United States of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 106th CONGRESS, SECOND SESSION

Vol. 146 WASHINGTON, THURSDAY, DECEMBER 14, 2000 No. 154

House of Representatives

The House met at 4 p.m. and was called to order by the Speaker pro tempore (Mr. PEASE).

DESIGNATION OF THE SPEAKER PRO TEMPORE

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

WASHINGTON, DC,
December 14, 2000.

I hereby appoint the Honorable EDWARD A. PEASE to act as Speaker pro tempore on this day.

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

PRAYER

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

In past weeks, Lord, as a people we have questioned, argued, and been confused.

In recent days, Lord, as a nation we have sought direction, gone to court and accepted the judgment of leaders.

Knowing we are living through unique circumstances, grant to all patience. May wisdom be our guide. May history be our judge.

In the present moment, You have our attention, Lord.

You must show us now the way You would have us live, organize and govern.

May we who live this moment in our Nation's history prove reliable and the people of Your promise.

For without You we can do nothing credible or truly worth remembering.

You are Lord now and forever.

Amen.

THE JOURNAL

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

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

PLEDGE OF ALLEGIANCE

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

Mr. YOUNG of Alaska led the Pledge of Allegiance as follows:

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

MESSAGE FROM THE SENATE

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

H.R. 1653. An act to complete the orderly withdrawal of the NOAA from the civil administration of the Pribilof Islands, Alaska, and to assist in the conservation of coral reefs, and for other purposes.

H.R. 5016. An act to redesignate the facility of the United States Postal Service located at 514 Express Center Road in Chicago, Illinois, as the ''J.T. Weeker Service Center''.

H.R. 5210. An act to designate the facility of the United States Postal Service located at 200 South George Street in York, Pennsylvania, as the ''George Atlee Goodling Post Office Building''.

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

H.R. 1023. An act for the relief of Richard W. Schaffert.

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

S. 870. An act to amend the Inspector General Act of 1978 (5 U.S.C. App.) to increase the efficiency and accountability of Offices of Inspector General within Federal departments, and for other purposes.

The message also announced that the Senate agrees to the amendments of the House to the bill (S. 2943) ''An Act 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,'' with amendment.

NOTICE

Effective January 1, 2001, the subscription price of the Congressional Record will be $393 per year or $197 for six months. Individual issues may be purchased for $4.00 per copy. The cost for the microfiche edition will remain $141 per year with single copies remaining $1.50 per issue. This price increase is necessary based upon the cost of printing and distribution.

Michael F. DiMario, *Public Printer*

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

Printed on recycled paper.

APPOINTMENT OF ADDITIONAL MEMBERS TO ATTEND FUNERAL OF LATE HON. JULIAN C. DIXON

The SPEAKER pro tempore. Pursuant to House Resolution 671, the Chair announces the Speaker's additional appointment of the following Members of the House to the Committee to attend the funeral of the late Julian C. Dixon.

Mr. TOWNS, New York;
Mrs. CLAYTON, North Carolina;
Ms. BROWN, Florida;
Mr. WATT, North Carolina.

NAVAJO NATION TRUST LAND LEASING ACT OF 2000

Mr. YOUNG of Alaska. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate concurrent resolution (S. Con. Res. 161) to correct the enrollment of H.R. 5528 and ask for its immediate consideration in the House.

The Clerk read the title of the Senate concurrent resolution.

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

There was no objection.

The Clerk read the Senate concurrent resolution, as follows:

S. CON. RES. 161

Resolved by the Senate (the House of Representatives concurring), That the Clerk of the House of Representatives, in the enrollment of the bill (H.R. 5528) to authorize the construction of a Wakpa Sica Reconciliation Place in Fort Pierre, South Dakota, and for other purposes, shall make the following correction:

(1) Strike title XII and insert the following:

TITLE XII—NAVAJO NATION TRUST LAND LEASING

SEC. 1201. SHORT TITLE.

This title may be cited as the ''Navajo Nation Trust Land Leasing Act of 2000''.

SEC. 1202. CONGRESSIONAL FINDINGS AND DECLARATION OF PURPOSES.

(a) FINDINGS.—Recognizing the special relationship between the United States and the Navajo Nation and its members, and the Federal responsibility to the Navajo people, Congress finds that—

(1) the third clause of section 8, Article I of the United States Constitution provides that ''The Congress shall have Power . . . to regulate Commerce . . . with Indian tribes'', and, through this and other constitutional authority, Congress has plenary power over Indian affairs;

(2) Congress, through statutes, treaties, and the general course of dealing with Indian tribes, has assumed the responsibility for the protection and preservation of Indian tribes and their resources;

(3) the United States has a trust obligation to guard and preserve the sovereignty of Indian tribes in order to foster strong tribal governments, Indian self-determination, and economic self-sufficiency;

(4) pursuant to the first section of the Act of August 9, 1955 (25 U.S.C. 415), Congress conferred upon the Secretary of the Interior the power to promulgate regulations governing tribal leases and to approve tribal leases for tribes according to regulations promulgated by the Secretary;

(5) the Secretary of the Interior has promulgated the regulations described in paragraph (4) at part 162 of title 25, Code of Federal Regulations;

(6) the requirement that the Secretary approve leases for the development of Navajo trust lands has added a level of review and regulation that does not apply to the development of non-Indian land; and

(7) in the global economy of the 21st Century, it is crucial that individual leases of Navajo trust lands not be subject to Secretarial approval and that the Navajo Nation be able to make immediate decisions over the use of Navajo trust lands.

(b) PURPOSES.—The purposes of this title are as follows:

(1) To establish a streamlined process for the Navajo Nation to lease trust lands without having to obtain the approval of the Secretary of the Interior for individual leases, except leases for exploration, development, or extraction of any mineral resources.

(2) To authorize the Navajo Nation, pursuant to tribal regulations, which must be approved by the Secretary, to lease Navajo trust lands without the approval of the Secretary of the Interior for the individual leases, except leases for exploration, development, or extraction of any mineral resources.

(3) To revitalize the distressed Navajo Reservation by promoting political self-determination, and encouraging economic self-sufficiency, including economic development that increases productivity and the standard of living for members of the Navajo Nation.

(4) To maintain, strengthen, and protect the Navajo Nation's leasing power over Navajo trust lands.

(5) To ensure that the United States is faithfully executing its trust obligation to the Navajo Nation by maintaining federal supervision through oversight of and record keeping related to leases of Navajo Nation tribal trust lands.

SEC. 1203. LEASE OF RESTRICTED LANDS FOR THE NAVAJO NATION.

The first section of the Act of August 9, 1955 (25 U.S.C. 415) is amended—

(1) in subsection (d)—

(A) in paragraph (1), by striking ''and'' at the end;

(B) in paragraph (2), by striking the period and inserting a semicolon; and

(C) by adding at the end the following:

''(3) the term 'individually owned Navajo Indian allotted land' means a single parcel of land that—

''(A) is located within the jurisdiction of the Navajo Nation;

''(B) is held in trust or restricted status by the United States for the benefit of Navajo Indians or members of another Indian tribe; and

''(C) was—

''(i) allotted to a Navajo Indian; or

''(ii) taken into trust or restricted status by the United States for an individual Indian;

''(4) the term 'interested party' means an Indian or non-Indian individual or corporation, or tribal or non-tribal government whose interests could be adversely affected by a tribal trust land leasing decision made by the Navajo Nation;

''(5) the term 'Navajo Nation' means the Navajo Nation government that is in existence on the date of enactment of this Act or its successor;

''(6) the term 'petition' means a written request submitted to the Secretary for the review of an action (or inaction) of the Navajo Nation that is claimed to be in violation of the approved tribal leasing regulations;

''(7) the term 'Secretary' means the Secretary of the Interior; and

''(8) the term 'tribal regulations' means the Navajo Nation regulations enacted in accordance with Navajo Nation law and approved by the Secretary.''; and

(2) by adding at the end the following:

''(e)(1) Any leases by the Navajo Nation for purposes authorized under subsection (a), and any amendments thereto, except a lease for the exploration, development, or extraction of any mineral resources, shall not require the approval of the Secretary if the lease is executed under the tribal regulations approved by the Secretary under this subsection and the term of the lease does not exceed—

''(A) in the case of a business or agricultural lease, 25 years, except that any such lease may include an option to renew for up to 2 additional terms, each of which may not exceed 25 years; and

''(B) in the case of a lease for public, religious, educational, recreational, or residential purposes, 75 years if such a term is provided for by the Navajo Nation through the promulgation of regulations.

''(2) Paragraph (1) shall not apply to individually owned Navajo Indian allotted land.

''(3) The Secretary shall have the authority to approve or disapprove tribal regulations referred to under paragraph (1). The Secretary shall approve such tribal regulations if such regulations are consistent with the regulations of the Secretary under subsection (a), and any amendments thereto, and provide for an environmental review process. The Secretary shall review and approve or disapprove the regulations of the Navajo Nation within 120 days of the submission of such regulations to the Secretary. Any disapproval of such regulations by the Secretary shall be accompanied by written documentation that sets forth the basis for the disapproval. Such 120-day period may be extended by the Secretary after consultation with the Navajo Nation.

''(4) If the Navajo Nation has executed a lease pursuant to tribal regulations under paragraph (1), the Navajo Nation shall provide the Secretary with—

''(A) a copy of the lease and all amendments and renewals thereto; and

''(B) in the case of regulations or a lease that permits payment to be made directly to the Navajo Nation, documentation of the lease payments sufficient to enable the Secretary to discharge the trust responsibility of the United States under paragraph (5).

''(5) The United States shall not be liable for losses sustained by any party to a lease executed pursuant to tribal regulations under paragraph (1), including the Navajo Nation. Nothing in this paragraph shall be construed to diminish the authority of the Secretary to take appropriate actions, including the cancellation of a lease, in furtherance of the trust obligation of the United States to the Navajo Nation.

''(6)(A) An interested party may, after exhaustion of tribal remedies, submit, in a timely manner, a petition to the Secretary to review the compliance of the Navajo Nation with any regulations approved under this subsection. If upon such review the Secretary determines that the regulations were violated, the Secretary may take such action as may be necessary to remedy the violation, including rescinding the approval of the tribal regulations and reassuming responsibility for the approval of leases for Navajo Nation tribal trust lands.

''(B) If the Secretary seeks to remedy a violation described in subparagraph (A), the Secretary shall—

''(i) make a written determination with respect to the regulations that have been violated;

''(ii) provide the Navajo Nation with a written notice of the alleged violation together with such written determination; and

''(iii) prior to the exercise of any remedy or the rescission of the approval of the regulation involved and the reassumption of the lease approval responsibility, provide the

Navajo Nation with a hearing on the record and a reasonable opportunity to cure the alleged violation.''.

The Senate concurrent resolution was concurred in.

A motion to reconsider was laid on the table.

HOME HEATING OIL PRICES RISING STEADILY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. GEKAS) is recognized for 5 minutes.

Mr. GEKAS. Mr. Speaker, home heating oil prices are rising steadily. An immensely cold winter is predicted to come to us in the next several days. Natural gas is becoming scarce. And out in the West we learn that in California there are warnings out to not light the Christmas trees. The people of California are being asked not to turn on their electricity for Christmas.

The Secretary of Energy just recently tried to alleviate the severe electric shortage and power shortage of California and asked the other western States north of California and their utilities to furnish electricity elements to California.

Senator DOMENICI yesterday dared us to look at what has happened in California without fear and without trepidation. He says there is a wave of rolling brownouts and blackouts coming from California across the country to us, brownouts and blackouts meaning energy shortages and measures that municipalities and homeowners must take to conserve electricity.

This is unacceptable for our country, and it goes to the core of what we have been saying for 8 years now, that we have been traveling along the price of higher fuel and shortages of electricity on the backs of the lack of an energy policy in our country.

That is why in the spring of this year I introduced a bill that would create a commission that would try to put together all the elements, all the resources that we have so that we can declare energy independence within 10 years, so that this commission can look at the ANWR reserves, the Alaska reserves, offshore drilling, natural gas, domestic drilling, coal reserves, solar energy, all the various resources that we have at our command if only we would use them to bring about energy independence in 10 years so no longer would we have to kneel at the throne of OPEC to ask them to produce more oil and to reduce prices. That is unheard of for our modern society.

In that energy policy proposal that I made, the gentleman from Alaska (Mr. YOUNG), who is an expert on ANWR and Alaskan oil and energy generally, was the prime cosponsor with me; and he, as chairman of his committee, accorded me a hearing on this matter. He agrees that we ought to put something in place.

I am sure that the President of the United States soon to be sworn in, George Bush, will attend to this matter and his energy secretary is going to have this as a priority. I know that. But we in Congress have to help them along by establishing these long-term investigations into our resources.

Mr. Speaker, I yield to the gentleman from Alaska (Mr. YOUNG).

Mr. YOUNG of Alaska. Mr. Speaker, first let me compliment the gentleman on his outstanding piece of legislation. It does bring to the forefront the lack of an energy policy, and his bill does set up a commission to say, we have to address all forms of energy so we have what I call the wheel of energy to provide the necessity for the center of the wheel to make it work.

As the gentleman mentioned, with coal, 64 percent develops our electrical energy now. We need nuclear. We need gas. We need oil. And, yes, even some hydro, wind power, solar power, all collected in the need for the BTUs.

We have requested, I have requested, an energy policy for the last 20 years and been turned down by the past administration that has not sought to not seek an energy policy.

So I want to compliment the gentleman for bringing this to the forefront. Because gas right now, natural gas, 1 year ago was $2 and today it is $9 on the market. So we do need this policy, and I want to compliment the gentleman for his resolution.

Mr. GEKAS. Mr. Speaker, I thank the gentleman for his comments.

There is another immediate dividend that I think will come from the establishment of the commission and forward movement on establishing an energy policy. I believe that OPEC, seeing what is happening, will automatically start to drop the prices.

Unfortunately for us who want this energy policy, that may give us some sort of relief that we will not have the will to go on with determining our own fate in energy. But I am willing to take that chance. We have got to have an energy policy. We have to stand pat against OPEC and become energy independent as a Nation in 10 years.

HEATING OIL SHORTAGES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Alaska (Mr. YOUNG) is recognized for 5 minutes.

Mr. YOUNG of Alaska. Mr. Speaker, if the gentleman from Pennsylvania (Mr. GEKAS) will continue with this dialogue, one of the things that a lot of people in America do not realize is that the reason we have the prosperity we have today is because we have had cheap energy.

Some people think that is wrong, that we ought to take and conserve all the energy. But if we want to grow, we have a supply and an abundance of energy so we can have the high-tech and the computer industry, by the way, which now uses 27 percent of our electrical power which did not happen 15 years ago. Twenty-seven percent of our electrical power today is consumed by computers.

For those that are in the computer world, think about it: when power goes down, their computer goes off. That means the airplanes do not fly. That means the stoplights do not work. That means this country comes to a halt.

And so what the gentleman has said, let us get a policy so that the future generations, yes, and the present generations in reality will have a constant supply of reasonably priced energy.

But if the gentleman would like for one moment to address something for me, he mentioned that if we do this the OPEC countries may drop their price. I happen to agree.

What would the gentleman think we should do, though, maybe what the commission can do, to solve that problem.

Mr. Speaker, I yield to the gentleman from Pennsylvania (Mr. GEKAS).

Mr. GEKAS. Mr. Speaker, I have not been able to predict exactly what would happen. It seems to me that we ought to start a course on energy independence and go to it without respect to what OPEC does.

All I am saying is we will have an extra dividend to lower prices almost immediately, but then our domestic drillers will have to be given additional incentive to continue producing; and that may require tax incentive-types of legislation that we would have to put into place along with our energy policy.

Mr. YOUNG of Alaska. Mr. Speaker, reclaiming my time, again, the commission can probably recognize what we can do to solve that problem. Because I expect what the gentleman said will come true, the first time the OPEC countries sees that we are serious about setting up a supply of energy, they will lower their prices so maybe some of my constituents and his constituents and the people in Florida's House will say, well, there is no need for this, let us not drill an ANWR.

Although, by the way, it only disrupts 12,000 acres out of 19 million acres.

Mr. GEKAS. Mr. Speaker, if the gentleman will continue to yield, which reminds me, we are told, and the press knows more about it, that the current President, President Clinton, is contemplating a monument executive order in which he sets aside x amount of land and other resources in Alaska keeping them from development in what we are seeking here.

Can the gentleman tell us about that?

Mr. YOUNG of Alaska. Mr. Speaker, there is that possibility. I think it would be a terrible disservice to the country.

I would like to remind the gentleman and people that might be listening that this area is a very small area that has a tremendous abundance of oil, probably 39 billion barrels of oil, that can be accessible to the people in the lower 48 so we would not have to buy that

million barrels a day from Saddam Hussein.

So if the President was to do that, it would be a terrible travesty; it would be wrong for the people and wrong for Alaska. But, most of all, it would be wrong for the people that are buying oil from abroad.

Mr. GEKAS. Mr. Speaker, what is missing from all of this discussion is the fact that all of us, every American, is interested in environmental quality. We do not want anything but clean air and clean water and a good area in which to live. But we are in a state of almost-crisis now where we have to talk about survival and meeting the needs of the American family.

I am talking about the basic needs of the American family. That is why we have to put the environmental concerns on an equal balance, not on a priority, and try to develop our resources as we need them.

Mr. YOUNG of Alaska. Mr. Speaker, we can do both. As the gentleman from Pennsylvania knows, in Alaska we have a bigger caribou herd, more wildlife, a better environment just from the development of Prudhoe. And I say this can happen again in ANWR.

But more than that, if we want to see environmental damage, do not have the energy available and keep being dependent upon those countries overseas.

I keep stressing the fact that now, this year, remember gas was $2 per thousand cubic feet last year; this year, right today, it is $9.42. That means the average home buying gas today, their heating bill will go up 300 percent this winter. And that is a jolt economically, and it also means we are running out of natural gas because we have not been allowed to develop those fields in the lower 48.

So Alaska has got gas and we want to sell it to you, but the fact is we ought to be developing those gas fields in Wyoming, Montana, New Mexico, and, yes, in Pennsylvania, they have gas in Pennsylvania, and go after those fields so we can have it available for the constituents that my colleague and I serve.

Mr. GEKAS. Mr. Speaker, we are not adverse to developing a plan of tax incentives to give our fellow Americans, the entrepreneurs, the incentive to go ahead and drill where they might fail; but we ought to give them that incentive to do so and to otherwise bring technology into place for the development of all these resources.

Mr. YOUNG of Alaska. Mr. Speaker, I want to thank the gentleman for doing this tonight on the floor of the House. I do appreciate his bringing this to light.

He is from Pennsylvania. I am from Alaska. We recognize the need for an energy policy. Hopefully this new Congress and with the new President, this Nation will come forth with an energy policy that can deliver the needed Btus to every family and improve the way we live today and not have anyone suffer.

RECESS

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

Accordingly (at 4 o'clock and 13 minutes p.m.), the House stood in recess subject to the call of the Chair.

0056

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. SHIMKUS) at 12 o'clock and 56 minutes a.m.

The SPEAKER pro tempore. The House will be in order.

RECESS

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

Accordingly (at 12 o'clock and 57 minutes a.m.), the House stood in recess subject to the call of the Chair.

NOTICE

Incomplete record of House proceedings. Except for concluding business which follows, today's House proceedings will be continued in the next issue of the Record.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

11364. A letter from the Secretary, Department of Defense, transmitting a response to Section 216 of the National Defense Authorization Act for Fiscal Year 1998, P.L. 105–85 regarding the Global Hawk Program; to the Committee on Armed Services.

11365. A letter from the Director, Regulations Policy and Management Staff, FDA, Department of Health and Human Services, transmitting the Department's final rule—Food Labeling, Safe Handling Statements, Labeling of Shell Eggs; Refrigeration of Shell Eggs Held for Retail Distribution [Docket Nos. 98N–1230, 96P–0418, and 97P–0197] (RIN: 0910–AB30) received December 13, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

11366. A letter from the Special Assistant to the Bureau Chief, Mass Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Darby and STEVENSville, Montana) [MM Docket No. 99–220; RM–9601; RM–9636] received December 11, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

11367. A letter from the Special Assistant to the Bureau Chief, Mass Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (McCook, Nebraska) [MM Docket No. 00–82; RM–9841] received December 11, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

11368. A letter from the Special Assistant to the Bureau Chief, Mass Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Des Moines, New Mexico) [MM Docket No. 00–66; RM–9842] received December 11, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

11369. A letter from the Chairman, Federal Energy Regulatory Commission, transmitting a report on Proposing Remedies For California Wholesale Electric Markets and a report on Western Markets and the Causes of the Summer 2000 Price Abnormalities; to the Committee on Commerce.

11370. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b(a); to the Committee on International Relations.

11371. A letter from the Secretary, Department of Labor, transmitting the semiannual reports to the Congress of the Pension Benefit Guaranty Corporation's Executive Director and the Office of Inspector General for the period April 1, 2000, through September 30, 2000, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

11372. A letter from the Executive Director, District of Columbia Retirement Board, transmitting the personal financial disclosure statements of Board members, pursuant to D.C. Code section 1–732 and 1–734(a)(1)(A); to the Committee on Government Reform.

11373. A letter from the Comptroller General, General Accounting Office, transmitting a report on the failure of the National Security Council to provide access to certain documents to the General Accounting Office, pursuant to 31 U.S.C. 716(b)(1); to the Committee on Government Reform.

11374. A letter from the Executive Director, Committee For Purchase From People Who Are Blind Or Severely Disabled, transmitting the Committee's final rule—Additions to and Deletions from the Procurement List—received December 12, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

11375. A letter from the Chairman, Federal Trade Commission, transmitting the report on the Federal Trade Commission's Report of Final Actions for the period ending September 30, 2000, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

11376. A letter from the Vice President for Legal Affairs, General Counsel & Corporate Secretary, Legal Services Corporation, transmitting the semiannual report on the activities of the Office of Inspector General for the period April 1, 2000, through September 30, 2000, and the corresponding report

of the Corporation's Board of Directors, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

11377. A letter from the Chairman, National Endowment for the Humanities, transmitting a report on the Strategic Plan for Fiscal Year 2001—Fiscal Year 2005; to the Committee on Government Reform.

11378. A letter from the Commissioner, Social Security Administration, transmitting the Fiscal Year 2000 Performance and Accountability Report; to the Committee on Government Reform.

11379. A letter from the Assistant Secretary, Land and Minerals Management, Department of the Interior, transmitting the Department's final rule—Oil and Gas and Sulphur Operations in the Outer Continental Shelf—Update of Documents Incorporated by Reference—API Specification 14A, Tenth Edition (RIN: 1010–AC66) received December 11, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

11380. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fraser River Sockeye and Pink Salmon Fisheries; Inseason Orders [I.D. 102600E] received December 13, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

11381. A letter from the Assistant Secretary of the Army (Civil Works), Department of the Army, transmitting a report on the South Sacramento County Streams, California; to the Committee on Transportation and Infrastructure.

11382. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Electronic Tip Reports [TD 8902] (RIN: 1545–AV28) received December 13, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

11383. A letter from the Acting Assistant Secretary for Fish and Wildlife and Parks, Department of the Interior, transmitting a draft of proposed legislation to convey certain Federal lands in Puerto Rico to the Commonwealth of Puerto Rico, and for other purposes; jointly to the Committees on Armed Services and Resources.

11384. A letter from the General Counsel, Office of Compliance, transmitting a Report on Occupational Safety and Health Inspections Conducted Under Section 215 of the Congressional Accountability Act of 1995, pursuant to 5 U.S.C. 801(a)(1)(A); jointly to the Committees on House Administration and Education and the Workforce.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. YOUNG of Alaska: Committee on Resources. H.R. 3080. A bill to amend the Indian Self-Determination and Education Assistance Act to direct the Secretary of the Interior to establish the American Indian Education Foundation, and for other purposes (Rept. 106–1028, Pt. 1). Ordered to be printed.

Mr. YOUNG of Alaska: Committee on Resources. House Concurrent Resolution 63. Resolution expressing the sense of the Congress opposing removal of dams on the Columbia and Snake Rivers for fishery restoration purposes (Rept. 106–1029, Pt. 1). Ordered to be printed.

TIME LIMITATION OF REFERRED BILL

Pursuant to clause 5 of rule X the following action was taken by the Speaker:

H. Con. Res. 63. Referral to the Committee on Transportation and Infrastructure extended for a period ending not later than December 15, 2000.

MEMORIALS

Under clause 3 of rule XII, memorials were presented and referred as follows:

493. The SPEAKER presented a memorial of the Senate of the Commonwealth of The Mariana Islands, relative to Senate Joint Resolution No. 12–2 memorializing the United States Congress to authorize and appropriate funding necessary for the rehabilitation, reconstruction, and repair of the Tinian Harbor Breakwater, at San Jose, Tinian; to the Committee on Transportation and Infrastructure.

United States of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 106th CONGRESS, SECOND SESSION

Vol. 146 WASHINGTON, THURSDAY, DECEMBER 14, 2000 No. 154

Senate

(Legislative day of Friday, September 22, 2000)

The Senate met at 10 a.m., on the expiration of the recess, and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Dear Father, this morning we praise You for four great Americans who have distinguished themselves in the Presidential and Vice Presidential elections: George W. Bush, AL GORE, Dick Cheney, and JOE LIEBERMAN. We admire their fervent desire to serve our Nation and their tireless efforts to make their visions known. Now, after all the protracted debate and prolonged legal battles, we ask You to heal our land. Unite us in a renewed commitment to patriotism more than party spirit, to dedication more than divisiveness, to reconciliation more than recrimination. Motivated by love for You and America, we pledge our support and loyalty to George W. Bush and Dick Cheney as they prepare to assume executive leadership of our Government. Bless them with inspired vision and impelling courage. In equal measure, uplift and encourage AL GORE and JOE LIEBERMAN as they continue to glorify You in their lives and leadership. Replenish and renew them in body and soul. Throughout the Nation, may people neither gloat over victory nor grimace over defeat but move on with hope. Silence divisive, disruptive voices that would ignite and inflame disunity. Help the Senators to be healing agents as they exemplify for the American people civility, graciousness, and oneness. And why not, Lord? This is our own, our beloved land. You are our Lord and Saviour. Amen.

PLEDGE OF ALLEGIANCE

The Honorable JIM BUNNING, a Senator from the State of Kentucky, led the Pledge of Allegiance, as follows:

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

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDING OFFICER (Mr. BUNNING). The acting majority leader is recognized.

SCHEDULE

Mr. CRAIG. Mr. President, for the information of all Senators, the Senate will be in a period of morning business for a short time today.

The Senate was expected to consider the final appropriations bill during today's session. However, because of changes in the House schedule, the Senate will not begin consideration of the final package until tomorrow morning pending its receipt from the House. It is hoped that the House can complete action shortly after noon tomorrow. Senators will be updated on the vote time throughout the day today.

I think that probably covers the concerns of my colleagues, and I thank my colleagues for their attention.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER. Under the previous order, 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 not to extend beyond the hour of 12 noon with Senators permitted to speak therein for up to 10 minutes each and with the time to be equally divided in the usual form.

The Senator from Idaho.

VICE PRESIDENT AL GORE AND PRESIDENT-ELECT GEORGE W. BUSH SPEECHES

Mr. CRAIG. Mr. President, I think I speak for all Senators on my side of the aisle and probably for all Members of the Senate when I say that last night we watched with great attention the speeches given by Vice President

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AL GORE and the now President-elect George W. Bush.

I think as Americans we were all honored by their statements last evening: A clear statement of vision and reconciliation on the part of the Vice President and, I have to imagine, the most difficult speech that gentleman has ever delivered in his life; at the same time, a speech from President-elect George W. Bush which I think demonstrated the full weight of understanding he has about his role as the President of our country—that he is President for all of the people. And that burden humbles him a great deal. We all look forward to working with him in the coming months and years as we continue to work in behalf of our country.

Certainly the prayer delivered by our Chaplain this morning clearly speaks to the concerns we have had and the wounds that must be bound and, of course, the actions that will be taken in behalf of leading this country.

I think all of us look forward to the opportunity of working with President George Bush in the coming days.

—

CONGRESSMAN JULIAN C. DIXON

Mr. CRAIG. Mr. President, the House is not in session because of the funeral of Congressman Julian Dixon.

Many here in the Senate did not know the Congressman, but I did. I had the great opportunity to serve with him in the most difficult of circumstances. We served on the Ethics Committee together during the period in which Jim Wright was examined for what was believed to be, and what was later found to be, unethical activities for which he finally resigned.

Julian Dixon was a fine American. Oh, yes, he was a partisan. But when it came to the responsibility of leadership, there was no question that his chairmanship of the Ethics Committee during that time was fair, equitable, and responsible. I must tell you that in working with him during those long hours and difficult times, I grew to respect him a great deal. I must say that we have lost a great public servant in the death of Congressman Julian Dixon. I will miss him. I think all of us will.

—

JULIAN DIXON

Mr. REID. Mr. President, before coming to the Senate, I was a member of the California congressional delegation. Even though I am from the State of Nevada, they allowed me to be part of their deliberations and, in fact, when I came here, I was secretary-treasurer of the California congressional delegation. As a result of that association, I got to know Julian Dixon very well. He was a fine man. He came to Nevada for me on a number of occasions. He was an outspoken advocate of doing good things for the District of Columbia. The District of Columbia lost a very powerful voice when Julian Dixon's heart stopped beating.

He also, as I indicated in my conversation with the Presiding Officer today, served very valiantly as a member of the Ethics Committee in the House of Representatives. In fact, the Presiding Officer served as a Member with him. In short, Julian Dixon, who was a great advocate for political causes throughout his entire political career, was a person who believed in the Congress. He believed in our form of government. His loss is a loss to our Nation. I extend my condolences to his entire family, recognizing that we lost a great patriot in Julian Dixon.

—

LESSONS FROM THE HAGUE

Mr. CRAIG. Mr. President, recently, I attended the Sixth Conference of the Parties to the United Nations Framework Convention on Climate Change (COP–6) at The Hague, in the Netherlands. I went to observe Undersecretary of State Frank Loy and the rest of the U.S. negotiating team confront the complex issues associated with the requirements of the 1997 Kyoto Protocol to reduce greenhouse gas emissions.

The experience brought into clearer focus for me some disturbing themes that appear to be behind the intense international pressure brought to bear on the United States to reach agreement on some profound economic, social, and environmental issues.

At the outset, let me make clear that I did not arrive at The Hague without first studying the climate issue. For several years now, I have closely followed the progress of the climate change debate.

I have sought the input of nationally recognized scientists credentialed in the disciplines of atmospheric, ocean, and computer modeling sciences. I have reviewed scientific reports, most notably the document entitled Research Pathways for the Next Decade, prepared by scientists affiliated with the National Academy of Sciences Board on Atmospheric Sciences and Climate.

In addition, I have traveled to institutions such as the Woods Hole Oceanographic Institute in Massachusetts and met with ocean scientists who are very involved in climate research.

All of these scientists have, for many years, studied and disagreed on how much our planet is warming, and whether it was driven by natural causes or by carbon dioxide emissions from industry, and other human activities.

Scientists from around the world have had legitimate disagreements on how drastic a problem global warming is likely to be in this century and beyond. The debate has been further complicated by politically motivated ''junk science'' predictions of ''imminent'' environmental catastrophes capitalizing on weather events that most scientists agree are not linked to current temperature increases.

The emotional intensity of this debate cautioned many policymakers not to take sides early. However, as Republican Policy Committee Chairman, I felt compelled to address the many valid concerns expressed about this issue in a balanced way.

This led me to introduce with my colleagues, Senators MURKOWSKI, HAGEL, and others, over a year ago, comprehensive legislation that I believed, and still believe, provides the framework for some responsible and immediate consensus action on this issue.

A few days before leaving for The Hague, I met with the Director of the National Research Council's Board on Atmospheric Sciences and Climate, and other scientists on the Board to discuss the status of the scientific research on climate change. Prior to that date, the NRC was reluctant to agree with earlier summary scientific assessments of the United Nations Intergovernmental Panel on Climate Change (IPCC) that humans were contributing to increasing temperatures recorded around the globe—the so-called ''anthropogenic effect.''

Indeed, at a Senate Energy and Natural Resources Committee hearing held just last Spring, Dr. Joe Friday, testifying on behalf of the NRC stated that the ''jury is still out'' on why global temperatures are rising. The NRC was clearly unable at that time to state on the record that it had detected clear evidence of an anthropogenic fingerprint on the warming trends of earth's climate.

At our meeting a few weeks ago, the NRC scientists were less passionate in their refusal to acknowledge the ''anthropogenic effect.'' I took from our discussion that day that there was increasing evidence that land-use practices and human emissions of greenhouse gases were having some contributing effect to the increased land surface temperatures monitored around the globe.

To be sure, the scientists did not suggest or imply that temperatures would reach dangerously high levels during the next 50 to 100 years. Indeed, the scientists offered their opinion that the rise in temperature would more likely be closer to 1.5 degrees rather than the 5 to 10 degree high range predicted for later this century by the IPCC.

Moreover, the NRC scientists underscored the uncertain nature of the computer modeling results on which most, if not all, predictions depend. They cautioned against fully embracing any set of predictions because of the uncertain nature of input data and the ability of computers to fairly and adequately handle the many variables that are included in computer programs.

They further noted the need for continued technological advancement in super computer capability.

What was clear to me after that meeting was that the issue of human contributions to increasing temperatures was reaching some consensus within the National Academy of Sciences.

However, it was also clear to me from my discussions with those scientists that many other important scientific issues concerning the extent of the human contribution to warming trends, the extent to which the earth will continue to warm, and perhaps, most important, the extent to which mankind can take actions that will effectively stop or slow climate change are far from settled and will likely take years to determine.

Indeed, the consensus that is forming among scientists working on this issue for the National Research Council is that we need a plan to focus more on climate change ''adaptation'' rather than climate change ''mitigation.'' This thinking would have been considered radical a little over a year ago and today still may be anathema to many in the environmental community. Yet, a July, 2000, Atlantic Monthly article entitled ''Breaking the Global Warming Gridlock'' by Daniel Sarewitz and Roger Pielke, Jr. boldly and intelligently addresses this issue and persuasively makes the case for new thinking on what many of us would agree is one of the most important issues for this new century.

Instead of discussions at The Hague centering on ways to reach consensus on actions that would reduce vulnerability to climate change such as encouraging democracy, raising standards of living, and improving environmental quality in the developing world through the use of innovative American and other industrialized countries technology, many discussions were consumed by scathing anti-American rhetoric.

Some non-governmental environmental organizations and some European Environmental Ministers were criticizing the United States for not wanting to surrender some of its sovereignty by allowing other nations to police American fuel use and economic expansion strategies.

Many in the developing world were brazenly demanding billions of dollars in ''pay-offs'' for the perceived harm that climate change—in their opinion, brought about by American greed—was causing developing countries. Astonishingly, all of this pay-off money would be in addition to the large sums currently being sent to developing countries through AID and many other American taxpayer programs designed to help developing nations reach better standards of living.

The motives of America's strongest critics at The Hague Climate Conference appeared to be nothing more than transparent efforts to have wholesale redistribution of wealth to the developing world and to maneuver our competitors in the global market place into stronger competitive positions.

Many in the non-governmental environmental community appeared to be more interested in promoting non-growth and anti-population agendas than taking actions that would offer the best prospects to reduce greenhouse gas emissions or helping vulnerable nations adapt to capricious climate variations.

I believe America will responsibly move forward in addressing the climate change issue whether or not Kyoto is ever ratified by the Senate. We should not, and the Senate will not allow the international community or powerful non-governmental environmental organizations to force our nation to accept a deal that will be economically threatening or scientifically ineffective.

Secretary Loy and his negotiating team at COP–6 should be commended for their hard work and steadfastness in demanding from the international community solid proposals that fully recognize both America's determination to defend its sovereignty and its unmatched ability through its technological prowess to help the world deal with any potential calamities as a consequence of climate change.

Moreover, the United States won key concessions from international negotiators at Kyoto that now appear to be at serious risk. Indeed, European negotiators at The Hague, with strong pressure from some non-governmental environmental organizations, made aggressive attempts to rescind those concessions.

The flexible mechanisms provision and the sinks provision were elements of the Protocol that were prominently displayed to Congress by the Clinton/Gore Administration when Congressional Oversight Committees questioned the costs associated with the Protocol. Each time the Administration responded to such queries, the Administration would point to the carbon sink and flexible mechanism provisions to rationalize its assessment that compliance with the Protocol would be inexpensive.

Clearly, without those provisions, the Protocol's cost will be prohibitive and violate one of the critical tenets of Senate Resolution 98—the Byrd/Hagel Resolution—which passed the Senate 95–0 in 1997.

I can only hope that the current Administration will do nothing to compromise these principles in the coming weeks. To do so would be irresponsible and unproductive. Clearly, it would be politically ineffective inasmuch as the Senate would not ratify such agreement.

Meanwhile, as scientists continue to research, discover, and even disagree on the causes and effects of global warming, I will continue to work with my colleagues in Congress to aggressively establish a system of incentives that reduce the environmental impacts of human activity, while preserving the freedoms and quality of life that make the United States the greatest Nation on Earth.

—

BIPARTISANSHIP

Mr. REID. Mr. President, I was of course very disappointed in the decision of the U.S. Supreme Court. I sat and listened to that argument. I think both lawyers Olson and Boies did an outstanding job. I was disappointed in the 5–4 decision. I think it was as a result of the Supreme Court's decision that the vote did not go forward in the first place.

Having said that, I am an attorney. I have always believed we are a nation of laws and not of men. I said prior to the decision being rendered by the Supreme Court I would follow that decision; that I may not like it, but I would do whatever I could to make sure it was accepted.

I think during this entire process we as a nation should be very proud. I repeat, I didn't like the way the election turned out. We have a man, Vice President GORE, who won the national vote, a vote of the public, by 250,000 votes over his opponent. If there had ever been a count in Florida, he would have won that. But this country is a great country. Even though AL GORE won the election, he will not take office. This country is amazing. In spite of that, there was not a single arrest during any of these very bitter discussions regarding the vote. There was not a single injury that I know of. It is something that is part of history. I am going to do everything I can to make sure that George W. Bush's Presidency is as good as it can be.

I know he comes from a good family. I served in the Congress during the tenure of his father. I liked his dad very much. He wrote me a number of personal letters on things that I did that he thought were good. I have those letters and I treasure those letters. I was the first Democrat to speak openly for our incursions into Iraq. I think President Bush did the right thing. In short, I think George W. Bush has the ability to be a good President. I am going to do everything I can, as I said, to support President-elect Bush.

I think we have to recognize that what took place last night was magnificent. Vice President GORE's speech was magnanimous, gracious. As we indicated, he got more popular votes than even Ronald Reagan. Then that was followed by a speech by President-elect Bush which was outstanding. I think the tone of his speech was good. I think the issues he talked about were issues we have talked about for some time here on the Senate floor.

President-elect Bush is going to get all the advice and counsel he needs, I am sure, and he does not need mine. I am confident that today he is being briefed and briefed and briefed and told opinions of what people think he should do. But, in spite of that, my advice to the President-elect is, if he wants to be bipartisan in action rather than just words, the first thing he should do is recognize we have a House of Representatives which is almost evenly divided. He has to recognize that we have a Senate that is evenly divided. We have 50 Democrats; we have 50 Republicans. Either by math

that is taught at MIT or the so-called fuzzy math talked about during the campaign, 50 and 50 are equal.

As a result of that, I recommend the President-elect interject himself into what is going on here in the legislative branch of the Government. I think what he should do is say 50–50 is equal. I think the Republicans should go along with the Democrats to have committees that are even—that is, the same number of Democrats on the committee as Republicans. There should be equal funding. There should be equal staffing. I think he should take a look at the committee chairmanship structure. I think it would be a significant step if President-elect Bush stepped forward and looked at what the future holds.

The future holds that, for example, if the Budget Committee is 10–10—one of the first things we are required by law to do is come forward with the budget—if the committee is 10–10, anything that comes before this Senate will be bipartisan in nature and I think will be approved quickly. It would be the same on other committees. I think one thing the American people have said is that we should work in a bipartisan basis, 50–50 in the Senate, 50–50, approximately, in the House.

We have a President who was elected with fewer votes than the his opponent. I just think this is a time that calls for bipartisanship. I think we can do that. But I think it would set a very bad tone if the Republicans, some of whom are in denial that the Senate is 50–50, would prevent the Senate from going forward by saying we are not going to give you equality on the committees. If that happens, it is not the Democrats who are holding up action in the Senate, it is the Republicans—the Republicans who we no longer refer to as the majority because they are not the majority. It is the Republicans who will be holding up this Congress and this country from moving forward.

I also think it appropriate that President Bush follow the example we have in the Cabinet today with Secretary Cohen. Secretary Cohen is a bona fide, card-carrying Republican from the State of Maine who did an outstanding job and is doing an outstanding job during his tenure as Secretary of Defense. I hope President-elect Bush will also look to people of the other party, the Democratic Party, to fill spots in his Cabinet. I am confident he will do that.

Again, I feel so good today about our country. We should all feel good about our country. In spite of the closeness of the election, in spite of the more than 1 month since the election took place, we have two men who stepped forward last night; they stepped forward with compassion, stepped forward with confidence—confidence at the greatness of this country.

I have been through statewide recounts, two of them, one of which I lost by 524 votes; one of which I won by 428 votes. I know what close elections are all about. I know how difficult recounts are. I was very proud of both men and their families for what they put up with and how they ended the election process last night. It speaks well of them and of our country.

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. NICKLES. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

—

TRIBUTE TO SENATOR SLADE GORTON

Mr. NICKLES. Mr. President, everyone has been focused on the Presidential election. It has been one of the most drawn out Presidential elections in U.S. history. Another election came to conclusion recently, and that was the Senate race in the State of Washington, one of the closest Senate races in many years. It took weeks to discern.

Our friend and colleague, Senator SLADE GORTON, was defeated. I want to make a couple comments concerning our colleague, Senator GORTON.

I had hoped he would not lose this race because he is a friend of mine and, in my opinion, he is one of the most outstanding Senators we have had.

By way of a little history, I was elected with Senator GORTON in 1980. Both of us were freshman Senators. He was formerly an attorney general. He gained some attention nationwide in that he and his family bicycled all the way across our country. It shows they are a close family and individuals with endurance and athletic talent.

He is an outstanding Senator. He lost reelection in 1986, unfortunately. A lot of people lost. It was a tough year. That was certainly one of the toughest losses we had. I remember stating at that time when Senator GORTON lost that he was a Senator's Senator. I hated to see him lose that race. He showed great endurance and came back in 1988 and won and also won reelection in 1994. As I mentioned, he was just defeated in a very close race in 2000.

Senator GORTON has served 18 years in the Senate. In his last two consecutive terms, he was chairman of the Interior Appropriations Subcommittee and worked on a couple of different Appropriations subcommittees. He did an outstanding job with the Interior Appropriations Subcommittee which has enormous responsibility. He handled that with great skill and in a bipartisan way.

People ask: Can the Senate function? Can we work in a bipartisan manner? I look at Senator GORTON and his leadership on the Interior Subcommittee, working with Senator BYRD and Senator REID. He has proven it can happen and has shown how it can happen and should happen.

He is an outstanding Senator. He has handled his defeat with great class. There was a recount, and he congratulated MARIA CANTWELL as the victor. We are proud to call him our colleague and our friend. Certainly he will be missed in this body; certainly his leadership will be missed in the State of Washington.

—

TRIBUTE TO SENATOR BOB KERREY

Mr. NICKLES. Mr. President, Senator BOB KERREY from Nebraska, as most people know, was a former Governor of Nebraska. He has completed two terms in the Senate. I, for one, hate to see him leave the Senate. I have had the pleasure of working with Senator KERREY on the Finance Committee. He has shown great courage.

He is a person who has been willing to talk about difficult issues: Curbing the growth of entitlements, Medicare, and Medicaid. He worked on the commission that was also chaired, I think, by Senators BREAUX, FRIST, and THOMAS, and was an outstanding member in saying: Let's make some of the tough choices; let's make some of those tough choices now.

He is a person who has been willing to reach out and work in a bipartisan fashion, such as on personal savings accounts for Social Security, reforming Social Security.

He has courage. He has conviction. He has shown it time and time again with his service in the Senate, with his activities in the Senate and outside the Senate.

Everyone knows he is a Medal of Honor winner. I think of him as a competitor, as a friend, as a colleague. Some of us jog on occasion. Senator KERREY jogs and jogs quite well. That is very inspirational because he also has an artificial leg.

He has a great personality. I think he has made a great contribution to the Senate. He has helped improve the quality of the Senate, and certainly he will be missed. I think he has announced he is going to be a university president. That will be very much to the gain of that university. He will be sorely missed in the Senate.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. THOMAS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

—

TRIBUTE TO SENATOR ROD GRAMS

Mr. THOMAS. Mr. President, I would like to take just a few minutes to comment on one of our friends who is leaving the Senate.

We all, of course, feel strongly about the changes that take place in this

body and the people with whom we work closely, and even those with whom we do not work closely, and certainly appreciate all the things they have done while they have been here. Frankly, it is always a sad thing to have people with whom you work leave.

Of course, all Members have an impact in this body. All Members leave an imprint here and certainly in the areas they represent. Each of us has different ideas. That is the basis for our system. We bring those ideas here and seek to implement them, to the extent we can, by working with others to cause them to be implemented. We have disagreements, as we properly should have, and then we come to some decisions.

So I want to comment for a moment about my good friend ROD GRAMS who has well represented the State of Minnesota in the Senate for 6 years during the same period I have been here. He served in the House prior to that, during the same time I was there.

I think ROD has been one of the real good guys in terms of his dedication to doing the things he thought were best for the country, things he believed were best for the people of Minnesota. He has been a great legislator and an important friend to many of us.

As I mentioned, ROD GRAMS was elected to the House in 1992. He served there for one term and then was elected to the Senate in 1994. I certainly have benefited from our association ever since. ROD is a proud conservative.

ROD is one who is dedicated to the notion that there ought to be budget relief. He is dedicated to the notion that there ought to be Social Security reform. He is a champion of the $500-per-child tax credit and is the author of many successful tax measures. I think he has made a real contribution to the direction we have taken.

Above all, however, I think that idea of having a philosophy, believing in some things that are good, and working for those things, but working for them in a way where others can also work on them with you, is really the greatest contribution any of us can make. I feel sure this institution will be poorer in the future because he is not here. But he will continue to contribute to our country.

One of his legacies has been his determination; one of his legacies has been getting results. That is really what it is all about—to cause things to happen, to have legitimate debates and concerns about important issues.

I think ROD will be sorely missed in the Senate, not only as a friend but as a driven legislator who has been a critical party to this idea of less government and more personal freedoms, which is a very important thing to most everyone.

He will continue, of course, to make contributions to our country. Prior to coming here, he worked in the media through TV and newspapers. I suspect we will hear much more from him.

I will not go on further, but I simply want to say I wish ROD great luck in whatever he does. I thank him for what he has done here. I just wanted to at least briefly recognize the contributions that have been made by Senator ROD GRAMS to this institution and to this country.

I thank the Chair.

—

THE PRESIDENTIAL ELECTION

Mr. DORGAN. Mr. President, the American people last evening heard a concession speech by Vice President GORE and a speech by Gov. George W. Bush, who is now the President-elect.

I supported Vice President GORE. I wish the result had been different in this election. But we have a process for contesting elections, and that process was finalized by the actions of the U.S. Supreme Court. I accept those actions, and we now have a new President-elect.

We went through some difficult times after the election day, and those times inflamed the passions of many Americans. The fact is, the American people created almost a dead even tie in casting votes for the Presidency. It wasn't just the Presidency. It was a 50–50 split in the membership of the Senate, and nearly a 50–50 split in the House, and as I indicated, a near tie vote for the Presidency. That is not likely to happen again in our lifetime. It is not unusual for the person on the losing end to want to make certain that all the votes are counted and counted correctly. So that is why we went through that process.

I know many passions were inflamed as a result of it. In fact, some of my colleagues—not so much in this body but in the other body—were using words such as ''stealing elections,'' and so on. I regret that those words were used. I don't think it contributes to what we ought to be doing. That is all gone and done.

As of last evening, we have a President-elect who addressed this country, and we have a Vice President who conceded that election.

Despite the fact that Congress is divided almost evenly between the Republicans and Democrats, all of us wish the new President-elect well.

It will behoove all of us to work together and extend ourselves to each other and try to create some unity, and move forward on things on which we can agree. There will still be policy differences, I might say, and we should aggressively debate them. But I think the American people want us to try to work together to find areas of bipartisanship, and we will do that. I, for one, am interested in seeing us make the progress on important issues for our country.

Let me make this comment as well. We not only will now have a new President. This new President inherits an economy that is going through some changes, some subtle and some not so subtle.

INTEREST RATES AND THE ECONOMY

Mr. DORGAN. Mr. President, the Federal Reserve Board meets on Tuesday of next week. The Federal Reserve Board has increased interest rates six times since June 1999 in search of inflation. They are terribly afraid that there is inflation either under the bed, or in the closet, or just around the corner, out in the garage, near the driveway, or somewhere inflation exists. Of course, all the evidence suggests that the core rate of inflation is very low—well within moderate levels. In fact, the Producer Price Index released this morning suggests that the core rate did not increase at all in November. The Consumer Price Index will be released tomorrow, and I suspect it will show something very similar.

Next week when the Federal Reserve Board meets, in my judgment, it will behoove them to reduce the additional tax on money they have imposed with six increases in the Federal funds rate.

Let me describe why I think we ought to do that. This economy is slowing. After unprecedented economic growth in this country, this economy is slowing. The evidence is all around us.

Manufacturing activity for the fourth straight month ending in November has declined. The National Association of Purchasing Management recently reported that its purchasing index had dropped to 47.7 percent from 48.3 percent.

Auto makers are idling plants. The real output of cars and trucks fell by some 20 percent over the second and third quarters. Car and light truck sales have fallen for the past 6 months with the largest drop in over 2 years in November.

The number of manufacturing jobs declined by 220,000 in the last 4 months. Factory orders are falling.

Factory orders plummeted 3.3 percent in October in its weakest showing in 3 months.

Housing starts and sales are off. Retail sales are well off. Yesterday, the Commerce Department reported retail sales fell by an unexpected 0.4 percent in November.

I will not go on at great length. But the evidence is all around us. This economy is slowing.

The Federal Reserve Board says it wants to slow the economy. The debate now is what kind of landing will occur—a ''soft'' or a ''hard'' landing, in the lexicon or jargon of economists. Nobody knows.

I taught economics in college briefly, and I have said I overcame that experience. The fact is that economists don't know what is going to happen in the future. The field of economics, as I have said previously, is nothing more than psychology pumped up with a little helium. They tell us what they think is going to happen in the future.

Prior to the last recession, 35 out of 40 leading economists in this country predicted that next year would be a

year of continued economic growth. That is what the field of economics produces.

What is going to happen in the future? I worry that this slowdown could very easily move this country into a recession. We have to be careful about that.

The Federal funds rate that the Fed has established is too high. It results in a prime interest rate that is too high. It results in higher interest rates paid by every American on their consumer debt, and on their real estate debt, and so on. That is higher than it should be. As a result of the Fed's six interest rate increases, the average household in this country pays about $1,700 a year more in interest charges. If we were going to have a tax on the American people, we would have great debate about it. This is a tax on money, and it is has required an average household to pay $1,700 a year more in interest charges.

There is no debate on that. It is done behind the closed doors down at the Fed. They have their wish. The economy is slowing down.

The question is, Will they have the sense next week to decide to reverse course and understand two things? One, there isn't any real inflation problem; and, two, they are overcharging for money, and they ought to begin reducing short-term interest rates because they have increased them too much.

These are the folks who go behind closed doors and make these decisions. There is no public discussion or debate here.

Here are the Federal Reserve Board of Governors and the presidents of the regional Federal Reserve banks. They serve on a rotating basis as part of the Open Market Committee and as part of the decisionmaking down at the Fed.

Next Tuesday they will close the door. The American public isn't allowed in. They will make decisions about what kind of tax we will have on money. Six interest rate increases have been ordered by these folks over the last year and a half. They have slowed down the American economy.

Looking at housing starts, autos, and retail sales across the board in economic activity, in my judgment, they are tinkering with the notion of allowing this country to experience the beginning of a recession. That would be most unfortunate.

I want people to understand. Here are the names of the folks who are there. Here is their education, background, and their salaries.

I think it is important for us to understand who is making public policy behind locked doors. Next Tuesday, when they talk about monetary policy, I think the American people ought to understand that the question of the interest rates and the amount of interest they pay on their credit cards, home equity loans and so on depend on what these folks are doing with respect to the Federal funds rate. It is very important.

I worry very much that this economy may well head towards a recession unless we do something to reverse the course that the Fed has taken.

Mr. REID. Mr. President, will the Senator yield for a question?

Mr. DORGAN. Of course, I would be happy to yield.

Mr. REID. The Senator from North Dakota has been such a leader on this issue dealing with the Federal Reserve. In fact, the Senator will recall that the Senator from North Dakota and the Senator from Nevada ordered a study of the Federal Reserve. We found, among other things, that they have a slush fund of over $3 billion. It has been there for 70 years, or thereabouts. They never use it.

I ask the Senator from North Dakota: Wouldn't it seem logical, as we are trying to do all of these things in the last few minutes of this session, if that money were to be used to help farmers, or help with some of the problems created by forest fires in the West? Wouldn't that be a better place to use that money than to use it for the so-called rainy day fund? We have never had a rainy day in the Federal Reserve.

Mr. DORGAN. I agree with that. One could find important uses for it, or perhaps give it back to the taxpayers. But this is a circumstance where the Federal Reserve Board, according to the GAO investigation that was done, has a rainy day fund. Can you imagine having a rainy day fund in a climate where it never rains? The Federal Reserve Board can never lose money. It will never lose money, and has never lost money. They accumulated a rainy day fund of some $3.7 billion. It is more now.

Here you have this last dinosaur on America's hill—the Federal Reserve Board—that operates in secret behind closed doors that creates its own rainy day fund. The GAO says they don't need it. They shouldn't have it. It ought to be given back.

Guess what. A couple of years after that study was complete, has that rainy day fund been divested by the Fed, and given back to the taxpayers? The answer is no. Of course not. Why? Because this Congress usually won't touch the Fed with a 10-foot pole.

There is this language about monetary policy that prevents almost anybody from even talking about it. That is one of the reasons I wanted to talk today about what happens next Tuesday.

Our economy, in my judgment, is in some difficulty. It has gone down dramatically. We have a new President who will be sworn into office, and may well inherit an economy that is slowing down, and could even be heading towards a recession, at least in part, because the Fed has decided they want to slow down the economy. Six times they increased interest rates; they create a new tax on money, impose a new burden on every American family, and nobody thinks much about it.

It is time to turn that around. The prime interest rate is too high by at least two percentage points, and as a result, all other interest rates in this country are too high. Why? Because the Fed has pegged the price of money at an artificially high rate because they want to slow the economy down. The fact is they run the risk of pushing this economy off the track of unprecedented long-term economic growth and into the ditch of a slowdown into a potential recession and increased Federal deficits.

I hope the Fed will think long and hard next Tuesday about this subject and decide it is time to begin reducing interest rates following the six rate increases they have imposed on the American people.

I will speak more about this. My expectation is we will probably finish this session this week, so I will not speak on the floor of the Senate next week. But before the Fed meets on Tuesday, I want to give more advice on Monday. They seldom take my advice, but I think they would be wise, if they want to ignore my advice, to at least listen to some of the good economic thinkers around this country who worry a great deal that what is happening to our economy is it is slowing and threatening to head into a very difficult period. Now is the time, not later, to do something.

The Fed talks about preemptive strikes against inflation. My friends, there is no inflation at this point. All the evidence suggests inflation is well under control. What about a preemptive strike by the Federal Reserve Board preventing the economy from heading toward a recession? That would make sense next Tuesday.

I yield the floor.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, I applaud and congratulate the Senator from North Dakota. With this election having taken more than 30 days, and the stock market, as a result of the turmoil of the election, having dropped significantly, there is a lot of uneasiness in the economy.

I hope the people who are cloistered in the Federal Reserve, hidden away from public view, have the opportunity to listen to what the Senator from North Dakota said. It is so important the people of the State of Nevada and this country be given a break at the beginning of the year on interest rates. Construction is being hurt. Everything we do is affected by the interest rates which as the Senator so graphically illustrated, dictate our lives. I hope the Federal Reserve would follow what the Senator from North Dakota has said. The Senator from North Dakota has had long experience working on financial matters, including the Ways and Means Committee in the House of Representatives, and in the Senate as head of the Policy Committee, and has given great direction on fiscal matters.

I yield for a question.

Mr. DORGAN. Mr. President, I know that the Federal Reserve Board reads everything. They are voracious readers of the economists who gather this information, provide it to the Fed, and assimilate it and make judgments.

Let me give a factoid for their consideration. I have no idea what it means. The Oscar Meyer Weinermobile, one of the vehicles that runs around the country, had an opening for a driver in the newspaper the other day. They were placing a help-wanted ad for a driver for the Oscar Meyer Weinermobile. They got 800 college graduates applying. I have no idea what that means.

It just occurred to me as the Fed looks at information about the economy, they might look at interesting things about this economy: Where it is headed, what is happening, who is employed, who isn't, and what might happen, 3, 6, and 12 months from now, and don't relent on interest rates and steer us back toward a longer term economic growth prospect.

Mr. REID. I say to my friend, I am sure of one thing it does mean regarding the statistic regarding the car that looks like a hot dog: The fact that there are a lot of people with a college education who can't find work.

Mr. DOMENICI. 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.

Mr. DOMENICI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

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ORDER OF PROCEDURE

Mr. DOMENICI. Mr. President, I note the presence on the floor of the distinguished Senator from Connecticut who just came off a major campaign. We welcome him back to the Senate. He has never stopped being a Senator, but he has been very busy doing other things.

I yield so he can speak. I will speak following his remarks. So I ask unanimous consent that Senator LIEBERMAN be permitted to speak for up to 15 minutes, and then I ask consent Senator DOMENICI be permitted to speak for 15 minutes thereafter.

The PRESIDING OFFICER. Without objection, it is so ordered.

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THE ELECTION

Mr. LIEBERMAN. Mr. President, I thank my colleague from New Mexico. I thank him for his customary graciousness. As I think about this year and look across the map of the United States and look at the results in the various States, I have even greater love and affection for New Mexico than I did before the year began.

Mr. President, have you noticed that many things in politics and government seem to be taking longer than usual this year? It is December 14 and the 106th Congress is surprisingly still in session. But happily that allows me to come to the Senate chamber—this great American forum, which I love and respect so much—and reflect on the extraordinary opportunity Vice President AL GORE gave me to be his running mate this year.

When I accepted the Vice-Presidential nomination at the Democratic Convention in Los Angeles in August, I began by asking: ''Is America a great country or what?''

Last night, we ended that remarkable journey in a disappointing way. Nevertheless, I want to answer my question this morning by declaring: ''Yes, America is a great country!''

Let me offer to my colleagues a few reasons why I feel this way today. In selecting me, a Jewish American, to be his running mate, Vice President GORE did what no presidential candidate before him had done. That required personal courage and confidence in the American people. Today we can look back and say that the Vice President's confidence was totally justified.

The fact is that while my faith was the focus of the earliest reactions to my candidacy, it was not even mentioned at the end of the campaign. That is the way we all hoped it would be. And that is good news for all Americans—a fulfillment of the promise that America makes to its citizens that in this country no matter who you are or where you start, you should be able to go as far as your God-given talents and individual determination will take you.

The absence of bigotry in this campaign and the fact that the Vice President and I received the second highest number of votes in history of American national elections should encourage every parent in this country to dream the biggest dreams for each and every one of their children.

Anything is possible for anyone in America.

In the five weeks since election day—because this turned out to be the closest election in American history—our nation's greatness was tested in a different way. But I am confident that in the end our election process can only be made stronger by this experience.

For one thing, it opened our eyes to some long-overlooked problems with our system of voting, to the disparities in technologies and practices that may be stopping large numbers of voters from having their votes counted and that in particular may be undermining the electoral rights of many poor and minority citizens. These problems call out for investigation and reform.

Whether you are happy or sad with the results of the 2000 election, I do think every one of us should be grateful this morning that here in America, we work out our differences not with civil wars but with spirited elections. We resolve our disputes not through acts of violence but through the rule of law. And we preserve and protect our system of justice best when we accept its judgments that we disagree with most.

This election is over. I congratulate Governor Bush and Secretary Cheney and wish them well. Mr. President, I had the opportunity to do that personally in a very cordial conversation this morning with the Vice President-elect, Secretary Dick Cheney.

As Vice President GORE said eloquently last night, it is time now for all of us to come together in support of these United States and the shared values that have long sustained us. Governor Bush and Secretary Cheney are in my prayers, and I know they are in the prayers of all Americans, as they begin now to assume the awesome responsibilities that go with leadership of this great country.

In the strong words and soft voices they both used last night, Vice President GORE and Governor Bush raised us all up and pointed America toward the reconciliation that our history expects and that our national interests now require.

As they both noted last night, this was the closest election we have ever experienced, with the vote for President essentially ending in a tie, the Senate split 50–50 and the House nearly even as well. That puts a special burden, not just on Governor Bush but on all of us in Congress to work on a bipartisan basis and in a cooperative spirit. As I have in the past, I fully intend to work with my colleagues on both sides of the aisle and with President-elect Bush to find that constructive consensus without which we will not help the American people realize their potential.

For my family and me, this campaign has been a thrilling and joyful experience. It has deepened the appreciation we have for the goodness of the American people and the love and loyalty we feel for this country. We could not have asked for a more warm, open, and accepting reception as we traveled around this blessed land. We could not have been more impressed with the common sense and strong values that unite our very diverse citizenry. From their Government, it became clear to me over and over again, most of them, most of the American people, want only a little help every now and then as they work so hard to make their lives better. That is exactly what we, together, should do for them.

The most powerful emotion that I feel on this morning after is gratitude. I am grateful to be an American, proud to be an American; grateful to my wife Hadassah—my love and my partner—for the devoted support she gave me and the extraordinary way she reached out to everyone she met in this campaign; grateful to our dear children and mothers and sisters and brothers and relatives and friends whose help and love sustained us; grateful to Tipper and the Gore children for being such genuine and such generous friends, and

for the skill and grace with which they conducted themselves in this campaign; grateful to the Gore-Lieberman campaign staff, whose idealism, ability, and hard work make me optimistic about America's future; grateful to my Senate staff here in Washington and back home in Hartford—they have served with me on behalf of the people of Connecticut for so many years, and continue to do so with such commitment during this eventful and unusual year—grateful to the people of Connecticut whose support over the past 30 years has put me in a position where AL GORE could give me the extraordinary opportunity he did this year; and grateful to the people of Connecticut without whose backing this year I would not now have the privilege of looking forward to 6 more years of service to them and with you, my colleagues, as a United States Senator.

My greatest gratitude is to Vice President GORE himself. He has been my friend and colleague for 15 years now, but I have never been prouder of him than I was this year, and than I was last night. He conducted the campaign with dignity. He presented his policies and programs with conviction. He spoke with a precision that showed respect for the American people. He stuck to the record, and he worked hard, very hard. AL GORE ran this campaign as he lives his life: with honor, intelligence, and devotion.

Today, the Vice President can look back on 24 years of public service with great pride in his accomplishments, and he can look forward to the years ahead with great excitement about the unlimited opportunities that await him. I wish him Godspeed, and I look forward to his continued friendship. The Vice President knows, as I do on this morning, that Psalm 30 assures us that weeping may linger for the night but in the morning there are shouts of joy.

So, today, as some of us weep for what could have been, we look to the future with faith that on another morning joy will surely come.

I thank my colleagues in the Senate from both parties for their warm personal wishes and support during the last 5 months. I look forward, now, to returning to this Chamber in January and working with all of you to help improve the lives of the American people and to help elevate their respect for the institutions of our great democracy.

Mr. President, I again thank my friend and colleague from New Mexico for yielding me the time, I thank the Chair, and I yield the floor.

The PRESIDING OFFICER. We are all very proud of the Senator from Connecticut.

The Senator from New Mexico.

Mr. DOMENICI. I believe under the unanimous-consent agreement I am to speak next, but I note the presence of the chairman of the Appropriations Committee who would like to speak. I yield to him, and I ask I follow him this morning.

The PRESIDING OFFICER (Mr. ALLARD). Without objection, the Senator from Alaska is recognized.

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STELLER SEA LIONS

Mr. STEVENS. Mr. President, I am grateful to my friend from New Mexico. I am here once again to talk about the last controversial amendment in the appropriations bills for the fiscal year 2001. We have completed all work on these bills now except for one amendment and that is the amendment that pertains to the Steller sea lions. I am here because there seems to still be a misunderstanding about what we are trying to do. The Congress has passed and the President has signed, as a matter of fact, an extension of the Magnuson-Stevens Act, the act that deals with the 200-mile limit off our shores. That act in its original form created the North Pacific Fisheries Council that has jurisdiction under the law for the management plans that apply to fisheries off the shores of my State of Alaska.

In its recent action in issuing a biological opinion under the Endangered Species Act, the Department of Commerce saw fit to use the emergency portions of the Magnuson Act to issue a management plan for pollack and for cod off the State of Alaska within what they call the RPAs, the reasonable prudent alternative areas, dealing with the decline of the Steller sea lion.

There is no emergency provision in the Endangered Species Act. Under the Magnuson Act, management plans are issued by the regional councils, not by the Department of Commerce. There is an emergency clause, if the Secretary makes findings of problems with the fishery, that could justify the Secretary issuing a plan or a revision of the existing plan. That was not done. Instead, the Department of Commerce saw fit to use the emergency clause of the Magnuson Act to once again seize total control of the pollack and the cod fisheries off our shores within the so-called RPAs. They amount to an area of 20 miles around every sea lion rookery. It is an area that extends from Kodiak, all the way out along the Aleutian chain.

The National Marine Fisheries Service has told us there is no data to support the concept that there is a connection between the decline of the sea lion and the harvest of pollack. There is no cause and effect relationship scientifically that exists with regard to this decline. We are appalled by the decline of sea lions off our shores. We also know that sea otters are steadily disappearing, as are fur seals and harbor seals. We believe the reason is the tremendous increase in the killer whales. That is another subject.

Very clearly, what the Department has done now is to increase the danger for fishermen who live in Alaska and fish in the areas off our shores. That fishing currently has the highest level of deaths per capita of any industry in the United States. What this order has done, now, is it has foreclosed the fishing by these small boats in the areas where the pollack is located except during the wintertime. This is a particularly dangerous area. Winter storms increase the problems of fishing. What is more, if they follow the order and go beyond the 20 miles, the further from shore they go on these small boats, even a minor injury becomes a life threatening injury, particularly in the stormy season. I have to report to the Senate that the Coast Guard voted against following this biological opinion last Saturday, in my State, for safety reasons.

What the administration has done is they have restarted the race for the fish. They have made it almost impossible for the enforcement of this biological opinion. They have not consulted with the people who really know the industry as they have issued this opinion. This opinion will have a $500 million to $800 million impact on the industry, according to figures that came from the Department itself.

Just think of this. The largest concentration of fish processors in the United States is on Kodiak Island. I was informed yesterday that, as a result of this opinion, if it is enforced, Kodiak processors will be able to operate for 2½ days. This opinion will create ghost towns in my State along the shore from Kodiak all the way out along the Aleutian chain. Primarily those are native villages. These are not enormous factory trawlers. They fish way offshore. These are people who live in these small villages and harvest this fish—which is a unique fish, as I have told the Senate before. It is unique because it is a biomass constantly growing. Because of the management schemes we have worked out under the Magnuson Act, that biomass has increased almost five times since we started the Magnuson Act.

There is more pollack than ever before, but this is going to limit fishing for pollack in specific areas where the small boats fish.

There is just no way to justify this. Native Alaskans, as I say, are going to lose their jobs, lose their subsistence. About 1,000 boats that otherwise would have gone to sea will not fish under this order. It is just unconscionable.

I am not one who makes threats; I make statements. I have made the statement that I will not sign this conference report if it does not adequately restore this fishery. I will oppose the bill on the floor, and I am hopeful my friends on this floor will understand why.

What this means is we cannot resolve this issue. My staff will meet—thanks to the good offices of the Democratic leader—with representatives of the administration in just a few minutes, but if we cannot resolve this, my advice is make different reservations.

Understand, I cannot as a Senator allow an action that is not following the law that I helped author put a considerable portion of the people who

have year-round jobs in my State out of work, and not just temporarily. They have purported to create these areas around these rookeries forever without any consultation with the regional council that was created by the Magnuson Act, without any public hearings, based solely upon a lawsuit that was filed in a Federal court in Seattle and a friendly suit to use that as a justification for taking back into the Federal Government the management of these two magnificent fisheries—pollack and cod—off our State.

In my opinion, it is unconstitutional, but I know one thing—it is not going to be approved by this Senate.

I thank the Chair, and I thank my friend from New Mexico.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, when I yielded time to my good friend from Alaska, I did not think I would be hearing what I just heard. I am pleased I was here when he discussed this issue of paramount importance to his State.

It is most interesting that a Senator can come to the floor of the Senate and tell us all something that is very important to his State, even though the State is a small State. It is great that our Constitution gives our States representation based upon statehood and not upon population of the State. I trust the administration and others will see fit to work with Senator STEVENS so we will all be out of here before Christmas.

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AMERICAN ENERGY CRISIS

Mr. DOMENICI. Mr. President, I have come to the floor today to talk about a crisis that the leadership in America does not want to tell the American people about, and certainly the leadership does not want to try to solve this basic problem which is the most serious problem confronting us now.

I thought it would be fair and right, since this is what I believe and this is what I understand and before we have a new President, for at least one Senator—and I hope there will be others—to remind the American people that we are in the midst of an American energy crisis. Unless and until it becomes critical to millions of Americans in their daily lives, it is very hard for Americans to think we have a crisis, but there is a growing, creeping crisis of paralysis that will occur in America because we do not have enough energy that is approved by the Environmental Protection Agency and that we can add to our inventories and resources.

The crisis is coming close. Californians may be asking some questions. They ought to be. The media of the United States is not asking them yet. The great State of California, if you put that State alongside countries, is either the third or fourth largest economic unit in the world. In other words, in terms of gross domestic product, California is either third or fourth in the world.

There are brownouts happening in California, USA, which means there is not enough distributable electricity in the power lines, in the grid of California, to permit people to continue operating day by day as if there is sufficient energy for anything and everything they choose to do.

I hope some people start asking: Who did this to us? Why are we in this condition? I predict this will creep across America, and I only hope we do not blame the next President for what has occurred before his watch. We do not have anyone in a leadership position at the executive branch of America, from the President on down, who is telling the American people that we have a big, big energy problem and that there are solutions, but it will mean we have to make some tough decisions.

I want to talk a moment about what energy means.

The reason the United States is powerful, the reason we can have a strong military, the reason we have the best material things in our daily lives—more houses, more cars, more refrigerators—and people can continue to aspire to be materially sound in America with our economy growing robustly, adding people to the payrolls and giving them more money per unit of time, giving them a better standard of living and a life to lead, is because we have energy. Without energy, we cannot grow, and I do not mean grow from the standpoint of adding a subdivision; I mean grow from the standpoint of putting to work for us in our daily lives the kinds of things that use energy and give us productivity, jobs, and economic growth. Without an energy supply, that cannot happen.

I want to talk a moment about our goals for the world.

We have used some really nice words—''globalization,'' for one. The way I see it, America would like poor countries to get rich. We would like poor people in the world to have more, not fewer, material things. Believe me, these poor nations are beginning to look at the world and ask: How about us? Can't we grow? Can't we have prosperity?

Let me give an answer as I see it. If the world is expected to grow and prosper using current American restraints on energy sources, it is impossible for us to grow and the poor to grow because they need huge quantities of energy to grow. Do we want to be part of that? If we do, how can we hide our heads and not encourage that all sources of energy be looked at from the standpoint of the benefits versus the costs—the cost to a country, to the environment.

Because of the inability to make hard decisions, we are just about to make our country a natural gas environment. We have almost abandoned coal. We have almost abandoned cleaning up coal so we can use it.

People are wondering what is happening to natural gas prices. When we say to the American people that all you can use in new powerplants is natural gas, all you can use for anything now because of environmental concerns is natural gas, and then we say we cannot produce it on American lands, on American property, on American public domain—I am looking across the aisle at a Senator who is always talking about coal, coal mining. Let me tell him, there is currently a study that says the United States of America has 200 trillion cubic feet of natural gas. We use 20 a year. That is almost 10 years of total supply. We have it locked up in American public domain, in American real estate that we own as a people, because we are frightened to make decisions about letting people explore for it or drill for it. In fact, we have case after case where almost nonsensical restraints lock it up so we cannot use it.

I submit that the challenge for the new President is to be courageous and for his Secretary of Energy to be courageous. First, we had better define the problem for the American people. A Senator this morning came to the floor and spoke about our growth. I say to my friend from Colorado, we seem to be having a downward trend in our gross domestic product, and everybody wants to tell Alan Greenspan how to do his business. That is OK. That is what Senators do. Everyone claims Alan Greenspan in the last decade did the best job of steering us in the direction of sustained growth, high employment without inflation. I say to my friends, there can be no sustained growth at 2.7 per year or 3.3 per year, which gives us a lot of power in our economy, if we do not have energy to use. We cannot do that with brownouts across America.

That, in and of itself, and the increased price will cause America's economy to sputter and slow down, and somebody will be blamed. I submit, do not blame the new President and do not blame the new Secretary. They may have to tell us the truth. They may have to tell us we cannot as a nation get by hiding our heads from new energy sources, such as advanced new technology in the nuclear area.

I think we are going to have to start talking about it realistically with the American people.

Do you know in South Africa they are about to build a module—that means a small powerplant—with brand new nuclear technology that, number one, means the powerplant can never melt; it is passive; it will turn itself off at a certain temperature.

Do you know that powerplant they are trying to build will not use light water? Their gas-cooled design may be much simpler, much safer, and produce less waste (but some) than light water systems.

We here in America are working on nuclear research and the like related to that kind of addition, but we are doing it in such a quiet way because we are fearful that some will rise up and get angry about it. Angry they may get, but the truth is, if the American people

understand that we can move in that direction—carefully, slowly—adding some diversity to our energy supply, we can also do a better job in cleaning up our coal and using some of it for electricity.

We can, indeed, open up our public lands to exploration instead of hiding them, as if drilling a well that produces huge amounts of natural gas for Americans—and for whatever we need to grow and prosper—as if that is something terrible rather than something very good. It is something where we ought to hold our heads up and say: We own it. It is American. If we produce it, it is ours. We do not have to be dependent.

And, yes, there is no question that we ought to look at the refining capacity of America. We have not built a new refinery in 16 years, I say to the occupant of the chair.

What is that all about? It is because we have put environmental rules ahead of America's energy needs. We refuse to look at real cost benefits and reasonable mainstream protection rather than extraordinary protection that in many instances is meaningless but costly and many times stops the production of things such as refineries, pipelines, and the like.

I have much more that I will talk about from time to time on the floor of the Senate, but I come today to say, I hope we do not have to turn off our Christmas trees in New Mexico during this Christmas season, nor in the Senator's State of Colorado. I hope we can turn them back on in California.

Frankly, the only reason they cannot—and the only reason California suffers—is because nobody will make tough decisions. We are sitting back suggesting that things are really going well; that we will fix the American energy supply with windmills. I can deliver a specific talk on why that will not work for all our energy, but we ought to continue it. But it will never give us the kind of energy supply we need as we look to the future.

Do you know that the underdeveloped countries of the world, which intend to grow—and we say to them: Grow, prosper—by 2020 will use as much energy as the United States of America? Where are they going to get it? What are they going to use? What are we going to suggest they do?

Are we going to sit back and say America can grow but they can't? Are we going to say they can use some new kind of energy source but we won't?

So our leadership in the world, moving towards democratization and growth and prosperity for the poorest of nations, will come to a grinding halt if, in fact, we cannot have energy supply in the world.

Why should we have an agreement to preserve ambient air qualities and in that report not mention nuclear power? Why should leaders do that? I have had experts, physicists, who know what they are talking about, saying that alone is enough to put that document over here on a table and declare that it is not real.

If you want clean air in the future, you cannot say we will do it by using only natural gas, that we will not build any more coal burning powerplants, even though we could develop the technology to do that, that we will not consider nuclear power, even though we have a nuclear Navy that since 1954 has gone all through the waters of the seas and oceans of the world with it, with one or two powerplants right inside the hull of the boat, with never an accident. Never has anything happened, and we are so frightened we will not even talk about it.

I think we will talk about it. I think we will talk about opening up American public domain for production. I think we will have a real debate about ANWR, rather than an emotional debate, a real one about what we ought to do to relate our energy needs to that area of the world, not just putting our hands up and saying it cannot be touched, that you can do nothing.

So there is much to be talked about and much leadership needed. But the point is, energy problems in America, without major changes, will get more pronounced. We will have more crises; the prices will go higher, not lower across the board in America for gasoline and natural gas.

I am hopeful the new President will put somebody in the Department of Energy who will help America address this issue with its eyes open, ready to make some really tough decisions.

But the biggest thing I seek is to set the record straight. When that occurs, as the energy crisis creeps across America, I hope we will remember that the seeds have been sown before the swearing in of this President. They are there; the lack of doing the right thing in America is already in place.

This President and his Cabinet and his Secretary and his Environmental Protection Agency head are going to have to help solve a crisis they did not create. We ought to know that, and we ought to set the record straight that that is the case.

I want to close by saying there is plenty of blame to go around. But we will not solve this problem without some leadership that is willing to tell us the truth and suggest that there is really no need for the State of California to be running out of electricity. It is because we have been shortsighted, misled—and they have been in their State because there is the potential for plenty of energy to go around out there. We just have to decide that America needs energy for its future, and that we cannot grow more dependent, that we ought to grow less dependent.

So rather than proceed with details about each of the sources of energy which I had chosen to talk about today, I will do that on another day. Suffice it to say, we will not continue to grow—the Federal Reserve Board notwithstanding—if we cannot solve the problem of how much energy we need and make sure we have it.

Some people thought that because of Silicon Valley, because it is so clean and because it is built around new technology and computerization, we would not need new energy sources. But it turns out that if you want that kind of growth and that kind of productivity increase, and if you want the future of our country to be built upon the technology that evolved with the Silicon Valley in California and other mini ''silicon valleys,'' you need a lot of energy to create the new productivity that that brings to America.

I want to also add that new technology, led by computerization, is part of the reason we have had the sustained growth; they added a dimension of productivity we did not even measure for many years. They added growth to technology by way of productivity increases: The more computers you had, the more you got out of your personnel per unit of work. You got more because of high technology. That has added immensely to our productivity and has permitted us to grow without inflation. That is peaking out.

Surely, if we do not add more energy to the mix of the base, we will have to start trading off one source of growth in America for another. I do not believe that is going to work, and somebody will be blamed, especially since it does not have to happen.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Minnesota.

—

EXTENSION OF MORNING BUSINESS

Mr. GRAMS. Mr. President, I ask unanimous consent that morning business be extended until 12:30.

The PRESIDING OFFICER. Without objection, it is so ordered.

—

SERVING IN THE SENATE

Mr. GRAMS. Mr. President, I rise today on what is a somewhat bittersweet occasion to reflect on my time in the Senate, and to look ahead to the future.

Next to being a husband, a father, and a grandfather, these past 6 years have provided without a doubt the most exciting and also the most inspiring moments in my life. To serve as a Member of the greatest deliberative body in the world—entrusted with fulfilling the hopes and wishes of the people across the United States as well as the people of Minnesota—has been humbling beyond words. When your view out the front window is of the U.S. Capitol, and when your daily travels take you down the same halls once walked by John Quincy Adams, Abraham Lincoln, and Daniel Webster, and you spend your hours working for people who ask nothing more of you than to make government work a little bit better, well, going to the office to work each day is a real pleasure.

I am going to miss the Senate, not at all because of the prestige it is said to represent, but because this relatively small group of people is instilled with the power to accomplish so much good. And every day in this Chamber, my colleagues plow their passions into doing that. Yes, we routinely disagree. We have our partisan battles. And as men and women with strong ideas about what is right for America, we can be as stubborn as any creature God ever put onto this Earth. But there is never any doubt that as Senators, my colleagues act out of a deeply held belief that they are doing the right thing for the people who sent them here.

I have had the opportunity to serve with many remarkable individuals. They have taught me a great deal, not just about being a Senator, although there was certainly a major part of that, but they also helped me to recognize that compromise does not have to mean compromising one's beliefs, that a small victory is often better than no victory at all, that ''obstacle'' is just another word for opportunity, and that sometimes the best way to get past a mountain is to go around it, and not necessarily tunnel right through it.

The majority leader, TRENT LOTT, has been a good friend, and I have appreciated his counsel and his willingness to listen to even the most junior members of this chamber. I'll say the same of his predecessor, Senator Bob Dole, who was in so many ways a mentor to this Senator, and I truly admire him as a wonderful and caring leader and man. The assistant majority leader, DON NICKLES, has been a tremendous example to my colleagues and me, and I want to thank him for his guidance and friendship. I consider it my great fortune, and a great honor, to have been able to work closely with so many other good people on both sides of the aisle, such as Democrat Leader TOM DASCHLE and Assistant Democratic Leader HARRY REID. I have learned from you daily; and, from our most senior and respected Members of this body, Senator ROBERT BYRD and Senator STROM THURMOND; my committee chairmen, JESSE HELMS of Foreign Relations, PHIL GRAMM of Banking, PETE DOMENICI of Budget, and FRANK MURKOWSKI of the Energy Committee.

Before I got to the Senate, I never would have guessed that every question would have exactly one hundred different answers. But each of our exchanges forced me to look at old ideas in new ways, and I'm a better person for every challenge you posed. These years with you have been like watching a history book come to life.

I want to recognize my colleagues who are also leaving the Senate at the conclusion of this Congress. The distinguished chairman of the Finance Committee, BILL ROTH, has been one of this Chamber's greatest champions of the taxpayers, and a Senator of whom I have the highest regard. JOHN ASHCROFT and SPENCE ABRAHAM continually set the highest standard of public service; we came into the Senate together, and I was honored to work closely with them during the past six years. CONNIE MACK, a colleague on the Banking Committee, has served this Senate with great distinction, as has the Senator from Washington, SLADE GORTON. On the other side of the aisle, the Senate is losing one of its most respected voices with the retirement of DANIEL PATRICK MOYNIHAN. He represents to me the ideal of the character of a public servant. The same can be said of BOB KERREY. I also wish the very best to RICHARD BRYAN, FRANK LAUTENBERG, and CHUCK ROBB, all of whom earned my admiration.

As to the rest of my colleagues, I won't try to thank you individually here, but I will do so privately, and know that you each have my respect and my gratitude.

Not only have I served with exceptional colleagues, but I was elected to serve here during remarkable times. We've been confronted with moments that tested America's resolve in the world, such as the war in the Balkans and the bombings of our U.S. embassies abroad. Other events, like the Oklahoma City tragedy and the recent uncertainty over the presidential election, have tested us domestically. Despite a strong economy, the challenges posed early on in my term by unending deficits and high taxes threatened families and job creators. These have been hard times in my home state as well, with problems on the farm and a series of natural disasters that challenged our citizens with floods and tornadoes.

We accepted these challenges because the American people expected us to, and at the end of the day, I'm proud to say that we've left things a little better than we found them. Deficits are a thing of the past, taxes are still a crushing blow for families, but a little less so, welfare is no longer a prison sentence, and trade opportunities have opened up around the world for American products.

Is it enough? Of course not, because it's never enough. There's always one more person needing a helping hand, one more bridge to build or road to pave, one more bill to introduce. But I'm confident that we've made the government work a little better for the folks who sent us here, and for the moment, that's enough for this Senator. I leave here with a few more wrinkles and maybe a gray hair or two, but no regrets.

I wish my colleagues the very best as you struggle with the challenges that lie ahead.

With a fifty-fifty split between the parties come January, you'll undoubtedly be tested in ways you haven't imagined. The Senate will adapt, though, as the Senate always has throughout its history, because the people will be counting on you. Senator-elect DAYTON will be in my prayers, and I know the people of Minnesota will stand behind him as they've stood behind me.

On every level, this Senate is a family, and it wouldn't feel right to leave here without expressing my thanks to not just my fellow Senators, but everyone who helps this body go about its daily work. Whether it's the food service workers, pages, officers of the Capitol Police force, elevator operators, parliamentarians, and the others who have become such familiar presences, I've enjoyed getting to know you and I appreciate your professionalism. The dedication to this institution extends far beyond those privileged to stand in the well of the Senate to all of its employees.

In a Senate office, where the ink on the employee roster is barely dry before somebody leaves for a better opportunity and someone else steps in to fill his or her place, I've been blessed to have as loyal and as caring a staff as any Senator could ask for. Going all the way back to my service in the U.S. House, they've stood by me through good times and the most difficult of days. As staffers do, they worked anonymously. They spent long hours at their jobs. They didn't come to work for me expecting to get rich and besides, a paycheck cannot reward that kind of loyalty. So all I can offer them today is my humble thanks and some well-deserved public recognition by inserting their names in the RECORD.

Mr. President, I ask unanimous consent their names be printed in the RECORD at an appropriate place.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See Exhibit I)

Mr. GRAMS. Mr. President, in conclusion, I appreciate their service to my office and to the people of Minnesota. I hope they understand that they have all helped to make a difference.

Also, I return to Minnesota a little bit older, hopefully a little bit wiser, and feeling mightily blessed for all the opportunities that have come my way. In conception and execution, the American Government—and the Senate in particular—is an institution that has never been equaled anywhere else in the world. I have been honored to be a part of it.

I yield the floor.

EXHIBIT I

MINNESOTA STAFF

Erik Aamoth, Andrea Andrews, Donna Bauer, Maryann Carl, Jennifer Casanova, Dave Chura, Karyn Diehl, Tim Engstrom, Eric Felton, Josh Gackle, Joe Isaacs.

Pat Johnson, Jessica Knowles, Michelle Koke, Rich Kunst, Dave Ladd, Kim Lichy, Jack Meeks, Mark Neuville, Mike Nikkel, Annie Paruccini, Rob Patterson.

Merna Pease, Tara Pryde, Matt Quinn, Erik Rosedahl, Noah Rouen, Barb Sykora, Jack Tomczak, Randy Wanke, Hayley Wesp, Linda Westrom, Kurt Zellers.

WASHINGTON STAFF

Perry Aaness, Bertt Adams, Mike Amery, Steve Behm, Jeff Bloemker, Eric Bearse, Dave Berson, Jami Bjorndahl, Brian Bowman, Morgan Brown, Alan Brubaker, Krista Canty, Barbara Cohen, Nicole Converse, Anne Crowther.

Chris Cylke, Joseph Dworak, Jason Einertson, Erik Einertson, Don Erickson, Pat Eveland, Jensine Frost, Chris Gunhus, Lianchao Han, Elizabeth Heir, Peter Hong, Todd Hower, Eric Huebeck, Jay Jackson, Dan Kauppi.

Jason Kelley, Pat Kenny, Anthony King, Adam Knapp, Ray Livengood, Diane Lochner, Careen Martin, Darrell McKigney, Andrea Miles, Brent Moore, Tim Morrison, Gretchen Muehlberg, Vaughn Murphy, Joe Natalicchio, Amy Novak.

Matt O'Donnell, Mark Olson, Merna Pease, Linda Pope, Heidi Rasmussen, Anthony Reed, John Revier, Jill Rode, Erik Rudeen, Gary Russell, Fritz Schick, Mark Sherid, Maggie Smith, Tim Stout, Michael Tavernier.

Braden Tempas, Herb Terry, Pam Thiessen, Joe Trauger, Kiel Weaver, Jeffery Weekly, Linda Westrom, Krista Winter, Tom Yedinak.

INTERNS

Jerry Aanerud, Brandon Adams, Margery Amundsen, Kent Anderson, Gulzar Babaeva, Joel Brusewitz, Cheryl Budewitz, Kate Busby, Steve Chappell, Cristi Cota, Amanda Daeges, Brad Davis, Michelle Dhein, Ryan Ellis, Jenny Erickson, Julie Fishman, Charlie Fox, Tom Goetz, Kristen Gross, Kevin Gustafson.

Jennifer Halko, Chris Hansen, Nancy Hartwell, Elicia Heir, Christian Heitzman, Dan Herrboldt, Jon Herzog, Michael Hiltner, Kelly Huebner, Jessica Inda, Andy Irber, Tom Johnson, Jay Johnston, Kari Klassen, Rob Kloek, Mark Knapp, Jason Kohler, Tim Kohls, Joey Kramlinger.

Margo Larson, Brad Lein, Jeff Love, Melissa Maranda, Brian McCarty, Jennifer McWilliams, Stephanie Moore, Ed Moreland, Jon Nelson, Hue Nguyen, Loc Nguyen, Ben Nicka, Jared Nordlund, Olga O'Hanlon, Gabe Perkins, Gretchen Printy, Jessica Qually, Allison Rajala, Stephanie Richard, Oscar Rodriguez.

Miranda Rollins, Julie Schellhase, Patrick Schott, Meghan Shea, Anne Sigler, Valerie Sims, Matt Skaret, Tanetha Smith, Pat Spieker, Andrea Staebler, Tom Starshak, Amy Thorson, Kristian Vieru, Christine Vix, David Webb, Benjamen Wilson, Kristy Wolske, Ryan Wood.

The PRESIDING OFFICER. The Senator from Virginia.

SENATOR ROD GRAMS

Mr. WARNER. Mr. President, our distinguished colleague, Senator GRAMS, will go on to, I hope, an even greater challenge.

What a privilege it has been for me and I think all in this Chamber to have had his service for a few years. I was particularly impressed by Senator GRAMS' willingness to take on assignments which others felt they would rather not have because of the challenge—particularly on the Foreign Relations Committee and those relating to Africa, those relating to the United Nations, and issues which are very vital not only to our Nation but to the whole world.

I wish to commend the Senator. I hope that he will continue to apply his talents and his wisdom and energy to solving those difficult challenges.

I recently visited the U.N. with Ambassador Holbrooke. Time and time again, I was in consultation with him and other ambassadors from other nations in regard to the budget situation. Senator GRAMS was instrumental in the landmark piece of legislation, Helms-Biden.

I hope he will continue to apply his talents.

I wish Senator GRAMS and his family well.

Mr. GRAMS. I thank very much the Senator from Virginia.

Mr. BYRD. Mr. President, will the distinguished Senator yield?

Mr. GRAMS. I graciously yield to the Senator from West Virginia.

Mr. BYRD. Mr. President, I asked the Senator to yield because I want to share in the good wishes that have been expressed by the distinguished senior Senator from Virginia to the Senator who is about to depart from our midst.

Let me say that the Senator has always been nice to me. He is always cheerful and is always ready to reach out a welcoming hand. I appreciate that.

The Senator and I don't serve on any committees together. I am sorry I never had that opportunity or that pleasure.

But I shall miss the Senator. I shall miss his ready smile and his firm hand claps.

I, too, wish him well in the days to come. Our Senate is better for his having served here. My life is better for having known him and having had the opportunity to serve in this great body with him.

I hope he will come back to see us. I hope I shall get to see him again. I thank the Senator for yielding.

Mr. GRAMS. I thank the very honored and respected man in the Senate, the Senator from West Virginia, for his kind words.

THE LOW INCOME HOUSING TAX CREDIT

Mr. KENNEDY. Mr. President, one of the most significant bipartisan achievements by Congress and the Clinton Administration is the increase in the Low Income Housing Tax Credit that we should enact this week. However, I am concerned that the Internal Revenue Service is taking a position in audits that may undermine the goal of the credit.

Last month, the IRS issued a series of five technical advice memoranda, TAM, on the credit, in response to questions about an audit of a low-income housing developer earlier this year. The memoranda described what may be included in the basis of a property to calculate the amount of the credit that a state can allocate for a development.

The memoranda were requested and issued because no regulations currently exist to clearly define the eligible basis for determining the credit. In the absence of regulations, this highly technical advice is all that taxpayers have available, but these specific instructions for a single taxpayer should not necessarily be the final word on the wide variety of developments across the nation. Regulations would be much clearer and would be fully developed by the Treasury Department.

A further issue is that the memoranda are inconsistent with current industry practice. The positions taken in the memoranda could lower the eligible basis by over 15 percent, reducing available credits for a project. I am concerned that such a sharp reduction in the credit would mean that many planned developments for affordable housing will no longer be economically feasible, and will force developers to decide against building affordable units. It is also possible that this reduction in available credits for projects could be applied retroactively—nullifying credits that have already been allocated and destroying confidence in this important program that Congress worked so hard to establish.

Since States are allocated a fixed number of credits based on population, the memoranda do not save the Treasury any revenues. They simply limit the amount of credits available per project, making individual projects less attractive to developers. The result is fewer affordable housing units at a time when housing prices have soared in many communities across the country.

I am also concerned about the lack of opportunity for public comment on this issue. Preparing regulations requires comment, but issuing such memoranda does not. Many constituents—tenants as well as developers—have strong concerns about the credit, and they should have the opportunity to express those concerns adequately. Developers and housing advocates can provide valuable information on the application of these credits, and their views should be taken into consideration.

With the growing regional and national economy, housing prices are increasing faster in Massachusetts than any other state. Many studies have shown that we must increase production in new affordable housing units throughout the state to meet the overwhelming demand for affordable housing. We must do all we can to see that the low income housing tax credit is used effectively to meet this pressing need.

I urge the Treasury Department to begin the process of developing appropriate regulations on this important issue, including opportunities for detailed public comments.

RETIREMENT OF SENATOR RICHARD H. BRYAN

Mr. LEVIN. Mr. President, when the 106th Congress finally adjourns sine die in the next several days, it will mark the end of the Senate service of one of this body's most thoughtful and respected members, Senator RICHARD BRYAN.

DICK BRYAN came to the Senate having already distinguished himself as a

popular attorney general for four years and governor for six years in Nevada. In his two terms in the Senate, DICK has fought for the protection of American consumers. His successful legislative battles include the requirement that automobiles sold in the U.S. be equipped with air bags, fair credit reporting and toy labeling legislation. He has been a pioneer in the area of internet privacy protection legislation, including his bill, the Childrens' Online Privacy Protection Act, which passed last year by the Senate.

DICK BRYAN has earned a reputation as a tenacious defender of the interests of the people of Nevada. Whether attempting to block the storage of federal waste at Yucca Mountain, attempting to ban internet gambling, or fighting for federal projects in Nevada, DICK BRYAN has time and again been a formidable advocate for his constituents.

DICK BRYAN has also been a strong voice in the Senate for fiscal responsibility. A critic of excessive ''pork-barrel'' spending and wasteful programs, he help lead the fight back to a balanced federal budget.

I have served with DICK on the Senate Select Committee on Intelligence, on which he now serves as Vice-Chairman. On that Committee, DICK has led the minority while steadfastly working toward a bipartisan approach to the Committee's critical oversight of the nation's intelligence community.

Mr. President, I know I speak not only for my wife, Barbara and myself, but for all of us in the Senate family, when I say that we will profoundly miss DICK and Bonnie BRYAN. We wish them, their three children and three grandchildren a healthy and happy future. It was DICK's love of family and his desire for quality time with them and his desire for quality time in his beloved Nevada which takes him from us. While there will be a big hole in our Senate family with his departure, we admire his reasons for leaving, just as we admire and celebrate his contributions to the well being of our nation.

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REPORT CARD OF THE 106TH CONGRESS ON PRIVACY

Mr. LEAHY. Mr. President, I rise today, as Chairman of the Senate Democratic Privacy Task Force, to speak about the privacy rights of all American citizens and the failure of this Congress to address the important issues threatening these fundamental rights of the American people.

When he announced the creation of the Democratic Privacy Task Force earlier this year, the Senate Democratic Leader, Senator TOM DASCHLE, said, ''The issue of privacy touches virtually every American, often in extremely personal ways. Whether it is bank records or medical files or Internet activities, Americans have a right to expect that personal matters will be kept private.'' Yet, our laws have not kept pace with sweeping technological changes, putting at risk some of our most sensitive, private matters, which may be stored in computer databases that are available for sale to the highest bidder. As Senator DASCHLE stated, ''That is wrong, it's dangerous, and it has to stop.''

In leading the Democratic Privacy Task Force, I took this charge to heart and determined that an important first step in formulating workable and effective privacy safeguards was to make sure we understood the scope of the problem, both domestically and internationally, the status of industry self-regulatory efforts and the need for legislative solutions. At the announcement of the Privacy Task Force, I noted that we would focus on Internet, financial and medical records privacy, explaining that, ''It is important to come to grips with the erosion of our privacy rights before it becomes too late to get them back. We need to consider a variety of solutions, including technological one, and we need to look at the appropriate roles for private as well as public policy answers.''

To this end, the Senate Democratic Privacy Task Force sponsored several member meetings and briefings on administrative steps underway in the Clinton-Gore Administration to protect people's privacy, industry self-regulatory efforts, and other specific privacy issues. These meetings included a discussion with White House privacy experts Peter Swire, Chief Counselor for Privacy at the Office of Management and Budget, and Sally Katzen, Counselor to the Director at the Office of Management and Budget, on the status of multilateral negotiations on implementation of the EU Privacy Directive and the effects on U.S. business. At another meeting, officials from OMB and the Department of Treasury described financial privacy issues. Yet another meeting provided a public forum for industry executives representing various seal programs to describe the successes and pitfalls of internet privacy self-regulatory activities. These task force meetings focused on relevant and pressing issues affecting consumer privacy in this country, prompting many Democratic members to look at legislative solutions.

Democrats have worked to enhance consumer privacy protections through the introduction of several legislative proposals—some with bipartisan support— regarding medical, financial, and online privacy and identity theft. Democratic Senators who have sponsored privacy legislation this Congress include, Senators BOXER, BREAUX, BRYAN, BYRD, CLELAND, DASCHLE, DORGAN, DODD, DURBIN, EDWARDS, FEINSTEIN, FEINGOLD, HARKIN, HOLLINGS, INOUYE, JOHNSON, KENNEDY, KERRY, KOHL, LAUTENBERG, MIKULSKI, MURRAY, ROBB, ROCKEFELLER, SARBANES, SCHUMER, TORRICELLI, and WELLSTONE.

Despite the best efforts of Democratic Senators to heed the public call for greater privacy protection and to bring privacy issues to the forefront of our legislative agenda, the Republican majority has failed to bring all sides and stakeholders together to craft workable and effective safeguards in any of the areas where privacy rights are most at risk, namely, for internet activities, medical records or financial information.

During this Congress, for example, instead of focusing on ways to enhance privacy safeguards, the largest number of hearings (thirteen) and innumerable briefings held by the Senate Judiciary Committee or its subcommittees were directed at dissecting the manner in which the Department of Justice handled the investigation and prosecution of certain cases involving national security-related information and campaign financing. In the eyes of some members, the convictions obtained were proof of success, and in the eyes of others they were not. In our next Congress, it is my hope that we will not be distracted by such partisan pursuits, but that our time will be better spent on crafting privacy legislation that will make a real difference in the lives of every American. This is no easy task and will require both hard work and the commitment of member and staff time, but the next Congress should not shy away from this important issue, as has this one.

The right to privacy is a personal and fundamental right protected by the Constitution of the United States. The digitalization of information and the explosion in the growth of computing and electronic networking offer tremendous potential benefits to the way Americans live, work, conduct commerce, and interact with their government. Yet, new technologies, new communications media, and new business services created with the best of intentions and highest of expectations challenge our ability to keep our lives to ourselves, and to live, work and think without having personal information about us collected and disseminated without our knowledge or consent. Indeed, personal information has become a valuable and widely traded commodity by both government and private sector entities, which may used the information for purposes entirely unrelated to its initial collection. Moreover, this information may be stolen, sold or mishandled and find its way into the wrong hands with the push of a button or click of a mouse.

The American people are becoming more aware of this problem and are growing increasingly concerned with expanding encroachments on their personal privacy. American consumers are demanding better privacy protection and simply avoiding those markets perceived to pose the most risk to privacy interests.

New technologies bring with them new opportunities, both for the businesses that develop and market them, and for consumers. It does not do anyone any good for consumers to hesitate to use any particular technology because they have concerns over privacy.

That is why I believe that good privacy policies make good business policies. Consumer concerns can be a serious drag on the marketplace, and the Congress may help bolster consumer confidence by putting in place the appropriate legislative privacy safeguards. Let me outline some of the areas in which I have introduced privacy legislation and will continue to work for constructive solutions.

While many emerging technologies challenge privacy protection, the greatest modern threat may be found online. Concerns over the privacy of online interaction easily dominate both the media and the public. The American public has a number of concerns when they go online. They worry whether their privacy will be protected, whether a damaging computer virus will attack their computer, whether a computer hacker will steal their personal information, adopt their identity and wreak havoc with their credit, whether their kids will meet a sexual predator and whether government or private sector entities are surreptitiously monitoring their online activities and communications.

Unfortunately, these concerns are merited, and will continue to increase as online technology evolves. As the recent popularity of peer-to-peer sharing software, used in the Napster service, demonstrates, the way in which people use the personal computer is changing. Increasingly, personal information, such as diaries, finances, and schedules, will not be stored on hard drives, but instead on Internet-based files. Combined with the reality that a substantial amount of our information is being carried over the ''Wireless Web,'' access to our personal information—by private and by public snoopers—is also growing exponentially.

I proposed S. 854, the Electronic Rights for the 21st Century Act or the E-Rights bill, to address these concerns. This legislation would have modified the blanket exception in current law allowing electronic communications service providers to disclose a record or other information pertaining to a subscriber to any non-governmental entity for any purpose or use. Due to this exemption, ISPs and OSPs may sell their subscriber lists or track the online movements of their subscribers and sell that information—all without the subscribers' knowledge or consent. The E-RIGHTS Act would have cut back on this exemption by requiring ISPs to give subscribers an opportunity to prohibit disclosure of their personal information and enumerating the situation in which the information may be used or disclosed without subscriber approval. Serious consideration of this proposal would have provided a constructive basis for discussion of online privacy, a discussion that has been postponed until the next Congress.

Enhanced privacy protection for confidential information held by bankrupt firms is necessary. Internet users are often promised basic privacy protection, only to have their expectations disappointed and their personal information put up for sale or disseminated in ways to which they never consented. Sadly, expectations and assumptions are not always safe online. For example, Toysmart.com, an online toy store, recently filed for bankruptcy and its databases and customer lists were put up for sale as part of the liquidation of the firm's assets. This personal customer information was put on the auction block even though Toysmart.com's privacy statement promised that ''[w]hen you register with toysmart.com, you can rest assured that your information will never be shared with a third party.''

The Toysmart.com situation exemplifies the need for our privacy laws to recognize the dangers online services pose and to keep pace with the Internet's increased usage and ever evolving technology. I introduced, along with Senators TORRICELLI, KOHL and DURBIN, S. 2758, ''The Privacy Policy Enforcement in Bankruptcy Act of 2000'' specifically to address the problems created by Toysmart.com. Currently, the customer databases of failed Internet firms can be sold during bankruptcy, even in violation of the firm's stated privacy policy. This is unacceptable. The Act would prohibit the sale of personally identifiable information held by a failed business if the sale or disclosure of the personal information would violate the privacy policy of the debtor in effect when the personal information was collected, providing at least a modicum of protection for privacy rights online. It was my hope that the majority would support this legislation and effect swift passage so that we could at least make some progress in the protection of important privacy rights. Unfortunately the majority has chosen to ignore this legislation, along with other numerous privacy initiatives, with the consequence that is has gone nowhere.

Enhanced privacy protection from unreasonable government searches and surveillance is another area that requires attention. Internet users are concerned about whether their privacy rights are threatened by prodding surveillance technology, as demonstrated by the public outcry over the ''Carnivore'' program. Carnivore is used by the Federal Bureau of Investigation to monitor the Internet activity of suspected criminals and is completely undetectable as it intercepts the suspect's email, web, and chat-room activity. Fortunately, the ''Carnivore'' program is capable of filtering protected or unnecessary information from that which should be intercepted. Nevertheless, concerns persist over the capabilities represented by this electronic surveillance technology and its potential invasiveness.

The E-RIGHTS Act, S. 854, which I introduced in April, 1999, contains a number of provisions designed to update our fourth amendment rights in the face of technological advances and new surveillance technologies. This legislation enhances privacy protections in several areas by strengthening procedures for law enforcement access to private information stored on Internet networks, location information for cellular telephones, decryption assistance for encrypted intercepted communications and stored data, communications occurring over conference calls when the target of a wiretap order has dropped off the call, and information obtained under pen register and trap and trace orders. Once again, no action was taken on this legislation despite my continued efforts to urge the Judiciary Committee to take it up.

Just as the widespread dissemination of personal information through online services deserves Congressional attention, the rapid expansion of the financial services industry requires affirmative action to protect private, financial information. In November 1999, President Clinton signed into law the landmark Financial Modernization Act of 1999, which updated our financial laws and opened up the financial services industry to become more competitive, both at home and abroad. I supported this legislation because I believed it would benefit businesses and consumers. It makes it easier for banking, securities, and insurance firms to consolidate their services, cut expenses and offer more products at a lower cost to all. But it also raises new concerns about our financial privacy.

In the financial services industry, conglomerates are offering a wide variety of services, each of which requires a customer to provide financial, medical or other personal information. And nothing in the law prevents subsidiaries within the conglomerate from sharing this information for uses other than the use the customer thought he or she was providing it for. In fact, under current Federal law, a financial institution can sell, share, or publish savings account balances, certificates of deposit maturity dates and balances, stock and mutual fund purchases and sales, life insurance payouts and health insurance claims.

As President Clinton recently warned: ''Although consumers put a great value on privacy of their financial records, our laws have not caught up to technological developments that make it possible and potentially profitable for companies to share financial data in new ways. Consumers who undergo physical exams to obtain insurance, for example, should not have to fear the information will be used to lower their credit card limits or deny them mortgages.'' I strongly agree.

Senators BOXER, BRYAN, DURBIN, FEINGOLD, HARKIN, MIKULSKI and ROBB, and I introduced the Financial Information Privacy and Security Act of 1999, S. 1924, to give this Congress the historic opportunity to provide for the privacy of every American's personal financial information in the wake of

enactment of the financial modernization legislation. Our legislation was designed to protect the privacy of financial information by directing the Federal Reserve Board, Office of Thrift Supervision, Federal Deposit Insurance Corporation, Office of the Comptroller of the Currency, and the Securities and Exchange Commission to jointly promulgate rules requiring financial institutions they regulate to: (1) inform their customers what information is to be disclosed, and when, to whom and for what purposes the information is to be disclosed; (2) allow customers to review the information for accuracy; and (3) for new customers, obtain the customers' consent to disclosure, and for existing customers, give the customers a reasonable opportunity to object to disclosure. These financial institutions could use confidential customer information from other entities only if the entities had given their customers similar privacy protections.

In addition, the bill would have provided individuals the civil right of action to enforce their financial privacy rights and to recover punitive damages, reasonable attorneys fees, and other litigation costs. Privacy rights must be enforceable in a court of law to be truly effective.

I also joined with Senators SARBANES, BRYAN, DODD, DURBIN, EDWARDS, FEINSTEIN, HARKIN, KERRY and ROBB to introduce the Financial Information Privacy Protection Act of 2000, S. 2513. This bill was the Clinton Administration's proposal to give consumers real control over the use and disclosure of their financial and health-related information held by financial institutions.

I had hoped that these efforts would be just the beginning of this Congress's efforts to address the many financial privacy issues raised by ultra competitive marketplaces in the information age. It is clear that Congress needs to update our privacy laws in the evolving financial services industry to protect the personal, confidential financial information of all American citizens.

Unfortunately, our Republican colleagues on the Senate Banking Committee did not feel the same way. This important financial privacy protection never saw the Senate floor, leaving confidential financial information disturbingly vulnerable.

Just as troubling as the rejection of financial information protections is this Congress' failure to establish safeguards for the privacy of medical records. Undoubtably, maintaining the confidentiality of medical records is of the utmost importance. Medical records contain the most intimate, sensitive information about a person. For the past three Congresses, I have introduced comprehensive medical privacy legislation. In March 1999, I introduced S. 573, the Medical Information Privacy and Security Act, with Senators KENNEDY, DASCHLE, DORGAN, INOUYE, JOHNSON, KERRY and WELLSTONE, to establish the first comprehensive federal medical privacy law. This bill would close the existing gaps in federal privacy laws to ensure the protection of personally identifiable health information. Sadly, this legislation has gone nowhere, like all medical privacy legislation this Congress.

In fact, Congress gave itself three years to establish medical records privacy legislation, but by the August 21, 1999 deadline, comprehensive medical records privacy rules did not exist. Instead the Department of Health and Human Services, as directed by Congress, drafted its own version. These placeholder privacy rules are better than no rules at all, but in the long run, Congress—not a federal agency—should set the basic standards on medical privacy, so that different administrations do not keep reducing the protections. I had hoped that the administrative rule-making process may finally prod Congress into action on a full-fledged policy, but as this Congress nears its conclusion, my optimism is waning.

Even this past summer, when the Senate had an opportunity to protect the privacy of genetic information, it failed to do so. Senator DASCHLE introduced an amendment, which I supported, to the FY 2001 Labor HHS Appropriations bill that would have protected private genetic information from insurance companies and employers using such information to discriminate against individuals or raise insurance premiums. The Senate failed to adopt the amendment and failed, once again, to protect essential privacy rights.

Congress has spent too long defining the problem instead of fixing it. We have not moved tangibly toward solutions in the six years since I convened the first hearings on technology and medical records in 1993. Since then a number of bills have been introduced—by myself and others—but we have been unable to get the attention of the majority to move this legislation.

In 1996 we tried to include medical privacy protections in the Health Insurance Portability and Accountability Act of 1996, HIPAA. Majority Leader Bob Dole at the time agreed with us that ''a compromise of privacy'' that sends information about health and treatment to a national data bank, without a person's approval, would be something that none of us would accept. What we settled for in 1996 was a provision requiring Congress to enact medical privacy legislation by August 21 of 1999. If the deadline was not met, which it was not, the Administration then would be required to issue regulations by February 21, 2000, to protect the privacy of electronic records, but not paper-based medical records. This is the current, pitiful state of medical records privacy protection and it is clearly unacceptable.

The inexcusable failure to provide comprehensive medical records privacy for three-years and the obstruction of the Financial Information Privacy Act of 1999 are just two examples of this Congress' failure to affirmatively and aggressively protect the fundamental privacy rights of American citizens.

I regret that this Republican-led Congress has not chosen to act on even one of the multiple legislative proposals protecting consumer privacy during the 106th Congress. It is my hope that we put partisan politics aside in the 107th Congress and take a hard look at how we can and should protect the fundamental right of privacy in the 21st Century. As each day passes, new financial services, new online services, and new medical data bases are taking shape and institutional practices employing these new technologies are taking root. Unless we decide that privacy is worth protecting—and soon—the erosion of our privacy rights will become irreversible.

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RETIREMENT OF SENATOR SPENCER ABRAHAM

Mr. LEVIN. Mr. President, when the 106th Congress adjourns, we will lose my colleague from Michigan, Senator SPENCER ABRAHAM. I want to pay tribute to SPENCE ABRAHAM today.

Although we have divergent voting records on many national issues, when the interests of Michigan were at stake, we were usually able to work together on behalf of our constituents. We and our staffs have joined forces on efforts to bring federal resources to Michigan for our highways and transportation, to address agricultural emergencies, economic development, airport modernization, the need for infrastructure to protect the environment, particular issues affecting the health of the Great Lakes and a broad array of other projects.

SPENCE ABRAHAM served on the Senate Judiciary, Commerce, and Budget Committees. In addition, we served together for the past six years on the Small Business Committee where we worked together to support increased funding for the Women's Business Centers program which helps entrepreneurs start and maintain successful businesses. There are three Centers in Michigan: the Center for Empowerment and Economic Development, CEED, which houses the Women's Initiative for Self-Employment, WISE, in Ann Arbor, the Grand Rapids Opportunities for Women, GROW, in Grand Rapids, and The Detroit Entrepreneurship Institute, Inc, DEO.

During this session of Congress, SPENCE and I worked together to get $2 million added to the Interior Appropriations bill to fund a settlement between Michigan Indian tribes, the State of Michigan and the federal government concerning fishing rights and, among other things, the removal of tribal gill nets from the Great Lakes. At our urging, the FY 2001 Interior Appropriations Bill also contained report language that directed the Bureau of Indian Affairs to include the ''Great Lakes Fisheries Settlement agreement

in its fiscal year 2002 budget request.'' This amount should be $6.25 million for FY 2002.

We also successfully worked to continue the moratorium on unfair and ineffective increases in CAFE standards and worked out a compromise in the Senate to ensure that a National Academy of Sciences study of the effectiveness and impacts of CAFE standards will include the effect of those standards on motor vehicle safety as well as discriminatory impacts of those standards on the U.S. auto industry.

Also, since SPENCE served as Chairman of the Senate Judiciary Committee's Subcommittee on Immigration, we worked together on amending Section 110 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 to ensure that Michiganders do not face major traffic delays at the Canadian border. The Immigration and Naturalization Service Data Management Improvement Act of 2000, which SPENCE ABRAHAM introduced and I cosponsored, replaced the burdensome requirements of Section 110 with a more manageable approach of collecting data, one that would not result in border tie-ups or cause financial strain to Michigan jobs, exports, and tourism.

We worked together on behalf of Michigan veterans. Within the past year, our staffs met with local officials to forge a successful cooperative effort to secure additional funding in Fiscal Year 2001 for the planning and construction of a national cemetery in the Detroit Metropolitan area. Approximately 927,000 veterans live in Michigan, 605,000 of whom reside in the Detroit metropolitan area and a national cemetery here is long overdue.

In his six years in the Senate, SPENCE ABRAHAM earned a reputation as a vigorous, perceptive and hard-working Member. He proudly holds the second longest record of consecutive votes cast among current Senators, having missed no votes in his term. He authored a number of pieces of legislation, but I suspect none more important to him than the Hillory J. Farias and Samantha Reid Date-Rape Drug Prohibition Act of 2000 named, in part, for Samantha Reid, a Rockwood, Michigan teenager who died after drinking a soft drink she didn't know had been lace with a substance called GHB (Gamma Hydroxybutyric Acid). The Abraham law amended the Controlled Substances Act of 1998 to add GHB, known as the ''date rape drug'' to the list of Schedule One controlled substances.

Mr. President, as we note the contribution of SPENCE ABRAHAM to our work, my wife Barbara and I wish him, his wife Jane, their twin daugthers, Julie and Betsy, and their son SPENCER Robert well as they begin the next chapter of their lives.

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VICTIMS OF GUN VIOLENCE

Mr. DORGAN. 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 the names of some of those who have 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 on December 8, 1999:

Walter Bryant, 23, Philadelphia, PA;
Bernardo Gonzales, 69, San Francisco, CA;
Demetris Green, 24, Kansas City, MO;
Arian McCollough, 23, Philadelphia, PA;
Diante Whitfield, 16, Oakland, CA; and
Unidentified Male, 60, Honolulu, HI.

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.

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VICTIMS OF GUN VIOLENCE

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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.

December 14, 1999:
Damon Flowers, 23, Baltimore, MD;
Allen Groves, 38, Denver, CO;
Lashawn Miller, 20, Detroit, MI;
Robert Miller, 42, Detroit, MI;
Isreese Pennington, 20, Detroit, MI;
Fred G. Schermer, 88, Seattle, WA;
Bruce A. Spangler, Madison, WI;
Marcus Stewart, 29, Pittsburgh, PA;
Roger Thomas, 49, Houston, TX; and
Reginald Vernon, 33, New Orleans, LA.

Following are the names of some of the people who were killed by gunfire one year ago Monday, Tuesday and Wednesday of this week.

December 11, 1999:
Manuel Ayon-Coronel, 35, Detroit, MI;
Joseph Brown, Jr., 22, Baltimore, MD;
Tiche Carter, 25, New Orleans, LA;
Marlin Cooper, 17, Chicago, IL;
Durrell Dates, 27, Detroit, MI;
Myatt Ellis, 16, Philadelphia, PA;
Tisha Ford, 26, Baltimore, MD;
Tyrone Freeman, 27, Philadelphia, PA;
Arthur Green, 28, New Orleans, LA;
Derrick Irvin, 21, Kansas City, MO;
Andres Jimenez, 46, Miami-Dade County, FL;
Connie F. Jones, 52, Tulsa, OK;
Larry Knox, Jr., 15, Baltimore, MD;
Drena Mines, 34, Atlanta, GA;
Joseph Nevins, 46, Kansas City, MO;
Sultan Ali Smith, 27, Seattle, WA; and
Unidentified Male, 70, Charlotte, NC.

December 12, 1999:
Donald Adkins, 51, Kansas City, MO;
Eber Yexsi Blanco, 36, Baltimore, MD;
James Cox, 22, Philadelphia, PA;
Quentin Dillon, 17, Chicago, IL;
Alex William Gilliam, 20, San Bernardino, CA;
Lonnie Hardy, 19, Baltimore, MD;
Kevin Hunter, 23, Chicago, IL;
Dequar Jarrett, 22, Detroit, MI;
William Jefferies, 22, Gary, IN;
Joshua Johnson, 18, St. Paul, MN;
Carl W. Lawson, 33, Seattle, WA;
Remilekun Macklin, 17, Chicago, IL;
Anthony Meadows, 18, San Bernardino, CA;
Karanja Miles, 25, Atlanta, GA;
George Peck, 40, Detroit, MI;
Tyreek Powell, 25, Trenton, NJ;
Thomas Rosas, 34, Chicago, IL;
Taurian L. Smith, 19, Lincoln, NE;
Mark Spicer, 21, Chicago, IL;
Steven Steiner, 23, San Bernardino, CA;
Robert Tucker, 61, Houston, TX; and
Bijan K. Washington, 25, Seattle, WA;

December 13, 1999:
Barbra Amundson, 43, San Francisco, CA;
Keith Barnes, 18, Kansas City, MO;
Gerardo Garcia, Dallas, TX;
Zhen Liu Guo, 47, Washington, DC;
Everette Ragin, 20, Charlotte, NC;
Steven Shepherd, 18, Kansas City, MO;
Eugene A. Sims, 22, Seattle, WA;
Jason Thomas, 19, Atlanta, GA;
Marjorie Warren, 48, San Francisco, CA;
Unidentified Female, Newark, NJ; and
Unidentified Male, 35, Norfolk, VA.

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.

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RETIREMENT OF SENATOR FRANK LAUTENBERG

Mr. LEVIN. Mr. President, I want to pay tribute today to a retiring colleague, my friend, Senator FRANK LAUTENBERG.

I have served with FRANK LAUTENBERG in the Senate for the past eighteen years and watched him grow from a man of great accomplishment and success in the private sector to a highly effective and admired public servant. FRANK has left his mark of distinction on our nation's laws in a number of areas reflecting his broad interests and expertise. He has served as the Ranking Democrat on the Senate

Budget Committee, leading the Democrats in our efforts to fashion a federal budget which meets our nation's priorities while working to pay down the national debt. In addition, FRANK is a leader on transportation policy, gun safety, and environmental issues among others.

FRANK LAUTENBERG was the author of legislation which banned smoking America's airlines, a wise action which all of us who fly appreciate more and more each year as we learn about the effects of recirculated cigarette smoke. He wrote the bill which established the age of 21 as the national legal drinking age, an action clearly responsible for the saving of many American lives. And, he passed legislation to prohibit anyone convicted of domestic violence from owning a gun.

Senator LAUTENBERG, also led efforts in the Senate culminating in passage of the transportation bill and as the Ranking Member of the Appropriations Committee's Transportation Subcommittee, he has fought many battles for sound investment in the nations' highways and as a particular friend of mass transportation.

As the Ranking Democrat on the Senate's Budget Committee, Senator LAUTENBERG has been a consistent voice in support of a balance budget, paying down the national debt, and investing in America's future. He coauthored the historic Balance Budget Agreement of 1997.

FRANK LAUTENBERG has served in the Senate since 1982. He is a friend and ally in many legislative battles whom I will miss deeply in the years ahead. However, FRANK is a man of tremendous energy and vision. That energy and vision will continue to serve our nation because FRANK LAUTENBERG's love of this nation is so deep and abiding that as long as he has breath he will be advancing its ideals.

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THE SUPREME COURT DECISION IN THE CASE OF BUSH VERSUS GORE AND ITS AFTERMATH

Mrs. BOXER. Mr. President, I am heartbroken that the Supreme Court has issued an opinion that, to me, undermines a core democratic principle—that every vote counts and every vote must be counted.

I am also perplexed that the Court sent the case back to the Florida Supreme Court for further proceedings on the recount, since it did so while also suggesting that time had run out for the recount. That suggestion is disingenuous, considering that the U.S. Supreme Court itself helped cause the clock to run out when it voted 5–4 to stop the recount last Saturday by issuing a stay.

I want to compliment the four justices who voted against the stay order—Justices Stevens, Souter, Breyer and Ginsberg—two appointed by Republican Presidents and two by a Democrat. While several of them recognized constitutional problems in the way the recount was being carried out, they clearly understood the overriding importance of counting every legal vote.

In his dissenting opinion, Justice John Paul Stevens pointed out that the Florida Supreme Court, in ordering the recount, merely ''. . . did what courts do—it decided the case before it in light of the legislature's intent to leave no legally cast vote uncounted.''

He stated that in its action ''the majority effectively orders the disenfranchisement of an unknown number of voters whose ballots reveal their intent—and are therefore legal votes under state law—but were for some reason rejected by ballot-counting machines.''

The closing words of Justice Stevens, I believe, will go down in history as the thoughts of a great Supreme Court justice:

> Although we may never know with complete certainty the identity of the winner of this presidential election, the identity of the loser is perfectly clear. It is the Nation's confidence in the judge as an impartial guardian of the rule of law.

When the next President is sworn into office in January, I pledge to do all that I can to help the country put this extraordinary and unsettling election behind us. I will do my best in the United States Senate to advance the interests of the people of California, who have so many needs and rights that remain to be addressed.

There are many lessons to be learned from these events. We need to change our election procedures to make them uniformly as reliable and accurate as possible, so that we will never again be in this situation. And more Americans must now realize that their participation in the political process is vitally important. I will work on these challenges in the coming months, for the sake of Californians and for all Americans.

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TRIBUTE TO SENATOR CHUCK ROBB

Mr. LEVIN. Mr. President, I rise to pay tribute to my colleague on the Armed Services and Intelligence Committees, Senator CHUCK ROBB. As his career in the Senate comes to a close, Senator ROBB leaves behind a career in public service that he and the Virginians he served so well should be proud of.

CHUCK ROBB has served his nation as a United States Marine, as Lieutenant Governor and Governor of the Commonwealth of Virginia, and for the last twelve years as a member of the United States Senate. CHUCK ROBB has been a public servant in the truest sense. He has always put the nation's interest first, and self-interest last.

During the twelve years I have served with Senator ROBB on the Armed Services Committee, he has proven himself to be a champion of a strong national defense, of the men and women who wear our nation's uniform, and of his fellow veterans.

On the Armed Services Committee, he has been first and foremost a devoted advocate of a strong Navy-Marine Corps team. While Senator ROBB has never been one to tout his own accomplishments, his pride in and love for the United States Marine Corps is one thing he has never been able to hide.

Senator ROBB has worked hard on military readiness, quality of life, and modernization. He sponsored the targeted recruiting and retention bonuses Congress enacted last year for critical skills where they would have the most payoff for the military. He was a leader in providing promised health care benefits to military retirees. He has worked hard to get the Navy to develop a long term plan to fund enough ships to maintain the Navy we need for the future, and on securing additional funds to keep the ships we have today ready. And he has been a leading proponent of making our defense budget as efficient as possible and has pushed the Defense Department to rigorously examine both their strategy and their organization.

CHUCK ROBB has devoted enormous time and energy to America's national security. He is the only Senator ever to serve on the Armed Services, Intelligence, and Foreign Relations Committees simultaneously. On countless occasions we have benefitted from having his voice of reason and experience at the table.

CHUCK ROBB has never forgotten America's POWs and MIAs and their families. Both as a member of the Armed Services Committee and the Select Committee on POW/MIA affairs, he has devoted himself to a full accounting for our soldiers who are still missing in action.

While Senator ROBB is best known as a champion of a strong national defense, he has been much more than that. During his Senate career he has worked hard to make America stronger in every way. Senator ROBB has devoted himself to making the United States a more productive nation and, more importantly, a more just nation.

Both as Governor and as a Senator, CHUCK ROBB has been a strong voice for protecting the environment, for civil rights, for improving education for both students and teachers, and for putting new technology to work for our students, our military, and our nation.

CHUCK ROBB has been a leader in fighting discrimination against African American farmers, in expanding opportunities for women and minorities at both the federal and state government levels, and in honoring courageous civil rights leaders including Martin Luther King, Jr.

He is also renowned for his steadfast devotion to fiscal discipline. CHUCK ROBB has never been afraid to cast an unpopular vote to restrain spending or reject unwise or unaffordable tax cuts. Senator ROBB was steadfast in his belief that we have an obligation to pay for the programs we enact rather than

passing the costs on to our children. I hope he will take pride in he role he played during his twelve years in the Senate in turning record deficits into a record surplus.

He displayed that same political courage on the Armed Services Committee. Representing a state with numerous military installations, Senator ROBB has nevertheless joined with Senator MCCAIN and me in our efforts to allow the Defense Department to close excess military bases, because he knows it is the sensible thing to do. In his four years as the Ranking Minority Member on the Readiness Subcommittee he has also been a strong advocate of our committee's policy of only funding those military construction projects that have the highest priority in the military's plans, even though that required him sometimes to say ''no'' to his colleagues.

I shall miss CHUCK ROBB more than these words will be able to express. He has personally inspired and supported me as ranking member on the Senate Armed Services Committee. He's the kind of man you entrust your children to, or in combat would want to be in a fox hole with.

The Senate and the Nation have benefitted from the example of public service he has set. He now has the chance to spend more time with his truly remarkable wife Lynda and their beloved children. We know how much that will mean to him as he takes on the next challenge in his remarkable career of public service.

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ADDITIONAL STATEMENTS

MEMORY

• Mr. HATCH. Mr. President, as the Roman statesman, Cicero said ''Memory is the treasury and guardian of all things.'' I believe we as humans often take our ability to remember for granted. Throughout the past century, we have been blessed with many scientific innovations and discoveries. Large strides have been made in the medical area that have helped to improve the quality of life for all the people of the world. Memory is an essential function of our human experience. The loss of memory is certainly a tragedy. Thankfully, there are those who are conducting research who endeavor to understand the memory process and seek to solve memory disorders and loss. For instance, last year Congress appropriated $17.7 billion to the National Institutes of Health to fund scientific research. A portion of that funding is used for studies working to gain a better understanding of memory.

I have recently read an essay entitled ''Musings on Memory'' by Dr. Morris Martin and was intrigued by the author's insights on memory. This essay was read before the Literary Club of Tucson, Arizona, on November 20, 2000. Dr. Martin is a professor of history having taught at Princeton University. He received his degrees from Oxford in England. His essay explores the many aspects of memory and the importance it has played throughout the history of the world. I would like to share his wisdom with my colleagues in the Senate and ask that the article be printed in the RECORD.

The article follows.

MUSINGS ON MEMORY

(By Morris Marton)

Elephants, they say, never forget, and maybe amoebas remember in some amoebic fashion. But that, is beyond my scope. Human history, personality, our rich individuality, all derive in some measure from memory. The Greeks, as usual, got it right. Certainly by the time of Hesiod around 700 B.C. with that instinct for clarification that distinguishes them, the Greeks had drawn up the family tree of Memory. Mnemosyne, Memory, was the wife of Zeus and the mother of the Muses—Poetry, Literature, Music, Dance, Tragedy, Comedy etc. all nine of them, which of course, makes Memory the mother of Culture. Being the wife of Zeus also made her respectable, an Olympian goddess. But her origins go further back beyond the Olympians, to her brother Kronos, the chief of the disreputable Titans, whose very shady origins lie somewhere among the very unGreek Hittites of Asia Minor. Her father was Uranos (Heaven) and her mother was Gaia (Earth) and further back than that no one can go. It was the Greek way of saying what today's scientists say that Memory derives from the neural connections that pass from the primitive limbic area to the hippocampus via the amygdala. They use Greek words, but the Greeks said the same thing more simply and much more picturesquely.

Memory for them went back to the Earth Mother and was the womb of Culture. It is the original collector and transmitter of experience. Before writing culture depended on tremendous memories. We know of the Bards who traveled from village to village rewriting those tales of valor or of wondrous events, which became the Iliad and the Odyssey. Milman Parry, the American scholar, threw light on this when in the Thirties he discovered the practice still alive in the Balkans among the Serbian Muslims. Memory is still the backbone of tradition among the Indian Brahmins who memorize tens of thousands of lines of the Bhagavad Gita or the Ramayana, or of ribbis who memorize the Torah.

Memory was Queen until Writing was invented. Again the Greeks with uncanny precision traced writing back to Egypt, though the Chaldeans of Ur anticipated the Egyptians in making scratches on baked tablets. Plato in the person of Socrates tells how Thoth, the Egyptian god who invented writing, was reproached by Thamus, the king of Egypt, ''This discovery of yours will create forgetfulness in he learners' souls, because they will not use their memories; they will trust to the external written characters and not remember of themselves . . . They will be tiresome company, having the show of wisdom without the reality.''

So fast forward to our own day. The written or printed word has taken the place of memory for a majority of our needs. The computer has added a further layer of incompetence to our thinking. ''It's on the net, I don't have to remember it.'' That is the mantra today of too often. It was the written word that started mankind on the downward slope to Lethe or Forgetfulness

PERSONAL MEMORY; ITS LENGTH AND VALIDITY

In terms of personal historical memory, how far back can we moderns remember? We all have examples of this on which you might ponder. For instance my father on his 90th birthday in 1962 gathered his four sons and their wives around him in his much-loved garden in Kent and reminisced about his father and grandfather. We were transported back to the Battle of Waterloo in 1815, the funeral of the Duke of Wellington in 1851, tales of London life and family anecdotes which would have perished with him a few years later, but for Cadmus' invention and my wife's shorthand. Those memories are now recorded and can be passed on to future generations. How far back can such memories go? I remember meeting a delightful old lady in the Forties who told me proudly that as a baby she had been held in the arms of President Lincoln. Search your own minds for the earliest event, which you can remember in this way, personally or anecdotally. And remember that Roy Drachman lunched with Wyatt Earp!

However, I think I can cap anything you may come up with. In February of this year 2000 the London Times recorded the following. It described a man now living who as a child made a disparaging remark about Oliver Cromwell. A lady present said firmly, ''Never speak ill of that great man. My husband's first wide's first husband knew Oliver Cromwell and liked him well.'' At the dawn of this new century someone living today can recall a single matrimonial generation linked directly with the mid-17th century. How can that be? The remark was made in 1923 by a lady born in 1832. At the age of 16 (i.e. in 1848) she had married an 80-year old man named Henry. Sixty-four years earlier in 1784 young Henry had married for reasons, which remain obscure, an 82-year old woman. Her first marriage, in 1720 was to an 80-year-old who had served Cromwell before his death in 1658. We have a memory going back 342 years from the present day. It should be a warning to us not to disregard oral traditions, which can stretch over what appear to be impossibly long generations.

GROUP MEMORY

Communal or tribal memories can be even longer. Our common law reflects a time when memory was the official legal linkage of the centuries. Blackstone in his Commentaries dealing with land tenure says that some claims can go post hominum memoriam. Or ''Time whereof the memory of man runneth not to the contrary.'' Tribal memories run very deep. They became tradition. Then they can illuminate or bedevil the present. They can make Fourth of July picnics or they can raise the Confederate Flag. Irish Protestants refight the Battle of the Boyne of 1690 each marching season to the dismay of those who would build a new future for Ireland. Serbs fight for Kosovo, recalling the battle in 1389 which was actually a defeat but which has been transformed into a victory in national memory. Sixhundred years later this memory gave the emotional surge to the Serbian claim to the Province of Kosovo which involved twenty nations in contesting it. Sentiment in the heart often transforms memory in the head. This year the British celebrated the 60th anniversary of the ''Miracle of Dunkirk'' while the French looked on with a jaundiced eye, as being in their memory the betrayed of France by a retreating ally.

Now let us turn to the relation of Memory to the writing of History.

History and historical writing begin as Memory plus editorial slant. The good historian will do his best to be aware of his bias. Herodotus is known as a father of History since he collected the stories told him by all and sundry, but often added a skeptical comment or two here and there to the effect ''I find this hard to believe.'' Thucydides was

the first scientific historian to evaluate memory. He wrote, ''I have described nothing but what I either saw myself, or learned from others of whom I made the most careful and particular inquiry. The task was a laborious one as eyewitnesses gave different accounts of the same occurrence, as they remembered or were interested in the actions of one side or another.'' Many centuries later the German historian Ranke decided to write history ''wie es eigentlich geschah.'' (As it actually happened). It turned out to have a very Prussian tinge.

Judges know the unreliability of witnesses to the same event. Each sees something; no one sees everything. Time edits memory to fit bias. Selected past memories shape our present thought and behavior. The generation of the Depression of the Thirties switches off electric lights, keeps its credit cards in balance, thinks waste is wicked—I can hear my mother saying it—spends cautiously and generally disapproves of the openhanded expenditure of today. And believes it the one true way of life, so strong is the imprinted record of the past on memory and behavior.

When historians turned from personal memory to contemporary written records they felt they moved a large step nearer to authenticity. I spent much time examining Greek inscriptions, gravestones, temple financial records on almost illegible pieces of marble, with the feeling that I was in touch with historical facts. But I found they also needed a lot of interpretation! In this connection and to show what original and unusual truths we learn from ancient records, may I recall, as I remember it, the earliest Egyptian papyrus. It is said to read ''The times are very evil. Children no longer obey their parents. And the price of wheat is outrageous.'' Plus ca change, plus c'est la meme chose!

MEMORY AND THE SENSES

On the personal level the senses are often the emotional adhesive that enables us to retain past events in our consciousness. Our first paycheck. Our first baby. I remember my first girl friend, though I cannot recall our first kiss. Whenever I hear Bach's Mass in B Minor I experience again the shiver of excitement that was mine when I first heard the Sanctus in the old Queen's Hall in London. ''Music when soft voices die, Vibrates in the memory'', says Shelley. ''Odours, when sweet violets sicken. Live within the sense they quicken.'' The smell of fresh bread recalls the French-Swiss bakery where I bought our breakfast ''brotchen'' when I was living in Bern. The smell of garbage brings back a picture of the vast dump outside New York City as I passed it frequently on the Turnpike driving in from Princeton. In the intricate mechanism of memory all the senses play their part as glue and as signals of familiarity. You will supply examples from your own experience.

PHOTOGRAPHIC MEMORY

Have you ever met anyone with a really photographic memory? Thomas Babington Lord Macaulay, the Victorian historian, was said to be able to read a page of print and to recall it perfectly from one reading. Saint Augustine writes with admiration of a friend who could recite the whole text of Vergil—backwards! Not a very enlightening party trick. There is a recent example in the story of The Professor and the Madman. You remember Sir James Murray, the first editor and father of the Oxford English Dictionary had a brilliant reader who supplied him with examples of literary usage. It was years before they met. Only then did Sir James find that the reader was confined to a mental Hospital as a hopeless schizophrenic but with a remarkable almost photographic memory.

Such ability may well be a disadvantage. The capacity to forget is almost as important as to remember. Otherwise we would be cluttered with useless facts and unable to distinguish significant from worthless. Simonides offered to teach the statesman Themistocles the art of Memory, Themistocles refused, ''Teach me not the art of remembering but the art of forgetting'' was his reply. ''For I remember things I do not wish to remember, but I cannot forget things I wish to forget.'' William James, in more modern times said, ''In the practical use of our intellect, forgetting is as important a function as remembering.''

HOW TO IMPROVE MEMORY

For those of us with lesser capacity, there have been throughout history methods of strengthening and supporting memory. Myself when young, and probably all of us, learnt our multiplication tables by rote. I was also introduced to English history by memorizing the Kings and Queens of England in a rhyme:

''William the Conqueror from Normandy came,
His son William Rufus while hunting was slain,
Henry the First was for wisdom renowned,
Stephen instead of Matilda was crowned * * *
The Magna Charta was signed by John,
Which Henry the Second put his seal upon etc. etc.
You I trust were brought up on
''In 14 hundred and 92
Columbus sailed the ocean blue * * *.

I learnt my Greek irregular verbs by reciting them in chorus with all the rest of the class at my London school. Saturday mornings (we went to school on Saturdays in those good old days) we were called on to recite a piece of great verse which we had learnt the previous night and declaim it in the almost empty Great Hall to our class mates. It was a valuable lesson and I have portions of it still tucked away on the dusty shelves of my memory.

Learning by rote has fallen out of favor as a pedagogic tool in our sophisticated West, but not everywhere in the world. On the island of Lamu off the coast of Kenya, I heard a murmur of voices coming from a building and looked in to find a school of very young boys chanting passages from the Koran, which they had had to memorize. Memories of Greek verbs came back and I wished them well.

In my youth I remember a card game called ''Pelmanism'' which by memorizing and reidentifying like cards with like was said to be highly effective. Association of the less familiar with the more familiar is a method we all use. Politicians have their tricks for remembering names and winning votes. Cicero for the very practical purpose of being a public orator considered Memory one of the five parts of rhetoric, which was his profession. He embellished the ''architectural'' art of memory invented by Quintillian. Think of a large building with many rooms. Take each point of your speech and connect it with an object—a spear, an anchor, a picture—and put each mentally in a different room. Then as you speak, mentally walk from room to room, the object you have placed in each will recall the next point of your speech. This system, refined, is still in use in training memory. We all create mental pegs upon which to hang data. B.F. Skinner, the psychologist, as a very old man did this not metaphorically but literally. He would listen to the weather forecast on the radio and should it be for rain, he would immediately rise and hang his umbrella on the door handle. The older we get, the more we need such association. I find I frequently go through several steps of association to recall names. I can forget John Schafer's name but as he approaches, I look in the memory box named ''University''. Smaller box labeled ''President.'' I mentally take out Koffler, No, Harvil, No, Pacheco, No, Likens, No.'' There is only one name left in the box. Of course that process, accompanied by a blank look which changes to recognition, used to be completed in an invisible flash. Now it takes two, three or four flashes. Bear with me.

Nowadays, of course, a pill is recommended for strengthening the memory. I received a pharmaceutical suggestion of this sort this week, extensively illustrated and expensively produced. I am skeptical of its potency.

MEMORY AND THE FUTURE

Memory we naturally assume deals only with the past. Lewis Carroll's White Queen in Alice in Wonderland felt this was a very limited idea. ''There's one great advantage to living backwards, one's memory works both ways,'' she remarks.

''I'm sure mine only works one way,'' says Alice. ''I can't remember things before they happen.''

''It's a poor sort of memory that only works backwards,'' the Queen remarked.

''What sort of things do you remember best'', asked Alice.

''Oh, things that happened the week after next,'' said the Queen.

Here, of course, Lewis Carroll is playing with the concept of Time, as in ''Jam yesterday, jam tomorrow, but never jam today.''

But there is something, which we might describe as a form of memory of the future. We call it imagination, which projects past data instead of merely collecting and organizing it as does the memory.

Art draws on both imagination and memory. Think of the combination of memorizing and recreating a great play that goes into an actor's performance. Daniel Barenboim at the age of seven began to memorize all Mozart's works. At eighteen he had mastered the whole corpus. Constant practice fixes the memory in the muscles. A wellknown pianist was suddenly called on to play a certain concerto. He declined saying, ''I have it in my head, but not yet in my fingers.'' When it is in the fingers there is no effort to remember; the music can be fully endowed with the feeling the artist desires.

Shakespeare asked the question ''Tell me where is fancy bred? Or in the heart or in the head? How begot? How nourished? Reply. Reply'' He replied ''It is engendered in the eyes.'' He did not say ''In the hippocampus or the amygdala?'' The mystery of artistic imagination and its relation to memory still resists a mechanistic interpretation.

THE FUTURE OF MEMORY

As far as information goes, so the experts inform me, before long we shall all be able to have the Encyclopedia on a chip along with the corpus of English literature, all the mathematical formulae required to do advanced physics and all the telephone numbers in the world. Anything you want can be provided on a chip. All you have to do is click on and scroll down. Since the amount of information is limited only by the capacity of the chip—which I am told, will increase a thousandfold or more in the next six months—it is likely it can be carried in a wristwatch slightly smaller than a Rolex, or, in time, implanted in the hippocampus or the amygdala or any vacant spot in the brain. And Memory will have become a vermiform appendix to the computer. I do not look forward to that day. Princeton, I am distressed to learn has just spent two million dollars on an MRI which they have enthroned in a new Center for the Study of Brain, Mind and Behavior allied, alas, to the Department of Humanities. The first area of

research, according to the New York Times, is to be the brain wave that normal people call ''Love''. Our world is convinced that when we know the ''how'' of our psyche, we shall know the ''what'' and the ''why''. I am not convinced. I hope and trust that should the day come when we understand all mechanisms, measure all wave-lengths, and plot all emotional outcomes, we as individuals will still be the masters that issue the commands that set in motion the neurological synapses which capture memory, enlighten meaning and in general make life human. May we continue to remember as much as is necessary of what we need to remember and forget that which is forgettable, and be kind to those whose advancing years rob them, from time to time of your name, and even of their own.

And may music still vibrate in the memory and William the Conqueror still come from Normandy and Columbus in 1492 still sail the ocean blue, and Greek verbs still be memorable and may computers fail to find out how to be masters of our consciousness.

We have had a pleasant half-hour wandering, somewhat disjointedly, through the groves of Memory. Let me close with a poem on the subject by a neglected Twentieth century poet. It is appropriately called ''Memory.''

Wind, west wind, of an evening
Whispering through the tall trees,
Tell me tales I used to hear told
By the vagabond Sussex breeze,
Lifting the layers of silence,
And letting them softly lie,
Passing into the stillness that comes
When whispers softly die.
And I'll see the woods where we wandered
And wake with a lonely heart
As the wind of memory passes through
The tall trees of my heart.

—

RECOGNIZING MICHAEL O'CONNOR

● Mr. JOHNSON. Mr. President, I rise today to commend an individual who has provided immeasurable service to the family farmers and ranchers in my home state of South Dakota over the past eight years. Mr. Michael O'Connor has been the South Dakota State Executive Director for the Farm Service Agency, FSA, of United States Department of Agriculture, USDA. He was originally named the South Dakota State Executive Director of the Agricultural Stabilization and Conservation Service of USDA by President Clinton in 1993. His current responsibilities include supervising activity in 60 county FSA field offices across the state.

As this Administration draws to a close, we sadly must say goodbye to some experienced, tireless, and talented people who have dedicated their professional careers to public service. Mike is one of those public servants, and so on behalf of the citizens of South Dakota, it is my honor to express our sincere gratitude to Mike O'Connor for his countless contributions and achievements.

Throughout his career Mike has aggressively served the agricultural community in South Dakota through positions of leadership in the South Dakota Farmers Union, the Clay-Union Electric Board of Directors, the South Dakota Corn Utilization Council Board of Directors, and the Union County Pork Producers. He also served in as a representative in South Dakota Legislature from 1987–1993.

Moreover, Mike, his wife Janelle, and their family have devoted their lives to production agriculture, operating a diversified grain and livestock farm for over 30 years near Alcester, South Dakota.

Mike has been a valuable resource for me and a determined advocate of family farmers as we developed and implemented farm programs. He is constantly trying to improve the delivery system with the interests of family farmers close to his heart, always searching for ways to implement programs that are fair and equitable to all. Mike exhibits the courage to take on the status quo, and demonstrates a will to ensure integrity in program delivery for agricultural producers.

Mike has guided innumerable disaster and assistance programs from the federal level to local disbursement in South Dakota. He and his top-notch staff have been asked to implement these ad hoc disaster programs in addition to the day-to-day administrative requirements of current farm and conservation programs. From marketing loans and loan deficiency payments to production flexibility contract payments and market loss payments, to loan and conservation programs, to crop loss disaster payments, Mike has seen it all. He has worked with his statewide staff to administer these programs and distribute payments in an effective, timely fashion to South Dakota farmers. In this last fiscal year alone, the South Dakota FSA, under Mike's direction, has delivered over $750 million to farm program participants in South Dakota. Mere words cannot describe everything that Mike has done to serve the farmers and ranchers in South Dakota through such an awful period of economic distress. Mike is as respected in Washington, D.C. as he is in South Dakota, and his working knowledge of the intricacies of farm bill will be missed.

Therefore, it is with a sense of pride and yet, regret, that I wish Mike well in his future endeavors.

Mr. President, I thank you and wish Mike, Janelle, and their family success in their future plans. I know that we will continue to work together, as Mike will continue to provide a respected opinion that I will seek out during the upcoming Congressional farm bill debate. On behalf of the people of South Dakota, I want to thank Mike for being a true public servant who has helped improve the quality of life for farmers and ranchers all across South Dakota.●

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A TRIBUTE TO DANIEL GREELEY III

● Mr. SMITH of New Hampshire. Mr. President, I rise today to pay tribute to Daniel Greeley III, of Peterborough, New Hampshire. A Navy Petty Officer 3rd Class Division who was serving on the U.S.S. *Cole* when it was attacked on October 12th, 2000. Daniel is in his 1st year of a six-year enlistment, after having served three years in the United States Coast Guard.

Daniel was one of the engine room mechanics on shift when the attack happened. Even though he was on the other side of the ship, the blast waves hit him hard. He suffered cuts and bruises, but nothing nearly as serious as his friends and shipmates. Four of Daniel Greeley's closest friends were killed by the blast. Even after the blast had left a hole measuring 40 feet wide, and 40 feet high, Daniel as well as the other sailors of the U.S.S *Cole* pushed on.

After the blast, the sailors worked frantically to keep the ship afloat until it could be brought to safety. As one of the engine room mechanics, Daniel was forced to push on through the crisis to keep generators running and the boat from going under. He had the lives of more than 200 sailors depending on his skills as an engine room mechanic. Daniel persevered well through the night and into the early morning, facing adversity head on and pushing through.

Daniel's actions and bravery speak volumes of his character. Not only has he elected to serve our country, but has done so in a noble manner. He is a true inspiration to the people of New Hampshire. He can hold his head high, knowing he has done his wife Mary, and 14-month-old daughter Angelina proud. As Daniel continues his service, I wish him continued success. He will begin his ACNR schooling in January, an undoubtedly will continue to serve his country with honor and grace. As a fellow sailor, I salute Daniel Greeley III. It is an honor to represent him in the United States Senate.●

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TRIBUTE TO BRIAN KUEHL

● Mr. BAUCUS. Mr. President, I rise today to bid farewell to a key member of my staff, Brian Kuehl. I will deeply miss Brian, both professionally and personally.

Brian has worked for me for four years, most recently as my Legislative Director, and before that as Acting Chief of Staff and as a senior Legislative Assistant. He gave his heart and soul to me, to his colleagues, and, most importantly, to the people of Montana. During this time, he has proven himself to be a consensus builder—a tireless professional who brings together people with diverse points of view and who solves problems in innovative ways. He is fair-minded, balanced, creative, and a leader in every sense of the word.

Wallace Stegner defined himself as a citizen of the West. Brian fits that mold. Brian came to me from Bozeman, Montana. He attended law school in Colorado and has family roots in Utah and throughout the northwest. His wife is a fifth generation Wyoming native

and daughter of former Governor Mike Sullivan. In fact, they are moving to Sheridan, Wyoming, where they will soon have their first child.

As a citizen of the West, Brian has chosen to tackle those issues that most often divide westerners—natural resources, energy, and the environment. Time and again, his ability to bring people together has demonstrated that the West need not be divided on these issues—that we can and must work together if we are to build a sustainable region with a society as inspiring as our landscape.

Let me mention a few examples of the significant solutions that Brian has helped forge over the last four years.

When Brian joined me in the spring of 1997, he had just helped broker a compromise among the White House, regional conservation organizations, and a large mining company, Battle Mountain Gold, that would conserve an area next to Cooke City, Montana, right on the doorstep of Yellowstone National Park. The proposed New World gold mine had been immensely controversial, with the project expected to generate millions of tons of acidic mine waste. Across the West, controversies such as this usually drag on endlessly, dividing communities and draining resources.

Brian had worked closely with all the actors while he was in the non-profit sector. His first task in my office was to help secure approval of this agreement in the Congress. In the end, Congress funded the public commitment and also agreed to invest funds to rehabilitate the Going-to-the-Sun Road to compensate local communities for lost economic opportunities.

What a great start to Brian's tenure here.

In 1997 and 1998, Brian helped me pass legislation to complete the final phase of the Gallatin II Land Exchange—one of the most complex and multifaceted land exchanges ever completed by the Forest Service. Brian worked tirelessly with all of the interests in this exchange—sportsmen, conservationists, the snowmobile community, the timber industry, local ranchers, and local homeowners. Ultimately, the Gallatin II Land Exchange became law. We secured a tremendous resource for our children and grandchildren. And every interest concerned supported the compromises that Brian helped forge.

In 1998, Brian helped me with legislation on another series of land exchanges near Helena, Montana, at the Canyon Ferry Reservoir. Working with the cabin owners and local sportsmen, Brian helped me create a novel arrangement that was supported by everyone involved.

These are just a few illustrations of the many significant contributions Brian Kuehl has made to me and to the people of Montana. I thank Brian for those contributions. I thank him for serving as role model for the younger staff in my office. I thank him for his service as a key advisor to me.

Albert Einstein once said, ''Try not to become a man of success, but rather try to become a man of value.'' Well, Brian has demonstrated both success and value over the past four years. I wish the best for Brian, his wife Michelle, and their soon to be born child.●

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RECOGNITION OF THE 100TH ANNIVERSARY OF COMMUNITY BANK

● Mr. SANTORUM. Mr. President, I stand here today to recognize an institution that has remained a staple in Carmichaels and the Southwestern Corner of the Commonwealth of Pennsylvania for the past one hundred years. Community Bank, N.A. has persevered through recessions, depressions, World Wars, other failed financial institutions, bank foreclosures, market chaos, and mergers and acquisitions without ever having to close its doors. Community Bank, N.A. remains a consistent financial force to its community by providing sound, uninterrupted service to its customers for one hundred years. I would like to warmly congratulate this financial institution for its solid judgement and thoughtful service to the people of Southwestern Pennsylvania. Community Bank is not only a reliable bank, but is a friendly neighbor and has truly contributed to the history and hometown atmosphere of Carmichaels and other communities in which the bank serves.

When The First National Bank of Carmichaels opened its doors for business on July 1, 1901, Frank Mitchener was elected president of the Board of Directors, and J. Ewing Baily was its first vice president. Stephen A. Burtner served as treasurer and the remainder of the original board was comprised of Samuel Bunting, Isaac B. Patterson, George W. Strawn, N.H. Biddle and Oscar Hartley. Mr. Dowlin drove a buckboard to the Farmer's and Drovers Bank in Waynesburg to get the cash for opening day. Forty-one original stockholders combined to give the bank a capital stock of $25,000.

Richard L. Baily, kin of one of the original founders, and former bank president and Chairman of the Board for over 70 years, is known in Southwestern Pennsylvania for his selfless service to the communities in which the bank serves. Baily tells the story of a lady who once came to the bank to borrow money to buy shoes so her children could go to school. Her husband was unemployed and they lived in a rented house, but she had heard the bank loaned money for worthwhile causes. ''I didn't think I needed to review her assets, and I'm sure she would not [have understood] the term, collateral,'' Baily said. He loaned her the money, and the woman, like most other townsfolk, has remained loyal to the hometown bank that has been loyal to them, in good economic times and bad. The tradition of local loyalty and service continued through Charles R. Baily (son of Richard) whom also formerly served as a director and chairman of the bank's board. ''Community bank is a local landmark that provides financial direction and services to our community friends and neighbors. Hometown commitment has been our bank's pledge for the past 100 years, and that's what it will continue to be,'' says Community Bank Chairman/CEO Ralph J. Sommers, Jr.

Known as Community Bank, N.A. since September 1987 (a change in name only to better reflect its larger community growth), the locally-owned and operated financial institution has had a consistent growth in assets, staff, geographic market area, and the numbers of civic and community organizations to which it has contributed.

Today, Community Bank, N.A. has some $220 million in assets, is publicly traded as CMYC, boasts 10 branches in Greene and Washington Counties, employs about 100 people in satisfying jobs, and contributes thousands of dollars and many people-hours to scores of local civic, charitable, and philanthropic organizations.

The bank's growth is largely attributed to sound management practices, investments in technology, and community commitment at every level. Local deposits remain in the communities the bank serves in an effort to better improve the economic vibrancy of local businesses and the quality of life of residents. Unquestionably, the bank's most valuable assets—its customers, employees, and shareholders—collectively play an integral role in the prosperity of the bank and the communities it serves. The pioneering spirit of that first group of founders in Carmichaels continues in those who have followed, with unparalleled customer service and a community commitment of an incalculable life expectancy.

From this amount of information, you can see what a huge role that Community Bank has played in the establishment of the economy and history in Greene and Washington Counties. They are not just a financial institution, but a reliable and friendly staple to the people of the area. I enthusiastically ask my colleagues to join me in commending Community Bank as they celebrate their Centennial.●

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IN RECOGNITION OF CAROLE ANDERSON GRAVES

● Mr. TORRICELLI. Mr. President, I rise today to recognize Carole Anderson Graves, as she is honored by the Beta Alpha Omega Chapter of Alpha Kappa Alpha Sorority in cooperation with the New Jersey Performing Arts Center during the 3rd Annual Kwanza Festival honoring the community elders of Newark, New Jersey.

Our cities and towns are constantly in need of individuals willing to give of themselves for the benefit of the community at-large. The individuals who fulfill this need are the volunteers and the public servants who improve the

world around us in ways that often go unseen. It therefore fitting that from time to time we take a moment to recognize their efforts.

Carole Anderson Graves has an extensive record of service to the Newark community. Since 1995, she has served as the Essex County Register of Deeds and Mortgages. In that capacity, Mrs. Graves has overseen the recording, filing and preserving of all property transactions within the 22 municipalities of Essex County.

Mrs. Graves also has given great deal to the furtherance of education in the Newark area. For nine years, Mrs. Graves was employed as a Special Education teacher at the Dayton Street School and spent twenty-seven years as the full-time President of the Newark Teachers Union. She is also an adjunct professor/lecturer of Labor Relations at Essex County Community College and Rutgers Institute of Labor and Management Relations.

The city of Newark has been truly fortunate to have someone of the talents and dedication of Mrs. Graves within the community. It is an honor to be able to recognize her on this special occasion.●

IN MEMORY OF GREGORY W. MOYER

● Mr. JEFFORDS. Mr. President, I rise today to pay tribute to the life of a young man who passed away unexpectedly on Saturday, December 2, 2000. Gregory W. Moyer was the nephew of my friend and former staffer Pat Morrissey. Greg was a 15-year-old basketball player, honor student, and community volunteer from Shawnee-on-Delaware, Pennsylvania. He collapsed during a high school basketball game, victim of an undetected heart defect. At six-foot-three-inches and 220 pounds, his classmates knew him as a ''gentle giant.'' Greg's Aunt Patricia says that, ''He could read hearts, young and old alike. He knew what was important.''

Pat, please know that our thoughts and prayers are with you and your family.●

RECOGNIZING DALLAS TONSAGER

● Mr. JOHNSON. Mr. President, I rise today to recognize Dallas Tonsager for his years of extraordinary public service as South Dakota's State Director of the United States Department of Agriculture's, USDA, Rural Development, RD, office. Dallas has been a tireless advocate on behalf of rural communities and area residents. His commitment and dedication to ensure the long-term viability of rural communities will continue to cultivate opportunities for rural growth and prosperity for many years to come. Dallas has earned the respect and friendship of those who know him in South Dakota, Washington, D.C. and around the country. On behalf of the citizens of South Dakota, it is my honor to express our sincere gratitude to Dallas Tonsager for his countless contributions and achievements.

In 1993, President Clinton asked Dallas to bring his talent, integrity, ingenuity, and initiative to federal service to help the Administration address the concerns of Rural America. Dallas accepted the challenge and was appointed director of the former South Dakota Farmers Home Administration by President Clinton. Currently he oversees approximately 80 employees across the state in several Rural Development offices. Prior to his USDA service, Dallas was a two-term South Dakota Farmers Union President, first elected in 1987. Dallas, his wife Sharon, and their family continue to actively participate in a diversified family farm partnership near Oldham, South Dakota. It is clear that from his roots on the family farm, to his service for South Dakota Farmers Union and USDA, Dallas has always had the perspective of the hard working, rural, South Dakota citizen close to his heart. Indeed, he is respected by his colleagues across the country and was presented with the ''Hammer Award,'' by Vice-President GORE in 1995. In 1999, Dallas was recognized as one of two Outstanding Rural Development State Directors in the entire nation by USDA Rural Development Under Secretary Jill Long Thompson.

Rural Development takes a comprehensive approach towards economic development in rural areas, offering loans, grants, and other resources to rural citizens, communities, and Indian reservations. Dallas truly served as a partner in helping the people of rural South Dakota develop sustainable communities. He and his RD staff targeted financial and technical resources to areas of great need throughout the state in order to improve the quality of life. In his Rural Development tenure, Dallas has overseen the distribution of over $578 million in grants, loans and loan guarantees over the past six years in South Dakota. As such, the South Dakota RD office has been a central figure in the creation of many successful economic development projects in our state.

For instance, the South Dakota Rural Development office was responsible for helping to create one of the first Enterprise Communities in the country—the Beadle and Spink Enterprise Community, BASEC. Additionally, RD assisted in developing the very first American Indian Empowerment Zone in the United States at the Pine Ridge Indian Reservation. Under the leadership of Dallas, Rural Development helped establish the South Dakota Value Added Agriculture Development Center , which now creates opportunities for farmers and ranchers to add value to the raw commodities produced on their operations, and capture the profits from these value-added products. Dallas is one of South Dakota's leading advocates of farmer-owned value-added cooperatives in South Dakota.

Through the Rural Housing Service, South Dakota Rural Development has disbursed $320 million since 1995, which has benefitted nearly 6,000 families in our state. Moreover, RD has distributed $173 million in funding under the Rural Business Cooperative Service program, which has saved 2,001 and created another 1,414 jobs in South Dakota since 1995.

Finally, Dallas and his family have always been dedicated to public service, and I know he will continue to contribute to our state and it's citizens in the future. Therefore, I wish him all the best and I will continue to rely upon his valuable insight on the economic development needs in South Dakota. On behalf of the people of South Dakota, I want to thank Dallas for being a true public servant who has helped improve the quality of life for thousands of people all across South Dakota.●

CLOUDCROFT, NEW MEXICO

● Mr. DOMENICI. Mr. President, recently the city of Cloudcroft, New Mexico was named one of the world's ''10 Overlooked and Underrated Winter Destinations,'' by the editors of Fodor's Travel Publications.

Cloudcroft hasn't changed much over the years. There are more summer homes than before, but the permanent population has not grown substantially, and the Village still maintains a small-town atmosphere that is so appealing to the tourists who come from every state in the Union and many foreign countries. They appreciate the attitude of the locals and the laid-back feeling of the community as contrasted to the high-speed life in the big cities.

Cloudcroft is located in the southeastern area of New Mexico. A small mountain village located in the heart of the Lincoln National Forest. It is a great travel location for both the outdoors and indoors visitors. For individuals who enjoy the outdoors, it offers year-round hiking, mountain biking, skiing, golfing and other activities. For the indoors visitors it offers a variety of unique shops, restaurants, and museums.

Cloudcroft is not commonly known for its glitzy ski resorts like other cities in New Mexico but rather as a perfect location for families learning the ropes. It offers a number of great inns and the distinction of having no stoplights. A great place for families to take their vacations. Children can play outside and adults can enjoy the quietness of the village.

Cloudcroft offers several festive events such as the New Year's Eve Torchlight Parade down the Cloudcroft mountain, caroling in the Clouds and Currier & Ives Candelit Christmas in December, or the full-moon ice-skating in February.

When visiting Cloudcroft, one must not miss the opportunity to go sledding on the dunes of White Sands National Monument or visit the Sunspot National Solar Observatory. No matter

what your preference, Cloudcroft has an activity for you.

Many of us share a passion for travel, but often times finding a good location is not always easy. However, Cloudcroft truly is a city often overlooked by most. With its great weather, shopping and mountains, I am proud to say Cloudcroft is a part of New Mexico.●

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MESSAGES FROM THE HOUSE

Under authority of the order of the Senate of December 11, 2000, the Secretary of the Senate, on December 11, 2000, during the recess of the Senate, received a message from the House of Representatives announcing that the House has passed the following joint resolution, in which it requests the concurrence of the Senate:

H.J. Res. 129. Joint resolution making further continuing appropriations for the fiscal year 2001, and for other purposes.

Under authority of the order of the Senate of January 6, 1999, the Secretary of the Senate, on December 11, 2000, during the recess of the Senate, received a message from the House of Representatives announcing that the House has heard with profound sorrow of the death of the Honorable Julian C. Dixon, a Representative from the State of California.

That a committee of such Members of the House as the Speaker may designate, together with such Members of the Senate as may be joined, be appointed to attend the funeral.

That the Sergeant at Arms of the House be authorized and directed to take such steps as may be necessary for carrying out the provisions of these resolutions and that the necessary expenses in connection therewith be paid out of applicable accounts of the House.

That the Clerk communicate these resolutions to the Senate and transmit a copy thereof to the family of the deceased.

That when the House adjourns today, it adjourn as a further mark of respect to the memory of the deceased.

ENROLLED BILL SIGNED

Under authority of the order of the Senate of January 6, 1999, the Secretary of the Senate, on December 13, 2000, during the recess of the Senate, received a message from the House of Representatives announcing that the Speaker has signed the following enrolled joint resolution:

H.J. Res. 129. Joint resolution making further continuing appropriations for the fiscal year 2001, and for other purposes.

Under the authority of the orders of the Senate of December 11, 2000, the enrolled joint resolution was signed subsequently by the Acting President pro tempore (Mr. FITZGERALD).

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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–11836. A communication from the Acting Chief, Division of General and International Law, Maritime Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Statistical Data for Use in Operating-Differential Subsidy Application Hearings'' (RIN2133–AB43) received on December 7, 2000; to the Committee on Commerce, Science, and Transportation.

EC–11837. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment to Algona, IA Class E Airspace Area Docket No. 00–ACE–34 [11–20–11–20–]'' (RIN2120–AA66) (2000–0279) received on December 7, 2000; to the Committee on Commerce, Science, and Transportation.

EC–11838. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Standard Instrument Approach Procedures; Miscellaneous Amendments 492 Admt. no 2021 Docket No 30214 [11–16–11–20]'' (RIN2120–AA65) (2000–0056) received on December 7, 2000; to the Committee on Commerce, Science, and Transportation.

EC–11839. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Turbomeca Arriel 1 Series Turboshaft Engines Docket No. 2000–NE–11 [11–27–12–4]'' (RIN2120–AA64) (2000–0575) received on December 7, 2000; to the Committee on Commerce, Science, and Transportation.

EC–11840. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Boeing Model 767 Series Airplanes; docket no. 2000–NM–91; [10–20/12–4]'' (RIN2120–AA64) (2000–0577) received on December 7, 2000; to the Committee on Commerce, Science, and Transportation.

EC–11841. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: P & W PW2000 Series Turbofan Engines; docket no. 98–ANE–61 [10–24/12–7]'' (RIN2120–AA64) (2000–0579) received on December 7, 2000; to the Committee on Commerce, Science, and Transportation.

EC–11842. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: P & W JT8D Series Turbofan Engines; docket no. 99–NE–29; [11–7/12–7]'' (RIN2120–AA64) (2000–0580) received on December 7, 2000; to the Committee on Commerce, Science, and Transportation.

EC–11843. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: CFC Company CFE738–1–B Turbofan Engines; Docket no. 2000–NE–40; [10–24/12–7]'' (RIN2120–AA64) (2000–0581) received on December 7, 2000; to the Committee on Commerce, Science, and Transportation.

EC–11844. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Standard Instrument Approach Procedures; Miscellaneous Amendments; (58); Amdt. No. 2023 [11–30/12–7]'' (RIN2120–AA65) (2000–0057) received on December 7, 2000; to the Committee on Commerce, Science, and Transportation.

EC–11845. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Revision of Class E Airspace; Fayetteville, AR; docket no. 2000–ASW–17; [11–16–00]'' (RIN2120–AA66) (2000–0280) received on December 7, 2000; to the Committee on Commerce, Science, and Transportation.

EC–11846. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Modification of the Dimensions of the Grand Canyon National Park; SFRA and Flight Free Zones, Delay of effective date; 11–20/12–4'' (RIN2120–ZZ32) received on December 7, 2000; to the Committee on Commerce, Science, and Transportation.

EC–11847. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Commercial Routes for the Grand Canyon National Park; notice; delay of effective date'' (RIN2120–ZZ31) received on December 7, 2000; to the Committee on Commerce, Science, and Transportation.

EC–11848. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Service Difficulty Reports; final rule-notice of meeting - Docket no. FAA–2000–7952; [12–30/12–6)'' (RIN2120–AF71) (2000–0003) received on December 7, 2000; to the Committee on Commerce, Science, and Transportation.

EC–11849. A communication from the Chief, Office of Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Safety/Security Zone Regulations; Andrew McArdle (Meridian Street) Bridge, Chelsea River, Chelsea, Massachusetts (CGD01–00–240)'' (RIN2115–AA97) (2000–0094) received on December 7, 2000; to the Committee on Commerce, Science, and Transportation.

EC–11850. A communication from the Chief, Office of Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Drawbridge Regulations: Neches River, TX (CGD08–00–026)'' (RIN2115–AE47) (2000–0059) received on December 7, 2000; to the Committee on Commerce, Science, and Transportation.

EC–11851. A communication from the Chief, Office of Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Drawbridge Regulations: Sabine Lake, Texas (CGD08–00–027)'' (RIN2115–AE47) (2000–0060) received on December 7, 2000; to the Committee on Commerce, Science, and Transportation.

EC–11852. A communication from the Chief, Office of Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Drawbridge Regulations: Rahway River, NJ (CGD01–00–245)'' (RIN2115–AE47) (2000–0061) received on December 7, 2000; to the Committee on Commerce, Science, and Transportation.

EC–11853. A communication from the Chief, Office of Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled

''Drawbridge Regulations: Raritan River, Arthur Kill, and their tributaries, NJ (CGD01–00–244)'' (RIN2115–AE47) (2000–0062) received on December 7, 2000; to the Committee on Commerce, Science, and Transportation.

EC–11854. A communication from the Chief, Office of Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Drawbridge Regulations: Cortez Bridge (SR 64), Bradenton, Manatee County, FL. (CGD07–00–110)'' (RIN2115–AE47) (2000–0063) received on December 7, 2000; to the Committee on Commerce, Science, and Transportation.

EC–11855. A communication from the Chief, Office of Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Drawbridge Regulations: Stickney Point Bridge (SR 72) County, FL. (CGD07–00–112)'' (RIN2115–AE47) (2000–0064) received on December 7, 2000; to the Committee on Commerce, Science, and Transportation.

EC–11856. A communication from the Chief, Office of Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Drawbridge Regulations: Siesta Key Bridge (SR 758), Sarasota, Sarasota County, FL. (CGD 07–00–111)'' (RIN2115–AE47) (2000–0065) received on December 7, 2000; to the Committee on Commerce , Science, and Transportation.

EC–11857. A communication from the Chief, Office of Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Drawbridge Regulations: Boynton Beach Boulevard Bridge, Atlantic Intracoastal Waterway, Boynton Beach, FL. (CGD07–00–109)'' (RIN2115–AE47) (2000–0066) received on December 7, 2000; to the Committee on Commerce, Science, and Transportation.

EC–11858. A communication from the Chief, Office of Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Drawbridge Regulations: Atlantic Intracoastal Waterway, Mile 1084.6, Miami, FL (CGD07–00–106)'' (RIN2115–AE47) (2000–0067) received on December 7, 2000; to the Committee on Commerce, Science, and Transportation.

EC–11859. A communication from the Chief, Office of Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Citizenship Standards for Vessel Ownership and Financing; American Fisheries Act (USCG–1999–6095)'' (RIN2115–AF88) received on December 7, 2000; to the Committee on Commerce, Science, and Transportation.

EC–11860. A communication from the Director, Management and Budget Office, National Ocean Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Coastal Ocean Program: Funding Announcement for the Student Career Development Program for FY01'' (RIN0648–ZA93) received on December 8, 2000; to the Committee on Commerce, Science, and Transportation.

EC–11861. A communication from the Director, Management and Budget Office, National Ocean Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Northeastern United States; Summer Flounder Fishery; Commercial Quota Harvested for New York'' received on December 8, 2000; to the Committee on Commerce, Science, and Transportation.

EC–11862. A communication from the Director, Management and Budget Office, National Ocean Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Northeastern United States; Summer Flounder Fishery; Commercial Quota Harvested for Virginia'' received on December 8, 2000; to the Committee on Commerce, Science, and Transportation.

EC–11863. A communication from the Special Assistant to the Bureau Chief, Mass Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Butte Falls, Oregon)'' (MM Docket No. 00–83, RM–9849) received on December 11, 2000; to the Committee on Commerce, Science, and Transportation.

EC–11864. A communication from the Special Assistant to the Bureau Chief, Mass Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Des Moines, New Mexico)'' (MM Docket No. 00–66, RM–9842) received on December 11, 2000; to the Committee on Commerce, Science, and Transportation.

EC–11865. A communication from the Special Assistant to the Bureau Chief, Mass Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Grants and Milan, New Mexico)'' (MM Docket No. 99–75, RM–9446) received on December 11, 2000; to the Committee on Commerce, Science, and Transportation.

EC–11866. A communication from the Special Assistant to the Bureau Chief, Mass Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Sister Bay, Wisconsin and Escanaba, Michigan)'' (MM Docket No . 99–288) received on December 11, 2000; to the Committee on Commerce, Science, and Transportation.

EC–11867. A communication from the Special Assistant to the Bureau Chief, Mass Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Randolph and Little Valley, NY)'' (MM Docket No. 00–113, RM–9904, RM–9952) received on December 11, 2000; to the Committee on Commerce, Science, and Transportation.

EC–11868. A communication from the Special Assistant to the Bureau Chief, Mass Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Pilot Rock, Oregon)'' (MM Docket No. 00–128, RM–9912) received on December 11, 2000; to the Committee on Commerce, Science, and Transportation.

EC–11869. A communication from the Special Assistant to the Bureau Chief, Mass Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Bogota, Texas)'' (MM Docket No. 00–54) received on December 11, 2000; to the Committee on Commerce, Science, and Transportation.

EC–11870. A communication from the Special Assistant to the Bureau Chief, Mass Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Dillsboro and Rosman, North Carolina)'' (MM Docket No. 00–88, RM–9871) received on December 11, 2000; to the Committee on Commerce, Science, and Transportation.

EC–11871. A communication from the Special Assistant to the Bureau Chief, Mass Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Wheatland and Wright, Wyoming)'' (MM Docket No. 99–195) received on December 11, 2000; to the Committee on Commerce, Science, and Transportation.

EC–11872. A communication from the Special Assistant to the Bureau Chief, Mass Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Dos Palos and Livingston, California)'' (MM Docket No. 00–92; RM–9857) received on December 11, 2000; to the Committee on Commerce, Science, and Transportation.

EC–11873. A communication from the Special Assistant to the Bureau Chief, Mass Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Darby, Montana)'' (MM Docket No. 99–220) received on December 11, 2000; to the Committee on Commerce, Science, and Transportation.

EC–11874. A communication from the Special Assistant to the Bureau Chief, Mass Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (McCook, Nebraska)'' (MM Docket No. 00–82, RM–9841) received on December 11, 2000; to the Committee on Commerce, Science, and Transportation.

EC–11875. A communication from the Assistant Secretary, Bureau of Indian Affairs, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''Tribal Self-Governance'' (RIN1076–AD21) received on December 8, 2000; to the Committee on Indian Affairs.

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PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM–642. A concurrent resolution adopted by the General Assembly of the Commonwealth of Pennsylvania relative to the levying or increasing of taxes; to the Committee on the Judiciary.

RESOLUTION

Whereas, Separation of powers is fundamental to the Constitution of the United States, and the power of the Federal Government is strictly limited; and

Whereas, Under the Constitution of the United States, the States are to determine public policy; and

Whereas, It is the duty of the judiciary to interpret the law, not to create law; and

Whereas, Our present Federal Government has strayed from the intent of our Founding Fathers and the Constitution of the United States through inappropriate Federal mandates; and

Whereas, These mandates by way of statute, rule or judicial decision have forced state governments to serve as the mere administrative arm of the Federal Government; and

Whereas, Federal district courts, with the acquiescence of the United States Supreme Court, continue to order states to levy or increase taxes to comply with Federal mandates; and

Whereas, these court actions violate the Constitution of the United States and the legislative process; and

Whereas, The time has come for the people of this great nation and their duly elected representatives in State government to reaffirm in no uncertain terms that the authority to tax under the Constitution of the United States is retained by the people, who by their consent alone do delegate such power to tax explicitly to those duly elected representatives in the legislative branch of government whom they choose, such representatives being directly responsible and accountable to those who have elected them; and

Whereas, Several states have petitioned the Congress of the United States to propose an amendment to the Constitution of the United States; and

Whereas, As previously introduced in Congress, the amendment seeks to prevent Federal courts from levying or increasing taxes without representation of the people and against the people's wishes; therefore be it

Resolved (the House of Representatives concurring), That the Congress prepare and submit to the several states an amendment to the Constitution of the United States to add a new article providing as follows: ''Neither the Supreme Court nor any inferior court of the United States shall have the power to instruct or order a state or a political subdivision, to levy or increase taxes''; and be it further

Resolved, That this application constitute a continuing application in accordance with Article V of the Constitution of the United States; and be it further

Resolved, That the General Assembly of the Commonwealth of Pennsylvania also propose that the legislatures of each of the several states comprising the United States, that have not yet made a similar request, apply to the Congress requesting enactment of an appropriate amendment to the Constitution of the United States and apply to the Congress to propose such an amendment to the Constitution of the United States; and be it further

Resolved, That copies of this resolution be transmitted to the President and Vice President of the United States, to the presiding officers of each house of Congress, to the presiding officers of each house of Legislature in each of the states in the union and to each member of Congress from Pennsylvania.

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INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. BINGAMAN:

S. 3277. A bill to amend the National Energy Conservation Policy Act to enhance and extend authority relating to energy savings performance contracts of the Federal Government; to the Committee on Energy and Natural Resources.

By Mr. BINGAMAN:

S. 3278. A bill to authorize funding for nanoscale science and engineering research and development at the Department of Energy for fiscal years 2002 through 2006; to the Committee on Energy and Natural Resources.

By Mr. FEINGOLD (for himself, Mr. JEFFORDS, and Mr. LEAHY):

S. 3279. A bill to amend the Richard B. Russell National School Lunch Act to authorize the Secretary of Agriculture to carry out pilot projects to increase milk consumption and reduce the cost of milk served to children; to the Committee on Agriculture, Nutrition, and Forestry.

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STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

Mr. BINGAMAN:

S. 3277. A bill to amend the National Energy Conservation Policy Act to enhance and extend authority relating to energy savings performed contracts of the Federal Government; to the Committee on Energy and Natural Resources.

ENERGY EFFICIENT COST SAVINGS IMPROVEMENT ACT OF 2001

Mr. BINGAMAN. Mr. President, I rise today to introduce important legislation, to amend the National Energy Conservation Policy Act of 1986. This legislation, the ''Energy Efficient Cost Savings Improvement Act of 2001'' will improve the current law by enhancing and extending the authority relating to energy savings performance contracts of the Federal Government. The benefit to the taxpayer will be not only the realization of greater cost savings as they pertain to older, inefficient Federal buildings but, more importantly, the reduction in the waste of monies spent trying to improve these buildings when other, more cost effective alternatives are available.

The National Energy Conservation Policy Act, as amended by the Energy Policy Act of 1992, established a mandate for energy savings in Federal buildings and facilities. Aggressive energy conservation goals were subsequently established by Executive Order 12902, stating that, by 2005, Federal agencies must reduce their energy consumption in their buildings by 30 percent per square foot when compared to 1985 levels. Executive Order 13123 increased this goal to 35 percent by 2010.

To help attain these objectives, the Energy Policy Act of 1992 created Energy Savings Performance Contracting, ESPC, which offered a means of achieving this energy reduction goal at no capital cost to the government. That's right—no capital cost to the government, since ESPC is an alternative to the traditional method of Federal appropriations to finance these types of improvements in Federal buildings. Under the ESPC authority, Federal agencies contract with energy service companies, ESCO, which pay all the up-front costs. These costs relate to evaluation, design, financing, acquisition, installation, and maintenance of energy efficient equipment; altered operation and maintenance improvements; and technical services. The ESCO guarantees a fixed amount of energy cost savings throughout the life of the contract and is paid directly from those cost savings. Agencies retain the remainder of the cost savings for themselves and, at the end of the contract, ownership of all property, along with the additional cost savings, reverts to the Federal government. Currently, contracts may range up to 25 years. Over the entire contract period, Federal monies are neither required nor appropriated for the improvements.

But, as innovative as the ESPC alternative may be, there is one area in which it falls short—and that is, how to avoid wasting valuable funds improving energy efficiency in a building that has long since passed its useful life. How do you justify energy conservation measures in buildings that are in constant need of maintenance or repair? Facilities that, no matter how much money is invested for renovation, will never meet existing building code requirements? You may save money by improving energy efficiency, but then turn around and reinvest even larger amounts in operating and maintaining a very old facility. Somewhere there has to be a point where we decide there must be other alternatives—and that is exactly what my legislation offers.

The most important element of my legislation is in the way it proposes to fund the construction of replacement Federal facilities. The legislation builds upon the existing Energy Savings Performance Contracting and takes it one logical step further—to include savings anticipated from operation and maintenance efficiencies of a new replacement Federal building. Perhaps the easiest way to explain the benefits of this change is by citing an example. In my home state of New Mexico, the Department of Energy Albuquerque Operations office resides in a complex of buildings constructed originally as Army barracks during the Korean War. Although these facilities have been renovated and modified throughout the years, they remain energy inefficient and require high maintenance and operation costs when compared to more contemporary buildings. What's more, over the next seven years, the Operations office will institute additional modifications to meet compliance requirements for seismic, energy savings, and other facility infrastructure concerns (maintenance, environmental, safety and health, etc.) at a cost of $34.2 million. Even with these modifications, we end up with a modernized 50-year-old building that will continue to require expensive maintenance dollars. The estimate to replace the office complex with a new facility, by the way, is $35.3 million. While Congress cannot afford to appropriate funds to build a new facility, we're willing to spend—no, we're forced to waste—almost as much in maintaining an old one.

As requested by the National Defense Authorization Act for FY2000, the Department of Energy conducted a feasibility study for replacing the Albuquerque Operations office using an ESPC. The results of the study are enlightening, for it demonstrated that by using anticipated energy, operations, and maintenance efficiencies of a new

replacement building over the old one, the cost savings alone pay for the new facility. What's more, the analysis forecasts that after the annual ESPC loan payment is made to the contractor, there is a $1 million per year surplus. Over a 25-year contract, the savings to the taxpayer is $25 million.

Finally, I want to draw your attention to the broader implications that this legislation has for Federal agencies and taxpayers alike. The application of authority created by this legislation in the replacement of other Federal buildings could result in billions of dollars of avoided waste. Simply by considering operation and maintenance cost savings, we would reap a double benefit of newer facilities and much needed improvements to the Federal infrastructure at a fraction of the cost. And, since ESCOs typically use local companies to provide construction services, this type of program would have a very beneficial effect on local economies.

There is certainly enough work within the Federal government to move forward on this ESPC legislation. To this end, I urge my colleagues to support the bill.

Mr. BINGAMAN:

S. 3278. A bill to authorize funding for nanoscale science and engineering research and development at the Department of Energy for fiscal years 2002 through 2006; to the Committee on Energy and Natural Resources.

DEPARTMENT OF ENERGY NANOSCALE SCIENCE AND ENGINEERING ACT

Mr. BINGAMAN. Mr. President, I rise today to introduce a bill authorizing the Secretary of Energy to provide for a long term commitment in its Office of Science to the area of nanoscience and nanoengineering. This new area is of fundamental importance for maintaining our global economic leadership in energy technology as well in areas such as microchip design, space and transportation, medicines and biomedical devices. The fields of nanoscience and nanoengineering are so new and broad in their reach that no one industry can support them. They are a perfect example how we in Congress can make a difference to support our nation's technological leadership, a key element of the 21st century global economy.

The fields of nanoscience and engineering encompass the ability to create new states of matter by prepositioning the atoms that make up their structure. The physical features that nanoscale R&D will develop are on the order of about 10 nanometers or 1000 times smaller than the diameter of a human hair. What we are talking about is making materials and devices not by miniaturization, which is a top down approach. Nanoscience is the bottom up fabrication of materials, atom by atom. When you build materials at this level, amazing things begin to happen. We are talking about microchips whose features will shrink by a factor of 100 below where industry projects they will be in the year 2010. These chip features will lead to radical breakthroughs in speed, cost and density of information storage. In the field of medicine and health, we are talking about drugs whose routes of delivery are literally at the molecular level. It will be possible to custom build proteins and other biological materials for future biomedical devices. In the field of energy efficiency, batteries and fuel cells can be built with storage capacities far exceeding our current state of the art. In the transportation industry, it will be possible to make ultra strong and light materials reducing the weight in airplanes, cars and space vehicles. All these breakthroughs in the diverse industries I have discussed will keep the United States' as a global leader in the 21st century economy.

The Department of Energy and its Office of Science are uniquely suited to support this critical research. The Office of Science has been at the forefront of conducting nanotechnology research for the past decade through its broad array of materials, physics, chemistry and biology programs. This authorization bill will carry forth four broad objectives of the Office of Science's existing nanotechnology effort, (1) attain a fundamental understanding of nanoscale phenomena, (2) achieve the ability to design bulk materials with desired properties using nanoscale manipulation, (3) study how living organisms produce materials naturally by arranging their atomic structure and implement it into the design process for nanomaterials, (4) develop experimental and computer tools with a national infrastructure to carry out nanoscience. Let me briefly comment on the fourth area in this list. The Office of Science is the nation's leader in developing and managing national user facilities across the broad range of physical sciences. It would be a natural progression for the Office of Science to develop similar user facilities to advance nanoscience. These facilities, located across the United States, will contain unique equipment and computers which will be accessible to individuals as well as multi-disciplinary teams. In the past, Office of Science national user facilities have served as crossing points between the transition from fundamental science to industrial capability. I expect that these nanoscience user facilities will serve as a similar transition point from long term fundamental research into applied industrial know-how. Accordingly, in this authorization bill I have allotted portions of the yearly budget towards developing these unique user facilities.

This bill is an important first step in a combined national nanoscience effort which will help to maintain the technological edge of our U.S. industry. I hope that the other federal R&D agencies will make similar commitments in their areas of expertise. Maintaining this edge, by promoting these long term and high risk investigations is something which we cannot expect in the short time frame world of today's industry. It is critical that our U.S. government step into this void, particularly in the area of nanoscience, and provide the necessary intellectual capital to propel our national economy as a leader in the 21st century.

I ask for unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 3278

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 ''Department of Energy Nanoscale Science and Engineering Act''.

SEC. 2. FINDINGS.

The Congress finds the following:

(1) The emerging fields of nanoscience and nanoengineering address the ability to create materials with fundamentally new compositions by prepositioning atoms within an overall molecular composition.

(2) The ability of the United States to respond to the energy and economic challenges of the 21st century will be driven by science and technology. Nanoscience and nanoengineering will enable the United States to develop new technologies for energy exploration and production, for monitoring energy infrastructure, for increasing energy efficiency in end-use application, and for developing new technologies applicable to other Department of Energy statutory missions. These advances will also enhance the strength of U.S. science, technology, and medicine generally.

(3) The fundamental intellectual challenges inherent in nanoscience and nanoengineering are considerable, and require public support for basic and applied research and development. Significant advances in areas such as the self-assembly of atom clusters will be required before nanoscience or nanoengineering will be useful to the energy or manufacturing industries.

(4) The development of new scientific instruments will also be required to advance nanoscience and nanoengineering. Such instruments are likely to be large and costly. Specialized facilities are also likely to be required in order to advance the field and to realize its promise. Such facilities will be sufficiently expensive that they will have to be located and constructed on a centralized basis, similar to a number of unique facilities already managed by the Department of Energy.

(5) Contributions from individual researchers as well as multidisciplinary research teams will be required to advance nanoscience and nanoengineering.

(6) The Department of Energy's Office of Science is well suited to manage nanoscience and nanoengineering research and development for the Department. Through its support of research and development pursuant to the Department's statutory authorities, the Office of Science is the principal federal supporter of the research and development in the physical and computational sciences. The Office is also a significant source of federal support for research in genomics and the life sciences. The Office supports research and development by individual investigators and multidisciplinary teams, and manages special user facilities that serve investigators in both university and industry.

SEC. 3. DEPARTMENT OF ENERGY PROGRAM.

(a) ESTABLISHMENT.—The Secretary of Energy, through the Office of Science of the Department of Energy, shall support a program of research and development in nanoscience and nanoengineering consistent with the Department's statutory authorities related to research and development. The program shall include efforts to further the understanding of the chemistry, physics, materials science and engineering of phenomena on the scale of 1 to 100 nanometers.

(b) DUTIES OF THE OFFICE OF SCIENCE.—In carrying out the program under this Act, the Director of the Office of Science shall—

(1) support both individual investigators and multidisciplinary teams of investigators;

(2) pursuant to subsection (c), develop, plan, construct, acquire, or operate special equipment or facilities for the use of investigators conducting research and development in nanoscience and nanoengineering;

(3) support technology transfer activities to benefit industry and other users of nanoscience and nanoengineering; and

(4) coordinate research and development activities with industry and other federal agencies.

(c) NANOSCIENCE AND NANOENGINEERING RESEARCH CENTERS AND MAJOR INSTRUMENTATION.—

(1) AUTHORIZATION.—Within the funds authorized to be appropriated pursuant to this Act, the amounts specified under section 4(b) shall, subject to appropriations, be available for projects to develop, plan, construct, acquire, or operate special equipment, instrumentation, or facilities for investigators conducting research and development in nanoscience and nanoengineering.

(2) PROJECTS.—Projects under paragraph (1) may include the measurement of properties at the scale of 1 to 100 nanometers, manipulation at such scales, and the integration of technologies based on nanoscience or nanoengineering into bulk materials or other technologies.

(3) FACILITIES.—Facilities under paragraph (1) may include electron microcharacterization facilities, microlithography facilities, scanning probe facilities and related instrumentation.

(4) COLLABORATION.—The Secretary shall encourage collaborations among universities, laboratories and industry at facilities under this subsection. At least one Departmental facility under this subsection shall have a specific mission of technology transfer to other institutions and to industry.

(d) MERIT REVIEW REQUIRED.—All grants, contracts, cooperative agreements, or other financial assistance awards under this Act shall be made only after independent merit review.

SEC. 4. AUTHORIZATION OF APPROPRIATIONS.

(a) TOTAL AUTHORIZATION.—The following sums are authorized to be appropriated to the Secretary Of Energy, to remain available until expended, for the purposes of carrying out this Act:

(1) $160,000,000 for fiscal year 2002.
(2) $270,000,000 for fiscal year 2003.
(3) $290,000,000 for fiscal year 2004.
(4) $310,000,000 for fiscal year 2005.
(5) $330,000,000 for fiscal year 2006.

(b) NANOSCIENCE AND NANOENGINEERING RESEARCH CENTERS AND MAJOR INSTRUMENTATION.—Of the funds under subsection (a), the following sums are authorized to be appropriated to carry out section 3(c):

(1) $55,000,000 for fiscal year 2002.
(2) $135,000,000 for fiscal year 2003.
(3) $150,000,000 for fiscal year 2004.
(4) $120,000,000 for fiscal year 2005.
(5) $160,000,000 for fiscal year 2006.

ADDITIONAL COSPONSORS

S. 3189

At the request of Ms. SNOWE, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 3189, 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.

S. RES. 8

At the request of Mr. STEVENS, the name of the Senator from Wisconsin (Mr. FEINGOLD) was added as a cosponsor of S. Res. 8, a resolution amending rule XVI of the Standing Rules of the Senate relating to amendments to general appropriation bills

S. RES. 387

At the request of Mrs. FEINSTEIN, her name was added as a cosponsor of S. Res. 387, a resolution relative to the death of Representative Julian C. Dixon, of California.

At the request of Mrs. BOXER, her name was added as a cosponsor of S. Res. 387, supra.

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AMENDMENTS SUBMITTED

EQUAL EMPLOYMENT OPPORTUNITY COMPLAINT DATA DISCLOSURE ACT

DURBIN AMENDMENT NO. 4362

Mr. GRAMS (for Mr. DURBIN) proposed an amendment to the bill (H.R. 1023) to require that each Government agency post monthly, on its public Web site, certain statistical data relating to Federal sector equal employment opportunity complaints filed with such agency, and for other purposes; as follows:

At the appropriate place, insert the following:

SEC. ___. PRIVATE RELIEF PROVISION.

Notwithstanding any other provision of law, the renunciation of United States citizenship by Valdas Adamkus on February 25, 1998, in order to become the President of the Republic of Lithuania shall not—

(1) be treated under any Federal law as having as one of its purposes the avoidance of any Federal tax,

(2) result in the denial of any benefit under title II or XVIII of the Social Security Act, or under title 5, United States Code, or

(3) result in any restriction on the right of Valdas Adamkus to travel or be admitted to the United States.

WATER POLLUTION PROGRAM ENHANCEMENTS ACT OF 2000

COLLINS AMENDMENT NO. 4363

Mr. GRAMS (for Ms. COLLINS) proposed an amendment to the bill (S. 870) to amend the Inspector General Act of 1978 (5 U.S.C. App.) to increase the efficiency and accountability of Offices of Inspector General within Federal departments, and for other purposes; as follows:

On page 23, line 18, strike ''inserting'' and insert ''adding''.

On page 23, lines 21 and 22, strike ''defined under sections 11(4) and 8G(a)(5)'' and insert ''(as defined under section 8G(a)(5) or 11(4))''.

On page 23, lines 23 and 24, strike ''defined under sections 11(4) and 8G(a)(5)'' and insert ''(as defined under section 8G(a)(5) or 11(4))''.

On page 24, lines 9 and 10, strike ''of Inspector General''.

On page 24, lines 11 and 12, strike ''of Inspector General''.

On page 25, line 16, strike ''annual reports'' and insert ''an annual report''.

On page 32, strike lines 8 through 10.

On page 34, insert between lines 18 and 19 the following:

''(30) Inspector General, Tennessee Valley Authority.''.

On page 36, line 16, strike the quotation marks and second period.

On page 36, insert between lines 16 and 17 the following:

''Inspector General, Tennessee Valley Authority.''.

On page 36, line 23, insert ''of the United States'' after ''Comptroller General''.

On page 37, line 12, strike ''paragraph (2)'' and insert ''subsection (a)''.

INTERNATIONAL MALARIA CONTROL ACT OF 2000

HELMS AMENDMENT NO. 4364

Mr. BYRD. (for Mr. HELMS) proposed an amendment to the bill (S. 2943) 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; as follows:

In lieu of the matter proposed to be inserted by the House to the text of the bill, insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Assistance for International Malaria Control Act''.

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 FOR INTERNATIONAL MALARIA CONTROL

Sec. 101. Short title.
Sec. 102. Findings.
Sec. 103. Assistance for malaria prevention, treatment, control, and elimination.

TITLE II—POLICY OF THE UNITED STATES WITH RESPECT TO MACAU

Sec. 201. Short title.
Sec. 202. Findings and declarations; sense of Congress.
Sec. 203. Continued application of United States law.
Sec. 204. Reporting requirement.
Sec. 205. Definitions.

TITLE III—UNITED STATES-CANADA ALASKA RAIL COMMISSION

Sec. 301. Short title.
Sec. 302. Findings.
Sec. 303. Agreement for a United States-Canada bilateral commission.
Sec. 304. Composition of commission.
Sec. 305. Governance and staffing of commission.

Sec. 306. Duties.
Sec. 307. Commencement and termination of commission.
Sec. 308. Funding.
Sec. 309. Definitions.
TITLE IV—PACIFIC CHARTER COMMISSION ACT OF 2000
Sec. 401. Short title.
Sec. 402. Purposes.
Sec. 403. Establishment of commission.
Sec. 404. Duties of commission.
Sec. 405. Membership of commission.
Sec. 406. Powers of commission.
Sec. 407. Staff and support services of commission.
Sec. 408. Termination.
Sec. 409. Authorization of appropriations.
TITLE V—MISCELLANEOUS PROVISIONS
Sec. 501. Assistance efforts in Sudan.
Sec. 502. Authority to provide towing assistance.
Sec. 503. Sense of Congress on the American University in Bulgaria.
TITLE VI—PAUL D. COVERDELL WORLD WISE SCHOOLS ACT OF 2000
Sec. 601. Short title.
Sec. 602. Findings.
Sec. 603. Designation of Paul D. Coverdell World Wise Schools Program.

TITLE I—ASSISTANCE FOR INTERNATIONAL MALARIA CONTROL

SEC. 101. SHORT TITLE.

This title may be cited as the ''International Malaria Control Act of 2000''.

SEC. 102. FINDINGS.

Congress makes the following findings:

(1) The World Health Organization estimates that there are 300,000,000 to 500,000,000 cases of malaria each year.

(2) According to the World Health Organization, more than 1,000,000 persons are estimated to die due to malaria each year.

(3) According to the National Institutes of Health, about 40 percent of the world's population is at risk of becoming infected.

(4) About half of those who die each year from malaria are children under 9 years of age.

(5) Malaria kills one child each 30 seconds.

(6) 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.

(7) 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.

(8) These high risk areas represent many of the world's poorest nations.

(9) Malaria is particularly dangerous during pregnancy. The disease causes severe anemia and is a major factor contributing to maternal deaths in malaria endemic regions.

(10) ''Airport malaria'', the importing of malaria by international aircraft and other conveyances, is becoming more common, and the United Kingdom reported 2,364 cases of malaria in 1997, all of them imported by travelers.

(11) 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.

(12) Between 1970 and 1997, the malaria infection rate in the United States increased by about 40 percent.

(13) Malaria is caused by a single-cell parasite that is spread to humans by mosquitoes.

(14) No vaccine is available and treatment is hampered by development of drug-resistant parasites and insecticide-resistant mosquitoes.

SEC. 103. ASSISTANCE FOR MALARIA PREVENTION, TREATMENT, CONTROL, AND ELIMINATION.

(a) ASSISTANCE.—

(1) IN GENERAL.—The Administrator of the United States Agency for International Development, in coordination with the heads of other appropriate Federal agencies and nongovernmental organizations, shall provide assistance for the establishment and conduct of activities designed to prevent, treat, control, and eliminate malaria in countries with a high percentage of malaria cases.

(2) CONSIDERATION OF INTERACTION AMONG EPIDEMICS.—In providing assistance pursuant to paragraph (1), the Administrator should consider the interaction among the epidemics of HIV/AIDS, malaria, and tuberculosis.

(3) DISSEMINATION OF INFORMATION REQUIREMENT.—Activities referred to in paragraph (1) shall include the dissemination of information relating to the development of vaccines and therapeutic agents for the prevention of malaria (including information relating to participation in, and the results of, clinical trials for such vaccines and agents conducted by United States Government agencies) to appropriate officials in such countries.

(b) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There are authorized to be appropriated to carry out subsection (a) $50,000,000 for each of the fiscal years 2001 and 2002.

(2) AVAILABILITY.—Amounts appropriated pursuant to the authorization of appropriations under paragraph (1) are authorized to remain available until expended.

TITLE II—POLICY OF THE UNITED STATES WITH RESPECT TO MACAU

SEC. 201. SHORT TITLE.

This title may be cited as the ''United States-Macau Policy Act of 2000''.

SEC. 202. FINDINGS AND DECLARATIONS; SENSE OF CONGRESS.

(a) FINDINGS AND DECLARATIONS.—Congress makes the following findings and declarations:

(1) The continued economic prosperity of Macau furthers United States interests in the People's Republic of China and Asia.

(2) Support for democratization is a fundamental principle of United States foreign policy, and as such, that principle naturally applies to United States policy toward Macau.

(3) The human rights of the people of Macau are of great importance to the United States and are directly relevant to United States interests in Macau.

(4) A fully successful transition in the exercise of sovereignty over Macau must continue to safeguard human rights in and of themselves.

(5) Human rights also serve as a basis for Macau's continued economic prosperity, and Congress takes note of Macau's adherence to the International Covenant on Civil and Political Rights and the International Convention on Economic, Social, and Cultural Rights.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the United States should play an active role in maintaining Macau's confidence and prosperity, Macau's unique cultural heritage, and the mutually beneficial ties between the people of the United States and the people of Macau;

(2) through its policies, the United States should contribute to Macau's ability to maintain a high degree of autonomy in matters other than defense and foreign affairs as promised by the People's Republic of China and the Republic of Portugal in the Joint Declaration, particularly with respect to such matters as trade, commerce, law enforcement, finance, monetary policy, aviation, shipping, communications, tourism, cultural affairs, sports, and participation in international organizations, consistent with the national security and other interests of the United States; and

(3) the United States should actively seek to establish and expand direct bilateral ties and agreements with Macau in economic, trade, financial, monetary, mutual legal assistance, law enforcement, communication, transportation, and other appropriate areas.

SEC. 203. CONTINUED APPLICATION OF UNITED STATES LAW.

(a) CONTINUED APPLICATION.—

(1) IN GENERAL.—Notwithstanding any change in the exercise of sovereignty over Macau, and subject to subsections (b) and (c), the laws of the United States shall continue to apply with respect to Macau in the same manner as the laws of the United States were applied with respect to Macau before December 20, 1999, unless otherwise expressly provided by law or by Executive order issued pursuant to paragraph (2).

(2) EXCEPTION.—Whenever the President determines that Macau is not sufficiently autonomous to justify treatment under a particular law of the United States, or any provision thereof, different from that accorded the People's Republic of China, the President may issue an Executive order suspending the application of paragraph (1) to such law or provision of law. The President shall promptly notify the Committee on International Relations of the House of Representatives and the Committee on Foreign Relations of the Senate concerning any such determination and shall publish the Executive order in the Federal Register.

(b) EXPORT CONTROLS.—

(1) IN GENERAL.—The export control laws, regulations, and practices of the United States shall apply to Macau in the same manner and to the same extent that such laws, regulations, and practices apply to the People's Republic of China, and in no case shall such laws, regulations, and practices be applied less restrictively to exports to Macau than to exports to the People's Republic of China.

(2) RULE OF CONSTRUCTION.—Paragraph (1) shall not be construed as prohibiting the provision of export control assistance to Macau.

(c) INTERNATIONAL AGREEMENTS.—

(1) IN GENERAL.—Subject to subsection (b) and paragraph (2), for all purposes, including actions in any court of the United States, Congress approves of the continuation in force after December 20, 1999, of all treaties and other international agreements, including multilateral conventions, entered into before such date between the United States and Macau, or entered into force before such date between the United States and the Republic of Portugal and applied to Macau, unless or until terminated in accordance with law.

(2) EXCEPTION.—If, in carrying out this subsection, the President determines that Macau is not legally competent to carry out its obligations under any such treaty or other international agreement, or that the continuation of Macau's obligations or rights under any such treaty or other international agreement is not appropriate under the circumstances, the President shall take appropriate action to modify or terminate such treaty or other international agreement. The President shall promptly notify the Committee on International Relations of the House of Representatives and the Committee on Foreign Relations of the Senate concerning such determination.

SEC. 204. REPORTING REQUIREMENT.

(a) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, and not later than March 31 of each of the years 2001, 2002, and 2003, the Secretary of State shall transmit to the Committee on International Relations of the House of Representatives and the Committee on Foreign

Relations of the Senate a report on conditions in Macau of interest to the United States. The report shall describe—

(1) significant developments in United States relations with Macau, including any determination made under section 203;

(2) significant developments related to the change in the exercise of sovereignty over Macau affecting United States interests in Macau or United States relations with Macau and the People's Republic of China;

(3) the development of democratic institutions in Macau;

(4) compliance by the Government of the People's Republic of China and the Government of the Republic of Portugal with their obligations under the Joint Declaration; and

(5) the nature and extent of Macau's participation in multilateral forums.

(b) SEPARATE PART OF COUNTRY REPORTS.—Whenever a report is transmitted to Congress on a country-by-country basis, there shall be included in such report, where applicable, a separate subreport on Macau under the heading of the country that exercises sovereignty over Macau.

SEC. 205. DEFINITIONS.

In this title:

(1) JOINT DECLARATION.—The term ''Joint Declaration'' means the Joint Declaration of the Government of the People's Republic of China and the Government of the Republic of Portugal on the Question of Macau, dated April 13, 1987.

(2) MACAU.—The term ''Macau'' means the territory that prior to December 20, 1999, was the Portuguese Dependent Territory of Macau and after December 20, 1999, became the Macau Special Administrative Region of the People's Republic of China.

TITLE III—UNITED STATES-CANADA ALASKA RAIL COMMISSION

SEC. 301. SHORT TITLE.

This title may be cited as the ''Rails to Resources Act of 2000''.

SEC. 302. FINDINGS.

Congress finds that—

(1) rail transportation is an essential component of the North American intermodal transportation system;

(2) the development of economically strong and socially stable communities in the western United States and Canada was encouraged significantly by government policies promoting the development of integrated transcontinental, interstate and interprovincial rail systems in the states, territories and provinces of the two countries;

(3) United States and Canadian federal support for the completion of new elements of the transcontinental, interstate and interprovincial rail systems was halted before rail connections were established to the State of Alaska and the Yukon Territory;

(4) rail transportation in otherwise isolated areas facilitates controlled access and may reduce overall impact to environmentally sensitive areas;

(5) the extension of the continental rail system through northern British Columbia and the Yukon Territory to the current terminus of the Alaska Railroad would significantly benefit the United States and Canadian visitor industries by facilitating the comfortable movement of passengers over long distances while minimizing effects on the surrounding areas; and

(6) ongoing research and development efforts in the rail industry continue to increase the efficiency of rail transportation, ensure safety, and decrease the impact of rail service on the environment.

SEC. 303. AGREEMENT FOR A UNITED STATES-CANADA BILATERAL COMMISSION.

The President is authorized and urged to enter into an agreement with the Government of Canada to establish an independent joint commission to study the feasibility and advisability of linking the rail system in Alaska to the nearest appropriate point on the North American continental rail system.

SEC. 304. COMPOSITION OF COMMISSION.

(a) MEMBERSHIP.—

(1) TOTAL MEMBERSHIP.—The Agreement should provide for the Commission to be composed of 24 members, of which 12 members are appointed by the President and 12 members are appointed by the Government of Canada.

(2) GENERAL QUALIFICATIONS.—The Agreement should provide for the membership of the Commission, to the maximum extent practicable, to be representative of—

(A) the interests of the local communities (including the governments of the communities), aboriginal peoples, and businesses that would be affected by the connection of the rail system in Alaska to the North American continental rail system; and

(B) a broad range of expertise in areas of knowledge that are relevant to the significant issues to be considered by the Commission, including economics, engineering, management of resources, social sciences, fish and game management, environmental sciences, and transportation.

(b) UNITED STATES MEMBERSHIP.—If the United States and Canada enter into an agreement providing for the establishment of the Commission, the President shall appoint the United States members of the Commission as follows:

(1) Two members from among persons who are qualified to represent the interests of communities and local governments of Alaska.

(2) One member representing the State of Alaska, to be nominated by the Governor of Alaska.

(3) One member from among persons who are qualified to represent the interests of Native Alaskans residing in the area of Alaska that would be affected by the extension of rail service.

(4) Three members from among persons involved in commercial activities in Alaska who are qualified to represent commercial interests in Alaska, of which one shall be a representative of the Alaska Railroad Corporation.

(5) One member representing United States Class I rail carriers and one member representing United States rail labor.

(6) Three members with relevant expertise, at least one of whom shall be an engineer with expertise in subarctic transportation and at least one of whom shall have expertise on the environmental impact of such transportation.

(c) CANADIAN MEMBERSHIP.—The Agreement should provide for the Canadian membership of the Commission to be representative of broad categories of interests of Canada as the Government of Canada determines appropriate, consistent with subsection (a)(2).

SEC. 305. GOVERNANCE AND STAFFING OF COMMISSION.

(a) CHAIRMAN.—The Agreement should provide for the Chairman of the Commission to be elected from among the members of the Commission by a majority vote of the members.

(b) COMPENSATION AND EXPENSES OF UNITED STATES MEMBERS.—

(1) COMPENSATION.—Each member of the Commission appointed by the President who is not an officer or employee of the Federal Government shall be compensated at a rate equal to the daily equivalent of the annual rate of basic pay prescribed for level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day (including travel time) during which such member is engaged in the performance of the duties of the Commission. Each such member who is an officer or employee of the United States shall serve without compensation in addition to that received for services as an officer or employee of the United States.

(2) TRAVEL EXPENSES.—The members of the Commission appointed by the President shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Commission.

(c) STAFF.—

(1) IN GENERAL.—The Agreement should provide for the appointment of a staff and an executive director to be the head of the staff.

(2) COMPENSATION.—Funds made available for the Commission by the United States may be used to pay the compensation of the executive director and other personnel at rates fixed by the Commission that are not in excess of the rate payable for level V of the Executive Schedule under section 5316 of title 5, United States Code.

(d) OFFICE.—The Agreement should provide for the office of the Commission to be located in a mutually agreed location within the impacted areas of Alaska, the Yukon Territory, and northern British Columbia.

(e) MEETINGS.—The Agreement should provide for the Commission to meet at least biannually to review progress and to provide guidance to staff and others, and to hold, in locations within the affected areas of Alaska, the Yukon Territory and northern British Columbia, such additional informational or public meetings as the Commission deems necessary to the conduct of its business.

(f) PROCUREMENT OF SERVICES.—The Agreement should authorize and encourage the Commission to procure by contract, to the maximum extent practicable, the services (including any temporary and intermittent services) that the Commission determines necessary for carrying out the duties of the Commission. In the case of any contract for the services of an individual, funds made available for the Commission by the United States may not be used to pay for the services of the individual at a rate that exceeds the daily equivalent of the annual rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of title 5, United States Code.

SEC. 306. DUTIES.

(a) STUDY.—

(1) IN GENERAL.—The Agreement should provide for the Commission to study and assess, on the basis of all available relevant information, the feasibility and advisability of linking the rail system in Alaska to the North American continental rail system through the continuation of the rail system in Alaska from its northeastern terminus to a connection with the continental rail system in Canada.

(2) SPECIFIC ISSUES.—The Agreement should provide for the study and assessment to include the consideration of the following issues:

(A) Railroad engineering.

(B) Land ownership.

(C) Geology.

(D) Proximity to mineral, timber, tourist, and other resources.

(E) Market outlook.

(F) Environmental considerations.

(G) Social effects, including changes in the use or availability of natural resources.

(H) Potential financing mechanisms.

(3) ROUTE.—The Agreement should provide for the Commission, upon finding that it is feasible and advisable to link the rail system

in Alaska as described in paragraph (1), to determine one or more recommended routes for the rail segment that establishes the linkage, taking into consideration cost, distance, access to potential freight markets, environmental matters, existing corridors that are already used for ground transportation, the route surveyed by the Army Corps of Engineers during World War II and such other factors as the Commission determines relevant.

(4) COMBINED CORRIDOR EVALUATION.—The Agreement should also provide for the Commission to consider whether it would be feasible and advisable to combine the power transmission infrastructure and petroleum product pipelines of other utilities into one corridor with a rail extension of the rail system of Alaska.

(b) REPORT.—The Agreement should require the Commission to submit to Congress and the Secretary of Transportation and to the Minister of Transport of the Government of Canada, not later than 3 years after the Commission commencement date, a report on the results of the study, including the Commission's findings regarding the feasibility and advisability of linking the rail system in Alaska as described in subsection (a)(1) and the Commission's recommendations regarding the preferred route and any alternative routes for the rail segment establishing the linkage.

SEC. 307. COMMENCEMENT AND TERMINATION OF COMMISSION.

(a) COMMENCEMENT.—The Agreement should provide for the Commission to begin to function on the date on which all members are appointed to the Commission as provided for in the Agreement.

(b) TERMINATION.—The Commission should be terminated 90 days after the date on which the Commission submits its report under section 306.

SEC. 308. FUNDING.

(a) RAILS TO RESOURCES FUND.—The Agreement should provide for the following:

(1) ESTABLISHMENT.—The establishment of an interest-bearing account to be known as the ''Rails to Resources Fund''.

(2) CONTRIBUTIONS.—The contribution by the United States and the Government of Canada to the Fund of amounts that are sufficient for the Commission to carry out its duties.

(3) AVAILABILITY.—The availability of amounts in the Fund to pay the costs of Commission activities.

(4) DISSOLUTION.—Dissolution of the Fund upon the termination of the Commission and distribution of the amounts remaining in the Fund between the United States and the Government of Canada.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to any fund established for use by the Commission as described in subsection (a)(1) $6,000,000, to remain available until expended.

SEC. 309. DEFINITIONS.

In this title:

(1) AGREEMENT.—The term ''Agreement'' means an agreement described in section 303.

(2) COMMISSION.—The term ''Commission'' means a commission established pursuant to any Agreement.

TITLE IV—PACIFIC CHARTER COMMISSION ACT OF 2000

SEC. 401. SHORT TITLE.

This title may be cited as the ''Pacific Charter Commission Act of 2000''.

SEC. 402. PURPOSES.

The purposes of this title are—

(1) to promote a consistent and coordinated foreign policy of the United States to ensure economic and military security in the Asia-Pacific region;

(2) to support democratization, the rule of law, and human rights in the Asia-Pacific region;

(3) to promote United States exports to the Asia-Pacific region by advancing economic cooperation;

(4) to assist in combating terrorism and the spread of illicit narcotics in the Asia-Pacific region; and

(5) to advocate an active role for the United States Government in diplomacy, security, and the furtherance of good governance and the rule of law in the Asia-Pacific region.

SEC. 403. ESTABLISHMENT OF COMMISSION.

(a) IN GENERAL.—The President is authorized to establish a commission to be known as the Pacific Charter Commission (hereafter in this title referred to as the ''Commission'').

(b) EXPIRATION OF AUTHORITY.—The authority to establish the Commission under this section shall expire at the close of December 31, 2002.

SEC. 404. DUTIES OF COMMISSION.

(a) DUTIES.—The Commission should establish and carry out, either directly or through nongovernmental organizations, programs, projects, and activities to achieve the purposes described in section 402, including research and educational or legislative exchanges between the United States and countries in the Asia-Pacific region.

(b) MONITORING OF DEVELOPMENTS.—The Commission should monitor developments in countries of the Asia-Pacific region with respect to United States foreign policy toward such countries, the status of democratization, the rule of law and human rights in the region, economic relations among the United States and such countries, and activities related to terrorism and the illicit narcotics trade.

(c) POLICY REVIEW AND RECOMMENDATIONS.—In carrying out this section, the Commission should evaluate United States Government policies toward countries of the Asia-Pacific region and recommend options for policies of the United States Government with respect to such countries, with a particular emphasis on countries that are of importance to the foreign policy, economic, and military interests of the United States.

(d) CONTACTS WITH OTHER ENTITIES.—In performing the functions described in subsections (a) through (c), the Commission should, as appropriate, seek out and maintain contacts with nongovernmental organizations, international organizations, and representatives of industry, including receiving reports and updates from such organizations and evaluating such reports.

(e) ANNUAL REPORT.—Not later than 18 months after the date of the establishment of the Commission, and not later than the end of each 12-month period thereafter, the Commission shall prepare and submit to the President and Congress a report that contains the findings of the Commission, in the case of the initial report, during the period since the date of establishment of the Commission, or, in the case of each subsequent report, during the preceding 12-month period. Each such report shall contain—

(1) recommendations for legislative, executive, or other actions resulting from the evaluation of policies described in subsection (c);

(2) a description of programs, projects, and activities of the Commission for the prior year or, in the case of the initial report, since the date of establishment of the Commission; and

(3) a complete accounting of the expenditures made by the Commission during the prior year or, in the case of the initial report, since the date of establishment of the Commission.

SEC. 405. MEMBERSHIP OF COMMISSION.

(a) COMPOSITION.—If established pursuant to section 403, the Commission shall be composed of seven members all of whom—

(1) shall be citizens of the United States who are not officers or employees of any government, except to the extent they are considered such officers or employees by virtue of their membership on the Commission; and

(2) shall have interest and expertise in issues relating to the Asia-Pacific region.

(b) APPOINTMENT.—

(1) IN GENERAL.—The individuals referred to in subsection (a) shall be appointed—

(A) by the President, after consultation with the Speaker and Minority Leader of the House of Representatives, the Chairman and ranking member of the Committee on International Relations of the House of Representatives, the Majority Leader and Minority Leader of the Senate, and the Chairman and ranking member of the Committee on Foreign Relations of the Senate; and

(B) by and with the advice and consent of the Senate.

(2) POLITICAL AFFILIATION.—Not more than four of the individuals appointed under paragraph (1) may be affiliated with the same political party.

(c) TERM.—Each member of the Commission shall be appointed for a term of 6 years.

(d) VACANCIES.—A vacancy in the Commission shall be filled in the same manner in which the original appointment was made.

(e) CHAIRPERSON; VICE CHAIRPERSON.—The President shall designate a Chairperson and Vice Chairperson of the Commission from among the members of the Commission.

(f) COMPENSATION.—

(1) RATES OF PAY.—Except as provided in paragraph (2), 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.

(g) MEETINGS.—The Commission shall meet at the call of the Chairperson.

(h) QUORUM.—A majority of the members of the Commission shall constitute a quorum, but a lesser number of members may hold hearings.

(i) AFFIRMATIVE DETERMINATIONS.—An affirmative vote by a majority of the members of the Commission shall be required for any affirmative determination by the Commission under section 404.

SEC. 406. POWERS OF COMMISSION.

(a) HEARINGS AND INVESTIGATIONS.—The Commission may hold such hearings, sit and act at such times and places, take such testimony and receive such evidence, and conduct such investigations as the Commission considers advisable to carry out this title.

(b) INFORMATION FROM FEDERAL AGENCIES.—The Commission may secure directly from any Federal department or agency such information as the Commission considers necessary to carry out this title. Upon request of the Chairperson of the Commission, the head of any such department agency shall furnish such information to the Commission as expeditiously as possible.

(c) CONTRIBUTIONS.—The Commission may accept, use, and dispose of gifts, bequests, or devises of services or property, both real and personal, for the purpose of assisting 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 Commission.

(d) 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.

SEC. 407. STAFF AND SUPPORT SERVICES OF COMMISSION.

(a) EXECUTIVE DIRECTOR.—The Commission shall have an executive director appointed by the Commission who shall serve the Commission under such terms and conditions as the Commission determines to be appropriate.

(b) STAFF.—The Commission may appoint and fix the pay of such additional personnel, not to exceed 10 individuals, as it considers appropriate.

(c) STAFF OF FEDERAL AGENCIES.—Upon request of the chairperson of the Commission, the head of any Federal agency may detail, on a nonreimbursable basis, any of the personnel of the agency to the Commission to assist the Commission in carrying out its duties under this title.

(d) EXPERTS AND CONSULTANTS.—The chairperson of the Commission may procure temporary and intermittent services under section 3109(b) of title 5, United States Code.

SEC. 408. TERMINATION.

The Commission shall terminate not later than 6 years after the date of the establishment of the Commission.

SEC. 409. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—In the event the Commission is established, there are authorized to be appropriated to carry out this title $2,500,000 for the initial 24-month period of the existence of the Commission.

(b) AVAILABILITY.—Amounts appropriated pursuant to the authorization of appropriations under subsection (a) are authorized to remain available until expended.

SEC. 410. EFFECTIVE DATE.

This title shall take effect on February 1, 2001.

TITLE V—MISCELLANEOUS PROVISIONS

SEC. 501. ASSISTANCE EFFORTS IN SUDAN.

(a) ADDITIONAL AUTHORITIES.—Notwithstanding any other provision of law, the President is authorized to undertake appropriate programs using Federal agencies, contractual arrangements, or direct support of indigenous groups, agencies, or organizations in areas outside of control of the Government of Sudan in an effort to provide emergency relief, promote economic self-sufficiency, build civil authority, provide education, enhance rule of law and the development of judicial and legal frameworks, support people-to-people reconciliation efforts, or implement any program in support of any viable peace agreement at the local, regional, or national level in Sudan.

(b) EXCEPTION TO EXPORT PROHIBITIONS.—Notwithstanding any other provision of law, the prohibitions set forth with respect to Sudan in Executive Order No. 13067 of November 3, 1997 (62 Fed. Register 59989) shall not apply to any export from an area in Sudan outside of control of the Government of Sudan, or to any necessary transaction directly related to that export, if the President determines that the export or related transaction, as the case may be, would directly benefit the economic development of that area and its people.

SEC. 502. AUTHORITY TO PROVIDE TOWING ASSISTANCE.

(a) FINDINGS.—Congress makes the following findings:

(1) The United States LST Association (in this section referred to as the ''Association'') is a patriotic organization dedicated to honoring the memories of those brave American servicemen who selflessly served, and often made the ultimate sacrifice, in the defense of the United States, its allies, and the principles of democracy and freedom.

(2) The Association is currently engaged in efforts to return to the United States the former United States warship, Landing Ship Tank 325 (LST 325) to serve as a memorial to those American servicemen who went into harm's way aboard and from such warships.

(b) AUTHORIZATION.—The Secretary of the Navy is authorized to provide towing services from a suitable vessel of the Unites States Navy to tow the former LST 325 from its present location, or a location to be determined by the Secretary, to a port on the East Coast of the United States to be determined by the Secretary. The Secretary of the Navy may not provide such services unless the Secretary finds that the provision of such services will not interfere with military operations, military readiness, naval force presence requirements, or the accomplishment of the specific missions of the vessel providing the towing services.

(c) LIMITATIONS.—The services authorized by subsection (b) may not be provided except as part of a regular rotation of the vessel providing the services back to the United States. Such services may be provided only after—

(1) the former LST 325 has been determined by a professional marine survey or by the United States Coast Guard to be seaworthy for towing and meeting requirements for entry into a United States port; and

(2) the Association has named the United States Navy as an additional insured party to the tow hull policy covering the former LST 325, including a waiver of subrogation.

(d) ADDITIONAL TERMS AND CONDITIONS.—The Secretary of Navy may require such additional terms and conditions in connection with the provision of towing services under this section as the Secretary considers appropriate to protect the interests of the United States.

SEC. 503. SENSE OF CONGRESS ON THE AMERICAN UNIVERSITY IN BULGARIA.

(a) FINDINGS.—Congress finds that the American University in Bulgaria—

(1) is a fine educational institution that has received generous and well-deserved financial assistance from the United States Government;

(2) has a successful track record and is educating a generation of leaders who will shape and determine the future of their own societies;

(3) has instilled in students in the Balkan region of Europe the intellectual rigor of the American system of higher education;

(4) promotes the study and understanding of democratic governance principles;

(5) maintains entrance and academic standards that are exemplary and has a commitment to providing educational opportunities that is based upon merit rather than solely on the ability of students to bear the entire cost of their education; and

(6) is a cost-effective institution of higher learning and offers a high-quality education.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the United States should assist the American University in Bulgaria to become a self-sustaining institution of higher education in the Balkan region of Europe.

TITLE VI—PAUL D. COVERDELL WORLD WISE SCHOOLS ACT OF 2000

SEC. 601. SHORT TITLE.

This title may be cited as the ''Paul D. Coverdell World Wise Schools Act of 2000''.

SEC. 602. FINDINGS.

Congress makes the following findings:

(1) Paul D. Coverdell was elected to the Georgia State Senate in 1970 and later became Minority Leader of the Georgia State Senate, a post he held for 15 years.

(2) As the 11th Director of the Peace Corps from 1989 to 1991, Paul Coverdell's dedication to the ideals of peace and understanding helped to shape today's Peace Corps.

(3) Paul D. Coverdell believed that Peace Corps volunteers could not only make a difference in the countries where they served but that the greatest benefit could be felt at home.

(4) In 1989, Paul D. Coverdell founded the Peace Corps World Wise Schools Program to help fulfill the Third Goal of the Peace Corps, ''to promote a better understanding of the people served among people of the United States''.

(5) The World Wise Schools Program is an innovative education program that seeks to engage learners in an inquiry about the world, themselves, and others in order to broaden perspectives; promote cultural awareness; appreciate global connections; and encourage service.

(6) In a world that is increasingly interdependent and ever changing, the World Wise Schools Program pays tribute to Paul D. Coverdell's foresight and leadership. In the words of one World Wise Schools teacher, ''It's a teacher's job to touch the future of a child; it's the Peace Corps' job to touch the future of the world. What more perfect partnership.''.

(7) Paul D. Coverdell served in the United States Senate from the State of Georgia from 1993 until his sudden death on July 18, 2000.

(8) Senator Paul D. Coverdell was beloved by his colleagues for his civility, bipartisan efforts, and his dedication to public service.

SEC. 603. DESIGNATION OF PAUL D. COVERDELL WORLD WISE SCHOOLS PROGRAM.

(a) IN GENERAL.—Effective on the date of enactment of this Act, the program under section 18 of the Peace Corps Act (22 U.S.C. 2517) referred to before such date as the ''World Wise Schools Program'' is redesignated as the ''Paul D. Coverdell World Wise Schools Program''.

(b) REFERENCES.—Any reference before the date of enactment of this Act in any law, regulation, order, document, record, or other paper of the United States to the Peace Corps World Wise Schools Program shall, on and after such date, be considered to refer to the Paul D. Coverdell World Wise Schools Program.

—

ORDER OF BUSINESSES

Mr. GRAMS. Mr. President, I would like to have the honor of concluding some business items.

—

INTERNATIONAL FISHERY AGREEMENT IMPROVEMENT

Mr. GRAMS. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of H.R. 1653, 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. 1653) to complete the orderly withdrawal of the National Oceanic and Atmospheric Administration from the civil administration of the Pribilof Islands, Alaska, and to assist in the conservation of coral reefs, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. GRAMS. Mr. President, I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid upon the table, and any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 1653) was read the third time and passed.

RELIEF OF RICHARD W. SCHAFFERT

Mr. GRAMS. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of H.R. 1023, and that the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 1023) for relief of Richard W. Schaffert.

There being no objection, the Senate proceeded to consider the bill.

AMENDMENT NO. 4362

Mr. GRAMS. Mr. President, Senator DURBIN has an amendment at the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Minnesota (Mr. GRAMS), for Mr. DURBIN, proposes an amendment numbered 4362.

Mr. GRAMS. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To provide for the relief of Valdas Adamkus, President of the Republic of Lithuania)

At the appropriate place, insert the following:

SEC. ___. PRIVATE RELIEF PROVISION.

Notwithstanding any other provision of law, the renunciation of United States citizenship by Valdas Adamkus on February 25, 1998, in order to become the President of the Republic of Lithuania shall not—

(1) be treated under any Federal law as having as one of its purposes the avoidance of any Federal tax,

(2) result in the denial of any benefit under title II or XVIII of the Social Security Act, or under title 5, United States Code, or

(3) result in any restriction on the right of Valdas Adamkus to travel or be admitted to the United States.

Mr. GRAMS. Mr. President, I ask unanimous consent that the amendment be agreed to, the bill be considered read a third time and passed, the motion to reconsider be laid upon the table, and any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 4362) was agreed to.

The bill (H.R. 1023), as amended, was read the third time and passed.

—

GEORGE ATLEE GOODLING POST OFFICE BUILDING

J.T. WEEKER SERVICE CENTER

Mr. GRAMS. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of the Post Office naming bills, H.R. 5210 and H.R. 5016, en bloc.

The PRESIDING OFFICER (Mr. FITZGERALD). The clerk will report the bills.

The legislative clerk read as follows:

A bill (H.R. 5210) to designate the facility of the United States Postal Service located at 200 South George Street in York, Pennsylvania, as the ''George Atlee Goodling Post Office Building'';

A bill (H.R. 5016) to redesignate the facility of the United States Postal Service located at 514 Express Center Road in Chicago, Illinois, as the ''J.T. Weeker Service Center.''

There being no objection, the Senate proceeded to consider the bills.

Mr. GRAMS. Mr. President, I ask unanimous consent that the bills be read the third time and passed, the motions to reconsider be laid upon the table, and any statements relating to these bills be printed in the RECORD, with the above all occurring en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bills (H.R. 5210 and H.R. 5016) were read the third time and passed.

—

INSPECTOR GENERAL ACT AMENDMENTS OF 2000

Mr. GRAMS. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 919, S. 870.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 870) to amend the Inspector General Act of 1978 (5 U.S.C. App.) to increase the efficiency and accountability of Offices of Inspector General within Federal departments, and for other purposes, which had been reported from the Committee on Governmental Affairs, with an amendment; as follows:

[Strike out all after the enacting clause and insert the part printed in italic.]

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Inspector General Act Amendments of 2000''.

SEC. 2. PROHIBITION OF CASH BONUS OR AWARDS.

Section 3 of the Inspector General Act of 1978 (5 U.S.C. App.) is amended by adding at the end the following:

''(e) An Inspector General (as defined under section 8G(a)(6) or 11(3)) may not receive any cash award or cash bonus, including any cash award under chapter 45 of title 5, United States Code.''.

SEC. 3. EXTERNAL REVIEWS.

(a) IN GENERAL.—Section 4 of the Inspector General Act of 1978 (5 U.S.C. App.) is amended by inserting at the end the following:

''(e)(1)(A) Not less than every 3 years an external review shall be conducted of each Office defined under sections 11(4) and 8G(a)(5).

''(B) The Inspector General of each Office defined under sections 11(4) and 8G(5) shall arrange with the General Accounting Office or an appropriate private entity for the conduct of the review.

''(C) If an Inspector General contracts with a private entity for a review under this subsection, the private entity shall be contracted in accordance with section 303 of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253).

''(2) At a minimum, an external review under this subsection shall evaluate whether the Office of Inspector General properly manages and controls—

''(A) contracts awarded by the Office of Inspector General, including a determination of whether—

''(i) procedures used to procure contracts are in accordance with applicable laws and regulations; and

''(ii) costs incurred are reasonable and allowable under the terms of each contract;

''(B) appropriated funds, including a determination of whether training and travel funds are expended in accordance with applicable laws and regulations; and

''(C) personnel actions, including a determination of whether hiring and promotion practices used and performance awards issued are in accordance with applicable laws and regulations.

''(3) Not later than 30 calendar days after the completion of an external review, a report of the results shall be submitted to the head of the establishment and simultaneously to the appropriate committees or subcommittees of Congress.''.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The section heading for section 4 of the Inspector General Act of 1978 (5 U.S.C. App.) is amended to read as follows:

''DUTIES AND RESPONSIBILITIES; REPORT OF CRIMINAL VIOLATIONS TO ATTORNEY GENERAL; EXTERNAL REVIEWS''.

SEC. 4. ANNUAL REPORTS.

(a) IN GENERAL.—Section 5(a) of the Inspector General Act of 1978 (5 U.S.C. App.) is amended—

(1) by striking the first sentence and inserting ''Each Inspector General shall, not later than October 31 of each year, prepare annual reports summarizing the activities and accomplishments of the Office during the immediately preceding 12-month period ending September 30.'';

(2) by striking paragraphs (1) through (12) and inserting the following:

''(1) a summary of the program areas within the establishment identified by the Inspector General as high risk because of vulnerabilities to waste, fraud, abuse, and mismanagement;

''(2) a description of the most significant audits, investigations (administrative, civil, and criminal), and evaluations and inspections completed during the reporting period;

''(3) a summary of each report made to the head of the establishment under section 6(b)(2) during the reporting period;

''(4) a table showing—

''(A)(i) the total number of final audit reports issued by the Office of Inspector General; and

''(ii) the financial benefits associated with the reports segregated by category, such as budget reductions, costs avoided, questioned costs, and revenue enhancements; and

''(B) corrective actions taken and program improvements made during the reporting period in response to either an Office of Inspector General audit finding or recommendation (excluding any recommendation included under subparagraph (A) with respect to such corrective actions);

''(5) a table showing—

''(A) the judicial and administrative actions associated with investigations conducted by the Office of Inspector General;

''(B) the number of—

''(i) cases referred for criminal prosecution, civil remedies, or administrative actions;

''(ii) cases presented but declined for prosecution, segregated by criminal and civil;

''(iii) cases accepted for prosecution (both Federal and State), segregated by criminal and civil;

''(iv) defendants indicted;

''(v) defendants convicted;

''(vi) defendants acquitted or charges dismissed after indictment;

''(vii) defendants sentenced to terms of imprisonment;

''(viii) defendants sentenced to terms of probation; and

''(ix) suspensions, disbarments, exclusions, sanctions, or some other similar administrative action; and

''(C) the total amount of fines, restitutions, and recoveries;

''(6) a description of the organization and management structure of the Office of Inspector General, including—

''(A) an organization chart showing the major components of the Office;

''(B) a statistical table showing the number of authorized full-time equivalent positions segregated by component and by headquarters and field office; and

''(C) the amount of funding received in prior and current fiscal years;

''(7) a table showing—

''(A) the number of contracts, and associated dollar value, awarded on a noncompetitive basis by the Office of Inspector General; and

''(B) with respect to any individual contract valued over $100,000, awarded on a noncompetitive basis—

''(i) the name of the contractor;

''(ii) statement of work;

''(iii) the time period of the contract; and

''(iv) the dollar amount of the contract;

''(8)(A) a summary of each audit report issued in previous reporting periods for which no management decision has been made by the end of the reporting period (including the date and title of each such report);

''(B) an explanation of the reasons such management decision has not been made; and

''(C) a statement concerning the desired timetable for achieving a management decision on each such report;'';

(3) by redesignating paragraph (13) as paragraph (9);

(4) in paragraph (9) (as redesignated by paragraph (3) of this subsection)—

(A) by striking ''section 05(b)'' and inserting ''section 804(b)''; and

(B) by striking the period and inserting a semicolon and ''and''; and

(5) by adding at the end the following new paragraph:

''(10) any other information that the Inspector General determines appropriate to include in the annual report.''.

(b) SEMIANNUAL REPORTS.—Section 5 of the Inspector General Act of 1978 (5 U.S.C. App.) is amended—

(1) by redesignating subsection (f) as subsection (g); and

(2) by inserting after subsection (e) the following:

''(f)(1) Subject to paragraph (4), in addition to any annual report required to be furnished and transmitted under subsection (b), an Inspector General shall prepare and submit a report described under paragraph (2) to—

''(A) the applicable congressional committee, if the chairman or ranking member of a congressional committee with appropriate jurisdiction submits a written request to such Inspector General; or

''(B) to the Comptroller General of the United States if the Comptroller General submits a written request to such Inspector General.

''(2) A report referred to under paragraph (1) shall—

''(A) contain the information required for an annual report under subsection (a); and

''(B) summarize the activities of the Office during the 6-month period ending on March 31 of the calendar year following the date on which the request is made.

''(3) A report under this subsection shall be submitted on April 30 of the calendar year following the date on which the request is made.

''(4) An Inspector General shall not be required to submit a report under this subsection if the written request for such report is submitted to the Inspector General after November 30 of the calendar year preceding the date on which the report is otherwise required to be submitted to a congressional committee or the Comptroller General.''.

(c) SUBMISSION OF OTHER REPORTS.—Nothing in the amendments made by this section shall be construed to limit an Inspector General from submitting any report containing in whole or part information required in an annual or semiannual report furnished and transmitted under section 5 of the Inspector General Act of 1978 (5 U.S.C. App.) to Congress more frequently than on an annual or semiannual basis.

(d) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) Section 4(a)(2) of the Inspector General Act of 1978 (5 U.S.C. App.) is amended by striking ''semiannual'' and inserting ''annual''.

(2) Section 5 of the Inspector General Act of 1978 (5 U.S.C. App.) is amended—

(A) in subsection (b)—

(i) by striking ''Semiannual'' and inserting ''Annual''; and

(ii) by striking ''April 30 and''; and

(B) in subsection (c)—

(i) in the first sentence by striking ''semiannual'' and inserting ''annual''; and

(ii) in the second sentence by striking ''semiannual'' and inserting ''annual''.

(3) Section 8(f) of the Inspector General Act of 1978 (5 U.S.C. App.) is amended by striking ''semiannual'' and inserting ''annual''.

(4) Section 8A(c) of the Inspector General Act of 1978 (5 U.S.C. App.) is amended by striking ''semiannual'' and inserting ''annual''.

SEC. 5. INSPECTORS GENERAL AT LEVEL III OF EXECUTIVE SCHEDULE.

(a) LEVEL IV POSITIONS.—Section 5315 of title 5, United States Code, is amended by striking each item relating to the following positions:

(1) Inspector General, Department of Education.

(2) Inspector General, Department of Energy.

(3) Inspector General, Department of Health and Human Services.

(4) Inspector General, Department of Agriculture.

(5) Inspector General, Department of Housing and Urban Development.

(6) Inspector General, Department of Labor.

(7) Inspector General, Department of Transportation.

(8) Inspector General, Department of Veterans Affairs.

(9) Inspector General, Department of Defense.

(10) Inspector General, United States Information Agency.

(11) Inspector General, Department of State.

(12) Inspector General, Department of Commerce.

(13) Inspector General, Department of the Interior.

(14) Inspector General, Department of Justice.

(15) Inspector General, Department of the Treasury.

(16) Inspector General, Agency for International Development.

(17) Inspector General, Environmental Protection Agency.

(18) Inspector General, Federal Emergency Management Agency.

(19) Inspector General, General Services Administration.

(20) Inspector General, National Aeronautics and Space Administration.

(21) Inspector General, Nuclear Regulatory Commission.

(22) Inspector General, Office of Personnel Management.

(23) Inspector General, Railroad Retirement Board.

(24) Inspector General, Small Business Administration.

(25) Inspector General, Federal Deposit Insurance Corporation.

(26) Inspector General, Resolution Trust Corporation.

(27) Inspector General, Central Intelligence Agency.

(28) Inspector General, Social Security Administration.

(29) Inspector General, United States Postal Service.

(b) LEVEL III POSITIONS.—Section 5314 of title 5, United States Code, is amended by adding at the end the following:

''Inspector General, Department of Education.

''Inspector General, Department of Energy.

''Inspector General, Department of Health and Human Services.

''Inspector General, Department of Agriculture.

''Inspector General, Department of Housing and Urban Development.

''Inspector General, Department of Labor.

''Inspector General, Department of Transportation.

''Inspector General, Department of Veterans Affairs.

''Inspector General, Department of Defense.

''Inspector General, Department of State.

''Inspector General, Department of Commerce.

''Inspector General, Department of the Interior.

''Inspector General, Department of Justice.

''Inspector General, Department of the Treasury.

''Inspector General, Agency for International Development.

''Inspector General, Corporation for Community and National Service.

''Inspector General, Environmental Protection Agency.

''Inspector General, Federal Emergency Management Agency.

''Inspector General, General Services Administration.

''Inspector General, National Aeronautics and Space Administration.

''Inspector General, Nuclear Regulatory Commission.

''Inspector General, Office of Personnel Management.

''Inspector General, Railroad Retirement Board.

''Inspector General, Small Business Administration.

''Inspector General, Federal Deposit Insurance Corporation.

''Inspector General, Central Intelligence Agency.

''Inspector General, Social Security Administration.

''Inspector General, United States Postal Service.''.

(c) SAVINGS PROVISION.—Nothing in this section shall have the effect of reducing the rate of pay of any individual serving as an Inspector General on the effective date of this section.

SEC. 6. STUDY AND REPORT ON CONSOLIDATION OF INSPECTOR GENERAL OFFICES.

(a) STUDY.—The Comptroller General shall—

(1) develop criteria for determining whether the consolidation of Federal Inspector General offices would be cost-efficient and in the public interest; and

(2) conduct a study of Federal Inspector General offices using the criteria developed under paragraph (1) to determine whether any such offices should be consolidated.

(b) REPORT TO CONGRESS.—Not later than 180 days after the date of enactment of this Act, the Comptroller General shall submit a report to Congress containing recommendations for any legislative action, based on the study conducted under paragraph (2).

There being no objection, the Senate proceeded to consider the bill.

AMENDMENT NO. 4363

Mr. GRAMS. Also, Mr. President, Senator COLLINS has an 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 Minnesota [Mr. GRAMS], for Ms. COLLINS, proposes an amendment numbered 4363.

Mr. GRAMS. I ask unanimous consent reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 23, line 18, strike ''inserting'' and insert ''adding''.

On page 23, lines 21 and 22, strike ''defined under sections 11(4) and 8G(a)(5)'' and insert ''(as defined under section 8G(a)(5) or 11(4))''.

On page 23, lines 23 and 24, strike ''defined under sections 11(4) and 8G(a)(5)'' and insert ''(as defined under section 8G(a)(5) or 11(4))''.

On page 24, lines 9 and 10, strike ''of Inspector General''.

On page 24, lines 11 and 12, strike ''of Inspector General''.

On page 25, line 16, strike ''annual reports'' and insert ''an annual report''.

On page 32, strike lines 8 through 10.

On page 34, insert between lines 18 and 19 the following:

(30) Inspector General, Tennessee Valley Authority.

On page 36, line 16, strike the quotation marks and second period.

On page 36, insert between lines 16 and 17 the following:

''Inspector General, Tennessee Valley Authority.''.

On page 36, line 23, insert ''of the United States'' after ''Comptroller General''.

On page 37, line 12, strike ''paragraph (2)'' and insert ''subsection (a)''.

Mr. GRAMS. Mr. President, I ask unanimous consent the amendment be agreed to, the committee amendment in the nature of a substitute, as amended, be agreed to, the bill be read the third time and passed, the motion to reconsider be laid upon the table, and any statements referring to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 4363) was agreed to.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The bill (S. 870), as amended, was considered read the third time and passed, as follows:

S. 870

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 ''Inspector General Act Amendments of 2000''.

SEC. 2. PROHIBITION OF CASH BONUS OR AWARDS.

Section 3 of the Inspector General Act of 1978 (5 U.S.C. App.) is amended by adding at the end the following:

''(e) An Inspector General (as defined under section 8G(a)(6) or 11(3)) may not receive any cash award or cash bonus, including any cash award under chapter 45 of title 5, United States Code.''.

SEC. 3. EXTERNAL REVIEWS.

(a) IN GENERAL.—Section 4 of the Inspector General Act of 1978 (5 U.S.C. App.) is amended by adding at the end the following:

''(e)(1)(A) Not less than every 3 years an external review shall be conducted of each Office (as defined under section 8G(a)(5) or 11(4)).

''(B) The Inspector General of each Office (as defined under section 8G(a)(5) or 11(4)) shall arrange with the General Accounting Office or an appropriate private entity for the conduct of the review.

''(C) If an Inspector General contracts with a private entity for a review under this subsection, the private entity shall be contracted in accordance with section 303 of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253).

''(2) At a minimum, an external review under this subsection shall evaluate whether the Office properly manages and controls—

''(A) contracts awarded by the Office, including a determination of whether—

''(i) procedures used to procure contracts are in accordance with applicable laws and regulations; and

''(ii) costs incurred are reasonable and allowable under the terms of each contract;

''(B) appropriated funds, including a determination of whether training and travel funds are expended in accordance with applicable laws and regulations; and

''(C) personnel actions, including a determination of whether hiring and promotion practices used and performance awards issued are in accordance with applicable laws and regulations.

''(3) Not later than 30 calendar days after the completion of an external review, a report of the results shall be submitted to the head of the establishment and simultaneously to the appropriate committees or subcommittees of Congress.''.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The section heading for section 4 of the Inspector General Act of 1978 (5 U.S.C. App.) is amended to read as follows:

''DUTIES AND RESPONSIBILITIES; REPORT OF CRIMINAL VIOLATIONS TO ATTORNEY GENERAL; EXTERNAL REVIEWS''.

SEC. 4. ANNUAL REPORTS.

(a) IN GENERAL.—Section 5(a) of the Inspector General Act of 1978 (5 U.S.C. App.) is amended—

(1) by striking the first sentence and inserting ''Each Inspector General shall, not later than October 31 of each year, prepare an annual report summarizing the activities and accomplishments of the Office during the immediately preceding 12-month period ending September 30.'';

(2) by striking paragraphs (1) through (12) and inserting the following:

''(1) a summary of the program areas within the establishment identified by the Inspector General as high risk because of vulnerabilities to waste, fraud, abuse, and mismanagement;

''(2) a description of the most significant audits, investigations (administrative, civil, and criminal), and evaluations and inspections completed during the reporting period;

''(3) a summary of each report made to the head of the establishment under section 6(b)(2) during the reporting period;

''(4) a table showing—

''(A)(i) the total number of final audit reports issued by the Office of Inspector General; and

''(ii) the financial benefits associated with the reports segregated by category, such as budget reductions, costs avoided, questioned costs, and revenue enhancements; and

''(B) corrective actions taken and program improvements made during the reporting period in response to either an Office of Inspector General audit finding or recommendation (excluding any recommendation included under subparagraph (A) with respect to such corrective actions);

''(5) a table showing—

''(A) the judicial and administrative actions associated with investigations conducted by the Office of Inspector General;

''(B) the number of—

''(i) cases referred for criminal prosecution, civil remedies, or administrative actions;

''(ii) cases presented but declined for prosecution, segregated by criminal and civil;

''(iii) cases accepted for prosecution (both Federal and State), segregated by criminal and civil;

''(iv) defendants indicted;

''(v) defendants convicted;

''(vi) defendants acquitted or charges dismissed after indictment;

''(vii) defendants sentenced to terms of imprisonment;

''(viii) defendants sentenced to terms of probation; and

''(ix) suspensions, disbarments, exclusions, sanctions, or some other similar administrative action; and

''(C) the total amount of fines, restitutions, and recoveries;

''(6) a description of the organization and management structure of the Office of Inspector General, including—

''(A) an organization chart showing the major components of the Office;

''(B) a statistical table showing the number of authorized full-time equivalent positions segregated by component and by headquarters and field office; and

''(C) the amount of funding received in prior and current fiscal years;

''(7) a table showing—

''(A) the number of contracts, and associated dollar value, awarded on a noncompetitive basis by the Office of Inspector General; and

''(B) with respect to any individual contract valued over $100,000, awarded on a noncompetitive basis—

''(i) the name of the contractor;

''(ii) statement of work;

''(iii) the time period of the contract; and

''(iv) the dollar amount of the contract;

''(8)(A) a summary of each audit report issued in previous reporting periods for which no management decision has been made by the end of the reporting period (including the date and title of each such report);

''(B) an explanation of the reasons such management decision has not been made; and

''(C) a statement concerning the desired timetable for achieving a management decision on each such report;'';

(3) by redesignating paragraph (13) as paragraph (9);

(4) in paragraph (9) (as redesignated by paragraph (3) of this subsection)—

(A) by striking ''section 05(b)'' and inserting ''section 804(b)''; and

(B) by striking the period and inserting a semicolon and ''and''; and

(5) by adding at the end the following new paragraph:

''(10) any other information that the Inspector General determines appropriate to include in the annual report.''.

(b) SEMIANNUAL REPORTS.—Section 5 of the Inspector General Act of 1978 (5 U.S.C. App.) is amended—

(1) by redesignating subsection (f) as subsection (g); and

(2) by inserting after subsection (e) the following:

''(f)(1) Subject to paragraph (4), in addition to any annual report required to be furnished and transmitted under subsection (b), an Inspector General shall prepare and submit a report described under paragraph (2) to—

''(A) the applicable congressional committee, if the chairman or ranking member of a congressional committee with appropriate jurisdiction submits a written request to such Inspector General; or

''(B) to the Comptroller General of the United States if the Comptroller General submits a written request to such Inspector General.

''(2) A report referred to under paragraph (1) shall—

''(A) contain the information required for an annual report under subsection (a); and

''(B) summarize the activities of the Office during the 6-month period ending on March

31 of the calendar year following the date on which the request is made.

''(3) A report under this subsection shall be submitted on April 30 of the calendar year following the date on which the request is made.

''(4) An Inspector General shall not be required to submit a report under this subsection if the written request for such report is submitted to the Inspector General after November 30 of the calendar year preceding the date on which the report is otherwise required to be submitted to a congressional committee or the Comptroller General.''.

(c) SUBMISSION OF OTHER REPORTS.—Nothing in the amendments made by this section shall be construed to limit an Inspector General from submitting any report containing in whole or part information required in an annual or semiannual report furnished and transmitted under section 5 of the Inspector General Act of 1978 (5 U.S.C. App.) to Congress more frequently than on an annual or semiannual basis.

(d) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) Section 4(a)(2) of the Inspector General Act of 1978 (5 U.S.C. App.) is amended by striking ''semiannual'' and inserting ''annual''.

(2) Section 5 of the Inspector General Act of 1978 (5 U.S.C. App.) is amended—

(A) in subsection (b)—

(i) by striking ''Semiannual'' and inserting ''Annual''; and

(ii) by striking ''April 30 and''; and

(B) in subsection (c)—

(i) in the first sentence by striking ''semiannual'' and inserting ''annual''; and

(ii) in the second sentence by striking ''semiannual'' and inserting ''annual''.

(3) Section 8(f) of the Inspector General Act of 1978 (5 U.S.C. App.) is amended by striking ''semiannual'' and inserting ''annual''.

SEC. 5. INSPECTORS GENERAL AT LEVEL III OF EXECUTIVE SCHEDULE.

(a) LEVEL IV POSITIONS.—Section 5315 of title 5, United States Code, is amended by striking each item relating to the following positions:

(1) Inspector General, Department of Education.

(2) Inspector General, Department of Energy.

(3) Inspector General, Department of Health and Human Services.

(4) Inspector General, Department of Agriculture.

(5) Inspector General, Department of Housing and Urban Development.

(6) Inspector General, Department of Labor.

(7) Inspector General, Department of Transportation.

(8) Inspector General, Department of Veterans Affairs.

(9) Inspector General, Department of Defense.

(10) Inspector General, United States Information Agency.

(11) Inspector General, Department of State.

(12) Inspector General, Department of Commerce.

(13) Inspector General, Department of the Interior.

(14) Inspector General, Department of Justice.

(15) Inspector General, Department of the Treasury.

(16) Inspector General, Agency for International Development.

(17) Inspector General, Environmental Protection Agency.

(18) Inspector General, Federal Emergency Management Agency.

(19) Inspector General, General Services Administration.

(20) Inspector General, National Aeronautics and Space Administration.

(21) Inspector General, Nuclear Regulatory Commission.

(22) Inspector General, Office of Personnel Management.

(23) Inspector General, Railroad Retirement Board.

(24) Inspector General, Small Business Administration.

(25) Inspector General, Federal Deposit Insurance Corporation.

(26) Inspector General, Resolution Trust Corporation.

(27) Inspector General, Central Intelligence Agency.

(28) Inspector General, Social Security Administration.

(29) Inspector General, United States Postal Service.

(30) Inspector General, Tennessee Valley Authority.

(b) LEVEL III POSITIONS.—Section 5314 of title 5, United States Code, is amended by adding at the end the following:

''Inspector General, Department of Education.

''Inspector General, Department of Energy.

''Inspector General, Department of Health and Human Services.

''Inspector General, Department of Agriculture.

''Inspector General, Department of Housing and Urban Development.

''Inspector General, Department of Labor.

''Inspector General, Department of Transportation.

''Inspector General, Department of Veterans Affairs.

''Inspector General, Department of Defense.

''Inspector General, Department of State.

''Inspector General, Department of Commerce.

''Inspector General, Department of the Interior.

''Inspector General, Department of Justice.

''Inspector General, Department of the Treasury.

''Inspector General, Agency for International Development.

''Inspector General, Corporation for Community and National Service.

''Inspector General, Environmental Protection Agency.

''Inspector General, Federal Emergency Management Agency.

''Inspector General, General Services Administration.

''Inspector General, National Aeronautics and Space Administration.

''Inspector General, Nuclear Regulatory Commission.

''Inspector General, Office of Personnel Management.

''Inspector General, Railroad Retirement Board.

''Inspector General, Small Business Administration.

''Inspector General, Federal Deposit Insurance Corporation.

''Inspector General, Central Intelligence Agency.

''Inspector General, Social Security Administration.

''Inspector General, United States Postal Service.

''Inspector General, Tennessee Valley Authority.''.

(c) SAVINGS PROVISION.—Nothing in this section shall have the effect of reducing the rate of pay of any individual serving as an Inspector General on the effective date of this section.

SEC. 6. STUDY AND REPORT ON CONSOLIDATION OF INSPECTOR GENERAL OFFICES.

(a) STUDY.—The Comptroller General of the United States shall—

(1) develop criteria for determining whether the consolidation of Federal Inspector General offices would be cost-efficient and in the public interest; and

(2) conduct a study of Federal Inspector General offices using the criteria developed under paragraph (1) to determine whether any such offices should be consolidated.

(b) REPORT TO CONGRESS.—Not later than 180 days after the date of enactment of this Act, the Comptroller General shall submit a report to Congress containing recommendations for any legislative action, based on the study conducted under subsection (a).

—

ORDERS FOR FRIDAY, DECEMBER 15, 2000

Mr. GRAMS. Mr. President, I ask unanimous consent that when the Senate completes its business today, it recess until the hour of 12 noon on Friday, December 15. I further ask consent that on Friday, immediately following the prayer, the Journal of proceedings be approved to date, 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 until 1 o'clock, with Senators speaking for up to 10 minutes each, with the time equally divided in the usual form.

The PRESIDING OFFICER. Without objection, it is so ordered.

—

PROGRAM

Mr. GRAMS. Mr. President, for the information of all Senators, the Senate will convene at noon tomorrow. Following approximately an hour of morning business, the Senate will begin consideration of the final appropriations bill if it has been received from the House. A vote is expected on the bill shortly after the morning hour, with the sine die adjournment to occur shortly after that.

—

ORDER FOR ADJOURNMENT

Mr. GRAMS. If there is no further business to come before the Senate, I now ask unanimous consent that the Senate stand in recess under the previous order, following the remarks of Senator BYRD of West Virginia.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from West Virginia is recognized.

Mr. BYRD. Mr. President, I thank the Chair.

—

PROPER SENATE PROCEDURE

Mr. BYRD. Mr. President, I compliment the Chair on the expert handling of the disposition of the various and sundry requests that have been made by the very distinguished Senator. I want to compliment, also, the Parliamentarian. It was a joy to hear the Chair intervene at the right place and to say the right things for the RECORD. I saw that he was being guided by the Parliamentarian. So much of the time, I think we do our work in a rather shoddy fashion here. I am glad

to see the Parliamentarian very alert, watching, listening, and prompting the Chair. That is the way it should be so the RECORD will read today in such a manner as will make us proud. Sometimes, I guess, we forget that future generations will be reading the RECORD. Not only that, but we Senators should learn as well how to handle these matters. It does me good to see a Chair who is alert and a Parliamentarian who is alert.

—

LISA TUITE

Mr. BYRD. Mr. President, once in a while an individual comes along who shines with such a special light that it illuminates the darkness for others. I have been fortunate to employ one such individual on my staff for the last 8 years: Lisa Tuite, Lisa achieved her master of arts degree in national security studies from Georgetown University in 1990 and her bachelor of arts degree in foreign affairs from the University of Virginia. She came to my office as a legislative fellow from the National Photographic Interpretation Center. I soon recognized her talent. Lisa was employed in my office to serve as a legislative assistant for defense and foreign affairs and to assist me on the Armed Services Committee. She has done all of these things and done them well. Eventually she rose through the ranks to become my administrative assistant.

Multitalented, thoughtful, with an encyclopedic grasp of detail, Lisa Tuite has been an inspiration to my staff and she has been an inspiration to me.

I have been here on Jenkins Hill for 48 years, longer than anybody else who is in the Congress today in either body. JOHN DINGELL is the dean of the House of Representatives. I served with JOHN DINGELL's father in the House. I speak of JOHN DINGELL in a very admiring fashion. He is a man of tremendous talent, a fine, fine Member of the House. But I have been around quite a while, and I have seen a lot of people come and go in the Chamber here, as well in my employment, as one can imagine—48 years, starting out in the House of Representatives with five persons on my staff a long time ago.

I have seen Senators come and go. I have seen our staffs at the front desk come and go. But this particular individual, of whom I speak today, merits my highest compliments. I have rarely employed anyone with her patience, her writing ability, her organizational instincts or her boundless energy. She is that rare breed of Senate staffer, seemingly born for the job and eager to do it. Moreover, as anyone who knows Lisa can attest, she is resolute, unflappable, and unfailingly cheerful. I have seldom seen her discouraged, and there is literally no task that she will not assume with relish, and always unfailing in her courtesy. I shall miss her.

She has the soul of a gardener. It is a hobby at which she excels. She is a cultivator of beauty and a nurturer of growth. I am speaking not only with respect to plants and flowers and, yes, crops; but I am speaking also with reference to other individuals. For my other employees, she has been an inspiration as well. The young staffers whom she has so carefully tended and so artfully encouraged have blossomed, blossomed like the daffodils, blossomed under Lisa's tutelage. She has graciously focused her sunshine upon them all, upon all who work with her.

Alas, as all good things come to an end, at least all things that are mortal, Lisa will be leaving my staff to spend more time with her husband Jim, her mother and father, and her adorable daughter Rachel. And I am the loser. I am saddened to lose her, but I know that she will grace whatever she puts her heart and hand to in the future years as she has done in my office for the too brief time that she worked among us and with us and lent us her gracious smile and her scintillating personality, her wit, her good sense, her good judgment, her dedication, her loyalty.

So to Lisa, my staff and I say:

The hours are like a string of pearls,
The days like diamonds rare,
The moments are the threads of gold,
That bind them for our wear,
So may the years that come to you,
Such health and good contain,
That every moment, hour, and day,
Be like a golden chain.

—

NEVER FORGOTTEN

Mr. BYRD. Mr. President, soon, the 106th Congress will draw to a close, and with that final bell, the Senate careers of a number of very fine Members will also, suddenly, draw to a close. Such are the wages of service in this Republic. Senator ROBB, Senator GORTON, Senator GRAMS, Senator ASHCROFT, Senator ABRAHAM will have answered their final rollcall. They will have waited through their final quorum calls and they will have left the Senate floor, as a Member of this body, for a final time. Oh, they may be back to visit, and I hope they will come back to visit. They will always be welcome here. But I am sure that the Senate floor is not quite the same when one is not allowed to vote or to make a statement.

However, these distinguished Members will always be a unique part of the Senate family and of the Senate's history. In the history of this great Republic—I do not speak of it as a democracy, I speak of it as a Republic; as a representative democracy, yes—in the history of this great Republic, there have only been 1,853 men and women who have served here since April 6 of 1789. In January 2001, that number will rise to 1,864. These names can be found listed in rank order, a list that is immutable and irreplaceable.

More than that, each Senator becomes a part of the institution of the Senate. Each Member's actions help to shape the precedents and the practices of the Senate, just as a Member's amendments, bills, and votes shape the legislative history of the land. The singular honor of serving in the United States Senate leaves its mark on each Member. I am tempted to say that each Member leaves his or her mark on the Senate, but that would not be accurate. Few Senators perhaps leave their mark on the Senate, but the Senate leaves its mark, unblemished, unstained, on the life of every Member.

I wish today to speak of two of these departing Senators with whom I have worked closely over the years: Senator CHARLES ''CHUCK'' ROBB and Senator SLADE GORTON. Senator GORTON's number among the roll of Senators is 1,752. Senator ROBB's number is 1,788. They are listed on the roll of Members of the United States Senate. Senator ROBB, Senator GORTON, and the other departing Members, will carry the badge of Senate service with them. It is a badge of honor that they will carry with them.

These men are much more than a name or a number, of course. Senator ROBB has been a dedicated public servant. He has served his country in many ways. I have served with him on the Senate Committee on Armed Services where he was most recently the ranking member of the Subcommittee on Readiness and Management Support. He was also a member of the Senate Select Committee on Intelligence, and he was for many years a member of the Senate Committee on Foreign Relations.

As a former marine, as well as a representative of a Commonwealth with a very large military presence, Senator ROBB was a tireless advocate for the men and the women who labor in uniform and in other intelligence and supporting roles to protect our great Nation. Senator ROBB has also sought to protect and further the economic health of the Nation.

He has served this Nation in many ways, from active duty as a United States Marine to Governor of the Commonwealth of Virginia to United States Senator. To his service here, he has brought a conscience. He charted his own course, made his own votes and his decisions using his moral compass rather than polls or media campaigns.

I will always remember Senator ROBB for his gentle courtesy, his calm and even manner, his soft-spoken ways. Though passionate in his beliefs, he worked quietly and steadily in a bipartisan spirit to achieve his goals. The State of Virginia is better off today for his efforts in the Senate, and the Senate has been the better for his presence. Now, to Senator GORTON.

Senator SLADE GORTON knows something about leaving the Senate, having left once before in 1987, only to return 2 years later to serve from 1989 through the end of the 106th Congress. I have been his ranking member on the Senate Committee on Appropriations. I am here to say that I could not have had a better partner than the distinguished

Senator from Washington. Of course, I have said that many times before. In these past years, he has been the wheel horse of our team, putting his shoulder to the wheel and pulling the heavy load of putting together the complex Interior appropriations bill. He has shown himself to be a master of the appropriations process, and no one, I venture to say, knows the Interior appropriations bill and the programs it funds better than SLADE GORTON does. Senator GORTON has a truly impressive grasp of detail, and yet he never lets minutiae cloud his vision of the overall picture. I could not have asked for a more congenial, collegial, commonsense colleague, and I will truly miss my friend, SLADE GORTON, on the committee.

I know that the rest of the Senate will miss our colleague from Washington as well. He is well liked on both sides of the aisle as gracious, polite, soft spoken. He never rebukes a colleague. Rather, he will look up, blink in polite astonishment, and with a gentle question point out the error of one's ways.

Senator GORTON is another example of a Member who makes the Senate work by focusing on the needs of his constituents. Besides his work on the Interior Appropriations Subcommittee and throughout the entire appropriations process, Senator GORTON looked after the interests of Washington State from his seat on the Committee on Commerce, Science, and Transportation where he chaired the Subcommittee on Aviation and also served on the Subcommittee on Oceans and Fisheries, both important to a coastal State that is home to Boeing Aviation.

He also served as the vice chair, the vice chairman—Mr. President, I break my sentence. I do not believe in this nonsense. I do not believe in this nonsense called political correctness. I have no use for it whatsoever. There is a chair right there across the aisle; here is a chair beside me. There is a difference between a chairman and a chair. I do not subscribe to the word ''chair'' except where it is appropriate to use it, and I never refer to a human being as a ''chair.'' I do not want anyone referring to me as a ''chair.''

Senator GORTON also served as the vice chairman of the Subcommittee on Water and Power on the Energy and Natural Resources Committee—again topics of interest to his State with significant hydropower concerns. And if these duties did not keep him busy enough, Senator GORTON also served on the Senate Budget Committee.

Senator GORTON's focus serves the Senate well. In defending the different perspectives of States large and small, populous or not, rural or urban, individual Senators act as the kind of internal checks and balances that the framers envisioned, keeping the tyranny of a majority from putting other groups and interests at a disadvantage.

The Senate is designed to give States an equal voice and equal standing, despite differences among the States with respect to population.

I shall especially miss Senator GORTON because we worked very closely together on the Appropriations Committee. It was a very busy subcommittee. It is a westerner's subcommittee, in fact. That is the way I have always looked upon it, although I have found it to be very important, as well, to States of the East and South and North.

I wish him well. I will miss him. As an able and talented man, he will soon find new venues in which to continue serving the public interest.

He traveled all across this country, he and his family, on bicycles upon one occasion some years ago, from the west coast to the east coast, the whole family, on bicycles. So one might easily imagine what kind of adventurer SLADE GORTON is. That takes a lot of courage, a lot of determination. But wherever he goes, and wherever Senator ROBB goes, wherever these other Senators whose names I have mentioned go, they will always be called ''Senator.'' Majorian, in 457 A.D., when he was made emperor of the West, referred to himself as ''a prince who still glories in the name of Senator.''

Mr. President, I close with a few lines from a poem by Ralph Waldo Emerson. It is a fitting tribute to the fine, lasting work performed in this mighty Senate by these departing Members: Senator ROBB, Senator GORTON, Senator GRAMS, Senator ASHCROFT, and Senator ABRAHAM. I am speaking of these Senators. There are other Senators who are departing and about whom I have spoken previously. Senators whose names I have mentioned today are Senators who were in the most recent election, who fought nobly and well, and who lost.

What makes a nation's pillars high
And its foundations strong?
What makes it mighty to defy
The foes that round it throng?

It is not gold. Its kingdoms grand
Go down in battle shock;
Its shafts are laid on sinking sand,
Not on abiding rock.

Is it the sword? Ask the red dust
Of empires passed away;
The blood has turned their stones to rust,
Their glory to decay.

And is it pride? Ah, that bright crown
Has seemed to nations sweet;
But God has struck its luster down
In ashes at His feet.

Not gold but only men can make
A people great and strong;
Men who for truth and honor's sake
Stand fast and suffer long.

Brave men who work while others sleep,
Who dare while others fly—
They build a nation's pillars deep
And lift them to the sky.

THE NEW MILLENNIUM

Mr. BYRD. Mr. President, as we prepare, in these last days, to go home for the Christmas holidays—and I suppose we include New Year's as well, at which time we will go into a new century. To all those who have been a part of perpetrating this colossal hoax on the American people, trying to make the American people believe that the new century began in January of 2000, let me say, come January 1 of 2001, all mankind will then, indeed, move into the 21st century. It will begin, and so will the third millennium. Anyone who can count from 1 to 100 knows that that is the case, whether they use the old math or the new. We will begin the 21st century on January 1 next.

TRIBUTE TO THE SENATE CHAPLAIN

Mr. BYRD. Mr. President, each day the Senate is in session the Chaplain leads us in prayer. From time to time, we have a guest Chaplain, a guest Chaplain perhaps coming from one or the other of the States. I am always awed to stand in this Chamber and hear the Chaplain deliver the prayer. As long as this Republic stands, I am confident that the Senate and the House will be opened with prayer.

In West Virginia, anytime there is a public ceremony of any kind, there is sure to be a prayer, just as surely as we have the Pledge of Allegiance.

The Chaplain is always here. He ministers to us, not just by way of a daily prayer here, but if we are ill, in the hospital, or if a family member is in the hospital, if we lose a loved one, the Chaplain is there. He is there to console and to comfort us and to pray with us.

I feel that we should take note of this as we prepare to close out our session. ''More things are wrought by prayer than this world dreams of. . . .'' Tennyson said that. I just remembered it.

So I thank our Chaplain on behalf of all of us—on behalf of the Members, on behalf of the officers of the Senate, on behalf of the employees of the Senate. We do appreciate the pastorship that he performs. He shepherds the flock. We are part of his flock.

I want to pay my respects to him, and let him know that his efforts, his work, his prayers, even when we do not hear them, do not go unnoticed.

Often he sees me and says: I prayed for you yesterday. I was praying for you this morning. We certainly need it. I cherish those prayers.

''Blessed is the nation whose God is the Lord.''

I thank him.

THANKING THE PRESIDING OFFICER

Mr. BYRD. Mr. President, that completes my remarks for today. I thank the Chair for his patience. In this instance, I refer to ''the Chair.'' I thank the Chair for his patience. The present occupant is a fine Senator. He pays attention. He does not sit up at the desk and read newspapers or sign his mail.

There used to be a phone at that desk. And Senators who presided would use that telephone. When I became majority leader, I had the telephone removed because I thought that a Presiding Officer should pay attention to what was going on on the floor.

I always say to new Senators: Pay attention while presiding. Don't sign your mail while presiding. If you feel you have to sign mail in the chair, tell the leadership that you have business to take care of in your office. Let someone else preside.

There are a few Senators who have listened to me and who carry that admonition with them. PAT ROBERTS is one such Senator. He sits up there and is very alert. He never signs his mail while presiding. He never reads a magazine or a newspaper. He is alert, and he watches the Senate proceedings. Why shouldn't he? This is the premier upper house in the world today, and it should set the example for members of the state legislatures. I was once a member of the West Virginia House of Delegates. I was once a member of the West Virginia Senate.

I like to believe that when legislators throughout the 50 States of this country look at the Presiding Officer of the U.S. Senate on television, they see someone who is alert, someone who is paying attention, someone who is ready to make the ruling, someone who is ready to answer the parliamentary inquiry, someone who is alert to the need for order in the Senate Chamber and for order in the Galleries. They shouldn't see someone presiding who is signing mail and paying no attention to what is transpiring in the Chamber. That is not a very good example for other legislators in the country to see.

This young Senator, Senator FITZGERALD from Illinois, who is now presiding, pays close attention to the floor debate.

In some ways, it is kind of a thankless task. I have taken my share. Usually it is the new Members who take their turn at presiding. Somebody has to preside. I sat in that chair in one sitting for 22 hours. I have had my share. For 22 hours I sat during a civil rights filibuster—almost all of one day and one night. Vice President Nixon came the next morning to preside. But I know what it is to sit in the chair for hours at a time.

I compliment all those who take their turn at presiding. They can learn a good many things about the Senate when they preside and preside well.

Presiding Officers should maintain order in the Senate. That gavel is not easy to break. In my time here and in all of the history of this institution, which goes back 212 years now, I believe, there has been only one gavel broken. That gavel was replaced by the country of India and is in use now. If I am not mistaken and if my memory serves me well, it is the gavel that was presented to the Senate when Richard Nixon was Vice President. It will not crack easily.

I urge, for the record, the Presiding Officers to use it. Don't hesitate to hit the desk hard. It won't crack.

As we come into the Chamber during rollcall votes, we see other Senators with whom we would like to talk a few minutes. In doing so, we make a lot of noise. I know the Chair is hesitant sometimes to call senior Members of this body to order. But the Chair should have no hesitation. Every Senator, no matter how senior he is, should respect that Chair. As a matter of fact, the more senior the Senator is, the more he should respect the Chair because he has been here longer.

I say to this Chair and, through him, to all the other Senators who preside, stay alert, keep your eye on the Senate, and maintain order. And when you ask for order, get it. Don't stop until you do get it. We all owe that respect to the Chair.

I thank all employees for their patience.

—

RECORD TO REMAIN OPEN UNTIL 1:30 P.M.

Mr. BYRD. Mr. President, on behalf of the majority leader, I ask unanimous consent that the RECORD remain open until 1:30 p.m. today for the submission of statements.

The PRESIDING OFFICER. Without objection, it is so ordered.

—

INTERNATIONAL MALARIA CONTROL ACT OF 2000

Mr. GRAMS. Mr. President, I ask the Chair lay before the Senate a message from the House of Representatives on the bill (S. 2943).

The PRESIDING OFFICER laid before the Senate the following message from the House of Representatives:

Resolved, That the bill from the Senate (S. 2943) entitled ''An Act 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'', do pass with the following amendments:

Strike out all after the enacting clause and insert:

TITLE I—ASSISTANCE FOR INTERNATIONAL MALARIA CONTROL

SECTION 101. SHORT TITLE.

This title may be cited as the ''International Malaria Control Act of 2000''.

SEC. 102. FINDINGS.

The Congress makes the following findings:

(1) The World Health Organization estimates that there are 300,000,000 to 500,000,000 cases of malaria each year.

(2) According to the World Health Organization, more than 1,000,000 persons are estimated to die due to malaria each year.

(3) According to the National Institutes of Health, about 40 percent of the world's population is at risk of becoming infected.

(4) About half of those who die each year from malaria are children under 9 years of age.

(5) Malaria kills one child each 30 seconds.

(6) 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.

(7) 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.

(8) These high risk areas represent many of the world's poorest nations.

(9) Malaria is particularly dangerous during pregnancy. The disease causes severe anemia and is a major factor contributing to maternal deaths in malaria endemic regions.

(10) ''Airport malaria'', the importing of malaria by international aircraft and other conveyances, is becoming more common, and the United Kingdom reported 2,364 cases of malaria in 1997, all of them imported by travelers.

(11) 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.

(12) Between 1970 and 1997, the malaria infection rate in the United States increased by about 40 percent.

(13) Malaria is caused by a single-cell parasite that is spread to humans by mosquitoes.

(14) No vaccine is available and treatment is hampered by development of drug-resistant parasites and insecticide-resistant mosquitoes.

SEC. 103. ASSISTANCE FOR MALARIA PREVENTION, TREATMENT, CONTROL, AND ELIMINATION.

(a) ASSISTANCE.—

(1) IN GENERAL.—The Administrator of the United States Agency for International Development, in coordination with the heads of other appropriate Federal agencies and nongovernmental organizations, shall provide assistance for the establishment and conduct of activities designed to prevent, treat, control, and eliminate malaria in countries with a high percentage of malaria cases.

(2) CONSIDERATION OF INTERACTION AMONG EPIDEMICS.—In providing assistance pursuant to paragraph (1), the Administrator should consider the interaction among the epidemics of HIV/AIDS, malaria, and tuberculosis.

(3) DISSEMINATION OF INFORMATION REQUIREMENT.—Activities referred to in paragraph (1) shall include the dissemination of information relating to the development of vaccines and therapeutic agents for the prevention of malaria (including information relating to participation in, and the results of, clinical trials for such vaccines and agents conducted by United States Government agencies) to appropriate officials in such countries.

(b) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There are authorized to be appropriated to carry out subsection (a) $50,000,000 for each of the fiscal years 2001 and 2002.

(2) AVAILABILITY.—Amounts appropriated pursuant to the authorization of appropriations under paragraph (1) are authorized to remain available until expended.

TITLE II—POLICY OF THE UNITED STATES WITH RESPECT TO MACAU

SECTION 201. SHORT TITLE.

This title may be cited as the ''United States-Macau Policy Act of 2000''.

SEC. 202. FINDINGS AND DECLARATIONS; SENSE OF THE CONGRESS.

(a) FINDINGS AND DECLARATIONS.—The Congress makes the following findings and declarations:

(1) The continued economic prosperity of Macau furthers United States interests in the People's Republic of China and Asia.

(2) Support for democratization is a fundamental principle of United States foreign policy, and as such, that principle naturally applies to United States policy toward Macau.

(3) The human rights of the people of Macau are of great importance to the United States and are directly relevant to United States interests in Macau.

(4) A fully successful transition in the exercise of sovereignty over Macau must continue to safeguard human rights in and of themselves.

(5) Human rights also serve as a basis for Macau's continued economic prosperity, and the Congress takes note of Macau's adherence to the International Covenant on Civil and Political Rights and the International Convention on Economic, Social, and Cultural Rights.

(b) SENSE OF THE CONGRESS.—It is the sense of the Congress that—

(1) the United States should play an active role in maintaining Macau's confidence and prosperity, Macau's unique cultural heritage, and the mutually beneficial ties between the people of the United States and the people of Macau;

(2) through its policies, the United States should contribute to Macau's ability to maintain a high degree of autonomy in matters other than defense and foreign affairs as promised by the People's Republic of China and the Republic of Portugal in the Joint Declaration, particularly with respect to such matters as trade, commerce, law enforcement, finance, monetary policy, aviation, shipping, communications, tourism, cultural affairs, sports, and participation in international organizations, consistent with the national security and other interests of the United States; and

(3) the United States should actively seek to establish and expand direct bilateral ties and agreements with Macau in economic, trade, financial, monetary, mutual legal assistance, law enforcement, communication, transportation, and other appropriate areas.

SEC. 203. CONTINUED APPLICATION OF UNITED STATES LAW.

(a) CONTINUED APPLICATION.—

(1) IN GENERAL.—Notwithstanding any change in the exercise of sovereignty over Macau, and subject to subsections (b) and (c), the laws of the United States shall continue to apply with respect to Macau in the same manner as the laws of the United States were applied with respect to Macau before December 20, 1999, unless otherwise expressly provided by law or by Executive order issued pursuant to paragraph (2).

(2) EXCEPTION.—Whenever the President determines that Macau is not sufficiently autonomous to justify treatment under a particular law of the United States, or any provision thereof, different from that accorded the People's Republic of China, the President may issue an Executive order suspending the application of paragraph (1) to such law or provision of law. The President shall promptly notify the Committee on International Relations of the House of Representatives and the Committee on Foreign Relations of the Senate concerning any such determination and shall publish the Executive order in the Federal Register.

(b) EXPORT CONTROLS.—

(1) IN GENERAL.—The export control laws, regulations, and practices of the United States shall apply to Macau in the same manner and to the same extent that such laws, regulations, and practices apply to the People's Republic of China, and in no case shall such laws, regulations, and practices be applied less restrictively to exports to Macau than to exports to the People's Republic of China.

(2) RULE OF CONSTRUCTION.—Paragraph (1) shall not be construed as prohibiting the provision of export control assistance to Macau.

(c) INTERNATIONAL AGREEMENTS.—

(1) IN GENERAL.—Subject to subsection (b) and paragraph (2), for all purposes, including actions in any court of the United States, the Congress approves of the continuation in force after December 20, 1999, of all treaties and other international agreements, including multilateral conventions, entered into before such date between the United States and Macau, or entered into force before such date between the United States and the Republic of Portugal and applied to Macau, unless or until terminated in accordance with law.

(2) EXCEPTION.—If, in carrying out this subsection, the President determines that Macau is not legally competent to carry out its obligations under any such treaty or other international agreement, or that the continuation of Macau's obligations or rights under any such treaty or other international agreement is not appropriate under the circumstances, the President shall take appropriate action to modify or terminate such treaty or other international agreement. The President shall promptly notify the Committee on International Relations of the House of Representatives and the Committee on Foreign Relations of the Senate concerning such determination.

SEC. 204 REPORTING REQUIREMENT.

(a) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, and not later than March 31 of each of the years 2001, 2002, and 2003, the Secretary of State shall transmit to the Committee on International Relations of the House of Representatives and the Committee on Foreign Relations of the Senate a report on conditions in Macau of interest to the United States. The report shall describe—

(1) significant developments in United States relations with Macau, including any determination made under section 203;

(2) significant developments related to the change in the exercise of sovereignty over Macau affecting United States interests in Macau or United States relations with Macau and the People's Republic of China;

(3) the development of democratic institutions in Macau;

(4) compliance by the Government of the People's Republic of China and the Government of the Republic of Portugal with their obligations under the Joint Declaration; and

(5) the nature and extent of Macau's participation in multilateral forums.

(b) SEPARATE PART OF COUNTRY REPORTS.—Whenever a report is transmitted to the Congress on a country-by-country basis, there shall be included in such report, where applicable, a separate subreport on Macau under the heading of the country that exercises sovereignty over Macau.

SEC. 205. DEFINITIONS.

In this title:

(1) MACAU.—The term ''Macau'' means the territory that prior to December 20, 1999, was the Portuguese Dependent Territory of Macau and after December 20, 1999, became the Macau Special Administrative Region of the People's Republic of China.

(2) JOINT DECLARATION.—The term ''Joint Declaration'' means the Joint Declaration of the Government of the People's Republic of China and the Government of the Republic of Portugal on the Question of Macau, dated April 13, 1987.

TITLE III—UNITED STATES-CANADA ALASKA RAIL COMMISSION

SECTION 301. SHORT TITLE.

This title may be cited as the ''Rails to Resources Act of 2000''.

SEC. 302. FINDINGS.

Congress finds that—

(1) rail transportation is an essential component of the North American intermodal transportation system;

(2) the development of economically strong and socially stable communities in the western United States and Canada was encouraged significantly by government policies promoting the development of integrated transcontinental, interstate and interprovincial rail systems in the states, territories and provinces of the two countries;

(3) United States and Canadian federal support for the completion of new elements of the transcontinental, interstate and interprovincial rail systems was halted before rail connections were established to the State of Alaska and the Yukon Territory;

(4) rail transportation in otherwise isolated areas facilitates controlled access and may reduce overall impact to environmentally sensitive areas;

(5) the extension of the continental rail system through northern British Columbia and the Yukon Territory to the current terminus of the Alaska Railroad would significantly benefit the United States and Canadian visitor industries by facilitating the comfortable movement of passengers over long distances while minimizing effects on the surrounding areas; and

(6) ongoing research and development efforts in the rail industry continue to increase the efficiency of rail transportation, ensure safety, and decrease the impact of rail service on the environment.

SEC. 303. AGREEMENT FOR A UNITED STATES-CANADA BILATERAL COMMISSION.

The President is authorized and urged to enter into an agreement with the Government of Canada to establish an independent joint commission to study the feasibility and advisability of linking the rail system in Alaska to the nearest appropriate point on the North American continental rail system.

SEC. 304. COMPOSITION OF COMMISSION.

(a) MEMBERSHIP.—

(1) TOTAL MEMBERSHIP.—The Agreement should provide for the Commission to be composed of 24 members, of which 12 members are appointed by the President and 12 members are appointed by the Government of Canada.

(2) GENERAL QUALIFICATIONS.—The Agreement should provide for the membership of the Commission, to the maximum extent practicable, to be representative of—

(A) the interests of the local communities (including the governments of the communities), aboriginal peoples, and businesses that would be affected by the connection of the rail system in Alaska to the North American continental rail system; and

(B) a broad range of expertise in areas of knowledge that are relevant to the significant issues to be considered by the Commission, including economics, engineering, management of resources, social sciences, fish and game management, environmental sciences, and transportation.

(b) UNITED STATES MEMBERSHIP.—If the United States and Canada enter into an agreement providing for the establishment of the Commission, the President shall appoint the United States members of the Commission as follows:

(1) Two members from among persons who are qualified to represent the interests of communities and local governments of Alaska.

(2) One member representing the State of Alaska, to be nominated by the Governor of Alaska.

(3) One member from among persons who are qualified to represent the interests of Native Alaskans residing in the area of Alaska that would be affected by the extension of rail service.

(4) Three members from among persons involved in commercial activities in Alaska who are qualified to represent commercial interests in Alaska, of which one shall be a representative of the Alaska Railroad Corporation.

(5) One member representing United States Class I rail carriers and one member representing United States rail labor.

(6) Three members with relevant expertise, at least one of whom shall be an engineer with expertise in subarctic transportation and at least one of whom shall have expertise on the environmental impact of such transportation.

(c) CANADIAN MEMBERSHIP.—The Agreement should provide for the Canadian membership of the Commission to be representative of broad categories of interests of Canada as the Government of Canada determines appropriate, consistent with subsection (a)(2).

SEC. 305. GOVERNANCE AND STAFFING OF COMMISSION.

(a) CHAIRMAN.—The Agreement should provide for the Chairman of the Commission to be elected from among the members of the Commission by a majority vote of the members.

(b) COMPENSATION AND EXPENSES OF UNITED STATES MEMBERS.—

(1) COMPENSATION.—Each member of the Commission appointed by the President who is not an officer or employee of the Federal Government shall be compensated at a rate equal to the daily equivalent of the annual rate of basic pay prescribed for level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day (including travel time) during which such member is engaged in the performance of the duties of the Commission. Each such member who is an officer or employee of the United States shall serve without compensation in addition to that received for services as an officer or employee of the United States.

(2) TRAVEL EXPENSES.—The members of the Commission appointed by the President shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Commission.

(c) STAFF.—

(1) IN GENERAL.—The Agreement should provide for the appointment of a staff and an executive director to be the head of the staff.

(2) COMPENSATION.—Funds made available for the Commission by the United States may be used to pay the compensation of the executive director and other personnel at rates fixed by the Commission that are not in excess of the rate payable for level V of the Executive Schedule under section 5316 of title 5, United States Code.

(d) OFFICE.—The Agreement should provide for the office of the Commission to be located in a mutually agreed location within the impacted areas of Alaska, the Yukon Territory, and northern British Columbia.

(e) MEETINGS.—The Agreement should provide for the Commission to meet at least biannually to review progress and to provide guidance to staff and others, and to hold, in locations within the affected areas of Alaska, the Yukon Territory and northern British Columbia, such additional informational or public meetings as the Commission deems necessary to the conduct of its business.

(f) PROCUREMENT OF SERVICES.—The Agreement should authorize and encourage the Commission to procure by contract, to the maximum extent practicable, the services (including any temporary and intermittent services) that the Commission determines necessary for carrying out the duties of the Commission. In the case of any contract for the services of an individual, funds made available for the Commission by the United States may not be used to pay for the services of the individual at a rate that exceeds the daily equivalent of the annual rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of title 5, United States Code.

SEC. 306. DUTIES.

(a) STUDY.—

(1) IN GENERAL.—The Agreement should provide for the Commission to study and assess, on the basis of all available relevant information, the feasibility and advisability of linking the rail system in Alaska to the North American continental rail system through the continuation of the rail system in Alaska from its northeastern terminus to a connection with the continental rail system in Canada.

(2) SPECIFIC ISSUES.—The Agreement should provide for the study and assessment to include the consideration of the following issues:

(A) Railroad engineering.

(B) Land ownership.

(C) Geology.

(D) Proximity to mineral, timber, tourist, and other resources.

(E) Market outlook.

(F) Environmental considerations.

(G) Social effects, including changes in the use or availability of natural resources.

(H) Potential financing mechanisms.

(3) ROUTE.—The Agreement should provide for the Commission, upon finding that it is feasible and advisable to link the rail system in Alaska as described in paragraph (1), to determine one or more recommended routes for the rail segment that establishes the linkage, taking into consideration cost, distance, access to potential freight markets, environmental matters, existing corridors that are already used for ground transportation, the route surveyed by the Army Corps of Engineers during World War II and such other factors as the Commission determines relevant.

(4) COMBINED CORRIDOR EVALUATION.—The Agreement should also provide for the Commission to consider whether it would be feasible and advisable to combine the power transmission infrastructure and petroleum product pipelines of other utilities into one corridor with a rail extension of the rail system of Alaska.

(b) REPORT.—The Agreement should require the Commission to submit to Congress and the Secretary of Transportation and to the Minister of Transport of the Government of Canada, not later than 3 years after the Commission commencement date, a report on the results of the study, including the Commission's findings regarding the feasibility and advisability of linking the rail system in Alaska as described in subsection (a)(1) and the Commission's recommendations regarding the preferred route and any alternative routes for the rail segment establishing the linkage.

SEC. 307. COMMENCEMENT AND TERMINATION OF COMMISSION.

(a) COMMENCEMENT.—The Agreement should provide for the Commission to begin to function on the date on which all members are appointed to the Commission as provided for in the Agreement.

(b) TERMINATION.—The Commission should be terminated 90 days after the date on which the Commission submits its report under section 306.

SEC. 308. FUNDING.

(a) RAILS TO RESOURCES FUND.—The Agreement should provide for the following:

(1) ESTABLISHMENT.—The establishment of an interest-bearing account to be known as the ''Rails to Resources Fund''.

(2) CONTRIBUTIONS.—The contribution by the United States and the Government of Canada to the Fund of amounts that are sufficient for the Commission to carry out its duties.

(3) AVAILABILITY.—The availability of amounts in the Fund to pay the costs of Commission activities.

(4) DISSOLUTION.—Dissolution of the Fund upon the termination of the Commission and distribution of the amounts remaining in the Fund between the United States and the Government of Canada.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to any fund established for use by the Commission as described in subsection (a)(1) $6,000,000, to remain available until expended.

SEC. 309. DEFINITIONS.

In this title:

(1) AGREEMENT.—The term ''Agreement'' means an agreement described in section 303.

(2) COMMISSION.—The term ''Commission'' means a commission established pursuant to any Agreement.

TITLE IV—PACIFIC CHARTER COMMISSION ACT OF 2000

SEC. 401. SHORT TITLE.

This title may be cited as the ''Pacific Charter Commission Act of 2000''.

SEC. 402. PURPOSES.

The purposes of this title are—

(1) to promote a consistent and coordinated foreign policy of the United States to ensure economic and military security in the Asia-Pacific region;

(2) to support democratization, the rule of law, and human rights in the Asia-Pacific region;

(3) to promote United States exports to the Asia-Pacific region by advancing economic cooperation;

(4) to combat terrorism and the spread of illicit narcotics in the Asia-Pacific region; and

(5) to advocate an active role for the United States Government in diplomacy, security, and the furtherance of good governance and the rule of law in the Asia-Pacific region.

SEC. 403. ESTABLISHMENT OF COMMISSION.

There is established a commission to be known as the Pacific Charter Commission (hereafter in this title referred to as the ''Commission'').

SEC. 404. DUTIES OF COMMISSION.

(a) DUTIES.—The Commission shall establish and carry out, either directly or through nongovernmental organizations, programs, projects, and activities to achieve the purposes described in section 402, including research and educational or legislative exchanges between the United States and countries in the Asia-Pacific region.

(b) MONITORING OF DEVELOPMENTS.—The Commission shall monitor developments in countries of the Asia-Pacific region with respect to United States foreign policy toward such countries, the status of democratization, the rule of law and human rights in the region, economic relations among the United States and such countries, and activities related to terrorism and the illicit narcotics trade.

(c) POLICY REVIEW AND RECOMMENDATIONS.—In carrying out this section, the Commission shall evaluate United States Government policies toward countries of the Asia-Pacific region and recommend options for policies of the United States Government with respect to such countries, with a particular emphasis on countries that are of importance to the foreign policy, economic, and military interests of the United States.

(d) CONTACTS WITH OTHER ENTITIES.—In performing the functions described in subsections (a) through (c), the Commission shall, as appropriate, seek out and maintain contacts with nongovernmental organizations, international organizations, and representatives of industry, including receiving reports and updates from such organizations and evaluating such reports.

(e) ANNUAL REPORT.—Not later than 18 months after the date of the enactment of this Act, and not later than the end of each 12-month period thereafter, the Commission shall prepare and submit to the President and the Congress a report that contains the findings of the Commission during the preceding 12-month period. Each such report shall contain—

(1) recommendations for legislative, executive, or other actions resulting from the evaluation of policies described in subsection (c);

(2) a description of programs, projects, and activities of the Commission for the prior year; and

(3) a complete accounting of the expenditures made by the Commission during the prior year.

(f) CONGRESSIONAL HEARINGS ON ANNUAL REPORT.—The Committee on International Relations of the House of Representatives and the Committee on Foreign Relations of the Senate, shall, not later than 45 days after the receipt by the Congress of the report referred to in subsection (c), hold hearings on the report, including any recommendations contained therein.

(g) ADVISORY COMMITTEES.—The Commission may establish such advisory committees as the Commission determines to be necessary to advise the Commission on policy matters relating to the Asia-Pacific region and to otherwise carry out this title.

SEC. 405. MEMBERSHIP OF COMMISSION.

(a) COMPOSITION.—The Commission shall be composed of seven members all of whom—

(1) shall be citizens of the United States who are not officers or employees of any government, except to the extent they are considered such officers or employees by virtue of their membership on the Commission; and

(2) shall have interest and expertise in issues relating to the Asia-Pacific region.

(b) APPOINTMENT.—

(1) IN GENERAL.—The individuals referred to in subsection (a) shall be appointed—

(A) by the President, after consultation with the Speaker and Minority Leader of the House of Representatives, the Chairman and ranking member of the Committee on International Relations of the House of Representatives, the Majority Leader and Minority Leader of the Senate, and the Chairman and ranking member of the Committee on Foreign Relations of the Senate; and

(B) by and with the advice and consent of the Senate.

(2) POLITICAL AFFILIATION.—Not more than four of the individuals appointed under paragraph (1) may be affiliated with the same political party.

(c) TERM.—Each member of the Commission shall be appointed for a term of 6 years.

(d) VACANCIES.—A vacancy in the Commission shall be filled in the same manner in which the original appointment was made.

(e) CHAIRPERSON; VICE CHAIRPERSON.—The President shall designate a Chairperson and Vice Chairperson of the Commission from among the members of the Commission.

(f) COMPENSATION.—

(1) RATES OF PAY.—Except as provided in paragraph (2), 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.

(g) MEETINGS.—The Commission shall meet at the call of the Chairperson.

(h) QUORUM.—A majority of the members of the Commission shall constitute a quorum, but a lesser number of members may hold hearings.

(i) AFFIRMATIVE DETERMINATIONS.—An affirmative vote by a majority of the members of the Commission shall be required for any affirmative determination by the Commission under section 404.

SEC. 406. POWERS OF COMMISSION.

(a) HEARINGS AND INVESTIGATIONS.—The Commission may hold such hearings, sit and act at such times and places, take such testimony and receive such evidence, and conduct such investigations as the Commission considers advisable to carry out this title.

(b) INFORMATION FROM FEDERAL AGENCIES.—The Commission may secure directly from any Federal department or agency such information as the Commission considers necessary to carry out this title. Upon request of the Chairperson of the Commission, the head of any such department agency shall furnish such information to the Commission as expeditiously as possible.

(c) CONTRIBUTIONS.—The Commission may accept, use, and dispose of gifts, bequests, or devises of services or property, both real and personal, for the purpose of assisting 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 Commission.

(d) 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.

SEC. 407. STAFF AND SUPPORT SERVICES OF COMMISSION.

(a) EXECUTIVE DIRECTOR.—The Commission shall have an executive director appointed by the Commission after consultation with the Speaker and Minority Leader of the House of Representatives and the Majority Leader and Minority Leader of the Senate. The executive director shall serve the Commission under such terms and conditions as the Commission determines to be appropriate.

(b) STAFF.—The Commission may appoint and fix the pay of such additional personnel, not to exceed 10 individuals, as it considers appropriate.

(c) STAFF OF FEDERAL AGENCIES.—Upon request of the chairperson of the Commission, the head of any Federal agency may detail, on a nonreimbursable basis, any of the personnel of the agency to the Commission to assist the Commission in carrying out its duties under this title.

(d) EXPERTS AND CONSULTANTS.—The chairperson of the Commission may procure temporary and intermittent services under section 3109(b) of title 5, United States Code.

SEC. 409. TERMINATION.

The Commission shall terminate not later than 5 years after the date of the enactment of this Act.

SEC. 410. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There are authorized to be appropriated to carry out this title $2,500,000 for each of the fiscal years 2001 and 2002.

(b) AVAILABILITY.—Amounts appropriated pursuant to the authorization of appropriations under subsection (a) are authorized to remain available until expended.

SEC. 411. EFFECTIVE DATE.

This title shall take effect on February 1, 2001.

TITLE V—PAUL D. COVERDELL WORLD WISE SCHOOLS ACT OF 2000

SEC. 501. SHORT TITLE.

This title may be cited as the ''Paul D. Coverdell World Wise Schools Act of 2000''.

SEC. 502. FINDINGS.

Congress makes the following findings:

(1) Paul D. Coverdell was elected to the Georgia State Senate in 1970 and later became Minority Leader of the Georgia State Senate, a post he held for 15 years.

(2) As the 11th Director of the Peace Corps from 1989 to 1991, Paul Coverdell's dedication to the ideals of peace and understanding helped to shape today's Peace Corps.

(3) Paul D. Coverdell believed that Peace Corps volunteers could not only make a difference in the countries where they served but that the greatest benefit could be felt at home.

(4) In 1989, Paul D. Coverdell founded the Peace Corps World Wise Schools Program to help fulfill the Third Goal of the Peace Corps, ''to promote a better understanding of the people served among people of the United States''.

(5) The World Wise Schools Program is an innovative education program that seeks to engage learners in an inquiry about the world, themselves, and others in order to broaden perspectives; promote cultural awareness; appreciate global connections; and encourage service.

(6) In a world that is increasingly interdependent and ever changing, the World Wise Schools Program pays tribute to Paul D. Coverdell's foresight and leadership. In the words of one World Wise Schools teacher, ''It's a teacher's job to touch the future of a child; it's the Peace Corps' job to touch the future of the world. What more perfect partnership.''.

(7) Paul D. Coverdell served in the United States Senate from the State of Georgia from 1993 until his sudden death on July 18, 2000.

(8) Senator Paul D. Coverdell was beloved by his colleagues for his civility, bipartisan efforts, and his dedication to public service.

SEC. 503. DESIGNATION OF PAUL D. COVERDELL WORLD WISE SCHOOLS PROGRAM.

(a) IN GENERAL.—Effective on the date of enactment of this Act, the program under section 18 of the Peace Corps Act (22 U.S.C. 2517) referred to before such date as the ''World Wise Schools Program'' is redesignated as the ''Paul D. Coverdell World Wise Schools Program''.

(b) REFERENCES.—Any reference before the date of enactment of this Act in any law, regulation, order, document, record, or other paper of the United States to the Peace Corps World Wise Schools Program shall, on and after such date, be considered to refer to the Paul D. Coverdell World Wise Schools Program.

Amend the title so as to read ''An Act to authorize additional assistance for international malaria control, and for other purposes.''.

Mr. BYRD. Mr. President, I ask unanimous consent on behalf of the majority leader that the Senate concur in the House amendments en bloc, with a further amendment, and agree to the title amendment of the House.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 4364) was agreed to.

The text of the amendment is printed in today's RECORD under ''Amendments Submitted.'')

Mr. BYRD. Mr. President, I yield the floor.

—

RECESS UNTIL TOMORROW

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until the hour of 12 noon tomorrow, December 15, 2000.

Whereupon, the Senate, at 1 p.m., recessed until Friday, December 15, 2000, at 12 noon.

EXTENSIONS OF REMARKS

CENTRAL NEW JERSEY CELEBRATES THE 40TH ANNIVERSARY OF B.P.O.E. JAMESBURG ELKS LODGE 2180

HON. RUSH D. HOLT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 14, 2000

Mr. HOLT. Mr. Speaker, I wish today to recognize the Jamesburg Elks Lodge 2180's 40th anniversary. This organization continues to make lasting contributions to the local community through its hard work and dedication to those in need.

The Jamesburg Elks began serving the community upon the approval of their local charter on July 13, 1960. The first Exalted Ruler of the Elks, Stanley Wzorek worked diligently to set the standard by which the Elks continue to serve the community today. In 1975, the Elks were joined in their efforts with the formation of the Jamesburg Elks Ladies Auxiliary.

The Elks contributions to the community take many forms. Through their donation of space they help groups such as the Girl & Boy Scouts of America. They allow organizations for disabled veterans to host weekly events in their lodge such as lunch, bingo and health check clinics. Recently, the Elks donated cellphones to local school crossing guards in case of an emergency.

One of the greatest efforts of the Jamesburg Elks is to host an annual Charity Ball to benefit local children with disabilities. In the summer months, the Jamesburg Elks, in conjunction with state assistance, send local children with disabilities to Camp Moore for a weeklong outdoor experience.

Jamesburg Elks Lodge 2180 is a great asset to Central New Jersey. I urge all my colleagues to join me today in recognizing its dedication to community service and Central New Jersey.

IN HONOR OF JOSE L. LINARES' APPOINTMENT TO THE SUPERIOR COURT OF NEW JERSEY

HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 14, 2000

Mr. MENENDEZ. Mr. Speaker, I rise today to honor Jose L. Linares for his appointment to the Superior Court of New Jersey. Mr. Linares will be sworn in on December 13, 2000 in Newark, New Jersey.

Jose L. Linares was born on November 30, 1953 in Havana, Cuba, and at the age of 13, immigrated to the United States. He received his Bachelor's Degree from Jersey City State in 1975 and his J.D. from Temple University Law School in 1978.

Mr. Linares began his exceptional career in law as the Examining Attorney at the New York Department of Investigation, where he supervised white collar crime and corruption. A short time later, he took a position as trial attorney with Horowitz, Bross, Sinnins & Imperial, P.A. In 1982 Mr. Linares founded his own firm, now called Partner, Linares, Coviello & Santana, which specializes in product liability.

Mr. Linares has achieved numerous awards, honors, and memberships, including the Exxes County Bar Association Civil Trial Attorney Achievement Award; Essex County Ethics Committee; NJ Supreme Court Board on Trial Attorney Certification; past President of the NJ Hispanic Bar Association; Essex County Bar Vice Chair; New Jersey Association of Trial Lawyers; National Association of Trial Lawyers; and the NJ State Bar Association Products Liability Committee.

Mr. Linares has earned this appointment through his lifelong pursuit of justice and his dedication to America and its laws. As a judge, he will serve with continued distinction and honor.

Today, I ask my colleagues to join me in honoring Jose L. Linares not only for his appointment to the Superior Court of New Jersey, but also for the wonderful example he has set for the Hispanic community.

TRIBUTE TO KEVIN TALLEY

HON. WILLIAM F. GOODLING

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 14, 2000

Mr. GOODLING. Mr. Speaker, I wish today to pay tribute to an individual who first came to my Congressional office and who has served the past three years as Chief of Staff for the Committee on Education and the Workforce. Kevin Talley is a very talented individual who has served other Members of Pennsylvania's delegation and me in a variety of capacities.

Kevin's first position in Congress was with Hugh Scott, the Senate Minority Leader, whom Kevin served as Press Secretary. He came to my office in 1977 in a similar capacity and stayed for four years, becoming my Chief of Staff and overseeing all operations in my Washington and district offices.

The management skills he acquired in those roles were expanded further when he joined Senator John Heinz as Chief of Staff. in addition to handling administrative and public responsibilities with Senator Heinz, Kevin developed legislative initiatives on targeted jobs tax credits, Social Security Reform, campaign finance reform, and unemployment compensation provisions.

In 1985, Senator Heinz demonstrated his confidence in Kevin by naming him as his deputy at the National Republican Senatorial Committee.

In 1987, Kevin decided to try life in the private sector, focusing on public affairs. He stayed in touch, and I kept my eye on him, even though he was no longer working in Congress.

I became Chairman of the Education and Workforce Committee in 1995. When I had an opening for the Committee's Chief of Staff in 1997, I asked Kevin to come back to Congress to help me accomplish what remained to be done before I finished my Congressional career.

During Kevin's tenure as Chief of Staff, the Committee passed more than 45 significant education and workforce bills. It was the Committee's most productive period in the last 20 years. We made significant improvements in Head Start, child nutrition, job training, and worker protection programs. We succeeded in shifting the focus from process to results, and from quantity to quality.

Kevin Talley was a key participant in those successes, and for that, I will always be grateful. more importantly, Kevin is a friend, and I am glad that my upcoming retirement will not change that.

THE COMMODITY FUTURES MODERNIZATION ACT OF 2000

HON. THOMAS W. EWING

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 14, 2000

Mr. EWING. Mr. Speaker, today, I am introducing the Commodity Futures Modernization Act of 2000 which provides us with an historic opportunity to modernize the U.S. futures and over-the-counter market laws.

The time is now to ensure that the United States continued to be the world's financial leader. We have two of the three largest futures exchanges in the world, however, our antiquated laws and regulations prevent them from being as efficient and effective as possible to compete in global markets. The legal uncertainty surrounding the U.S. over-the-counter markets must be removed to prevent domestic business from migrating overseas and causing our share of these $90 trillion markets to shrink.

The Commodity Futures Modernization Act of 2000 contains the major provisions of the House passed H.R. 4541. These provisions are in titles I and II of the legislation and provide regulatory relief for the domestic futures exchanges, legal certainty for over-the-counter products, and allow for the trading of single stock futures.

This latest version of the legislation adds two new titles not included in the original House passed bill. Title III, Legal Certainty for Swap Agreements, provides guidelines for the SEC's role in regulating swaps.

Title IV, the ''Legal Certainty for Bank Products Act of 2000'', excludes identified banking products from the Commodity Exchange Act. It provides guidelines to determine the proper regulator for hybrid products. If the regulators do not agree on who should regulate a product, the court will decide.

Senator LUGAR and Senator GRAMM have worked tirelessly in the Senate, with the

House, and with the Administration to make this bill possible.

Secretary Summers in coordination with Chairman Rainer and Chairman Levitt and countless numbers of their staff put in many hours working through this language to reach agreement.

Finally, I would like to thank Chairman COMBEST, Chairman LEACH, Chairman BLILEY and all the Ranking Members who have worked so hard on this legislation, particularly to pass the H.R. 4541 version of this bill through the House, and to produce the final package we have presented today. Everyone involved and their staff should be commended for their extraordinary efforts.

It is my hope that this legislation will enable America to continue being the world leader in financial markets for decades to come.

AMERICAN HOMEOWNERSHIP AND ECONOMIC OPPORTUNITY ACT OF 2000

SPEECH OF

HON. MARGE ROUKEMA

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 5, 2000

Mrs. ROUKEMA. Mr. Speaker, I am very pleased that H.R. 5640 included a provision, originally included in my bill H.R. 3637, that makes certain technical corrections to the Homeowners Protection Act of 1998. Although there is no specific effective date attached to the provision, it is the expectation of Congress that lenders subject to sections 402 (b) and (c); 405 (a) and (b); 406(c)(2) will have a reasonable period of time to effect compliance with the terms of these sections. Those sections offer guidance on specific products and processes that are not addressed in the original law. Lenders will need time to make systems changes and conform administrative processes to the new provisions. This flexibility is especially important because the Homeowners Protection Act of 1998 does not authorize a federal agency to provide implementing regulations and guidance.

RECOGNIZING ''FALUN DAFA WEEK''

HON. RUSH D. HOLT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 14, 2000

Mr. HOLT. Mr. Speaker, in May of 1992, Mr. Li Hongzhi had an idea—one that would promote better health and moral living in the people of China and those around the world who chose to partake in the ancient practice of Falun Dafa.

The phenomenon quickly swept the country and eventually the world as men and women rediscovered their ancient Chinese culture. Through simple exercises, practitioners strove to renew their senses of Truthfulness, Compassion and Forbearance that serve as a foundation for their happiness and spiritual satisfaction. Ultimately, individuals found strength, physical well-being and peace as they embraced the simplicity of this self-improvement practice.

But despite the recognition that Mr. Li gained throughout the world and despite the thousands of practitioners scattered all over the globe, a crackdown occurred—a crackdown that denied the right to freedom of religion to thousands of Chinese citizens.

Apparently through fear of losing control over its citizens, the Chinese government started a crusade to persecute those practicing Falun Dafa. Characterized as an ''evil force,'' the Chinese government worked tirelessly to suppress the practice of Falun Dafa by enacting anti-cult laws and committing human rights abuses.

Although Falun Dafa believers lead peaceful lives and emphasize nonviolence, practitioners found themselves being persecuted, beaten and imprisoned for simply practicing their beliefs. Numerous men and women have been the victims of torture, suffering and death, and many individuals feel that these attacks on Falun Dafa practitioners are unconscionable and unwarranted. They fly in the face of freedoms that we in the United States all too often take for granted.

Mr. Speaker, all people should have the right to practice their religious and philosophical beliefs without persecution or prejudice. Therefore, in honor of those men and women who have risked their lives for the practice of Falun Dafa and in honor of the emotional and physical benefits that Falun Dafa has given to thousands of practitioners worldwide, I urge my colleagues to join me in condemning this abuse of religious freedom. Let us recognize those who choose to participate in the Falun Dafa movement and commend the contributions, spiritual fulfillment and happiness that it has offered to many individuals worldwide.

HONORING DR. HOWARD D. CLARK

HON. CHARLES W. ''CHIP'' PICKERING

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 14, 2000

Mr. PICKERING. Mr. Speaker, today I honor Dr. Howard D. Clark, a constituent of mine from Morton, Mississippi, for receiving the ''National Country Doctor of the Year'' award for the year 2000. This award is sponsored by Safe Care, Inc., a national physician association based in Irving, Texas. Dr. Clark was selected for this award from 501 nominees submitted from 41 states. Safe Care defines a ''country doctor'' as one who serves a community with a population of 25,000 or less. Morton's population is approximately 3,000 people. Dr. Clark, who has been practicing in Morton since 1965, is truly an ''old time family doctor'' who still makes house calls and knows his patients as people and friends, not strangers.

Dr. Clark's philosophy has always been that if he was going to be someone's doctor, he was going to be it 24 hours a day, 7 days a week. In the early days of his practice, he would make rounds at the hospital, work at his clinic all day, and then pick up his house calls for the nights, working as late as 10 p.m. each night.

Dr. Clark, at the age of 73 shows no signs of slowing down his service as a physician. He sees an average of 60 patients a day, cares for about 20 more in the hospital, and 110 in the local nursing home. Twice a week he works the 12 hour night shift at the Scott Regional Hospital emergency room. Twice a month, he handles the 36 hour weekend shift at the emergency room.

The commitment of Dr. Clark to the town of Morton, Scott County, and the surrounding area is legendary. In a letter to the ''Country Doctor of the Year'' nomination committee, Morton's Mayor Charles Steadman wrote that ''Dr. Clark has served the local high school as the Doc on the sidelines at all ball games at no charge, having missed only one game in 48 years because he was delivering a baby. In the past few years, he had heart surgery on a Tuesday and was at the game with the team the following Friday night.'' Michael Edwards, Administrator at Scott Regional Hospital wrote that in 1994, ''Dr. Clark had cervical surgery one Monday morning after making his morning hospital calls. He checked out of the hospital Tuesday morning and saw patients in his clinic on the way home. He saw patients daily in his clinic and in the hospital during his post-operative days. Not once, did I ever hear Dr. Clark complain.''

Dr. Clark's undergraduate degree is from Mississippi State University and his medical degree is from Tulane University. He and his wife, Jackie, together have 13 children, 22 grandchildren, and 12 great-grandchildren. Six of the children were born to Dr. Clark and his first wife, Mildred, who passed away 33 years ago. In the Morton area, Dr. Clark has delivered more than 4,500 babies.

Sid Salter, Editor of the Scott County Times newspaper stated that ''Dr. Clark is most deserving of this award because of his generosity, stamina, bedside manner, dedication to community, and his medical ability.'' Further, he said that Dr. Clark has been the complete package in his county—serving his patients, his town, his country, his state and nation, and his fellow man faithfully and true for decades.

Thus, it is an honor indeed for me to recognize and bring to the attention of Congress a fine Christian gentleman, my constituent from Morton, Mississippi, Dr. Howard D. Clark, the National Country Doctor of the Year. Congratulations Dr. Clark.

THE MIDDLETOWN THRALL LIBRARY CELEBRATES A CENTURY OF SERVICE

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 14, 2000

Mr. GILMAN. Mr. Speaker, I wish to call to the attention of our colleagues the Centennial of the Thrall Library in Middletown, N.Y. On January 12, 2001 the Middletown Thrall Library will celebrate 100 years of service to our community.

The Thrall Library was first constructed at the turn of the century with funds donated by Mrs. Sabra Maretta Thrall. Mrs. Thrall gave the City of Middletown $30,000 with the instruction that the money was to be used to build a public library. It was important to Mrs. Thrall that all residents have access to the library and that it remains open to the public.

At the time Mrs. Thrall made her donation, Middletown was a thriving, vital railroad center

in the midst of rich, productive farm land. Stately mansions sprang up in Middletown as a result of the fortunes which were made in the boom economy brought about by the explosion in industry and transportation which touched most parts of our nation. Mrs. Thrall was a widow whose late husband had made his fortune as a grocer, both in Middletown and in New York City.

Although Mrs. S. Maretta Thrall was a private person, it can be deduced that her generosity may have been inspired by Andrew Carnegie, the man who became a millionaire in the steel industry and who donated millions of dollars to construct libraries in over 1,400 communities throughout the United States.

Mrs. Thrall's obituary was published on July 7, 1897. She was about 65 years of age at the time of her passing, and was a widow preceded in death not only by her husband but also by her only brother and only child. Her obituary stated that she had ''a naturally bright and sunny disposition, and was surrounded by friends.'' The obituary went on to say that she could not enjoy her fortune because ''disease laid its stern hand upon her.''

Prior to her death Mrs. Thrall had left money and land to the City of Middletown for what were known as Thrall Hospital and Thrall Park. The provisions for the Thrall Library were included in a codicil to her will. The library was built on a city owned lot on Orchard Street.

Now a century old, the Thrall Library has made a great amount of progress throughout the years. When its doors first opened it was simply just a quiet place to research and read. However, the Thrall Library has evolved into so much more. It is now a resource center for the community. The library houses meeting rooms for local groups to gather at. As well, the library has instituted a number of programs for children to take part in. Located at the library are several computers that provide free Internet services to its patrons. Often, we fail to realize just how important our libraries are, and how much they offer.

On February 13, 1995, the Thrall Library officially opened for business at its new location, the olde Erie Railroad Station at 11–19 Depot Street in Middletown—just a few steps from its original building on Orchard Street. In this modern, new location, the Thrall Library prepared to meet the challenges of the communications and education explosion which would usher in the new millennium.

Public libraries are extremely important to our communities. They enlighten and enrich all of the patrons that choose to take advantage of the vast resources that they have to offer. Public libraries educate all walks of life, and stand as a common ground for all those who want to learn. S. Maretta Thrall realized this.

Today's libraries work hard to reach out to the cultural, social, and educational needs of their patrons. The Thrall Library is constantly looking for new ways to aid our community. With over seventeen thousand card holders to date, the number of members continues to rise.

In 1983, I had the honor of placing the Thrall Library on the list of Federal Depository Libraries. Since then, Thrall Library has been one of two libraries in my Congressional District to be provided with all federal government publications.

In honor of their 100th anniversary and all of the great work that the Thrall Library has achieved over the years, the members of the library plan to commemorate this milestone event throughout the coming year.

This momentous occasion will be celebrated by the good people of Middletown, N.Y. with a series of events. An illustrated history of the library is being compiled and will be published as a journal. The Library is also planning to allot each month of the year 2001 a different theme, drawing patrons to the library for a variety of celebrations. While honoring their years of service, the library will also be honoring the community and all of its members.

As we celebrate this centennial, we especially salute and thank the current Board of Trustees of the Thrall Library: Ms. Marlena F. Lange, President; Mr. Richard Bell, Vice President; Mr. Ralph Russo, Secretary; Mrs. Gertrude Mokotoff; and Mr. Stephen Shaw. We also salute and thank Mr. Kevin Gallagher, the current library Administrator.

The work that is being done by the Thrall Library and other public libraries like it throughout the country is amazing. Thrall has been bringing its patrons together and enriching their lives for a century. We are proud of the significant strides made by such this great institution.

Mr. Speaker, some of the fondest memories of my younger life were days and nights spent reading at the Thrall Lilbrary. While our society has changed in many ways since those years, one thing which has remained constant is the constant quest for knowledge, the insatiable curiosity, which motivates all of our young students. It is to them that we dedicate the centennial of the Thrall Library, with the promise of much greater knowledge to come in the future.

One of our nation's founding fathers, the architect of our Constitution who went on to serve as our fourth President, James Madison, once stated: ''Learned institutions ought to be favorite objects with every free people. They throw that light over the public mind which is the best security against crafty and dangerous encroachments on the public liberty.''

As the 100th anniversary of the Middletown Thrall Library approaches, let us recall these words of James Madison and appreciate the national treasure which is our public library system.

INDIAN POLICE TRY TO STOP SIKHS FROM VISITING RELIGIOUS SHRINE IN PAKISTAN—SIKHS REALIZE NEED FOR INDEPENDENT KHALISTAN

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 14, 2000

Mr. TOWNS. Mr. Speaker, many of us have spoken to the House about the oppression of Sikhs and other minorities in India. I am distressed to have to report yet another incident.

Last month, thousands of Sikhs gathered from around the world to celebrate the birthday of the first Sikh guru, Guru Nankana Sahib, in his birthplace, Nankana Sahib, which is in present-day Pakistan. My good friend Dr. Gurmit Singh Aulakh, President of the Council of Khalistan, was among those in attendance. The government of Pakistan had issued 3,200 visas for Sikhs from Punjab to come across the border and visit Nankana Sahib for this very important religious occasion. At the Attari, railroad station on the border between India and Pakistan, a group of 6,000 police with sticks called lathis charged the 3,200 Sikhs. They sprayed them with tear gas. Only 800, one-fourth of the number granted visas, were allowed to go to Nankana Sahib. Three-fourths were prevented from attending this religious event.

Now, Mr. Speaker, this is purely a religious event. There was no politics involved. It was an observance of a religious occasion at a religious shrine, not a rally against the government of India. There was no good reason to prevent these Sikhs from attending this religious event except to intimidate them and create a climate of fear because of their religion. Freedom of religion is one of the essential freedoms of a democratic state, yet this action makes it clear again that religious freedom does not exist in India. It may exist in theory, it may be written in Indian law, but in actual fact there is no religious freedom for Sikhs, Christians, Muslims, and other minorities. In practice, the real policy of the militant Hindu nationalist Indian government, no matter who is charge, is to create a Hindu state and wipe out all other religious expressions. As former Prime Minister Chandra Shekhar pointed out, there is no difference between the ruling BJP and the opposition Congress Party. The effect for religious minorities is the same.

Since 1984, according to Inderjit Singh Jaijee's The Politics of Genocide, over 250,000 Sikhs have been murdered in India. India has killed more than 200,000 Christians in Nagaland since 1947, over 70,000 Kashmiri Muslims since 1988, and tens of thousands of other minorities. There is only one way to put an end to the killing and the oppression, as the Sikhs who were attacked at the Attari station can tell you. It is to allow the people of Khalistan, the people of Kashmir, the people of Nagalim, and all the nations of South Asia to live in freedom.

Mr. Speaker, it is time to tell the truth about India. Despite its pretense of democracy, it is a theocratic Hindu state where human rights for minorities are a matter of personal whim and political expediency. Such a country must be declared a violator of basic religious rights, with all the penalties that entails. It must be declared a terrorist nation, as 21 of us wrote to President Clinton earlier this year, and a hostile country, as 17 of us wrote in another letter. Given this abysmal record the United States must stop its aid to India and demand a free and fair plebiscite in Punjab, Khalistan, in Kashmir, in Nagaland, and throughout India to decide the future of these Indian-held states in a democratic way. These measures will help to ensure that the glow of freedom can finally shine on all the people of South Asia.

I would like to submit the Council of Khalistan's open letter on this incident into the RECORD at this time. It is very informative, and I urge everyone to read it.

COUNCIL OF KHALISTAN,
Washington, DC, December 7, 2000.

POLICE HARASS SIKH PILGRIMS TO DISCOURAGE THEM FROM VISITING NANKANA SAHIB

THERE IS NO PLACE FOR SIKHS IN INDIAN ''DEMOCRACY''—PROFESSOR DARSHAN SINGH SAID AT NANKANA SAHIB, ''IF A SIKH IS NOT A KHALISTANI, HE IS NOT A SIKH''

KHALSA JI: Last month, it was my privilege to attend the 531st birthday celebration

of Guru Nanak Sahib. I would like to thank everyone involved for their hospitality. However, some Sikh pilgrims from Punjab who tried to attend this important religious event were not so cordially treated. A majority of the Sikhs were stopped at the Attari railway station on the border by 6000 police with lathis. 3200 pilgrims were beaten by the police and tear gas was used. Only 800 were allowed to visit Nankana Sahib. It was very clear to the Sikhs that the Indian government does not want Sikhs to visit Guru Nanak's birthplace. These Sikhs from Punjab realize that they need a free and independent Khalistan so that no one can ever again stop them from participating in the birthday celebration of Guru Nanak in Nankana Sahib.

This harassment of Sikhs shows us again that we need a sovereign, independent Khalistan to visit our holy shrines, to protect our rights, our security, and our dignity. Under Indian rule, Sikhs are not even allowed to visit Guru Nanak's birthplace to celebrate his birthday. Sikhs are slaves under Indian rule. As long as India continues to occupy our homeland, our slavery will continue. There is only one solution: a sovereign, free, and independent Khalistan. Only in a free Khalistan can Sikhs live in freedom, dignity, prosperity, and peace. Without political power, nations perish. Professor Darshan Singh Ragi, former Jathedar of the Akal Takht, said, ''If a Sikh is not a Khalistani, he is not a Sikh.'' We must reclaim our lost sovereignty. If the BJP wants Hindu Raj, then why does it object to Khalsa Raj?

The Sikh Nation is sovereign and ruled Punjab up to 1849 when the British took over. Punjab was recognized by most of the world's major powers at that time. It was a truly democratic, truly secular state, rule of the Punjabis, by the Punjabis, for the Punjabis. Maharajah Ranjit Singh had Muslims and Hindus in his cabinet and among his generals. Under his rule, religious shrines of all religions were built, with his support. This is the kind of state that India claims to be, but is not. Behind the pretense of secular democracy, India is a Hindu theocratic state that oppresses Sikhs, Christians, Muslims, and others.

The Sikhs outside India are Khalistanis. They are the ones who will free Khalistan. The present Akali leadership is under Indian government control. India will only allow Akali leaders to come out of India if they toe the line of the Indian government. These Akali leaders are not welcome in foreign countries.

None of the political parties will lead Punjab, Khalistan to freedom. The Shiromani Akali Dal, under the leadership of Chief Minister Badal, is in political coalition with the militant Hindu nationalist Bharatiya Janata Party (BJP), which is part of the RSS, an organization founded in support of Fascism. Badal has not even kept the modest promises that he made to get elected: to free the political prisoners and to hold police officers responsible for their actions in the genocide against the Sikh Nation. Gurcharan Singh Tohra, leader of the All-India Akali Dal, worked with the Indian government prior to the attack on the Golden Temple and surrendered to the Indian forces when they came into the Sikh Nation's holiest shrine. Simranjit Singh Mann was elected to Parliament with the support of Badal after promising not to mention Khalistan. At the Sikh Day Parade in New York, Mann would not join in when the crowd chanted ''Khalistan Zinbabad.'' Even U.S. Congressman Major Owens joined in. Yet Mann would not do so. This revealed his true colors. In 1989, he wrote to the Chief Justice of India pledging his support for India's constitution and territorial integrity.

The Congress Party is no better. It is the party that conducted the invasion and desecration of the Golden Temple. Recently, former Prime Minister Chandra Shekhar said that there is no difference between the BJP and Congress, and he is right.

India's genocide against the Sikh Nation highlights the problem the Sikh Nation faces without our own raj. The Indian government continues its effort to try to wipe the Sikh religion out of existence. A free Khalistan is essential for the survival of the Sikh Nation.

There are still 50,000 Sikhs rotting in Indian jails without charge or trial. Yet the Sikh leaders have remained silent. According *The Politics of Genocide* by Inderjit Singh Jaijee, over 250,000 Sikhs have been murdered at the hands of the Indian government according to the Punjab State Magistracy, yet the Sikh leadership remains silent. Why can't they start a *Shantmai Morcha* to free the Sikh political prisoners?

The massacre of 35 Sikhs in Chithi Singhpora shows that without sovereignty, the Indian oppression of the Sikh Nation will continue. Two exhaustive investigations have proven that the Indian government is responsible for this massacre. Now the Indian government has even admitted that the alleged militants they killed were innocent. This atrocity underlines the need for a sovereign, independent Khalistan. The Indian government has demonstrated that it can conduct massacres of Sikhs whenever and wherever it wants. The Khalsa Panth must answer this wake-up call and free Khalistan.

Punjab is a police state. None of the political parties will bring us Khalistan. If we do not show courage and liberate Khalistan, the coming generations of Sikhs will also live in slavery. They will not forgive us if we do not liberate our homeland.

In Panjab, they will not procure your rice crop. Farmers are forced to buy fertilizer at extremely high prices; then the government buys up all their produce at artificially low prices to keep the farmers poor even though Panjab, with just two percent of the population, produces over 60 percent of India's wheat and rice reserves. The farmers of Punjab should not have to live that way. In a free Khalistan, we can sell our produce anywhere in the world to maximize our profit. We will not have to have our water diverted to non-riparian states. Free Khalistan will bring economic prosperity for the farmers of Punjab in particular and other Punjabis in general. Indian rule only means economic deprivation and slavery.

India claims that it is a democracy, but there is more to democracy than elections. Democracies don't commit genocide. If India is a democracy, then why won't it allow the people of Punjab, Khalistan, Kashmir, and the other minority nations it occupies to vote on their political status in a free and fair plebiscite?

India is very unstable. India is on the verge of disintegration. It will disintegrate by the year 2010. Kashmir is going to be free from Indian control soon. As soon as Kashmir is free, Khalistan will follow it. The only way to escape Indian slavery is to liberate Khalistan. New Sikh leadership must emerge to free the Sikh Nation. They should demand self-determination. They should raise the slogan ''India Quit Khalistan'' and start *Shantmai Morcha* until we achieve freedom. We have now seen how the India government controls Sikh institutions and the entire Sikh leadership in Punjab.

Unless the Sikh Nation brings back the Sikh spirit and fight for truth and justice as practiced by Guru Nanak, the Khalsa Panth will not prosper. Remember Guru required the Khalsa to remove evil. Only in a free Khalistan will Sikhs be able to live as required by the Guru. Only in a free Khalistan can the Sikh religion flourish. Only then can the Sikh Nation finally enjoy the glow of freedom that is our birthright. Let us join hands to accomplish our goal of a free Khalistan by 2010.

Khalsa Ji, the responsibility is ours. We must start a Khalsa Raj Party and begin a *Shantmai Morcha* to liberate Khalistan. We must stop supporting leaders who are under the control of the brutal Indian government. We must remember our heritage, ''Khalsa Bagi Yan Badshah.'' Let us commit ourselves to liberate Khalistan and control our own destiny so that the Sikh Nation can flourish and prosper. Support only those new leaders who are honest, dedicated, fearless, and committed to freedom for Khalistan. Any other course is support for keeping the Khalsa Panth in slavery.

Sincerely,

DR. GURMIT SINGH AULAKH,
President,
Council of Khalistan.

TRIBUTE TO ALLAN HOWE (D–UTAH), FORMER MEMBER OF THE U.S. HOUSE OF REPRESENTATIVES

HON. JAMES V. HANSEN

OF UTAH

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 14, 2000

Mr. HANSEN. Mr. Speaker, I am pleased today to pay special tribute to a gentleman whom I—and many of my colleagues—knew and respected for many years. Our good friend Allan Howe (D-Utah) passed away today, December 14, 2000, after a valiant struggle with heart disease. Some of you may recall Allan from his service in the U.S. House of Representatives from 1975–77. Earlier this year, Allan retired from his position as Washington Representative for the National Park Hospitality Association after decades of valuable service. At NPHA, Allan worked tirelessly to make sure that we in the Congress understood the concerns of the many businesses, large and small, that work as partners in serving the millions of visitors to our National Parks. We are grateful for those efforts. We also salute his years of public service, starting back home in Utah, where he worked as a city, county and state attorney, as Executive Director of the four Corners Regional Development Commission, and as an aide to the governor. Here on Capitol Hill he served the people of Utah as well, as an administrative assistant to Senator Frank Moss, and then as a Member of Congress himself, serving on what are now the Resources and Transportation and Infrastructure Committees. After leaving the Congress, he remained in Washington and worked on a variety of important issues, including solar energy, prior to focusing on National Park matters.

Allan's career was marked by a deep love of this country and a strong appreciation of its magnificent natural wonders, both nurtured from his earliest days as a boy in Utah. That love of country and the great outdoors served him and the people of this country very well for very many years. So, thank you, Allan, and Godspeed.

PERSONAL SOCIAL SECURITY ACCOUNT ACT OF 2000

HON. JOHN R. KASICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 14, 2000

Mr. KASICH. Mr. Speaker, today I am introducing the ''Personal Social Security Account Act of 2000.'' Since its inception in 1935, Social Security has provided financial independence and retirement security for millions of senior citizens. Unfortunately, Social Security is on the road to bankruptcy. Just fifteen years from now, Social Security will not collect enough payroll taxes to pay promised benefits. This is not a temporary problem limited to the retirement of the baby boomers. Americans are living longer and having fewer children. There will be fewer workers to support each retiree even after the baby boomers are gone.

Social Security faces a cash shortfall of more than $130 trillion over the next 75 years. While these deficits will not affect today's seniors, our children face three choices—raise payroll taxes by 50%, reduce promised benefits by 30%, or face a crushing burden of debt. We must not let Social Security's tidal wave of red ink be our legacy to America's children. We must find a way to protect our seniors' retirement security without sacrificing our children's standard of living. That's why I have introduced the ''Personal Social Security Account Act of 2000.'' This legislation would increase future benefits by prices instead of wages, and it would allow workers to create their own personal savings account.

Under current law, initial benefits for new retirees are increased each year by the growth in wages. As a result, over the next 75 years, promised benefits will nearly double, even after adjusting for inflation. Under this legislation, benefits for workers under the age of 55 will be increased by the consumer price index. Switching from wage indexing to price indexing will eliminate the Social Security shortfall and avoid future payroll tax increases while at the same time guaranteeing today's level of benefits for future retirees.

Workers under the age of 55 will also be given the option to invest an average of 2% of their wages in their own personal savings account. The exact amount each worker can invest will be related to their wages in order to maintain the progressivity of the current Social Security system. Based on historical rates of return, most workers who choose to set up a personal account will earn far greater benefits than the govenrment could ever afford to provide under current law.

Today's economic prosperity provides us with an historic opportunity to preserve Social Security for three generations—our parents, ourselves, and our children. We must seize this opportunity and build a bipartisan consensus for Social Security reform.

HONORING JOANNE LOTHROP

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 14, 2000

Mr. STARK. Mr. Speaker, today I pay tribute to Joanne Lothrop, a longtime community activist in San Leandro, where she has served on the city council since 1996.

Her involvement in public service began nearly 22 years ago as a volunteer with the Girls, Inc. program. As a staff member, she learned the importance of being a role model to youth and understood the importance of introducing life skills to young women to foster leadership and independence. She was a program director of Health Initiatives for Youth and has an extensive background in community organizing. Whether advocating on behalf of inter-city children, farm workers, or HIV positive youth, Joanne's focus is unwavering and her commitment is exemplary. Joanne is always available to lend a hand be it fundraising, advocacy, legislation, education, or community organizing.

As a San Leandro City Councilwoman, Joanne has worked toward a regional cooperative approach in the areas of environmental justice and sustainable communities. She brought together citizens, business leaders, and environmental interests to form the West San Leandro Advisory Committee to study the environmental impacts of both industrial and residential development. Joanne has demonstrated leadership in maintaining the jobs-housing balance in San Leandro and adjacent communities. She has worked to retain high wage employers in the city and attract new businesses to increase job opportunities for San Leandro and East Bay residents.

Joanne has received numerous awards and special recognition including five National Girls Inc Outstanding Program Awards. I join her colleagues in thanking her for her community service as well as her contributions to the city of San Leandro during her tenure on the city council. Joanne has chosen not to run for another term on the city council. Her voice on the council will be missed but we look forward to many more years of her dedicated community service.

IMPROVING QUALITY OF CARE IN ASSISTED LIVING FACILITIES

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 14, 2000

Mr. STARK. Mr. Speaker, the Institute of Medicine will shortly release a publication entitled, ''Improving the Quality of Long-Term Care.'' A committee of our nation's leading experts in the area of long-term care compiled information on quality in various long-term care approaches, including assisted living.

The report finds that there are few studies of outcomes and quality in assisted living facilities, primarily because of the lack of a uniform definition of this category of facilities. Assisted living facilities can have enormous variation in services and environment, and the varying definitions from state to state make comparisons difficult.

The report also finds that the small body of research that does exist illustrates that ''residential care facilities, including assisted living, present a mixed picture in terms of both quality of care and quality of life. Some offer individualized, high-quality care in facilities that afford privacy, dignity, and individualization. However, others appear to lack adequately trained staff, and offer neither sufficient amount of care nor privacy and 'homelike' settings. Also, there are indications that consumers may receive too little information to make informed choices regarding these facilities and the services provided.''

Many consumers are drawn to the philosophy of assisted living, a model developed to combine the care of other long-term care settings with an environment promoting dignity and independence. This upcoming IOM report, though, highlights the disconnect that exists between the philosophy of assisted living and its implementation. It references a study that found only 11 percent of facilities provided high levels of both privacy and service, the philosophy of assisted living. On the contrary, the majority of assisted living facilities, 65 percent, offered low levels of service (e.g., no full-time registered nurse on staff) and 40 percent offered low levels of privacy.

Another disconnect between assisted living philosophy and practice is the concept of ''aging in place.'' Despite the marketing claims of consumers being able to live out their lives in their assisted living homes, consumers are finding out they may not be able to obtain needed services or be allowed to stay if they develop conditions that require more care. The IOM report references a survey of assisted living facilities that found 76 percent of assisted living facilities would discharge anyone who needed skilled nursing care for more than 14 days, and 72 percent had already done so within the past 6 months.

The wide variation in definitions of assisted living facilities also poses problems for states in developing regulations that ensure quality. Some states view assisted living as an alternative to nursing home care while others view assisted living as a model for people with less serious conditions than nursing home residents. These differing perceptions as to what constitutes assisted living leads to varying standards from state to state. In my view, there needs to be a more consistent approach to ensuring quality and protections for the residents in these facilities.

IOM provides further support for the need to focus on quality of care in assisted living facilities. I introduced H.J. Res. 107, calling for a White House conference for conducting a national dialogue on this issue and for developing recommendations. I hope that my colleagues will join me in ensuring the safety of our nation's elderly in their assisted living homes and make this an important effort of the 107th Congress.

HONORING THE LATE GINA VEGA

HON. JOE BACA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 14, 2000

Mr. BACA. Mr. Speaker, today I Honor a devoted wife and mother of six, Gina Vega. It is with much sadness that we mark the passing of such a great person who graced this world and the lives of all those who were close to her, especially her husband Felipe.

Gina exemplified compassion, family values, and dedication. She gleamed with joy at the thought of her children and would go to the ends of the earth to ensure their security and comfort. She never questioned the needs of others and was always willing to help out where ever she could. She was and will remain such a tremendous person in our thoughts and in our memories.

Gina was never the type of parent to push her children, but instead offer her support. Her eldest child, Raquel, blind from birth, was blessed with a voice from heaven and has used that voice for the good or her culture. Since the age of 14, Raquel has been singing with the Inland Empire Mariachi Youth Foundation and has plans to someday teach children just like herself. Raquel could not have done this without the devotion of her mother. Gina devoted her time and efforts to the success of her daughter as well as the success of the group.

This past May, in an effort to expose Washington to the culture of Mariachi music as well as provide an opportunity for the children to experience our Nation's Capitol, I brought these talented children here to Washington, DC. Gina gave up her opportunity to go on the trip so she could stay at home to take care of her other children and prepare the group for their journey.

This is exactly the type of person Gina was. She never complained and was willing to give up large portions of herself to the needs of her children as well as the needs of the entire group as a whole.

Gina lived a fulfilling life graced by her husband and her children. Not only was she blessed with Raquel, but she was blessed with five other children that are just as talented and beautiful as the first. Vanessa—age 16, Tatiana—age 14, the twins Felipe and David—age 11, and the youngest Steven—age 5, all stand as a reminder of the excellence and selflessness that was Gina.

I join with all of those who loved Gina in extending our prayers to the family and hope they find peace and comfort during this time of sorrow.

God Bless.

COMMENDING IRVINGTON HIGH SCHOOL FOR RECEIVING THE NEW AMERICAN HIGH SCHOOL AWARD FROM THE UNITED STATES DEPARTMENT OF EDUCATION

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 14, 2000

Mr. STARK. Mr. Speaker, today I commend and congratulate Irvington High School in Fremont, California for receiving a New American High School Award from the United States Department of Education.

The U.S. Department of Education New American High School Award is given to high schools that demonstrate a commitment to ensuring that all students meet challenging academic standards and are prepared for colleges and careers. This program is part of the Department of Education's effort to reform our schools.

Irvington High School was one of only 27 schools in the country to win this award for 2000. Irvington High School won this award by making a schoolwide effort to refuse to accept subpar schoolwork from any student. To make sure all students can earn good grades, the school offers extra help to pupils with academic difficulties. To aid these students, the teachers help the student identify their weaknesses and develop a pact for rectifying them. The school also fosters responsibility to one's community by requiring students to complete a minimum of 40 hours of community service as a requirement for graduation.

Finally, the school requires that all seniors participate in a ''personal quest'' by doing a research project and oral presentation on a subject that fascinates them. Students have embarked on ''personal quests'' to learn about careers that they want to pursue after graduation. These quests have ranged from one student learning about becoming a photographer to another learning about becoming a marine biologist. Each student must work with a school advisor and must gain actual work experience in the occupation in which they are interested.

This combination of innovative teaching and emphasis on public service has made Irvington High School a shining example to other schools across America on how to educate our students to thrive in the 21st century. Again, I want to extend the highest commendation and congratulations to Irvington High School for its outstanding performance in educating our children. This award recognizes what the citizens of Fremont, California have always known, that the faculty and students of Irvington High School are first rate in every aspect.

ELIMINATE RACIAL AND ETHNIC DISPARITIES IN HEALTH CARE

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 14, 2000

Mr. STARK. Mr. Speaker, Medical Care Research & Review recently released a special issue, compiling ten articles from our nation's leading researchers in the area of racial and ethnic health disparities. Taken altogether, these investigations add to a growing body of evidence that leaves little doubt as to the pervasive and persistent presence of racial and ethnic disparities in health insurance coverage and access to care.

Many variables are thought to contribute to racial and ethnic disparities in health care, such as status of health care coverage and income level. Yet across each investigation, regardless of outcome measured, racial and ethnic disparities persisted—even when the effects of income, health care coverage status, and other individual characteristics were controlled.

As our country continues to diversity, with growing populations of African Americans, Latinos, Asians & Pacific Islanders, and Native Americans, we, as a nation, must be responsive to the needs of all citizens. As reflected in the following findings, this special issue of Medical Care Research & Review highlights areas that need to be addressed to ensure equitable health care access for everyone.

People of color are far more likely to lack health care coverage as compared to whites, primarily due to lower rates of private health insurance coverage, especially employment-based coverage. In 1996, people of color comprised only one quarter of the non-elderly population, yet they represented 41% of the uninsured.

The effects of race and ethnicity extend beyond insurance coverage to encompass the entire treatment process. For example, the referral process for invasive cardiac procedures involves multiple steps and decisions. At every step, ranging from the initial recognition of symptoms by the patient to obtaining referrals for coronary angioplasty or coronary artery bypass surgery, race and ethnicity issues can (and often do) enter into the equation.

Hispanics and African Americans are much more likely to lack a usual source of health care and less likely to use ambulatory care as compared to whites. The disparities are greatest for Hispanics—for whom the probability of lacking a usual resource of care increased from 19.9% in 1977 to 29.5% in 1996. By way of contrast, this figure represents twice the risk faced by whites in 1996.

Race and ethnicity are also factors in the likelihood of being hospitalized for a preventable condition, which is an indicator of limited access to primary care. When preventable hospitalizations are compared across minority groups and whites, those that fare the worst are Hispanic children, African American adults, and Hispanic and African American elderly. Even among elderly Medicare beneficiaries, all of whom have equal health insurance coverage, the odds of minority beneficiaries requiring a preventable hospitalization are 6 to 21% greater than for white beneficiaries.

These many differences are not simply due to unresponsive attitudes of a few individual physicians, but the health care delivery system as a whole. People of color are twice as likely to say that racism is a major problem in health care. Two-thirds of African Americans and more than half of Latinos believe they receive lower quality care than whites, but most whites believe everyone receives the same quality of care. Not surprisingly, those patients who perceive more racism and who are more distrustful of the medical system are less satisfied with their health care.

These findings illustrate the importance of delivering culturally competent health care at the provider level and throughout the health care delivery. One model, presented in this special issue of Medical Care Research & Review, illustrates how cultural competency is comprised of nine major components, including interpreter services, recruitment and retention of bilingual and bicultural health care professionals, and the inclusion of family and community members throughout treatment. As a result of these techniques, positive changes in clinician and patient behavior, such as improved communication, increased trust, and expanded understanding of how cultural and environmental factors affect patient behavior, can occur. Such positive changes can lead to the provision of more appropriate health care services and better outcomes—not just in health status but also in quality of life, well being, and satisfaction across all ethnic groups.

These findings further support the need for eliminating disparities that persist in health care and treatment. In order to truly be an inclusive society, we must continue to work toward an equitable and fair health care system. The Minority Health and Health Disparities Research and Education Act (S. 1880), which was signed into law this year, along with health disparities provisions in the possible Balanced Budget Act relief legislation are two positive steps in that direction. I hope we can build on these successes in the upcoming Congress and I look forward to working with my colleagues on this important endeavor.

Daily Digest

Senate

Chamber Action

Routine Proceedings, pages S11765–S11805

Measures Introduced: Three bills were introduced, as follows: S. 3277–3279. **Pages S11789–91**

Measures Passed:

International Fishery Agreement: Senate passed H.R. 1653, to complete the orderly withdrawal of the NOAA from the civil administration of the Pribilof Islands, Alaska, and to assist in the conservation of coral reefs, clearing the measure for the President. **Page S11795**

Private Relief: Committee on the Judiciary was discharged from further consideration of H.R. 1023, for the relief of Richard W. Schaffert, and the bill was then passed, after agreeing to the following amendment proposed thereto: **Page S11796**

Grams (for Durbin) Amendment No. 4362, to provide for the relief of Valdas Adamkus, President of the Republic of Lithuania. **Pages S11791, S11796**

George Atlee Goodling Post Office Building: Senate passed H.R. 5210, to designate the facility of the United States Postal Service located at 200 South George Street in York, Pennsylvania, as the ''George Atlee Goodling Post Office Building'', clearing the measure for the President. **Page S11796**

J.T. Weeker Service Center: Senate passed H.R. 5016, to redesignate the facility of the United States Postal Service located at 514 Express Center Drive in Chicago, Illinois, as the ''J. T. Weeker Service Center'', clearing the measure for the President. **Page S11796**

Inspector General Act Amendments: Senate passed S. 870, to amend the Inspector General Act of 1978 (5 U.S.C. App.) to increase the efficiency and accountability of Offices of Inspector General within Federal departments, after agreeing to the committee amendment in the nature of a substitute, and the following amendment proposed thereto: **Pages S11791, S11796–99**

Grams (for Collins) Amendment No. 4363, to provide for Inspectors General to propose and submit annual budget estimates, and make certain technical corrections. **Page S11791**

International Malaria Control Act: Senate concurred in the amendments of the House to S. 2943, to authorize additional assistance for international malaria control, with a further amendment proposed thereto: **Pages S11802–05**

Byrd (for Helms) Amendment No. 4364, in the nature of a substitute. **Pages S11791–92, S11805**

Messages From the House: **Page S11787**

Communications: **Pages S11787–88**

Petitions: **Pages S11788–89**

Statements on Introduced Bills: **Pages S11789–90**

Additional Cosponsors: **Page S11791**

Amendments Submitted: **Page S11791**

Additional Statements: **Pages S11782–84**

Recess: Senate convened at 10 a.m., and recessed at 1 p.m., until 12 noon, on Friday, December 15, 2000. (For Senate's program, see the remarks of the Acting Majority Leader in today's Record on page S11805.)

Committee Meetings

(Committees not listed did not meet)

NATURAL GAS MARKETS

Committee on Energy and Natural Resources: On Tuesday, December 12, Committee concluded hearings to examine some of the reasons behind the recent surge in natural gas prices, what this increase means for consumers, the markets' potential responses, and what steps should be taken to help low-income families and the elderly pay their bills this winter, after receiving testimony from Mark J. Mazur, Acting Administrator, Energy Information Administration, Department of Energy; Deborah Schachter, New Hampshire Governor's Office of Energy and Community Services, Concord, on behalf of the National Association of State Energy Officials; and Roger B. Cooper, American Gas Association, and John Sharp, Natural Gas Supply Association, both of Washington, D.C.

House of Representatives

Chamber Action

Reports Filed: Reports were filed today as follows:

H.R. 3080, to amend the Indian Self-Determination and Education Assistance Act to direct the Secretary of the Interior to establish the American Indian Education Foundation (H. Rept. 106–1028 Pt. 1); and

H. Con. Res. 63, expressing the sense of the Congress opposing removal of dams on the Columbia and Snake Rivers for fishery restoration purposes (H. Rept. 106–1029, Pt. 1). **Page H12091**

Speaker Pro Tempore: Read a letter from the Speaker wherein he designated Representative Pease to act as Speaker pro tempore for today. **Page H12087**

Late Honorable Julian C. Dixon Funeral Committee: Pursuant to H. Res. 671, the Chair announced the Speaker's additional appointment of the following members to the Committee to attend the funeral of the late Honorable Julian C. Dixon: Representatives Towns, Clayton, Brown, and Watt of North Carolina. **Page H12088**

Enrollment Correction: The House agreed to S. Con. Res. 161, to correct the enrollment of H.R. 5528, to authorize the construction of a Wakpa Sica Reconciliation Place in Fort Pierre, South Dakota. **Pages H12088–89**

Recess: The House recessed at 4:13 p.m. and reconvened at 12:56 a.m. **Page H12090**

Recess: The House recessed at 12:57 a.m. on Friday December 15, subject to the call of the Chair. **Page H12090**

Senate Messages: Message received from the Senate today appears on page H12087.

Quorum Calls—Votes: No quorum calls or recorded votes developed during the proceedings of the House today.

Adjournment: The House met at 4 p.m. and at 12:57 a.m. on Friday, December 15, stands in recess.

Committee Meetings

No committee meetings were held.

NEW PUBLIC LAWS

(For last listing of Public Laws, see DAILY DIGEST, *p. D1211)*

H.J. Res. 128, making further continuing appropriations for the fiscal year 2001. Signed December 8, 2000. (P.L. 106–540)

S. 2796, to provide for the conservation and development of water and related resources, to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States. Signed December 11, 2000. (P.L. 106–541)

COMMITTEE MEETINGS FOR FRIDAY, DECEMBER 15, 2000

Senate

No committee meetings are scheduled.

House

No committee meetings are scheduled.

Next Meeting of the SENATE

12 noon, Friday, December 15

Senate Chamber

Program for Friday: After the transaction of any morning business (not to extend beyond 12 noon), Senate expects to consider the omnibus appropriation bill and any other cleared legislative and executive business.

Next Meeting of the HOUSE OF REPRESENTATIVES

10 a.m., Friday, December 15,

House Chamber

Program for Friday: Consideration of H.J. Res. 133, making further continuing appropriations (subject to a rule);

Consideration of Conference report on H.R. 4577, Labor, HHS, Education, and Related Agencies Appropriations (subject to a rule); and

Consideration of H.R. 3594, Installment Tax Correction Act of 2000 (suspension of the rules).

Extensions of Remarks, as inserted in this issue

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