maintain coverage for out-of-pocket expenses and maintain the prescription drug coverage they have.

Mr. GRASSLEY. Mr. President, I rise to note the introduction of the Medicare Geographic Fair Payment Act of 2000. I'm very pleased to join Senators DOMENICI, WYDEN, and KERREY in this effort. While we share the problem of low payment rates, Iowa and Nebraska are in a different situation than New Mexico and Oregon. Those two states are concerned about Medicare + Choice plans leaving, but for the most part we in Iowa are still waiting for plans to arrive. There are a number of things that have to fall into place for Medicare + Choice to become a reality in Iowa, but one of them is increasing payment rates. I want to make sure that if Congress provides any relief in Medicare + Choice this year, that low-cost areas are not forgotten. We need to make Medicare + Choice a truly national program.

There are two simple Medicare + Choice payment provisions in the bill. It would raise the minimum payment floor for all counties from the current \$415 to \$475 in 2001. This would primarily benefit rural and small urban areas, including the vast majority of Iowa. Secondly, it would establish a new minimum payment floor of \$525 for all counties in Metropolitan Statistical Areas (MSAs) with populations exceeding 250,000. In Iowa, this would mean a substantial incentive for plans to enter the Des Moines and Quad Cities areas.

As I've said so often throughout the five-plus years that I've been working on this issue, people in low-cost states like Iowa pay the same payroll taxes as those in high-cost areas. So it's a matter of simple fairness and equity that all seniors have access to the choices in Medicare, wherever they live. The problem with Medicare + Choice has been that payment rates are based on fee-for-service payment rates in the same county; thus, cost-effective regions like ours are punished. This makes no sense. We took our first step toward breaking that unfortunate link in 1997, and I have high hopes that we will take another big step with this bill in 2000.

We in low-cost regions have to keep the fight for equity going on two fronts: Medicare + Choice payment, and traditional Medicare payment. The latter is harder for Congress to change, because we have to identify inequities in the various Medicare payment policies and fix them one by one. I thank my colleagues for including in this bill my earlier bill on the hospital wage index, which is one of those flaws in fee-for-service Medicare that cries out to be fixed.

I look forward to the Finance Committee's Medicare discussions this fall; this is the kind of legislation that merits serious consideration there.

By Mr. GRASSLEY (for himself,  
Mr. ROCKEFELLER, Mr. JEFFORDS, and Mrs. LINCOLN):

S. 2939. A bill to amend the Internal Revenue Code of 1986 to provide a credit against tax for energy efficient appliances; to the Committee on Finance.

THE RESOURCE EFFICIENT APPLIANCE INCENTIVE ACT

Mr. GRASSLEY. Mr. President I rise today to introduce an extremely timely piece of legislation in light of the current energy crisis facing our nation. This legislation, entitled "The Resource Efficient Appliance Incentive Act," will provide a valuable incentive to accelerate and expand the production and market penetration of ultra energy-efficient appliances. Senator ROCKEFELLER is joining me in this bipartisan effort, along with Senators JEFFORDS and LINCOLN.

Earlier this year, the appliance industry, the Department of Energy, and the nation's leading energy-efficiency and environmental organizations came together and agreed upon significantly higher energy efficiency standards for clothes washers to accompany the new energy efficiency standards for refrigerators that go into effect in July 2001, as well as the new criteria for achieving the voluntary "Energy Star" designation. This agreement is significant considering the fact that clothes washers and dryers, together with refrigerators, account for approximately 15 percent of all household energy consumed in the United States.

This legislation will provide a tax credit to assist in the development of super energy-efficient washing machines and refrigerators, and creates the incentives necessary to increase the production and sale of these appliances in the short term. Manufacturers would be eligible to claim a credit of either \$50 or \$100, depending on efficiency level, for each super energy-efficient washing machine produced between 2001 and 2006. Likewise, manufacturers would be eligible to claim a credit of \$50 or \$100, depending on efficiency level, for each super energy-efficient refrigerator produced between 2001 and 2006. It is estimated that this tax credit will increase the production and purchase of super energy-efficient washers by almost 200 percent, and the purchase of super energy-efficient refrigerators by over 285 percent.

Equally important is the long-term environmental benefits of the expanded use of these appliances. Over the life of the appliances, over 200 trillion Btus of energy will be saved. This is the equivalent of taking 2.3 million cars off the road or closing 6 coal-fired power plants for a year. In addition, the clothes washers will reduce the amount of water necessary to wash clothes by 870 billion gallons, an amount equal to the needs of every household in the city the size of Phoenix, Arizona for two years. Most importantly, the benefits to consumers over the life of the washers and refrigerators from operational savings is estimated at nearly \$1 billion.

In my home state of Iowa, this legislation would result in the production of

1.5 million super energy-efficient washers and refrigerators over the next six years, requiring over 100 new production jobs. I also expect Iowans to save \$11 million in operational costs over the life span of the appliances, and 9 billion gallons of water—enough to supply drinking water for the entire state for 30 years.

Lastly, I believe the total revenue loss of this credit compares extremely favorably to the estimated benefits of almost \$1 billion to consumers over the life of the super energy-efficient clothes washers and refrigerators from operational savings.

Mr. ROCKEFELLER. Mr. President, I am pleased to join my colleagues, Senators GRASSLEY, JEFFORDS, and LINCOLN, in the introduction of legislation to establish a tax credit incentive program for the production of super energy-efficient appliances. This creative proposal will result in substantial environmental benefits for the nation at a very small cost to the government.

Our bill would provide for either a \$50 or \$100 tax credit for the production and sale of energy efficient washing machines and refrigerators. Today, these two appliances account for approximately 15 percent of the energy consumed in a typical home, which amounts to about \$21 billion in energy expenditures annually. Although most Americans may not realize it, home appliances offer the potential for major energy savings across the nation.

Recently, several energy efficiency and environmental organizations joined with the appliance industry in endorsing considerably tougher energy-efficiency standards for washing machines. These proposed standards are now under active consideration by the Department of Energy for incorporation in new regulations. The new standards will result in tremendous energy-efficiency improvements that will have very positive environmental consequences over time. But there is a cost to these new minimum standards and, as we often find, reluctance on the part of industry and the public to incur the additional costs necessary to achieve higher energy efficiencies. Home appliances can be made more efficient but it would mean greater costs to consumers. I believe there is a necessary balance between the objective of obtaining higher energy efficiencies that reduce air emissions and the higher product costs that result. This is as true with respect to the purchase of appliances as it is with respect to the automobile, electric power, and other markets. I also recognize that there are understandable limits to the costs that society is willing to bear through regulation to obtain higher energy savings that result in environmental benefits.

However, that is not necessarily the limit at which point energy savings can be achieved. While many consumers may not be willing to pay extra for more energy-efficient appliances, I believe they can be encouraged to do so

through incentive programs. The legislation we are proposing today would do just that by giving manufacturers either a \$50 or \$100 tax credit for every super energy-efficient appliance produced prior to 2007. The idea is to give manufacturers the means by which to create the most appropriate incentives to get consumers to purchase washing machines and refrigerators that are the most energy-efficient. Through these tax credits we will accelerate the production and market penetration of leading-edge appliance technologies that create significant environmental benefits.

The expanded use of super energy-efficient appliances will have significant long-term environmental benefits. It is estimated that as a result of this legislation over 200 trillion Btus of energy will be saved over the life of the appliances manufactured with these credits. This is the equivalent of taking 2.3 million cars off the road or closing down six coal-fired power plants for a year. Energy savings of this magnitude pay significant environmental dividends. For example, it is projected that with these energy savings carbon emissions, the critical element in greenhouse gas emissions, will be reduced by over 3.1 million metric tons. In addition, the super energy-efficient washing machines will reduce the amount of water necessary to wash clothes by 870 billion gallons, or approximately the amount of water necessary to meet the needs of every household in a state the size of West Virginia for nearly 2 years.

Vice President GORE recently recommended a similar program of tax incentives for the purchase of home appliances as part of his energy savings initiatives—and I congratulate him for his leadership in this regard. I am very glad the Vice President is considering ways to balance how we produce energy savings and believe it is important that we discuss this balance of interests as part of our national dialogue to improve our energy efficiency. I am also extremely pleased this legislation is strongly supported by leading environmental organizations including the Natural Resources Defense Council, the Alliance to Save Energy, and the American Council for an Energy Efficient Economy.

The use of energy-efficient appliances is an important milestone on the road to a cleaner, lower-cost energy future. This common-sense initiative follows on the heels of other important bipartisan legislation that I am proud to have sponsored or cosponsored during this Congress to improve our nation's energy independence and the environment. During the first session of the 106th Congress, I was joined by Senators HATCH, CRAPO, and BRYAN in introducing the Alternative Fuel Promotion Act in an effort to reduce greenhouse gas emissions and lower our consumption of imported oil. Earlier this year I joined Senators JEFFORDS and HATCH on the Alternative Fuels Tax Incentives Act, which would accomplish many of the same goals.

I am especially proud to have joined with Senator BINGAMAN and six of my Democratic colleagues on the Energy Security Tax and Policy Act, a comprehensive energy policy bill that looks to improve our nation's energy independence while protecting the environment. Finally, it was my pleasure last week to join with Environment and Public Works Chairman BOB SMITH and the Ranking Democratic Member Senator BAUCUS on the Energy Efficient Building Incentives Act, which promotes the construction of buildings 30-50 percent more efficient than today's standard. As building energy use accounts for 35 percent of the air pollution emissions nationwide and \$250 billion per year in energy bills, this legislation could produce a dramatic benefit for our environment, and this country's long-term energy needs.

By Mr. HATCH:

S. 2940. A bill to authorize additional assistance for international malaria control, and to provide for coordination and consultation in providing assistance under the Foreign Assistance Act of 1961 with respect to malaria, HIV, and tuberculosis; read the first time.

GLOBAL AIDS AND TUBERCULOSIS RELIEF ACT OF 2000

Mr. HATCH. Mr. President, earlier today, we approved the Helms substitute to H.R. 3519, "Global AIDS and Tuberculosis Relief Act of 2000." I was pleased to support this legislation, recognizing the need for our country to support an enhanced effort to prevent and treat AIDS and tuberculosis abroad.

I was pleased to work with Chairman HELMS, Senator BIDEN, Senator FRIST, Senator SMITH of Oregon, and other members of the Senate Foreign Relations Committee as this legislation was finalized, and, indeed, I want to work closely with them on our continuing efforts to address the problems of infectious diseases in the developing world.

For the reasons I will lay out today, I believe the aid we make possible in H.R. 3519 should be expanded to embrace not only HIV/AIDS and TB, but also malaria as well. In fact, I think it essential to make sure our foreign assistance program in Africa and the developing world coordinates its activities closely among these three diseases.

With the support of Chairman HELMS, Senator BIDEN, and Senator FRIST in the Senate, and Chairman LEACH in the House of Representatives, I have drafted companion legislation to H.R. 3519 which make certain that U.S. efforts for all three diseases are well-coordinated.

Accordingly, I rise today to introduce S. 2940 the "International Malaria Control Act of 2000".

The World Health Organization estimates that there are 300 million to 500 million cases of malaria each year. According to the World Health Organization, more than 1 million persons are estimated to die due to malaria each year.

The problems related to malaria are often linked to the devastation of two other terrible diseases—Acquired Immunodeficiency Disease, that is AIDS, and tuberculosis. One of the unfortunate commonalities of these diseases is that they all ravage sub-Saharan Africa and other parts of the underdeveloped world.

In addition to the one million malaria related deaths per year, about 2.5 million persons die from AIDS and another 1.5 million people per year die from tuberculosis.

The measure I introduce today centers on malaria control and calls for close cooperation among federal agencies that are charged with fighting malaria, AIDS, and TB worldwide.

According to the National Institutes of Health, about 40 percent of the world's population is at risk of becoming infected. About half of those who die each year from malaria are children under nine years of age. Malaria kills one child each 30 seconds.

Although malaria is a public health problem in more than 90 countries, more than 90 percent of all malaria cases are in sub-Saharan Africa. In addition to Africa, large areas of Central and South America, Haiti and the Dominican Republic, the Indian subcontinent, Southeast Asia, and the Middle East are high risk malaria areas.

These high risk areas represent many of the world's poorest nations which complicates the battle against malaria as well as AIDS and TB.

Malaria is particularly dangerous during pregnancy. The disease causes severe anemia and is a major factor contributing to maternal deaths in malaria endemic regions. Research has found that pregnant mothers who are HIV-positive and have malaria are more likely to pass on HIV to their children.

"Airport malaria," the importing of malaria by international aircraft and other conveyances is becoming more common as is the importation of the disease by international travelers themselves; the United Kingdom reported 2,364 cases of malaria in 1997, all of them imported by travelers.

In the United States, of the 1,400 cases of malaria reported to the Centers for Disease Control and Prevention in 1998, the vast majority were imported. Between 1970 and 1997, the malaria infection rate in the United States increased by about 40 percent.

In Africa, the projected economic impact of malaria in 2000 exceeds \$3.6 billion. Malaria accounts for 20 to 40 percent of outpatient physician visits and 10 to 15 percent of hospital visits in Africa.

Malaria is caused by a single-cell parasite that is spread to humans by mosquitoes. No vaccine is available and treatment is hampered by development of drug-resistant parasites and insecticide-resistant mosquitoes.

Our nation must play a leadership role in the development of a vaccine for malaria as well as vaccines for TB

and for the causal agent of AIDS, the human immunodeficiency virus—HIV. In this regard I must commend the President for his leadership in directing, back on March 2nd, that a renewed effort be made to form new partnerships to develop and deliver vaccines to developing countries. I must also commend the Bill and Melinda Gates foundation for pledging a substantial \$750 million in financial support for this new vaccine initiative.

The private sector appears to be prepared to help meet this challenge as the four largest vaccine manufacturers, Merck, American Home Products, Glaxo SmithKline Beecham, and Aventis Pharma, have all stepped to the plate in the quest for vaccines for HIV/AIDS, TB and malaria. We must all recognize that the private sector pharmaceutical industry, in close partnership with academic and government scientists, will play a key role in the development of any vaccines for these diseases.

Among the promising developments in recent months has been Secretary Shalala directing the National Institutes of Health to convene a meeting of experts from government, academia, and the private sector to address impediments to vaccine development in the private sector. Another goal of this first in a series of conferences on Vaccines for HIV/AIDS, Malaria, and Tuberculosis, held on May 22nd and 23rd, was to foster public-private partnerships.

These ongoing NIH Conferences on Vaccines for HIV/AIDS, Malaria, and Tuberculosis will address three basic questions: what are the scientific barriers to developing vaccines for malaria, TB and HIV/AIDS? What administrative, logistical and legal barriers stand in the way of malaria, TB and HIV/AIDS vaccines? And, finally, if vaccines are developed how can they best be produced and distributed around the world?

Each of these questions will be difficult to answer. Developing vaccines for malaria, TB, and HIV/AIDS will be a difficult task. While each vaccine will be different, there are commonalities such as the fact that the legal impediments and distributional issues may be very similar. Also, there is an unfortunate geographical overlap with respects to the epidemics of malaria, TB, and HIV/AIDS. Ground zero is sub-Saharan Africa.

So while the ultimate goal is to end up with three vaccines, we must be mindful that there is a close societal and scientific linkage between the tasks of developing and delivering vaccines and therapeutic treatments for those at risk of malaria, TB and HIV/AIDS worldwide.

While the greatest immediate need is clearly in Africa and in other parts of the developing world, citizens of the United States and my constituents in Utah stand to benefit from progress in the area of vaccine development.

#### ADDITIONAL COSPONSORS

S. 309

At the request of Mr. MCCAIN, the name of the Senator from Rhode Island (Mr. L. CHAFEE) was added as a cosponsor of S. 309, a bill to amend the Internal Revenue Code of 1986 to provide that a member of the uniformed services shall be treated as using a principal residence while away from home on qualified official extended duty in determining the exclusion of gain from the sale of such residence.

S. 1227

At the request of Mr. L. CHAFEE, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 1227, a bill to amend title IV of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 to provide States with the option to allow legal immigrant pregnant women and children to be eligible for medical assistance under the medical program, and for other purposes.

S. 1318

At the request of Mr. JEFFORDS, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 1318, a bill to authorize the Secretary of Housing and Urban Development to award grants to States to supplement State and local assistance for the preservation and promotion of affordable housing opportunities for low-income families.

S. 1322

At the request of Mr. DASCHLE, the name of the Senator from Maryland (Mr. SARBANES) was added as a cosponsor of S. 1322, a bill to prohibit health insurance and employment discrimination against individuals and their family members on the basis of predictive genetic information of genetic services.

S. 1394

At the request of Mr. TORRICELLI, the name of the Senator from Wisconsin (Mr. FEINGOLD) was added as a cosponsor of S. 1394, a bill to require the Secretary of the Treasury to mint coins in commemoration of the U.S.S. New Jersey, and for other purposes.

S. 1586

At the request of Mr. CAMPBELL, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S. 1586, a bill to reduce the fractionated ownership of Indian Lands, and for other purposes.

S. 1732

At the request of Mr. BREAU, the name of the Senator from Florida (Mr. MACK) was added as a cosponsor of S. 1732, a bill to amend the Internal Revenue Code of 1986 to prohibit certain allocations of S corporation stock held by an employee stock ownership plan.

S. 1900

At the request of Mr. LAUTENBERG, the name of the Senator from North Dakota (Mr. CONRAD) was added as a cosponsor of S. 1900, a bill to amend the Internal Revenue Code of 1986 to allow a credit to holders of qualified bonds issued by Amtrak, and for other purposes.

S. 1911

At the request of Mr. BREAUX, the name of the Senator from Florida (Mr. MACK) was added as a cosponsor of S. 1911, a bill to conserve Atlantic highly migratory species of fish, and for other purposes.

S. 2274

At the request of Mr. GRASSLEY, the names of the Senator from Indiana (Mr. BAYH), the Senator from Nevada (Mr. REID), the Senator from Georgia (Mr. CLELAND), the Senator from Connecticut (Mr. LIEBERMAN), and the Senator from Washington (Mr. GORTON) were added as cosponsors of S. 2274, a bill to amend title XIX of the Social Security Act to provide families and disabled children with the opportunity to purchase coverage under the Medicaid program for such children.

S. 2408

At the request of Mr. BINGAMAN, the names of the Senator from Maryland (Mr. SARBANES), the Senator from Alabama (Mr. SESSIONS), the Senator from Arizona (Mr. MCCAIN), and the Senator from Oregon (Mr. SMITH) were added as cosponsors of S. 2408, a bill to authorize the President to award a gold medal on behalf of the Congress to the Navajo Code Talkers in recognition of their contributions to the Nation.

S. 2516

At the request of Mr. THURMOND, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of S. 2516, a bill to fund task forces to locate and apprehend fugitives in Federal, State, and local felony criminal cases and give administrative subpoena authority to the United States Marshals Service.

S. 2554

At the request of Mr. GREGG, the name of the Senator from Minnesota (Mr. GRAMS) 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. 2700

At the request of Mr. L. CHAFEE, the names of the Senator from Louisiana (Ms. LANDRIEU), the Senator from New Jersey (Mr. TORRICELLI), the Senator from North Dakota (Mr. DORGAN), the Senator from Kentucky (Mr. BUNNING), the Senator from New Hampshire (Mr. GREGG), the Senator from Tennessee (Mr. FRIST), and the Senator from California (Mrs. BOXER) were added as cosponsors of S. 2700, a bill 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, and for other purposes.

S. 2703

At the request of Mr. AKAKA, the names of the Senator from South Da-

kota (Mr. JOHNSON), the Senator from Massachusetts (Mr. KERRY), and the Senator from Minnesota (Mr. GRAMS) were added as cosponsors of S. 2703, a bill to amend the provisions of title 39, United States Code, relating to the manner in which pay policies and schedules and fringe benefit programs for postmasters are established.

S. 2718

At the request of Mr. SMITH, of New Hampshire, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 2718, a bill to amend the Internal Revenue Code of 1986 to provide incentives to introduce new technologies to reduce energy consumption in buildings.

S. 2733

At the request of Mr. SANTORUM, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 2733, a bill to provide for the preservation of assisted housing for low income elderly persons, disabled persons, and other families.

S. 2793

At the request of Mr. HOLLINGS, the names of the Senator from North Carolina (Mr. HELMS) and the Senator from Oregon (Mr. WYDEN) were added as cosponsors of S. 2793, a bill to amend the communications Act of 1934 to strengthen the limitation on holding and transfer of broadcast licenses to foreign persons, and to apply a similar limitation to holding and transfer of other telecommunications media by or to foreign governments.

S. 2807

At the request of Mr. FRIST, the name of the Senator from Virginia (Mr. WARNER) was added as cosponsor of S. 2807, a bill to amend the Social Security Act to establish a Medicare Prescription Drug and Supplemental Benefit Program and to stabilize and improve the Medicare+Choice program, and for other purposes.

S. 2829

At the request of Mr. HUTCHINSON, the name of the Senator from Vermont (Mr. JEFFORDS) was added as cosponsor of S. 2829, a bill to provide of an investigation and audit at the Department of Education.

S. 2869

At the request of Mr. HATCH, the name of the Senator from Idaho (Mr. CRAPO) was added as cosponsor of S. 2869, a bill to protect religious liberty, and for other purposes.

S. 2872

At the request of Mr. CAMPBELL, the name of the Senator from New Mexico (Mr. DOMENICI) was added as cosponsor of S. 2872, a bill to improve the cause of action for misrepresentation of Indian arts and crafts.

S. 2891

At the request of Mr. REID, the name of the Senator from Colorado (Mr. CAMPBELL) was added as cosponsor of S. 2891, a bill to establish a national

policy of basic consumer fair treatment for airline passengers.

S. 2912

At the request of Mr. KENNEDY, the names of the Senator from Vermont (Mr. LEAHY), the Senator from Minnesota (Mr. WELLSTONE), and the Senator from South Dakota (Mr. DASCHLE) were added as cosponsors of S. 2912, a bill to amend the Immigration and Nationality Act to remove certain limitations on the eligibility of aliens residing in the United States to obtain lawful permanent residency status.

S. CON. RES. 123

At the request of Mr. LAUTENBERG, the name of the Senator from California (Mrs. FEINSTEIN) was added as cosponsor of S. Con. Res. 123, a concurrent resolution expressing the sense of the Congress regarding manipulation of the mass and intimidation of the independent press in the Russian Federation, expressing support for freedom of speech and the independent media in the Russian Federation, and calling on the President of the United States to express his strong concern for freedom of speech and the independent media in the Russian Federation.

S.J. RES. 48

At the request of Mr. CAMPBELL, the name of the Senator from Georgia (Mr. CLELAND) was added as cosponsor of S.J. Res. 48, a joint resolution calling upon the President to issue a proclamation recognizing the 25th anniversary of the Helsinki Final Act.

S. RES. 294

At the request of Mr. ABRAHAM, the name of the Senator from West Virginia (Mr. BYRD) was added as cosponsor of S. Res. 294, a resolution designating the month of October 2000 as "Children's Internet Safety Month."

S. RES. 301

At the request of Mr. THURMOND, the names of the Senator from New Mexico (Mr. DOMENICI) and the Senator from Tennessee (Mr. THOMPSON) were added as cosponsors of S. Res. 301, a resolution designating August 16, 2000, as "National Airborne Day."

S. RES. 304

At the request of Mr. BIDEN, the names of the Senator from Massachusetts (Mr. KERRY), the Senator from Maryland (Ms. MIKULSKI), the Senator from Virginia (Mr. ROBB), and the Senator from Kansas (Mr. ROBERTS) were added as cosponsors 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.

SENATE RESOLUTION 343—EXPRESSING THE SENSE OF THE SENATE THAT THE INTERNATIONAL RED CROSS AND RED CRESCENT MOVEMENT SHOULD RECOGNIZE AND ADMIT TO FULL MEMBERSHIP ISRAEL'S MAGEN DAVID ADOM SOCIETY WITH ITS EMBLEM, THE RED SHIELD OF DAVID; TO THE COMMITTEE ON FOREIGN RELATIONS

Mr. FITZGERALD (for himself, Mr. LIEBERMAN, Mr. HAGEL, Mr. HELMS, and Mr. LUGAR) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 343

Whereas Israel's Magen David Adom Society has since 1930 provided emergency relief to people in many countries in times of need, pain, and suffering, regardless of nationality or religious affiliation;

Whereas in the past year alone, the Magen David Adom Society has provided invaluable humanitarian services in Kosovo, Indonesia, Ethiopia, and Eritrea, as well as Greece and Turkey in the wake of the earthquakes that devastated these countries;

Whereas the American Red Cross has recognized the superb and invaluable work done by the Magen David Adom Society and considers the exclusion of the Magen David Adom Society from the International Red Cross and Red Crescent Movement "an injustice of the highest order";

Whereas the American Red Cross has repeatedly urged that the International Red Cross and Red Crescent Movement recognize the Magen David Adom Society as a full member, with its emblem;

Whereas the Magen David Adom Society utilizes the Red Shield of David as its emblem, in similar fashion to the utilization of the Red Cross and Red Crescent by other national societies;

Whereas the Red Cross and the Red Crescent have been recognized as protective emblems under the Statutes of the International Red Cross and Red Crescent Movement;

Whereas the International Committee of the Red Cross has ignored previous requests from the United States Congress to recognize the Magen David Adom Society;

Whereas the Statutes of the International Red Cross and Red Crescent Movement state that it "makes no discrimination as to nationality, race, religious beliefs, class or political opinions," and it "may not take sides in hostilities or engage at any time in controversies of a political, racial, religious or ideological nature";

Whereas although similar national organizations of Iraq, North Korea, and Afghanistan are recognized as full members of the International Red Cross and Red Crescent Movement, the Magen David Adom Society has been denied membership since 1949;

Whereas in the six fiscal years 1994 through 1999, the United States Government provided a total of \$631,000,000 to the International Committee of the Red Cross and \$82,000,000 to the International Federation of Red Cross and Red Crescent Societies; and

Whereas in fiscal year 1999 alone, the United States Government provided \$119,500,000 to the International Committee of the Red Cross and \$7,300,000 to the International Federation of Red Cross and Red Crescent Societies: Now, therefore, be it

*Resolved, That—*

(1) the International Committee on the Red Cross should immediately recognize the Magen David Adom Society and the Magen David Adom Society should be granted full membership in the International Red Cross and Red Crescent Movement;

(2) the International Federation of Red Cross and Red Crescent Societies should grant full membership to the Magen David Adom Society immediately following recognition by the International Committee of the Red Cross of the Magen David Adom Society;

(3) the Magen David Adom Society should not be required to give up or diminish its use of its emblem as a condition for immediate and full membership in the International Red Cross and Red Crescent Movement; and

(4) the Red Shield of David should be accorded the same recognition under international law as the Red Cross and the Red Crescent.

Mr. FITZGERALD. Mr. President, today I am introducing a resolution expressing the sense of the Senate that the International Red Cross and Red Crescent Movement should recognize and admit to full membership Israel's Magen David Adom Society with its emblem, the Red Shield of David. I thank Senators LIEBERMAN, HAGEL, HELMS, and LUGAR for joining me as original cosponsors of this important resolution.

The International Red Cross and Red Crescent Movement is the largest humanitarian network in the world. The Movement has many components, including the International Committee of the Red Cross (the ICRC—the Swiss-based founding institution of the Movement that serves as a neutral intermediary in armed conflict areas) and the International Federation of Red Cross and Red Crescent Societies (the Federation, which groups together the Movement's 176 recognized national societies and coordinates international disaster relief and refugee assistance in non-conflict areas).

The Red Shield of David has been in use and recognized de facto since 1930 as the distinctive emblem of the medical and first aid services of the Jewish population in Palestine and, after 1948, the state of Israel. Israel signed the Geneva Conventions in 1949. The new state of Israel therefore attempted to have the Red Shield of David recognized in the Geneva Conventions as an alternative to the red cross, the red crescent, and the red lion and sun. In a secret ballot, however, Israel's request was rejected, 22 to 21. The end result was that Israel's equivalent of the Red Cross, Magen David Adom (MDA), was relegated to non-voting observer status and thereby effectively excluded from the Movement.

In rejecting the Red Shield of David, and excluding Israel's national society from the Movement, the 1949 diplomatic convention established the principle that only those already using an exceptional sign—that is, a non-Red Cross emblem—had the right to continue using it. All new national soci-

eties would have to adopt the Red Cross. However, the admission of 25 new Red Crescent societies since 1949 demonstrates the inconsistency with which this principle has been applied.

Despite MDA's exclusion from the Movement, it has continuously played an active role in disaster assistance worldwide, recently helping to rescue trapped civilians following the 1999 earthquakes in Turkey and Greece. Israeli medical teams were also among the first to assist victims of severe flooding in Mozambique this year. ICRC officials have praised MDA for its "life-saving work" and report they have maintained "excellent working relations" with the MDA for decades.

The existing Protocols of the Geneva Conventions provide for two different uses of the Movement emblem: "protective," which is used for protective purposes in armed conflicts and requires the use of a single unique emblem, and "indicative," which is used for identification purposes in non-conflict circumstances, and therefore allows for the existence of several emblems. Currently, negotiations are underway to add a possible third Protocol to the Geneva Conventions to create a new neutral emblem and allow for MDA recognition with its emblem. However, before these negotiations can translate into formal recognition, significant procedural hurdles must be overcome, including super-majority votes of three bodies and ratification by member nations that could take years. Meanwhile, the American Red Cross has been pursuing other approaches that would allow for the recognition of MDA and its emblem without the introduction of a third Protocol.

The resolution I am introducing today would help facilitate the negotiating process by putting the Senate on record in support of MDA recognition at a critical time in these negotiations. The House of Representatives passed a similar resolution on May 3, 2000. The Senate, however, last announced its support of recognition of MDA and its emblem over 12 years ago.

Over the last six years, the United States Government has provided the ICRC and the Federation with \$713 million. Once again, the United States Senate should urge the International Red Cross and Red Crescent Movement to recognize the Red Shield of David emblem and admit MDA for full membership in the Movement.

I urge my colleagues to support this resolution to encourage the International Red Cross and Red Crescent Movement to recognize Israel's Magen David Adom society and its emblem, the Red Shield of David.



SENATE RESOLUTION 344—EXPRESSING THE SENSE OF THE SENATE THAT THE PROPOSED MERGER OF UNITED AIRLINES AND U.S. AIRWAYS IS INCONSISTENT WITH THE PUBLIC INTEREST AND PUBLIC CONVENIENCE AND NECESSITY POLICY SET FORTH IN SECTION 40101 OF TITLE 49, UNITED STATES CODE

Mr. MCCAIN (for himself and Mr. GORTON) submitted the following resolution; which was referred to the Committee on Commerce, Science, and Transportation:

S. RES. 344

Whereas, in 1999 the 6 largest hub-and-spoke airlines in the United States accounted for nearly 80 percent of the revenue passenger miles flown by domestic airlines,

Whereas, according to Department of Transportation statistics, a combined United Airlines and US Airways would result in at least 20 airline hub airports in the United States where a single airline and its affiliate air carriers would carry more than 50 percent of the passenger traffic;

Whereas, the Department of Transportation and the General Accounting Office have documented that air fares are relatively higher at those airline hub airports where a single airline carries more than 50 percent of the passenger traffic;

Whereas, a combined United Airlines and US Airways would hold approximately 40 percent of the air carrier takeoff and landing slots at the 4 high density airports, even taking into account the parties' planned divestiture of slots at Ronald Reagan Washington National Airport;

Whereas, most analysts agree that a United Airlines-US Airways merger would lead to other merger in the airline industry, likely resulting in combinations that would reduce the 6 largest domestic hub-and-spoke airlines to 3 airlines;

Whereas, media reports indicate that American Airlines has made a tangible offer to purchase Northwest Airlines and that Delta Air Lines and Continental Airlines have engaged in merger negotiations;

Whereas, it would be difficult for the Department of Transportation and other responsible Federal agencies of jurisdiction to disapprove subsequent airline merger proposals if the government allows the largest domestic airline, in terms of total operating revenue and revenue passenger miles flown in 1999, United Airlines, to merge with the sixth largest airline, US Airways, making United Airlines substantially bigger than its next largest competitor;

Whereas, 3 larger domestic airlines will have substantially increased market power, and would have the ability to use that market power to drive low fare competitors out of direct competition and to thwart new airline entry into the marketplace;

Whereas, the Department of Transportation credits nearly all of the benefits of deregulation (a reported \$6.3 billion in annual savings to airline passengers) to the entry and existence of low fare airline competitors in the marketplace;

Whereas, a combined United Airlines and US Airways, including their commuter airline partners, would be the only carrier offering nonstop flights between at least 26 domestic airports in 12 States;

Whereas, in 1999 United Airlines and US Airways enplaned 22 percent of all revenue passengers flown by domestic airlines;

Whereas, the transition from 6 major airlines to 3 would likely result in less competition and higher fares, giving consumers

fewer choices and decreased customers service;

Whereas, it is the role of the Senate Committee on Commerce, Science, and Transportation and, more specifically the Subcommittee on Aviation, to conduct oversight of the aviation industry and to promote consumers' receiving a basic level of airline customer service;

Whereas, the Air Transport Association member air carriers agreed to an Airline Customer Service Commitment to improve the current level of customer service in the airline industry;

Whereas, in an interim oversight report, the Department of Transportation Inspector General recently concluded that the results are mixed with respect to the effectiveness of the efforts of the major airlines to implement their Airline Customer Service Commitment;

Whereas, the combination of 2 entities as large as United Airlines and US Airways could cause at least short-term disruptions in service;

Whereas, according to the Department of Transportation statistics for the month of May 2000, for the 10 major airlines, a combined United Airlines and US Airways would have had the lowest percentage of ontime flight arrivals, the highest percentage of flight operations canceled, the second highest rate of consumer complaints, and the second highest rate of mishandled baggage: Now, therefore, be it

*Resolved, That—*

(1) the Senate expresses concern about the proposed United Airlines-US Airways merger because of its potential to leave consumers with fewer travel options, higher fares, and lowered levels of service; and

(2) it is the sense of the Senate that the potential consumer detriments from the proposed United Airlines-US Airways merger outweigh the potential consumer benefits.

Mr. MCCAIN. Mr. President, I am pleased to be joined by the Commerce Committee Aviation Subcommittee Chairman, Senator GORTON, to introduce a Senate resolution expressing our strong reservations about the proposed merger of United Airlines and US Airways.

Through Commerce Committee deliberations, Senator GORTON and I have carefully analyzed the proposed merger, as well as its long-term consumer effects. We conclude that whatever air travelers stand to gain from the merger is outweighed by what they stand to lose.

The public interest would likely be harmed by a United Airlines-US Airways merger. First, almost all analysts agree that the merger would trigger additional consolidation in the airline industry. The six largest hub-and-spoke carriers in the country would likely become the "big three." Everything else being equal, basic economic principles suggest that consumers are better served by having six competitors in a market rather than three.

Even at this preliminary date, our experience bears out the prediction of additional industry consolidation. American Airlines has already made an offer for Northwest Airlines. Delta Air Lines and Continental have reportedly engaged in merger negotiations.

Consolidation among these network carriers poses additional problems for the flying public. The likely result of

fewer carriers is more single-carrier concentration at hub airports across the country. Studies by the Department of Transportation, the General Accounting Office, and others consistently conclude that air fares are relatively higher at hub airports "dominated" by a single carrier.

Important new entry in the airline industry would be hurt by consolidation among the major airlines. The mega-carriers would have additional resources to engage in fierce and prolonged behavior designed to drive new competitors out of the market, and to single potential entrants that they dare not compete with the incumbent.

Today, many new entrants simply choose not to enter the major airlines' hub markets because they fear they cannot survive a sustained head-to-head battle. A United-US Airways merger, and the consolidation that would ensue, would further entrench the incumbent air carriers' positions.

I admit that there are benefits associated with the proposed United-US Airways merger. The carriers, for instance, tout "seamless" connections to international destinations, an expanded frequent flyer program, and similar benefits that should appeal to travelers on the United-US Airways system.

United and US Airways also applaud new service to a multitude of destinations as a consequence of the merger. It is important to note, however, that what is new to United is not exactly new to the flying public, since United's "new" service is made up of flights that are now offered by US Airways.

Again, the point is that the anti-competitive harm posed by the proposed United-US Airways merger outweighs its benefits. And that conclusion does not even take into account the customer service problems associated with integrating the work forces of two or more major airlines.

I want to underscore that this resolution is designed to express our concerns about the proposed United-US Airways merger. It does not seek to force any federal agency or department to take any specific action with respect to the proposed merger. However, our concerns for the consumer are of such a significant nature that we are compelled to introduce this resolution.

I ask unanimous consent to have printed in the RECORD a letter from the father of airline deregulation, Prof. Alfred Kahn. His letter outlines his preliminary concerns with the proposed United-US Airways merger.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

ALFRED E. KAHN,  
*Ithaca, New York, June 9, 2000.*

Hon. JOHN MCCAIN,  
*Chairman, Committee on Commerce, Science and Transportation, U.S. Senate, Russell Senate Office Building, Washington, DC.*

DEAR SENATOR MCCAIN: I'm very sorry that I can't accept your invitation to testify before your Committee on June 20th, and hope that you will regard the arrival that day of



my son and his family from Australia, for a brief visit, as a sufficient reason. I particularly regret my inability to take advantage of that opportunity to renew our acquaintance.

Your Ann Choiniere has asked me to offer, as a substitute, a statement of my—as yet only provisional—opinions about the proposed merger of United Airlines and US Airways. I am happy to do so, even though, to repeat, I have by no means a settled final opinion about whether or not it should be approved.

I do urge you to give careful consideration to its possible anticompetitive effects, however. The central premise of deregulation was that competition would best serve and protect consumers; that meant vigorous enforcement of the antitrust laws rather than direct regulation would become critical in the new regime.

Primary responsibility for making this investigation rests, of course, with the antitrust agencies. It is my understanding, however, that the Antitrust Division's resources are severely strained by their other obligations, including other proceedings specifically involving the airlines; if they lack the resources to look at this latest proposed merger with great care, it seems to me that would be a case of the government being penny-wise and pound-foolish. Partly because of the possible direct effects of this merger and, perhaps even more, because of its threatening to set off a series of imitative mergers that would substantially increase the concentration of the domestic industry, there is a possible jeopardy here to the many billions of dollars that consumers have been saving each year because off the competition set off by deregulation.

It seems to me there are several levels at which to assess these possible anticompetitive effects.

1. The first goes to the question of whether there are any substantial number of particular routes on which United and US Airways are already direct competitors. In the case of the proposed merger of Continental/Northwest, the Antitrust Division identified several very important routes between their respective hubs (for example, Houston/Minneapolis-St. Paul, Houston/Detroit, Cleveland/Minneapolis-St. Paul, Cleveland/Memphis, Newark/Twin Cities) on which it appeared those airlines were the two main if not only competitors, and their merger would simply eliminate that competition. I do not know to what extent there are similar overlaps between US Airways and United.

2. In deregulating the airlines we relied very heavily on the threat of potential as well as actual competition to prevent exploitation of consumers: an important part of the rationale of deregulation was the contestability of airline markets. It seems to me highly likely that there are many routes in which United or US Airways is a potential competitor of the other. And it is my recollection that while studies of the behavior of airline fares after deregulation (notably one by Winston and Morrison and another by Gloria Hurdle, Andrew Joskow and others) demonstrated that one actual competitor in a market is worth two or three potential contesters in the bush, they nevertheless also found that the presence of a potential contesters—identified as a carrier already present at one or the other end of a route—did constrain the fares incumbents could charge.

3. The likelihood that a United/US Airways merger would indeed result in suppression of this potential competition would seem to be enhanced by what I take it would be United's explanation and justification—namely, its need for a strong hub in the Northeast (commented on widely in the literature, along

with attributions of a similar need to American Airlines). But if United really does feel the need for a big hub in the Northeast, this suggests that it is indeed an important potential competitor of US Airways, and that, denied the ability to acquire the hub in the easiest, noncompetitive fashion, by acquisition, it might instead feel impelled to construct a hub of its own in direct competition with US Airways; if some place within a couple of hundred miles of Pittsburgh is the needed location—observe the hubs of Continental at Cleveland and Delta at Cincinnati—then why not, say, Buffalo for United? And while I have the impression that the suppression of potential competition has not played a major role in most merger litigation, it might properly be definitive in this case, if only because, either explicitly or implicitly, United is in effect conceding the potentiality of that competition in its rationalizations of the merger itself. The stronger its argument that it does indeed require a big hub in the Northeast, the more that signifies that the alternative, if it were denied the opportunity to acquire US Airways, would be to construct a major competitive hub of its own.

4. In addition, if indeed United's acquisition of a competitive advantage by this acquisition—giving it the first claim on traffic feed from US Airways' extensive network—does increase the pressure on other carriers, particularly American to merge similarly, then it seems to me that is a possible competitive consequence of this particular merger that should additionally be taken into account in deciding whether it should be permitted.

I do hope you will undertake this important inquiry: we may be confronting a very radical consolidation of the industry, which cannot be a matter of indifference to people like you and me, who have regarded deregulation as a striking success thus far.

With warm personal regards,

Sincerely,

ALFRED E. KAHN,

*Robert Julius Thorne Professor of Political Economy, Emeritus, Cornell University; Chairman, Civil Aeronautics Board 1977-78.*

Mr. MCCAIN. Mr. President, I want to highlight one point Professor Kahn makes. He asserts that United's main justification for the merger is the need for a hub in the northeast. He goes on to question, however, why United doesn't create a hub in the northeast, rather than follow the path of "least competitive resistance" by trying to acquire on its competitors' hubs. Mr. President, I ask the same question, and urge my colleagues to join Senator GORTON and me in supporting this Senate resolution expressing our strong concerns about a United-US Airways merger.

Mr. President, I thank my friend and colleague, the distinguished chairman of the Aviation Subcommittee of the Commerce Committee who joined me in this resolution.

I yield the floor.

The PRESIDING OFFICER. The Senator from Washington.

Mr. GORTON. Mr. President, it is my purpose to join with the Senator from Arizona today in introducing this sense-of-the-Senate resolution. Each of us has thought long and hard about this proposed measure, as it goes to the heart of our air transport system in the United States. I believe I speak for the

Senator from Arizona as well as for myself in saying this merger seems quite obviously to be beneficial both to United Airlines and to U.S. Airways. Public policy, however, does not concern itself primarily with the benefits to the companies involved in the competitive field. Public policy should concern itself with consumer interests and with the interests of the millions of Americans who use these airlines to fly from one place to another across the United States and for that matter overseas.

A merger of these two airlines would create by far the largest single airline in the United States. Inevitably, it seems to me that would lead to two more mergers, at the very least involving the other four of the largest six airlines in the United States. In fact, it would be almost impossible to mount a logical and rational defense against such mergers as those airlines would complain with real justification that they were no longer competitive with the giant created by a United-U.S. Airways merger.

From our perspective, we need to consider what the ultimate outcome of this merger would be and the impact it would have on airline passengers all across the United States. There would be a significant increase in the number of hubs overwhelmingly dominated by a single airline. There would be, in my view, a sharp decrease in the competition for airline travel in many cities across the United States. There would certainly be the legitimate desire on the part of the remaining airlines to maximize their profits. That exists at the present time. But these three mergers would vastly increase the ability of the airlines to do so in what would be distinctly a less competitive market.

I have attended hearings on this subject. I have had meetings with the CEOs of both airlines seeking to merge and with some of those who have apprehensions about that merger. I may say there are a number of ways in which my mind was changed by those meetings. My first reaction to the proposal was that the creation of one new entrant—D.C. Airlines—was little more than a sham. The hearings and my meetings indicated to me that I was almost certainly wrong in that respect, and that the proposed new owner and manager of D.C. Airlines did intend to be a real airline to provide real service. But even if we grant the potential success of that airline, the net effect on competition overall would be highly negative on the part of this merger.

I join with the chairman of the Commerce Committee in this resolution. I do not think in the ultimate analysis that this merger is in the public interest. I believe it would lessen competition among domestic airlines. I think it would not improve the way in which the airline passengers are treated, and probably, at least in the short term and perhaps in the long term, would exacerbate an already troublesome situation.

I believe we would end up with three major airlines flying roughly 80 percent of all the passengers on domestic flights in the United States, and that the net result, by a significant margin from such a merger, would not be in the public interest.

I hope this resolution becomes more formalized than it is just by the introduction by these two Members. I suspect the chairman of the Commerce Committee will bring it up in the Commerce Committee. I hope it is here for consideration by the entire Senate promptly, and it will be considered by the regulatory authorities that are dealing with the proposed merger at the present time.

#### AMENDMENTS SUBMITTED

#### TREASURY AND GENERAL GOVERNMENT APPROPRIATIONS ACT, 2001

##### LEAHY AMENDMENT NO. 4016

(Ordered to lie on the table.)

Mr. LEAHY submitted the following amendment intended to be proposed by him to the bill (H.R. 4871) making appropriations for the Treasury Department, the United States Postal Service, the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending September 30, 2001, and for other purposes; as follows:

At the appropriate place, insert the following:

SEC. . Not later than 90 days after the date of the enactment of this Act, the Inspector General of each agency funded under this Act shall submit to the Congress a report that discloses—

(1) any agency activity related to the collection or review of singular data, or the creation of aggregate lists that include personally identifiable information, about individuals who access any Internet site of the agency; and

(2) any agency activity related to entering into agreements with third parties, including other government agencies, to collect, review, or obtain aggregate lists or singular data containing personally identifiable information relating to any individual's access or viewing habits to nongovernmental Internet sites.

#### ENERGY AND WATER DEVELOPMENT APPROPRIATIONS ACT, 2001

##### ALLARD AMENDMENT NO. 4017

(Ordered to lie on the table.)

Mr. ALLARD submitted an amendment intended to be proposed by him to the bill (H.R. 4733) making appropriations for energy and water development for the fiscal year ending September 30, 2001, and for other purposes; as follows:

On page 66, between lines 11 and 12, insert the following:

#### SEC. 2. USE OF COLORADO-BIG THOMPSON PROJECT FACILITIES FOR NON-PROJECT WATER.

The Secretary of the Interior may enter into contracts with the city of Loveland,

Colorado, or its Water and Power Department or any other agency, public utility, or enterprise of the city, providing for the use of facilities of the Colorado-Big Thompson Project, Colorado, under the Act of February 21, 1911 (43 U.S.C. 523), for—

(1) the impounding, storage, and carriage of nonproject water originating on the eastern slope of the Rocky Mountains for domestic, municipal, industrial, and other beneficial purposes; and

(2) the exchange of water originating on the eastern slope of the Rocky Mountains for the purposes specified in paragraph (1), using facilities associated with the Colorado-Big Thompson Project, Colorado.

#### WORLD BANK AIDS PREVENTION TRUST FUND ACT

##### HELMS (AND OTHERS) AMENDMENT NO. 4018

Mr. HELMS (for himself, Mr. BIDEN, Mr. FRIST, Mr. KERRY, Mr. SMITH of Oregon, Mrs. BOXER, and Mr. FEINGOLD) proposed an amendment to the bill (H.R. 3519) to provide for negotiations for the creation of a trust fund to be administered by the International Bank for Reconstruction and Development Association to combat the AIDS epidemic; as follows:

Strike all after the enacting clause and insert the following:

##### SECTION 1. SHORT TITLE.

This Act may be cited as the "Global AIDS and Tuberculosis Relief Act of 2000".

##### SEC. 2. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

Sec. 1. Short title.

Sec. 2. Table of contents.

#### TITLE I—ASSISTANCE TO COUNTRIES WITH LARGE POPULATIONS HAVING HIV/AIDS

Sec. 101. Short title.

Sec. 102. Definitions.

Sec. 103. Findings and purposes.

##### Subtitle A—United States Assistance

Sec. 111. Additional assistance authorities to combat HIV and AIDS.

Sec. 112. Voluntary contribution to Global Alliance for Vaccines and Immunizations and International AIDS Vaccine Initiative.

Sec. 113. Coordinated donor strategy for support and education of orphans in sub-Saharan Africa.

Sec. 114. African Crisis Response Initiative and HIV/AIDS training.

##### Subtitle B—World Bank AIDS Trust Fund

##### CHAPTER 1—ESTABLISHMENT OF THE FUND

Sec. 121. Establishment.

Sec. 122. Grant authorities.

Sec. 123. Administration.

Sec. 124. Advisory Board.

##### CHAPTER 2—REPORTS

Sec. 131. Reports to Congress.

##### CHAPTER 3—UNITED STATES FINANCIAL PARTICIPATION

Sec. 141. Authorization of appropriations.

Sec. 142. Certification requirement.

#### TITLE II—INTERNATIONAL TUBERCULOSIS CONTROL

Sec. 201. Short title.

Sec. 202. Findings.

Sec. 203. Assistance for tuberculosis prevention, treatment, control, and elimination.

#### TITLE III—ADMINISTRATIVE AUTHORITIES

Sec. 301. Effective program oversight.

Sec. 302. Termination expenses.

#### TITLE I—ASSISTANCE TO COUNTRIES WITH LARGE POPULATIONS HAVING HIV/AIDS

##### SEC. 101. SHORT TITLE.

This title may be cited as the "Global AIDS Research and Relief Act of 2000".

##### SEC. 102. DEFINITIONS.

In this title:

(1) AIDS.—The term "AIDS" means the acquired immune deficiency syndrome.

(2) ASSOCIATION.—The term "Association" means the International Development Association.

(3) BANK.—The term "Bank" or "World Bank" means the International Bank for Reconstruction and Development.

(4) HIV.—The term "HIV" means the human immunodeficiency virus, the pathogen which causes AIDS.

(5) HIV/AIDS.—The term "HIV/AIDS" means, with respect to an individual, an individual who is infected with HIV or living with AIDS.

##### SEC. 103. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress makes the following findings:

(1) According to the Surgeon General of the United States, the epidemic of human immunodeficiency virus/acquired immune deficiency syndrome (HIV/AIDS) will soon become the worst epidemic of infectious disease in recorded history, eclipsing both the bubonic plague of the 1300's and the influenza epidemic of 1918-1919 which killed more than 20,000,000 people worldwide.

(2) According to the Joint United Nations Programme on HIV/AIDS (UNAIDS), more than 34,300,000 people in the world today are living with HIV/AIDS, of which approximately 95 percent live in the developing world.

(3) UNAIDS data shows that among children age 14 and under worldwide, more than 3,800,000 have died from AIDS, more than 1,300,000 are living with the disease; and in one year alone—1999—an estimated 620,000 became infected, of which over 90 percent were babies born to HIV-positive women.

(4) Although sub-Saharan Africa has only 10 percent of the world's population, it is home to more than 24,500,000—roughly 70 percent—of the world's HIV/AIDS cases.

(5) Worldwide, there have already been an estimated 18,800,000 deaths because of HIV/AIDS, of which more than 80 percent occurred in sub-Saharan Africa.

(6) The gap between rich and poor countries in terms of transmission of HIV from mother to child has been increasing. Moreover, AIDS threatens to reverse years of steady progress of child survival in developing countries. UNAIDS believes that by the year 2010, AIDS may have increased mortality of children under 5 years of age by more than 100 percent in regions most affected by the virus.

(7) According to UNAIDS, by the end of 1999, 13,200,000 children have lost at least one parent to AIDS, including 12,100,000 children in sub-Saharan Africa, and are thus considered AIDS orphans.

(8) At current infection and growth rates for HIV/AIDS, the National Intelligence Council estimates that the number of AIDS orphans worldwide will increase dramatically, potentially increasing threefold or more in the next 10 years, contributing to economic decay, social fragmentation, and political destabilization in already volatile and strained societies. Children without care or hope are often drawn into prostitution, crime, substance abuse, or child soldiery.

(9) Donors must focus on adequate preparations for the explosion in the number of orphans and the burden they will place on families, communities, economies, and governments. Support structures and incentives for families, communities, and institutions which will provide care for children orphaned by HIV/AIDS, or for the children who are themselves afflicted by HIV/AIDS, will be essential.

(10) The 1999 annual report by the United Nations Children's Fund (UNICEF) states "[t]he number of orphans, particularly in Africa, constitutes nothing less than an emergency, requiring an emergency response" and that "finding the resources needed to help stabilize the crisis and protect children is a priority that requires urgent action from the international community."

(11) The discovery of a relatively simple and inexpensive means of interrupting the transmission of HIV from an infected mother to the unborn child—namely with nevirapine (NVP), which costs US\$4 a tablet—has created a great opportunity for an unprecedented partnership between the United States Government and the governments of Asian, African and Latin American countries to reduce mother-to-child transmission (also known as "vertical transmission") of HIV.

(12) According to UNAIDS, if implemented this strategy will decrease the proportion of orphans that are HIV-infected and decrease infant and child mortality rates in these developing regions.

(13) A mother-to-child antiretroviral drug strategy can be a force for social change, providing the opportunity and impetus needed to address often long-standing problems of inadequate services and the profound stigma associated with HIV-infection and the AIDS disease. Strengthening the health infrastructure to improve mother-and-child health, antenatal, delivery and postnatal services, and couples counseling generates enormous spillover effects toward combating the AIDS epidemic in developing regions.

(14) United States Census Bureau statistics show life expectancy in sub-Saharan Africa falling to around 30 years of age within a decade, the lowest in a century, and project life expectancy in 2010 to be 29 years of age in Botswana, 30 years of age in Swaziland, 33 years of age in Namibia and Zimbabwe, and 36 years of age in South Africa, Malawi, and Rwanda, in contrast to a life expectancy of 70 years of age in many of the countries without a high prevalence of AIDS.

(15) A January 2000 United States National Intelligence Estimate (NIE) report on the global infectious disease threat concluded that the economic costs of infectious diseases—especially HIV/AIDS—are already significant and could reduce GDP by as much as 20 percent or more by 2010 in some sub-Saharan African nations.

(16) According to the same NIE report, HIV prevalence among militias in Angola and the Democratic Republic of the Congo are estimated at 40 to 60 percent, and at 15 to 30 percent in Tanzania.

(17) The HIV/AIDS epidemic is of increasing concern in other regions of the world, with UNAIDS estimating that there are more than 5,600,000 cases in South and South-east Asia, that the rate of HIV infection in the Caribbean is second only to sub-Saharan Africa, and that HIV infections have doubled in just two years in the former Soviet Union.

(18) Despite the discouraging statistics on the spread of HIV/AIDS, some developing nations—such as Uganda, Senegal, and Thailand—have implemented prevention programs that have substantially curbed the rate of HIV infection.

(19) AIDS, like all diseases, knows no national boundaries, and there is no certitude

that the scale of the problem in one continent can be contained within that region.

(20) Accordingly, United States financial support for medical research, education, and disease containment as a global strategy has beneficial ramifications for millions of Americans and their families who are affected by this disease, and the entire population which is potentially susceptible.

(b) PURPOSES.—The purposes of this title are to—

(1) help prevent human suffering through the prevention, diagnosis, and treatment of HIV/AIDS; and

(2) help ensure the viability of economic development, stability, and national security in the developing world by advancing research to—

(A) understand the causes associated with HIV/AIDS in developing countries; and

(B) assist in the development of an AIDS vaccine.

#### Subtitle A—United States Assistance

#### SEC. 111. ADDITIONAL ASSISTANCE AUTHORITIES TO COMBAT HIV AND AIDS.

(a) ASSISTANCE FOR PREVENTION OF HIV/AIDS AND VERTICAL TRANSMISSION.—Section 104(c) of the Foreign Assistance Act of 1961 (22 U.S.C. 2151b(c)) is amended by adding at the end the following new paragraphs:

"(4)(A) Congress recognizes the growing international dilemma of children with the human immunodeficiency virus (HIV) and the merits of intervention programs aimed at this problem. Congress further recognizes that mother-to-child transmission prevention strategies can serve as a major force for change in developing regions, and it is, therefore, a major objective of the foreign assistance program to control the acquired immune deficiency syndrome (AIDS) epidemic.

"(B) The agency primarily responsible for administering this part shall—

"(i) coordinate with UNAIDS, UNICEF, WHO, national and local governments, and other organizations to develop and implement effective strategies to prevent vertical transmission of HIV; and

"(ii) coordinate with those organizations to increase intervention programs and introduce voluntary counseling and testing, antiretroviral drugs, replacement feeding, and other strategies.

"(5)(A) Congress expects the agency primarily responsible for administering this part to make the human immunodeficiency virus (HIV) and the acquired immune deficiency syndrome (AIDS) a priority in the foreign assistance program and to undertake a comprehensive, coordinated effort to combat HIV and AIDS.

"(B) Assistance described in subparagraph (A) shall include help providing—

"(i) primary prevention and education;

"(ii) voluntary testing and counseling;

"(iii) medications to prevent the transmission of HIV from mother to child; and

"(iv) care for those living with HIV or AIDS.

"(6)(A) In addition to amounts otherwise available for such purpose, there is authorized to be appropriated to the President \$300,000,000 for each of the fiscal years 2001 and 2002 to carry out paragraphs (4) and (5).

"(B) Of the funds authorized to be appropriated under subparagraph (A), not less than 65 percent is authorized to be available through United States and foreign nongovernmental organizations, including private and voluntary organizations, for-profit organizations, religious affiliated organizations, educational institutions, and research facilities.

"(C)(i) Of the funds authorized to be appropriated by subparagraph (A), not less than 20 percent is authorized to be available for pro-

grams as part of a multidonor strategy to address the support and education of orphans in sub-Saharan Africa, including AIDS orphans.

"(ii) Assistance made available under this subsection, and assistance made available under chapter 4 of part II to carry out the purposes of this subsection, may be made available notwithstanding any other provision of law that restricts assistance to foreign countries.

"(D) Of the funds authorized to be appropriated under subparagraph (A), not less than 8.3 percent is authorized to be available to carry out the prevention strategies for vertical transmission referred to in paragraph (4)(A).

"(E) Of the funds authorized to be appropriated by subparagraph (A), not more than 7 percent may be used for the administrative expenses of the agency primarily responsible for carrying out this part of this Act in support of activities described in paragraphs (4) and (5).

"(F) Funds appropriated under this paragraph are authorized to remain available until expended."

(b) TRAINING AND TRAINING FACILITIES IN SUB-SAHARAN AFRICA.—Section 496(i)(2) of the Foreign Assistance Act of 1961 (22 U.S.C. 2293(i)(2)) is amended by adding at the end the following new sentence: "In addition, providing training and training facilities, in sub-Saharan Africa, for doctors and other health care providers, notwithstanding any provision of law that restricts assistance to foreign countries."

#### SEC. 112. VOLUNTARY CONTRIBUTION TO GLOBAL ALLIANCE FOR VACCINES AND IMMUNIZATIONS AND INTERNATIONAL AIDS VACCINE INITIATIVE.

(a) AUTHORIZATION OF APPROPRIATIONS.—Section 302 of the Foreign Assistance Act of 1961 (22 U.S.C. 2222) is amended by adding at the end the following new subsections:

"(k) In addition to amounts otherwise available under this section, there is authorized to be appropriated to the President \$50,000,000 for each of the fiscal years 2001 and 2002 to be available only for United States contributions to the Global Alliance for Vaccines and Immunizations.

"(l) In addition to amounts otherwise available under this section, there is authorized to be appropriated to the President \$10,000,000 for each of the fiscal years 2001 and 2002 to be available only for United States contributions to the International AIDS Vaccine Initiative."

(b) REPORT.—At the close of fiscal year 2001, the President shall submit a report to the appropriate congressional committees on the effectiveness of the Global Alliance for Vaccines and Immunizations and the International AIDS Vaccine Initiative during that fiscal year in meeting the goals of—

(1) improving access to sustainable immunization services;

(2) expanding the use of all existing, safe, and cost-effective vaccines where they address a public health problem;

(3) accelerating the development and introduction of new vaccines and technologies;

(4) accelerating research and development efforts for vaccines needed primarily in developing countries; and

(5) making immunization coverage a centerpiece in international development efforts.

(c) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In subsection (b), the term "appropriate congressional committees" means the Committee on Foreign Relations and the Committee on Appropriations of the Senate and the Committee on International Relations and the Committee on Appropriations of the House of Representatives.

# SEC. 113. COORDINATED DONOR STRATEGY FOR SUPPORT AND EDUCATION OF ORPHANS IN SUB-SAHARAN AFRICA.

(a) **STATEMENT OF POLICY.**—It is in the national interest of the United States to assist in mitigating the burden that will be placed on sub-Saharan African social, economic, and political institutions as these institutions struggle with the consequences of a dramatically increasing AIDS orphan population, many of whom are themselves infected by HIV and living with AIDS. Effectively addressing that burden and its consequences in sub-Saharan Africa will require a coordinated multidonor strategy.

(b) **DEVELOPMENT OF STRATEGY.**—The President shall coordinate the development of a multidonor strategy to provide for the support and education of AIDS orphans and the families, communities, and institutions most affected by the HIV/AIDS epidemic in sub-Saharan Africa.

(c) **DEFINITION.**—In this section, the term “HIV/AIDS” means, with respect to an individual, an individual who is infected with the human immunodeficiency virus (HIV), the pathogen that causes the acquired immune deficiency virus (AIDS), or living with AIDS.

## SEC. 114. AFRICAN CRISIS RESPONSE INITIATIVE AND HIV/AIDS TRAINING.

(a) **FINDINGS.**—Congress finds that—

(1) the spread of HIV/AIDS constitutes a threat to security in Africa;

(2) civil unrest and war may contribute to the spread of the disease to different parts of the continent;

(3) the percentage of soldiers in African militaries who are infected with HIV/AIDS is unknown, but estimates range in some countries as high as 40 percent; and

(4) it is in the interests of the United States to assist the countries of Africa in combating the spread of HIV/AIDS.

(b) **EDUCATION ON THE PREVENTION OF THE SPREAD OF AIDS.**—In undertaking education and training programs for military establishments in African countries, the United States shall ensure that classroom training under the African Crisis Response Initiative includes military-based education on the prevention of the spread of AIDS.

### Subtitle B—World Bank AIDS Trust Fund CHAPTER 1—ESTABLISHMENT OF THE FUND

#### SEC. 121. ESTABLISHMENT.

(a) **NEGOTIATIONS FOR ESTABLISHMENT OF TRUST FUND.**—The Secretary of the Treasury shall seek to enter into negotiations with the World Bank or the Association, in consultation with the Administrator of the United States Agency for International Development and other United States Government agencies, and with the member nations of the World Bank or the Association and with other interested parties, for the establishment within the World Bank of—

(1) the World Bank AIDS Trust Fund (in this subtitle referred to as the “Trust Fund”) in accordance with the provisions of this chapter; and

(2) the Advisory Board to the Trust Fund in accordance with section 124.

(b) **PURPOSE.**—The purpose of the Trust Fund should be to use contributed funds to—

(1) assist in the prevention and eradication of HIV/AIDS and the care and treatment of individuals infected with HIV/AIDS; and

(2) provide support for the establishment of programs that provide health care and primary and secondary education for children orphaned by the HIV/AIDS epidemic.

(c) **COMPOSITION.**—

(1) **IN GENERAL.**—The Trust Fund should be governed by a Board of Trustees, which should be composed of representatives of the participating donor countries to the Trust Fund. Individuals appointed to the Board

should have demonstrated knowledge and experience in the fields of public health, epidemiology, health care (including delivery systems), and development.

(2) **UNITED STATES REPRESENTATION.**—

(A) **IN GENERAL.**—Upon the effective date of this paragraph, there shall be a United States member of the Board of Trustees, who shall be appointed by the President, by and with the advice and consent of the Senate, and who shall have the qualifications described in paragraph (1).

(B) **EFFECTIVE AND TERMINATION DATES.**—

(i) **EFFECTIVE DATE.**—This paragraph shall take effect upon the date the Secretary of the Treasury certifies to Congress that an agreement establishing the Trust Fund and providing for a United States member of the Board of Trustees is in effect.

(ii) **TERMINATION DATE.**—The position established by subparagraph (A) is abolished upon the date of termination of the Trust Fund.

#### SEC. 122. GRANT AUTHORITIES.

(a) **PROGRAM OBJECTIVES.**—

(1) **IN GENERAL.**—In carrying out the purpose of section 121(b), the Trust Fund, acting through the Board of Trustees, should provide only grants, including grants for technical assistance to support measures to build local capacity in national and local government, civil society, and the private sector to lead and implement effective and affordable HIV/AIDS prevention, education, treatment and care services, and research and development activities, including access to affordable drugs.

(2) **ACTIVITIES SUPPORTED.**—Among the activities the Trust Fund should provide grants for should be—

(A) programs to promote the best practices in prevention, including health education messages that emphasize risk avoidance such as abstinence;

(B) measures to ensure a safe blood supply;

(C) voluntary HIV/AIDS testing and counseling;

(D) measures to stop mother-to-child transmission of HIV/AIDS, including through diagnosis of pregnant women, access to cost-effective treatment and counseling, and access to infant formula or other alternatives for infant feeding;

(E) programs to provide for the support and education of AIDS orphans and the families, communities, and institutions most affected by the HIV/AIDS epidemic;

(F) measures for the deterrence of gender-based violence and the provision of post-exposure prophylaxis to victims of rape and sexual assault; and

(G) incentives to promote affordable access to treatments against AIDS and related infections.

(3) **IMPLEMENTATION OF PROGRAM OBJECTIVES.**—In carrying out the objectives of paragraph (1), the Trust Fund should coordinate its activities with governments, civil society, nongovernmental organizations, the Joint United Nations Program on HIV/AIDS (UNAIDS), the International Partnership Against AIDS in Africa, other international organizations, the private sector, and donor agencies working to combat the HIV/AIDS crisis.

(b) **PRIORITY.**—In providing grants under this section, the Trust Fund should give priority to countries that have the highest HIV/AIDS prevalence rate or are at risk of having a high HIV/AIDS prevalence rate.

(c) **ELIGIBLE GRANT RECIPIENTS.**—Governments and nongovernmental organizations should be eligible to receive grants under this section.

(d) **PROHIBITION.**—The Trust Fund should not make grants for the purpose of project development associated with bilateral or multilateral bank loans.

#### SEC. 123. ADMINISTRATION.

(a) **APPOINTMENT OF AN ADMINISTRATOR.**—The Board of Trustees, in consultation with the appropriate officials of the Bank, should appoint an Administrator who should be responsible for managing the day-to-day operations of the Trust Fund.

(b) **AUTHORITY TO SOLICIT AND ACCEPT CONTRIBUTIONS.**—The Trust Fund should be authorized to solicit and accept contributions from governments, the private sector, and nongovernmental entities of all kinds.

(c) **ACCOUNTABILITY OF FUNDS AND CRITERIA FOR PROGRAMS.**—As part of the negotiations described in section 121(a), the Secretary of the Treasury shall, consistent with subsection (d)—

(1) take such actions as are necessary to ensure that the Bank or the Association will have in effect adequate procedures and standards to account for and monitor the use of funds contributed to the Trust Fund, including the cost of administering the Trust Fund; and

(2) seek agreement on the criteria that should be used to determine the programs and activities that should be assisted by the Trust Fund.

(d) **SELECTION OF PROJECTS AND RECIPIENTS.**—The Board of Trustees should establish—

(1) criteria for the selection of projects to receive support from the Trust Fund;

(2) standards and criteria regarding qualifications of recipients of such support;

(3) such rules and procedures as may be necessary for cost-effective management of the Trust Fund; and

(4) such rules and procedures as may be necessary to ensure transparency and accountability in the grant-making process.

(e) **TRANSPARENCY OF OPERATIONS.**—The Board of Trustees should ensure full and prompt public disclosure of the proposed objectives, financial organization, and operations of the Trust Fund.

#### SEC. 124. ADVISORY BOARD.

(a) **IN GENERAL.**—There should be an Advisory Board to the Trust Fund.

(b) **APPOINTMENTS.**—The members of the Advisory Board should be drawn from—

(1) a broad range of individuals with experience and leadership in the fields of development, health care (especially HIV/AIDS), epidemiology, medicine, biomedical research, and social sciences; and

(2) representatives of relevant United Nations agencies and nongovernmental organizations with on-the-ground experience in affected countries.

(c) **RESPONSIBILITIES.**—The Advisory Board should provide advice and guidance to the Board of Trustees on the development and implementation of programs and projects to be assisted by the Trust Fund and on leveraging donations to the Trust Fund.

(d) **PROHIBITION ON PAYMENT OF COMPENSATION.**—

(1) **IN GENERAL.**—Except for travel expenses (including per diem in lieu of subsistence), no member of the Advisory Board should receive compensation for services performed as a member of the Board.

(2) **UNITED STATES REPRESENTATIVE.**—Notwithstanding any other provision of law (including an international agreement), a representative of the United States on the Advisory Board may not accept compensation for services performed as a member of the Board, except that such representative may accept travel expenses, including per diem in lieu of subsistence, while away from the representative's home or regular place of business in the performance of services for the Board.

**CHAPTER 2—REPORTS****SEC. 131. REPORTS TO CONGRESS.**

(a) ANNUAL REPORTS BY TREASURY SECRETARY.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, and annually thereafter for the duration of the Trust Fund, the Secretary of the Treasury shall submit to the appropriate committees of Congress a report on the Trust Fund.

(2) REPORT ELEMENTS.—The report shall include a description of—

(A) the goals of the Trust Fund;

(B) the programs, projects, and activities, including any vaccination approaches, supported by the Trust Fund;

(C) private and governmental contributions to the Trust Fund; and

(D) the criteria that have been established, acceptable to the Secretary of the Treasury and the Administrator of the United States Agency for International Development, that would be used to determine the programs and activities that should be assisted by the Trust Fund.

(b) GAO REPORT ON TRUST FUND EFFECTIVENESS.—Not later than 2 years after the date of enactment of this Act, the Comptroller General of the United States shall submit to the appropriate committees of the Congress a report evaluating the effectiveness of the Trust Fund, including—

(1) the effectiveness of the programs, projects, and activities described in subsection (a)(2)(B) in reducing the worldwide spread of AIDS; and

(2) an assessment of the merits of continued United States financial contributions to the Trust Fund.

(c) APPROPRIATE COMMITTEES DEFINED.—In subsection (a), the term “appropriate committees” means the Committee on Foreign Relations and the Committee on Appropriations of the Senate and the Committee on International Relations, the Committee on Banking and Financial Services, and the Committee on Appropriations of the House of Representatives.

**CHAPTER 3—UNITED STATES FINANCIAL PARTICIPATION****SEC. 141. AUTHORIZATION OF APPROPRIATIONS.**

(a) IN GENERAL.—In addition to any other funds authorized to be appropriated for multilateral or bilateral programs related to HIV/AIDS or economic development, there is authorized to be appropriated to the Secretary of the Treasury \$150,000,000 for each of the fiscal years 2001 and 2002 for payment to the Trust Fund.

(b) ALLOCATION OF FUNDS.—Of the amounts authorized to be appropriated by subsection (a) for the fiscal years 2001 and 2002, \$50,000,000 are authorized to be available each such fiscal year only for programs that benefit orphans.

**SEC. 142. CERTIFICATION REQUIREMENT.**

(a) IN GENERAL.—Prior to the initial obligation or expenditure of funds appropriated pursuant to section 141, the Secretary of the Treasury shall certify that adequate procedures and standards have been established to ensure accountability for and monitoring of the use of funds contributed to the Trust Fund, including the cost of administering the Trust Fund.

(b) TRANSMITTAL OF CERTIFICATION.—The certification required by subsection (a), and the bases for that certification, shall be submitted by the Secretary of the Treasury to Congress.

**TITLE II—INTERNATIONAL TUBERCULOSIS CONTROL****SEC. 201. SHORT TITLE.**

This title may be cited as the “International Tuberculosis Control Act of 2000”.

**SEC. 202. FINDINGS.**

Congress makes the following findings:

(1) Since the development of antibiotics in the 1950s, tuberculosis has been largely controlled in the United States and the Western World.

(2) Due to societal factors, including growing urban decay, inadequate health care systems, persistent poverty, overcrowding, and malnutrition, as well as medical factors, including the HIV/AIDS epidemic and the emergence of multi-drug resistant strains of tuberculosis, tuberculosis has again become a leading and growing cause of adult deaths in the developing world.

(3) According to the World Health Organization—

(A) in 1998, about 1,860,000 people worldwide died of tuberculosis-related illnesses;

(B) one-third of the world's total population is infected with tuberculosis; and

(C) tuberculosis is the world's leading killer of women between 15 and 44 years old and is a leading cause of children becoming orphans.

(4) Because of the ease of transmission of tuberculosis, its international persistence and growth pose a direct public health threat to those nations that had previously largely controlled the disease. This is complicated in the United States by the growth of the homeless population, the rate of incarceration, international travel, immigration, and HIV/AIDS.

(5) With nearly 40 percent of the tuberculosis cases in the United States attributable to foreign-born persons, tuberculosis will never be controlled in the United States until it is controlled abroad.

(6) The means exist to control tuberculosis through screening, diagnosis, treatment, patient compliance, monitoring, and ongoing review of outcomes.

(7) Efforts to control tuberculosis are complicated by several barriers, including—

(A) the labor intensive and lengthy process involved in screening, detecting, and treating the disease;

(B) a lack of funding, trained personnel, and medicine in virtually every nation with a high rate of the disease;

(C) the unique circumstances in each country, which requires the development and implementation of country-specific programs; and

(D) the risk of having a bad tuberculosis program, which is worse than having no tuberculosis program because it would significantly increase the risk of the development of more widespread drug-resistant strains of the disease.

(8) Eliminating the barriers to the international control of tuberculosis through a well-structured, comprehensive, and coordinated worldwide effort would be a significant step in dealing with the increasing public health problem posed by the disease.

**SEC. 203. ASSISTANCE FOR TUBERCULOSIS PREVENTION, TREATMENT, CONTROL, AND ELIMINATION.**

Section 104(c) of the Foreign Assistance Act of 1961 (22 U.S.C. 2151b(c)), as amended by section 111(a) of this Act, is further amended by adding at the end the following:

“(7)(A) Congress recognizes the growing international problem of tuberculosis and the impact its continued existence has on those nations that had previously largely controlled the disease. Congress further recognizes that the means exist to control and treat tuberculosis, and that it is therefore a major objective of the foreign assistance program to control the disease. To this end, Congress expects the agency primarily responsible for administering this part—

“(i) to coordinate with the World Health Organization, the Centers for Disease Control, the National Institutes of Health, and other organizations toward the development

and implementation of a comprehensive tuberculosis control program; and

“(ii) to set as a goal the detection of at least 70 percent of the cases of infectious tuberculosis, and the cure of at least 85 percent of the cases detected, in those countries in which the agency has established development programs, by December 31, 2010.

“(B) There is authorized to be appropriated to the President, \$60,000,000 for each of the fiscal years 2001 and 2002 to be used to carry out this paragraph. Funds appropriated under this subparagraph are authorized to remain available until expended.”.

**TITLE III—ADMINISTRATIVE AUTHORITIES****SEC. 301. EFFECTIVE PROGRAM OVERSIGHT.**

Section 635 of the Foreign Assistance Act of 1961 (22 U.S.C. 2395) is amended by adding at the end thereof the following new subsection:

“(1) The Administrator of the agency primarily responsible for administering part I may use funds made available under that part to provide program and management oversight for activities that are funded under that part and that are conducted in countries in which the agency does not have a field mission or office.”.

**SEC. 302. TERMINATION EXPENSES.**

Section 617 of the Foreign Assistance Act of 1961 (22 U.S.C. 2367) is amended to read as follows:

**“SEC. 617. TERMINATION EXPENSES.**

“(a) IN GENERAL.—Funds made available under this Act and the Arms Export Control Act, may remain available for obligation for a period not to exceed 8 months from the date of any termination of assistance under such Acts for the necessary expenses of winding up programs related to such termination and may remain available until expended. Funds obligated under the authority of such Acts prior to the effective date of the termination of assistance may remain available for expenditure for the necessary expenses of winding up programs related to such termination notwithstanding any provision of law restricting the expenditure of funds. In order to ensure the effectiveness of such assistance, such expenses for orderly termination of programs may include the obligation and expenditure of funds to complete the training or studies outside their countries of origin of students whose course of study or training program began before assistance was terminated.

“(b) LIABILITY TO CONTRACTORS.—For the purpose of making an equitable settlement of termination claims under extraordinary contractual relief standards, the President is authorized to adopt as a contract or other obligation of the United States Government, and assume (in whole or in part) any liabilities arising thereunder, any contract with a United States or third-country contractor that had been funded with assistance under such Acts prior to the termination of assistance.

“(c) TERMINATION EXPENSES.—Amounts certified as having been obligated for assistance subsequently terminated by the President, or pursuant to any provision of law, shall continue to remain available and may be reobligated to meet any necessary expenses arising from the termination of such assistance.

“(d) GUARANTY PROGRAMS.—Provisions of this or any other Act requiring the termination of assistance under this or any other Act shall not be construed to require the termination of guarantee commitments that were entered into prior to the effective date of the termination of assistance.

“(e) RELATION TO OTHER PROVISIONS.—Unless specifically made inapplicable by another provision of law, the provisions of this

section shall be applicable to the termination of assistance pursuant to any provision of law.”.

## INDIAN LAND CONSOLIDATION ACT AMENDMENTS OF 2000

### CAMPBELL AMENDMENT NO. 4019

Mr. DEWINE (for Mr. CAMPBELL) proposed an amendment to the bill (S. 1586) to reduce the fractionated ownership of Indian Lands, and for other purposes; as follows:

Strike all after the enacting clause and insert the following:

#### SECTION 1. SHORT TITLE.

This Act may be cited as the “Indian Land Consolidation Act Amendments of 2000”.

### TITLE I—INDIAN LAND CONSOLIDATION

#### SEC. 101. FINDINGS.

Congress finds that—

(1) in the 1800’s and early 1900’s, the United States sought to assimilate Indian people into the surrounding non-Indian culture by allotting tribal lands to individual members of Indian tribes;

(2) as a result of the allotment Acts and related Federal policies, over 90,000,000 acres of land have passed from tribal ownership;

(3) many trust allotments were taken out of trust status, often without their owners consent;

(4) without restrictions on alienation, allotment owners were subject to exploitation and their allotments were often sold or disposed of without any tangible or enduring benefit to their owners;

(5) the trust periods for trust allotments have been extended indefinitely;

(6) because of the inheritance provisions in the original treaties or allotment Acts, the ownership of many of the trust allotments that have remained in trust status has become fractionated into hundreds or thousands of undivided interests, many of which represent 2 percent or less of the total interests;

(7) Congress has authorized the acquisition of lands in trust for individual Indians, and many of those lands have also become fractionated by subsequent inheritance;

(8) the acquisitions referred to in paragraph (7) continue to be made;

(9) the fractional interests described in this section often provide little or no return to the beneficial owners of those interests and the administrative costs borne by the United States for those interests are inordinately high;

(10) in *Babbitt v. Youpee* (117 S. Ct. 727 (1997)), the United States Supreme Court found the application of section 207 of the Indian Land Consolidation Act (25 U.S.C. 2206) to the facts presented in that case to be unconstitutional, forcing the Department of the Interior to address the status of thousands of undivided interests in trust and restricted lands;

(11)(A) on February 19, 1999, the Secretary of Interior issued a Secretarial Order which officially reopened the probate of all estates where an interest in land was ordered to escheat to an Indian tribe pursuant to section 207 of the Indian Land Consolidation Act (25 U.S.C. 2206); and

(B) the Secretarial Order also directed appropriate officials of the Bureau of Indian Affairs to distribute such interests “to the rightful heirs and beneficiaries without regard to 25 U.S.C. 2206”;

(12) in the absence of comprehensive remedial legislation, the number of the fractional interests will continue to grow exponentially;

(13) the problem of the fractionation of Indian lands described in this section is the result of a policy of the Federal Government, cannot be solved by Indian tribes, and requires a solution under Federal law.

(14) any devise or inheritance of an interest in trust or restricted Indian lands is a matter of Federal law; and

(15) consistent with the Federal policy of tribal self-determination, the Federal Government should encourage the recognized tribal government that exercises jurisdiction over a reservation to establish a tribal probate code for that reservation.

#### SEC. 102. DECLARATION OF POLICY.

It is the policy of the United States—

(1) to prevent the further fractionation of trust allotments made to Indians;

(2) to consolidate fractional interests and ownership of those interests into usable parcels;

(3) to consolidate fractional interests in a manner that enhances tribal sovereignty;

(4) to promote tribal self-sufficiency and self-determination; and

(5) to reverse the effects of the allotment policy on Indian tribes.

#### SEC. 103. AMENDMENTS TO THE INDIAN LAND CONSOLIDATION ACT.

The Indian Land Consolidation Act (25 U.S.C. 2201 et seq.) is amended—

(1) in section 202—

(A) in paragraph (1), by striking “(1) ‘tribe’” and inserting “(1) ‘Indian tribe’ or ‘tribe’”;

(B) by striking paragraph (2) and inserting the following:

“(2) ‘Indian’ means any person who is a member of any Indian tribe or is eligible to become a member of any Indian tribe, or any person who has been found to meet the definition of ‘Indian’ under a provision of Federal law if the Secretary determines that using such law’s definition of Indian is consistent with the purposes of this Act;”;

(C) by striking “and” at the end of paragraph (3);

(D) by striking the period at the end of paragraph (4) and inserting “; and”; and

(E) by adding at the end the following:

“(5) ‘heirs of the first or second degree’ means parents, children, grandchildren, grandparents, brothers and sisters of a decedent.”;

(2) in section 205—

(A) in the matter preceding paragraph (1)—

(i) by striking “Any Indian” and inserting “(a) IN GENERAL.—Subject to subsection (b), any Indian”;

(ii) by striking the colon and inserting the following: “; Interests owned by an Indian tribe in a tract may be included in the computation of the percentage of ownership of the undivided interests in that tract for purposes of determining whether the consent requirement under the preceding sentence has been met.”;

(iii) by striking “; *Provided, That*—”; and inserting the following:

“(b) CONDITIONS APPLICABLE TO PURCHASE.—Subsection (a) applies on the condition that—”;

(B) in paragraph (2)—

(i) by striking “If,” and inserting “if”; and

(ii) by adding “and” at the end; and

(C) by striking paragraph (3) and inserting the following:

“(3) the approval of the Secretary shall be required for a land sale initiated under this section, except that such approval shall not be required with respect to a land sale transaction initiated by an Indian tribe that has in effect a land consolidation plan that has been approved by the Secretary under section 204.”;

(3) by striking section 206 and inserting the following:

#### “SEC. 206. TRIBAL PROBATE CODES; ACQUISITIONS OF FRACTIONAL INTERESTS BY TRIBES.

“(a) TRIBAL PROBATE CODES.—

“(1) IN GENERAL.—Notwithstanding any other provision of law, any Indian tribe may adopt a tribal probate code to govern descent and distribution of trust or restricted lands that are—

“(A) located within that Indian tribe’s reservation; or

“(B) otherwise subject to the jurisdiction of that Indian tribe.

“(2) POSSIBLE INCLUSIONS.—A tribal probate code referred to in paragraph (1) may include—

“(A) rules of intestate succession; and

“(B) other tribal probate code provisions that are consistent with Federal law and that promote the policies set forth in section 102 of the Indian Land Consolidation Act Amendments of 2000.

“(3) LIMITATIONS.—The Secretary shall not approve a tribal probate code if such code prevents an Indian person from inheriting an interest in an allotment that was originally allotted to his or her lineal ancestor.

“(b) SECRETARIAL APPROVAL.—

“(1) IN GENERAL.—Any tribal probate code enacted under subsection (a), and any amendment to such a tribal probate code, shall be subject to the approval of the Secretary.

“(2) REVIEW AND APPROVAL.—

“(A) IN GENERAL.—Each Indian tribe that adopts a tribal probate code under subsection (a) shall submit that code to the Secretary for review. Not later than 180 days after a tribal probate code is submitted to the Secretary under this paragraph, the Secretary shall review and approve or disapprove that tribal probate code.

“(B) CONSEQUENCE OF FAILURES TO APPROVE OR DISAPPROVE A TRIBAL PROBATE CODE.—If the Secretary fails to approve or disapprove a tribal probate code submitted for review under subparagraph (A) by the date specified in that subparagraph, the tribal probate code shall be deemed to have been approved by the Secretary, but only to the extent that the tribal probate code is consistent with Federal law and promotes the policies set forth in section 102 of the Indian Land Consolidation Act Amendments of 2000.

“(C) CONSISTENCY OF TRIBAL PROBATE CODE WITH ACT.—The Secretary may not approve a tribal probate code, or any amendment to such a code, under this paragraph unless the Secretary determines that the tribal probate code promotes the policies set forth in section 102 of the Indian Land Consolidation Act Amendments of 2000.

“(D) EXPLANATION.—If the Secretary disapproves a tribal probate code, or an amendment to such a code, under this paragraph, the Secretary shall include in the notice of disapproval to the Indian tribe a written explanation of the reasons for the disapproval.

“(E) AMENDMENTS.—

“(i) IN GENERAL.—Each Indian tribe that amends a tribal probate code under this paragraph shall submit the amendment to the Secretary for review and approval. Not later than 60 days after receiving an amendment under this subparagraph, the Secretary shall review and approve or disapprove the amendment.

“(ii) CONSEQUENCE OF FAILURE TO APPROVE OR DISAPPROVE AN AMENDMENT.—If the Secretary fails to approve or disapprove an amendment submitted under clause (i), the amendment shall be deemed to have been approved by the Secretary, but only to the extent that the amendment is consistent with Federal law and promotes the policies set forth in section 102 of the Indian Land Consolidation Act of 2000.



“(3) EFFECTIVE DATES.—A tribal probate code approved under paragraph (2) shall become effective on the later of—

“(A) the date specified in section 207(g)(5); or

“(B) 180 days after the date of approval.

“(4) LIMITATIONS.—

“(A) TRIBAL PROBATE CODES.—Each tribal probate code enacted under subsection (a) shall apply only to the estate of a decedent who dies on or after the effective date of the tribal probate code.

“(B) AMENDMENTS TO TRIBAL PROBATE CODES.—With respect to an amendment to a tribal probate code referred to in subparagraph (A), that amendment shall apply only to the estate of a decedent who dies on or after the effective date of the amendment.

“(5) REPEALS.—The repeal of a tribal probate code shall—

“(A) not become effective earlier than the date that is 180 days after the Secretary receives notice of the repeal; and

“(B) apply only to the estate of a decedent who dies on or after the effective date of the repeal.

“(C) AUTHORITY AVAILABLE TO INDIAN TRIBES.—

“(1) IN GENERAL.—If the owner of an interest in trust or restricted land devises an interest in such land to a non-Indian under section 207(a)(6)(A), the Indian tribe that exercises jurisdiction over the parcel of land involved may acquire such interest by paying to the Secretary the fair market value of such interest, as determined by the Secretary on the date of the decedent's death. The Secretary shall transfer such payment to the devisee.

“(2) LIMITATION.—

“(A) IN GENERAL.—Paragraph (1) shall not apply to an interest in trust or restricted land if, while the decedent's estate is pending before the Secretary, the non-Indian devisee renounces the interest in favor of an Indian person.

“(B) RESERVATION OF LIFE ESTATE.—A non-Indian devisee described in subparagraph (A) or a non-Indian devisee described in section 207(a)(6)(B), may retain a life estate in the interest involved, including a life estate to the revenue produced from the interest. The amount of any payment required under paragraph (1) shall be reduced to reflect the value of any life estate reserved by a non-Indian devisee under this subparagraph.

“(3) PAYMENTS.—With respect to payments by an Indian tribe under paragraph (1), the Secretary shall—

“(A) upon the request of the tribe, allow a reasonable period of time, not to exceed 2 years, for the tribe to make payments of amounts due pursuant to paragraph (1); or

“(B) recognize alternative agreed upon exchanges of consideration or extended payment terms between the non-Indian devisee described in paragraph (1) and the tribe in satisfaction of the payment under paragraph (1).

“(d) USE OF PROPOSED FINDINGS BY TRIBAL JUSTICE SYSTEMS.—

“(1) TRIBAL JUSTICE SYSTEM DEFINED.—In this subsection, the term ‘tribal justice system’ has the meaning given that term in section 3 of the Indian Tribal Justice Act (25 U.S.C. 3602).

“(2) REGULATIONS.—The Secretary by regulation may provide for the use of findings of fact and conclusions of law, as rendered by a tribal justice system, as proposed findings of fact and conclusions of law in the adjudication of probate proceedings by the Department of the Interior.”;

(4) by striking section 207 and inserting the following:

**“SEC. 207. DESCENT AND DISTRIBUTION.**

“(a) TESTAMENTARY DISPOSITION.—

“(1) IN GENERAL.—Interests in trust or restricted land may be devised only to—

“(A) the decedent's Indian spouse or any other Indian person; or

“(B) the Indian tribe with jurisdiction over the land so devised.

“(2) LIFE ESTATE.—Any devise of an interest in trust or restricted land to a non-Indian shall create a life estate with respect to such interest.

“(3) REMAINDER.—

“(A) IN GENERAL.—Except where the remainder from the life estate referred to in paragraph (2) is devised to an Indian, such remainder shall descend to the decedent's Indian spouse or Indian heirs of the first or second degree pursuant to the applicable law of intestate succession.

“(B) DESCENT OF INTERESTS.—If a decedent described in subparagraph (A) has no Indian heirs of the first or second degree, the remainder interest described in such subparagraph shall descend to any of the decedent's collateral heirs of the first or second degree, pursuant to the applicable laws of intestate succession, if on the date of the decedent's death, such heirs were a co-owner of an interest in the parcel of trust or restricted land involved.

“(C) DEFINITION.—For purposes of this section, the term ‘collateral heirs of the first or second degree’ means the brothers, sisters, aunts, uncles, nieces, nephews, and first cousins, of a decedent.

“(4) DESCENT TO TRIBE.—If the remainder interest described in paragraph (3)(A) does not descend to an Indian heir or heirs it shall descend to the Indian tribe that exercises jurisdiction over the parcel of trust or restricted lands involved, subject to paragraph (5).

“(5) ACQUISITION OF INTEREST BY INDIAN CO-OWNERS.—An Indian co-owner of a parcel of trust or restricted land may prevent the descent of an interest in Indian land to an Indian tribe under paragraph (4) by paying into the decedent's estate the fair market value of the interest in such land. If more than 1 Indian co-owner offers to pay for such an interest, the highest bidder shall obtain the interest. If payment is not received before the close of the probate of the decedent's estate, the interest shall descend to the tribe that exercises jurisdiction over the parcel.

“(6) SPECIAL RULE.—

“(A) IN GENERAL.—Notwithstanding paragraph (2), an owner of trust or restricted land who does not have an Indian spouse, Indian lineal descendant, an Indian heir of the first or second degree, or an Indian collateral heir of the first or second degree, may devise his or her interests in such land to any of the decedent's heirs of the first or second degree or collateral heirs of the first or second degree.

“(B) ACQUISITION OF INTEREST BY TRIBE.—An Indian tribe that exercises jurisdiction over an interest in trust or restricted land described in subparagraph (A) may acquire any interest devised to a non-Indian as provided for in section 206(c).

“(b) INTESTATE SUCCESSION.—

“(1) IN GENERAL.—An interest in trust or restricted land shall pass by intestate succession only to a decedent's spouse or heirs of the first or second degree, pursuant to the applicable law of intestate succession.

“(2) LIFE ESTATE.—Notwithstanding paragraph (1), with respect to land described in such paragraph, a non-Indian spouse or non-Indian heirs of the first or second degree shall only receive a life estate in such land.

“(3) DESCENT OF INTERESTS.—If a decedent described in paragraph (1) has no Indian heirs of the first or second degree, the remainder interest from the life estate referred to in paragraph (2) shall descend to any of the decedent's collateral Indian heirs of the first or second degree, pursuant to the appli-

cable laws of intestate succession, if on the date of the decedent's death, such heirs were a co-owner of an interest in the parcel of trust or restricted land involved.

“(4) DESCENT TO TRIBE.—If the remainder interest described in paragraph (3) does not descend to an Indian heir or heirs it shall descend to the Indian tribe that exercises jurisdiction over the parcel of trust or restricted lands involved, subject to paragraph (5).

“(5) ACQUISITION OF INTEREST BY INDIAN CO-OWNERS.—An Indian co-owner of a parcel of trust or restricted land may prevent the descent of an interest in such land for which there is no heir of the first or second degree by paying into the decedent's estate the fair market value of the interest in such land. If more than 1 Indian co-owner makes an offer to pay for such an interest, the highest bidder shall obtain the interest. If no such offer is made, the interest shall descend to the Indian tribe that exercises jurisdiction over the parcel of land involved.

“(c) JOINT TENANCY; RIGHT OF SURVIVORSHIP.—

“(1) TESTATE.—If a testator devises interests in the same parcel of trust or restricted lands to more than 1 person, in the absence of express language in the devise to the contrary, the devise shall be presumed to create joint tenancy with the right of survivorship in the land involved.

“(2) INTESTATE.—

“(A) IN GENERAL.—Any interest in trust or restricted land that—

“(i) passes by intestate succession to more than 1 person, including a remainder interest under subsection (a) or (b) of section 207; and

“(ii) that constitutes 5 percent or more of the undivided interest in a parcel of trust or restricted land;

shall be held as tenancy in common.

“(B) LIMITED INTEREST.—Any interest in trust or restricted land that—

“(i) passes by intestate succession to more than 1 person, including a remainder interest under subsection (a) or (b) of section 207; and

“(ii) that constitutes less than 5 percent of the undivided interest in a parcel of trust or restricted land;

shall be held by such heirs with the right of survivorship.

“(3) EFFECTIVE DATE.—

“(A) IN GENERAL.—This subsection (other than subparagraph (B)) shall become effective on the later of—

“(i) the date referred to in subsection (g)(5); or

“(ii) the date that is six months after the date on which the Secretary makes the certification required under subparagraph (B).

“(B) CERTIFICATION.—Upon a determination by the Secretary that the Department of the Interior has the capacity, including policies and procedures, to track and manage interests in trust or restricted land held with the right of survivorship, the Secretary shall certify such determination and publish such certification in the Federal Register.

“(d) DESCENT OF OFF-RESERVATION LANDS.—

“(1) INDIAN RESERVATION DEFINED.—For purposes of this subsection, the term ‘Indian reservation’ includes lands located within—

“(A)(i) Oklahoma; and

“(ii) the boundaries of an Indian tribe's former reservation (as defined and determined by the Secretary);

“(B) the boundaries of any Indian tribe's current or former reservation; or

“(C) any area where the Secretary is required to provide special assistance or consideration of a tribe's acquisition of land or interests in land.

“(2) DESCENT.—Except in the State of California, upon the death of an individual holding an interest in trust or restricted lands that are located outside the boundaries of an



Indian reservation and that are not subject to the jurisdiction of any Indian tribe, that interest shall descend either—

“(A) by testate or intestate succession in trust to an Indian; or

“(B) in fee status to any other devise or heirs.

“(e) APPROVAL OF AGREEMENTS.—The official authorized to adjudicate the probate of trust or restricted lands shall have the authority to approve agreements between a decedent's heirs and devisees to consolidate interests in trust or restricted lands. The agreements referred to in the preceding sentence may include trust or restricted lands that are not a part of the decedent's estate that is the subject of the probate. The Secretary may promulgate regulations for the implementation of this subsection.

“(f) ESTATE PLANNING ASSISTANCE.—

“(1) IN GENERAL.—The Secretary shall provide estate planning assistance in accordance with this subsection, to the extent amounts are appropriated for such purpose.

“(2) REQUIREMENTS.—The estate planning assistance provided under paragraph (1) shall be designed to—

“(A) inform, advise, and assist Indian landowners with respect to estate planning in order to facilitate the transfer of trust or restricted lands to a devisee or devisees selected by the landowners; and

“(B) assist Indian landowners in accessing information pursuant to section 217(e).

“(3) CONTRACTS.—In carrying out this section, the Secretary may enter into contracts with entities that have expertise in Indian estate planning and tribal probate codes.

“(g) NOTIFICATION TO INDIAN TRIBES AND OWNERS OF TRUST OR RESTRICTED LANDS.—

“(1) IN GENERAL.—Not later than 180 days after the date of enactment of the Indian Land Consolidation Act Amendments of 2000, the Secretary shall notify Indian tribes and owners of trust or restricted lands of the amendments made by the Indian Land Consolidation Act Amendments of 2000.

“(2) SPECIFICATIONS.—The notice required under paragraph (1) shall be designed to inform Indian owners of trust or restricted land of—

“(A) the effect of this Act, with emphasis on the effect of the provisions of this section, on the testate disposition and intestate descent of their interests in trust or restricted land; and

“(B) estate planning options available to the owners, including any opportunities for receiving estate planning assistance or advice.

“(3) REQUIREMENTS.—The Secretary shall provide the notice required under paragraph (1)—

“(A) by direct mail for those Indians with interests in trust and restricted lands for which the Secretary has an address for the interest holder;

“(B) through the Federal Register;

“(C) through local newspapers in areas with significant Indian populations, reservation newspapers, and newspapers that are directed at an Indian audience; and

“(D) through any other means determined appropriate by the Secretary.

“(4) CERTIFICATION.—After providing notice under this subsection, the Secretary shall certify that the requirements of this subsection have been met and shall publish notice of such certification in the Federal Register.

“(5) EFFECTIVE DATE.—The provisions of this section shall not apply to the estate of an individual who dies prior to the day that is 365 days after the Secretary makes the certification required under paragraph (4).”;

(5) in section 208, by striking “section 206” and inserting “subsections (a) and (b) of section 206”; and

(6) by adding at the end the following:

**“SEC. 213. PILOT PROGRAM FOR THE ACQUISITION OF FRACTIONAL INTERESTS.**

“(a) ACQUISITION BY SECRETARY.—

“(1) IN GENERAL.—The Secretary may acquire, at the discretion of the Secretary and with the consent of the owner, and at fair market value, any fractional interest in trust or restricted lands.

“(2) AUTHORITY OF SECRETARY.—

“(A) IN GENERAL.—The Secretary shall have the authority to acquire interests in trust or restricted lands under this section during the 3-year period beginning on the date of certification that is referred to in section 207(g)(5).

“(B) REQUIRED REPORT.—Prior to expiration of the authority provided for in subparagraph (A), the Secretary shall submit the report required under section 218 concerning whether the program to acquire fractional interests should be extended or altered to make resources available to Indian tribes and individual Indian landowners.

“(3) INTERESTS HELD IN TRUST.—Subject to section 214, the Secretary shall immediately hold interests acquired under this Act in trust for the recognized tribal government that exercises jurisdiction over the land involved.

“(b) REQUIREMENTS.—In implementing subsection (a), the Secretary—

“(1) shall promote the policies provided for in section 102 of the Indian Land Consolidation Act Amendments of 2000;

“(2) may give priority to the acquisition of fractional interests representing 2 percent or less of a parcel of trust or restricted land, especially those interests that would have escheated to a tribe but for the Supreme Court's decision in *Babbitt v. Youpee*, (117 S Ct. 727 (1997));

“(3) to the extent practicable—

“(A) shall consult with the tribal government that exercises jurisdiction over the land involved in determining which tracts to acquire on a reservation;

“(B) shall coordinate the acquisition activities with the acquisition program of the tribal government that exercises jurisdiction over the land involved, including a tribal land consolidation plan approved pursuant to section 204; and

“(C) may enter into agreements (such agreements will not be subject to the provisions of the Indian Self-Determination and Education Assistance Act of 1974) with the tribal government that exercises jurisdiction over the land involved or a subordinate entity of the tribal government to carry out some or all of the Secretary's land acquisition program; and

“(4) shall minimize the administrative costs associated with the land acquisition program.

“(c) SALE OF INTEREST TO INDIAN LANDOWNERS.—

“(1) CONVEYANCE AT REQUEST.—

“(A) IN GENERAL.—At the request of any Indian who owns at least 5 percent of the undivided interest in a parcel of trust or restricted land, the Secretary shall convey an interest acquired under this section to the Indian landowner upon payment by the Indian landowner of the amount paid for the interest by the Secretary.

“(B) LIMITATION.—With respect to a conveyance under this subsection, the Secretary shall not approve an application to terminate the trust status or remove the restrictions of such an interest.

“(2) MULTIPLE OWNERS.—If more than one Indian owner requests an interest under (1), the Secretary shall convey the interest to the Indian owner who owns the largest percentage of the undivided interest in the parcel of trust or restricted land involved.

“(3) LIMITATION.—If an Indian tribe that has jurisdiction over a parcel of trust or restricted land owns 10 percent or more of the undivided interests in a parcel of such land, such interest may only be acquired under paragraph (1) with the consent of such Indian tribe.

**“SEC. 214. ADMINISTRATION OF ACQUIRED FRACTIONAL INTERESTS, DISPOSITION OF PROCEEDS.**

“(a) IN GENERAL.—Subject to the conditions described in subsection (b)(1), an Indian tribe receiving a fractional interest under section 213 may, as a tenant in common with the other owners of the trust or restricted lands, lease the interest, sell the resources, consent to the granting of rights-of-way, or engage in any other transaction affecting the trust or restricted land authorized by law.

“(b) CONDITIONS.—

“(1) IN GENERAL.—The conditions described in this paragraph are as follows:

“(A) Until the purchase price paid by the Secretary for an interest referred to in subsection (a) has been recovered, or until the Secretary makes any of the findings under paragraph (2)(A), any lease, resource sale contract, right-of-way, or other document evidencing a transaction affecting the interest shall contain a clause providing that all revenue derived from the interest shall be paid to the Secretary.

“(B) Subject to subparagraph (C), the Secretary shall deposit any revenue derived under subparagraph (A) into the Acquisition Fund created under section 216.

“(C) The Secretary shall deposit any revenue that is paid under subparagraph (A) that is in excess of the purchase price of the fractional interest involved to the credit of the Indian tribe that receives the fractional interest under section 213 and the tribe shall have access to such funds in the same manner as other funds paid to the Secretary for the use of lands held in trust for the tribe.

“(D) Notwithstanding any other provision of law, including section 16 of the Act of June 18, 1934 (commonly referred to as the ‘Indian Reorganization Act’) (48 Stat. 987, chapter 576; 25 U.S.C. 476), with respect to any interest acquired by the Secretary under section 213, the Secretary may approve a transaction covered under this section on behalf of a tribe until—

“(i) the Secretary makes any of the findings under paragraph (2)(A); or

“(ii) an amount equal to the purchase price of that interest has been paid into the Acquisition Fund created under section 216.

“(2) EXCEPTION.—Paragraph (1)(A) shall not apply to any revenue derived from an interest in a parcel of land acquired by the Secretary under section 213 after—

“(A) the Secretary makes a finding that—

“(i) the costs of administering the interest will equal or exceed the projected revenues for the parcel involved;

“(ii) in the discretion of the Secretary, it will take an unreasonable period of time for the parcel to generate revenue that equals the purchase price paid for the interest; or

“(iii) a subsequent decrease in the value of land or commodities associated with the land make it likely that the interest will be unable to generate revenue that equals the purchase price paid for the interest in a reasonable time; or

“(B) an amount equal to the purchase price of that interest in land has been paid into the Acquisition Fund created under section 216.

“(c) TRIBE NOT TREATED AS PARTY TO LEASE; NO EFFECT ON TRIBAL SOVEREIGNTY, IMMUNITY.—

“(1) IN GENERAL.—Paragraph (2) shall apply with respect to any undivided interest in allotted land held by the Secretary in trust for

a tribe if a lease or agreement under subsection (a) is otherwise applicable to such undivided interest by reason of this section even though the Indian tribe did not consent to the lease or agreement.

“(2) APPLICATION OF LEASE.—The lease or agreement described in paragraph (1) shall apply to the portion of the undivided interest in allotted land described in such paragraph (including entitlement of the Indian tribe to payment under the lease or agreement), and the Indian tribe shall not be treated as being a party to the lease or agreement. Nothing in this section (or in the lease or agreement) shall be construed to affect the sovereignty of the Indian tribe.

**“SEC. 215. ESTABLISHING FAIR MARKET VALUE.**

“For purposes of this Act, the Secretary may develop a system for establishing the fair market value of various types of lands and improvements. Such a system may include determinations of fair market value based on appropriate geographic units as determined by the Secretary. Such system may govern the amounts offered for the purchase of interests in trust or restricted lands under section 213.

**“SEC. 216. ACQUISITION FUND.**

“(a) IN GENERAL.—The Secretary shall establish an Acquisition Fund to—

“(1) disburse appropriations authorized to accomplish the purposes of section 213; and

“(2) collect all revenues received from the lease, permit, or sale of resources from interests in trust or restricted lands transferred to Indian tribes by the Secretary under section 213 or paid by Indian landowners under section 213(c).

“(b) DEPOSITS; USE.—

“(1) IN GENERAL.—Subject to paragraph (2), all proceeds from leases, permits, or resource sales derived from an interest in trust or restricted lands described in subsection (a)(2) shall—

“(A) be deposited in the Acquisition Fund; and

“(B) as specified in advance in appropriations Acts, be available for the purpose of acquiring additional fractional interests in trust or restricted lands.

“(2) MAXIMUM DEPOSITS OF PROCEEDS.—With respect to the deposit of proceeds derived from an interest under paragraph (1), the aggregate amount deposited under that paragraph shall not exceed the purchase price of that interest under section 213.

**“SEC. 217. TRUST AND RESTRICTED LAND TRANS-ACTIONS.**

“(a) POLICY.—It is the policy of the United States to encourage and assist the consolidation of land ownership through transactions—

“(1) involving individual Indians;

“(2) between Indians and the tribal government that exercises jurisdiction over the land; or

“(3) between individuals who own an interest in trust and restricted land who wish to convey that interest to an Indian or the tribal government that exercises jurisdiction over the parcel of land involved; in a manner consistent with the policy of maintaining the trust status of allotted lands. Nothing in this section shall be construed to apply to or to authorize the sale of trust or restricted lands to a person who is not an Indian.

“(b) SALES, EXCHANGES AND GIFT DEEDS BETWEEN INDIANS AND BETWEEN INDIANS AND INDIAN TRIBES.—

“(1) IN GENERAL.—

“(A) ESTIMATE OF VALUE.—Notwithstanding any other provision of law and only after the Indian selling, exchanging, or conveying by gift deed for no or nominal consideration an interest in land, has been provided with an estimate of the value of the in-

terest of the Indian pursuant to this section—

“(i) the sale or exchange or conveyance of an interest in trust or restricted land may be made for an amount that is less than the fair market value of that interest; and

“(ii) the approval of a transaction that is in compliance with this section shall not constitute a breach of trust by the Secretary.

“(B) WAIVER OF REQUIREMENT.—The requirement for an estimate of value under subparagraph (A) may be waived in writing by an Indian selling, exchanging, or conveying by gift deed for no or nominal consideration an interest in land with an Indian person who is the owner's spouse, brother, sister, lineal ancestor of Indian blood, lineal descendant, or collateral heir.

“(2) LIMITATION.—For a period of 5 years after the Secretary approves a conveyance pursuant to this subsection, the Secretary shall not approve an application to terminate the trust status or remove the restrictions of such an interest.

“(c) ACQUISITION OF INTEREST BY SECRETARY.—An Indian, or the recognized tribal government of a reservation, in possession of an interest in trust or restricted lands, at least a portion of which is in trust or restricted status on the date of enactment of the Indian Land Consolidation Act Amendments of 2000 and located within a reservation, may request that the interest be taken into trust by the Secretary. Upon such a request, the Secretary shall forthwith take such interest into trust.

“(d) STATUS OF LANDS.—The sale, exchange, or conveyance by gift deed for no or nominal consideration of an interest in trust or restricted land under this section shall not affect the status of that land as trust or restricted land.

“(e) LAND OWNERSHIP INFORMATION.—Notwithstanding any other provision of law, the names and mailing addresses of the Indian owners of trust or restricted lands, and information on the location of the parcel and the percentage of undivided interest owned by each individual, or of any interest in trust or restricted lands, shall, upon written request, be made available to—

“(1) other Indian owners of interests in trust or restricted lands within the same reservation;

“(2) the tribe that exercises jurisdiction over the land where the parcel is located or any person who is eligible for membership in that tribe; and

“(3) prospective applicants for the leasing, use, or consolidation of such trust or restricted land or the interest in trust or restricted lands.

“(f) NOTICE TO INDIAN TRIBE.—After the expiration of the limitation period provided for in subsection (b)(2) and prior to considering an Indian application to terminate the trust status or to remove the restrictions on alienation from trust or restricted land sold, exchanged or otherwise conveyed under this section, the Indian tribe that exercises jurisdiction over the parcel of such land shall be notified of the application and given the opportunity to match the purchase price that has been offered for the trust or restricted land involved.

**“SEC. 218. REPORTS TO CONGRESS.**

“(a) IN GENERAL.—Prior to expiration of the authority provided for in section 213(a)(2)(A), the Secretary, after consultation with Indian tribes and other interested parties, shall submit to the Committee on Indian Affairs and the Committee on Energy and Natural Resources of the Senate and the Committee on Resources of the House of Representatives a report that indicates, for the period covered by the report—

“(1) the number of fractional interests in trust or restricted lands acquired; and

“(2) the impact of the resulting reduction in the number of such fractional interests on the financial and realty recordkeeping systems of the Bureau of Indian Affairs.

“(b) REPORT.—The reports described in subsection (a) and section 213(a) shall contain findings as to whether the program under this Act to acquire fractional interests in trust or restricted lands should be extended and whether such program should be altered to make resources available to Indian tribes and individual Indian landowners.

**“SEC. 219. APPROVAL OF LEASES, RIGHTS-OF-WAY, AND SALES OF NATURAL RESOURCES.**

“(a) APPROVAL BY THE SECRETARY.—

“(1) IN GENERAL.—Notwithstanding any other provision of law, the Secretary may approve any lease or agreement that affects individually owned allotted land or any other land held in trust or restricted status by the Secretary on behalf of an Indian, if—

“(A) the owners of not less than the applicable percentage (determined under subsection (b)) of the undivided interest in the allotted land that is covered by the lease or agreement consent in writing to the lease or agreement; and

“(B) the Secretary determines that approving the lease or agreement is in the best interest of the owners of the undivided interest in the allotted land.

“(2) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to apply to leases involving coal or uranium.

“(3) DEFINITION.—In this section, the term ‘allotted land’ includes any land held in trust or restricted status by the Secretary on behalf of one or more Indians.

“(b) APPLICABLE PERCENTAGE.—

“(1) PERCENTAGE INTEREST.—The applicable percentage referred to in subsection (a)(1) shall be determined as follows:

“(A) If there are 5 or fewer owners of the undivided interest in the allotted land, the applicable percentage shall be 100 percent.

“(B) If there are more than 5 such owners, but fewer than 11 such owners, the applicable percentage shall be 80 percent.

“(C) If there are more than 10 such owners, but fewer than 20 such owners, the applicable percentage shall be 60 percent.

“(D) If there are 20 or more such owners, the applicable percentage shall be a majority of the interests in the allotted land.

“(2) DETERMINATION OF OWNERS.—

“(A) IN GENERAL.—For purposes of this subsection, in determining the number of owners of, and their interests in, the undivided interest in the allotted land with respect to a lease or agreement, the Secretary shall make such determination based on the records of the Department of the Interior that identify the owners of such lands and their interests and the number of owners of such land on the date on which the lease or agreement involved is submitted to the Secretary under this section.

“(B) RULE OF CONSTRUCTION.—Nothing in subparagraph (A) shall be construed to authorize the Secretary to treat an Indian tribe as the owner of an interest in allotted land that did not escheat to the tribe pursuant to section 207 as a result of the Supreme Court's decision in *Babbitt v. Youpee*, (117 S Ct. 727 (1997)).

“(c) AUTHORITY OF SECRETARY TO SIGN LEASE OR AGREEMENT ON BEHALF OF CERTAIN OWNERS.—The Secretary may give written consent to a lease or agreement under subsection (a)—

“(1) on behalf of the individual Indian owner if the owner is deceased and the heirs to, or devisees of, the interest of the deceased owner have not been determined; or

“(2) on behalf of any heir or devisee referred to in paragraph (1) if the heir or devisee has been determined but cannot be located

“(d) EFFECT OF APPROVAL.—

“(1) APPLICATION TO ALL PARTIES.—

“(A) IN GENERAL.—Subject to paragraph (2), a lease or agreement approved by the Secretary under subsection (a) shall be binding on the parties described in subparagraph (B), to the same extent as if all of the owners of the undivided interest in allotted land covered under the lease or agreement consented to the lease or agreement.

“(B) DESCRIPTION OF PARTIES.—The parties referred to in subparagraph (A) are—

“(i) the owners of the undivided interest in the allotted land covered under the lease or agreement referred to in such subparagraph; and

“(ii) all other parties to the lease or agreement.

“(2) TRIBE NOT TREATED AS PARTY TO LEASE; NO EFFECT ON TRIBAL SOVEREIGNTY, IMMUNITY.—

“(A) IN GENERAL.—Subparagraph (B) shall apply with respect to any undivided interest in allotted land held by the Secretary in trust for a tribe if a lease or agreement under subsection (a) is otherwise applicable to such undivided interest by reason of this section even though the Indian tribe did not consent to the lease or agreement.

“(B) APPLICATION OF LEASE.—The lease or agreement described in subparagraph (A) shall apply to the portion of the undivided interest in allotted land described in such paragraph (including entitlement of the Indian tribe to payment under the lease or agreement), and the Indian tribe shall not be treated as being a party to the lease or agreement. Nothing in this section (or in the lease or agreement) shall be construed to affect the sovereignty of the Indian tribe.

“(e) DISTRIBUTION OF PROCEEDS.—

“(1) IN GENERAL.—The proceeds derived from a lease or agreement that is approved by the Secretary under subsection (a) shall be distributed to all owners of undivided interest in the allotted land covered under the lease or agreement.

“(2) DETERMINATION OF AMOUNTS DISTRIBUTED.—The amount of the proceeds under paragraph (1) that are distributed to each owner under that paragraph shall be determined in accordance with the portion of the undivided interest in the allotted land covered under the lease or agreement that is owned by that owner.

“(f) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to amend or modify the provisions of Public Law 105-188 (25 U.S.C. 396 note), the American Indian Agricultural Resources Management Act (25 U.S.C. 3701 et seq.), title II of the Indian Land Consolidation Act Amendments of 2000, or any other Act that provides specific standards for the percentage of ownership interest that must approve a lease or agreement on a specified reservation.

#### “SEC. 220. APPLICATION TO ALASKA.

“(a) FINDINGS.—Congress find that—

“(1) numerous academic and governmental organizations have studied the nature and extent of fractionated ownership of Indian land outside of Alaska and have proposed solutions to this problem; and

“(2) despite these studies, there has not been a comparable effort to analyze the problem, if any, of fractionated ownership in Alaska.

“(b) APPLICATION OF ACT TO ALASKA.—Except as provided in this section, this Act shall not apply to land located within Alaska.

“(c) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to constitute

a ratification of any determination by any agency, instrumentality, or court of the United States that may support the assertion of tribal jurisdiction over allotment lands or interests in such land in Alaska.”

#### SEC. 104. JUDICIAL REVIEW.

Notwithstanding section 207(g)(5) of the Indian Land Consolidation Act (25 U.S.C. 2206(f)(5)), after the Secretary of Interior provides the certification required under section 207(g)(4) of such Act, the owner of an interest in trust or restricted land may bring an administrative action to challenge the application of such section 207 to the devise or descent of his or her interest or interests in trust or restricted lands, and may seek judicial review of the final decision of the Secretary of Interior with respect to such challenge.

#### SEC. 105. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated not to exceed \$8,000,000 for fiscal year 2001 and each subsequent fiscal year to carry out the provisions of this title (and the amendments made by this title) that are not otherwise funded under the authority provided for in any other provision of Federal law.

#### SEC. 106. CONFORMING AMENDMENTS.

(a) PATENTS HELD IN TRUST.—The Act of February 8, 1887 (24 Stat. 388) is amended—

(1) by repealing sections 1, 2, and 3 (25 U.S.C. 331, 332, and 333); and

(2) in the second proviso of section 5 (25 U.S.C. 348)—

(A) by striking “and partition”; and

(B) by striking “except” and inserting “except as provided by the Indian Land Consolidation Act or a tribal probate code approved under such Act and except”.

(b) ASCERTAINMENT OF HEIRS AND DISPOSAL OF ALLOTMENTS.—The Act of June 25, 1910 (36 Stat. 855) is amended—

(1) in the first sentence of section 1 (25 U.S.C. 372), by striking “under” and inserting “under the Indian Land Consolidation Act or a tribal probate code approved under such Act and pursuant to”; and

(2) in the first sentence of section 2 (25 U.S.C. 373), by striking “with regulations” and inserting “with the Indian Land Consolidation Act or a tribal probate code approved under such Act and regulations”.

(c) TRANSFER OF LANDS.—Section 4 of the Act of June 18, 1934 (25 U.S.C. 464) is amended by striking “member or:” and inserting “member or, except as provided by the Indian Land Consolidation Act,”.

#### TITLE II—LEASES OF NAVAJO INDIAN ALLOTTED LANDS

##### SEC. 201. LEASES OF NAVAJO INDIAN ALLOTTED LANDS.

(a) DEFINITIONS.—In this section:

(1) INDIAN TRIBE.—The term “Indian tribe” has the meaning given the term in section 4(e) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(e)).

(2) INDIVIDUALLY OWNED NAVAJO INDIAN ALLOTTED LAND.—The term “individually owned Navajo Indian allotted land” means Navajo Indian allotted land that is owned in whole or in part by 1 or more individuals.

(3) NAVAJO INDIAN.—The term “Navajo Indian” means a member of the Navajo Nation.

(4) NAVAJO INDIAN ALLOTTED LAND.—The term “Navajo Indian allotted land” means a single parcel of land that—

(A) is located within the jurisdiction of the Navajo Nation; and

(B)(i) is held in trust or restricted status by the United States for the benefit of Navajo Indians or members of another Indian tribe; and

(ii) was—

(I) allotted to a Navajo Indian; or

(II) taken into trust or restricted status by the United States for a Navajo Indian.

(5) OWNER.—The term “owner” means, in the case of any interest in land described in paragraph (4)(B)(i), the beneficial owner of the interest.

(6) SECRETARY.—The term “Secretary” means the Secretary of the Interior.

(b) APPROVAL BY THE SECRETARY.—

(1) IN GENERAL.—The Secretary may approve an oil or gas lease or agreement that affects individually owned Navajo Indian allotted land, if—

(A) the owners of not less than the applicable percentage (determined under paragraph (2)) of the undivided interest in the Navajo Indian allotted land that is covered by the oil or gas lease or agreement consent in writing to the lease or agreement; and

(B) the Secretary determines that approving the lease or agreement is in the best interest of the owners of the undivided interest in the Navajo Indian allotted land.

(2) PERCENTAGE INTEREST.—The applicable percentage referred to in paragraph (1)(A) shall be determined as follows:

(A) If there are 10 or fewer owners of the undivided interest in the Navajo Indian allotted land, the applicable percentage shall be 100 percent.

(B) If there are more than 10 such owners, but fewer than 51 such owners, the applicable percentage shall be 80 percent.

(C) If there are 51 or more such owners, the applicable percentage shall be 60 percent.

(3) AUTHORITY OF SECRETARY TO SIGN LEASE OR AGREEMENT ON BEHALF OF CERTAIN OWNERS.—The Secretary may give written consent to an oil or gas lease or agreement under paragraph (1) on behalf of an individual Indian owner if—

(A) the owner is deceased and the heirs to, or devisees of, the interest of the deceased owner have not been determined; or

(B) the heirs or devisees referred to in subparagraph (A) have been determined, but 1 or more of the heirs or devisees cannot be located.

(4) EFFECT OF APPROVAL.—

(A) APPLICATION TO ALL PARTIES.—

(i) IN GENERAL.—Subject to subparagraph (B), an oil or gas lease or agreement approved by the Secretary under paragraph (1) shall be binding on the parties described in clause (ii), to the same extent as if all of the owners of the undivided interest in Navajo Indian allotted land covered under the lease or agreement consented to the lease or agreement.

(ii) DESCRIPTION OF PARTIES.—The parties referred to in clause (i) are—

(I) the owners of the undivided interest in the Navajo Indian allotted land covered under the lease or agreement referred to in clause (i); and

(II) all other parties to the lease or agreement.

(B) EFFECT ON INDIAN TRIBE.—If—

(i) an Indian tribe is the owner of a portion of an undivided interest in Navajo Indian allotted land; and

(ii) an oil or gas lease or agreement under paragraph (1) is otherwise applicable to such portion by reason of this subsection even though the Indian tribe did not consent to the lease or agreement,

then the lease or agreement shall apply to such portion of the undivided interest (including entitlement of the Indian tribe to payment under the lease or agreement), but the Indian tribe shall not be treated as a party to the lease or agreement and nothing in this subsection (or in the lease or agreement) shall be construed to affect the sovereignty of the Indian tribe.

(5) DISTRIBUTION OF PROCEEDS.—

(A) IN GENERAL.—The proceeds derived from an oil or gas lease or agreement that is approved by the Secretary under paragraph (1) shall be distributed to all owners of the

undivided interest in the Navajo Indian allotted land covered under the lease or agreement.

(B) DETERMINATION OF AMOUNTS DISTRIBUTED.—The amount of the proceeds under subparagraph (A) distributed to each owner under that subparagraph shall be determined in accordance with the portion of the undivided interest in the Navajo Indian allotted land covered under the lease or agreement that is owned by that owner.

#### FUGITIVE APPREHENSION ACT OF 2000

##### THURMOND (AND OTHERS) AMENDMENT NO. 4020)

Mr. DEWINE (for Mr. THURMOND (for himself, Mr. BIDEN, and Mr. LEAHY)) proposed an amendment to the bill (S. 2516) to fund task forces to locate and apprehend fugitives in Federal, State, and local felony criminal cases and give administrative subpoena authority to the United States Marshals Service, as follows:

On page 14, beginning with line 21, strike through page 15, line 20 and insert the following:

“(3) NONDISCLOSURE REQUIREMENTS.—

“(A) IN GENERAL.—Except as provided in paragraphs (1) and (2), the Attorney General may apply to a court for an order requiring the party to whom an administrative subpoena is directed to refrain from notifying any other party of the existence of the subpoena or court order for such period as the court deems appropriate.

“(B) ORDER.—The court shall enter such order if it determines that there is reason to believe that notification of the existence of the administrative subpoena will result in—

“(i) endangering the life or physical safety of an individual;

“(ii) flight from prosecution;

“(iii) destruction of or tampering with evidence;

“(iv) intimidation of potential witnesses; or

“(v) otherwise seriously jeopardizing an investigation or undue delay of a trial.

On page 16, line 9 insert “, in consultation with the Secretary of the Treasury,” after “eral”.

#### AUTHORITY FOR COMMITTEES TO MEET

##### COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. BENNETT. Mr. President, I ask unanimous consent that the Committee on Agriculture, Nutrition, and Forestry be authorized to meet during the session of the Senate on Wednesday, July 26, 2000. The purpose of this hearing will be to review the Federal sugar program.

The PRESIDING OFFICER. Without objection, it is so ordered.

##### COMMITTEE ON ARMED SERVICES

Mr. BENNETT. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on Wednesday, July 26, 2000 at 9:30 a.m., in open session to consider the nominations of Mr. Donald Mancuso to be Inspector General, Department of Defense; Mr. Roger W.

Kallock to be Deputy Under Secretary of Defense for Logistics and Material Readiness; and Mr. James E. Baker to be a Judge of the United States Court of Appeals for the Armed Forces.

The PRESIDING OFFICER. Without objection, it is so ordered.

##### COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. BENNETT. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet on Wednesday, July 26, 2000, at 9:30 a.m., on broadband issues.

The PRESIDING OFFICER. Without objection, it is so ordered.

##### COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BENNETT. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on Wednesday, July 26 at 9:30 to conduct an oversight hearing. The committee will receive testimony on Natural Gas Supply.

The PRESIDING OFFICER. Without objection, it is so ordered.

##### COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. BENNETT. Mr. President, I ask unanimous consent that the Committee on Environment and Public Works be authorized to meet during the session of the Senate on Wednesday, July 26, at 9:00 a.m., Hearing Room (SD-4006), to consider the following items:

1. S. 2417, Water Pollution Program Enhancements Act of 2000, with a manager's amendment;

2. S. 1109, Bear Protection Act of 1999;

3. S. 2878, National Wildlife Refuge System Centennial;

4. GSA FY 2001 Construction authorizations (including courthouses);

5. Namings: H.R. 1729, Pamela B. Gwin Hall, Charlottesville, Virginia; H.R. 1901, Kika de la Garza United States Border Station, Pharr, Texas; H.R. 1959, Adrian A. Spears Judicial Training Center, San Antonio, Texas; and H.R. 4608, James H. Quillen United States Courthouse, Greeneville, Tennessee.

6. Nominations: a. Arthur C. Campbell, Assistant Secretary for Economic Development, The Department of Commerce; b. Ella Wong-Rusinko, Alternate Federal Co-Chair, Appalachian Regional Commission; and

7. A study resolution to approve a Natural Resources Conservation Service flood control dam in Warren, Minnesota.

The PRESIDING OFFICER. Without objection, it is so ordered.

##### COMMITTEE ON FINANCE

Mr. BENNETT. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the Session of the Senate on Wednesday, July 26, 2000 for a public hearing to consider the nominations of Robert S. LaRussa to be Under Sec-

retary for International Trade, Department of Commerce, Ruth M. Thomas to be Assistant Secretary for Legislative Affairs, Department of the Treasury; and Lisa G. Ross to be Assistant Secretary for Management and Chief Financial Officer, Department of the Treasury.

The PRESIDING OFFICER. Without objection, it is so ordered.

##### COMMITTEE ON FOREIGN RELATIONS

Mr. BENNETT. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, July 26, 2000, at 11 am to hold a business meeting (agenda attached).

The PRESIDING OFFICER. Without objection, it is so ordered.

##### COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. BENNETT. Mr. President, I ask unanimous consent that the Committee on Governmental Affairs be authorized to meet during the session of the Senate on Wednesday, July 26, 2000 at 10 a.m. for a hearing regarding S. 1801, the “Public Interest Declassification Act.”

The PRESIDING OFFICER. Without objection, it is so ordered.

##### COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. BENNETT. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions, Subcommittee on Public Health, be authorized to meet for a hearing on “Health Disparities: Bridging the Gap” during the session of the Senate on Wednesday, July 26, 2000, at 9:30 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

##### COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. BENNETT. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet for a hearing on The Americans with Disabilities Act: Opening the Doors to the Workplace during the session of the Senate on Wednesday, July 26, 2000, at 2 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

##### COMMITTEE ON INDIAN AFFAIRS

Mr. BENNETT. Mr. President, I ask unanimous consent that the Committee on Indian Affairs be authorized to meet on Wednesday, July 26, 2000 at 1:30 p.m. in room 485 of the Russell Senate Building to mark up pending legislation to be followed by an oversight hearing, on the Activities of the National Indian Gaming Commission; to be followed by a legislative hearing on the S. 2526, to reauthorize the Indian Health Care Improvement Act.

The PRESIDING OFFICER. Without objection, it is so ordered.

##### COMMITTEE ON INDIAN AFFAIRS

Mr. BENNETT. Mr. President, I ask unanimous consent that the Committee on Indian Affairs be authorized to meet on Wednesday, July 26, 2000 at

2:30 p.m. in room 485 of the Russell Senate Building to conduct a hearing on the S. 2526, to reauthorize the Indian Health Care Improvement Act.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### COMMITTEE ON THE JUDICIARY

Mr. BENNETT. Mr. President, I ask unanimous consent that the Committee on the Judiciary Subcommittee on Administrative Oversight and the Courts be authorized to meet to conduct a hearing on Wednesday, July 26, 2000, at 9:30 a.m., in 226 Dirksen.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### COMMITTEE ON SMALL BUSINESS

Mr. BENNETT. Mr. President, I ask unanimous consent that the Committee on Small Business be authorized to meet during the session of the Senate on Wednesday, July 26, 2000, to markup S. 1594, "Community Development and Venture Capital Act of 1999," and other pending matters. The markup will begin at 9:00 a.m. in room 428A of the Russell Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### SUBCOMMITTEE ON FORESTS AND PUBLIC LANDS

Mr. BENNETT. Mr. President, I ask unanimous consent that the Subcommittee on Forests and Public Lands of the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on Wednesday, July 26, at 2:30 p.m. to conduct an oversight hearing to receive testimony on the Draft Environmental Impact Statement implementing the October 1999 announcement by President Clinton to review approximately 40 million acres of national forest lands for increased protection.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### SUBCOMMITTEE ON WATER AND POWER

Mr. BENNETT. Mr. President, I ask unanimous consent that the Subcommittee on Water and Power of the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on Wednesday, July 26 at 2:30 p.m. to conduct a legislative hearing followed by an oversight hearing. The subcommittee will receive testimony on S. 2877, a bill to authorize the Secretary of the Interior to conduct a feasibility study on water optimization in the Burnt River basin, Malheur River basin, Owyhee River basin, and Powder River basin, Oregon; S. 2881, a bill to update an existing Bureau of Reclamation program by amending the Small Reclamation Projects Act of 1956, to establish a partnership program in the Bureau of Reclamation for small reclamation projects, and for other purposes; and S. 2882, a bill to authorize the Bureau of Reclamation to conduct certain feasibility studies to augment water supplies for the Klamath Project, Oregon and California, and for other purposes. The subcommittee will then receive oversight testimony 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.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### PRIVILEGE OF THE FLOOR

Mr. WYDEN. Mr. President, I ask unanimous consent for Jim Worth of my office to be granted the privilege of the floor for the rest of the week.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### NOMINATIONS PLACED ON CALENDAR

Mr. DEWINE. Mr. President, as in executive session, I ask unanimous consent that the Foreign Relations Committee be discharged from further consideration of the following nominations and that they be placed on the executive calendar.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations are as follows:

Edward E. Kaufman, of Delaware, to be a Member of the Broadcasting Board of Governors for a term expiring August 13, 2003. (Reappointment)

Alberto J. Mora, of Florida, to be a Member of the Broadcasting Board of Governors for a term expiring August 13, 2003. (Reappointment)

#### EXECUTIVE SESSION

#### EXECUTIVE CALENDAR

Mr. DEWINE. Mr. President, on behalf of the leader, I ask unanimous consent that the Senate immediately proceed to executive session to consider the following nomination on the executive calendar: No. 524.

I further ask unanimous consent that the nomination be confirmed, the motion to reconsider be laid upon the table, any statements relating to the nomination be printed in the RECORD, the President be immediately notified of the Senate's action, and the Senate then return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nomination was considered and confirmed, as follows:

#### DEPARTMENT OF ENERGY

Mildred Spiewak Dresselhaus, of Massachusetts, to be Director of the Office of Science, Department of Energy.

#### LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will now return to legislative session.

#### INDIAN LAND CONSOLIDATION ACT AMENDMENTS OF 1999

Mr. DEWINE. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of Calendar No. 714, S. 1586.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 1586) to reduce the fractionated ownership of Indian Lands, and for other purposes.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Indian Affairs, with an amendment:

[Strike out all after the enacting clause and insert the part printed in italic]

S. 1586

*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 "Indian Land Consolidation Act Amendments of 2000".*

#### SEC. 2. FINDINGS.

*Congress finds that—*

(1) in the 1800's and early 1900's, the United States sought to assimilate Indian people into the surrounding non-Indian culture by allotting tribal lands to individual members of Indian tribes;

(2) as a result of the allotment Acts and related Federal policies, over 90,000,000 acres of land have passed from tribal ownership;

(3) many trust allotments were taken out of trust status, often without their owners consent;

(4) without restrictions on alienation, allotment owners were subject to exploitation and their allotments were often sold or disposed of without any tangible or enduring benefit to their owners;

(5) the trust periods for trust allotments have been extended indefinitely;

(6) because of the inheritance provisions in the original treaties or allotment Acts, the ownership of many of the trust allotments that have remained in trust status has become fractionated into hundreds or thousands of interests, many of which represent 2 percent or less of the total interests;

(7) Congress has authorized the acquisition of lands in trust for individual Indians, and many of those lands have also become fractionated by subsequent inheritance;

(8) the acquisitions referred to in paragraph (7) continue to be made;

(9) the fractional interests described in this section provide little or no return to the beneficial owners of those interests and the administrative costs borne by the United States for those interests are inordinately high;

(10) in *Babbitt v. Youpee* (117 S Ct. 727 (1997)), the United States Supreme Court found that the application of section 207 of the Indian Land Consolidation Act (25 U.S.C. 2206) to the facts presented in that case to be unconstitutional, forcing the Department of the Interior to address the status of thousands of undivided interests in trust and restricted lands;

(11)(A) on February 19, 1999, the Secretary of Interior issued a Secretarial Order which officially reopened the probate of all estates where an interest in land was ordered to escheat to an Indian tribe pursuant to section 207 of the Indian Land Consolidation Act (25 U.S.C. 2206); and

(B) the Secretarial Order also directed appropriate officials of the Bureau of Indian Affairs to distribute such interests "to the rightful heirs and beneficiaries without regard to 25 U.S.C. 2206";

(12) in the absence of comprehensive remedial legislation, the number of the fractional interests will continue to grow exponentially;

(13) the problem of the fractionation of Indian lands described in this section is the result of a policy of the Federal Government, cannot be solved by Indian tribes, and requires a solution under Federal law.

(14) any devise or inheritance of an interest in trust or restricted Indian lands is based on Federal law; and

(15) consistent with the Federal policy of tribal self-determination, the Federal Government should encourage the recognized tribal government that exercises jurisdiction over a reservation to establish a tribal probate code for that reservation.

### SEC. 3. DECLARATION OF POLICY.

It is the policy of the United States—

(1) to prevent the further fractionation of trust allotments made to Indians;

(2) to consolidate fractional interests and ownership of those interests into usable parcels;

(3) to consolidate fractional interests in a manner that enhances tribal sovereignty;

(4) to promote tribal self-sufficiency and self-determination; and

(5) to reverse the effects of the allotment policy on Indian tribes.

### SEC. 4. AMENDMENTS TO THE INDIAN LAND CONSOLIDATION ACT.

The Indian Land Consolidation Act (25 U.S.C. 2201 et seq.) is amended—

(1) in section 202—

(A) in paragraph (1), by striking “(1) ‘tribe’” and inserting “(1) ‘Indian tribe’ or ‘tribe’”;

(B) by striking paragraph (2) and inserting the following:

“(2) ‘Indian’ means any person who is a member of any Indian tribe or is eligible to become a member of any Indian tribe at the time of the distribution of the assets of a decedent’s estate;”;

(C) by striking “and” at the end of paragraph (3);

(D) by striking the period at the end of paragraph (4) and inserting “; and”; and

(E) by adding at the end the following:

“(5) ‘heirs of the first or second degree’ means parents, children, grandchildren, grandparents, brothers and sisters of a decedent.”;

(2) in section 205—

(A) in the matter preceding paragraph (1)—

(i) by striking “Any Indian” and inserting “(a) IN GENERAL.—Subject to subsection (b), any Indian”;

(ii) by striking the colon and inserting the following: “. Interests owned by an Indian tribe in a tract may be included in the computation of the percentage of ownership of the undivided interests in that tract for purposes of determining whether the consent requirement under the preceding sentence has been met.”;

(iii) by striking “; Provided, That—”; and inserting the following:

“(b) CONDITIONS APPLICABLE TO PURCHASE.—Subsection (a) applies on the condition that—”;

(B) in paragraph (2)—

(i) by striking “If,” and inserting “if”; and

(ii) by adding “and” at the end; and

(C) by striking paragraph (3) and inserting the following:

“(3) the approval of the Secretary shall be required for a land sale initiated under this section, except that such approval shall not be required with respect to a land sale transaction initiated by an Indian tribe that has in effect a land consolidation plan that has been approved by the Secretary under section 204.”;

(3) by striking section 206 and inserting the following:

### “SEC. 206. TRIBAL PROBATE CODES; ACQUISITIONS OF FRACTIONAL INTERESTS BY TRIBES.

“(a) TRIBAL PROBATE CODES.—

“(1) IN GENERAL.—Notwithstanding any other provision of law, any Indian tribe may adopt a tribal probate code to govern descent and distribution of trust or restricted lands that are—

“(A) located within that Indian tribe’s reservation; or

“(B) otherwise subject to the jurisdiction of that Indian tribe.

“(2) POSSIBLE INCLUSIONS.—A tribal probate code referred to in paragraph (1) may include—

“(A) rules of intestate succession; and

“(B) other tribal probate code provisions that are consistent with Federal law and that promote the policies set forth in section 3 of the Indian Land Consolidation Act Amendments of 2000.

“(3) LIMITATIONS.—The Secretary shall not approve a tribal probate code if such code prevents an Indian person from inheriting an interest in an allotment that was originally allotted to his or her lineal ancestor.

“(b) SECRETARIAL APPROVAL.—

“(1) IN GENERAL.—Any tribal probate code enacted under subsection (a), and any amendment to such a tribal probate code, shall be subject to the approval of the Secretary.

“(2) REVIEW AND APPROVAL.—

“(A) IN GENERAL.—Each Indian tribe that adopts a tribal probate code under subsection (a) shall submit that code to the Secretary for review. Not later than 180 days after a tribal probate code is submitted to the Secretary under this paragraph, the Secretary shall review and approve or disapprove that tribal probate code.

“(B) CONSEQUENCE OF FAILURES TO APPROVE OR DISAPPROVE A TRIBAL PROBATE CODE.—If the Secretary fails to approve or disapprove a tribal probate code submitted for review under subparagraph (A) by the date specified in that subparagraph, the tribal probate code shall be deemed to have been approved by the Secretary, but only to the extent that the tribal probate code is consistent with Federal law and promotes the policies set forth in section 3 of the Indian Land Consolidation Act Amendments of 2000.

“(C) CONSISTENCY OF TRIBAL PROBATE CODE WITH ACT.—The Secretary may not approve a tribal probate code, or any amendment to such a code, under this paragraph unless the Secretary determines that the tribal probate code promotes the policies set forth in section 3 of the Indian Land Consolidation Act Amendments of 2000.

“(D) EXPLANATION.—If the Secretary disapproves a tribal probate code, or an amendment to such a code, under this paragraph, the Secretary shall include in the notice of disapproval to the Indian tribe a written explanation of the reasons for the disapproval.

“(E) AMENDMENTS.—

“(i) IN GENERAL.—Each Indian tribe that amends a tribal probate code under this paragraph shall submit the amendment to the Secretary for review and approval. Not later than 60 days after receiving an amendment under this subparagraph, the Secretary shall review and approve or disapprove the amendment.

“(ii) CONSEQUENCE OF FAILURE TO APPROVE OR DISAPPROVE AN AMENDMENT.—If the Secretary fails to approve or disapprove an amendment submitted under clause (i), the amendment shall be deemed to have been approved by the Secretary, but only to the extent that the amendment is consistent with Federal law and promotes the policies set forth in section 3 of the Indian Land Consolidation Act of 2000.

“(3) EFFECTIVE DATES.—A tribal probate code approved under paragraph (2) shall become effective on the later of—

“(A) the date specified in section 207(f)(5); or

“(B) 180 days after the date of approval.

“(4) LIMITATIONS.—

“(A) TRIBAL PROBATE CODES.—Each tribal probate code enacted under subsection (a) shall apply only to the estate of a decedent who dies on or after the effective date of the tribal probate code.

“(B) AMENDMENTS TO TRIBAL PROBATE CODES.—With respect to an amendment to a tribal probate code referred to in subparagraph (A), that amendment shall apply only to the estate of a descendant who dies on or after the effective date of the amendment.

“(5) REPEALS.—The repeal of a tribal probate code shall—

“(A) not become effective earlier than the date that is 180 days after the Secretary receives notice of the repeal; and

“(B) apply only to the estate of a decedent who dies on or after the effective date of the repeal.

“(c) AUTHORITY AVAILABLE TO INDIAN TRIBES.—

“(1) APPLICATION.—The recognized tribal government that has jurisdiction over an Indian reservation (as defined in section 207(c)(5)) may exercise the authority provided for in paragraph (2).

“(2) AUTHORITY TO MAKE PAYMENTS IN LIEU OF INHERITANCE OF INTEREST IN LAND.—

“(A) PROHIBITION.—An individual who is not an Indian shall not be entitled to receive by devise or descent any interest in trust or restricted land, except by reserving a life estate under subparagraph (B)(ii), within the reservation over which a tribal government has jurisdiction if, while the decedent’s estate is pending before the Secretary, the tribal government referred to in paragraph (1) pays to the Secretary, on behalf of such individual, the value of such interest. The interest for which payment is made under this subparagraph shall be held by the Secretary in trust for the tribal government.

“(B) EXCEPTION.—

“(i) IN GENERAL.—Subparagraph (A) shall not apply to any interest in trust or restricted land if, while the decedent’s estate is pending before the Secretary, the ineligible non-Indian heir or devisee described in such subparagraph renounces the interest in favor of a person or persons who are otherwise eligible to inherit.

“(ii) RESERVATION OF LIFE ESTATE.—The non-Indian heir or devisee described in clause (i) may retain a life estate in the interest and convey the remaining interest to an Indian person.

“(iii) PRESUMPTION.—In the absence of any express language to the contrary, a conveyance under clause (ii) is presumed to reserve to the life estate holder all income from the lease, use, rents, profits, royalties, bonuses, or sales of natural resources during the pendency of the life estate and any right to occupy the tract of land as a home.

“(C) PAYMENTS.—With respect to payments by a tribal government under subparagraph (A), the Secretary shall—

“(i) upon the request of the tribal government, allow a reasonable period of time, not to exceed 2 years, for the tribal government to make payments of amounts due pursuant to subparagraph (A); or

“(ii) recognize alternative agreed upon exchanges of consideration between the ineligible non-Indian and the tribe in satisfaction of the payment under subparagraph (A).

“(d) USE OF PROPOSED FINDINGS BY TRIBAL JUSTICE SYSTEMS.—

“(1) TRIBAL JUSTICE SYSTEM DEFINED.—In this subsection, the term ‘tribal justice system’ has the meaning given that term in section 3 of the Indian Tribal Justice Act (25 U.S.C. 3602).

“(2) REGULATIONS.—The Secretary by regulation may provide for the use of findings of fact and conclusions of law, as rendered by a tribal justice system, as proposed findings of fact and conclusions of law in the adjudication of probate proceedings by the Department of the Interior.”;

(4) by striking section 207 and inserting the following:

### “SEC. 207. DESCENT AND DISTRIBUTION; ES-CHEAT OF FRACTIONAL INTERESTS.

“(a) TESTAMENTARY DISPOSITION.—

“(1) IN GENERAL.—Except as provided in this section, interests in trust or restricted land may be devised only to—

“(A) the decedent’s Indian spouse or any other Indian person; or

“(B) the Indian tribe with jurisdiction over the land so devised.

“(2) NON-INDIAN ESTATE.—Any devise not described in paragraph (1) shall create a non-Indian estate in Indian land as provided for under subsection (c).

“(3) JOINT TENANCY WITH RIGHT OF SURVIVORSHIP.—If a testator devises interests in the same



parcel of trust or restricted land to more than 1 person, in the absence of express language in the devise to the contrary, the devise shall be presumed to create a joint tenancy with right of survivorship.

“(b) **INTESTATE SUCCESSION.**—

“(1) **IN GENERAL.**—Subject to paragraphs (2) and (3), with respect to an interest in trust or restricted land passing by intestate succession, only a spouse or heirs of the first or second degree may inherit such an interest.

“(2) **NON-INDIAN ESTATE.**—Notwithstanding paragraph (1), a non-Indian spouse or non-Indian heir of the first or second degree may only receive a non-Indian estate in Indian land as provided for under subsection (c).

“(3) **JOINT TENANCY.**—

“(A) **IN GENERAL.**—Unless modified by a tribal probate code that is approved under section 206—

“(i) any heirs of the first or second degree that inherit an interest that constitutes 5 percent or more of the undivided interest in a parcel of trust or restricted land, shall hold such interest as tenants in common; and

“(ii) any heirs of the first or second degree that inherit an interest that constitutes less than 5 percent of the undivided interest in a parcel of trust or restricted land, shall hold such interest as joint tenants with the right of survivorship.

“(B) **RENOUNCING OF RIGHTS.**—The heirs who inherit an interest as tenants in common with a right of survivorship under subparagraph (A)(ii) may renounce their right of survivorship in favor of one or more of their co-owners.

“(4) **ACQUISITION OF INTEREST BY INDIAN CO-OWNERS.**—An Indian co-owner of a parcel of trust or restricted land may prevent the escheat of an interest in Indian lands for which there is no legal heir by paying into the decedent's estate, the fair market value of the interest in such land. If more than 1 Indian co-owner offers to pay for such interest, the highest bidder shall obtain the interest. If no such offer is made, the interest will escheat to the tribe that exercises jurisdiction over the land.

“(c) **NON-INDIAN ESTATES.**—

“(1) **RIGHTS OF NON-INDIAN ESTATE HOLDERS.**—

“(A) **IN GENERAL.**—An individual who receives a non-Indian estate in Indian land under subsection (a)(2) or (b)(2)—

“(i) shall receive a proportionate share of the proceeds of any lease, use, rents, profits, royalties, bonuses, or sale of natural resources based on their share of the decedent's interest in such land; and

“(ii) may—

“(I) convey or deed by gift the decedent's interest in trust or restricted land to an Indian or the tribe with jurisdiction over the land; or

“(II) devise the decedent's interest to either an Indian or an Indian tribe as provided for in subsection (a)(1) or a non-Indian as provided for in subsection (a)(2).

“(B) **DECEDENT'S INTEREST.**—In this section, the term ‘decedent's interest’ means the equitable title held by the last Indian owner of an interest in trust or restricted lands.

“(2) **ESCHEAT AND INTESTATE SUCCESSION.**—If the holder of a non-Indian estate in Indian land dies without having devised or conveyed the interest of the individual under paragraph (1)(A)(ii), the decedent's interest in the trust or restricted land involved shall—

“(A) descend to the non-Indian estateholder's Indian spouse or Indian heirs of the first or second degree as provided for in subsection (b)(3); or

“(B) in the case of a decedent that does not have an Indian spouse or heir of the first or second degree, descend to the Indian tribe having jurisdiction over the trust or restricted lands.

“(3) **ACQUISITION OF INTEREST BY INDIAN CO-OWNERS.**—An Indian co-owner of a parcel of trust or restricted land may prevent the escheat of an interest to the tribe under paragraph (2) by paying into the estate of the owner of a non-

Indian estate in Indian land the fair market value of the interest. If more than 1 Indian co-owner offers to pay for such interest, the highest bidder shall obtain the interest.

“(4) **DEVISE OF INTEREST.**—If the owner of a non-Indian estate in Indian land devises the interest in such land to a person who is not an Indian, at the discretion of the Secretary and subject to the availability of appropriations, the Secretary may, pursuant to section 213, acquire such interest, with or without the consent of the devisee, by depositing the value of the interest in the estate of the owner of the non-Indian estate in Indian land.

“(5) **RULE OF CONSTRUCTION.**—

“(A) **IN GENERAL.**—With respect to a decedent's interest in trust or restricted lands under this subsection, until such time as an Indian or an Indian tribe acquires such interest through inheritance, escheat, or conveyance, the Secretary shall be treated as the holder of the remainder from the life estate.

“(B) **LIMITATION.**—Subparagraph (A) shall not be construed to authorize the Secretary to retain any of the proceeds from the lease, use, rents, profits, royalties, bonuses, or sale of natural resources with respect to the trust or restricted lands involved.

“(6) **DESCENT OF OFF-RESERVATION LANDS.**—

“(A) **INDIAN RESERVATION DEFINED.**—For purposes of this paragraph, the term ‘Indian reservation’ includes lands located within—

“(i)(I) Oklahoma; and

“(II) the boundaries of an Indian tribe's former reservation (as defined and determined by the Secretary);

“(ii) the boundaries of any Indian tribe's current or former reservation; or

“(iii) any area where the Secretary is required to provide special assistance or consideration of a tribe's acquisition of land or interests in land.

“(B) **DESCENT.**—Upon the death of an individual holding an interest in trust or restricted lands that are located outside the boundaries of an Indian reservation and that are not subject to the jurisdiction of any Indian tribe, that interest shall descend either—

“(i) by testate or intestate succession in trust to an Indian; or

“(ii) in fee status to any other devisees or heirs.

“(d) **APPROVAL OF AGREEMENTS.**—The official authorized to adjudicate the probate of trust or restricted lands shall have the authority to approve agreements between a decedent's heirs and devisees to consolidate interests in trust or restricted lands. The agreements referred to in the preceding sentence may include trust or restricted lands that are not a part of the decedent's estate that is the subject of the probate. The Secretary may promulgate regulations for the implementation of this subsection.

“(e) **ESTATE PLANNING ASSISTANCE.**—

“(1) **IN GENERAL.**—The Secretary shall provide estate planning assistance in accordance with this subsection, to the extent amounts are appropriated for such purpose.

“(2) **REQUIREMENTS.**—The estate planning assistance provided under paragraph (1) shall be designed to—

“(A) inform, advise, and assist Indian landowners with respect to estate planning in order to facilitate the transfer of trust or restricted lands to a devisee or devisees selected by the landowners; and

“(B) assist Indian landowners in accessing information pursuant to section 217(g).

“(3) **CONTRACTS.**—In carrying out this section, the Secretary may enter into contracts with entities that have expertise in Indian estate planning and tribal probate codes.

“(f) **NOTIFICATION TO INDIAN TRIBES AND OWNERS OF TRUST OR RESTRICTED LANDS.**—

“(1) **IN GENERAL.**—Not later than 180 days after the date of enactment of the Indian Land Consolidation Act Amendments of 2000, the Secretary shall notify Indian tribes and owners of trust or restricted lands of the amendments

made by the Indian Land Consolidation Act Amendments of 2000.

“(2) **SPECIFICATIONS.**—The notice required under paragraph (1) shall be designed to inform Indian owners of trust or restricted land of—

“(A) the effect of this Act, with emphasis on the effect of the provisions of this section, on the testate disposition and intestate descent of their interests in trust or restricted land; and

“(B) estate planning options available to the owners, including any opportunities for receiving estate planning assistance or advice.

“(3) **REQUIREMENTS.**—The Secretary shall provide the notice required under paragraph (1)—

“(A) by direct mail for those Indians with interests in trust and restricted lands for which the Secretary has an address for the interest holder;

“(B) through the Federal Register;

“(C) through local newspapers in areas with significant Indian populations, reservation newspapers, and newspapers that are directed at an Indian audience; and

“(D) through any other means determined appropriate by the Secretary.

“(4) **CERTIFICATION.**—After providing notice under this subsection, the Secretary shall certify that the requirements of this subsection have been met and shall publish notice of such certification in the Federal Register.

“(5) **EFFECTIVE DATE.**—The provisions of this section shall not apply to the estate of an individual who dies prior to the day that is 365 days after the Secretary makes the certification required under paragraph (4).”; and

(5) by adding at the end the following:

“**SEC. 213. PILOT PROGRAM FOR THE ACQUISITION OF FRACTIONAL INTERESTS.**

“(a) **ACQUISITION BY SECRETARY.**—

“(1) **IN GENERAL.**—The Secretary may acquire, at the discretion of the Secretary and with the consent of the owner, except as provided in section 207(c)(4), and at fair market value, any fractional interest in trust or restricted lands.

“(2) **AUTHORITY OF SECRETARY.**—

“(A) **IN GENERAL.**—The Secretary shall have the authority to acquire interests in trust or restricted lands under this section during the 3-year period beginning on the date of certification that is referred to in section 207(f)(5).

“(B) **REQUIRED REPORT.**—Prior to expiration of the authority provided for in subparagraph (A), the Secretary shall submit the report required under section 218 concerning whether the program to acquire fractional interests should be extended or altered to make resources available to Indian tribes and individual Indian landowners.

“(3) **INTERESTS HELD IN TRUST.**—Subject to section 214, the Secretary shall immediately hold interests acquired under this Act in trust for the recognized tribal government that exercises jurisdiction over the reservation.

“(b) **REQUIREMENTS.**—In implementing subsection (a), the Secretary—

“(1) shall promote the policies provided for in section 3 of the Indian Land Consolidation Act Amendments of 2000;

“(2) may give priority to the acquisition of fractional interests representing 2 percent or less of a parcel of trust or restricted land, especially those interests that would have escheated to a tribe but for the Supreme Court's decision in *Babbitt v. Youpee*, (117 S Ct. 727 (1997));

“(3) to the extent practicable—

“(A) shall consult with the reservation's recognized tribal government in determining which tracts to acquire on a reservation;

“(B) shall coordinate the acquisition activities with the reservation's recognized tribal government's acquisition program, including a tribal land consolidation plan approved pursuant to section 204; and

“(C) may enter into agreements (such agreements will not be subject to the provisions of the Indian Self-Determination and Education Assistance Act of 1974) with the reservation's recognized tribal government or a subordinate entity of the tribal government to carry out some or



all of the Secretary's land acquisition program; and

"(4) shall minimize the administrative costs associated with the land acquisition program.

"(c) **SALE OF INTEREST TO INDIAN LANDOWNERS.**—

"(1) **IN GENERAL.**—At the request of any Indian who owns at least 5 percent of the undivided interest in a parcel of trust or restricted land, the Secretary shall convey an interest acquired under this section to the Indian landowner upon payment by the Indian landowner of the amount paid for the interest by the Secretary.

"(2) **LIMITATIONS.**—

"(A) **TRIBAL CONSENT.**—If an Indian tribe that has jurisdiction over a parcel of trust or restricted land owns 10 percent or more of the undivided interests in a parcel of such land, such interest may only be acquired under paragraph (1) with the consent of such Indian tribe.

"(B) **LIMITATION.**—With respect to a conveyance under this subsection, the Secretary shall not approve an application to terminate the trust status or remove the restrictions of such an interest.

**"SEC. 214. ADMINISTRATION OF ACQUIRED FRACTIONAL INTERESTS, DISPOSITION OF PROCEEDS.**

"(a) **IN GENERAL.**—Subject to the conditions described in subsection (b)(1), an Indian tribe receiving a fractional interest under section 213 may, as a tenant in common with the other owners of the trust or restricted lands, lease the interest, sell the resources, consent to the granting of rights-of-way, or engage in any other transaction affecting the trust or restricted land authorized by law.

"(b) **CONDITIONS.**—

"(1) **IN GENERAL.**—The conditions described in this paragraph are as follows:

"(A) Except as provided in subsection (d), until the purchase price paid by the Secretary for an interest referred to in subsection (a) has been recovered, any lease, resource sale contract, right-of-way, or other document evidencing a transaction affecting the interest shall contain a clause providing that all revenue derived from the interest shall be paid to the Secretary.

"(B) Subject to subparagraph (C), the Secretary shall deposit any revenue derived under subparagraph (A) into the Acquisition Fund created under section 216.

"(C) The Secretary shall deposit any revenue that is paid under subparagraph (A) that is in excess of the purchase price of the fractional interest involved to the credit of the Indian tribe that receives the fractional interest under section 213 and the tribe shall have access to such funds in the same manner as other funds paid to the Secretary for the use of lands held in trust for the tribe.

"(D) Notwithstanding any other provision of law, including section 16 of the Act of June 18, 1934 (commonly referred to as the 'Indian Reorganization Act') (48 Stat. 987, chapter 576; 25 U.S.C. 476), with respect to any interest acquired by the Secretary under section 213, the Secretary may approve a transaction covered under this section on behalf of a tribe until—

"(i) the Secretary makes any of the findings under paragraph (2)(A); or

"(ii) an amount equal to the purchase price of that interest has been paid into the Acquisition Fund created under section 216.

"(2) **EXCEPTION.**—Paragraph (1)(A) shall not apply to any revenue derived from an interest in a parcel of land acquired by the Secretary under section 213 after—

"(A) the Secretary makes a finding that—

"(i) the costs of administering the interest will equal or exceed the projected revenues for the parcel involved;

"(ii) in the discretion of the Secretary, it will take an unreasonable period of time for the parcel to generate revenue that equals the purchase price paid for the interest; or

"(iii) a subsequent decrease in the value of land or commodities associated with the land make it likely that the interest will be unable to generate revenue that equals the purchase price paid for the interest in a reasonable time; or

"(B) an amount equal to the purchase price of that interest in land has been paid into the Acquisition Fund created under section 216.

"(c) **EFFECT ON INDIAN TRIBE.**—

"(1) **IN GENERAL.**—Paragraph (2) shall apply with respect to any undivided interest in allotted land held by the Secretary in trust for a tribe if a lease or agreement under subsection (a) is otherwise applicable to such undivided interest by reason of this section even though the Indian tribe did not consent to the lease or agreement.

"(2) **APPLICATION OF LEASE.**—The lease or agreement described in paragraph (1) shall apply to the portion of the undivided interest in allotted land described in such paragraph (including entitlement of the Indian tribe to payment under the lease or agreement), and the Indian tribe shall not be treated as being a party to the lease or agreement. Nothing in this section (or in the lease or agreement) shall be construed to affect the sovereignty of the Indian tribe.

**"SEC. 215. ESTABLISHING FAIR MARKET VALUE.**

"(a) **IN GENERAL.**—For purposes of this Act, the Secretary may develop a system for establishing the fair market value of various types of lands and improvements. Such a system may include determinations of fair market value based on appropriate geographic units as determined by the Secretary. Such system may govern the amounts offered for the purchase of interests in trust or restricted lands under section 213.

"(b) **RULE OF CONSTRUCTION.**—Nothing in this section shall be construed to prevent the owner of an interest in trust or restricted lands from appealing a determination of fair market value made in accordance with this section.

**"SEC. 216. ACQUISITION FUND.**

"(a) **IN GENERAL.**—The Secretary shall establish an Acquisition Fund to—

"(1) disburse appropriations authorized to accomplish the purposes of section 213; and

"(2) collect all revenues received from the lease, permit, or sale of resources from interests in trust or restricted lands transferred to Indian tribes by the Secretary under section 213.

"(b) **DEPOSITS; USE.**—

"(1) **IN GENERAL.**—Subject to paragraph (2), all proceeds from leases, permits, or resource sales derived from an interest in trust or restricted lands described in subsection (a)(2) shall—

"(A) be deposited in the Acquisition Fund; and

"(B) as specified in advance in appropriations Acts, be available for the purpose of acquiring additional fractional interests in trust or restricted lands.

"(2) **MAXIMUM DEPOSITS OF PROCEEDS.**—With respect to the deposit of proceeds derived from an interest under paragraph (1), the aggregate amount deposited under that paragraph shall not exceed the purchase price of that interest under section 213.

**"SEC. 217. TRUST AND RESTRICTED LAND TRANSACTIONS.**

"(a) **POLICY.**—It is the policy of the United States to encourage and assist the consolidation of land ownership through transactions involving individual Indians and between Indians and a reservation's recognized tribal government in a manner consistent with the policy of maintaining the trust status of allotted lands. Nothing in this section shall be construed to apply to or to authorize the sale of trust or restricted lands to a person who is not an Indian.

"(b) **SALES AND EXCHANGES BETWEEN INDIANS AND BETWEEN INDIANS AND INDIAN TRIBES.**—

"(1) **IN GENERAL.**—

"(A) **ESTIMATE OF VALUE.**—Notwithstanding any other provision of law and only after the

Indian selling or exchanging an interest in land has been provided with an estimate of the value of the interest of the Indian pursuant to this section—

"(i) the sale or exchange of an interest in trust or restricted land may be made for an amount that is less than the fair market value of that interest; and

"(ii) the approval of a transaction that is in compliance with this section shall not constitute a breach of trust by the Secretary.

"(B) **WAIVER OF REQUIREMENT.**—The requirement for an estimate of value under subparagraph (A) may be waived in writing by an Indian selling or exchanging an interest in land with an Indian person who is the owner's spouse, brother, sister, lineal ancestor of Indian blood, lineal descendant, or collateral heir.

"(2) **LIMITATION.**—For a period of 5 years after the Secretary approves a conveyance pursuant to this subsection, the Secretary shall not approve an application to terminate the trust status or remove the restrictions of such an interest.

"(c) **ACQUISITION OF INTEREST BY SECRETARY.**—An Indian, or the recognized tribal government of a reservation, in possession of an interest in trust or restricted lands, at least a portion of which is in trust or restricted status on the date of enactment of the Indian Land Consolidation Act Amendments of 2000 and located within a reservation, may request that the interest be taken into trust by the Secretary. Upon such a request, the Secretary shall forthwith take such interest into trust.

"(d) **STATUS OF LANDS.**—The sale or exchange of an interest in trust or restricted land under this section shall not affect the status of that land as trust or restricted land.

"(e) **GIFT DEEDS.**—

"(1) **IN GENERAL.**—An individual owner of an interest in trust or restricted land may convey that interest by gift deed to—

"(A) an individual Indian; or

"(B) the Indian tribe that exercises jurisdiction over that land.

"(2) **SPECIAL RULE.**—With respect to any gift deed conveyed under this section, the Secretary shall not require an appraisal and the transaction shall be consistent with this Act and any other provision of Federal law.

"(f) **NO TERMINATION.**—During the 7-year period beginning on the date on which the Secretary approves a conveyance of an interest in trust or restricted land under subsection (e), the Secretary shall not approve an application to terminate the trust status of, or remove the restrictions on, such an interest.

"(g) **LAND OWNERSHIP INFORMATION.**—Notwithstanding any other provision of law, the names and mailing addresses of the Indian owners of trust or restricted lands, and information on the location of the parcel and the percentage of undivided interest owned by each individual, or of any interest in trust or restricted lands, shall, upon written request, be made available to—

"(1) other Indian owners of interests in trust or restricted lands within the same reservation;

"(2) the tribe that exercises jurisdiction over the reservation where the parcel is located or any person who is eligible for membership in that tribe; and

"(3) prospective applicants for the leasing, use, or consolidation of such trust or restricted land or the interest in trust or restricted lands.

**"SEC. 218. REPORTS TO CONGRESS.**

"(a) **IN GENERAL.**—Prior to expiration of the authority provided for in section 213(a)(2)(A), the Secretary, after consultation with Indian tribes and other interested parties, shall submit to the Committee on Indian Affairs and the Committee on Energy and Natural Resources of the Senate and the Committee on Resources of the House of Representatives a report that indicates, for the period covered by the report—

"(1) the number of fractional interests in trust or restricted lands acquired; and

"(2) the impact of the resulting reduction in the number of such fractional interests on the financial and realty recordkeeping systems of the Bureau of Indian Affairs.

"(b) REPORT.—The reports described in subsection (a) and section 213(a) shall contain findings as to whether the program under this Act to acquire fractional interests in trust or restricted lands should be extended and whether such program should be altered to make resources available to Indian tribes and individual Indian landowners.

**"SEC. 219. APPROVAL OF LEASES, RIGHTS-OF-WAY, AND SALES OF NATURAL RESOURCES.**

"(a) APPROVAL BY THE SECRETARY.—

"(1) IN GENERAL.—Notwithstanding any other provision of law, the Secretary may approve any lease or agreement that affects individually owned allotted land, if—

"(A) the owners of not less than the applicable percentage (determined under subsection (b)) of the undivided interest in the allotted land that is covered by the lease or agreement consent in writing to the lease or agreement; and

"(B) the Secretary determines that approving the lease or agreement is in the best interest of the owners of the undivided interest in the allotted land.

"(2) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to apply to leases involving coal or uranium.

"(b) APPLICABLE PERCENTAGE.—

"(1) PERCENTAGE INTEREST.—The applicable percentage referred to in subsection (a)(1) shall be determined as follows:

"(A) If there are 5 or fewer owners of the undivided interest in the allotted land, the applicable percentage shall be 100 percent.

"(B) If there are more than 5 such owners, but fewer than 11 such owners, the applicable percentage shall be 80 percent.

"(C) If there are more than 10 such owners, but fewer than 20 such owners, the applicable percentage shall be 60 percent.

"(D) If there are 20 or more such owners, the applicable percentage shall be a majority of the interests in the allotted land.

"(2) DETERMINATION OF OWNERS.—

"(A) IN GENERAL.—For purposes of this subsection, in determining the number of owners of, and their interests in, the undivided interest in the allotted land with respect to a lease or agreement, the Secretary shall make such determination based on the records of the Department of the Interior that identify the owners of such lands and their interests and the number of owners of such land on the date on which the lease or agreement involved is submitted to the Secretary under this section.

"(B) RULE OF CONSTRUCTION.—Nothing in subparagraph (A) shall be construed to authorize the Secretary to treat an Indian tribe as the owner of an interest in allotted land that did not escheat to the tribe pursuant to section 207 as a result of the Supreme Court's decision in *Babbitt v. Youpee*, (117 S Ct. 727 (1997)).

"(c) AUTHORITY OF SECRETARY TO SIGN LEASE OR AGREEMENT ON BEHALF OF CERTAIN OWNERS.—The Secretary may give written consent to a lease or agreement under subsection (a)—

"(1) on behalf of the individual Indian owner if the owner is deceased and the heirs to, or devisees of, the interest of the deceased owner have not been determined; or

"(2) on behalf of any heir or devisee referred to in paragraph (1) if the heir or devisee has been determined but cannot be located

"(d) EFFECT OF APPROVAL.—

"(1) APPLICATION TO ALL PARTIES.—

"(A) IN GENERAL.—Subject to paragraph (2), a lease or agreement approved by the Secretary under subsection (a) shall be binding on the parties described in subparagraph (B), to the same extent as if all of the owners of the undivided interest in allotted land covered under the lease or agreement consented to the lease or agreement.

"(B) DESCRIPTION OF PARTIES.—The parties referred to in subparagraph (A) are—

"(i) the owners of the undivided interest in the allotted land covered under the lease or agreement referred to in such subparagraph; and

"(ii) all other parties to the lease or agreement.

"(2) EFFECT ON INDIAN TRIBE.—

"(A) IN GENERAL.—Subparagraph (B) shall apply with respect to any undivided interest in allotted land held by the Secretary in trust for a tribe if a lease or agreement under subsection (a) is otherwise applicable to such undivided interest by reason of this section even though the Indian tribe did not consent to the lease or agreement.

"(B) APPLICATION OF LEASE.—The lease or agreement described in subparagraph (A) shall apply to the portion of the undivided interest in allotted land described in such paragraph (including entitlement of the Indian tribe to payment under the lease or agreement), and the Indian tribe shall not be treated as being a party to the lease or agreement. Nothing in this section (or in the lease or agreement) shall be construed to affect the sovereignty of the Indian tribe.

"(c) DISTRIBUTION OF PROCEEDS.—

"(1) IN GENERAL.—The proceeds derived from a lease or agreement that is approved by the Secretary under subsection (a) shall be distributed to all owners of undivided interest in the allotted land covered under the lease or agreement.

"(2) DETERMINATION OF AMOUNTS DISTRIBUTED.—The amount of the proceeds under paragraph (1) that are distributed to each owner under that paragraph shall be determined in accordance with the portion of the undivided interest in the allotted land covered under the lease or agreement that is owned by that owner.

"(f) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to amend or modify the provisions of Public Law 105-188 (25 U.S.C. 396 note), the American Indian Agricultural Resources Management Act (25 U.S.C. 3701 et seq.) or any other Act that provides specific standards for the percentage of ownership interest that must approve a lease or agreement on a specified reservation.

**"SEC. 220. APPLICATION TO ALASKA.**

"(a) FINDINGS.—Congress find that—

"(1) numerous academic and governmental organizations have studied the nature and extent of fractionated ownership of Indian land outside of Alaska and have proposed solutions to this problem; and

"(2) despite these studies, there has not been a comparable effort to analyze the problem, if any, of fractionated ownership in Alaska.

"(b) APPLICATION OF ACT TO ALASKA.—Except as provided in this section, this Act shall not apply to land located within Alaska.

"(c) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to constitute a ratification of any determination by any agency, instrumentality, or court of the United States that may support the assertion of tribal jurisdiction over allotment lands or interests in such land in Alaska."

**SEC. 5. JUDICIAL REVIEW.**

Notwithstanding section 207(f)(5) of the Indian Land Consolidation Act (25 U.S.C. 2206(f)(5)), after the Secretary of Interior provides the certification required under section 207(f)(4) of such Act, the owner of an interest in trust or restricted land may bring an administrative action to challenge the application of such section 207 to their interest in trust or restricted lands, and may seek judicial review of the final decision of the Secretary of Interior with respect to such challenge.

**SEC. 6. AUTHORIZATION OF APPROPRIATIONS.**

There are authorized to be appropriated not to exceed \$8,000,000 for fiscal year 2001 and each subsequent fiscal year to carry out the provi-

sions of this Act (and the amendments made by this Act) that are not otherwise funded under the authority provided for in any other provision of Federal law.

**SEC. 7. CONFORMING AMENDMENTS.**

(a) PATENTS HELD IN TRUST.—The Act of February 8, 1887 (24 Stat. 388) is amended—

(1) by repealing sections 1, 2, and 3 (25 U.S.C. 331, 332, and 333); and

(2) in the second proviso of section 5 (25 U.S.C. 348)—

(A) by striking "and partition"; and

(B) by striking "except" and inserting "except as provided by the Indian Land Consolidation Act or a tribal probate code approved under such Act and except".

(b) ASCERTAINMENT OF HEIRS AND DISPOSAL OF ALLOTMENTS.—The Act of June 25, 1910 (36 Stat. 855) is amended—

(1) in the first sentence of section 1 (25 U.S.C. 372), by striking "under" and inserting "under the Indian Land Consolidation Act or a tribal probate code approved under such Act and pursuant to"; and

(2) in the first sentence of section 2 (25 U.S.C. 373), by striking "with regulations" and inserting "with the Indian Land Consolidation Act or a tribal probate code approved under such Act and regulations".

(c) TRANSFER OF LANDS.—Section 4 of the Act of June 18, 1934 (25 U.S.C. 464) is amended by striking "trust:" and inserting "trust, except as provided by the Indian Land Consolidation Act:".

AMENDMENT NO. 4019

(Purpose: To provide for a complete substitute)

Mr. DEWINE. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Ohio [Mr. DEWINE], for Mr. CAMPBELL, proposes an amendment numbered 4019.

(The text of the amendment is printed in today's RECORD Under "Amendments Submitted.")

Mr. CAMPBELL. Mr. President, on September 15, 1999, I introduced S. 1586, the Indian Land Consolidation Act Amendments of 2000. At that time I pledged to work with all interested parties to address the vexing problems associated with fractionated ownership of Indian lands. These lands were carved out of Indian reservations in the late 19th and early 20th centuries. Within only a few generations, the ownership of the allotments was divided among dozens of the heirs of the original owners of these parcels. This situation has only grown worse as each decade passes.

In 1983, Congress tried to solve fractionation when it enacted the Indian Land Consolidation Act (ILCA), P.L. 94-459. The ILCA prevented small undivided interests from passing by either devise or descent. Only those interests that produced more than \$100 in revenue in the preceding year were exempted. In 1987 the Supreme Court ruled in *Hodel v. Irving*, 481 U.S. 704, that those provisions of the ILCA violated the 5th Amendment by taking property without just compensation.

Then in 1992, the General Accounting Office surveyed 12 Indian reservations with fractionated ownership and reported to Congress:

BIA's workload for ownership records is substantial. The agency maintains about 1.1 million records for the 12 reservations. Over 60 percent of the records represent small ownership interests of Indian individuals—some as small as one four thousandth of 1 percent. (GAO/RCED-92-96BR)

In 1994, the Department of Interior began a national consultation with tribal leaders and landowners concerning the need to address fractionation through a comprehensive legislative proposal. Based on these consultations, in June 1997, the Administration submitted a legislative proposal on land fractionation to Congress.

Also in 1997, the Supreme Court ruled in *Babbitt v. Youpee*, 519 U.S. 234 that the 1984 amendments to the ILCA did not go far enough to alter the Court's previous finding that the ILCA violated the 5th Amendment.

On November 4, 2000, the Senate Indian Affairs Committee (SCIA) held a joint hearing on S. 1586 with the House Committee on Resources.

On March 23, 2000, the SCIA reported S. 1586. Relying on a suggestion in the Supreme Court's 1987 opinion, the reported bill allowed an owner to devise fractional interests of less than 2%, but eliminated the intestate descent of such interests. These interests were allowed to "escheat" to the tribe exercising jurisdiction over the parcel. Because of the controversy associated with the escheat provision, Committee staff continued to work with interested parties to develop a proposal for addressing fractionation without the use of escheat.

On June 14, 2000, the SCIA reported S. 1586 with an amendment in the nature of a substitute. In response to concerns that probate reform should be comprehensive, the reported version of the bill was not limited to smaller fractional interests. Instead the bill addressed both the problem of fractionated ownership and the loss of trust land through devise and descent. The bill provided that non-Indian heirs and devisees would receive "non-Indian interests in Indian land," rather than fee title to trust and restricted land. In most instances, these interests would operate as if they were a life estate in the interest.

S. 1586 was endorsed on June 28, 2000 by the National Congress of American Indians (NCAI), the largest and most representative tribal organization in the Nation, through Resolution Jun-00-044. The Resolution requested that the bill's sponsor continue to work with NCAI to address technical issues.

Throughout June and July, a concerted effort has been made to consult with Indian tribes, landowners, and inter-tribal organizations, BIA personnel, and interested academics to clarify and simplify the bill. For example, in many instances a "non-Indian estate in Indian land" might prove a more complicated interest than was necessary to achieve the bill's objective. It was recommended that the bill's non-Indian estate should simply be replaced by an ordinary life estate.

A proposed amendment in the nature of a substitute has been produced. The amendment differs from the version reported by the SCIA on June 14, 2000 in the following ways:

The definition of "Indian" is amended. As reported on June 14, 2000, the definition included members of Indian tribes and those eligible for membership in an Indian tribe. The proposed amendment adds a provision for: "any person who has been found to meet the definition of 'Indian' under a provision of Federal law if the Secretary determines that using such law's definition of Indian is consistent with the purposes of this Act." This amendment will ensure that individuals who are treated as Indians for other purposes of Federal law will also be treated as Indian for purposes of this Act.

Section 207 dealing with the devise and descent of interests in trust and restricted lands has been rewritten to provide that non-Indians inheriting interest in trust and restricted land will now receive life estates in place of "non-Indian interests in Indian land." The owner of allotted land who does not have any Indian heirs may devise his interest to non-Indian heirs. Such a devise may then reserve a life estate if the remainder interest is acquired by the tribe under section 206(c).

Section 206(c), which allows Indian tribes to acquire interests devised to non-Indians has been rewritten for clarity.

As reported on June 14, 2000, S. 1586 provided that interests of 5% or less that pass by intestate succession would be inherited with the right of survivorship to prevent further fractionation. Since the BIA is in the process of reforming its trust and probate management system, the proposed amendment provides that this provision will not take effect until the Secretary certifies that the BIA has a process in place to track interests held with the right of survivorship.

A separate subsection concerning gift deeds is now incorporated into another section that allows the Secretary to approve conveyance of trust land to Indians. Also, trust land may now be conveyed to Indians by a person of Indian ancestry who owns trust land, but does not meet the ILCA's definition of Indian.

A second title to S. 1586 includes the text from S. 1315 and its House counterpart H.R. 3181, which allow the Secretary of Interior to approve oil and gas leases on lands allotted to individual Navajo Indians, as long as the specified majority of owners of undivided interests approve the transaction. S. 1315 and H.R. 3181 were introduced at the request of the Navajo Allottee Association, Shii Shi Keyah.

I have described S. 1586 as the "cornerstone" of the Committee's efforts to reform the BIA's management of land fractionation. Without this bill, interests will continue to fractionate. That is why the Department of the Interior continues to support this bill, even

though it differs greatly from the Department's original proposal.

As far back as 1934, a member of the House of Representatives referred to fractionated interests as: "a meaningless system of minute partitioning in which all thought of the possible use of the land to satisfy human needs is lost in a mathematical haze of book-keeping." S. 1586 provides a framework that will allow the Federal government, tribal governments, and those who own interests in allotments to begin addressing these issues.

Mr. DEWINE. Mr. President, I ask unanimous consent that the amendment be agreed to, the committee amendment be agreed to, as amended, 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. 4019) was agreed to.

The committee amendment, in the nature of a substitute, as amended, was agreed to.

The bill (S. 1586), as amended, was read the third time and passed.

S. 1586

*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 "Indian Land Consolidation Act Amendments of 2000".

#### TITLE I—INDIAN LAND CONSOLIDATION

##### SEC. 101. FINDINGS.

Congress finds that—

(1) in the 1800's and early 1900's, the United States sought to assimilate Indian people into the surrounding non-Indian culture by allotting tribal lands to individual members of Indian tribes;

(2) as a result of the allotment Acts and related Federal policies, over 90,000,000 acres of land have passed from tribal ownership;

(3) many trust allotments were taken out of trust status, often without their owners consent;

(4) without restrictions on alienation, allotment owners were subject to exploitation and their allotments were often sold or disposed of without any tangible or enduring benefit to their owners;

(5) the trust periods for trust allotments have been extended indefinitely;

(6) because of the inheritance provisions in the original treaties or allotment Acts, the ownership of many of the trust allotments that have remained in trust status has become fractionated into hundreds or thousands of undivided interests, many of which represent 2 percent or less of the total interests;

(7) Congress has authorized the acquisition of lands in trust for individual Indians, and many of those lands have also become fractionated by subsequent inheritance;

(8) the acquisitions referred to in paragraph (7) continue to be made;

(9) the fractional interests described in this section often provide little or no return to the beneficial owners of those interests and the administrative costs borne by the United States for those interests are inordinately high;

(10) in *Babbitt v. Youpee* (117 S. Ct. 727 (1997)), the United States Supreme Court

found the application of section 207 of the Indian Land Consolidation Act (25 U.S.C. 2206) to the facts presented in that case to be unconstitutional, forcing the Department of the Interior to address the status of thousands of undivided interests in trust and restricted lands;

(11)(A) on February 19, 1999, the Secretary of Interior issued a Secretarial Order which officially reopened the probate of all estates where an interest in land was ordered to escheat to an Indian tribe pursuant to section 207 of the Indian Land Consolidation Act (25 U.S.C. 2206); and

(B) the Secretarial Order also directed appropriate officials of the Bureau of Indian Affairs to distribute such interests "to the rightful heirs and beneficiaries without regard to 25 U.S.C. 2206";

(12) in the absence of comprehensive remedial legislation, the number of the fractional interests will continue to grow exponentially;

(13) the problem of the fractionation of Indian lands described in this section is the result of a policy of the Federal Government, cannot be solved by Indian tribes, and requires a solution under Federal law.

(14) any devise or inheritance of an interest in trust or restricted Indian lands is a matter of Federal law; and

(15) consistent with the Federal policy of tribal self-determination, the Federal Government should encourage the recognized tribal government that exercises jurisdiction over a reservation to establish a tribal probate code for that reservation.

#### SEC. 102. DECLARATION OF POLICY.

It is the policy of the United States—

(1) to prevent the further fractionation of trust allotments made to Indians;

(2) to consolidate fractional interests and ownership of those interests into usable parcels;

(3) to consolidate fractional interests in a manner that enhances tribal sovereignty;

(4) to promote tribal self-sufficiency and self-determination; and

(5) to reverse the effects of the allotment policy on Indian tribes.

#### SEC. 103. AMENDMENTS TO THE INDIAN LAND CONSOLIDATION ACT.

The Indian Land Consolidation Act (25 U.S.C. 2201 et seq.) is amended—

(1) in section 202—

(A) in paragraph (1), by striking "(1) 'tribe'" and inserting "(1) 'Indian tribe' or 'tribe'";

(B) by striking paragraph (2) and inserting the following:

"(2) 'Indian' means any person who is a member of any Indian tribe or is eligible to become a member of any Indian tribe, or any person who has been found to meet the definition of 'Indian' under a provision of Federal law if the Secretary determines that using such law's definition of Indian is consistent with the purposes of this Act;";

(C) by striking "and" at the end of paragraph (3);

(D) by striking the period at the end of paragraph (4) and inserting "; and"; and

(E) by adding at the end the following:

"(5) 'heirs of the first or second degree' means parents, children, grandchildren, grandparents, brothers and sisters of a decedent.";

(2) in section 205—

(A) in the matter preceding paragraph (1)—

(i) by striking "Any Indian" and inserting "(a) IN GENERAL.—Subject to subsection (b), any Indian";

(ii) by striking the colon and inserting the following: ". Interests owned by an Indian tribe in a tract may be included in the computation of the percentage of ownership of the undivided interests in that tract for pur-

poses of determining whether the consent requirement under the preceding sentence has been met.";

(iii) by striking ": *Provided*, That—"; and inserting the following:

"(b) CONDITIONS APPLICABLE TO PURCHASE.—Subsection (a) applies on the condition that—";

(B) in paragraph (2)—

(i) by striking "If," and inserting "if"; and

(ii) by adding "and" at the end; and

(C) by striking paragraph (3) and inserting the following:

"(3) the approval of the Secretary shall be required for a land sale initiated under this section, except that such approval shall not be required with respect to a land sale transaction initiated by an Indian tribe that has in effect a land consolidation plan that has been approved by the Secretary under section 204.";

(3) by striking section 206 and inserting the following:

#### "SEC. 206. TRIBAL PROBATE CODES; ACQUISITIONS OF FRACTIONAL INTERESTS BY TRIBES.

"(a) TRIBAL PROBATE CODES.—

"(1) IN GENERAL.—Notwithstanding any other provision of law, any Indian tribe may adopt a tribal probate code to govern descent and distribution of trust or restricted lands that are—

"(A) located within that Indian tribe's reservation; or

"(B) otherwise subject to the jurisdiction of that Indian tribe.

"(2) POSSIBLE INCLUSIONS.—A tribal probate code referred to in paragraph (1) may include—

"(A) rules of intestate succession; and

"(B) other tribal probate code provisions that are consistent with Federal law and that promote the policies set forth in section 102 of the Indian Land Consolidation Act Amendments of 2000.

"(3) LIMITATIONS.—The Secretary shall not approve a tribal probate code if such code prevents an Indian person from inheriting an interest in an allotment that was originally allotted to his or her lineal ancestor.

"(b) SECRETARIAL APPROVAL.—

"(1) IN GENERAL.—Any tribal probate code enacted under subsection (a), and any amendment to such a tribal probate code, shall be subject to the approval of the Secretary.

"(2) REVIEW AND APPROVAL.—

"(A) IN GENERAL.—Each Indian tribe that adopts a tribal probate code under subsection (a) shall submit that code to the Secretary for review. Not later than 180 days after a tribal probate code is submitted to the Secretary under this paragraph, the Secretary shall review and approve or disapprove that tribal probate code.

"(B) CONSEQUENCE OF FAILURES TO APPROVE OR DISAPPROVE A TRIBAL PROBATE CODE.—If the Secretary fails to approve or disapprove a tribal probate code submitted for review under subparagraph (A) by the date specified in that subparagraph, the tribal probate code shall be deemed to have been approved by the Secretary, but only to the extent that the tribal probate code is consistent with Federal law and promotes the policies set forth in section 102 of the Indian Land Consolidation Act Amendments of 2000.

"(C) CONSISTENCY OF TRIBAL PROBATE CODE WITH ACT.—The Secretary may not approve a tribal probate code, or any amendment to such a code, under this paragraph unless the Secretary determines that the tribal probate code promotes the policies set forth in section 102 of the Indian Land Consolidation Act Amendments of 2000.

"(D) EXPLANATION.—If the Secretary disapproves a tribal probate code, or an amendment to such a code, under this paragraph,

the Secretary shall include in the notice of disapproval to the Indian tribe a written explanation of the reasons for the disapproval.

"(E) AMENDMENTS.—

"(i) IN GENERAL.—Each Indian tribe that amends a tribal probate code under this paragraph shall submit the amendment to the Secretary for review and approval. Not later than 60 days after receiving an amendment under this subparagraph, the Secretary shall review and approve or disapprove the amendment.

"(ii) CONSEQUENCE OF FAILURE TO APPROVE OR DISAPPROVE AN AMENDMENT.—If the Secretary fails to approve or disapprove an amendment submitted under clause (i), the amendment shall be deemed to have been approved by the Secretary, but only to the extent that the amendment is consistent with Federal law and promotes the policies set forth in section 102 of the Indian Land Consolidation Act of 2000.

"(3) EFFECTIVE DATES.—A tribal probate code approved under paragraph (2) shall become effective on the later of—

"(A) the date specified in section 207(g)(5); or

"(B) 180 days after the date of approval.

"(4) LIMITATIONS.—

"(A) TRIBAL PROBATE CODES.—Each tribal probate code enacted under subsection (a) shall apply only to the estate of a decedent who dies on or after the effective date of the tribal probate code.

"(B) AMENDMENTS TO TRIBAL PROBATE CODES.—With respect to an amendment to a tribal probate code referred to in subparagraph (A), that amendment shall apply only to the estate of a decedent who dies on or after the effective date of the amendment.

"(5) REPEALS.—The repeal of a tribal probate code shall—

"(A) not become effective earlier than the date that is 180 days after the Secretary receives notice of the repeal; and

"(B) apply only to the estate of a decedent who dies on or after the effective date of the repeal.

"(c) AUTHORITY AVAILABLE TO INDIAN TRIBES.—

"(1) IN GENERAL.—If the owner of an interest in trust or restricted land devises an interest in such land to a non-Indian under section 207(a)(6)(A), the Indian tribe that exercises jurisdiction over the parcel of land involved may acquire such interest by paying to the Secretary the fair market value of such interest, as determined by the Secretary on the date of the decedent's death. The Secretary shall transfer such payment to the devisee.

"(2) LIMITATION.—

"(A) IN GENERAL.—Paragraph (1) shall not apply to an interest in trust or restricted land if, while the decedent's estate is pending before the Secretary, the non-Indian devisee renounces the interest in favor of an Indian person.

"(B) RESERVATION OF LIFE ESTATE.—A non-Indian devisee described in subparagraph (A) or a non-Indian devisee described in section 207(a)(6)(B), may retain a life estate in the interest involved, including a life estate to the revenue produced from the interest. The amount of any payment required under paragraph (1) shall be reduced to reflect the value of any life estate reserved by a non-Indian devisee under this subparagraph.

"(3) PAYMENTS.—With respect to payments by an Indian tribe under paragraph (1), the Secretary shall—

"(A) upon the request of the tribe, allow a reasonable period of time, not to exceed 2 years, for the tribe to make payments of amounts due pursuant to paragraph (1); or

"(B) recognize alternative agreed upon exchanges of consideration or extended payment terms between the non-Indian devisee

described in paragraph (1) and the tribe in satisfaction of the payment under paragraph (1).

“(d) USE OF PROPOSED FINDINGS BY TRIBAL JUSTICE SYSTEMS.—

“(1) TRIBAL JUSTICE SYSTEM DEFINED.—In this subsection, the term ‘tribal justice system’ has the meaning given that term in section 3 of the Indian Tribal Justice Act (25 U.S.C. 3602).

“(2) REGULATIONS.—The Secretary by regulation may provide for the use of findings of fact and conclusions of law, as rendered by a tribal justice system, as proposed findings of fact and conclusions of law in the adjudication of probate proceedings by the Department of the Interior.”;

(4) by striking section 207 and inserting the following:

**“SEC. 207. DESCENT AND DISTRIBUTION.**

“(a) TESTAMENTARY DISPOSITION.—

“(1) IN GENERAL.—Interests in trust or restricted land may be devised only to—

“(A) the decedent’s Indian spouse or any other Indian person; or

“(B) the Indian tribe with jurisdiction over the land so devised.

“(2) LIFE ESTATE.—Any devise of an interest in trust or restricted land to a non-Indian shall create a life estate with respect to such interest.

“(3) REMAINDER.—

“(A) IN GENERAL.—Except where the remainder from the life estate referred to in paragraph (2) is devised to an Indian, such remainder shall descend to the decedent’s Indian spouse or Indian heirs of the first or second degree pursuant to the applicable law of intestate succession.

“(B) DESCENT OF INTERESTS.—If a decedent described in subparagraph (A) has no Indian heirs of the first or second degree, the remainder interest described in such subparagraph shall descend to any of the decedent’s collateral heirs of the first or second degree, pursuant to the applicable laws of intestate succession, if on the date of the decedent’s death, such heirs were a co-owner of an interest in the parcel of trust or restricted land involved.

“(C) DEFINITION.—For purposes of this section, the term ‘collateral heirs of the first or second degree’ means the brothers, sisters, aunts, uncles, nieces, nephews, and first cousins, of a decedent.

“(4) DESCENT TO TRIBE.—If the remainder interest described in paragraph (3)(A) does not descend to an Indian heir or heirs it shall descend to the Indian tribe that exercises jurisdiction over the parcel of trust or restricted lands involved, subject to paragraph (5).

“(5) ACQUISITION OF INTEREST BY INDIAN CO-OWNERS.—An Indian co-owner of a parcel of trust or restricted land may prevent the descent of an interest in Indian land to an Indian tribe under paragraph (4) by paying into the decedent’s estate the fair market value of the interest in such land. If more than 1 Indian co-owner offers to pay for such an interest, the highest bidder shall obtain the interest. If payment is not received before the close of the probate of the decedent’s estate, the interest shall descend to the tribe that exercises jurisdiction over the parcel.

“(6) SPECIAL RULE.—

“(A) IN GENERAL.—Notwithstanding paragraph (2), an owner of trust or restricted land who does not have an Indian spouse, Indian lineal descendant, an Indian heir of the first or second degree, or an Indian collateral heir of the first or second degree, may devise his or her interests in such land to any of the decedent’s heirs of the first or second degree or collateral heirs of the first or second degree.

“(B) ACQUISITION OF INTEREST BY TRIBE.—An Indian tribe that exercises jurisdiction

over an interest in trust or restricted land described in subparagraph (A) may acquire any interest devised to a non-Indian as provided for in section 206(c).

“(b) INTESTATE SUCCESSION.—

“(1) IN GENERAL.—An interest in trust or restricted land shall pass by intestate succession only to a decedent’s spouse or heirs of the first or second degree, pursuant to the applicable law of intestate succession.

“(2) LIFE ESTATE.—Notwithstanding paragraph (1), with respect to land described in such paragraph, a non-Indian spouse or non-Indian heirs of the first or second degree shall only receive a life estate in such land.

“(3) DESCENT OF INTERESTS.—If a decedent described in paragraph (1) has no Indian heirs of the first or second degree, the remainder interest from the life estate referred to in paragraph (2) shall descend to any of the decedent’s collateral Indian heirs of the first or second degree, pursuant to the applicable laws of intestate succession, if on the date of the decedent’s death, such heirs were a co-owner of an interest in the parcel of trust or restricted land involved.

“(4) DESCENT TO TRIBE.—If the remainder interest described in paragraph (3) does not descend to an Indian heir or heirs it shall descend to the Indian tribe that exercises jurisdiction over the parcel of trust or restricted lands involved, subject to paragraph (5).

“(5) ACQUISITION OF INTEREST BY INDIAN CO-OWNERS.—An Indian co-owner of a parcel of trust or restricted land may prevent the descent of an interest in such land for which there is no heir of the first or second degree by paying into the decedent’s estate the fair market value of the interest in such land. If more than 1 Indian co-owner makes an offer to pay for such an interest, the highest bidder shall obtain the interest. If no such offer is made, the interest shall descend to the Indian tribe that exercises jurisdiction over the parcel of land involved.

“(c) JOINT TENANCY; RIGHT OF SURVIVORSHIP.—

“(1) TESTATE.—If a testator devises interests in the same parcel of trust or restricted lands to more than 1 person, in the absence of express language in the devise to the contrary, the devise shall be presumed to create joint tenancy with the right of survivorship in the land involved.

“(2) INTESTATE.—

“(A) IN GENERAL.—Any interest in trust or restricted land that—

“(i) passes by intestate succession to more than 1 person, including a remainder interest under subsection (a) or (b) of section 207; and

“(ii) that constitutes 5 percent or more of the undivided interest in a parcel of trust or restricted land; shall be held as tenancy in common.

“(B) LIMITED INTEREST.—Any interest in trust or restricted land that—

“(i) passes by intestate succession to more than 1 person, including a remainder interest under subsection (a) or (b) of section 207; and

“(ii) that constitutes less than 5 percent of the undivided interest in a parcel of trust or restricted land; shall be held by such heirs with the right of survivorship.

“(3) EFFECTIVE DATE.—

“(A) IN GENERAL.—This subsection (other than subparagraph (B)) shall become effective on the later of—

“(i) the date referred to in subsection (g)(5); or

“(ii) the date that is six months after the date on which the Secretary makes the certification required under subparagraph (B).

“(B) CERTIFICATION.—Upon a determination by the Secretary that the Department of the Interior has the capacity, including policies and procedures, to track and manage interests in trust or restricted land held with

the right of survivorship, the Secretary shall certify such determination and publish such certification in the Federal Register.

“(d) DESCENT OF OFF-RESERVATION LANDS.—

“(1) INDIAN RESERVATION DEFINED.—For purposes of this subsection, the term ‘Indian reservation’ includes lands located within—

“(A)(i) Oklahoma; and

“(ii) the boundaries of an Indian tribe’s former reservation (as defined and determined by the Secretary);

“(B) the boundaries of any Indian tribe’s current or former reservation; or

“(C) any area where the Secretary is required to provide special assistance or consideration of a tribe’s acquisition of land or interests in land.

“(2) DESCENT.—Except in the State of California, upon the death of an individual holding an interest in trust or restricted lands that are located outside the boundaries of an Indian reservation and that are not subject to the jurisdiction of any Indian tribe, that interest shall descend either—

“(A) by testate or intestate succession in trust to an Indian; or

“(B) in fee status to any other devisees or heirs.

“(e) APPROVAL OF AGREEMENTS.—The official authorized to adjudicate the probate of trust or restricted lands shall have the authority to approve agreements between a decedent’s heirs and devisees to consolidate interests in trust or restricted lands. The agreements referred to in the preceding sentence may include trust or restricted lands that are not a part of the decedent’s estate that is the subject of the probate. The Secretary may promulgate regulations for the implementation of this subsection.

“(f) ESTATE PLANNING ASSISTANCE.—

“(1) IN GENERAL.—The Secretary shall provide estate planning assistance in accordance with this subsection, to the extent amounts are appropriated for such purpose.

“(2) REQUIREMENTS.—The estate planning assistance provided under paragraph (1) shall be designed to—

“(A) inform, advise, and assist Indian landowners with respect to estate planning in order to facilitate the transfer of trust or restricted lands to a devisee or devisees selected by the landowners; and

“(B) assist Indian landowners in accessing information pursuant to section 217(e).

“(3) CONTRACTS.—In carrying out this section, the Secretary may enter into contracts with entities that have expertise in Indian estate planning and tribal probate codes.

“(g) NOTIFICATION TO INDIAN TRIBES AND OWNERS OF TRUST OR RESTRICTED LANDS.—

“(1) IN GENERAL.—Not later than 180 days after the date of enactment of the Indian Land Consolidation Act Amendments of 2000, the Secretary shall notify Indian tribes and owners of trust or restricted lands of the amendments made by the Indian Land Consolidation Act Amendments of 2000.

“(2) SPECIFICATIONS.—The notice required under paragraph (1) shall be designed to inform Indian owners of trust or restricted land of—

“(A) the effect of this Act, with emphasis on the effect of the provisions of this section, on the testate disposition and intestate descent of their interests in trust or restricted land; and

“(B) estate planning options available to the owners, including any opportunities for receiving estate planning assistance or advice.

“(3) REQUIREMENTS.—The Secretary shall provide the notice required under paragraph (1)—

“(A) by direct mail for those Indians with interests in trust and restricted lands for

which the Secretary has an address for the interest holder;

“(B) through the Federal Register;

“(C) through local newspapers in areas with significant Indian populations, reservation newspapers, and newspapers that are directed at an Indian audience; and

“(D) through any other means determined appropriate by the Secretary.

“(4) CERTIFICATION.—After providing notice under this subsection, the Secretary shall certify that the requirements of this subsection have been met and shall publish notice of such certification in the Federal Register.

“(5) EFFECTIVE DATE.—The provisions of this section shall not apply to the estate of an individual who dies prior to the day that is 365 days after the Secretary makes the certification required under paragraph (4).”;

(5) in section 208, by striking “section 206” and inserting “subsections (a) and (b) of section 206”; and

(6) by adding at the end the following:

**“SEC. 213. PILOT PROGRAM FOR THE ACQUISITION OF FRACTIONAL INTERESTS.**

“(a) ACQUISITION BY SECRETARY.—

“(1) IN GENERAL.—The Secretary may acquire, at the discretion of the Secretary and with the consent of the owner, and at fair market value, any fractional interest in trust or restricted lands.

“(2) AUTHORITY OF SECRETARY.—

“(A) IN GENERAL.—The Secretary shall have the authority to acquire interests in trust or restricted lands under this section during the 3-year period beginning on the date of certification that is referred to in section 207(g)(5).

“(B) REQUIRED REPORT.—Prior to expiration of the authority provided for in subparagraph (A), the Secretary shall submit the report required under section 218 concerning whether the program to acquire fractional interests should be extended or altered to make resources available to Indian tribes and individual Indian landowners.

“(3) INTERESTS HELD IN TRUST.—Subject to section 214, the Secretary shall immediately hold interests acquired under this Act in trust for the recognized tribal government that exercises jurisdiction over the land involved.

“(b) REQUIREMENTS.—In implementing subsection (a), the Secretary—

“(1) shall promote the policies provided for in section 102 of the Indian Land Consolidation Act Amendments of 2000;

“(2) may give priority to the acquisition of fractional interests representing 2 percent or less of a parcel of trust or restricted land, especially those interests that would have escheated to a tribe but for the Supreme Court’s decision in *Babbitt v. Youpee*, (117 S Ct. 727 (1997));

“(3) to the extent practicable—

“(A) shall consult with the tribal government that exercises jurisdiction over the land involved in determining which tracts to acquire on a reservation;

“(B) shall coordinate the acquisition activities with the acquisition program of the tribal government that exercises jurisdiction over the land involved, including a tribal land consolidation plan approved pursuant to section 204; and

“(C) may enter into agreements (such agreements will not be subject to the provisions of the Indian Self-Determination and Education Assistance Act of 1974) with the tribal government that exercises jurisdiction over the land involved or a subordinate entity of the tribal government to carry out some or all of the Secretary’s land acquisition program; and

“(4) shall minimize the administrative costs associated with the land acquisition program.

“(c) SALE OF INTEREST TO INDIAN LAND-OWNERS.—

“(1) CONVEYANCE AT REQUEST.—

“(A) IN GENERAL.—At the request of any Indian who owns at least 5 percent of the undivided interest in a parcel of trust or restricted land, the Secretary shall convey an interest acquired under this section to the Indian landowner upon payment by the Indian landowner of the amount paid for the interest by the Secretary.

“(B) LIMITATION.—With respect to a conveyance under this subsection, the Secretary shall not approve an application to terminate the trust status or remove the restrictions of such an interest.

“(2) MULTIPLE OWNERS.—If more than one Indian owner requests an interest under (1), the Secretary shall convey the interest to the Indian owner who owns the largest percentage of the undivided interest in the parcel of trust or restricted land involved.

“(3) LIMITATION.—If an Indian tribe that has jurisdiction over a parcel of trust or restricted land owns 10 percent or more of the undivided interests in a parcel of such land, such interest may only be acquired under paragraph (1) with the consent of such Indian tribe.

**“SEC. 214. ADMINISTRATION OF ACQUIRED FRACTIONAL INTERESTS, DISPOSITION OF PROCEEDS.**

“(a) IN GENERAL.—Subject to the conditions described in subsection (b)(1), an Indian tribe receiving a fractional interest under section 213 may, as a tenant in common with the other owners of the trust or restricted lands, lease the interest, sell the resources, consent to the granting of rights-of-way, or engage in any other transaction affecting the trust or restricted land authorized by law.

“(b) CONDITIONS.—

“(1) IN GENERAL.—The conditions described in this paragraph are as follows:

“(A) Until the purchase price paid by the Secretary for an interest referred to in subsection (a) has been recovered, or until the Secretary makes any of the findings under paragraph (2)(A), any lease, resource sale contract, right-of-way, or other document evidencing a transaction affecting the interest shall contain a clause providing that all revenue derived from the interest shall be paid to the Secretary.

“(B) Subject to subparagraph (C), the Secretary shall deposit any revenue derived under subparagraph (A) into the Acquisition Fund created under section 216.

“(C) The Secretary shall deposit any revenue that is paid under subparagraph (A) that is in excess of the purchase price of the fractional interest involved to the credit of the Indian tribe that receives the fractional interest under section 213 and the tribe shall have access to such funds in the same manner as other funds paid to the Secretary for the use of lands held in trust for the tribe.

“(D) Notwithstanding any other provision of law, including section 16 of the Act of June 18, 1934 (commonly referred to as the ‘Indian Reorganization Act’) (48 Stat. 987, chapter 576; 25 U.S.C. 476), with respect to any interest acquired by the Secretary under section 213, the Secretary may approve a transaction covered under this section on behalf of a tribe until—

“(i) the Secretary makes any of the findings under paragraph (2)(A); or

“(ii) an amount equal to the purchase price of that interest has been paid into the Acquisition Fund created under section 216.

“(2) EXCEPTION.—Paragraph (1)(A) shall not apply to any revenue derived from an interest in a parcel of land acquired by the Secretary under section 213 after—

“(A) the Secretary makes a finding that—

“(i) the costs of administering the interest will equal or exceed the projected revenues for the parcel involved;

“(ii) in the discretion of the Secretary, it will take an unreasonable period of time for the parcel to generate revenue that equals the purchase price paid for the interest; or

“(iii) a subsequent decrease in the value of land or commodities associated with the land make it likely that the interest will be unable to generate revenue that equals the purchase price paid for the interest in a reasonable time; or

“(B) an amount equal to the purchase price of that interest in land has been paid into the Acquisition Fund created under section 216.

“(c) TRIBE NOT TREATED AS PARTY TO LEASE; NO EFFECT ON TRIBAL SOVEREIGNTY, IMMUNITY.—

“(1) IN GENERAL.—Paragraph (2) shall apply with respect to any undivided interest in allotted land held by the Secretary in trust for a tribe if a lease or agreement under subsection (a) is otherwise applicable to such undivided interest by reason of this section even though the Indian tribe did not consent to the lease or agreement.

“(2) APPLICATION OF LEASE.—The lease or agreement described in paragraph (1) shall apply to the portion of the undivided interest in allotted land described in such paragraph (including entitlement of the Indian tribe to payment under the lease or agreement), and the Indian tribe shall not be treated as being a party to the lease or agreement. Nothing in this section (or in the lease or agreement) shall be construed to affect the sovereignty of the Indian tribe.

**“SEC. 215. ESTABLISHING FAIR MARKET VALUE.**

“For purposes of this Act, the Secretary may develop a system for establishing the fair market value of various types of lands and improvements. Such a system may include determinations of fair market value based on appropriate geographic units as determined by the Secretary. Such system may govern the amounts offered for the purchase of interests in trust or restricted lands under section 213.

**“SEC. 216. ACQUISITION FUND.**

“(a) IN GENERAL.—The Secretary shall establish an Acquisition Fund to—

“(1) disburse appropriations authorized to accomplish the purposes of section 213; and

“(2) collect all revenues received from the lease, permit, or sale of resources from interests in trust or restricted lands transferred to Indian tribes by the Secretary under section 213 or paid by Indian landowners under section 213(c).

“(b) DEPOSITS; USE.—

“(1) IN GENERAL.—Subject to paragraph (2), all proceeds from leases, permits, or resource sales derived from an interest in trust or restricted lands described in subsection (a)(2) shall—

“(A) be deposited in the Acquisition Fund; and

“(B) as specified in advance in appropriations Acts, be available for the purpose of acquiring additional fractional interests in trust or restricted lands.

“(2) MAXIMUM DEPOSITS OF PROCEEDS.—With respect to the deposit of proceeds derived from an interest under paragraph (1), the aggregate amount deposited under that paragraph shall not exceed the purchase price of that interest under section 213.

**“SEC. 217. TRUST AND RESTRICTED LAND TRANSACTIONS.**

“(a) POLICY.—It is the policy of the United States to encourage and assist the consolidation of land ownership through transactions—

“(1) involving individual Indians;



“(2) between Indians and the tribal government that exercises jurisdiction over the land; or

“(3) between individuals who own an interest in trust and restricted land who wish to convey that interest to an Indian or the tribal government that exercises jurisdiction over the parcel of land involved; in a manner consistent with the policy of maintaining the trust status of allotted lands. Nothing in this section shall be construed to apply to or to authorize the sale of trust or restricted lands to a person who is not an Indian.

“(b) SALES, EXCHANGES AND GIFT DEEDS BETWEEN INDIANS AND BETWEEN INDIANS AND INDIAN TRIBES.—

“(1) IN GENERAL.—

“(A) ESTIMATE OF VALUE.—Notwithstanding any other provision of law and only after the Indian selling, exchanging, or conveying by gift deed for no or nominal consideration an interest in land, has been provided with an estimate of the value of the interest of the Indian pursuant to this section—

“(i) the sale or exchange or conveyance of an interest in trust or restricted land may be made for an amount that is less than the fair market value of that interest; and

“(ii) the approval of a transaction that is in compliance with this section shall not constitute a breach of trust by the Secretary.

“(B) WAIVER OF REQUIREMENT.—The requirement for an estimate of value under subparagraph (A) may be waived in writing by an Indian selling, exchanging, or conveying by gift deed for no or nominal consideration an interest in land with an Indian person who is the owner's spouse, brother, sister, lineal ancestor of Indian blood, lineal descendant, or collateral heir.

“(2) LIMITATION.—For a period of 5 years after the Secretary approves a conveyance pursuant to this subsection, the Secretary shall not approve an application to terminate the trust status or remove the restrictions of such an interest.

“(c) ACQUISITION OF INTEREST BY SECRETARY.—An Indian, or the recognized tribal government of a reservation, in possession of an interest in trust or restricted lands, at least a portion of which is in trust or restricted status on the date of enactment of the Indian Land Consolidation Act Amendments of 2000 and located within a reservation, may request that the interest be taken into trust by the Secretary. Upon such a request, the Secretary shall forthwith take such interest into trust.

“(d) STATUS OF LANDS.—The sale, exchange, or conveyance by gift deed for no or nominal consideration of an interest in trust or restricted land under this section shall not affect the status of that land as trust or restricted land.

“(e) LAND OWNERSHIP INFORMATION.—Notwithstanding any other provision of law, the names and mailing addresses of the Indian owners of trust or restricted lands, and information on the location of the parcel and the percentage of undivided interest owned by each individual, or of any interest in trust or restricted lands, shall, upon written request, be made available to—

“(1) other Indian owners of interests in trust or restricted lands within the same reservation;

“(2) the tribe that exercises jurisdiction over the land where the parcel is located or any person who is eligible for membership in that tribe; and

“(3) prospective applicants for the leasing, use, or consolidation of such trust or restricted land or the interest in trust or restricted lands.

“(f) NOTICE TO INDIAN TRIBE.—After the expiration of the limitation period provided for

in subsection (b)(2) and prior to considering an Indian application to terminate the trust status or to remove the restrictions on alienation from trust or restricted land sold, exchanged or otherwise conveyed under this section, the Indian tribe that exercises jurisdiction over the parcel of such land shall be notified of the application and given the opportunity to match the purchase price that has been offered for the trust or restricted land involved.

#### “SEC. 218. REPORTS TO CONGRESS.

“(a) IN GENERAL.—Prior to expiration of the authority provided for in section 213(a)(2)(A), the Secretary, after consultation with Indian tribes and other interested parties, shall submit to the Committee on Indian Affairs and the Committee on Energy and Natural Resources of the Senate and the Committee on Resources of the House of Representatives a report that indicates, for the period covered by the report—

“(1) the number of fractional interests in trust or restricted lands acquired; and

“(2) the impact of the resulting reduction in the number of such fractional interests on the financial and realty recordkeeping systems of the Bureau of Indian Affairs.

“(b) REPORT.—The reports described in subsection (a) and section 213(a) shall contain findings as to whether the program under this Act to acquire fractional interests in trust or restricted lands should be extended and whether such program should be altered to make resources available to Indian tribes and individual Indian landowners.

#### “SEC. 219. APPROVAL OF LEASES, RIGHTS-OF-WAY, AND SALES OF NATURAL RESOURCES.

“(a) APPROVAL BY THE SECRETARY.—

“(1) IN GENERAL.—Notwithstanding any other provision of law, the Secretary may approve any lease or agreement that affects individually owned allotted land or any other land held in trust or restricted status by the Secretary on behalf of an Indian, if—

“(A) the owners of not less than the applicable percentage (determined under subsection (b)) of the undivided interest in the allotted land that is covered by the lease or agreement consent in writing to the lease or agreement; and

“(B) the Secretary determines that approving the lease or agreement is in the best interest of the owners of the undivided interest in the allotted land.

“(2) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to apply to leases involving coal or uranium.

“(3) DEFINITION.—In this section, the term ‘allotted land’ includes any land held in trust or restricted status by the Secretary on behalf of one or more Indians.

“(b) APPLICABLE PERCENTAGE.—

“(1) PERCENTAGE INTEREST.—The applicable percentage referred to in subsection (a)(1) shall be determined as follows:

“(A) If there are 5 or fewer owners of the undivided interest in the allotted land, the applicable percentage shall be 100 percent.

“(B) If there are more than 5 such owners, but fewer than 11 such owners, the applicable percentage shall be 80 percent.

“(C) If there are more than 10 such owners, but fewer than 20 such owners, the applicable percentage shall be 60 percent.

“(D) If there are 20 or more such owners, the applicable percentage shall be a majority of the interests in the allotted land.

“(2) DETERMINATION OF OWNERS.—

“(A) IN GENERAL.—For purposes of this subsection, in determining the number of owners of, and their interests in, the undivided interest in the allotted land with respect to a lease or agreement, the Secretary shall make such determination based on the records of the Department of the Interior

that identify the owners of such lands and their interests and the number of owners of such land on the date on which the lease or agreement involved is submitted to the Secretary under this section.

“(B) RULE OF CONSTRUCTION.—Nothing in subparagraph (A) shall be construed to authorize the Secretary to treat an Indian tribe as the owner of an interest in allotted land that did not escheat to the tribe pursuant to section 207 as a result of the Supreme Court's decision in *Babbitt v. Youpee*, (117 S Ct. 727 (1997)).

“(c) AUTHORITY OF SECRETARY TO SIGN LEASE OR AGREEMENT ON BEHALF OF CERTAIN OWNERS.—The Secretary may give written consent to a lease or agreement under subsection (a)—

“(1) on behalf of the individual Indian owner if the owner is deceased and the heirs to, or devisees of, the interest of the deceased owner have not been determined; or

“(2) on behalf of any heir or devisee referred to in paragraph (1) if the heir or devisee has been determined but cannot be located.

“(d) EFFECT OF APPROVAL.—

“(1) APPLICATION TO ALL PARTIES.—

“(A) IN GENERAL.—Subject to paragraph (2), a lease or agreement approved by the Secretary under subsection (a) shall be binding on the parties described in subparagraph (B), to the same extent as if all of the owners of the undivided interest in allotted land covered under the lease or agreement consented to the lease or agreement.

“(B) DESCRIPTION OF PARTIES.—The parties referred to in subparagraph (A) are—

“(i) the owners of the undivided interest in the allotted land covered under the lease or agreement referred to in such subparagraph; and

“(ii) all other parties to the lease or agreement.

“(2) TRIBE NOT TREATED AS PARTY TO LEASE; NO EFFECT ON TRIBAL SOVEREIGNTY, IMMUNITY.—

“(A) IN GENERAL.—Subparagraph (B) shall apply with respect to any undivided interest in allotted land held by the Secretary in trust for a tribe if a lease or agreement under subsection (a) is otherwise applicable to such undivided interest by reason of this section even though the Indian tribe did not consent to the lease or agreement.

“(B) APPLICATION OF LEASE.—The lease or agreement described in subparagraph (A) shall apply to the portion of the undivided interest in allotted land described in such paragraph (including entitlement of the Indian tribe to payment under the lease or agreement), and the Indian tribe shall not be treated as being a party to the lease or agreement. Nothing in this section (or in the lease or agreement) shall be construed to affect the sovereignty of the Indian tribe.

“(e) DISTRIBUTION OF PROCEEDS.—

“(1) IN GENERAL.—The proceeds derived from a lease or agreement that is approved by the Secretary under subsection (a) shall be distributed to all owners of undivided interest in the allotted land covered under the lease or agreement.

“(2) DETERMINATION OF AMOUNTS DISTRIBUTED.—The amount of the proceeds under paragraph (1) that are distributed to each owner under that paragraph shall be determined in accordance with the portion of the undivided interest in the allotted land covered under the lease or agreement that is owned by that owner.

“(f) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to amend or modify the provisions of Public Law 105-188 (25 U.S.C. 396 note), the American Indian Agricultural Resources Management Act (25 U.S.C. 3701 et seq.), title II of the Indian Land Consolidation Act Amendments of 2000,



or any other Act that provides specific standards for the percentage of ownership interest that must approve a lease or agreement on a specified reservation.

**“SEC. 220. APPLICATION TO ALASKA.**

“(a) FINDINGS.—Congress find that—

“(1) numerous academic and governmental organizations have studied the nature and extent of fractionated ownership of Indian land outside of Alaska and have proposed solutions to this problem; and

“(2) despite these studies, there has not been a comparable effort to analyze the problem, if any, of fractionated ownership in Alaska.

“(b) APPLICATION OF ACT TO ALASKA.—Except as provided in this section, this Act shall not apply to land located within Alaska.

“(c) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to constitute a ratification of any determination by any agency, instrumentality, or court of the United States that may support the assertion of tribal jurisdiction over allotment lands or interests in such land in Alaska.”.

**SEC. 104. JUDICIAL REVIEW.**

Notwithstanding section 207(g)(5) of the Indian Land Consolidation Act (25 U.S.C. 2206(f)(5)), after the Secretary of Interior provides the certification required under section 207(g)(4) of such Act, the owner of an interest in trust or restricted land may bring an administrative action to challenge the application of such section 207 to the devise or descent of his or her interest or interests in trust or restricted lands, and may seek judicial review of the final decision of the Secretary of Interior with respect to such challenge.

**SEC. 105. AUTHORIZATION OF APPROPRIATIONS.**

There are authorized to be appropriated not to exceed \$3,000,000 for fiscal year 2001 and each subsequent fiscal year to carry out the provisions of this title (and the amendments made by this title) that are not otherwise funded under the authority provided for in any other provision of Federal law.

**SEC. 106. CONFORMING AMENDMENTS.**

(a) PATENTS HELD IN TRUST.—The Act of February 8, 1887 (24 Stat. 388) is amended—

(1) by repealing sections 1, 2, and 3 (25 U.S.C. 331, 332, and 333); and

(2) in the second proviso of section 5 (25 U.S.C. 348)—

(A) by striking “and partition”; and

(B) by striking “except” and inserting “except as provided by the Indian Land Consolidation Act or a tribal probate code approved under such Act and except”.

(b) ASCERTAINMENT OF HEIRS AND DISPOSAL OF ALLOTMENTS.—The Act of June 25, 1910 (36 Stat. 855) is amended—

(1) in the first sentence of section 1 (25 U.S.C. 372), by striking “under” and inserting “under the Indian Land Consolidation Act or a tribal probate code approved under such Act and pursuant to”; and

(2) in the first sentence of section 2 (25 U.S.C. 373), by striking “with regulations” and inserting “with the Indian Land Consolidation Act or a tribal probate code approved under such Act and regulations”.

(c) TRANSFER OF LANDS.—Section 4 of the Act of June 18, 1934 (25 U.S.C. 464) is amended by striking “member or:” and inserting “member or, except as provided by the Indian Land Consolidation Act.”.

**TITLE II—LEASES OF NAVAJO INDIAN ALLOTTED LANDS**

**SEC. 201. LEASES OF NAVAJO INDIAN ALLOTTED LANDS.**

(a) DEFINITIONS.—In this section:

(1) INDIAN TRIBE.—The term “Indian tribe” has the meaning given the term in section 4(e) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(e)).

(2) INDIVIDUALLY OWNED NAVAJO INDIAN ALLOTTED LAND.—The term “individually owned Navajo Indian allotted land” means Navajo Indian allotted land that is owned in whole or in part by 1 or more individuals.

(3) NAVAJO INDIAN.—The term “Navajo Indian” means a member of the Navajo Nation.

(4) NAVAJO INDIAN ALLOTTED LAND.—The term “Navajo Indian allotted land” means a single parcel of land that—

(A) is located within the jurisdiction of the Navajo Nation; and

(B)(i) is held in trust or restricted status by the United States for the benefit of Navajo Indians or members of another Indian tribe; and

(ii) was—

(I) allotted to a Navajo Indian; or

(II) taken into trust or restricted status by the United States for a Navajo Indian.

(5) OWNER.—The term “owner” means, in the case of any interest in land described in paragraph (4)(B)(i), the beneficial owner of the interest.

(6) SECRETARY.—The term “Secretary” means the Secretary of the Interior.

(b) APPROVAL BY THE SECRETARY.—

(1) IN GENERAL.—The Secretary may approve an oil or gas lease or agreement that affects individually owned Navajo Indian allotted land, if—

(A) the owners of not less than the applicable percentage (determined under paragraph (2)) of the undivided interest in the Navajo Indian allotted land that is covered by the oil or gas lease or agreement consent in writing to the lease or agreement; and

(B) the Secretary determines that approving the lease or agreement is in the best interest of the owners of the undivided interest in the Navajo Indian allotted land.

(2) PERCENTAGE INTEREST.—The applicable percentage referred to in paragraph (1)(A) shall be determined as follows:

(A) If there are 10 or fewer owners of the undivided interest in the Navajo Indian allotted land, the applicable percentage shall be 100 percent.

(B) If there are more than 10 such owners, but fewer than 51 such owners, the applicable percentage shall be 80 percent.

(C) If there are 51 or more such owners, the applicable percentage shall be 60 percent.

(3) AUTHORITY OF SECRETARY TO SIGN LEASE OR AGREEMENT ON BEHALF OF CERTAIN OWNERS.—The Secretary may give written consent to an oil or gas lease or agreement under paragraph (1) on behalf of an individual Indian owner if—

(A) the owner is deceased and the heirs to, or devisees of, the interest of the deceased owner have not been determined; or

(B) the heirs or devisees referred to in subparagraph (A) have been determined, but 1 or more of the heirs or devisees cannot be located.

(4) EFFECT OF APPROVAL.—

(A) APPLICATION TO ALL PARTIES.—

(i) IN GENERAL.—Subject to subparagraph (B), an oil or gas lease or agreement approved by the Secretary under paragraph (1) shall be binding on the parties described in clause (ii), to the same extent as if all of the owners of the undivided interest in Navajo Indian allotted land covered under the lease or agreement consented to the lease or agreement.

(ii) DESCRIPTION OF PARTIES.—The parties referred to in clause (i) are—

(I) the owners of the undivided interest in the Navajo Indian allotted land covered under the lease or agreement referred to in clause (i); and

(II) all other parties to the lease or agreement.

(B) EFFECT ON INDIAN TRIBE.—If—

(i) an Indian tribe is the owner of a portion of an undivided interest in Navajo Indian allotted land; and

(ii) an oil or gas lease or agreement under paragraph (1) is otherwise applicable to such portion by reason of this subsection even though the Indian tribe did not consent to the lease or agreement,

then the lease or agreement shall apply to such portion of the undivided interest (including entitlement of the Indian tribe to payment under the lease or agreement), but the Indian tribe shall not be treated as a party to the lease or agreement and nothing in this subsection (or in the lease or agreement) shall be construed to affect the sovereignty of the Indian tribe.

(5) DISTRIBUTION OF PROCEEDS.—

(A) IN GENERAL.—The proceeds derived from an oil or gas lease or agreement that is approved by the Secretary under paragraph (1) shall be distributed to all owners of the undivided interest in the Navajo Indian allotted land covered under the lease or agreement.

(B) DETERMINATION OF AMOUNTS DISTRIBUTED.—The amount of the proceeds under subparagraph (A) distributed to each owner under that subparagraph shall be determined in accordance with the portion of the undivided interest in the Navajo Indian allotted land covered under the lease or agreement that is owned by that owner.

**RECOGNIZING HEROES PLAZA IN THE CITY OF PUEBLO, COLORADO**

Mr. DEWINE. Mr. President, I ask unanimous consent that the Armed Services Committee be discharged from further consideration of H. Con. Res. 351, and the Senate then proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the resolution by title.

The legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 351) recognizing Heroes Plaza in the City of Pueblo, Colorado, as honoring recipients of the Medal of Honor.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. DEWINE. Mr. President, I ask unanimous consent that the concurrent resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and finally that any statements relating to the resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

**AUTHORITY FOR UNITED STATES POSTAL SERVICE TO ISSUE SEMIPOSTALS**

Mr. DEWINE. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of H.R. 4437, which is at the desk.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 4437) to grant to the United States Postal Service the authority to issue semipostals, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. DEWINE. Mr. President, I ask unanimous consent that the bill be read the third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 4437) was read the third time and passed.

#### INDIAN SELF-DETERMINATION AND EDUCATION ASSISTANCE ACT

Mr. DEWINE. Mr. President, I ask unanimous consent that the Chair lay before the Senate a message from the House to accompany H.R. 1167.

There being no objection, the Presiding Officer laid before the Senate the following message from the House of Representatives:

*Resolved*, That the House agree to the amendment of the Senate to the bill (H.R. 1167) entitled "An Act to amend the Indian Self-Determination and Education Assistance Act to provide for further self-governance by Indian tribes, and for other purposes", with the following amendments:

(1) Page 14, line 12, strike [(or of such other agency)].

(2) Page 15, line 1, after "functions" insert: *so*

(3) Page 19, line 4, after "section 106" insert: *other provisions of law*.

(4) Page 20, line 6, strike [305] and insert: *505*

(5) Page 31, line 23, strike [may] and insert: *is authorized to*

(6) Page 39, strike lines 7 through 14, and insert the following:

"(g) *WAGES*.—All laborers and mechanics employed by contractors and subcontractors (excluding tribes and tribal organizations) in the construction, alteration, or repair, including painting or decorating of a building or other facilities in connection with construction projects funded by the United States under this Act shall be paid wages at not less than those prevailing wages on similar construction in the locality as determined by the Secretary of Labor in accordance with the Davis-Bacon Act of March 3, 1931 (46 Stat. 1494). With respect to construction alteration, or repair work to which the Act of March 3, 1931, is applicable under this section, the Secretary of Labor shall have the authority and functions set forth in the Reorganization Plan numbered 14, of 1950, and section 2 of the Act of June 13, 1934 (48 Stat. 948)."

(7) Page 39, strike line 24 and all that follows through page 40, line 6, and insert the following:

"Regarding construction programs or projects, the Secretary and Indian tribes may negotiate for the inclusion of specific provisions of the Office of Federal Procurement and Policy Act (41 U.S.C. 401 et seq.) and Federal acquisition regulations in any funding agreement entered into under this part. Absent a negotiated agreement, such provisions and regulatory requirements shall not apply."

(8) Page 41, line 1, insert a comma after "Executive orders".

(9) Page 49, strike lines 4 through 10.

(10) Page 56, beginning on line 21, strike [for fiscal years 2000 and 2001].

(11) Page 60, line 6, strike [(a) IN GENERAL.—]

(12) Page 60, strike lines 9 and 10.

(13) Page 60, strike line 16 and all that follows through page 65, line 16.

(14) Page 65, line 17, strike [SEC. 13.] and insert: **SEC. 12.**

(15) Page 66, after line 7, insert the following: **"SEC. 13. EFFECTIVE DATE.**

"Except as otherwise provided, the provisions of this Act shall take effect on the date of the enactment of this Act."

#### INDIAN TRIBAL PURCHASES OF PRESCRIPTION DRUGS IN SELF GOVERNANCE

Mr. HELMS. Mr. President, it would be helpful to get a clarification for the RECORD from the manager of H.R. 1167, the distinguished Chairman of the Senate Committee on Indian Affairs. I understand that H.R. 1167, the bill to amend the Indian Self-Determination and Education Assistance Act to provide for further self-governance by Indian tribes, contains a provision that would allow Indian tribes to purchase prescription drugs from the Federal Supply Schedule for the purpose of providing health services to Indians under contract with the Indian Health Service.

Mr. CAMPBELL. I would be glad to clarify this matter for the distinguished Senator from North Carolina. Your understanding is correct.

Mr. HELMS. I thank the able Senator. Moreover, I understand that the committee intends that the prescription drugs purchased off the Federal Supply Schedule can only be used for Indians whose health care is provided by the tribe, and cannot be purchased or used for resale, nor may they be dispensed to non-Indian employees of a tribe. Is that correct, Mr. Chairman?

Mr. CAMPBELL. It is the Committee's intent that prescription drugs purchased off the Federal Supply Schedule, as authorized under H.R. 1167, are for the exclusive use of tribal members, not for non-Indian employees of a tribe. Furthermore, it is the intent of the committee that prescription drugs purchased through access to the Federal Supply Schedule by tribes are not to be resold.

Mr. DEWINE. Mr. President, I ask unanimous consent that the Senate agree to the amendments of the House.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### FUGITIVE APPREHENSION ACT OF 2000

Mr. DEWINE. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of Calendar No. 695, S. 2516.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 2516) to fund task forces to locate and apprehend fugitives in Federal, State and local felony criminal cases and give administrative subpoena authority to the United States Marshals Service, and for other purposes.

There being no objection, the Senate proceeded to consider the bill which had been reported from the Committee on the Judiciary, with an amendment, as follows:

(Strike out all after the enacting clause and insert the part printed in italic)

S. 2516

*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 "Fugitive Apprehension Act of 2000".*

#### SEC. 2. FUGITIVE APPREHENSION TASK FORCES.

(a) *IN GENERAL*.—The Attorney General shall, upon consultation with appropriate Department of Justice and Department of the Treasury law enforcement components, establish permanent Fugitive Apprehension Task Forces consisting of Federal, State, and local law enforcement authorities in designated regions of the United States, to be directed and coordinated by the United States Marshals Service, for the purpose of locating and apprehending fugitives.

(b) *AUTHORIZATION OF APPROPRIATIONS*.—There are authorized to be appropriated to the United States Marshals Service to carry out the provisions of this section \$30,000,000 for the fiscal year 2001, \$5,000,000 for fiscal year 2002, and \$5,000,000 for fiscal year 2003.

(c) *OTHER EXISTING APPLICABLE LAW*.—Nothing in this section shall be construed to limit any existing authority under any other provision of Federal or State law for law enforcement agencies to locate or apprehend fugitives through task forces or any other means.

#### SEC. 3. ADMINISTRATIVE SUBPOENAS TO APPREHEND FUGITIVES.

(a) *IN GENERAL*.—Chapter 49 of title 18, United States Code, is amended by adding at the end the following:

#### "§ 1075. Administrative subpoenas to apprehend fugitives

"(a) *DEFINITIONS*.—In this section:

"(1) *FUGITIVE*.—The term 'fugitive' means a person who—

"(A) having been accused by complaint, information, or indictment under Federal law or having been convicted of committing a felony under Federal law, flees or attempts to flee from or evades or attempts to evade the jurisdiction of the court with jurisdiction over the felony;

"(B) having been accused by complaint, information, or indictment under State law or having been convicted of committing a felony under State law, flees or attempts to flee from, or evades or attempts to evade, the jurisdiction of the court with jurisdiction over the felony;

"(C) escapes from lawful Federal or State custody after having been accused by complaint, information, or indictment or having been convicted of committing a felony under Federal or State law; or

"(D) is in violation of subparagraph (2) or (3) of the first undesignated paragraph of section 1073.

"(2) *INVESTIGATION*.—The term 'investigation' means, with respect to a State fugitive described in subparagraph (B) or (C) of paragraph (1), an investigation in which there is reason to believe that the fugitive fled from or evaded, or attempted to flee from or evade, the jurisdiction of the court, or escaped from custody, in or affecting, or using any facility of, interstate or foreign commerce, or as to whom an appropriate law enforcement officer or official of a State or political subdivision has requested the Attorney General to assist in the investigation, and the Attorney General finds that the particular circumstances of the request give rise to a Federal interest sufficient for the exercise of Federal jurisdiction pursuant to section 1075.

"(3) *STATE*.—The term 'State' means a State of the United States, the District of Columbia, and any commonwealth, territory, or possession of the United States.

"(b) *SUBPOENAS AND WITNESSES*.—

"(1) *SUBPOENAS*.—In any investigation with respect to the apprehension of a fugitive, the Attorney General may subpoena witnesses for the purpose of the production of any records (including books, papers, documents, electronic data, and other tangible and intangible items that constitute or contain evidence) that the Attorney General finds, based on articulable facts, are relevant to discerning the whereabouts of the fugitive. A subpoena under this subsection shall describe the records or items required to be produced and prescribe a return date within a reasonable period of time within which the

records or items can be assembled and made available.

“(2) **WITNESSES.**—The attendance of witnesses and the production of records may be required from any place in any State or other place subject to the jurisdiction of the United States at any designated place where the witness was served with a subpoena, except that a witness shall not be required to appear more than 500 miles distant from the place where the witness was served. Witnesses summoned under this section shall be paid the same fees and mileage that are paid witnesses in the courts of the United States.

“(c) **SERVICE.**—

“(1) **AGENT.**—A subpoena issued under this section may be served by any person designated in the subpoena as the agent of service.

“(2) **NATURAL PERSON.**—Service upon a natural person may be made by personal delivery of the subpoena to that person or by certified mail with return receipt requested.

“(3) **CORPORATION.**—Service may be made upon a domestic or foreign corporation or upon a partnership or other unincorporated association that is subject to suit under a common name, by delivering the subpoena to an officer, to a managing or general agent, or to any other agent authorized by appointment or by law to receive service of process.

“(4) **AFFIDAVIT.**—The affidavit of the person serving the subpoena entered on a true copy thereof by the person serving it shall be proof of service.

“(d) **CONTUMACY OR REFUSAL.**—

“(1) **IN GENERAL.**—In the case of the contumacy or refusal to obey a subpoena issued to any person, the Attorney General may invoke the aid of any court of the United States within the jurisdiction of which the investigation is carried on or of which the subpoenaed person is an inhabitant, or in which he carries on business or may be found, to compel compliance with the subpoena. The court may issue an order requiring the subpoenaed person to appear before the Attorney General to produce records if so ordered.

“(2) **CONTEMPT.**—Any failure to obey the order of the court may be punishable by the court as contempt thereof.

“(3) **PROCESS.**—All process in any case to enforce an order under this subsection may be served in any judicial district in which the person may be found.

“(4) **RIGHTS OF SUBPOENA RECIPIENT.**—Not later than 20 days after the date of service of an administrative subpoena under this section upon any person, or at any time before the return date specified in the subpoena, whichever period is shorter, such person may file, in the district within which such person resides, is found, or transacts business, a petition to modify or quash such subpoena on grounds that—

“(A) the terms of the subpoena are unreasonable or unnecessary;

“(B) the subpoena fails to meet the requirements of this section; or

“(C) the subpoena violates the constitutional rights or any other legal rights or privilege of the subpoenaed party.

“(e) **REPORT.**—

“(1) **IN GENERAL.**—The Attorney General shall report in January of each year to the Committees on the Judiciary of the Senate and the House of Representatives on the number of administrative subpoenas issued under this section, whether each matter involved a fugitive from Federal or State charges, and identification of the agency or component of the Department of Justice issuing the subpoena and imposing the charges.

“(2) **EXPIRATION.**—The reporting requirement of this subsection shall terminate in 3 years after the date of enactment of this section.

“(f) **GUIDELINES.**—

“(1) **IN GENERAL.**—The Attorney General shall issue guidelines governing the issuance of administrative subpoenas pursuant to this section.

“(2) **REVIEW.**—The guidelines required by this subsection shall mandate that administrative subpoenas may be issued only after review and approval of senior supervisory personnel within the respective investigative agency or component of the Department of Justice.

“(g) **DELAYED NOTICE.**—

“(1) **IN GENERAL.**—Where an administrative subpoena is issued under this section to a provider of electronic communication service (as defined in section 2510 of this title) or remote computing service (as defined in section 2711 of this title), the Attorney General may—

“(A) in accordance with section 2705(a) of this title, delay notification to the subscriber or customer to whom the record pertains; and

“(B) apply to a court, in accordance with section 2705(b) of this title, for an order commanding the provider of electronic communication service or remote computing service not to notify any other person of the existence of the subpoena or court order.

“(2) **SUBPOENAS FOR FINANCIAL RECORDS.**—If a subpoena is issued under this section to a financial institution for financial records of any customer of such institution, the Attorney General may apply to a court under section 1109 of the Right to Financial Privacy Act of 1978 (12 U.S.C. 3409) for an order to delay customer notice as otherwise required.

“(3) **NONDISCLOSURE REQUIREMENTS.**—

“(A) **IN GENERAL.**—Except as otherwise provided in paragraphs (1) and (2), the Attorney General may require the party to whom an administrative subpoena is directed to refrain from notifying any other party of the existence of the subpoena for 30 days.

“(B) **EXTENSION.**—The Attorney General may apply to a court for an order extending the time for such period as the court deems appropriate.

“(C) **CRITERIA FOR EXTENSION.**—The court shall enter an order under subparagraph (B) if it determines that there is reason to believe that notification of the existence of the administrative subpoena will result in—

“(i) endangering the life or physical safety of an individual;

“(ii) flight from prosecution;

“(iii) destruction of or tampering with evidence;

“(iv) intimidation of potential witnesses; or

“(v) otherwise seriously jeopardizing an investigation or undue delay in trial.

“(h) **IMMUNITY FROM CIVIL LIABILITY.**—Any person, including officers, agents, and employees, who in good faith produce the records or items requested in a subpoena shall not be liable in any court of any State or the United States to any customer or other person for such production or for nondisclosure of that production to the customer, in compliance with the terms of a court order for nondisclosure.”

(b) **TECHNICAL AND CONFORMING AMENDMENT.**—The analysis for chapter 49 of title 18, United States Code, is amended by adding at the end the following:

“1075. Administrative subpoenas to apprehend fugitives.”

#### SEC. 4. STUDY AND REPORT OF THE USE OF ADMINISTRATIVE SUBPOENAS.

Not later than December 31, 2001, the Attorney General shall complete a study on the use of administrative subpoena power by executive branch agencies or entities and shall report the findings to the Committees on the Judiciary of the Senate and the House of Representatives. Such report shall include—

(1) a description of the sources of administrative subpoena power and the scope of such subpoena power within executive branch agencies;

(2) a description of applicable subpoena enforcement mechanisms;

(3) a description of any notification provisions and any other provisions relating to safeguarding privacy interests;

(4) a description of the standards governing the issuance of administrative subpoenas; and

(5) recommendations from the Attorney General regarding necessary steps to ensure that administrative subpoena power is used and enforced consistently and fairly by executive branch agencies.

#### AMENDMENT NO. 4020

Mr. DEWINE. Mr. President, I send an amendment to the desk on behalf of Senators THURMOND, BIDEN, and LEAHY.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Ohio (Mr. DEWINE) for Mr. THURMOND, Mr. BIDEN, and Mr. LEAHY, proposes an amendment numbered 4020.

The amendment is as follows:

(Purpose: To impose nondisclosure requirements, and for other purposes)

On page 14, beginning with line 21, strike through page 15, line 20 and insert the following:

“(3) **NONDISCLOSURE REQUIREMENTS.**—

“(A) **IN GENERAL.**—Except as provided in paragraphs (1) and (2), the Attorney General may apply to a court for an order requiring the party to whom an administrative subpoena is directed to refrain from notifying any other party of the existence of the subpoena or court order for such period as the court deems appropriate.

“(B) **ORDER.**—The court shall enter such order if it determines that there is reason to believe that notification of the existence of the administrative subpoena will result in—

“(i) endangering the life or physical safety of an individual;

“(ii) flight from prosecution;

“(iii) destruction of or tampering with evidence;

“(iv) intimidation of potential witnesses; or

“(v) otherwise seriously jeopardizing an investigation or undue delay of a trial.

On page 16, line 9 insert “, in consultation with the Secretary of the Treasury,” after “eral”.

Mr. THURMOND. Mr. President, I am very pleased that tonight the Senate is considering S. 2516, the Fugitive Apprehension Act. Senator BIDEN and I introduced this important legislation to help address the serious threat of federal and state fugitives. The need for it was clearly demonstrated in a hearing I held on this matter last month in my subcommittee.

The number of wanted persons is truly alarming. There are over 38,000 felony warrants outstanding in federal cases. There are over one-half million felony or other serious fugitives listed in the National Crime Information Center database. Yet, this is far less than the actual number of dangerous fugitives roaming the streets because many states do not put all dangerous wanted persons into the database. As recently reported in the Washington Post, California has 2.5 million unserved felony and misdemeanor warrants, and Baltimore has 61,000.

While violent crime in the United States has been decreasing in recent years, the number of serious fugitives has been climbing. The number of N.C.I.C. fugitives has doubled since 1987, and continues to rise steadily each year.

Fugitives represent not only an outrage to the rule of law, they are also a serious threat to public safety. Many of

them continue to commit additional crimes while they roam undetected.

The bill would provide \$40 million dollars over three years for the Marshals Service to form fugitive task forces with state and local authorities. The Marshals Service is the lead federal agency regarding this matter. Task forces combine the expertise of the Marshals Service in these specialized investigations with the knowledge that local law enforcement has about their communities. This teamwork helps authorities prioritize and apprehend large numbers of dangerous criminals.

The legislation would also provide administrative subpoena authority, which would allow investigators to track down leads about wanted persons faster and more efficiently. Currently, the time it takes to get vital information, such as telephone or apartment rental records, through a formal court order can make the difference between whether a fugitive is apprehended or remains on the run.

This bill has been endorsed by various law enforcement organizations, including the National Sheriffs Association, the Fraternal Order of Police, and the National Association of Police Organizations, and the subpoena authority is supported by the Administration. This is an important step that we can take to help federal and state law enforcement address the serious fugitive threat that exists in our country.

I ask consent to have printed in the RECORD a section-by-section analysis of the bill.

There being no objection, the analysis was ordered to be printed in the RECORD, as follows:

#### SECTION-BY-SECTION ANALYSIS

##### *Section 1. Short title*

The title is the "Fugitive Apprehension Act of 2000."

##### *Section 2. Fugitive apprehension task forces*

The purpose of this provision is to assist Federal, state and local law enforcement authorities by forming multi-agency task forces around the country to locate and apprehend fugitives wanted by their jurisdictions.

The bill would authorize to be appropriated to the U.S. Marshals Service \$40 million dollars over three years to establish new, permanent Fugitive Apprehension Task Forces and supplement the efforts of task forces already operating in areas throughout the United States. The Fugitive Apprehension Task Forces would be totally dedicated to locating and apprehending fugitives under the direction of a National Director and not under a specific District to insure that they are not utilized for other Marshals Service missions.

##### *Section 3. Administrative subpoena authority*

This section of the bill creates a new section 1075 in Title 18, United States Code, providing for administrative subpoena authority to ascertain the whereabouts of fugitives.

Section 1075(a) contains various definitions for "fugitive," "investigation," and "state," that delimit the scope of the section's operative provisions.

Section 1075(b) provides for the issuance of administrative subpoenas in investigations as defined in section 1075(a). The Attorney

General may subpoena witnesses for the production of records the Attorney General finds, based on articulable facts, are relevant to discerning the whereabouts of a fugitive. A subpoena must describe the records or items required to be produced and prescribe a return date within a reasonable period of time within which the records or items can be assembled and made available. Witnesses may not be required to travel more than 500 miles from the place of service of the subpoena, and must be paid the same fees and mileage paid witnesses in United States courts.

Section 1075(c) provides for methods of service of a subpoena under this section.

Section 1075(d) empowers courts to enforce subpoenas issued under this section. Subpoena recipients may move to modify or quash an administrative subpoena within 20 days of service of the subpoena, or prior to the return date, whichever period is shorter, on specified grounds.

Section 1075(e) provides that the Attorney General must issue a report to the Congress about the use of this section, for the first three years following enactment of the statute.

Section 1075(f) provides that the Attorney General shall issue guidelines governing the issuance of administrative subpoenas aimed at the apprehension of fugitives as authorized by this section. The guidelines shall mandate that no such subpoenas issue absent review and approval of senior supervisory personnel within the respective investigative agency or component of the Department of Justice.

Section 1075(g) provides that administrative subpoenas issued to a provider of electronic communication service (as defined in 18 U.S.C. §2510) or remote computing service (as defined in 18 U.S.C. §2711) may include delayed notification and nondisclosure provisions consistent with 18 U.S.C. §2705. Paragraph (g) further provides that subpoenas issued under this section for financial records are subject to the Attorney General's power to request a delayed customer notice pursuant to 12 U.S.C. §3409. Administrative subpoenas issued pursuant to this section should be governed, where appropriate, by 18 U.S.C. §2705 and 12 U.S.C. §3409. Otherwise, the Attorney General may apply for a court order imposing a non-disclosure period for specified reasons.

Section 1075(h) provides that good faith compliance with a subpoena issued under this section, and good faith compliance with a nondisclosure order under this provision (whether incorporated in a subpoena by the Attorney General or separately ordered by a court), will be immunized from civil liability in state and federal courts.

##### *Section 4. Study and report of the use of administrative subpoenas*

This section requires the Attorney General, in consultation with the Secretary of the Treasury, to complete a study of the use of administrative subpoena power, and report to the Congress by December 31, 2001.

Mr. LEAHY. Mr. President, I am pleased that the Senate is passing S. 2516, "The Fugitive Apprehension Act of 2000."

During Senate Judiciary Committee consideration of this legislation, we were able to reconcile in the Thurmond-Biden-Leahy substitute amendment to S. 2516, the significant differences between that bill, as introduced, and S. 2761, "The Capturing Criminals Act," which I introduced with Senator KOHL on June 21, 2000. I commend Senators THURMOND and

BIDEN for their leadership on this issue and am glad we were able to make a number of changes to the bill to ensure that the authority granted is consistent with privacy and other appropriate safeguards.

As a former prosecutor, I am well aware that fugitives from justice are an important problem and that their capture is an essential function of law enforcement. According to the FBI, nearly 550,000 people are currently fugitives from justice on federal, state, and local felony charges combined. This means that there are almost as many fugitive felons as there are citizens residing in my home state of Vermont.

The fact that we have more than one half million fugitives from justice, a significant portion of whom are convicted felons in violation of probation or parole, who have been able to flaunt courts order and avoid arrest, breeds disrespect for our laws and poses undeniable risks to the safety of our citizens.

Our federal law enforcement agencies should be commended for the job they have been doing to date on capturing federal fugitives and helping the states and local communities bring their fugitives to justice. The U.S. Marshals Service, our oldest law enforcement agency, has arrested over 120,000 federal, state and local fugitives in the past four years, including more federal fugitives than all the other federal agencies combined. In prior years, the Marshals Service spearheaded special fugitive apprehension task forces, called FIST Operations, that targeted fugitives in particular areas and was singularly successful in arresting over 34,000 fugitive felons.

Similarly, the FBI has established twenty-four Safe Streets Task Forces exclusively focused on apprehending fugitives in cities around the country. Over the period of 1995 to 1999, the FBI's efforts have resulted in the arrest of a total of 65,359 state fugitives.

Nevertheless, the number of outstanding fugitives is too large. The substitute amendment we consider today will help make a difference by providing new but limited administrative subpoena authority to the Department of Justice to obtain documentary evidence helpful in tracking down fugitives and by authorizing the Attorney General to establish fugitive task forces.

"Administrative subpoena" is the term generally used to refer to a demand for documents or testimony by an investigative entity or regulatory agency that is empowered to issue the subpoena independently and without the approval of any grand jury, court or other judicial entity. I am generally skeptical of administrative subpoena power. Administrative subpoenas avoid the strict grand jury secrecy rules and the documents provided in response to such subpoenas are, therefore, subject to broader dissemination. Moreover, since investigative agents issue such subpoenas directly, without review by

a judicial officer or even a prosecutor, fewer "checks" are in place to ensure the subpoena is issued with good cause and not merely as a fishing expedition.

Nonetheless, unlike initial criminal inquiries, fugitive investigations present unique difficulties. Law enforcement may not use grand jury subpoenas since, by the time a person is a fugitive, the grand jury phase of an investigation is usually over. Use of grand jury subpoenas to obtain phone or bank records to track down a fugitive would be an abuse of the grand jury. Trial subpoenas may also not be used, either because the fugitive is already convicted or no trial may take place without the fugitive.

This inability to use trial and grand jury subpoenas for fugitive investigations creates a gap in law enforcement procedures. Law enforcement partially fills this gap by using the All Writs Act, 28 U.S.C. § 1651(a), which authorizes federal courts to "issue all writs necessary or appropriate in aid of their respective jurisdictions and agreeable to the usages and principles of law." The procedures, however, for obtaining orders under this Act, and the scope and non-disclosure terms of such orders, vary between jurisdictions.

Thus, authorizing administrative subpoena power will help bridge the gap in fugitive investigations to allow federal law enforcement agencies to obtain records useful for tracking a fugitive's whereabouts.

The Thurmond-Biden-Leahy substitute amendment incorporates a number of provisions from the Leahy-Kohl "Capturing Criminals Act" and makes significant and positive modifications to the original version of S. 2516. First, as introduced, S. 2516 would have limited use of an administrative subpoena to those fugitives who have been "indicted," and failed to address the fact that fugitives flee after arrest on the basis of a "complaint" and may flee after the prosecutor has filed an "information" in lieu of an indictment. The substitute amendment, by contrast, would allow use of such subpoenas to track fugitives who have been accused in a "complaint, information or indictment."

Second, S. 2516, as introduced, would have required the U.S. Marshal Service to report quarterly to the Attorney General (who must transmit the report to Congress) on use of the administrative subpoenas. While a reporting requirement is useful, the requirement as described in the original S. 2516 was overly burdensome and insufficiently specific. The substitute amendment, as in the Capturing Criminals Act, would require the Attorney General to report for the next three years to the Judiciary Committees of both the House and Senate with the following information about the use of administrative subpoenas in fugitive investigations: the number issued, by which agency, identification of the charges on which the fugitive was wanted and whether the fugitive was wanted on federal or state charges.

Third, although the original S. 2516 outlined the procedures for enforcement of an administrative subpoena, it was silent on the mechanisms for contesting the subpoena by the recipient. The substitute amendment expressly addresses this issue. As set forth in the Capturing Criminals Act, this substitute amendment would allow a person who is served with an administrative subpoena to petition a court to modify or set aside the subpoena on grounds that compliance would be "unreasonable or oppressive" (a standard used in Fed. R. Crim. P. 17 for trial subpoenas) or would violate constitutional or other legal rights of the person.

Fourth, the original S. 2516 did not provide, or set forth a procedure, for the government to command a custodian of records not to disclose or to delay notice to a customer about the existence of the subpoena. This is particularly critical in fugitive investigations when law enforcement does not want to alert the fugitive that the police are on his/her trail. The substitute amendment incorporates from the Capturing Criminals Act the express authority for law enforcement to apply for a court order directing the custodian of records to delay notice to subscribers of the existence of the subpoena on the same terms applicable in current law to other subpoenas issued to phone companies and other electronic service providers and to banks.

Fifth, the original S. 2516 did not provide any immunity from civil liability for persons complying with administrative subpoenas in fugitive investigations. As in the Capturing Criminals Act, the substitute amendment would provide immunity from civil liability for good faith compliance with an administrative subpoena, including non-disclosure in compliance with the terms of a court order.

Sixth, S. 2516, as introduced, would have authorized use of an administrative subpoena upon a finding by the Attorney General that the documents are "relevant and material," which is further defined to mean that "there are articulable facts that show the fugitive's whereabouts may be discerned from the records sought." Changing the standard for issuance of a subpoena from "relevancy" to a hybrid of "relevant and material" sets a confusing and bad precedent. Accordingly, the substitute amendment would authorize issuance of an administrative subpoena for documents if the Attorney General finds based upon articulable facts that they are relevant to discerning the fugitive's whereabouts.

Seventh, the original S. 2516 authorized the Attorney General to issue guidelines delegating authority for issuance of administrative subpoenas only to the Director of the U.S. Marshals Service, despite the fact that the FBI, and the Drug Enforcement Administration also want this authority to find fugitives on charges over which they have investigative authority. The

substitute amendment would authorize the Attorney General to issue guidelines delegating authority for issuance of administrative subpoenas to supervisory personnel within components of the Department.

Eighth, the original S. 2516 did not address the issue that a variety of administrative subpoena authorities exist in multiple forms in every agency. The substitute amendment incorporates from the Capturing Criminals Act a requirement that the Attorney General provide a report on this issue.

Finally, as introduced, S. 2516 authorized the U.S. Marshal Service to establish permanent Fugitive Apprehension Task Forces. By contrast, the substitute amendment would authorize \$40,000,000 over three years for the Attorney General to establish multi-agency task forces (which will be coordinated by the Director of the Marshals Service) in consultation with the Secretary of the Treasury and the States, so that the Secret Service, BATF, the FBI and the States are able to participate in the Task Forces to find their fugitives.

This Thurmond-Biden-Leahy substitute amendment makes necessary changes to this bill that will help law enforcement—with increased resources for regional fugitive apprehension task forces and administrative subpoena authority—bring to justice both federal and state fugitives who, by their conduct, have demonstrated a lack of respect for our nation's criminal justice system.

Mr. DEWINE. Mr. President, I ask unanimous consent the amendment be agreed to, the committee substitute amendment, as amended, agreed to, the bill be read the third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 4020) was agreed to.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The bill (S. 2516), as amended, was passed.

S. 2516

*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 "Fugitive Apprehension Act of 2000".

#### SEC. 2. FUGITIVE APPREHENSION TASK FORCES.

(a) IN GENERAL.—The Attorney General shall, upon consultation with appropriate Department of Justice and Department of the Treasury law enforcement components, establish permanent Fugitive Apprehension Task Forces consisting of Federal, State, and local law enforcement authorities in designated regions of the United States, to be directed and coordinated by the United States Marshals Service, for the purpose of locating and apprehending fugitives.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to

the United States Marshal Service to carry out the provisions of this section \$30,000,000 for the fiscal year 2001, \$5,000,000 for fiscal year 2002, and \$5,000,000 for fiscal year 2003.

(c) OTHER EXISTING APPLICABLE LAW.—Nothing in this section shall be construed to limit any existing authority under any other provision of Federal or State law for law enforcement agencies to locate or apprehend fugitives through task forces or any other means.

### SEC. 3. ADMINISTRATIVE SUBPOENAS TO APPREHEND FUGITIVES.

(a) IN GENERAL.—Chapter 49 of title 18, United States Code, is amended by adding at the end the following:

#### “§ 1075. Administrative subpoenas to apprehend fugitives

“(a) DEFINITIONS.—In this section:

“(1) FUGITIVE.—The term ‘fugitive’ means a person who—

“(A) having been accused by complaint, information, or indictment under Federal law or having been convicted of committing a felony under Federal law, flees or attempts to flee from or evades or attempts to evade the jurisdiction of the court with jurisdiction over the felony;

“(B) having been accused by complaint, information, or indictment under State law or having been convicted of committing a felony under State law, flees or attempts to flee from, or evades or attempts to evade, the jurisdiction of the court with jurisdiction over the felony;

“(C) escapes from lawful Federal or State custody after having been accused by complaint, information, or indictment or having been convicted of committing a felony under Federal or State law; or

“(D) is in violation of subparagraph (2) or (3) of the first undesignated paragraph of section 1073.

“(2) INVESTIGATION.—The term ‘investigation’ means, with respect to a State fugitive described in subparagraph (B) or (C) of paragraph (1), an investigation in which there is reason to believe that the fugitive fled from or evaded, or attempted to flee from or evade, the jurisdiction of the court, or escaped from custody, in or affecting, or using any facility of, interstate or foreign commerce, or as to whom an appropriate law enforcement officer or official of a State or political subdivision has requested the Attorney General to assist in the investigation, and the Attorney General finds that the particular circumstances of the request give rise to a Federal interest sufficient for the exercise of Federal jurisdiction pursuant to section 1075.

“(3) STATE.—The term ‘State’ means a State of the United States, the District of Columbia, and any commonwealth, territory, or possession of the United States.

“(b) SUBPOENAS AND WITNESSES.—

“(1) SUBPOENAS.—In any investigation with respect to the apprehension of a fugitive, the Attorney General may subpoena witnesses for the purpose of the production of any records (including books, papers, documents, electronic data, and other tangible and intangible items that constitute or contain evidence) that the Attorney General finds, based on articulable facts, are relevant to discerning the whereabouts of the fugitive. A subpoena under this subsection shall describe the records or items required to be produced and prescribe a return date within a reasonable period of time within which the records or items can be assembled and made available.

“(2) WITNESSES.—The attendance of witnesses and the production of records may be required from any place in any State or other place subject to the jurisdiction of the United States at any designated place where

the witness was served with a subpoena, except that a witness shall not be required to appear more than 500 miles distant from the place where the witness was served. Witnesses summoned under this section shall be paid the same fees and mileage that are paid witnesses in the courts of the United States.

“(c) SERVICE.—

“(1) AGENT.—A subpoena issued under this section may be served by any person designated in the subpoena as the agent of service.

“(2) NATURAL PERSON.—Service upon a natural person may be made by personal delivery of the subpoena to that person or by certified mail with return receipt requested.

“(3) CORPORATION.—Service may be made upon a domestic or foreign corporation or upon a partnership or other unincorporated association that is subject to suit under a common name, by delivering the subpoena to an officer, to a managing or general agent, or to any other agent authorized by appointment or by law to receive service of process.

“(4) AFFIDAVIT.—The affidavit of the person serving the subpoena entered on a true copy thereof by the person serving it shall be proof of service.

“(d) CONTUMACY OR REFUSAL.—

“(1) IN GENERAL.—In the case of the contumacy by or refusal to obey a subpoena issued to any person, the Attorney General may invoke the aid of any court of the United States within the jurisdiction of which the investigation is carried on or of which the subpoenaed person is an inhabitant, or in which he carries on business or may be found, to compel compliance with the subpoena. The court may issue an order requiring the subpoenaed person to appear before the Attorney General to produce records if so ordered.

“(2) CONTEMPT.—Any failure to obey the order of the court may be punishable by the court as contempt thereof.

“(3) PROCESS.—All process in any case to enforce an order under this subsection may be served in any judicial district in which the person may be found.

“(4) RIGHTS OF SUBPOENA RECIPIENT.—Not later than 20 days after the date of service of an administrative subpoena under this section upon any person, or at any time before the return date specified in the subpoena, whichever period is shorter, such person may file, in the district within which such person resides, is found, or transacts business, a petition to modify or quash such subpoena on grounds that—

“(A) the terms of the subpoena are unreasonable or unnecessary;

“(B) the subpoena fails to meet the requirements of this section; or

“(C) the subpoena violates the constitutional rights or any other legal rights or privilege of the subpoenaed party.

“(e) REPORT.—

“(1) IN GENERAL.—The Attorney General shall report in January of each year to the Committees on the Judiciary of the Senate and the House of Representatives on the number of administrative subpoenas issued under this section, whether each matter involved a fugitive from Federal or State charges, and identification of the agency or component of the Department of Justice issuing the subpoena and imposing the charges.

“(2) EXPIRATION.—The reporting requirement of this subsection shall terminate in 3 years after the date of enactment of this section.

“(f) GUIDELINES.—

“(1) IN GENERAL.—The Attorney General shall issue guidelines governing the issuance of administrative subpoenas pursuant to this section.

“(2) REVIEW.—The guidelines required by this subsection shall mandate that administrative subpoenas may be issued only after review and approval of senior supervisory personnel within the respective investigative agency or component of the Department of Justice.

“(g) DELAYED NOTICE.—

“(1) IN GENERAL.—Where an administrative subpoena is issued under this section to a provider of electronic communication service (as defined in section 2510 of this title) or remote computing service (as defined in section 2711 of this title), the Attorney General may—

“(A) in accordance with section 2705(a) of this title, delay notification to the subscriber or customer to whom the record pertains; and

“(B) apply to a court, in accordance with section 2705(b) of this title, for an order commanding the provider of electronic communication service or remote computing service not to notify any other person of the existence of the subpoena or court order.

“(2) SUBPOENAS FOR FINANCIAL RECORDS.—If a subpoena is issued under this section to a financial institution for financial records of any customer of such institution, the Attorney General may apply to a court under section 1109 of the Right to Financial Privacy Act of 1978 (12 U.S.C. 3409) for an order to delay customer notice as otherwise required.

“(3) NONDISCLOSURE REQUIREMENTS.—

“(A) IN GENERAL.—Except as provided in paragraphs (1) and (2), the Attorney General may apply to a court for an order requiring the party to whom an administrative subpoena is directed to refrain from notifying any other party of the existence of the subpoena or court order for such period as the court deems appropriate.

“(B) ORDER.—The court shall enter such order if it determines that there is reason to believe that notification of the existence of the administrative subpoena will result in—

“(i) endangering the life or physical safety of an individual;

“(ii) flight from prosecution;

“(iii) destruction of or tampering with evidence;

“(iv) intimidation of potential witnesses; or

“(v) otherwise seriously jeopardizing an investigation or undue delay of a trial.

“(h) IMMUNITY FROM CIVIL LIABILITY.—Any person, including officers, agents, and employees, who in good faith produce the records or items requested in a subpoena shall not be liable in any court of any State or the United States to any customer or other person for such production or for non-disclosure of that production to the customer, in compliance with the terms of a court order for nondisclosure.”

(b) TECHNICAL AND CONFORMING AMENDMENT.—The analysis for chapter 49 of title 18, United States Code, is amended by adding at the end the following:

“1075. Administrative subpoenas to apprehend fugitives.”

### SEC. 4. STUDY AND REPORT OF THE USE OF ADMINISTRATIVE SUBPOENAS.

Not later than December 31, 2001, the Attorney General, in consultation with the Secretary of the Treasury, shall complete a study on the use of administrative subpoena power by executive branch agencies or entities and shall report the findings to the Committees on the Judiciary of the Senate and the House of Representatives. Such report shall include—

(1) a description of the sources of administrative subpoena power and the scope of such subpoena power within executive branch agencies;

(2) a description of applicable subpoena enforcement mechanisms;



(3) a description of any notification provisions and any other provisions relating to safeguarding privacy interests;

(4) a description of the standards governing the issuance of administrative subpoenas; and

(5) recommendations from the Attorney General regarding necessary steps to ensure that administrative subpoena power is used and enforced consistently and fairly by executive branch agencies.

#### ORDER FOR COMMITTEES TO FILE LEGISLATIVE MATTERS

Mr. DEWINE. Mr. President, I ask unanimous consent that, notwithstanding the adjournment of the Senate, committees have until 1 p.m. on Friday, August 25, in order to file legislative matters.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### MEASURE READ FOR THE FIRST TIME—S. 2940

Mr. DEWINE. Mr. President, I understand that S. 2940 is at the desk, and I ask for its first reading.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 2940) to authorize additional assistance for international malaria control, and to provide for coordination and consultation in providing assistance under the Foreign Assistance Act of 1961 with respect to malaria, HIV, and tuberculosis.

Mr. DEWINE. Mr. President, I ask for its second reading and object to my own request.

The PRESIDING OFFICER. Under the order, the bill will receive its next reading on the next legislative day.

#### MEASURE READ FOR THE FIRST TIME—S. 2941

Mr. DEWINE. Mr. President, I understand that S. 2941 is at the desk and I ask for its first reading.

The PRESIDING OFFICER. The clerk will read the bill for the first time.

The legislative clerk read as follows:

A bill (S. 2941) to amend the Federal Election Campaign Act of 1971 to provide meaningful campaign finance reform through better reporting, decreasing the role of soft money, and increasing individual contribution limits, and for other purposes.

Mr. DEWINE. I now ask for its second reading, and I object to my own request.

The PRESIDING OFFICER. The objection is heard.

The bill will be read the second time on the next legislative day.

#### ORDERS FOR THURSDAY, JULY 27, 2000

Mr. DEWINE. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until the hour of 9:30 a.m. on Thursday, July 27. I further ask consent that on Thursday, immediately

following the prayer, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and the Senate then begin a period of morning business for Coverdell tributes only until 11 a.m., with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### PROGRAM

Mr. DEWINE. When the Senate convenes at 9:30 a.m., the Senate will be in a period of morning business until 11 a.m. for statements in memory of Senator Paul Coverdell. Following morning business, the Senate will have a swearing-in ceremony for Senator-designate Zell Miller. After the ceremony and the remarks by the Senator-designate, the Senate will proceed to a cloture vote on the motion to proceed to the energy and water appropriations bill. By previous order, following the cloture vote, the Senate will begin consideration of the conference report to accompany the Department of Defense appropriations bill, with a vote to occur at approximately 3:15 p.m. Assuming cloture is invoked on the motion to proceed to the energy and water appropriations bill, the Senate will then begin 30 hours of postcloture debate.

As a reminder, cloture was filed on the motion to proceed to the PNTR China legislation during today's session. It is hoped an agreement can be made to schedule that vote for tomorrow afternoon.

#### ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. DEWINE. If there is no further business to come before the Senate, I now ask unanimous consent the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 8:04 p.m., adjourned until, Thursday, July 27, at 9:30 a.m.

#### NOMINATIONS

Executive nominations received by the Senate July 26, 2000:

##### NATIONAL CREDIT UNION ADMINISTRATION BOARD

GEOFF BACINO, OF ILLINOIS, TO BE A MEMBER OF THE NATIONAL CREDIT UNION ADMINISTRATION BOARD FOR THE TERM OF SIX YEARS EXPIRING AUGUST 2, 2005, VICE NORMAN E. D'AMOURS, TERM EXPIRED.

##### DEPARTMENT OF TRANSPORTATION

DAVID Z. PLAVIN, OF NEW YORK, TO BE A MEMBER OF THE FEDERAL AVIATION MANAGEMENT ADVISORY COUNCIL FOR A TERM OF ONE YEAR. (NEW POSITION)

##### BROADCASTING BOARD OF GOVERNORS

EDWARD E. KAUFMAN, OF DELAWARE, TO BE A MEMBER OF THE BROADCASTING BOARD OF GOVERNORS FOR A TERM EXPIRING AUGUST 13, 2003. (REAPPOINTMENT)  
ALBERTO J. MORA, OF FLORIDA, TO BE A MEMBER OF THE BROADCASTING BOARD OF GOVERNORS FOR A TERM EXPIRING AUGUST 13, 2003. (REAPPOINTMENT)

##### FOREIGN SERVICE

THE FOLLOWING-NAMED MEMBERS OF THE FOREIGN SERVICE OF THE DEPARTMENT OF COMMERCE AND

STATE TO BE CONSULAR OFFICERS AND/OR SECRETARIES IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA, AS INDICATED:

CONSULAR OFFICERS AND SECRETARIES IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

JOHN F. ALOIA, OF NEW JERSEY  
EDIE J. BACKMAN, OF VIRGINIA  
CHRISTOPHER J. BANE, OF VIRGINIA  
DESIREE A. BARON, OF MICHIGAN  
DAVID HILL BENNER, OF VIRGINIA  
DANA M. BROWN, OF CALIFORNIA  
CHRISTOPHER P. CHIARELLO, OF VIRGINIA  
D. SHANE CHRISTENSEN, OF CALIFORNIA  
ELIZABETH OVERTON COLTON, OF VIRGINIA  
LAMONT CARY COLUCCI, OF WISCONSIN  
JOHN P. COONEY III, OF NEW YORK  
CHAD PARKER CUMMINS, OF CALIFORNIA  
ERIC G. FALLS, OF VIRGINIA  
EVAN T. FELSING, OF NEW JERSEY  
MARGARET J. FLETCHER, OF VIRGINIA  
ELISE J. FOX, OF CALIFORNIA  
SAMIR A. GEORGE, OF VIRGINIA  
MICHAEL JOSEPH GIARUCKIS, OF FLORIDA  
JULIET S. GOLE, OF MARYLAND  
GLENN GRIMES, OF VIRGINIA  
GLENN JAMES GUIMOND, OF CALIFORNIA  
TRACY HAILEY GEORGIEVA, OF FLORIDA  
NORMAN C. HALL, OF VIRGINIA  
JENNY S. HAN, OF LOUISIANA  
JASON M. HANCOCK, OF VIRGINIA  
RUTH ANN HARGUS, OF VIRGINIA  
ANDREW R. HERRUP, OF THE DISTRICT OF COLUMBIA  
NICHOLAS J. HILGERT III, OF VIRGINIA  
CHARLES DAVID HILLON, OF VIRGINIA  
KIMBERLY A. HOPFSTROM, OF FLORIDA  
HANS A. HOLMER, OF THE DISTRICT OF COLUMBIA  
JOHN A. IRVIN, OF VIRGINIA  
KEVIN A. KIERCE, OF VIRGINIA  
JOSEPH C. KOEN, OF TEXAS  
JOHN A. KRINGEN, OF VIRGINIA  
ANNE M. LARSON, OF VIRGINIA  
BRYAN D. LARSON, OF COLORADO  
EUGENE LENSTON, OF CALIFORNIA  
DAVID WALTER LETTENY, OF MARYLAND  
DANA M. LINNET, OF MASSACHUSETTS  
GREGORY DANIEL LOGERFO, OF NEW YORK  
DAVID P. MATHEWSON, OF VIRGINIA  
LORRIE W. MCCORKELL, OF VIRGINIA  
CRAIG W. MCCARRAH III, OF VIRGINIA  
RANDALL T. MERIDETH, OF MINNESOTA  
EDWARD L. MICCIO, OF CALIFORNIA  
FRANKLIN B. MILES, OF VIRGINIA  
DAVID ERIC MITCHELL, OF TEXAS  
ANNE MARIE MOORE, OF NEW HAMPSHIRE  
DAVID THOMAS MOORE, OF CALIFORNIA  
KATHARINE MOSELEY, OF THE DISTRICT OF COLUMBIA  
STANLEY M. NESTOR, OF PENNSYLVANIA  
MICHAEL J. OLEJARZ, OF FLORIDA  
RANDALL M. OLSON, OF VIRGINIA  
CHRISTOPHER J. PANICO, OF CONNECTICUT  
ANDREW B. PAUL, OF OHIO  
SHERYL A. PICKNEY-MAAS, OF SOUTH CAROLINA  
DANIEL MOSHE RENNA, OF THE DISTRICT OF COLUMBIA  
DAVID N. RICHELSON, OF CONNECTICUT  
SHERI SIMPSON RIEDL, OF VIRGINIA  
SCOTT R. RIEDMANN, OF OHIO  
MARK S. RILEY, OF VIRGINIA  
LISA CHRISTINE ROYDEN, OF VIRGINIA  
EDWIN S. SAEGER, OF MARYLAND  
PHILIP S. SALTER, OF VIRGINIA  
MARK ANDREW SCHAPIRO, OF NEW YORK  
GREGORY KENT SCHIFFER, OF TEXAS  
DAVID C. SCHROEDER, OF FLORIDA  
MICHAEL K. SINGH, OF ILLINOIS  
MARY JANE SKAPEK, OF VIRGINIA  
BRICE SLOAN, OF IDAHO  
MATTHEW DAVID SMITH, OF NEW HAMPSHIRE  
LEE J. SPERRY, OF VIRGINIA  
RUTH ANNE STEVENS, OF OHIO  
TRACY LYNN TAYLOR, OF THE DISTRICT OF COLUMBIA  
WILLIAM W. TENNEY, OF VIRGINIA  
BETTY L. WADE, OF WEST VIRGINIA  
DANIEL JOSEPH WARTKO, OF THE DISTRICT OF COLUMBIA  
TIMOTHY W. WILKIE, OF HAWAII  
GREGORY M. WINSTEAD, OF FLORIDA  
NOAH S. ZARING, OF IOWA  
DAVID L. ZINKOWICH, OF VIRGINIA

THE FOLLOWING-NAMED CAREER MEMBER OF THE FOREIGN SERVICE OF THE AGENCY FOR INTERNATIONAL DEVELOPMENT FOR PROMOTION INTO THE SENIOR FOREIGN SERVICE AS INDICATED, EFFECTIVE NOVEMBER 21, 1999:

CAREER MEMBER OF THE SENIOR FOREIGN SERVICE OF THE UNITED STATES OF AMERICA, CLASS OF COUNSELOR:

##### AGENCY FOR INTERNATIONAL DEVELOPMENT

GEORGE DEIKUN, OF CALIFORNIA

THE FOLLOWING-NAMED CAREER MEMBER OF THE FOREIGN SERVICE OF THE DEPARTMENT OF STATE FOR PROMOTION INTO THE SENIOR FOREIGN SERVICE AS INDICATED, EFFECTIVE NOVEMBER 21, 1999:

CAREER MEMBER OF THE SENIOR FOREIGN SERVICE OF THE UNITED STATES OF AMERICA, CLASS OF COUNSELOR:

##### DEPARTMENT OF STATE

PAUL G. CHURCHILL, OF ILLINOIS

##### IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE

AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

*To be general*

LT. GEN. CHARLES R. HOLLAND, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

*To be lieutenant general*

MAJ. GEN. GLEN W. MOORHEAD III, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

*To be lieutenant general*

LT. GEN. NORTON A. SCHWARTZ, 0000

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601, AND AS A SENIOR MEMBER OF THE MILITARY STAFF COMMITTEE OF THE UNITED NATIONS UNDER TITLE 10, U.S.C., SECTION 711:

*To be lieutenant general*

MAJ. GEN. JOHN P. ABIZAID, 0000

*To be lieutenant general*

LT. GEN. EDWARD G. ANDERSON III, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

*To be lieutenant general*

MAJ. GEN. BRYAN D. BROWN, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

*To be lieutenant general*

LT. GEN. WILLIAM P. TANGNEY, 0000

IN THE MARINE CORPS

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES MARINE CORPS TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

*To be lieutenant general*

MAJ. GEN. MICHAEL P. DELONG, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES MARINE CORPS TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

*To be lieutenant general*

MAJ. GEN. GREGORY S. NEWBOLD, 0000

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

*To be vice admiral*

VICE ADM. WALTER F. DORAN, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVAL RESERVE UNDER TITLE 10, U.S.C., SECTION 12203:

*To be captain*

WILLIAM B. ACKER III, 0000  
DENNIS L. ANDERSON, 0000  
JAMES W. ANTHAMATTEN, 0000  
PAUL E. ANTONIOU, 0000  
TERRENCE E. ARAGONI, 0000  
ANA M. AVILLANROSA, 0000  
JAMES G. BAKER, 0000  
DANIEL J. BALBERCHAK, JR., 0000  
JOHN D. BALUCH, 0000  
WENDY L. BARNES, 0000  
CRAIG L. BARTOS, 0000  
JEFFREY J. BARTZ, 0000  
MICHAEL G. BENAC, 0000  
STEPHEN A. BIRD, 0000  
JERRY J. BISHOP II, 0000  
WAYNE A. BLEY, 0000  
PAUL M. BLOSE, JR., 0000  
PHILIP L. BOERSTLER, 0000  
JULIE L. BOHANNON, 0000  
BRUCE H. BOKONY, 0000  
MICHAEL T. BOND, 0000  
CHRISTINA M. BONNER, 0000  
DOUGLAS J. BOWER, 0000  
KENNETH G. BRADSHAW, 0000  
MARK V. BRADY, 0000  
THOMAS D. BRANT, 0000

STEVE J. BRASINGTON, 0000  
WAYNE A. BREER, 0000  
PETER S. BRIGHTMAN, 0000  
RANDY S. BRINKMANN, 0000  
SHERRY L. BROWN, 0000  
MICHAEL J. CATANESE, 0000  
SIMON K. CHAN, 0000  
RENEE C. CLANCY, 0000  
LOGAN V. COCKRUM, JR., 0000  
PRISCILLA B. COE, 0000  
FREDERICK J. COLE, 0000  
DOUGLAS R. CONTE, 0000  
KEVIN B. COOK, 0000  
LAWRENCE H. COPPOCK, JR., 0000  
CELINDA R. CREWS, 0000  
KEVIN W. CROPP, 0000  
KAREN C. DANTIN, 0000  
DONNA E. DEHART, 0000  
JOSEPH P. DERVAY, 0000  
MICHAEL L. DETZKY, 0000  
STEPHEN I. DEUTSCH, 0000  
BILLY K. DODSON, 0000  
PATRICK G. DONOVAN, 0000  
TERESA L. DOYLE, 0000  
MICHAEL A. DROLL, 0000  
CYNTHIA A. DULLEA, 0000  
CLARETTA Y. DUPREE, 0000  
SCOTT W. ECK, 0000  
CARL F. ERCK, 0000  
JOHN C. ERLANDSON, 0000  
WILLIE E. EVANS, 0000  
LARRY D. FARR, 0000  
WALTER W. FARRELL, 0000  
JAMES R. FELL, 0000  
BRIAN E. FERGUSON, 0000  
ELAINE A. FINCHER, 0000  
WILLIAM F. FISCHER, 0000  
WESTBY G. FISHER, 0000  
CAROL A. FORSSELL, 0000  
MICHAEL J. FRAC, 0000  
GREGORY FRAILY, 0000  
SANDRA S. FRANKLIN, 0000  
DONALD GALLIGAN, 0000  
PAUL M. GAMBLE, 0000  
V.A. GARRARINI, 0000  
FREDERICK GENUALDI, 0000  
LEON A. GEORGE, 0000  
WILLIAM F. R. GILROY, 0000  
DONALD R. GINTZIG, 0000  
GLORIA S. GLENWINKEL, 0000  
MARY A. GONZALEZ, 0000  
JULIA C. GOODIN, 0000  
KENT S. GORE, 0000  
TIMOTHY M. GRIGGS, 0000  
THOMAS C. GUERCI, 0000  
ANNE L. GUZA, 0000  
KENT N. HALL, 0000  
OLEH HALUSZKA, 0000  
MARY E. HARDING, 0000  
CHARLES D. HARR, 0000  
BEVERLY D. HEDGEPETH, 0000  
MARIE C. HEIMERDINGER, 0000  
KATHLEEN G. HENNELLY, 0000  
JEFFREY A. HILL, 0000  
JANICE J. HOFFMAN, 0000  
JAMES L. HONEY, 0000  
MICHAEL D. HOOD, 0000  
JACK N. HOSTETTER, 0000  
JAMES G. HUPP, 0000  
KATHERINE L. IMMERMANN, 0000  
JANICE R. JOHNSON, 0000  
EDWARD C. KASSAB, 0000  
PAMELA A. KEEN, 0000  
KEVIN M. KENNY, 0000  
MICHAEL J. KING, 0000  
ANN M. KOLSHAK, 0000  
STEPHEN KORONKA, 0000  
HUGH S. KROELL, JR., 0000  
DAVID R. LAIB, 0000  
STEVEN R. LAPP, 0000  
ROSANNE V. LEAHY, 0000  
LINDA M. LENAHAN, 0000  
PATRICIA A. LEONARD, 0000  
FREDERICK S. LOCHTE, 0000  
RAYMOND K. LOFINK, 0000  
ADRIEL LOPEZ, 0000  
TERRY M. LOUIE, 0000  
BRIAN M. MADDEN, 0000  
CLOVIS E. MANLEY, 0000  
CHARLES E. MARDEN, JR., 0000  
MICHAEL EEN MASON, 0000  
JOHN W. MASTERS, 0000  
WILLIAM J. MCCELLROY, JR., 0000  
JEANETTE L. MCGRAW, 0000  
THOMAS P. MCGREGOR, 0000  
CRAIG L. MCDOWS, 0000  
L.M. MECKLER IV, 0000  
IGNACIO I. MENDIGUREN, 0000  
JUDY R. MERRING, 0000  
MELISSA M. MERRITT, 0000  
JAMES A. MILLER, 0000  
JOHN H. MILLER II, 0000  
RICHARD J. MILLIS, 0000  
LAURA J. MIRKINSON, 0000  
DIANA L. MITTSCARCAVALLO, 0000  
EDA MORENO, 0000  
CATHERINE J. MORTON, 0000  
RICHARD J. MULLINS, 0000  
KARLA J. NACIEN, 0000  
GORDON S. NAYLOR, 0000  
JEFFREY M. NEVELS, 0000  
ROBERT S. NEWMAN, 0000  
MICHAEL S. OCONNOR, 0000  
WANG S. OHM, 0000  
JOAN M. OLSON, 0000  
RICHARD E. OSWALD, JR., 0000  
JOHN W. OWEN, 0000

THOMAS C. PATTON, 0000  
JEFFREY R. PEARCE, 0000  
WILLIAM T. PERKINS, 0000  
JOHN F. PIERCE, 0000  
SANFORD POLLAK, 0000  
PAUL J. PONTIER, 0000  
EDWARD J. POSNAK, 0000  
BRUCE M. POTENZA, 0000  
PRESCOTT L. PRINCE, 0000  
KAREN PURDIN, 0000  
JANET J. L. QUINN, 0000  
BRUCE T. REED, 0000  
GARY M. REITER, 0000  
RONALD G. RESS, 0000  
MICHAEL D. RIGG, 0000  
JOHN K. ROBERTSON, 0000  
PAUL P. ROUNTREE, 0000  
BRUCE A. RUMSCH, 0000  
KAROLYN K. RYAN, 0000  
LINDA K. M. SALYER, 0000  
JOSE SAMSON, 0000  
DAVID F. SCACCIA, 0000  
RICHARD J. SCAPPINI, 0000  
REINHART SCHELEERT, 0000  
PAUL E. SCHMIDT, JR., 0000  
RANDALL K. SCHMITT, 0000  
STEVEN R. SCHNEIDER, 0000  
JOHN R. SCHUSTER, 0000  
KEVIN G. SEAMAN, 0000  
CAROL F. SEDNEK, 0000  
STEPHEN W. SEELIG, 0000  
CATHERINE P. SESSIONS, 0000  
ROBERT A. SHARP, 0000  
THOMAS G. SHAW, 0000  
EUGENE M. SIBICK, 0000  
JARED H. SILBERMAN, 0000  
BARBARA A. SISSON, 0000  
SUSAN M. SKINNER, 0000  
MARTIN E. SMITH, 0000  
PAUL R. SMITH, 0000  
CHRISTOPHER W. SOIKA, 0000  
CATHERINE E. SPANGLER, 0000  
CRAIG W. SPENCER, 0000  
CHRISTOPHER C. STAEHEL, 0000  
ALLAN M. STANCZAK, 0000  
PAUL W. STEEL, 0000  
VICTOR G. STIEBEL, 0000  
ORSURE W. STOKES, 0000  
MARC A. SUMMERS, 0000  
MICHAEL A. SZYMANSKI, 0000  
LESLIE J. TENARO, 0000  
ARTHUR F. I. THIBODEAU II, 0000  
PAMELA L. M. THOMPSON, 0000  
KEITH G. TOWNSLEY, 0000  
JANET L. TREMBLAY, 0000  
RALPH W. TURNER, JR., 0000  
WILLIAM M. TURNER, 0000  
SUSAN P. TYE, 0000  
TIMOTHY E. TYRE, 0000  
DAVID S. VANDERBILT, 0000  
DAVID O. VOLLENWEIDER II, 0000  
MARIAN C. WELLS, 0000  
MELVIN D. WETZEL II, 0000  
MARY S. WHEELER, 0000  
STEPHEN B. WHITE, 0000  
BARBARA A. WHITING, 0000  
NANCY A. WINCHESTER, 0000  
JEROME A. WISNIEW, 0000  
RICHARD J. WOLFRAM, 0000  
JOAN H. WOOTEN, 0000  
PATRICIA E. YAP, 0000  
BRIAN G. YONISH, 0000  
JAMES YOUNG, 0000  
JOHN ZAREM, 0000

DEPARTMENT OF TRANSPORTATION

SUE BAILEY, OF MARYLAND, TO BE ADMINISTRATOR OF THE NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION, VICE RICARDO MARTINEZ, RESIGNED.

WITHDRAWAL

Executive message transmitted by the President to the Senate on July 26, 2000, withdrawing from further Senate consideration the following nomination:

DEPARTMENT OF JUSTICE

JOHN R. SIMPSON, OF MARYLAND, TO BE A COMMISSIONER OF THE UNITED STATES PAROLE COMMISSION FOR A TERM OF SIX YEARS (REAPPOINTMENT), WHICH WAS SENT TO THE SENATE ON JULY 19, 1999.

CONFIRMATION

Executive nomination confirmed by the Senate July 26, 2000:

DEPARTMENT OF ENERGY

MILDRED SPIEWAK DRESSELHAUS, OF MASSACHUSETTS, TO BE DIRECTOR OF THE OFFICE OF SCIENCE, DEPARTMENT OF ENERGY.

# EXTENSIONS OF REMARKS

HONORING JAKE HARTZ, JR.

**HON. MARION BERRY**

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, July 25, 2000*

Mr. BERRY. Mr. Speaker, today I pay tribute to a great Arkansan. Jake Hartz, Jr. celebrates his 80th birthday this week, and I think that this is a good time to recognize him in the Congress for his accomplishments and service to this country.

Our national agriculture was profoundly impacted by Jake's promotion and development of soybean farming. His family brought the first soybean seed to the mid-South, and he achieved remarkable success through the Jacob Hartz Seed Co., a leader in the industry. More than just a businessman, Jake's long-standing service in State and national soybean organizations culminated in his tenure as president of the American Soybean Association; in the interim he founded the Arkansas Soybean Association, served as president of the Arkansas Seed Dealers Association, was named director and finance chairman of the Soybean Council of America, and was an active member of the Arkansas Plant Board. All this while sitting on the board of directors for the Little Rock branch of the Federal Reserve Bank of St. Louis, and serving on the trust board of the Boy Scouts of America.

Jake was ahead of his time in understanding the importance of research and technology in agriculture. He hired the first registered seed technologist in 1952. In 1973, Jake was appointed to the U.S. Department of Agriculture's Plant Variety Protection Board, and this experience led him to begin a research program to develop higher-yield, disease-resistant soybean varieties for the mid-South. Soon thereafter, the Hartz Seed Co. established the largest soybean research facility in the southern United States.

Even further, Jake worked tirelessly to protect the valuable surface and groundwater supplies in the Grand Prairie region. Through the conservation measures and alternative water supplies he proposed, Jake contributed significantly toward achieving the re-authorization of the Grand Prairie Region and Bayou Meto Basin project.

Numerous awards and honors have been bestowed upon Jake Hartz, including the Presidential "E" Certificate for Exports to recognize his outstanding contribution to export expansion in Japan, Mexico, and Spain; the U.S. Army Corps of Engineers Commander's Award for Public Service, in honor of his leadership in protecting natural resources; and special designations from Ducks Unlimited, the Boy Scouts of America, and St. Vincent Infirmary.

As a veteran of World War II, a community activist, an outstanding businessman, a leader in agriculture, and a generous public servant, Jake Hartz deserves our respect and gratitude. On behalf of the Congress, I am proud to extend best wishes to my good friend on his 80th birthday.

REMARKS OF AMANDA PEARSON—  
"SAM ADAMS: FATHER OF THE  
AMERICAN REVOLUTION"

**HON. DONALD A. MANZULLO**

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, July 25, 2000*

Mr. MANZULLO. Mr. Speaker, I was visited recently by Amanda Pearson of Rockford, Illinois. Amanda is in high school. When I discovered that her essay on Sam Adams had been placed in God's World News, I requested that she send me a copy. The article is so timely that I believe more Americans need to know this story. I commend this article to my colleagues and other readers of the RECORD.

SAMUEL ADAMS: FATHER OF THE AMERICAN  
REVOLUTION

(By Amanda Pearson)

"We must do something. The present situation cannot remain untouched." The middle-aged man of about 48 mulled these thoughts over as he paced steadily toward the Boston building that sheltered the town meetings.

Samuel Adams shuddered, pulled his jacket closer around him and continued his musing.

"The day before yesterday, March 5, several colonists were killed right here in Boston, when those oppressive British regulars opened fire."

"We are being ruled by a pure tyrant," he muttered under his breath. "How long must we suffer under a power that violates the laws of nature and of nature's God?"

He turned a corner and walked along the street toward the building at the end. His thoughts turned back to the massacre.

"Yes," Mr. Adams thought. "We must fight to remove the British from Boston before more difficulties arise!"

With that, he marched up the steps and into the building.

Yes, Samuel Adams did succeed in getting those British troops removed from Boston. In fact, he became known as the "Father of the American Revolution."

YOUNG SAM

Samuel Adams was an older cousin of John Adams, who eventually became president of the United States. Samuel was born in Boston, Massachusetts, on Sept. 22, 1722.

His father was well-to-do and provided his son with a good education. And Samuel proved to be studious.

At 18, he graduated from Harvard, a college with strong Christian roots. Once he was done with his schooling, he was apprenticed to a well-established merchant in Boston.

Eventually, Samuel set up his own business. But he did not care for that profession. He was more interested in politics and the current situation of the colonies.

SAM'S YOUNG FAMILY

Samuel married Elizabeth Checkley in October of 1749. Only two of the couple's five children—Samuel Adams Jr. and Hannah—reached adulthood.

And his wife, Elizabeth died on July 25, 1757. Seven years later, Sam married Elizabeth Wells, an industrious woman who helped her step-children and husband to live comfortably in spite of Samuel's small income.

Samuel reared his family on Christian principles. The Bible was read every night in the Adams household.

TOWARD REVOLUTION

Samuel Adams knew that the British and King George III of England were treating the colonists unfairly. The people tried to settle their problems with the government peacefully.

But the British wouldn't listen, and things continued to simmer towards a boil.

In 1763, Samuel was one of the first to propose that the American colonies become united to fight against England. Seven years later, he was serving as spokesman for Boston after the Boston Massacre occurred.

In 1772, he launched the Committees of Correspondence with the help of Richard Henry Lee. The Committees provided the colonists with the latest current events and kept them up-to-date on British activities.

THE COMMITTEES

The Committees had three goals:

1. to delineate the rights the Colonists had as men, as Christians, and as subjects of the crown;

2. to detail how these rights had been violated; and

3. to publicize throughout the Colonies the first two items.

One of the documents that the Committees of Correspondence distributed in late 1772 was the "Rights of The Colonists" that Sam Adams had written. His Christian character and knowledge of Scripture were apparent as he wrote:

"The Rights of the Colonists as Christians. These may be best understood by reading and carefully studying the institutes of the great Law Giver and Head of the Christian Church, which are to be found clearly written and promulgated in the New Testament."

FOR GOD AND COUNTRY

In 1774, the British governor of Massachusetts attempted to quiet Sam Adams. He offered him a high rank in the colonial government.

However, Sam refused to be silenced. "I trust I have long since made my peace with the King of kings. No personal consideration shall induce me to abandon the righteous cause of my country," he said.

"Tell Governor Gage, it is the advice of Samuel Adams to him, no longer to insult the feelings of an exasperated people."

HONOR

In 1774, Samuel Adams was elected as a delegate of Massachusetts to the Continental Congress. There in 1776 he eagerly signed the Declaration of Independence, declaring the colonies free from England.

In 1778, after the Revolution, Mr. Adams eventually supported Massachusetts' ratification of the U.S. Constitution, although at first he refused to do so.

He served as governor of Massachusetts from 1793 to 1797 then retired from public service altogether.

GLORY

At the end of his life on earth, Samuel Adams made a final statement of his beliefs in his will:

"Principally and first of all, I recommend my soul to that Almighty Being who gave it and my body I commit to the dust, relying upon the merits of Jesus Christ for a pardon of all my sins."

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

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

He died in 1803 at the age of 82, a Founding Father, "Firebrand of the Revolution," and most important, a Christian man.

TRIBUTE TO SERGEANT MAJOR  
MILDRED FULWOOD

**HON. JAMES E. CLYBURN**

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, July 25, 2000*

Mr. CLYBURN. Mr. Speaker, I rise today to honor Sergeant Major Mildred Fulwood who is retiring from the United States Army after 30 years of active duty. She has served this great country with dignity, integrity, and honor.

Sergeant Major Fulwood is a native of South Carolina and attended the public schools of Williamsburg County, South Carolina. She graduated from Atkins High School, Winston-Salem, North Carolina in 1968. She entered the Women's Army Corps in September 1970. Sergeant Major Fulwood attended Basic Training and Advance Individual Training at Fort McClellan, Alabama. She also earned an Associate of Science degree from Vincennes University, Indianapolis, Indiana and a Bachelor of Arts degree from Coker Liberal Arts College, Hartsville, South Carolina. She is a graduate of the United States Army Sergeants Major Academy, The Women's Drill Sergeant Academy, and has completed numerous technical and functional courses.

Sergeant Fulwood has held numerous positions of leadership during her career, including: Squad Leader; Barracks Sergeant; Instructor; Course Director; First Sergeant; and Sergeant Major. She has also served as The Detachment Commander, U.S. Army Personnel Command, Personnel Security Screening Program; Enlisted Signal Branch Sergeant Major, U.S. Army Personnel Command, and Executive Officer, Office of the Deputy Chief of Staff for Personnel, U.S. Army Materiel Command. Currently Major Fulwood is serving as Sergeant Major, Office of the Deputy Chief of Staff for Personnel, U.S. Army Materiel Command.

Sergeant Major Fulwood has served in various overseas and stateside assignments. They include multiple tours in Korea and U.S. Element Land Southeast, Turkey. She also served in my district at Fort Jackson in Sumter, South Carolina.

Sergeant Major Fulwood's awards and decorations include: the Defense Meritorious Service Medal, the Meritorious Service Medal with four oak leaf clusters; the Army Commendation Medal with two oak leaf clusters; the Army Achievement Medal; The Good Conduct Medal; The National Defense Service Medal with Bronze Service Star; the Overseas Service Ribbon with numeral 2; the Non-Commissioned Officer Professional Development Ribbon with Numeral 4; and the Drill Sergeant Badge. Sergeant Major Fulwood is also an honorary member of the United States Army Signal Corps Regiment.

Sergeant Major Fulwood is a source of inspiration for young aspiring soldiers and represents not only African-Americans, but Americans of all ethnic groups. I am especially proud of her accomplishments as a female career soldier from my district in Salters, South Carolina. Her accomplishments speak to her diligence, integrity, and loyalty to her country.

Mr. Speaker, please join me in honoring Sergeant Major Mildred Fulwood for her dedicated service to the United States Army.

HONORING DR. DONALD J. KRPAN

**HON. GARY G. MILLER**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, July 25, 2000*

Mr. GARY MILLER of California. Mr. Speaker, it is with great pleasure that I rise to honor Donald J. Krpan, D.O., F.A.C.O.F.P. and congratulate him on his induction as the President of the American Osteopathic Association (AOA).

Dr. Krpan, a board certified family practice physician, will lead the nation's 44,000 osteopathic physicians (D.O.s) and the AOA from July 2000 to July 2001. The AOA is an association organized to advance the philosophy and practice of osteopathic medicine by promoting excellence in education, research and the delivery of quality and cost-effective health care in a distinct, unified profession. Aside from protecting the right and privilege to practice osteopathic medicine, Dr. Krpan will work with the AOA to enhance professional unity, ensure quality education and training programs and preserve basic osteopathic principles.

A practicing family and emergency room physician for 20 years, Dr. Krpan currently serves as the Provost of Western University of Health Sciences College of Osteopathic Medicine of the Pacific in Pomona, California. I am proud to say that my district is the home of both the College and Donald Krpan. In addition, he serves as a member of the board of directors of Mad River Community Hospital in Arcata, California, and is a member of the Joint Conference Committee of Arrowhead Regional Medical Center in San Bernardino, California.

Dr. Krpan has been involved with the osteopathic profession in many capacities before becoming AOA president. He serves as chairman of the ethics committee of the Osteopathic Medical Board of California, and has been a member of the Osteopathic Physicians and Surgeons of California's board of directors. Dr. Krpan has also served as a member of the AOA's Board of Trustees since 1988, as well as a member of its House of Delegates since 1980.

A graduate of the University of Health Sciences/College of Osteopathic Medicine in Kansas City, Missouri, Dr. Krpan completed a rotating internship at Phoenix General Hospital in Phoenix, Arizona. Dr. Krpan has two sons and a nephew who are also osteopathic physicians.

Mr. Speaker, I ask that this House please join me in recognizing, honoring and commending the induction of Donald Krpan, D.O. as President of the American Osteopathic Association.

OSHA AWARD FOR SPRINGFIELD  
REMANUFACTURING

**HON. ROY BLUNT**

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, July 25, 2000*

Mr. BLUNT. Mr. Speaker, today I congratulate the vision, and commitment of the officers, administrative staff and employees of the Springfield Remanufacturing Corporation in Springfield, Missouri as they attain the highest status available in OSHA's Voluntary Protection Program.

The company located in Missouri's Seventh Congressional District employs 370 people in the remanufacturing of diesel engines for trucking, agriculture and heavy equipment industries. With this award from the Occupational Safety and Health Administration, the company joins a select group of only 15 other firms in the state, four in Springfield, with the designation of Star Sites. Nationally there are only 550 sites which have attained this level of commitment to worker safety.

The certification was granted after an intensive self study of safety policies, procedures and practices by employees at all levels followed by a rigorous comprehensive review visit by OSHA inspectors who found the workplaces to be fully in compliance with all regulations.

According to OSHA this designation means that the health and safety practices and procedures developed by the company are models within their industry, and that the company is achieving the highest levels of health and safety compliance.

I would also point out that this outstanding achievement is the result of a cooperative effort between public and private entities rather than a unilateral regulatory effort on the part of a lone federal agency. To quote OSHA "This concept recognizes that compliance enforcement alone can never fully achieve the objectives of the Occupational Safety and Health Act. Good safety management programs that go beyond OSHA standards can protect workers more effectively than simple compliance."

Springfield Remanufacturing Corporation, apart from this award, is a success story on its own. In 1983 employees of the Remanufacturing Division of International Harvester purchased the operation from the parent company and established it as an employee owned company. The firm has since established a number of its own subsidiaries and has been named as one of the "The 100 Best Companies to Work for in America".

I express my appreciation, and that of all my colleagues, to President Jack Stack, Plant Manager Marty Callison and Safety Director Kathy Miller for their leadership in bringing this national recognition to Springfield, Missouri and the Seventh Congressional District.

IN RECOGNITION OF NEW HAVEN  
POSTMASTER SHELDON RHINE-  
HEART FOR OUTSTANDING PUB-  
LIC SERVICE

**HON. ROSA L. DeLAURO**

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, July 25, 2000*

Ms. DeLAURO. Mr. Speaker, it is with great pleasure that I pay tribute to an outstanding

public servant and my good friend, Postmaster Sheldon Rhinehart. Sheldon's recent retirement ends a career with the United States Postal Service that has spanned nearly half a century, leaving a legacy of integrity and inspiration.

In his forty-seven years with the postal service, Sheldon has been witness to a variety of changes, social as well as operational. From his start as a clerk, he moved up the ranks. As New Haven's first African-American postmaster, he is not only an example of these tremendous changes but has continually challenged the postal service to change itself. Sheldon's work has been recognized locally and nationally—a tribute to the invaluable contributions he has made.

Sheldon is a strong advocate for minority groups, both professionally and personally. During his tenure, he has made room at the postal service for many with disabilities. He played a key role in the establishment of the Vision Trail from downtown New Haven to the waterfront and was a driving force in involving the Postal Service with the 1995 Special Olympic World Games held in New Haven. Sheldon has also had a primary role in developing training and social programs for the Postal Service on a nationwide basis. With his outstanding record of commitment, he has demonstrated a unique commitment to public service—leaving an indelible mark on the United States Postal Service and our community.

Sheldon has shown unparalleled leadership, not only in his professional positions, but in the community as well. He is currently serving on the United Way of New Haven's Board of Directors and has served on a variety of boards within his community including the Newhallville Action Committee, the Newhallville Day Care Center and St. Luke's Episcopal Church. We are certainly fortunate to have such a committed individual working on behalf of our community.

I am proud to stand today and join his wife, Carolyn, two children, Deborah and Sheldon Jr., friends, and colleagues to honor Sheldon for his good work and dedicated career. I wish him many years of continued health and happiness in his retirement.

#### INTRODUCTION OF THE LOCALLY REGULATED TOWING ACT

**HON. JAMES P. MORAN**

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, July 25, 2000*

Mr. MORAN of Virginia. Mr. Speaker, I am pleased today to be introducing the "Locally Regulated Towing Act." This legislation will restore the ability of local governments to regulate tow truck operations.

Congress took this authority away from state and local hands when it passed the Federal Aviation Administration Authorization Act of 1994, (P.L. 103–305). This law was intended to replace multiple and sometimes conflicting state and local regulations on interstate carriers like Federal Express and UPS, with a single uniform, national regulation. Expanding services like Federal Express and UPS urged passage of the law to help lower costs and improve their delivery time. While the law achieved its objectives, it also opened

a loophole that permitted tow trucks to qualify as an interstate carrier and thereby exempted them from state and local regulations.

Unlike Federal Express, UPS, and other major interstate carriers which are regulated by the federal government, tow truck operators are not. Congress has never granted any federal agencies the power to regulate tow trucks. As a result, their operations are free of any direct oversight or public accountability.

In response to growing complaints about tow truck operations, Congress did amend the law in December 1995 (P.L. 104–88) to permit state and local governments to regulate prices on non-consensual towing. This change in federal law restored state and local governments' ability to regulate towing performed without the permission of the vehicle's owner, as in the instance where owners of vacant, private lots arrange for a tow truck operator to remove cars parked there without their permission. I am familiar with a number of alleged "sham operations" where lot owners failed to properly post signs that prohibited parking. Local business and restaurant patrons and tourists unable to find street parking were enticed to use these vacant lots only to discover later their cars were towed away and the cost to recover them is \$100 or more.

Unfortunately, even this modest change in federal law has had limited success. Consumer complaints about tow truck operators still abound. In the last two years, Arlington County, a jurisdiction I represent, received more than 160 complaints ranging from rates charged, some as high as \$120, to vehicle damage, to theft and rude behavior. People who have had their vehicles towed have told my office about having to go to impoundment lots late at night in dangerous neighborhoods to recover their cars. When they get there, they are told that only cash is accepted.

Moreover, State and local ability to reassert control over tow truck operations have been thrown into even greater confusion following two conflicting Federal appeals court rulings. *Ace Auto Body & Towing v. City of New York* upheld the ability of states and local governments to regulate safety issues and prices of non-consensual towing, while *R. Mayer of Atlanta, Inc. v. City of Atlanta* denied local governments' similar authority.

The only real and effective solution to this problem is to restore full state and local authority over all aspects of tow truck operations. The legislation I am introducing today will accomplish this objective. It is a common sense, pro consumer piece of legislation.

I urge my colleagues to support it.

#### REMARKS IN HONOR OF THE LATE JUDGE JON BARTON

**HON. KAY GRANGER**

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, July 25, 2000*

Ms. GRANGER. Mr. Speaker, today I honor and remember the life of Texas state District Judge Jon Barton, who passed away Saturday at his home in Keller, Texas. He was 43 years old. Judge Barton, the younger brother of our friend and colleague, Congressman JOE BARTON, was a good, kind, and loving man. Our thoughts and prayers go out to his wife, Jennifer; his sons, Jake and Jace; and to all of his family at this difficult time in their lives.

Judge Barton was born on October 12, 1956, in Pecos, Texas, to Larry and Nell Barton. However, he spent most of his childhood in Waco, Texas, and eventually received his Bachelor's degree in Business Administration and Juris Doctor degree from Baylor University. In 1987, Judge Barton received his Master's degree in Finance from Colorado State University. That same year, he married his lovely wife Jennifer.

After practicing law in Corpus Christi and Fort Worth, Texas, Judge Barton was elected to preside over the 67th District Court in 1996. Judge Barton was a talented and hard working individual. There is no question that he will be deeply missed within the Texas legal community.

Judge Barton was very active in our area. He was a member of the Downtown Fort Worth Rotary Club and past president of the Hurst-Euless-Bedford Rotary Club. Judge Barton served on the advisory board of the John Peter Smith Health Network and was a charter member of the Center for Christian Living. As a man of God, he actively served Broadway Baptist Church in Fort Worth, Texas. Judge Barton was always willing to give of himself to his community, his church, and his family.

Judge Barton was known for his great sense of humor and for his kindness to all. He was a committed husband and father who loved his family deeply. Judge Barton faced cancer with the same humor and courage that he lived life. His deep faith in God gave Judge Barton the strength to carry on throughout his struggle with sinus and liver cancer. His life and fight with cancer serve as an inspiration to us all.

Again, my heart goes out to Judge Barton's family and to all those who are grieving his passing. Judge Barton will truly be missed, but his spirit will live with us forever.

#### 2102 BANKS OF PROMISE

**HON. PETE SESSIONS**

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, July 25, 2000*

Mr. SESSIONS. Mr. Speaker, I rise today to recognize the commitment that more than 2000 banks in our great country have made to our Nation's Youth.

Last year, the American Bankers Association pledged to enroll 1000 banks in America's Promise, the organization led by General Colin Powell that draws on the talents and resources of public, private and nonprofit organizations to improve the lives of our nation's youth. Banks of Promise agreed to increase their involvement in programs and activities that benefit children in order to provide them with the five fundamental resources they need to succeed in life. Those resources are: (1) An ongoing relationship with a caring adult; (2) a safe place with structured activities during non-school hours; (3) a healthy start in life; (4) a marketable skill through effective education; and (5) a chance to give back through community service.

The response by the industry has been overwhelming. Today, the number of Banks of Promise has more than doubled to 2102, reflecting the banking industry's commitment to its communities, America's youth and the future of our nation. These banks—and state

bankers associations across the country—are offering the children in their communities everything from job training and mentoring to safe and accessible playgrounds and financial education. Indeed, our nation's banks are making an invaluable investment: they are investing in our kids.

Mr. Speaker, today I rise not only to recognize the banking industry's commitment but also to encourage other businesses, organizations and individuals to make a similar investment in their local youth. From Fortune 500 companies to government agencies to the local mom and pop store—we all have the ability, and the obligation, to help our children succeed in life.

One familiar quote adequately sums up the importance of America's Promise. It says: "One hundred years from now, it will not matter what my bank account was, the sort of house I lived in, or the kind of car I drove. But the world may be different because I was important in the life of a child."

To learn more about the Banks of Promise program and to see a list of the participating banks go to [www.aba.com](http://www.aba.com).

—  
A TRIBUTE TO DR. JUDSON  
HARPER

**HON. BOB SCHAFFER**

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, July 25, 2000*

Mr. SCHAFFER. Mr. Speaker, today, on the eve of his impending retirement, I honor Dr. Judson M. Harper, Vice President for Research and Information Technology and Professor of Chemical and Bioresearch Engineering, at Colorado State University (CSU), located in Ft. Collins, Colorado. During his tenure at the University, Dr. Harper has been instrumental in positioning CSU as a world-class leader for research in the fields of animal sciences, information technology, natural resources management, atmospheric sciences, and agriculture.

In 1993, Dr. Harper orchestrated the construction of the Animal Reproduction and Biotechnology Lab, located on the campus of CSU. With the acquisition of this nationally-renowned research facility, CSU became the first in the nation to develop artificial insemination procedures for livestock. Other accomplishments associated with the lab include pioneering efforts in gene splicing and cloning. Research projects from the Animal Reproduction and Biotechnology Lab have also ensured the United States' livestock production industry remains competitive internationally.

Dr. Harper is also primarily responsible for establishing the Center for Geosciences at CSU. The Center, in partnership with the Department of Defense, is entering into a fourth phase of research projects to develop more sophisticated equipment and technology to better understand weather dynamics as it relates to military activities.

Dr. Harper has not only provided leadership in the scientific arena, but as the interim president in 1887, when Dr. Albert Yates, current CSU President, was away on sabbatical. Dr. Harper also directed the University through perhaps its darkest period. The flood of 1997, one of the worst weather disasters in the history of the state, claimed five lives, destroyed

2000 homes, and damaged 212 businesses, resulting in a \$200 million loss. Thirty buildings on the CSU campus sustained damage and nearly 200 faculty, staff, and students were displaced. Many books were ruined, and tragically, many faculty lost much of their life's work. Disaster officials were extremely impressed with CSU's rapid recovery, many attributing the credit to Dr. Harper.

An active administrator and respected researcher, Dr. Harper is recognized internationally as an expert in the area of food extrusion, a process by which food ingredients are heated and fashioned in an effort to achieve desired shapes and textures. Food extrusion is energy efficient, cost effective, and has become a central part of many modern food processing operations. His accomplishments in this area include 77 journal publications, two books, and 10 separate chapters in other works. In addition, he is also the co-holder of five U.S. patents.

Mr. Speaker, I have had the good fortune to work with Dr. Harper for many years and on many projects during my service as a Colorado State Senator and a United States Congressman. I regard him as a friend, an honorable public servant, a scholar, and one of the most decent human beings I've ever met. Dr. Harper's devotion to Colorado State University and the people of Colorado has been the basis for the profound legacy he has established.

Future generations may one day become unfamiliar with the name of Jud Harper, but all will be touched just the same by his exemplary work and his superior intellect. There are many reasons Colorado State University has risen to the top of higher education achievement. Dr. Jud Harper is among the most significant leaders who have positioned the institution in a place of such world-class prestige.

Mr. Speaker, Dr. Jud Harper is leaving behind a tremendous legacy as he moves on from Colorado State University to the next phase of his life. He will truly be missed.

—  
TRIBUTE TO THE RED ARROW  
CLUB

**HON. GERALD D. KLECZKA**

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, July 25, 2000*

Mr. KLECZKA. Mr. Speaker, today I honor and pay tribute to the Red Arrow Club of Milwaukee. October 15th, 2000 marks the 60th anniversary of the U.S. Army's 32d Infantry Division's call to active duty prior to World War II, and also the 39th anniversary of the October 15th, 1961 call to active duty for the Berlin Crisis. This is a very important day for the club, for those who have worn the "Red Arrow" in war, as well as peacetime.

Comprised of troops from Michigan and Wisconsin, these soldiers were inducted into federal service at Lansing, Michigan on October 15th, 1940. The "Red Arrow" arrived in Australia on May 14, 1942 and participated in a number of heroic WWII campaigns, seeing action in Papua, New Guinea, Leyte, and Luzon, and later in Japan they often withstood bitter hand-to-hand combat, and fought bravely and honorably for their country. During their tour of duty in World War II, the members of the 32d Division laid their lives on the line for

their country, asking nothing in return. And once again on October 15th, 1961 the "Red Arrow" answered the call of their country to protect our vital interests overseas, this time for the Berlin Crisis.

For their bravery, members of the 32d have received a total of ten Congressional medals of Honor and fourteen Distinguished Unit Citations. In addition, the unit has received several decorations including the Presidential Unit Citation (Army) and the Philippine Presidential Unit Citation.

This special day serves to honor the many veterans who answered the call to duty to serve their country in this distinguished division, a number of whom made the ultimate sacrifice and never returned home to family and friends. To the veterans, as well as those on active duty, my sincere congratulations on this very special milestone in the 32d Division's history. It is an honor that is well deserved.

—  
HONORING THE LATE DIANE  
BLAIR

**HON. MARION BERRY**

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, July 25, 2000*

Mr. BERRY. Mr. Speaker, today I pay tribute to a great Arkansan. Today President Clinton, First Lady Hillary Rodham Clinton, and many other distinguished citizens of Arkansas are attending a memorial service in Fayetteville to celebrate and honor the life of Diane Blair, who passed away last month. I believe that Diane Blair also deserves a tribute in the Congress, because her influence and service impacted our nation as well.

Diane was first and foremost a professor of political science at the University of Arkansas, and it was through this role that she touched an entire generation of Americans. She literally "wrote the book" on Arkansas politics—Arkansas Politics and Government: Do the People Rule? still stands as the one and only authoritative treatment of the subject. Beyond her academic accomplishments, Diane is best remembered as a caring and thoughtful teacher. She engaged her students, and imparted her love of learning to them.

Moreover, through her example she inspired countless people to become active in the political system. She was the conscience of the Democratic party in Arkansas for years, but her grace and magnanimity attracted admirers from across the political spectrum. She was an outspoken advocate for women and education, and for progress in general.

Her accomplishments are manifold and diverse: chairwoman of state and national commissions, including the Corporation for Public Broadcasting; professor emerita; author and editor of two books; mother of five, grandmother of two.

The life of Diane Blair will be memorialized in many ways. The University of Arkansas will create a center for the study of southern political culture in her name. The Corporation for Public Broadcasting has already named its new boardroom in her honor. However, the best memorial to Diane Blair exists in the hearts and minds of her friends, students, and loved ones. I am proud to count myself among this fortunate group, and on behalf of the Congress I extend my deepest sympathies to the family of Diane Blair in their time of mourning.



IN RECOGNITION OF GARY FRANCIS THOMAS, UPON HIS RETIREMENT FROM THE OFFICE OF THE SERGEANT AT ARMS

**HON. ALBERT RUSSELL WYNN**

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, July 25, 2000*

Mr. WYNN. Mr. Speaker, today I congratulate Mr. Gary Francis Thomas upon his retirement from the United States House of Representatives Office of the Sergeant at Arms, after thirty-six years of service.

Mr. Thomas began his career in Congress in 1965 working for the Architect of the Capitol in the Labor Room, where he served for five years. Upon completing his work with the Architect of the Capitol in 1970, Mr. Thomas transferred to the Parking Office, where he is now completing his thirty-six year career.

Mr. Thomas began his career during the 89th Congress when Representative John W. McCormick was Speaker of the House and Lyndon B. Johnson was President of the United States. He has since served under eighteen Congresses and seven Presidents, rising within the Sergeant at Arms Office to the supervisory level.

Mr. Thomas resides in the 4th Congressional District of Maryland, which I am proud to represent. He is the father of six, three boys and three girls, while his wife, Mrs. Janell Thomas, is currently expecting the couple's seventh child. Mr. Thomas is a man of conviction and community service, dedicating his free time to fostering youth development. He has also been an active Minister for the past ten years at the Remnant Ministries.

Gary Francis Thomas' dedication to all he has served here in Congress will undoubtedly be missed. Whether it was assisting Members of Congress with car problems or issuing parking permits to staff, Mr. Thomas served the entire Capitol Hill community without reservation, always in high spirits and with a good word for everyone.

Mr. Speaker, I ask that my colleagues join me in extending our sincerest appreciation and best wishes to Gary Francis Thomas upon his retirement from the United States Congress.

**PERSONAL EXPLANATION**

**HON. DOUG OSE**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, July 25, 2000*

Mr. OSE. Mr. Speaker, on rollcall No. 429, I was unavoidably detained due to a plane delay. Had I been present, I would have voted "aye."

**COMPREHENSIVE RETIREMENT SECURITY AND PENSION REFORM ACT**

SPEECH OF

**HON. JERRY WELLER**

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, July 19, 2000*

Mr. WELLER. Mr. Speaker, I submit for the record a letter written by the Joint Committee

on Taxation (JCT) regarding a provision included in H.R. 4843, the Comprehensive Retirement Security and Pension Reform Act. This letter should help to clarify the provision which applies to the Section 415 limits for multiemployer pension plans.

The JCT letter helps to clarify that, if the IRS follows the precedents it has established in the past, the individual multiemployer pension plans will be able to provide benefit increases for individuals who are already retired from their plan related employment if all of their benefits have not been previously distributed. This means that an employee who is currently retired from union employment can benefit from the Section 415 modifications included in H.R. 4843.

I am particularly interested in this issue because of a family in my district who loses more than one-half of their annual pension because of the Section 415 limits. Larry Kohr is a retired union worker who lives with his family in my district in Illinois. Larry loses more than one-half of his annual benefits because of the 415 limits. The letter I am including into the record today clarifies that the IRS and the individual multiemployer pension plans will have the right and the ability, once the 415 changes are signed into law, to ensure that current retirees, such as the Kohr's, will be able to benefit from the changes in the Section 415 limits.

Mr. Speaker, thank you for the opportunity to clarify this important issue.

CONGRESS OF THE UNITED STATES,  
JOINT COMMITTEE ON TAXATION,  
*Washington, DC, July 19, 2000.*

Hon. JERRY WELLER,  
*House of Representatives,*  
*Washington, DC.*

DEAR MR. WELLER: This is response to your request dated July 18, 2000, regarding the provision in H.R. 4843, the "Comprehensive Retirement Security and Pension Reform Act," as reported by the Committee on Ways and Means, modifying the section 415 limits on benefits under multiemployer pension plans. Specifically, you requested information concerning the impact that the enactment of H.R. 4843 would have on the authority and ability of multiemployer pension plans to correct future benefits for retirees whose pension benefits are reduced under present law by operation of the section 415 limits.

H.R. 4843 would not require multiemployer pension plans to increase pension benefits for retired participants or participants who are currently employed. Section 415 provides limits on the maximum benefits that may be paid from a pension plan, not minimum benefit requirements. Therefore, a modification of an applicable section 415 limit would not automatically increase a participant's benefit. Rather, whether an increase occurs would depend on the plan provisions and any modification made to the plan to reflect the increased limit.

In order to determine the effect that H.R. 4843 would have on the authority and ability of a multiemployer plan to increase benefits for retirees, a useful analogy is the repeal of the combined limitation on defined benefit and defined contribution plans under former section 415(e) as a result of the enactment of the Small Business Job Protection Act of 1996. Prior to the effective date of the repeal of section 415(e), the Internal Revenue Service (the "IRS") issued Notice 99-44, in which the IRS provided guidance concerning benefit increases that would be permitted upon the repeal of the combined limitation on defined benefit and defined contribution plans.

In Notice 99-44, the IRS stated that if a plan is not amended to take into account the

repeal of section 415(e), the effect on the benefits of plan participants will depend on the plan's existing provisions for applying the limitations of section 415(e) and any other relevant plan provisions. According to the IRS, a plan's existing provisions could result in automatic benefit increases for participants as of the effective date of the repeal of section 415(e). For example, the IRS stated, the repeal of section 415(e) could result in automatic benefit increases for participants in defined benefit plans that incorporate by reference the limitations under section 415.

In addition, the IRS stated in Notice 99-44 that a defined benefit pension plan may provide for benefit increases to reflect the repeal of section 415(e) for a current or former employee who has commenced benefits under the plan prior to the effective date of the repeal of section 415(e) for the plan, but only if the employee or former employee has an accrued benefit on that date. In other words, the IRS determined that a plan may provide for benefit increases to reflect the repeal of section 415(e) for a former employee who has begun receiving benefit distributions prior to the effective date of the repeal but whose benefits under the plan have not been completely distributed prior to the effective date of the repeal.

If H.R. 4843 is enacted, the modifications to the section 415 limits affecting multiemployer pension plans would be effective for years beginning after December 31, 2000. If, in the implementation of these modifications, the IRS follows the precedent that it has established with respect to the repeal of section 415(e), a multiemployer plan would be permitted to provide for benefit increases to reflect the modifications of the section 415 limits for a former employee who has commenced distributions prior to 2001 but whose benefits have not been completely distributed prior to 2001. In addition, the modification of the section 415 limits could result in automatic benefit increases for participants in defined benefit plans that incorporate by reference the section 415 limits.

I hope this information is helpful to you. If we can be of further assistance in this matter, please let me know.

Sincerely,

LINDY L. PAULL.

**IN RECOGNITION OF CAPTAIN BARBARA P. MORGAN FOR OUTSTANDING SERVICE TO THE COMMUNITY**

**HON. ROSA L. DeLAURO**

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, July 25, 2000*

Ms. DELAURO. Mr. Speaker, today I pay tribute to an outstanding individual whose service to our nation and the Greater New Haven community is unparalleled. Captain Barbara P. Morgan has served as the Commander of the U.S. Navy and Marine Corps Reserve Center in New Haven, Connecticut for the past three years and has recently announced that she will be leaving her command to attend the Naval War College.

As Commander of the Reserve Center, Captain Morgan has been a driving force in involving the Reserve Center with the surrounding community, opening its doors to government agencies and community-based programs. The American Red Cross, New Haven Public School's after school program, Sea Cadets and various veteran organizations have

all benefited from her generosity. Captain Morgan has been a leading advocate for the Marine Cadets of America, a very special program for the young people of Greater New Haven, to whom she has provided support as the Commanding Officer and by encouraging the entire military community to participate in the operation of the program.

For twenty-two years, Captain Morgan has served in the United States Navy with honor and distinction. She has been decorated with the Meritorious Service Medal, Navy and Marine Corps Commendation Medal, and the Navy and Marine Corps Achievement Medal—a reflection of her remarkable career. Captain Morgan has demonstrated a unique commitment to our community—rare for an individual who has only been with us such a relatively short time. I commend her for her efforts and extend my deepest thanks and appreciation to her for her invaluable contributions.

I am proud to rise today to join her husband, William, friends, colleagues, and community members to thank her for her outstanding service and wish her well as she departs for the Naval War College.

#### PERSONAL EXPLANATION

### HON. VAN HILLEARY

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, July 25, 2000*

Mr. HILLEARY. Mr. Speaker, on Monday, July 10, I was unavoidably detained from the House chamber when my flight from Tennessee to return to Washington was canceled due to weather conditions. Had I been present I would have cast my vote as follows: Rollcall No. 373, yes; Rollcall No. 374, no; Rollcall No. 375, yes; Rollcall no. 376, no; Rollcall No. 377, yes; Rollcall No. 378, no.

On Monday, July 24, I was unavoidably detained from the House chamber while I attended a funeral in Tennessee of the mother of my good friend and our colleague, Representative BILL JENKINS. Had I been present I would have cast my vote as follows: Rollcall No. 429, yes.

#### TRIBUTE TO CARTER BROADCAST GROUP, INC.

### HON. KAREN MCCARTHY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, July 25, 2000*

Ms. MCCARTHY of Missouri. Mr. Speaker, today I pay tribute to the Carter Broadcast Group, Inc., owner of KPRS-FM and KPRT-AM radio, the oldest African-American owned and operated radio station in America. This year they celebrate 50 years of excellence as one of Kansas City's, and the nation's, most established and respected broadcasters.

In 1950, Andrew "Skip" Carter had a dream to build a black owned radio station in Kansas City that would serve the needs of his community. His station, KPRS-AM was only the second African-American station to receive a broadcast license from the Federal Communications Commission (FCC). Operating with just 1,000 watts, it went on the air playing such artists as Ray Charles and James

Brown. It had to go off the air at sundown because of the low wattage.

In 1963 Skip Carter received a license from the FCC to operate a 100,000 watt FM facility. In 1973, their stations became the first fully automated stations in the Midwest.

Skip Carter and his wife, Mildred, had operated the two stations as a family business since their inception. Their grandson, Michael, had his own jazz show in the late 1960's at eight years of age. In 1987 Michael Carter was named President of KPRS Broadcasting Corporation by his grandfather to carry on the family tradition. The name was later changed to the Carter Broadcast Group, Inc. to honor Skip Carter's legacy.

Between 1990 and 1996 KPRS advanced from the eighth rated station to the top rated station in the Kansas City market as measured by Arbitron. This recognition of the "Hot 103 Jamz" came about by the hard work and dedication of the total staff, which has been incorporated into the Carter Broadcast "Family." There have been numerous accolades during their 50 years. Skip Carter was named to the Radio Hall of Fame, the station received a Crystal Award from the National Association of Broadcasters, a Griffin Award from the Missouri Broadcasters Association for Community Service, and their recent nomination for the Marconi Award from the National Association of Broadcasters which recognizes excellence in radio. Winners of the Marconi Award will be announced September 23 in San Francisco, our community will be cheering them as they are acknowledged and honored. They have been recognized for business successes and community service on many occasions. Three times they have been honored as a Top 10 Small Business of the Year by the Greater Kansas City Chamber of Commerce, the most recent being this past April. They have constantly stepped forward in the community in times of crisis. When children have been abducted, they have devoted live broadcast time to assist in finding them. They have lent their airwaves to help raise funds for community organizations such as the Ad Hoc Group Against Crime. In 1999 alone, the stations assisted more than 150 community organizations and aired 10,000 community service spots.

Saturday, July 22, the Carter Broadcast Group is having a "50th Anniversary Gala." The proceeds from this event will benefit the St. Vincent's Day Care Center, which serves many of Kansas City's critically at risk children.

In celebration of this significant milestone, I am honored to recognize Michael Carter and the Carter Broadcast Group's efforts and legacy. Mr. Speaker, please join me in congratulating the Carter family and the entire organization for 50 years of service to the Greater Kansas City community.

EXPRESSING SENSE OF CONGRESS CONCERNING RELEASE OF RABIYA KADEER, HER SECRETARY AND SON BY GOVERNMENT OF THE PEOPLE'S REPUBLIC OF CHINA

SPEECH OF

### HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Monday, July 24, 2000*

Mr. WOLF. Madam Speaker, I rise in support of this resolution that calls on the People's Republic of China to immediately release Rabiya Kadeer, a prominent Uighur businesswoman, her son, and her secretary.

When the Chinese government arrests and imprisons people like this, it is an important reminder to all of us of the true character of the Chinese regime. The State Department's 1999 Human Rights Report on China stated this clearly, saying, "The [Chinese] government's poor human rights record deteriorated markedly throughout the year as the Government intensified efforts to suppress dissent, particularly organized dissent."

The Chinese government will stop at nothing to silence any voice of freedom and truth. The Chinese government murders its own people to stay in power, flattening thousands of its own citizens who supported the Tiananmen Square democracy movement. The Chinese government has arrested, imprisoned, or kicked out of the country virtually every leading democratic dissident.

People of faith are persecuted by the Chinese government. Christians, Tibetan Buddhists, and Muslim Uighurs like Ms. Kadeer are imprisoned and forced into prison labor, because of their faith. The Chinese regime has imprisoned old men like 80-90 year-old-Catholic bishops. The government regularly persecutes and imprisons priests and Protestant House church leaders, Tibetan Buddhist monks and nuns.

I am very supportive of this resolution today and I think this resolution sends an important message of disapproval of the Government of China's deplorable behavior toward its own citizens.

#### IN MEMORY OF REV. AMINAH BULLOCK-MUMIN

### HON. J.C. WATTS, JR.

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, July 25, 2000*

Mr. WATTS of Oklahoma. Mr. Speaker, today we celebrate the passage in the House of Representatives of legislation which will bring hope and opportunity and faith-based solutions to thousands of Americans who live in our nation's older, struggling communities. At the same time we celebrate its passage, we should also celebrate the lives of those who have devoted themselves in that same spirit to bring hope and opportunity to their own communities across America.

One of those individuals is Rev. Aminah Bullock-Mumin who passed away on Thursday and was laid to rest today just as we were debating and voting on this legislation.

Rev. Bullock was born on May 26, 1943 to the late Charles and Etta Coates. Aminah

completed high school and attended the University of the District of Columbia. She married, had four sons, and worked for the Veterans Medical Center in Washington, DC, for more than 25 years, receiving many honors and awards for outstanding service, before retiring last year on medical disability.

Aminah was an ordained minister who loved preaching and teaching the Word of God. She had a vision to start a Women's Ministry which she lived to see become a reality. She was the chairperson of the Women's Ministry, served on the Missionary Ministry and assisted many families who resided in women and children shelters.

As we here today in the Capitol seek to give tools to those who work to improve their local communities, it is fitting to take a moment to recognize the good works and good life of Rev. Aminah Bullock-Mumin who dedicated herself to improving the lives of others.

80TH BIRTHDAY OF BRIG. GEN.  
ROBERT F. McDERMOTT, USAF  
(RET.)

### HON. HENRY BONILLA

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, July 25, 2000*

Mr. BONILLA. Mr. Speaker, Monday, July 31, 2000 is the 80th birthday of retired Air Force Brigadier General Robert F. McDermott. I offer congratulations and continued happiness to him and his loved ones. On this special day for "McD," I wish to honor and salute him for his lifelong service to his fellow Americans.

Born in Boston, Massachusetts, General McDermott attended Boston Latin School and Norwich University. He graduated from West Point with the Class of January 1943. After commissioning, he flew 61 combat missions in a P-38 over Europe. After World War II ended, he continued his military service in Europe, the Pentagon, and, after earning an MBA at Harvard, on the faculty at West Point.

His assignment to the newly created Air Force Academy in 1954 signaled the beginning of his outstanding contributions to the U.S. Air Force. As Dean of the Faculty for the first ten graduating classes, he pioneered and championed a number of innovations that changed the face of service academy education. These included a modernized and enriched curriculum, academic majors, the first Department of Astronautics in the country, and cooperative Master's degree programs with prestigious universities such as UCLA and Purdue. He also developed a whole-person admissions program which brought the highest quality students to the Academy. These innovations were so successful that West Point and Annapolis broke with their traditions and instituted many of them. For these accomplishments, General McDermott is universally acknowledged as the "Father of Modern Military Education."

For many this would have been enough success for one lifetime, but not for McD. In 1969 he tackled the private sector, becoming the head of USAA, an insurance and financial services association that served military officers and their families. Under General McDermott USAA grew from a relatively small property and casualty insurer into a successful

financial services supermarket. He added no-load mutual funds, credit cards, a discount brokerage, and a full-service bank. He also pioneered technology-based customer service, employing "800" phone services, computers, and IMAGE processing. Today USAA is a worldwide insurance and diversified financial services family of companies, where the majority of customers continue to be members of the U.S. military.

General McDermott also made USAA a great place to work. No company was rated higher in the first publication of the "Best Places to Work in America," and Fortune selected USAA as the best service provider in the insurance industry. McD has received virtually all the highest accolades offered to businessmen, including selection to the National Business Hall of Fame. After retiring as USAA Chairman Emeritus in 1993, his methods continue to be a model for insurance and financial services companies.

At the same time McD has made enormous contributions to his community, including founding the San Antonio Economic Development Foundation, the Texas Research Park, and a mentor program that has reached thousands of children. General McDermott's energy, vision, intelligence, character, and belief in the Golden Rule has made everything he touches positive and successful.

Once again, Happy Birthday McD. Congratulations on a great 80 years and best wishes for many more.

IN RECOGNITION OF DR. OTAKAR  
HUBSCHMANN

### HON. BOB FRANKS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, July 25, 2000*

Mr. FRANKS of New Jersey. Mr. Speaker, today I recognize an individual who epitomizes the spirit of public service, Otakar Hubschmann, M.D.

Dr. Hubschmann, a nationally renowned neurosurgeon from Short Hills, NJ, received his medical degree in May 1967 from Charles University in Prague. Later that same year, he defected from Communist-ruled Czechoslovakia and fled to England. He sought and attained asylum in the United States where he completed his medical residency at Albert Einstein College of Medicine in New York. After his residency, he served as a Major in the United States Army and eventually became a full tenured professor at the University of Medicine and Dentistry of New Jersey. He currently serves as Chief of Neurological Surgery at Saint Barnabas Health Care System in West Orange, NJ.

Since the demise of Communism in Czechoslovakia in 1989, Dr. Hubschmann has been involved in a number of important projects to help the newly democratized Czech Republic. He has led efforts to secure much needed medical equipment for Czech hospitals, has been an invited lecturer at Charles University and has worked with Mrs. Olga Havel, the former Czech First Lady, to help developmentally disabled children in the Republic.

Recently, Dr. Hubschmann founded "Lacrosse Without Borders," to develop new friendships and enhance international toler-

ance through lacrosse, a sport originated by Native Americans. Through his tireless efforts, "Lacrosse Without Borders" hosted 20 former and current college lacrosse players in Prague earlier this month. These young American athletes ran lacrosse instructional clinics and participated with their Czech counterparts in the Prague Cup 2000. This extremely successful program generated a great deal of interest in Prague and significant media coverage both within the Czech Republic and here in the United States.

Mr. Speaker, please join me in recognizing Dr. Otakar Hubschmann's selfless efforts to promote positive relations between the United States and the Czech Republic.

RECOGNIZING THE CHEVRON CORPORATION AND THE YOSEMITE NATIONAL PARK VOLUNTEER PROJECT

### HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, July 25, 2000*

Mr. RADANOVICH. Mr. Speaker, today I recognize the outstanding work of the Yosemite National Park Volunteer Project. The project is celebrating a decade of effort by the Yosemite Fund and volunteers from Chevron Corporation to restore and preserve one of the crown jewels of our National Park System. Yosemite's 4 million yearly visitors will bear witness to the fruits of this effort: More than 60 acres of meadows, lake area and woodlands have been restored. Nearly 3,000 volunteers donated 27,500 hours to collect and plant 10,000 oak seedlings, remove 1,000 feet of roadway, build 4,000 feet of split rail fence, install 1,500 feet of boardwalk, remove 600,000 pounds of asphalt, plant 100 black oak trees and improve one mile of trails.

Mr. Speaker, this is not glamorous work. To the contrary, splitting rails, digging up asphalt and laying boardwalk to protect meadows is hard, physical labor. The Chevron volunteers did it happily, putting to superb use the \$1.3 million in contributions provided by Chevron. The Yosemite Fund, the National Park Service and Chevron have created a partnership that invigorates natural conditions in Yosemite which still might be in danger of permanent degradation if it were not for this timely volunteer and financial assistance. This cooperative effort is a model public/private partnership that has made a lasting difference in one of this nation's most beautiful and most important natural settings.

NANCY BERRY INDUCTED INTO  
THE NATIONAL TEACHERS HALL  
OF FAME

### HON. STEVE BUYER

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, July 25, 2000*

Mr. BUYER. Mr. Speaker, on June 14, I had the great opportunity to speak before a very select group of individuals, the year 2000 inductees into the National Teachers Hall of Fame. These are individuals who have shown exceptional dedication and creativity in the teaching profession.

It was a great honor to have as one of the inductees Nancy Berry, the Principal of Columbia Elementary School in Logansport, Indiana. At Columbia Elementary School you would be welcomed to "Berryland," the creative classroom of Nancy Berry, where children acquire an appreciation to learn. Nancy has taught in the classroom for Logansport Community School Corporation for over 20 years. Although she has been principal for the last three years, she still keeps active in the classroom.

Nancy, as well as the other inductees, has the gift to spark the imaginations of our children and the commitment to demand excellence and character, not only from students, but also in inspiring other teachers to strive for these goals. Nancy has created educational materials as well as a management program that promotes dignity, imagination, self-discipline, and responsibility. As Nancy puts it "behavior is like a shirt, it can be changed."

It was my privilege to welcome these outstanding teachers to the National Teachers Hall of Fame, and on behalf of grateful parents and a grateful nation, to express thankfulness for their hard work and dedication.

#### COMMEMORATING THE 50TH ANNIVERSARY OF THE KOREAN WAR

##### HON. SAM GEJDENSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, July 25, 2000*

Mr. GEJDENSON. Mr. Speaker, it is with great appreciation today, on the fiftieth anniversary of the Korean War, to celebrate those who fought for this country and its ideals.

I respect those who served in the Korean War and for the more than 54,000 who didn't return. I commend the men and women who served valiantly and with little recognition. These brave veterans returned home and went back to work to make our country the greatest nation on Earth.

Because of this lack of attention, the Korean War has frequently been called "The Forgotten War." Today I say that we have not forgotten. To this day, American and South Korean troops stand watch on the Korean peninsula, living testaments to this critical episode in the annals of the Cold War. Millions of citizens in South Korea remember the sacrifices Americans made and cherish the freedom that we fought to preserve for them.

Let me also pay special tribute to those who have made it their mission to ensure we do not forget those who fought there and did not return. Bob Dumas, a constituent of mine, continues his untiring search for his brother, Roger, who remains MIA in North Korea. Remains of another twelve American servicemen were returned to the U.S. by North Korea on Saturday. I believe we must continue to press until we have accounted for all lost in the conflict.

Finally, let me challenge my colleagues to take this opportunity, while we are remembering this "Forgotten War," to renew our commitment to those who served with honor, those who fought bravely, and those who died with valor in the service of our country—our veterans. Whether they served at Chosin Reservoir, Bunker Hill, Bloody Ridge, or Heartbreak Ridge, let us respect their service and

sacrifice through fully supporting those programs which they truly deserve: adequate funding of medical facilities including mental health programs; more Community Based Outreach Clinics to bring health care closer to our aging veterans; more coordination among federal agencies for our homeless veterans; and continued support of education and rehabilitation. Given the sacrifices of our veterans, we owe them much more than just a debt of gratitude—we owe them the care that they earned.

#### ASSURING QUALITY OF ELDER CARE IN NURSING HOMES—THE INTRODUCTION OF H.R. 4898 TO REQUIRE AIR CONDITIONING IN NURSING HOMES

##### HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, July 25, 2000*

Mr. LANTOS. Mr. Speaker, on June 15th and 16th of this year, three elderly patients died at the SunBridge Care and Rehabilitation home in Burlingame, California, in my Congressional District and five others at the home were hospitalized during a heat wave when temperatures in the county soared to 108°. When county officials visited the nursing home in Burlingame during last month's heat wave, fans were pointed toward staff, while elderly people were dying. Those deaths are under investigation by state and local officials in California.

Mr. Speaker, we cannot have the federal government financially supporting nursing homes where conditions are life-threatening. That is why I have introduced H.R. 4898, legislation which will require air conditioning in nursing home facilities which receive Medicare or Medicaid funding. If the operators of these profit-making facilities are not willing to assure humane conditions for the elderly living there, they will not receive federal funds.

H.R. 4898 amends the Social Security Act to add the requirement for air conditioning to the specifications which nursing home facilities must meet in order to be eligible for federal funds. Because Medicare and Medicaid provide a major portion of the funding for many of the patients at most nursing homes in the country, this legislation will require virtually all such facilities to have air conditioning.

Mr. Speaker, these deaths in California occurred just a week after the release of a congressional study which was conducted at the request of the members of the Bay Area congressional delegation. This study revealed how substandard the conditions are in nursing homes in our area. The study found that only 6 percent of Bay Area nursing homes were in "substantial compliance" with federal standards, and 41 percent of homes were found to have violations of federal standards "that caused actual harm to residents or placed them at risk of death or serious injury." In short, this report says our nursing homes are in crisis, and corrective action is necessary. Just one week later we saw the consequences in the tragedy in Burlingame.

Mr. Speaker, this need for air conditioning is not just a California problem. The heat wave now affecting much of the Southern states over the past two weeks has been blamed for the deaths of at least 12 people in Texas and

four in Louisiana. Heat kills. It is an absolute outrage that elderly people in nursing homes are dying because it's too hot. We need to take action to protect our elderly who are in nursing homes. I urge my colleagues to join me as cosponsors of H.R. 4898 so that we can protect our elderly citizens, our father and mothers, grandfathers and grandmothers, brothers and sisters, and friends from the heat when they are cared for in nursing homes.

#### CHINA LAKE NAVY MUSEUM

##### HON. WILLIAM M. THOMAS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, July 25, 2000*

Mr. THOMAS. Mr. Speaker, on July 28th supporters of the Naval Air Warfare Center, Weapons Division, China Lake will gather together in Ridgecrest, California for the ribbon cutting of a new Navy museum dedicated to the history and achievements of the people who have worked at China Lake since the 1940s. As a Life Member of the Museum Foundation that is collecting private funds to create this monument, I support this effort to preserve a complete record of China Lake's record for future generations.

Those of us familiar with China Lake have a strong sense of what the Navy personnel and employees there have done for this Nation's defense. China Lake personnel developed the first Sidewinder air to air missile. China Lake has been the source of technological advances in cruise missiles, fuel-air munitions, infrared and other technologies that Americans in uniform rely on in their quest to defend the nation. It is a remarkable story proving what exceptional dedication can accomplish.

By building this museum, we can preserve a record of the achievements of people at China Lake. Those achievements are a source of justifiable pride in eastern Kern County, California. With this museum, they become a source of inspiration to visitors and to those important future Americans who will come to China Lake to solve new problems.

#### RECOGNIZING THE SHREWSBURY HIGH SCHOOL COLONIALS BASEBALL TEAM

##### HON. JAMES P. MCGOVERN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, July 25, 2000*

Mr. MCGOVERN. Mr. Speaker, I rise today to join the community of Shrewsbury, Massachusetts, in celebrating the outstanding performance of the Shrewsbury High School Colonials Baseball team. Their remarkable season came to an abrupt end on June 19th with their defeat in the Division 1 State Championship game. This defeat, however, could not detract from their extraordinary season.

The mentality of the Colonials' baseball team can be summed up in a common idiom—"comeback kids." However there is nothing "common" about this group of distinguished young men. This season, driven by the passionate leadership of Coach Dave Niro, the Colonials surprised many with late-inning

rallies, strong defense, and incredible hitting. As a matter of fact, four of their last six wins were come-from-behind victories. It was their "never-say-die" attitude that lifted the spirits and performance of the Shrewsbury High School Baseball team to a level that very few anticipated.

Teamwork was the key to the Colonials' highly successful season. Led on the field by co-captains Catcher Jimmy Board and First Baseman Jamie Buonomo, every player performed to the highest level. The sensational play of outfielders Shayne Barnes, Tommy Crossman, and Tim Kilroy, the outstanding defense of infielders Jon Bacotti, Alex Biaz, Ryan Bigda, Bill Orflea, and Andy Morano, the mastery of pitchers Shawn Walker, Lee Diamotopolous, Brendan Slavin and Mike Sigismondo, the clutch hitting by designated hitter Matt Vaccaro and the numerous contributions by players Bob Roddy, Nick Dion, Matt Amdur, Todd Cooksey, Tim Ford, and Brian Merchant helped make this season such a success. Also, special recognition must be extended to Head Coach Dave Niro, assistants P.J. O'Connell and Jay Costa, and manager Michelle Pessolano.

It is with tremendous pride that I recognize the members of the Shrewsbury High School Colonials Baseball team for an unforgettable

season. I congratulate them on their accomplishment and wish them the best of luck in the years to come.

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OVERSIGHT AND INVESTIGATIONS  
ON PORTALS BUILDING

**HON. RON KLINK**

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, July 25, 2000*

Mr. KLINK. Mr. Speaker, yesterday, the Commerce Committee received a letter from the Department of Justice which stated that the Department found that "there is not a sufficient basis to warrant a criminal investigation" concerning whether a document was "intentionally" withheld by Tennessee developer Franklin Haney or one of his business associates in a "deliberate" attempt to obstruct the Committee investigation of the lease for the Portals building. That building is now the headquarters of the Federal Communications Commission.

This letter marks the second time in two years that the Justice Department has rejected the majority's call for a criminal investigation because staff believed its Portals' work had

been obstructed. In December of 1998—after the Committee's year-long investigation and seven days of hearings resulted in a spectacularly unsuccessful attempt to uncover improper political influence in the leasing of the Portals building—the majority wrote a staff report outlining its unsubstantiated suspicions and asked Justice to determine if the witnesses had made false statements "under oath in a deliberate effort to mislead the Committee and obstruct its legitimate fact-finding processes."

This referral was made, even though not a single witness testified to improper influence, and not a single document provided the necessary evidence. Justice responded by stating that there was no "specific and credible" evidence to support the allegations of perjury and conspiracy.

The majority has never accepted the results of their own investigation or even the FBI's. The FBI has already done an extensive investigation of the origins of and statements in the unproduced document and obtained no evidence to warrant prosecution. So now apparently the allegation is that if the Committee had had the document, it could have done a better job. Nothing in the Committee's history indicates any truth in that statement.

## SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules committee—of the time, place, and purpose of the meetings, when scheduled, and

any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, July 27, 2000 may be found in the Daily Digest of today's RECORD.

## MEETINGS SCHEDULED

SEPTEMBER 26

9:30 a.m.

Veterans' Affairs

To hold joint hearings with the House Committee on Veterans' Affairs on the Legislative recommendation of the American Legion.

345 Cannon Building



# Daily Digest

## HIGHLIGHTS

House committees ordered reported 37 sundry measures

## Senate

### Chamber Action

*Routine Proceedings, pages S7587–S7721*

**Measures Introduced:** Twenty bills and two resolutions were introduced, as follows: S. 2922–2941, and S. Res. 343–344. **Pages S7655–56**

**Measures Reported:** Reports were made as follows:

S. 1586, to reduce the fractionated ownership of Indian Lands, with an amendment in the nature of a substitute. (S. Rept. No. 106–361)

H.R. 1729, to designate the Federal facility located at 1301 Emmet Street in Charlottesville, Virginia, as the “Pamela B. Gwin Hall”.

H.R. 1901, to designate the United States border station located in Pharr, Texas, as the “Kika de la Garza United States Border Station”.

H.R. 1959, to designate the Federal building located at 743 East Durango Boulevard in San Antonio, Texas, as the “Adrian A. Spears Judicial Training Center”.

H.R. 4608, to designate the United States courthouse located at 220 West Depot Street in Greeneville, Tennessee, as the “James H. Quillen United States Courthouse”.

S. 2253, to authorize the establishment of a joint United States-Canada commission to study the feasibility of connecting the rail system in Alaska to the North American continental rail system; and for other purposes, with an amendment in the nature of a substitute. **Page S7655**

**Measures Passed:**

**World Bank AIDS Prevention Trust Fund Act:** Committee on Foreign Relations was discharged from further consideration of H.R. 3519, to provide for negotiations for the creation of a trust fund to be administered by the International Bank for Reconstruction and Development of the International Development Association to combat the AIDS epi-

demic, and the bill was then passed, after agreeing to the following amendment proposed thereto:

**Pages S7619–24**

Bennett (for Helms) Amendment No. 4018, in the nature of a substitute. **Page S7619**

**Indian Land Consolidation Act Amendments:** Senate passed S. 1586, to reduce the fractionated ownership of Indian Lands, after agreeing to a committee amendment in the nature of a substitute, and the following amendment proposed thereto:

**Pages S7704–14**

DeWine (for Campbell) Amendment No. 4019, in the nature of a substitute. **Pages S7708–14**

**Honoring Medal of Honor Recipients:** Committee on Armed Services was discharged from further consideration of H. Con. Res. 351, recognizing Heroes Plaza in the City of Pueblo, Colorado, as honoring recipients of the Medal of Honor, and the resolution was then agreed to. **Page S7714**

**Semipostal Authorization Act:** Senate passed H.R. 4437, to grant to the United States Postal Service the authority to issue semipostals, clearing the measure for the President. **Pages S7714–15**

**Fugitive Apprehension Act:** Senate passed S. 2516, to fund task forces to locate and apprehend fugitives in Federal, State, and local felony criminal cases and give administrative subpoena authority to the United States Marshals Service, after agreeing to a committee amendment in the nature of a substitute, and the following amendment proposed thereto: **Pages S7715–20**

DeWine (for Thurmond) Amendment No. 4020, to impose nondisclosure requirements. **Pages S7716–20**

**Treasury/Postal Service Appropriations:** Senate began consideration of H.R. 4871, making appropriations for the Treasury Department, the United States Postal Service, the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending September 30, 2001.

**Pages S7590–S7619, S7624–29**

During consideration of this measure today, Senate also took the following action:

By a unanimous vote of 97 yeas (Vote No. 227), three-fifths of those Senators duly chosen and sworn, having voted in the affirmative, Senate agreed to the motion to close further debate on the motion to proceed to the bill, listed above. **Page S7590**

**PNTR for China:** Senate began consideration of the motion to proceed to the consideration of H.R. 4444, to authorize extension of nondiscriminatory treatment (normal trade relations treatment) to the People's Republic of China, and to establish a framework for relations between the United States and the People's Republic of China. **Page S7590**

A motion was entered to close further debate on the motion to proceed to the consideration of the bill and, in accordance with the provisions of Rule XXII of the Standing Rules of the Senate, a vote on the cloture motion will occur on Friday, July 28, 2000, or by unanimous consent, may occur on Thursday, July 27, 2000. **Page S7590**

Subsequently, the motion to proceed was withdrawn. **Page S7590**

**Intelligence Authorization:** Senate continued consideration of the motion to proceed to the consideration of S. 2507, to authorize appropriations for fiscal year 2001 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System. **Page S7629**

During consideration of this measure today, Senate also took the following action:

By 96 yeas to 1 nay (Vote No. 228), three-fifths of those Senators duly chosen and sworn, having voted in the affirmative, Senate agreed to the motion to close further debate on the motion to proceed to the bill, listed above. **Page S7629**

A unanimous-consent agreement was reached providing for the adoption of the motion to proceed to consideration of the bill, to occur on Thursday, July 27, 2000.

**Energy/Water Development Appropriations—Agreement:** A unanimous-consent agreement was reached providing for a vote on the motion to close further debate on the motion to proceed to the consideration of H.R. 4733, making appropriations for energy and water development for the fiscal year ending September 30, 2001, to occur at approximately 11:30 a.m., on Thursday, July 27, 2000. **Page S7627**

**Defense Appropriations Conference Report—Agreement:** A unanimous-consent-time agreement was reached providing for the consideration of the conference report to H.R. 4576, making appropri-

tions for the Department of Defense for the fiscal year ending September 30, 2001, on Thursday, July 27, 2000, with a vote on adoption of the conference report to occur at 3:15 p.m. **Page S7630**

**Tribal Self-Governance Amendments:** Senate agreed to the amendments of the House to the Senate amendment to H.R. 1167, to amend the Indian Self-Determination and Education Assistance Act to provide for further self-governance by Indian tribes, clearing the measure for the President. **Page S7715**

#### **Appointment:**

**Commission on the National Military Museum:** The Chair, on behalf of the Democratic Leader, and in consultation with the ranking member of the Senate Committee on Armed Services, pursuant to Public Law 106-65, announced the appointment of Alan L. Hansen, AIA, of Virginia, to serve as a member of the Commission on the National Military Museum. **Page S7573 (Record of 7-25-00)**

**Authority for Committees:** All committees were authorized to file legislative reports during the adjournment of the Senate on Friday, August 25, 2000, from 11:00 a.m. to 1:00 p.m. **Page S7720**

**Messages from the President:** Senate received the following message from the President of the United States:

Transmitting, pursuant to law, the Twenty-first Annual Report of the Federal Labor Relations Authority for fiscal year 1999; to the Committee on Governmental Affairs. (PM-122) **Page S7653**

**Nominations Confirmed:** Senate confirmed the following nomination:

Mildred Spiewak Dresselhaus, of Massachusetts, to be Director of the Office of Science, Department of Energy. (New Position) **Pages S7704, S7721**

**Nominations Received:** Senate received the following nominations:

Geoff Bacino, of Illinois, to be a Member of the National Credit Union Administration Board for the term of six years expiring August 2, 2005.

David Z. Plavin, of New York, to be a Member of the Federal Aviation Management Advisory Council for a term of one year. (New Position)

Edward E. Kaufman, of Delaware, to be a Member of the Broadcasting Board of Governors for a term expiring August 13, 2003. (Reappointment)

Alberto J. Mora, of Florida, to be a Member of the Broadcasting Board of Governors for a term expiring August 13, 2003. (Reappointment)

Sue Bailey, of Maryland, to be Administrator of the National Highway Traffic Safety Administration.

3 Air Force nominations in the rank of general.

16 Army nominations in the rank of general.

2 Marine Corps nominations in the rank of general.

1 Navy nomination in the rank of admiral.

Pages S7720–21

#### Nominations Withdrawn:

Senate received notification of the withdrawal of the following nomination:

John R. Simpson, of Maryland, to be a Commissioner of the United States Parole Commission for a term of six years. (Reappointment), which was sent to the Senate on July 19, 1999.

Page S7721

#### Messages From the President:

Page S7653

#### Messages From the House:

Pages S7653–54

#### Measures Referred:

Page S7654

#### Measures Placed on Calendar:

Page S7654

#### Communications:

Pages S7654–55

#### Executive Reports of Committees:

Page S7655

#### Statements on Introduced Bills:

Pages S7656–89

#### Additional Cosponsors:

Pages S7689–90

#### Amendments Submitted:

Pages S7694–S7703

#### Authority for Committees:

Pages S7703–04

#### Additional Statements:

Pages S7651–53

#### Privileges of the Floor:

Page S7704

Record Votes: Two record votes were taken today. (Total—228)

Pages S7590, S7629

**Adjournment:** Senate convened at 9:31 a.m., and adjourned at 8:04 p.m., until 9:30 a.m., on Thursday, July 27, 2000. (For Senate's program, see the remarks of the Acting Majority Leader in today's Record on page S7720.)

## Committee Meetings

(Committees not listed did not meet)

### FEDERAL SUGAR PROGRAM

*Committee on Agriculture, Nutrition, and Forestry:* Committee concluded oversight hearings to review U.S. sugar policy and the federal sugar program, after receiving testimony from Senators Dorgan, Breaux, and Abraham; Representatives Mink and Dan Miller; August Schumacher, Jr., Under Secretary of Agriculture for Farm and Foreign Agricultural Services; Carol Brick-Turin, CBT Consulting, Annandale, Virginia; Ira S. Shapiro, Long, Aldridge and Norman, on behalf of the Coalition for Sugar Reform, Arthur S. Jaeger, Consumer Federation of America, John E. Frydenlund, Citizens Against Government Waste, Nicholas Kominus, United States Cane Sugar Refiners' Association, Shannon A. Estenoz, on behalf of the Everglades Coalition and World Wildlife Fund,

and Lindsay McLaughlin, International Longshore and Warehouse Union, all of Washington, D.C.; Thomas A. Hammer, Sweetener Users Association, Falls Church, Virginia; Mark D. Perry, Florida Oceanographic Society, Stuart, Florida; Ray VanDriessche, Bay City, Michigan, on behalf of the American Sugarbeet Growers Association; James J. Horvath, American Crystal Sugar Company, Moorhead, Minnesota; E. Alan Kennett, Gay and Robinson, Kaumakani, Hawaii; Jack F. Lay, Refined Sugars, Inc., Yonkers, New York; and David Orden, Virginia Polytechnic Institute Department of Agricultural and Applied Economics, Blacksburg.

### NOMINATIONS

*Committee on Armed Services:* Committee concluded hearings on the nominations of Donald Mancuso, of Virginia, to be Inspector General, Department of Defense, Roger W. Kallock, of Ohio, to be Deputy Under Secretary of Defense for Logistics and Material Readiness, and James Edgar Baker, of Virginia, to be a Judge of the United States Court of Appeals for the Armed Forces, after the nominees testified and answered questions in their own behalf. Mr. Kallock was introduced by Senator Voinovich.

### BROADBAND INTERNET REGULATION

*Committee on Commerce, Science, and Transportation:* Committee concluded hearings on S. 2902, to revise the definition of advanced service, which focuses on high-speed broadband Internet access and advanced services market issues, after receiving testimony from J. Shelby Bryan, ICG Communications, Inc., Englewood, Colorado; James D. Ellis, SBC Communications, Inc., San Antonio, Texas; Arne L. Haynes, Rainier Group, Eatonville, Washington; Robert Taylor, Focal Communications, Chicago, Illinois, on behalf of the Association for Local Telecommunications Services; Sue Ashdown, XMission, Salt Lake City, Utah, on behalf of the American Internet Service Providers Association; Thomas J. Duesterberg, Manufacturers Alliance/MAPI, Inc., Arlington, Virginia; James K. Glassman, American Enterprise Institute, on behalf of the TechCentralStation.com, and Peter Pitsch, Intel Corporation, on behalf of the Information Technology Industry Council, both of Washington, D.C.; and Eric Struminger, Paine Webber, New York, New York.

### NATURAL GAS SUPPLY

*Committee on Energy and Natural Resources:* Committee concluded oversight hearings to examine America's status of natural gas supplies in light of rapidly increasing demand, after receiving testimony from David J. Hayes, Deputy Secretary of the Interior; T.J. Glauthier, Deputy Secretary, and Mary J. Hutzler, Director, Office of Integrated Analysis and

Forecasting, Energy Information Administration, both of the Department of Energy; G. Warfield Hobbs, IV, American Association of Petroleum Geologists, New Canaan, Connecticut; and Paul L. Kelly, Rowan Companies, Inc., and Matthew R. Simmons, Simmons and Company International, both on behalf of the National Petroleum Council, and Michael L. Johnson, Conoco Inc., on behalf of the Natural Gas Supply Association, all of Houston, Texas.

## DRAFT ENVIRONMENTAL IMPACT STATEMENT

*Committee on Energy and Natural Resources:* Subcommittee on Forests and Public Land Management concluded oversight hearings on the Draft Environmental Impact Statement implementing the October 1999 announcement by the President to review approximately 40 million acres of national forest lands for increased protection, focusing on conserving and enhancing the important social and ecological values of roadless areas within the National Forest System, after receiving testimony from James R. Furnish, Deputy Chief, National Forest System, Forest Service, Department of Agriculture.

## BUSINESS MEETING

*Committee on Environment and Public Works:* Committee ordered favorably reported the following business items:

S. 2417, to amend the Federal Water Pollution Control Act to increase funding for State nonpoint source pollution control programs, with amendments;

S. 1109, to conserve global bear populations by prohibiting the importation, exportation, and interstate trade of bear viscera and items, products, or substances containing, or labeled or advertised as containing, bear viscera;

S. 2878, to commemorate the centennial of the establishment of the first national wildlife refuge in the United States on March 14, 1903;

H.R. 1729, to designate the Federal facility located at 1301 Emmet Street in Charlottesville, Virginia, as the "Pamela B. Gwin Hall";

H.R. 1901, to designate the United States border station located in Pharr, Texas, as the "Kika de la Garza United States Border Station";

H.R. 1959, to designate the Federal building located at 743 East Durango Boulevard in San Antonio, Texas, as the "Adrian A. Spears Judicial Training Center";

H.R. 4608, to designate the United States courthouse located at 220 West Depot Street in Greeneville, Tennessee, as the "James H. Quillen United States Courthouse"; and

The nominations of Arthur C. Campbell, of Tennessee, to be Assistant Secretary of Commerce for Economic Development, and Ella Wong-Rusinko, of Virginia, to be Alternate Federal Co-chairman of the Appalachian Regional Commission.

## NOMINATIONS

*Committee on Finance:* Committee concluded hearings on the nominations of Robert S. LaRussa, of Maryland, to be Under Secretary of Commerce for International Trade, Jonathan Talisman, of Maryland, to be Assistant Secretary of the Treasury for Tax Policy, Ruth Martha Thomas, of the District of Columbia, to be a Deputy Under Secretary of the Treasury, and Lisa Gayle Ross, of the District of Columbia, to be Assistant Secretary of the Treasury for Management and Chief Financial Officer, after the nominees testified and answered questions in their own behalf. Mr. LaRussa was introduced by Representative Levin, and Ms. Thomas was introduced by Representative Gejdenson.

## BUSINESS MEETING

*Committee on Foreign Relations:* Committee ordered favorably reported the following business items:

An original bill to authorize assistance for international malaria control, and to provide for coordination and consultations in providing assistance under the Foreign Assistance Act of 1961 with respect to malaria, HIV, and tuberculosis;

S. 2253, to authorize the establishment of a joint United States-Canada commission to study the feasibility of connecting the rail system in Alaska to the North American continental rail system, with an amendment in the nature of a substitute;

S. Con. Res. 131, commemorating the 20th anniversary of the workers' strikes in Poland that led to the creation of the independent trade union Solidarnosc, with amendments;

S. Res. 334, expressing appreciation to the people of Okinawa for hosting United States defense facilities, commending the Government of Japan for choosing Okinawa as the site for hosting the summit meeting of the G-8 countries, with amendments;

Inter-American Convention for the Protection and Conservation of Sea Turtles, with Annexes, done at Caracas December 1, 1996, (the "Convention"), which was signed by the United States, subject to ratification, on December 13, 1996. (Treaty Doc. 105-48), with three understandings, five declarations, and two provisos;

Food Aid Convention 1999, which was opened for signature at the United Nations Headquarters, New York, from May 1 through June 30, 1999. Convention was signed by the United States June 16, 1999. (Treaty Doc. 106-14), with three declarations, and one proviso;

Convention (No. 176) Concerning Safety and Health in Mines, adopted by the International Labor Conference at its 82nd Session in Geneva on June 22, 1995. (Treaty Doc. 106–8), with two understanding, two declarations, and two provisos; and

The nominations of Richard A. Boucher, of Maryland, to be Assistant Secretary of State for Public Affairs, Everett L. Mosley, of Virginia, to be Inspector General, Agency for International Development, and Michael G. Kozak, of Virginia, to be Ambassador to the Republic of Belarus.

#### PUBLIC INTEREST DECLASSIFICATION

*Committee on Governmental Affairs:* Committee concluded hearings on S. 1801, to provide for the identification, collection, and review for declassification of records and materials that are of extraordinary public interest to the people of the United States, after receiving testimony from Senator Moynihan; Representative Goss; Steven Garfinkel, Director, Information Security Oversight Office, National Archives and Records Administration; R. James Woolsey, Shea and Gardner, former Director of Central Intelligence, and Steven Aftergood, Federation of American Scientists, both of Washington, D.C.; and Warren F. Kimbal, Rutgers University, Newark, New Jersey.

#### MT. CARMEL COMPLEX REPORT

*Committee on the Judiciary:* Subcommittee on Administrative Oversight and the Courts concluded hearings on the interim report to the Attorney General concerning the 1993 confrontation at the Mt. Carmel Complex, after receiving testimony from former Senator John C. Danforth, Special Counsel, Department of Justice.

#### AMERICANS WITH DISABILITIES

*Committee on Health, Education, Labor, and Pensions:* Committee concluded hearings to examine the progress made since the enactment the Americans with Disabilities Act ten years ago, focusing on progress made toward eliminating segregation, discrimination, and exclusion of people with disabilities from the benefits and opportunities afforded to other citizens, after receiving testimony from Judith E. Heumann, Assistant Secretary of Education for Special Education and Rehabilitative Services; Rebecca L. Ogle, Executive Director, Presidential Task Force on Employment of Adults with Disabilities; Peggy R. Mastroianni, Associate Legal Counsel, Equal Employment Opportunity Commission; Elizabeth Savage, Counsel to the Acting Assistant Attorney General, Civil Rights Division, Department of Justice; Melanie Fry, Minnesota Department of Human Services, St. Paul, Barbara Judy, Job Accommodation Network, Morgantown, West Virginia, and Santiago

Rodriguez, Microsoft Corporation, Redmond, Washington, all on behalf of the President's Committee on Employment of People with Disabilities; Mia Peterson, Capabilities Unlimited, Inc., Cincinnati, Ohio, on behalf of the National Down Syndrome Society; Deborah Lisi-Baker, Vermont Center for Independent Living, Montpelier; Jonathan F. Kessel, Washington, D.C.; John Pak, Greenbelt, Maryland; and Jesse Leaman, Laurel, Maryland.

#### HEALTH CARE DISPARITIES

*Committee on Health, Education, Labor, and Pensions:* Subcommittee on Public Health concluded hearings to examine health care disparities among women, minorities, and rural under-served populations, and the actions of the National Institutes of Health to address these disparities, as well as review any relevant legislation designed to address the issues of health disparities, after receiving testimony from Representatives Watts, John Lewis, and Jackson; Ruth L. Kirschstein, Acting Director, National Institutes of Health, Department of Health and Human Services; Louis W. Sullivan, Morehouse College School of Medicine, Atlanta, Georgia, on behalf of the Association of Minority Health Professions Schools; John Maupin, Meharry Medical College, Nashville, Tennessee; Elena Rios, on behalf of the Hispanic-Serving Health Professions Schools, Inc., and National Hispanic Medical Association, and Phyllis Greenberger, Society for Women's Health Research, both of Washington, D.C.; and Gilbert H. Friedell, University of Kentucky Markey Cancer Center, Lexington, on behalf of the Intercultural Cancer Council.

#### BUSINESS MEETING

*Committee on Small Business:* Committee ordered favorably reported S. 1594, to amend the Small Business Act and Small Business Investment Act of 1958, with an amendment in the nature of a substitute.

#### BUSINESS MEETING

*Select Committee on Indian Affairs:* Committee ordered favorably reported the following bills:

S. 2283, to amend the Transportation Equity Act for the 21st Century to make certain amendments with respect to Indian tribes, with an amendment in the nature of a substitute;

S. 2872, to improve the cause of action for misrepresentation of Indian arts and crafts; and

H.R. 2647, to amend the Act entitled "An Act relating to the water rights of the Ak-Chin Indian Community" to clarify certain provisions concerning the leasing of such water rights.

**INDIAN GAMING ACTIVITIES**

*Select Committee on Indian Affairs:* Committee concluded oversight hearings to examine the activities of the National Indian Gaming Commission which monitors and regulates certain forms of gaming conducted by Indian tribes on Indian lands, after receiving testimony from Montie R. Deer, Chairman, National Indian Gaming Commission; Richard G. Hill, National Indian Gaming Association, Washington, D.C.; Delores Pigsley, Confederated Tribes of Siletz Indians, Siletz, Oregon; and Tracy Burris, Oklahoma Indian Gaming Association, Durant.

**AUTHORIZATION—INDIAN HEALTH CARE IMPROVEMENT ACT**

*Select Committee on Indian Affairs:* Committee resumed hearings on S. 2526, to amend the Indian Health Care Improvement Act to revise and extend such Act, receiving testimony from John J. Callahan, Assistant Secretary of Health and Human Services for Management and Budget; Melissa McNiel, Cherokee Nation, Tahlequah, Oklahoma; Barbara Namias, North American Indian Center of Boston, Inc., Jamaica Plain, Massachusetts, on behalf of the National Council of Urban Indian Health; and Virginia Hill, Southern Indian Health Council, Inc., Alpine, California, on behalf of the Southern California Tribal Chairmen's Association, Inc.

Hearings recessed subject to call.

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## House of Representatives

**Chamber Action**

**Reports Filed:** Reports were filed today as follows.

H.R. 4678, to provide more child support money to families leaving welfare, to simplify the rules governing the assignment and distribution of child support collected by States on behalf of children, to improve the collection of child support, to promote marriage, amended (H. Rept. 106-793, Pt. 1); and

H. Res. 564, providing for consideration of the bill (H.R. 4865) to amend the Internal Revenue Code of 1986 to repeal the 1993 income tax increase on Social Security benefits (H. Rept. 106-795).

Page H7092

**Speaker Pro Tempore:** Read a letter from the Speaker wherein he designated Representative Ose to act as Speaker pro tempore for today.

Page H7005

**Suspensions:** The House agreed to suspend the rules and pass the following measures debated on July 25:

**Bulletproof Vest Partnership Grants:** H.R. 4033, amended, to amend the Omnibus Crime Control and Safe Streets Act of 1968 to clarify the procedures and conditions for the award of matching grants for the purchase of armor vests (passed by a yeas and nays vote of 413 yeas to 3 nays, Roll No. 439); and

Pages H7008-09

**Postponed Illegal Pornography Prosecution:** H.R. 4710, to authorize appropriations for the prosecution of obscenity cases (passed by a yeas and nays vote of 412 yeas to 4 nays, Roll No. 440).

Page H7009

**Trade Waiver for Vietnam:** The House failed to pass H.J. Res. 99, disapproving the extension of the waiver authority contained in section 402(c) of the Trade Act of 1974 with respect to Vietnam by a yeas and nays vote of 91 yeas to 332 nays, Roll No. 441.

Pages H7009-20

**District of Columbia Appropriations:** The House completed general debate and began considering amendments to H.R. 4942, making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against revenues of said District for the fiscal year ending September 30, 2001.

Pages H7026-58

Agreed To:

Istook amendment No. 1 printed in H. Rept. 106-790 that makes available \$100,000 for Metro-rail construction;

Pages H7036-37

Points of Order Sustained Against:

Moran amendment No. 12 printed in the Congressional Record that sought to strike Section 164 dealing with the District of Columbia Health and Hospitals Public Benefit Corporation;

Pages H7040-41

Norton amendment No. 22 printed in the Congressional Record that sought to strike all of the General Provisions in the bill;

Pages H7041-44

Moran amendment No. 13 printed in the Congressional Record that sought to strike sections 128 and 129 dealing with the granting of preferences in the use of surplus school properties to public charter schools and modifications of contracting requirements;

Pages H7046-48

Section 153 that sought to specify funding from the National Highway System;

Page H7054

**Amendments Offered:**

Souder amendment No. 2 printed in H. Rept. 106–790 that seeks to prohibit the use of any funding for needle exchange programs; and

**Pages H7050–53**

Norton amendment No. 23 printed in the Congressional Record that seeks to strike Section 168 that specifies that the Health Insurance Coverage for Contraceptives Act of 2000 shall not take effect.

**Pages H7055–58**

H. Res. 563, the rule that is providing for consideration of the bill was agreed to by a yeas and nays vote of 217 yeas to 203 nays, Roll No. 442.

**Pages H7021–26**

**Order of Business—District of Columbia Appropriations:** Agreed that during further consideration of H.R. 4942, no amendment shall be in order except pro forma amendments offered by the Chairman or ranking member of the Committee on Appropriations or their designees for the purpose of debate, the amendments printed in H. Rept. 106–790, and amendments No. 23 and 13 printed in the Congressional Record.

**Page H7044**

**DOD Authorizations—Send to Conference:** The House disagreed with the Senate amendment to H.R. 4205, to authorize appropriations for fiscal year 2001 for military activities of the Department of Defense and for military construction, to prescribe military personnel strengths for fiscal year 2001 and agreed to a conference.

**Pages H7058–61**

Representative Taylor of Mississippi offered a motion to instruct conferees to insist upon the provisions contained in section 725, relating to the Medicare subvention project for military retirees and dependents of the House bill. Further proceedings on the motion were postponed.

**Pages H7058–61**

**Presidential Message—Federal Labor Relations Authority:** Read a letter from the President wherein he transmitted the 21st Annual Report of the Federal Labor Relations Authority for fiscal year 1999—referred to the Committee on Government Reform.

**Page H7061**

**Recess:** The House recessed at 7:40 p.m. and reconvened at 11:28 p.m.

**Page H7090**

**Senate Messages:** Message received from the Senate today appears on page H7005.

**Quorum Calls—Votes:** Four yeas and nays votes developed during the proceedings of the House today and appear on pages H7008–09, H7009, H7020, and H7026. There were no quorum calls.

**Adjournment:** The House met at 10 a.m. and at 11:30 p.m. stands in recess until 7 a.m. on Thursday, July 27.

## *Committee Meetings*

### **FEDERAL FARM POLICY**

*Committee on Agriculture:* Concluded hearings to review federal farm policy. Testimony was heard from public witnesses.

### **NATIONAL ENERGY STRATEGY**

*Committee on Appropriations:* Subcommittee on Interior held a hearing on National Energy Strategy. Testimony was heard from the following officials of the Department of Energy: Mark J. Mazur, Administrator, Energy Information Administration; Robert Kripowicz, Principal Deputy Assistant Secretary, Fossil Energy; and Dan Reicher, Assistant Secretary, Energy Efficiency and Renewable Energy; William Keese, Chairman, Energy Commission, State of California; and F. William Valentino, President, Energy Research and Development Authority, State of New York.

### **MISCELLANEOUS MEASURES**

*Committee on Commerce:* Ordered reported, as amended, the following bills: H.R. 4541, Commodity Futures Modernization Act of 2000; and H.R. 3250, Health Care Fairness Act of 1999.

### **SCIENTIFICALLY BASED EDUCATION RESEARCH, STATISTICS, EVALUATION, AND INFORMATION ACT**

*Committee on Education and the Workforce:* Subcommittee on Early Childhood, Youth, and Families approved for full Committee action, as amended, H.R. 4875, Scientifically Based Education Research, Statistics, Evaluation, and Information Act of 2000.

### **OVERSIGHT—COMPUTER SECURITY**

*Committee on Government Reform:* Subcommittee on Government Management, Information and Technology held an oversight hearing on Computer Security: Cyber Attacks—War Without Borders. Testimony was heard from the following officials of the Department of Justice: Michael Vatis, Director, National Infrastructure Protection Center, FBI; and Edgar A. Adamson, Chief, U.S. National Central Bureau-Interpol; the following officials of the Department of Defense: Richard C. Schaeffer, Jr., Director, Infrastructure and Information Assurance, Office of the Assistant Secretary (Command, Control, Communication, and Intelligence); and Mario Balakgie, Chief Information Assurance Officer, Defense Intelligence Agency; Jack Brock, Director, Government-wide and Defense Information Systems, GAO; and public witnesses.



**COMBATING TERRORISM**

*Committee on Government Reform:* Subcommittee on National Security, Veterans' Affairs and International Relations held a hearing on Combating Terrorism: Assessing Threats, Risk Management and Establishing Priorities. Testimony was heard from Norman Rabkin, Director, National Security and International Affairs Division, GAO; Ambassador L. Paul Bremer, III, Chairman, National Commission on Terrorism; Raphael F. Perl, Specialist in International Affairs, Congressional Research Service, Library of Congress; and public witnesses.

The Subcommittee also met in executive session to hold a hearing on this subject. Testimony was heard from departmental witnesses.

**INTERNATIONAL CRIMINAL COURT**

*Committee on International Relations:* Concluded hearings on The International Criminal Court: Recent Developments, Part 11. Testimony was heard from David Scheffer, Ambassador-at-Large, War Crimes Issues, Department of State; and Walter Slocombe, Under Secretary, Policy, Department of Defense.

**U.S. RELATIONS WITH BRAZIL**

*Committee on International Relations:* Subcommittee on Western Hemisphere held a hearing on U.S. Relations with Brazil: Strategic Partners or Regional Competitors? Testimony was heard from Linda Eddleman, Deputy Assistant Secretary, Bureau of Western Hemisphere Affairs, Department of State; and public witnesses.

**MISCELLANEOUS MEASURES**

*Committee on the Judiciary:* Ordered reported the following bills: H.R. 4640, amended, DNA Analysis Backlog Elimination Act of 2000; H.R. 4292, the Born-Alive Infants Protection Act of 2000; and H.R. 2883, amended, Adopted Orphans Citizenship Act.

**MISCELLANEOUS MEASURES**

*Committee on Resources:* Ordered reported the following measures: H. Con. Res. 345, expressing the sense of the Congress regarding the need for cataloging and maintaining public memorials commemorating military conflicts of the United States and the service of individuals in the Armed Forces; S. 624, amended, Fort Peck Reservation Rural Water System Act of 1999; S. 1027, Deschutes Resources Conservancy Reauthorization Act of 1999; H.R. 1124, amended, Fort Peck Reservation Rural Water System Act of 1999; S. 1288, Community Forest Restoration Act; H.R. 1460, to amend the Ysleta del Sur Pueblo and Alabama and Coushatta Indian Tribes of Texas Restoration Act to decrease the requisite blood quantum required for membership in the Ysleta del Sur Pueblo tribe; S. 1694, amended, Hawaii Water Resources

Reclamation Act of 2000; H.R. 1751, amended, Carrizo Plain National Conservation Area Act of 1999; H.R. 2090, amended, Exploration of the Seas Act; H.R. 2267, amended, Willing Seller Amendments of 1999 to the National Trails System Act; H.R. 2674, amended, Palmetto Bend Conveyance Act; H.R. 2752, amended, Lincoln County Land Act of 1999; H.R. 2798, amended, Pacific Salmon Recovery Act of 1999; H.R. 3241, amended, to direct the Secretary of the Interior to recalculate the franchise fee owed by Fort Sumter Tours, Inc., a concessioner providing service to Fort Sumter National Monument in South Carolina; H.R. 3388, amended, Lake Tahoe Restoration Act; H.R. 3520, amended, White Clay Creek Wild and Scenic Rivers System Act; H.R. 3632, amended, Golden Gate National Recreation Area Boundary Adjustment Act of 2000; H.R. 3745, amended, Effigy Mounds National Monument Additions Act; H.R. 4144, amended, Coal Accountability and Retired Employee Act of the 21st Century; H.R. 4226, amended, Black Hills National Forest and Rocky Mountain Research Station Improvement Act; H.R. 4318, amended, Red River National Wildlife Refuge Act; H.R. 4521, amended, 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; H.R. 4643, Torres-Martinez Desert Cahuilla Indians Claims Settlement Act; H.R. 4725, amended, to amend the Zuni Land Conservation Act of 1990 to provide for the expenditure of Zuni funds by that tribe; H.R. 4790, amended, Hunting Heritage Protection Act; H.R. 4840, amended, Atlantic Coastal Fisheries Act of 2000; and H.R. 4847, amended, to direct the Secretary of the Interior to refund certain amounts received by the United States pursuant to the Reclamation Reform Act of 1982.

The Committee also considered but deferred action on H.R. 4125, to provide a grant under the urban park and recreation recovery program to assist in the development of a Millennium Cultural Cooperative Park in Youngstown, Ohio.

**SOCIAL SECURITY BENEFITS TAX RELIEF ACT**

*Committee on Rules:* Granted, by voice vote, a modified closed rule providing 1 hour of debate on H.R. 4865, Social Security Benefits Tax Relief Act of 2000. The rule waives all points of order against the bill and against its consideration. The rule provides that the amendment recommended by the Committee on Ways and Means now printed in the bill shall be considered as adopted. The rule provides for consideration of the amendment in the nature of a

substitute printed in the Rules Committee report accompanying the resolution, if offered by Representative Pomeroy or his designee, which shall be considered as read and shall be separately debatable for one hour equally divided between the proponent and an opponent. The rule waives all points of order against the amendment in the nature of a substitute. Finally, the rule provides one motion to recommit with or without instructions. Testimony was heard from Chairman Archer and Representatives Kanjorski, Pomeroy, Green of Texas and Capuano.

### MISCELLANEOUS MEASURES

*Committee on Science:* Ordered reported, as amended, the following bills: H.R. 2413, Computer Security Enhancement Act of 1999; H.R. 4429, Electronic Commerce Enhancement Act of 2000; and H.R. 4271, National Science Education Act.

### MISCELLANEOUS MATTERS

*Committee on Transportation and Infrastructure:* Ordered reported the following measures: S. 1794, to designate the Federal courthouse at 145 East Simpson Avenue in Jackson, Wyoming, as the "Clifford P. Hansen Federal Courthouse"; H.R. 2163, amended, to designate the United States courthouse located at 500 Pearl Street in New York City, New York, as the "Ted Weiss United States Courthouse"; H.R. 3378, amended, Tijuana River Valley Estuary and Beach Sewage Cleanup Act of 1999; and H.R. 4104, amended, Mississippi Sound Restoration Act of 2000.

The Committee also approved the following: GSA Courthouse Construction Program for fiscal year 2001; an Out-of-cycle Lease prospectus; an 11 (b) Resolution; an Out-of-cycle repair and alteration prospectus; and Corps of Engineer survey resolutions.

## Joint Meetings

### APPROPRIATIONS—LABOR, HEALTH, HUMAN SERVICES, AND EDUCATION

*Conferees* continued to meet to resolve differences between the Senate and House passed versions 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, but did not complete action thereon, and will meet again tomorrow.

### NEW PUBLIC LAWS

(For last listing of Public Laws, see DAILY DIGEST, p. D822)

S. 1892, to authorize the acquisition of the Valles Caldera, to provide for an effective land and wildlife management program for this resource within the

Department of Agriculture. Signed July 25, 2000. (P.L. 106-248)

## COMMITTEE MEETINGS FOR THURSDAY, JULY 27, 2000

(Committee meetings are open unless otherwise indicated)

### Senate

*Special Committee on Aging:* to hold hearings to examine staff shortages for nursing home residents, 9:30 a.m., SD-628.

*Committee on Agriculture, Nutrition, and Forestry:* to hold hearings to review proposals to establish an international school lunch program, 9 a.m., SH-216.

*Committee on Commerce, Science, and Transportation:* to hold hearings to examine antitrust issues in the airline industry, focusing on trends in the industry, the impact that a reduction of competitors might have on competition and concentration levels at hubs, 9:30 a.m., SR-253.

*Committee on 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, 9:30 a.m., SD-366.

Subcommittee on National Parks, Historic Preservation, and Recreation, to hold hearings on S. 1734, to authorize the Secretary of the Interior to contribute funds for the establishment of an interpretative center on the life and contributions of President Abraham Lincoln; H.R. 3084, to authorize the Secretary of the Interior to contribute funds for the establishment of an interpretative center on the life and contributions of President Abraham Lincoln; S. 2345, to direct the Secretary of the Interior to conduct a special resource study concerning the preservation and public use of sites associated with Harriet Tubman located in Auburn, New York; S. 2638, to adjust the boundaries of the Gulf Islands National Seashore to include Cat Island, Mississippi; H.R. 2541, to adjust the boundaries of the Gulf Islands National Seashore to include Cat Island, Mississippi; and S. 2848, to provide for a land exchange to benefit the Pecos National Historical Park in New Mexico, 2:30 p.m., SD-366.

*Select Committee on Intelligence:* to hold closed hearings on the nomination of John E. McLaughlin, of Pennsylvania, to be Deputy Director of Central Intelligence, 3:30 p.m., SH-219.

*Committee on the Judiciary:* Subcommittee on Antitrust, Business Rights, and Competition, business meeting to mark up S. 2778, to amend the Sherman Act to make oil-producing and exporting cartels illegal, 9:30 a.m., SD-226.

Full Committee, business meeting to consider pending calendar business, 11:30 a.m., Room to be announced.

Subcommittee on Criminal Justice Oversight, to hold hearings to examine the lack of standardization and training in protecting Executive Branch officials, 2 p.m., SD-226.

*Committee on Veterans' Affairs*: business meeting to mark up pending legislation, and the nomination of Robert M. Walker, of West Virginia, to be Under Secretary of Veterans Affairs for Memorial Affairs; and Thomas L. Garthwaite, of Pennsylvania, to be Under Secretary for Health of the Department of Veterans Affairs, 10 a.m., SR-418.

### House

*Committee on Agriculture*, Subcommittee on Livestock and Horticulture, hearing to review illegal activities at the Hunts Point Marketing Terminal, 10 a.m., 1300 Longworth.

*Committee on Banking and Financial Services*, to mark up the following bills: H.R. 1161, Financial Contract Netting Improvement Act of 1999; H.R. 4541, Commodity Futures Modernization Act of 2000; and H.R. 4096, Bureau of Engraving and Printing Security Printing Amendments Act of 2000, 10 a.m., 2128 Rayburn.

*Committee on the Budget*, hearing on Understanding Intergenerational Economic Issues, 10 a.m., 210 Cannon.

*Committee on Commerce*, Subcommittee on Telecommunications, Trade, and Consumer Protection, hearing on H.R. 2420, Internet Freedom and Broadband Deployment Act of 1999, 11 a.m., 2123 Rayburn.

*Committee on Government Reform*, hearing on "Felonies and Favors: A Friend of the Attorney General Gathers Information from the Justice Department," 10 a.m., 2154 Rayburn.

*Committee on International Relations*, Subcommittee on Africa, to mark up H.R. 2906, Sudan Peace Act, 2:30 p.m., 2255 Rayburn.

*Committee on the Judiciary*, Subcommittee on Commercial and Administrative Law, hearing on H.R. 4105, Fair Justice Act of 2000, 10 a.m., 2141 Rayburn.

Subcommittee on the Constitution, oversight hearing on Constitutional Rights and the Grand Jury, 1 p.m., 2237 Rayburn.

Subcommittee on Courts and Intellectual Property, oversight hearing on State Sovereign Immunity and Protection of Intellectual Property, 9 a.m., B-352 Rayburn.

Subcommittee on Immigration and Claims, to mark up the following: H.R. 4548, Agricultural Opportunities Act; and private immigration bills, 10 a.m., 2226 Rayburn.

*Committee on Resources*, Subcommittee on Fisheries Conservation, Wildlife and Oceans, oversight hearing on implementation of the Hydrographic Services Improvement Act of 1998, 9:30 a.m., 1334 Longworth.

Subcommittee on Water and Power, hearing on the following measures: H.R. 2820, to provide for the owner-

ship and operation of the irrigation works on the Salt River Pima-Maricopa Indian Community's reservation in Maricopa County, Arizona, by the Salt River Pima-Maricopa Indian Community; H.R. 2988, Lower Rio Grande Valley Water Resources Conservation and Improvement Act of 1999; H.R. 4013, Upper Mississippi River Basin Conservation Act of 2000; S. 1778, to provide for equal exchanges of land around the Cascade Reservoir; and the Bureau of Reclamation Law Enforcement, 2 p.m., 1334 Longworth.

*Committee on Science*, Subcommittee on Basic Research and the Subcommittee on Energy and Environment, joint hearing on The State of Ocean and Marine Science, 2 p.m., 2318 Rayburn.

*Committee on Small Business*, to mark up the following: H.R. 4890, Small Business Contract Equity Act of 2000; H.R. 4897, Equity in Contracting for Women Act of 2000; the Small Business Competition Act of 2000; and other pending business, 10 a.m., 2360 Rayburn.

*Committee on Transportation and Infrastructure*, Subcommittee on Aviation, hearing on the Trend Towards Criminalization of Aircraft Accidents, 9:30 a.m., 2167 Rayburn.

Subcommittee on Oversight, Investigations, and Emergency Management, hearing on Oversight of Total Maximum Daily Loads (TMDL) Initiatives, 2 p.m., 2167 Rayburn.

*Committee on Veterans' Affairs*, Subcommittee on Oversight and Investigations, hearing on patient safety and quality management in the Department of Veterans Affairs, 10 a.m., 334 Cannon.

*Committee on Ways and Means*, to mark up the Foreign Sales Corporation Replacement Act of 2000, 10:30 a.m., 1100 Longworth.

*Permanent Select Committee on Intelligence*, executive, hearing on Department of Energy/Los Alamos Update, 1 p.m., and, executive, briefing on Intelligence Collection Issues, 3 p.m., H-405 Capitol.

### Joint Meetings

*Conference*: meeting of conferees continues on H.R. 4577, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2001, 2 p.m., Room to be announced.

*Commission on Security and Cooperation in Europe*: to hold hearings to examine Yugoslav President Slobodan Milosevic's recent efforts to perpetuate his power by forcing through changes to the Yugoslav constitution and cracking down on opposition and independent forces in Serbia, 9:30 a.m., 2255, Rayburn Building.

*Next Meeting of the SENATE*

9:30 a.m., Thursday, July 27

## Senate Chamber

**Program for Thursday:** Senate will begin a period of morning business (not to extend beyond 11 a.m.), for Senators to offer statements in memory of the late Senator Paul Coverdell.

At 11 a.m., Senate will swear in Zell Miller, of Georgia, to fill the vacancy caused by the death of Senator Coverdell; following which, Senate will adopt the motion to proceed to the consideration of S. 2507, Intelligence Authorization, if pending, and vote on the motion to close further debate on the motion to proceed to the consideration of H.R. 4733, Energy and Water Development Appropriations.

Also, following the cloture vote, Senate will consider the conference report to H.R. 4576, Defense Appropriations, with a vote on adoption of the conference report to occur at 3:15 p.m.

*Next Meeting of the HOUSE OF REPRESENTATIVES*

10 a.m., Thursday, July 27

## House Chamber

**Program for Thursday:** Consideration of H.R. 4942, District of Columbia Appropriations for Fiscal Year 2001; and

Consideration of the conference report on H.R. 4516, Legislative Branch Appropriations (subject to a rule).

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